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

DEPARTMENT OF ENERGY

10 CFR Parts 433 and 435

[EERE-2010-BT-STD-0031]

RIN 1904-AB96

Clean Energy for New Federal Buildings and Major Renovations of Federal Buildings; Stay

AGENCY: Federal Energy Management Program, Department of Energy.

ACTION: Final rule; stay.

SUMMARY: The Department of Energy (DOE) is reviewing its recent guidance related to the implementation of newly adopted provisions regarding Clean Energy for New Federal Buildings and Major Renovations of Federal Buildings (CER). While DOE reviews the CER implementation guidance, DOE is staying the compliance date for the newly adopted provisions in the Code of Federal Regulations (CFR).

DATES: Effective May 5, 2025, the May 1, 2025, compliance date for 10 CFR part 433, subpart B, and 10 CFR part 435, subpart B, is stayed until May 1, 2026.

ADDRESSES: The docket for this rulemaking, which includes **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials, is available for review at www.regulations.gov. All documents in the docket are listed in the www.regulations.gov index.

The docket web page can be found at www.regulations.gov/docket/EERE-2010-BT-STD-0031. The docket web page contains instructions on how to access all documents, including public comments, in the docket.

FOR FURTHER INFORMATION CONTACT: Mr. Rick Mears, U.S. Department of Energy, Office of the Under Secretary for Infrastructure, Federal Energy Management Program, FEMP-1, 1000 Independence Avenue SW, Washington,

DC 20585-0121. Phone: 240-278-5857. Email: cer-information@hq.doe.gov.

SUPPLEMENTARY INFORMATION: On May 1, 2024, DOE issued regulations that require certain new Federal buildings and Federal buildings undergoing major renovations to be designed to reduce their fossil fuel-generated energy consumption and provides a process for Federal agencies to petition for a downward adjustment from these requirements if applicable.¹ The final rule became effective on July 15, 2024, and applied the energy performance standards to certain newly constructed or majorly renovated Federal buildings for which design for construction begins on or after May 1, 2025. 89 FR 35384. On January 17, 2025, DOE discussed topics of interest within the final rule and provided additional information such as examples to demonstrate key points of compliance or non-compliance in *Clean Energy Rule Implementation Guidance*.² The guidance document was drafted with input and feedback from policymakers and Federal project developers and design teams. DOE also published a template document for Federal agencies to use when preparing petitions for downward adjustment.

Shortly after DOE published the implementation guidance document and the petition template, President Trump announced new energy policies, specifically those relating to energy security and reliability.³ DOE is currently reviewing the recent implementation guidance and the template for petitions for downward adjustments to ensure that they are consistent with the policies of the current Administration. To avoid regulatory burdens that would result if Federal agencies adhered to these guidance documents, DOE will not process petitions for downward adjustment during its review of the implementation guidance documents. Accordingly, DOE stays the compliance

date of the recent final rule that requires certain newly constructed or majorly renovated Federal buildings to meet energy performance standards and that outlines the process for Federal agencies to petition for a downward adjustment from those standards. Specifically, DOE stays the May 1, 2025, compliance date in subpart B of 10 CFR part 433 and subpart B of 10 CFR part 435 until May 1, 2026. Because the compliance date for these provisions is stayed, Federal agencies are not required to comply with these applicable energy performance standards during this time.

Signing Authority

This document of the Department of Energy was signed on April 29, 2025, by Mary Sotos, the Director of the Federal Energy Management Program, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on April 30, 2025.

Jennifer Hartzell,

*Alternate Federal Register Liaison Officer,
U.S. Department of Energy.*

[FR Doc. 2025-07743 Filed 5-2-25; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA-2025-0403; Special Conditions No. 25-878-SC]

Special Conditions: Archeion Holdings LLC, Boeing Model 747-400/-400D/-400F Series Airplanes; Electronic System Security Protection From Unauthorized External Access

AGENCY: Federal Aviation Administration (FAA), DOT.

¹ 89 FR 35384, *Clean Energy for New Federal Buildings and Major Renovations of Federal Buildings*, Final Rule (May 1, 2024).

² Available at https://www.energy.gov/sites/default/files/2025-03/clean-energy-rule-implementation-guidance_jan2025.pdf.

³ See e.g., Executive Order 14154 of January 20, 2025, *Unleashing American Energy*, 90 FR 8353 (Jan. 29, 2025); Executive Order 14156 of January 20, 2025, *Declaring a National Energy Emergency*, 90 FR 8433 (Jan. 29, 2025); Executive Order 14262 of April 8, 2025, *Strengthening the Reliability and Security of the United States Electric Grid*, 90 FR 15521 (April 14, 2025).

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for Boeing Model 747–400/–400D/

–400F series airplanes. These airplanes, as modified by Archeion Holdings LLC (Archeion), will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport-category airplanes. This design feature is a digital systems architecture that will allow increased connectivity to and access from external network sources, (e.g., operator networks, wireless devices, internet connectivity, service provider satellite communications, electronic flight bags, etc.) to the airplane's previously isolated electronic assets (networks, systems, and databases). The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on May 5, 2025. Send comments on or before June 20, 2025.

ADDRESSES: Send comments identified by Docket No. FAA–2025–0403 using any of the following methods:

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

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

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

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

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

FOR FURTHER INFORMATION CONTACT: Thuan T. Nguyen, Avionics Software

and Components Unit, AIR–626D, Technical Policy Branch, Policy and Standards Division, Aircraft Certification Service, Federal Aviation Administration, 2200 S 216th Street, Des Moines, WA 98198–6547; telephone (206) 231–3365; email Thuan.T.Nguyen@faa.gov.

SUPPLEMENTARY INFORMATION: The FAA has published substantially identical special conditions in the **Federal Register** for public comment in several prior instances with no substantive comments received. Therefore, the FAA finds, pursuant to 14 CFR 11.38(b), that new comments are unlikely, and notice and comment prior to this publication are unnecessary.

Privacy

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in title 14, Code of Federal Regulations (14 CFR) 11.35, the FAA will post all comments received without change to www.regulations.gov, including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact received about these special conditions.

Confidential Business Information

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 these special conditions contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to these special conditions, 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 the indicated comments will not be placed in the public docket of these special conditions. Send submissions containing CBI to the individual listed in the **FOR FURTHER INFORMATION CONTACT** section above. Comments the FAA receives, which are not specifically designated as CBI, will be placed in the public docket for these special conditions.

Comments Invited

The FAA invites interested people to take part in this rulemaking by sending written comments, data, or views. The

most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

The FAA will consider all comments received by the closing date for comments. The FAA may change these special conditions based on the comments received.

Background

On August 2, 2024, Archeion applied for a supplemental type certificate for the installation of a digital systems architecture on the Boeing Model 747–400/–400D/–400F series airplanes that will allow increased connectivity to and access from external network sources. These airplanes, currently approved under Type Certificate No. A20WE, are four-engine, transport category airplanes, with a maximum takeoff weight between 833,748 lbs and 875,000, and a maximum passenger capacity of 660 persons.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, Archeion must show that Boeing Model 747–400/–400D/–400F airplanes, as changed, continue to meet the applicable provisions of the regulations listed in Type Certificate No. A20WE or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (e.g., 14 CFR part 25) do not contain adequate or appropriate safety standards for Boeing Model 747–400/–400D/–400F airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Boeing Model 747–400/–400D/–400F series airplanes must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of

the type certification basis under § 21.101.

Novel or Unusual Design Features

The Boeing Model 747–400/–400D/–400F series airplanes, as modified by Archeion, will incorporate the following novel or unusual design feature:

The installation of a digital systems architecture that will allow increased connectivity to and access from external network sources, (e.g., operator networks, wireless devices, internet connectivity, service provider satellite communications, electronic flight bags, etc.) to the airplane's previously isolated electronic assets (networks, systems, and databases).

Discussion

The Boeing Model 747–400/–400D/–400F series airplane's electronic system architecture and network configuration change is novel or unusual for transport airplanes because it may allow increased connectivity to and access from external network sources, airline operations, and maintenance networks, to the airplane control domain, and airline information services domain. The airplane's control domain and airline information-services domain perform functions required for the safe operation and maintenance of the airplane. Previously, these domains had very limited connectivity with external network sources. This data network and design integration creates the potential for unauthorized persons to access the airplane's control domain and airline information-services domain and presents security vulnerabilities related to the introduction of computer viruses and worms, user errors, and intentional sabotage of airplane electronic assets (networks, systems, and databases) critical to the safety and maintenance of the airplane.

The existing FAA regulations did not anticipate these networked airplane-system architectures. Furthermore, these regulations and the current guidance material do not address potential security vulnerabilities, which could be exploited by unauthorized access to airplane networks, data buses, and servers. Therefore, these special conditions ensure that the security (*i.e.*, confidentiality, integrity, and availability) of the airplane's systems is not compromised by unauthorized wired or wireless electronic connections. This includes ensuring that the security of the airplane's systems is not compromised during maintenance of the airplane's electronic systems. These special conditions also require the applicant to provide appropriate instructions to the operator

to maintain all electronic-system safeguards that have been implemented as part of the original network design so that this feature does not allow or introduce security threats.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

As discussed above, these special conditions are applicable to Boeing Model 747–400/–400D/–400F series airplanes as modified by Archeion. Should Archeion apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. A20WE to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only a certain novel or unusual design feature on one series of airplanes. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of this feature on the airplane.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 40113, 44701, 44702, and 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Boeing Model 747–400/–400D/–400F series airplanes, as modified by Archeion.

1. The applicant must ensure that the airplane electronic system security is protected from access by unauthorized sources external to the airplane, including those possibly caused by maintenance activity.
2. The applicant must ensure that the electronic system security threats are identified and assessed, and that effective electronic system security protection strategies are implemented to protect the airplane from all adverse impacts on safety, functionality, and continued airworthiness.
3. The applicant must establish appropriate procedures to allow the operator to ensure that continued

airworthiness of the aircraft is maintained, including all post type certification modifications that may have an impact on the approved electronic system security safeguards.

Issued in Kansas City, Missouri, on April 28, 2025.

Patrick R. Mullen,

Manager, Technical Policy Branch, Policy and Standards Division, Aircraft Certification Service.

[FR Doc. 2025–07614 Filed 5–2–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–0746; Project Identifier AD–2025–00674–T; Amendment 39–23029; AD 2025–09–08]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all The Boeing Company Model 747 airplanes. This AD was prompted by a report that a right-hand outboard elevator was received and installed without balance weights. This AD requires doing a maintenance records check to determine if certain outboard elevators are installed or an inspection to determine if outboard elevators have balance weights, and applicable on-condition actions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 5, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 5, 2025.

The FAA must receive comments on this AD by June 20, 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) by searching for and locating Docket No. FAA–2025–0746; 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, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

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

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2025–0746.

FOR FURTHER INFORMATION CONTACT:

Taylor Stanley, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 407–852–7677; email: taylor.stanley@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 using a method listed under the **ADDRESSES** section. Include Docket No. FAA–2025–0746 and Project Identifier AD–2025–00674–T 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 Taylor Stanley, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 407–852–7677; email: taylor.stanley@faa.gov. Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA has received a report that a Model 747–8F series airplane operated with a right-hand outboard elevator that was received and installed without balance weights. The operator ordered left- and right-side outboard elevators, part number (P/N) 183U3300–13 and P/N 183U3300–14 respectively, and received outboard elevators, P/N 654U6625–2411 and P/N 654U6625–2412, with associated paperwork that identified the parts were interchangeable with P/N 183U3300–13 and P/N 183U3300–14 and included balance weights. However, P/N 654U6625–2411 and P/N 654U6625–2412 do not contain balance weights. Therefore, the parts are not directly interchangeable and must be balanced prior to installation and flight. A total of 10 spare assemblies, P/N 654U6625–2411 and P/N 654U6625–2412 (5 each), have been delivered to operators since 2022.

Outboard elevators without balance weights, if not addressed, could result in abnormal vibration, buffeting, flutter, or oscillation that could result in loss of continued safe flight and landing. Further, outboard elevators without balance weights could result in personal injury to maintenance personnel during installation or removal of the outboard elevators.

FAA’s Determination

The FAA is issuing this AD because the agency has determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Boeing Alert Safety Advisory 747–BSA–55–001, dated April 24, 2025. The material specifies procedures for a maintenance records check to determine if outboard elevators, P/N 654U6625–2411 and P/N 654U6625–2412, are installed, a general visual inspection of the outboard elevators to determine if balance weights are installed, and applicable on-condition actions include a maintenance records check to determine if the balance procedure of the outboard elevator was done, a general visual inspection of the outboard elevator for the installation of the balance weights, and corrective action instructions. 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.

AD Requirements

This AD requires accomplishing the actions identified as “RC” (required for compliance) in the Accomplishment Instructions of Boeing Alert Safety Advisory 747–BSA–55–001, dated April 24, 2025, already described, except for any differences identified as exceptions in the regulatory text of this AD. See “Differences Between this AD and the Referenced Material” for a discussion of the general differences included in this AD.

For information on the procedures and compliance times, see Boeing Alert Safety Advisory 747–BSA–55–001, dated April 24, 2025, at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2025–0746.

Differences Between This AD and the Referenced Material

The effectivity of Boeing Alert Safety Advisory 747–BSA–55–001, dated April 24, 2025, is limited to Model 747–400, –400D, –400F, –8, and –8F series airplanes. However, the applicability of this AD includes all The Boeing Company Model 747–100, –100B, –100B SUD, –200B, –200C, –200F, –300, –400, –400D, –400F, –8, –8F, 747SR, and 747SP series airplanes. Because the affected elevators are rotatable parts, the FAA has determined that these parts could later be installed on airplanes that were initially delivered with acceptable parts, thereby subjecting those airplanes to the unsafe condition. The FAA has confirmed with Boeing that the Accomplishment Instructions in Boeing Alert Safety Advisory 747–BSA–55–001, dated April 24, 2025, can be used for the

expanded group of airplanes to address the unsafe condition.

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 left-hand and right-hand outboard elevators installed without balance weights, if not addressed, could result in abnormal vibration, buffeting, flutter, or oscillation that could result in loss of continued safe flight and landing. Further, outboard elevators without balance weights could result in personal injury to maintenance personnel during installation or removal of the outboard elevators. Additionally, the compliance time in this AD 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 notice and comment, RFA analysis is not required.

Costs of Compliance

The FAA estimates that this AD affects 170 airplanes 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
Records check to determine part number or inspection to determine if balance weights are installed.	Up to 4 work-hours × \$85 per hour = \$340.	\$0	Up to \$340	Up to \$57,800.

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

the results of the records check or inspection. The FAA has no way of

determining the number of aircraft that might need these actions:

ON-CONDITION COSTS *

Action	Labor cost	Parts cost	Cost per product
Records check to determine if balance procedure was done	1 work-hour × \$85 per hour = \$85	\$0	\$85
Inspection to determine if balance weights are installed	4 work-hours × \$85 per hour = \$340	0	340

* The FAA has received no definitive data on which to base the cost estimates for the corrective action instructions specified in this AD.

Authority for This Rulemaking

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

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

develop on products identified in this rulemaking action.

Regulatory Findings

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:

2025-09-08 The Boeing Company:
Amendment 39-23029; Docket No. FAA-2025-0746; Project Identifier AD-2025-00674-T.

(a) Effective Date

This airworthiness directive (AD) is effective May 5, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 747-100, -100B, -100B SUD, -200B, -200C, -200F, -300, -400, -400D, -400F, -8, -8F, 747SR, and 747SP series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 55, Stabilizers.

(e) Unsafe Condition

This AD was prompted by a report that a right-hand outboard elevator was received and installed without balance weights. The FAA is issuing this AD to address left-hand and right-hand outboard elevators delivered without balance weights. The unsafe condition, if not addressed, could result in abnormal vibration, buffeting, flutter, or oscillation that could result in loss of continued safe flight and landing. Further, outboard elevators without balance weights could result in personal injury to maintenance personnel during installation or removal of the outboard elevators.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in paragraph 1.E., "Compliance," of Boeing Alert Safety Advisory 747-BSA-55-001, dated April 24, 2025, do all applicable actions identified as "RC" (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Alert Safety Advisory 747-BSA-55-001, dated April 24, 2025. For airplanes not identified in Boeing Alert Safety Advisory 747-BSA-55-001, dated April 24, 2025, do the actions for Group 1 airplanes specified in Boeing Alert Safety Advisory 747-BSA-55-001, dated April 24, 2025.

(h) Exceptions to Safety Advisory Specifications

(1) Where the "Boeing Recommended Compliance Time" columns of the tables in the "Compliance" paragraph of Boeing Alert Safety Advisory 747-BSA-55-001, dated April 24, 2025, refer to "the Original Issue date of this safety advisory," this AD requires using the effective date of this AD.

(2) Where Boeing Alert Safety Advisory 747-BSA-55-001, dated April 24, 2025, specifies contacting Boeing for corrective action instructions: This AD requires doing the instructions using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(i) Special Flight Permit

Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the airplane to a location where the actions required by this AD can be performed, provided the Manager, AIR-520, Continued Operational Safety Branch, FAA, concurs with issuance of the special flight permit. Send requests for concurrence by email to AMOC@faa.gov.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(3) Except as required by paragraph (h)(2) of this AD: For material that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (j)(3)(i) and (ii) of this AD apply.

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

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(k) Related Information

For more information about this AD, contact Taylor Stanley, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 407-852-7677; email: taylor.stanley@faa.gov.

(l) Material Incorporated by Reference

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

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

(i) Boeing Alert Safety Advisory 747-BSA-55-001, dated April 24, 2025.

(ii) [Reserved]

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

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

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

Issued on April 25, 2025.

John P. Piccola, Jr.,

Director, Integrated Certificate Management Division, Aircraft Certification Service.

[FR Doc. 2025-07885 Filed 5-2-25; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

DEPARTMENT OF THE TREASURY

19 CFR Part 12

[CBP Dec. 25-04]

RIN 1685-AA31

Imposition of Import Restrictions on Archaeological and Ethnological Material of Uzbekistan

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Final rule.

SUMMARY: This document amends the U.S. Customs and Border Protection (CBP) regulations to reflect the imposition of import restrictions on certain archaeological and ethnological materials from the Republic of Uzbekistan (Uzbekistan). These restrictions are imposed pursuant to an agreement between the United States and Uzbekistan, entered into under the authority of the Convention on Cultural Property Implementation Act. This document amends the CBP regulations by adding Uzbekistan to the list of countries which have bilateral agreements with the United States imposing cultural property import restrictions and contains the Designated

List, describing the archaeological and ethnological material to which the restrictions apply.

DATES: Effective on May 5, 2025.

FOR FURTHER INFORMATION CONTACT: For legal aspects, W. Richmond Beevers, Chief, Cargo Security, Carriers and Restricted Merchandise Branch, Regulations and Rulings, Office of Trade, (202) 325-0084, *ot-otrrculturalproperty@cbp.dhs.gov*. For operational aspects, Julie L. Stoeber, Chief, 1USG Branch, Trade Policy and Programs, Office of Trade, (202) 945-7064, *1USGBranch@cbp.dhs.gov*.

SUPPLEMENTARY INFORMATION:

Background

The Convention on Cultural Property Implementation Act (Pub. L. 97-446, 19 U.S.C. 2601 *et seq.*) (CPIA), which implements the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (823 U.N.T.S. 231 (1972)) (Convention), allows for the conclusion of an agreement between the United States and another party to the Convention to impose import restrictions on certain archaeological and ethnological material. Pursuant to the CPIA, the United States entered into a bilateral agreement with the Republic of Uzbekistan (Uzbekistan) to impose import restrictions on certain archaeological and ethnological material of Uzbekistan. This rule announces that the United States is now imposing import restrictions on certain archaeological and ethnological material of Uzbekistan through November 7, 2028. This period may be extended for additional periods, each extension not to exceed five years, if it is determined that the factors justifying the initial agreement still pertain and no cause for suspension of the agreement exists (19 U.S.C. 2602(e); § 12.104g(a) of title 19 of the Code of Federal Regulations (19 CFR 12.104g(a))).

Determinations

Under 19 U.S.C. 2602(a)(1), the United States must make certain determinations before entering into an agreement to impose import restrictions under 19 U.S.C. 2602(a)(2). On June 6, 2023, the Assistant Secretary for Educational and Cultural Affairs, United States Department of State, after consultation with and recommendation by the Cultural Property Advisory Committee, made the determinations required under the statute with respect to certain archaeological and

ethnological material originating in Uzbekistan that is described in the Designated List set forth below in this document.

These determinations include the following: (1) that the cultural patrimony of Uzbekistan is in jeopardy from the pillage of archaeological material representing Uzbekistan's cultural heritage dating from approximately 50,000 B.C.E. to 1773 C.E., and ethnological materials dating from approximately 600 to 1917 C.E. (19 U.S.C. 2602(a)(1)(A)); (2) that the government of Uzbekistan has taken measures consistent with the Convention to protect its cultural patrimony (19 U.S.C. 2602(a)(1)(B)); (3) that import restrictions imposed by the United States would be of substantial benefit in deterring a serious situation of pillage and remedies less drastic are not available (19 U.S.C. 2602(a)(1)(C)); and (4) that the application of import restrictions as set forth in this final rule is consistent with the general interests of the international community in the interchange of cultural property among nations for scientific, cultural, and educational purposes (19 U.S.C. 2602(a)(1)(D)). The Assistant Secretary also found that the material described in the determinations meets the statutory definition of "archaeological or ethnological material of the State Party" (19 U.S.C. 2601(2)).

The Agreement

On November 7, 2023, the Governments of the United States and Uzbekistan signed a bilateral agreement, "Agreement between the Government of the United States of America and the Government of the Republic of Uzbekistan Concerning the Imposition of Import Restrictions on Categories of Archaeological and Ethnological Materials of Uzbekistan" (hereinafter, "the Agreement"), pursuant to the provisions of 19 U.S.C. 2602(a)(2). The Agreement entered into force upon signature and enables the promulgation of import restrictions on certain categories of archaeological material ranging in date from approximately 50,000 B.C.E. to 1773 C.E., as well as certain categories of ethnological material dating from approximately 600 to 1917 C.E. A list of the categories of archaeological and ethnological materials subject to the import restrictions is set forth later in this document.

Restrictions and Amendment to the Regulations

In accordance with the Agreement, importation of material designated below is subject to the restrictions of 19

U.S.C. 2606 and 19 CFR 12.104g(a) and will be restricted from entry into the United States unless the conditions set forth in 19 U.S.C. 2606 and 19 CFR 12.104c are met. CBP is amending 19 CFR 12.104g(a) to indicate that these import restrictions have been imposed.

Import restrictions listed at 19 CFR 12.104g(a) are effective for no more than five years beginning on the date on which an agreement enters into force with respect to the United States. This period may be extended for additional periods of not more than five years if it is determined that the factors which justified the agreement still pertain and no cause for suspension of the agreement exists. Therefore, the import restrictions will expire on November 7, 2028, unless extended.

Designated List of Archaeological and Ethnological Materials From Uzbekistan

The Agreement between the United States and Uzbekistan includes, but is not limited to, the categories of objects described in the Designated List set forth below.

The Designated List includes archaeological and ethnological material of Uzbekistan. The archaeological material in the Designated List ranges in date from 50,000 B.C.E. through 1773 C.E. The ethnological material in the Designated List includes architectural elements, funerary objects, Islamic religious and ceremonial objects, and manuscripts associated with Uzbekistan's diverse history from 600 C.E. through 1917 C.E. The Designated List includes, but is not limited to, categories of objects described below.

Categories of Archaeological and Ethnological Material

- I. Archaeological Material
 - A. Stone
 - B. Ceramics, Faience, and Fired Clay
 - C. Metal
 - D. Plaster, Stucco, and Unfired Clay (also called *ganch* or gypsum)
 - E. Painting
 - F. Ivory, Bone, and Shell
 - G. Glass
 - H. Leather, Birch Bark, Vellum, Parchment, and Paper
 - I. Textiles
 - J. Wood, Shell, and other Organic Material
 - K. Human Remains
- II. Ethnological Material
 - A. Architectural Elements
 - B. Funerary Objects
 - C. Islamic Religious and Ceremonial Objects
 - D. Manuscripts

Approximate simplified chronology of well-known periods:

Middle and Upper Paleolithic: c. 50,000–12,000 B.C.E.

Mesolithic and Neolithic (Kelteminar): c. 12,000–3000 B.C.E.

Chalcolithic: c. 5500–3200 B.C.E.

Bronze Age (Bactria-Margiana Archaeological Complex/BMAC, Andronovo, Tazabagyab, Zamanbaba): c. 3000–1500 B.C.E.

Iron Age (Amirabad and Chust cultures, Yaz-I, Yaz-II and III cultures, Saka and Massagetae peoples, Achaemenid empire): c. 1500–329 B.C.E.

Greco-Bactrian and Kushan Periods (Seleucid empire, Greco-Bactrian kingdom, Khorezm kingdom, Kushan empire, Kangju Federation): 329 B.C.E.–241 C.E.

Late Antiquity (Kushano-Sasanians/ Kushan-shahs, Afrigid rule in Khorezm, Sogdian principalities and city states, Chionites and Kidarite Huns, Hephthalite Empire, Turkic Qaghanate): 241–708 C.E.

Early Islamic/Medieval Period (Umayyad and Abbasid Caliphates, Samanid Empire, Karakhanid Khanate, Ghaznavid Dynasty, Seljuk Empire, Kara-Khitai Empire, Khwarazmshah (also spelled Khorezmshah) Dynasty): 708–1220 C.E.

Mongol Period (Mongol Empire, Chagatai (also spelled Chaghatai) Khanate, Timurid Empire): 1220–1510 C.E.

Uzbek Period (Shaibanid Dynasty, Khanate of Khiva (Khorezm), Khanate/ Emirate of Bukhara, Khanate of Kokand): 1510–1917 C.E.

I. Archaeological Material

A. Stone

1. Architectural Elements—Primarily in alabaster, gypsum, jasper, limestone, marble, and onyx, but includes other types of stone. Category includes, but is not limited to, antefixes, balustrades, bricks and blocks from walls, ceilings, and floors; columns including capitals and bases, cornices, door frames, false gables, friezes, lintels, mihrabs, minarets, niches, panels, pillars, plinths, railings, qiblas, slabs, and screens. May be plain, molded, carved, or inscribed in various languages and scripts. Decorative elements may be in high or low relief. Architectural elements may include relief and inlay sculptures that were part of a building (e.g., mausoleums, mosques, minarets, palaces, religious structures, public buildings, stupas, and others) such as friezes, panels, or stone figures. Architectural elements may have religious imagery or have been part of religious structures. For example, Kushan Period styles may include images of the Buddha, scenes from the life of the Buddha, Bodhisattvas, and other human figures, as well as animals,

columns, and floral, geometric, and/or vegetal motifs. Architectural elements carved in stone from Islamic periods may include inscriptions in multiple languages and scripts. Stone architectural elements were common across many periods in Uzbekistan's history. Approximate date: c. 250 B.C.E.–1770 C.E.

2. Non-Architectural Relief Sculptures—Primarily in alabaster, limestone, marble, steatite schist, and other types of stone. Types include, but are not limited to, carved bases, ceiling decoration, funerary headstones, fountains, monoliths, niches, plaques, roundels, slabs, sundials, and stela bases. Decorative elements may be in high- or low-relief and may include animal and/or human forms as well as floral, geometric, and/or vegetal motifs.

3. Small Statuary—Primarily in alabaster, calcite, chlorite, dolomite, jasper, limestone, marble, and steatite schist; primarily free standing; may have been shaped by carving, incision, grinding, polishing, or other techniques. Animal and human forms tend to be stylized. Includes game pieces. Small statuary is found throughout many archaeological periods from the Bronze Age onward; it is especially characteristic for BMAC and Kushan Bactria (Gandhara Art).

a. BMAC figurative statuary is often composite and made of more than one type of stone, often chlorite or steatite, with limestone. Bactrian statues are in anthropomorphic forms, primarily female, and are elaborately carved and/or incised. Forms tend to be abstract and stylized, with armless bodies and legs, and a small protruding head. Heads tend to be small and carved in white limestone. Often in a seated or squatting position. Zoomorphic forms are also included and are often in a squatting or coiled position. Sizes vary but are typically 14 cm tall. Approximate date: 3rd to 2nd millennium B.C.E.

b. Non-figurative BMAC statuary includes types such as so-called “columns,” “discs,” or “handbags.” Column and disc statues have a smooth finish. Columns may have an elongated and/or tapered form, wider at the base than at the top. Column sizes vary, but typically range from 28 to 40 cm high and from 10 to 20 cm wide. Discs may have an incision or groove through the center. Disc sizes vary, but typically range from 20 to 30 cm wide. Approximate date: 3rd to 2nd millennium B.C.E.

c. Late Antiquity statuary (sometimes called Sassanian) includes animal and human figures shaped by carving, grinding, and/or polishing. Figures tend to be stylized. May have been used for

a variety of purposes, including as gaming pieces. Approximate date: 200–700 C.E.

4. Rock Art—Includes petroglyphs carved into limestone, shale, granite, or sandstone. Images may depict people such as archers and horse riders; animals such as birds, camels, donkeys, horses, foxes, leopards, mountain goats, oxen, wolves, or others; mythological figures; geographic symbols; sun symbols; or inscriptions, often in Arabic. Approximate date: 12,000 B.C.E.–1773 C.E.

5. Vessels and Containers—Primarily in alabaster, greenstone, jade, marble, steatite schist, and other materials. Vessel types may be conventional shapes such as bowls, boxes, canisters, cups, cylindrical vessels, goblets, flasks, jars, jugs, lamps, pipes, platters, stands, trays, votive vessels, and others. Includes vessel lids. Surfaces may be plain, polished, and/or incised or carved in relief with geometric, floral, or vegetal decoration, elaborate figural scenes, and/or inscriptions in various languages. Vessels may be inlaid with stones. Approximate date: 3000 B.C.E.–1773 C.E.

6. Tools, Instruments, and Weights—Includes ground stone and flaked stone tools.

a. Ground stone tools, instruments, and weights are mainly made from diorite, granite, marble, limestone, sandstone, quartz, and quartzite, but other types of stone are included. Types include balls, batons, maces, mortars, palettes, pestles, scrapers, scepters, and others. Includes spindle whorls and weights. Ends of batons and scepters may be carved or shaped. Stone weights can be shaped or ground into various forms, including balls, cubes, handbags, pyramids, rings, or teardrop shapes; may be polished; and may be decorated with incisions or inscriptions in multiple languages. Stone weights typically vary from 20 to 30 cm. Stone tools used to polish, shape, or sharpen other tools are included.

b. Flaked stone tools are primarily made of andesite, chert or other cryptocrystalline silicates, diabase, flint, jasper, limestone, sandstone, silicified limestone, quartz, quartzite, and others. Flaked stone tool types include awls, axes, bifaces, blades, choppers, cores, flakes, hammers, knives, microblades, microliths, projectiles, scrapers, sickles, unifaces, and others. Also includes tools like hammerstones and anvils used to create flaked stone tools.

7. Beads and Jewelry—Primarily in agalmatolite, argillite, agate, carnelian, chlorite, crypto-crystalline silicates, garnet, gypsum, flint, lapis lazuli, serpentine, slate, steatite schist, talc,

turquoise, or other semi-precious materials, but also includes other types of stone. Beads may be carved, cut, drilled, ground, and/or polished. Beads include animal, conical, cylindrical, disc, faceted, tear drop, spherical, and other shapes. May have inscriptions in multiple types of languages and scripts. Jewelry includes amulets, bracelets, pendants, rings, and other types.

8. Stamps, Seals, and Gems—Primarily in agate, crypto-crystalline silicates, garnet, hematite, lapis, limestone, marble, nephrite, obsidian, rock crystal, steatite schist, or other types of stone. Stamps and seals may have engravings that include animals, human figures, geometric designs, inscriptions in various languages and scripts, and/or floral/vegetal motifs. Includes cameos and intaglios. Approximate date: 3000 B.C.E.–1500 C.E.

B. Ceramic, Faience, and Fired Clay

1. Statuary—Includes small and large-scale statuary in ceramic, faience, and terracotta. May take animal, deity, human, or mythical forms. Forms may also be composite, such as horse and rider statues. Many terracotta statues were created using molds. Some statues served as or on ossuaries for human remains. May have traces of paint, pigment, and/or plaster. Forms may be stylized. May be associated with religious activity, games, or toys. Includes terracotta molds. Approximate date: 3000 B.C.E.–1773 C.E.

2. Architectural Elements—Includes terracotta bricks, cornices, mihrabs, mosaics, niches, panels, pillars, pipes, tiles, window screens, and other elements used functionally or decoratively in buildings and mosaics. Bricks may be cut, carved, or molded to form decorative patterns on building exteriors. Mosaic designs include animals, humans, and geometric, floral, and/or vegetal motifs. Panels and tiles may be painted, plastered, or have traces of paint or plaster. Glazed tiles, porcelain tiles, and glazed bricks are well-known from the Middle Mongolian through the Uzbek Periods, used to decorate civic and religious architecture. Tiles may be rectangular, square, polygonal, or curved, or take three-dimensional forms, such as stalactites and *muqarnas*. Tiles may be carved, incised, impressed, molded, painted, and/or glazed with decorations in the form of animals, humans, interwoven or repeating geometric, star, floral, and/or vegetal motifs and patterns, and/or calligraphic writing in Arabic or Persian; or they may be inlaid as mosaics that form these designs. Glaze may be clear, monochrome, and/or polychrome; colors such as blue,

turquoise, yellow, green, red, black, and white are common. Polychrome glaze may be applied in the *cuerda seca* technique, with ridges in relief containing the color. Gilding or gold leaf may be applied. Approximate date: 708–1773 C.E.

3. Vessels—Includes utilitarian vessels, fine tableware, lamps, ossuaries, special-purpose vessels, and other ceramic objects of everyday use produced in many periods of Uzbekistan's history. Approximate date: 5,000 B.C.E.–1773 C.E.

a. Neolithic—Includes earthenware vessels. Vessel types include bowls, cups, goblets, jars, vases, and other forms. Some vessels were painted with floral, geometric, and/or vegetal motifs or have incised or stamped decoration. May be undecorated. Approximate date: 5,000–3000 B.C.E.

b. Bronze Age through Late Antiquity Periods—Includes earthenware vessels that may have a pink, peach, orange, or gray core. Vessel types include conventional shapes such as basins, beakers, bottles, bowls, goblets, jars, pitchers, storage vessels, vases, as well other forms, such as cosmetic jars, incense burners, lamps, ossuaries, stands, and table amphorae. Vessel forms may have pedestalled bases and/or handles. Surface treatments may include glaze, slip, paint, and/or burnishing/polishing. Slip colors vary, but are typically buff, grey/black, or red. Decorative techniques include incised, stamped, and impressed decorations, including grooving, roulette, stamping, and other techniques. Stamps used for decoration range from simple geometric patterns to rosettes to elaborate scenes combining animal, floral, geometric, and/or vegetal designs. Some ceramic vessels were painted, designs vary but may include geometric, linear, or vegetal designs. Some vessels, like ossuaries, may have elaborate shapes created using molds; these shapes include chests with gabled lids and anthropomorphic forms. High-relief surface decorative techniques may include affixing or carving animal heads, scenes, or rosettes to the exterior surface of a vessel. Examples include Greco-Bactrian vessels that range from plain to having multiple types of surface treatment and decorative techniques. Some Late Antiquity vessel forms may have uniformly glazed ceramics in green, blue-green, or yellow glazes, while utilitarian forms may be unglazed. Includes lids of ceramic vessels.

Approximate date: 3000 B.C.E.–700 C.E. c. Islamic Periods—Includes earthenware vessels (often red and buff) and porcelain. Vessel types may form conventional shapes such as bowls,

cups, dishes, ewers, flasks, ink stands, jars, jugs, platters, saucers, trays, and other types such as incense burners, ink pots, footed vessels, and zoomorphic shapes. May be hand-built, molded, or wheel thrown. Some common kitchenware ceramics were unglazed. Surface treatments may include slip, polishing, burnishing, stamping, and others. Vessels may have slip and paint. Other decorative techniques include incisions; high-relief carvings or additions; painted designs with anthropomorphic, floral, geometric, vegetal, and/or zoomorphic motifs; and/or inscriptions in multiple languages and scripts. Vessels may have colorless lead, monochrome, or polychrome glazing. Vessels may be colorful. Common colors include black, blue, brown, green, olive, tomato red, turquoise, yellow, and white. Glazed plates and bowls with inscriptions and/or stylized animals on a white background or with designs in black and white on an ochre-brown background are typical of the Samanid period. Includes lids of ceramic vessels. Approximate date: 700–1773 C.E.

4. Beads, Jewelry, and Ornaments—Includes bangles, beads, bracelets, buttons, ear spools, inlays, masks, rings, and spindle whorls, made of faience and terracotta. Approximate date: 12,000 B.C.E.–1773 C.E.

C. Metal—Includes copper, gold, silver, iron, lead, tin, electrum, and alloys such as bronze, brass, pewter, and steel. Metal objects were produced in many periods of Uzbekistan's history. Approximate date: 3000 B.C.E.–1773 C.E.

1. Containers and Vessels—Vessel types include conventional shapes such as basins, bowls, braziers, cauldrons, cups, dishes, ewers, flacons, jars, jugs, lamps, plates, platters, stands, table ornaments, and utensils, and may also include cosmetic containers, candlesticks, incense burners, medicine droppers, reliquaries (and their contents), spouted vessels, trays, and tripod stands. Includes lids, spouts, and handles of vessels. Metal containers may have been decorated by chasing (embossing), engraving, gilding, inlaying, punching, and/or repoussé (relief hammering). Designs include, but are not limited to, inscriptions in various languages and scripts, arabesque (intertwining) motifs, geometric, floral, and vegetal motifs, animal motifs, and portrait busts or scenes of human figures, such as ceremonial, banquet, or hunt scenes. Some containers may be inlaid with precious or semi-precious stones. Approximate date: 3000 B.C.E.–1773 C.E.

2. Jewelry and Personal Adornments—Types include, but are not limited to, amulets, belt-buckles, bracelets, buttons, crowns, earrings, mirrors, necklaces, pendants, pins, plaques, and finger rings. May have been decorated by chasing (embossing), cloisonné, enameling, engraving, filigree, gilding, granulation, inlaying, and/or repoussé (relief hammering). May be inlaid with precious or semi-precious stones. Approximate date: 3000 B.C.E.–1773 C.E.

3. Tools and Instruments—Types include, but are not limited to, awls, axes, bells, blades, celts, knives, needles, projectiles, socketed axes, spatulas, spearheads, and tools of craftspersons such as carpenters, masons, and metal smiths. Approximate date: 3000 B.C.E.–1773 C.E.

4. Weapons and Armor—Includes body armor, such as helmets, shin guards, shields, horse armor and bits. Launching weapons (arrowheads, spears, and javelins); hand-to-hand combat weapons (swords, daggers); and sheaths. Some weapons may be highly decorative and include inlays of other types of metals, precious stones, or semi-precious stones in the sheaths and hilts. Approximate date: 2000 B.C.E.–1773 C.E.

5. Coins—Ancient coins commonly found in Uzbekistan include gold, silver, copper, and copper alloy coins in a variety of denominations. Includes gold and silver ingots, which may be plain and/or inscribed. Some of the most well-known types are described below:

a. Achaemenid period coins, including Darics, Sigloi, Late Achaemenid Anatolian currencies. Approximate date: 550–330 B.C.E.

b. Greco-Bactrian coins, include gold staters, silver tetradrachms, silver and bronze drachms, and a small number of punch-marked coins. The bust of the king, the king on horseback, or an animal were on the obverse, and images of Greek deities or various symbols were on the reverse with the king's name written in Greek. Local rulers also minted imitations of these types. Approximate date: 250–125 B.C.E.

c. Kushan Dynasty coins include silver tetradrachms, copper coins, bronze didrachms, and gold dinars. Imagery includes portrait busts (Augustus type) or standing figures of the king with his emblem (tamgha). Classical Greek and Zoroastrian deities and images of the Buddha are depicted on the reverse. Approximate date: 19–230 C.E.

d. Kushano-Sasanian or Kushanshah coins include gold dinars, silver tetradrachms, and copper alloy

denominations. Some Kushano-Sasanian coins followed the Kushan style of imagery, while others resemble Sasanian coins with the bust of the king wearing a large crown and Zoroastrian fire altars and deities. Inscriptions are written in Bactrian, Brahmi, or Pahlavi scripts. Approximate date: 225–365 C.E.

e. Hunnic (Hephthalite and Kidarite) coins include silver drachms, silver dinars, and small copper and bronze coins. Hephthalite coins resemble Sasanian coins with a portrait bust of the king on the obverse and a Zoroastrian fire altar on the reverse. Approximate date: late 4th to mid-8th centuries C.E.

f. Sogdian coins include bronze and silver dirhams and drachms. Some Sogdian coins are cast with a central hole, similar to coins from the Tang Dynasty in China. Sogdian coins may include imagery of Zoroastrian fire altars, rulers, portrait busts in profile, horse and rider, camels, and lions. Coins may have inscriptions in Sogdian scripts. Approximate dates: 4th to 9th centuries C.E.

g. Samanid, Karakhanid, Khorezmshah dynasty coins include bronze, copper, silver, and gold dinars and jitals and silver dirhams. Coins of these dynasties usually display Arabic inscriptions on both faces. Some Karakhanid coins have punch marks, like coins from the Tang Dynasty. Some Khorezmshah coins may have imagery of an elephant or horse with rider. Approximate date: 800–1250 C.E.

h. Chaghatai and Timurid coins include silver and copper tangas and dinars. Both coin types are decorated with Arabic inscriptions. Approximate date: 1227–1507 C.E.

i. Khanates of Bukhara, Khiva, and Kokand coins include copper, silver, and gold tangas; gold dinars; silver tetradrachms; gold ashfris and tillos or tillas. Coin types are decorated with inscriptions. Coins may be associated with the Janid, Shaybanid, or other dynasties. Approximate date: 1500–1773 C.E.

6. Statuary, Ornaments, and other Decorated Objects—Primarily in copper, gold, silver, bronze, or alloys of copper, tin, lead, and zinc. Includes free-standing or supported statuary; relief plaques or tablets; votive ornaments; and other ornaments. Decoration may include humans, animals, mythological figures (e.g., griffins or horned lions), and/or scenes of activity. Plaques or tablets may have been cast, chased, and/or embossed. Plaques and tablets may have inlay of other types of material. Statuary includes objects fashioned as humans, animals, or mythological figures; miniature chariots; wheeled

carts; and other types of objects. Decorative elements may include floral, geometric, or vegetal motifs; inscriptions in multiple languages or scripts. Statuary includes naturalized and stylized forms. Approximate date: 3000 B.C.E.–1500 C.E.

7. Stamps and Seals—Primarily in cast bronze, and alloys of copper, tin, lead, and zinc; includes stamps and seals in gold or silver. Types include amulets, rings, small devices with engraving on one side, and others. Stamps and seals may have engravings that include animals, human figures, geometric designs, inscriptions in various languages and scripts, and/or floral/vegetal motifs. May be compartmented or have inlay of other types of material. Approximate date: 3000 B.C.E.–1500 C.E.

8. Architectural Elements—Includes finials, fittings, and ornaments in metal on doors, windows, domes, and fountains. Approximate date: 600–1773 C.E.

D. Plaster, Stucco, and Unfired Clay (also called ganch or gypsum)—Includes animal figures, bas relief elements, ceiling decoration, columns, emblems, friezes, human figures, reliefs, medallions, ornaments, panels, plaques, roundels, tiles, vaults, wall decorations, window screens, and other architectural and non-architectural decoration or sculpture. There may be traces of paint, glaze, and/or gilding. Stucco panels may have elaborate scenes of animals, human activity, and/or floral, geometric, and vegetal patterns. Stucco panels may have been made with molds. Stucco figures and objects may have strong resemblance to Hellenistic styles. Painted clay objects and statues are often represented as single individuals, such as a Buddha, Bodhisattva, member of a royal house, or a male or female patron of a religious complex. Unfired clay roundels with stamped impressions used as sealing material are included. Approximate date: 3000 B.C.E.–1773 C.E.

E. Painting—Includes murals, wall paintings, and fragments of murals and wall paintings, often having a white base coat on ground clay mixed with vegetal matter. Subjects vary, but images of the Buddha, human figures, animals, landscapes, or mythical figures in thematic or heraldic scenes, ornamental motifs, and/or scenes from court life or religious activity are common. May include inscriptions in various scripts and languages. Some paintings may have three dimensional elements, such as trees and rosettes, often created from heavy layers of plaster (also called ganch). Paintings may have traces of

gold leaf. Approximate date: 3rd century–1773 C.E.

F. Ivory, Bone, and Shell

1. Jewelry and Items of Personal Adornment—Primarily made from animal bone, animal teeth, bird bone, cowrie shell, horn, mother of pearl, shell, and tusks. Includes beads, buckles, buttons, combs, jewelry inlay, and others.

2. Containers, Handles, Statuary, Tools, and other Non-Architectural Objects—Includes awls, game die, handles on daggers, mirrors, needles, pins, plaques, pyxides/pyxis, rhytons, spoons, spinning and weaving tools, statuary/figurines, and other personal objects.

3. Furniture—Includes arms, brackets, handles, finials, footstools, and legs of chairs, chests, trunks, and other types of furniture.

G. Glass

1. Architectural Elements—Mosaics and stained glass with various designs and colors. May be part of large designs with floral, geometric, and/or vegetal motifs, often with religious imagery. Includes glass inlay used in architectural elements. Glass architectural materials are typically associated with mausoleums, mosques, and religious buildings. Approximate date: 800–1773 C.E.

2. Beads, Jewelry, and Ornaments—Includes beads that may be cylindrical, spherical, conical, disc, and others. Decorations may include bevels, incisions, and/or raised decoration. Glass beads may be used to adorn clothing, jewelry, ornaments, and other objects. Includes glass inlay used in other types of beads and/or jewelry. Approximate date: 1st century–1773 C.E.

3. Vessels—Vessel types may form conventional shapes such as beakers, bowls, cups, dishes, flasks, goblets, jars, lamps, mugs, perfume bottles, and vases, and other shapes such as cosmetic containers, medicine droppers, reliquaries, and others. Some vessel types may have been blown into molds or created using stamps. May have decorative elements including, but not limited to, simple geometric patterns or high-relief patterns including honeycomb patterns and waves. May be monochrome or polychrome. Approximate date: 800–1773 C.E.

4. Ornaments—Includes glass figurines and glass medallions. Figurines may be in the shape of animals, such as birds. Includes glass medallions, which may have impressed or relief patterns, such as animals, fish, hunting scenes, vegetal patterns, and others. Approximate date: 800–1773 C.E.

H. Leather, Birch Bark, Vellum, Parchment, and Paper

1. Manuscripts—Manuscripts, portions of manuscripts, and works on paper include handmade, handwritten, hand-illustrated and/or illuminated scrolls, sheets, bound volumes, and their bindings. Includes fragments. Writing, illustrations, and/or illuminations in ink, paint, and gold may be found on various media, including but not limited to, parchment, vellum, cotton, silk, and paper. Bindings may be composed of leather, wood, cloth, paper, and/or paste or pulp board. Texts may be written in various scripts and languages, including Kharosthi, Arabic, Persian, Uzbek, Turkish, other Turkic languages, Tajik, Pashto, Sogdian, Khwarezmian/Khorezmian, Manichaean, and others. Includes both religious texts and texts with secular content. Topics include, but are not limited to, astronomy, astrology, biography, botany, genealogy, history, law, literature, mathematics, medicine, memoir, natural sciences, philosophy, poetry, Islamic scriptures (Qu'ran and hadith), theology, and travel. Includes letters, documents, and records of all kinds. Manuscripts may have monochrome, bichrome, polychrome, and/or gold handmade decorations, decoupage and stenciled motifs, illustrations, and/or illuminations, as decorative borders, margins, frames, medallions, cartouches, illuminated frontispieces (*sar-lawh*) or headpieces (*unwan*), paintings, or scientific, astronomical, or mathematical diagrams. Decorative elements include arabesque (intertwining), geometric, floral, and/or vegetal motifs. Paper may be tinted and/or speckled with gold. Book paintings may depict animals, plants, and humans, including portraiture; landscapes and architectural scenes; and/or scenes of human activities, such as court audiences and ceremonies, encounters, hunting, falconry, battles, travel, and historical, religious, mythological, or legendary events. Bindings may be decorated with paint, lacquer, inlay, and/or engraved, tooled, impressed, or stamped designs and/or inscriptions. Approximate date: 600–1773 C.E.

2. Items of Personal Adornment—Primarily in leather, including bracelets, belts, bow cases, necklaces, quivers, saddles, sandals, shoes, and other types of jewelry. May be embroidered or embellished with other types of materials. Leather goods may have also been used in conjunction with other types of textiles.

1. *Textiles*—Includes silk, linen, cotton, hemp, wool, and other woven

materials used in basketry and other household goods, burial shrouds, clothing, shoes, jewelry, and items of personal adornment, prayer cloths, tent coverings, and domestic textiles, carpets, and others. Decorative techniques may include embroidery with various motifs, including, but not limited to, animals, floral, geometric, and vegetal patterns/motifs or textiles may be undecorated. May have patterns woven into the body of the textile. May have traces of paint. May be embroidered or embellished with other types of materials. Approximate date: 3000 B.C.E.–1773 C.E.

J. Wood, Shell, and other Organic Material—Includes architectural pieces made from wood; columns; statuary and figurines; furniture; jewelry and other items of personal adornment; musical instruments; decorative panels; vessels and containers; and engraved stamps and seals from archaeological contexts. Approximate date: 3000 B.C.E.–1773 C.E.

K. Human Remains—Includes human and other hominin remains and fragments of hominin remains, including skeletal remains, soft tissue, and ash from the human body that may be preserved in burials, reliquaries, and other contexts.

II. Ethnological Material

Ethnological material includes architectural elements, funerary objects, Islamic religious and ceremonial objects, and manuscripts associated with Uzbekistan's diverse history from 600 C.E. through 1917 C.E.

A. Architectural Elements—

Architectural elements are found in stone, ceramic or terracotta, plaster or stucco, wood, and other painted media used to decorate civic and religious architecture. Approximate date: 600–1917 C.E.

1. *Stone*—Includes elements in alabaster, gypsum, jasper, limestone, marble, onyx, and other stones. Includes bricks and blocks from walls, ceilings, and floors; balustrades; columns, including capitals and bases; cornices; mihrabs; panels; pillars, including capitals and bases; plinths; railings; slabs; screens; and others. May be plain, carved in relief, incised, inlaid, or inscribed in various languages and scripts. May be painted and/or gilded. Approximate date: 600–1917 C.E.

2. *Ceramic and Terracotta*—Includes bricks, cornices, mihrabs, mosaics, niches, panels, pillars, tiles, window screens (*panjara*), and other elements as decorative elements in or on civic and religious buildings and made from terracotta (fired clay) or faience. Bricks may be cut, carved, or molded to form

decorative patterns on building facades. Tiles may be rectangular, square, polygonal, or curved, or take three-dimensional forms, such as stalactites and *muqarnas*. Tiles, bricks, and panels may be plain, or they may be painted and/or glazed; they may bear plaster or gypsum decoration. Tiles may be carved, incised, impressed, molded, painted, and/or glazed with decorations in the form of animals, humans, interwoven or repeating geometric, star, floral, and/or vegetal motifs and patterns, and/or calligraphic writing in Arabic or Persian; or they may be inlaid as mosaics that form these designs. Glaze may be clear, monochrome, and/or polychrome; colors such as blue, turquoise, yellow, green, red, black, and white are common. Polychrome glaze may be applied in the *cuerda seca* technique, with ridges in relief that contain the color. Gilding or gold leaf may be applied. Approximate date: 600–1917 C.E.

3. Metal—Includes finials, fittings, and ornaments in metal on doors, windows, domes, and fountains. Approximate date: 600–1917 C.E.

4. Plaster and Stucco, also called *ganch* or gypsum—Includes ceiling decoration or tracery, friezes, panels, reliefs, tiles, vaults, wall decoration, and other types. May be carved or molded in high or low relief; painted or bear traces of paint; gilded; glazed; and/or inscribed in various languages and scripts. Designs may include human, animal, and mythical figures, heraldic motifs, interwoven geometric, star, floral, and/or vegetal patterns. Approximate date: 600–1917 C.E.

5. Paintings and Frescoes—Includes paintings and frescoes on the walls and ceilings of civic and religious buildings, and fragments thereof. Motifs include human, animal, bird, and mythical figures in thematic or heraldic scenes; plants and trees in landscapes or as part of geometric designs; interwoven geometric, floral, and/or vegetal designs; and inscriptions in Sogdian, Arabic, or Persian. Paintings can be monochrome or polychrome and may also bear gilding or gold leaf. Approximate date: 600–1917 C.E.

6. Glass—Includes glass pieces or tiles arranged in mosaic fashion to create geometric, floral, and/or vegetal designs on architectural surfaces or in windows. Glass may be mirrored or stained. Approximate date: 1000–1917 C.E.

7. Wood—Includes hand-carved arches, bases, beams, capitals, ceilings, columns, column-bases, doors, door frames, friezes, jambs, lintels, mihrabs, minbars, niches, jambs, panels, posts, screens, shutters, window frames and fittings, and window screens, or parts

thereof, used as structural elements in and/or to decorate civic or religious architecture. These architectural elements may have been reused for new purposes, such as a wood panel used as a table or a door jamb used as a bench. May be carved, grooved, incised, inlaid with other materials, and/or painted; carving may appear in low or high relief. Designs include human, animal, and bird figures, interwoven geometric, floral, and/or vegetal motifs, and/or inscriptions in Arabic or Persian. Approximate date: 600–1917 C.E.

B. Funerary Objects—Found in stones such as alabaster, jade, limestone, marble, and others, as well as in wood. Includes memorial markers, tombstones, cenotaphs, sepulchers, and stelae. Tombstones may take a stepped shape (*sagan*) and be raised on a plinth (*dakhma*). Markers, stelae, or cenotaphs may bear the design of a niche. May be carved, engraved, or incised with interwoven geometric, floral, and/or vegetal motifs, and/or inscriptions in Arabic, Persian, or other languages. Approximate date: 600–1917 C.E.

C. Islamic Religious and Ceremonial Objects—Includes moveable objects typically used in Islamic communal religious and ceremonial settings in all materials. Primarily in stone, metal, ceramic or clay, glass, wood, bone, ivory, textiles, leather, and other organic materials. Approximate date: 600–1917 C.E.

1. Non-Architectural Monuments—Primarily in stone (especially alabaster, limestone, and marble) or metal (especially copper, bronze, and brass). Types include plaques and stelae with religious, floral, geometric, or arabesque (intertwining) motifs; may bear Arabic or Persian inscriptions.

2. Vessels and Containers—Includes vessels and containers used in religious and ceremonial settings in stone, metal (especially silver, copper, bronze, brass, and other alloys), ceramic, glass, wood, bone, ivory, leather, lacquered papier-mâché, and other materials. Types include lamps and lanterns; incense burners and braziers; candlesticks, candelabras, and sconces from religious settings; alms or begging bowls (*kashkul*); and scroll or manuscript containers, such as boxes, pouches, chests, cases, or caskets used to hold a Qu'ran or other Islamic religious text. May be plain or decorated with intertwining floral, geometric, or vegetal motifs; may bear Arabic or Persian inscriptions.

3. Furniture—Primarily in wood and stone. Types include pulpits (minbars), prayer niches (mihrabs), screens, Qu'ran holders or stands, lecterns, study tables, cabinets, and other furniture used in

religious and ceremonial settings. May be carved, incised, painted, gilded, and/or inlaid with other materials; may be decorated with interwoven geometric, floral, and/or vegetal motifs, and/or inscriptions in Arabic or Persian.

4. Textiles—Includes textiles used for religious and ceremonial purposes, primarily in linen, silk, and wool. Types include banners, hangings, and curtains used in religious and ceremonial settings; shrine covers; and shrouds. Often woven or embroidered in bright colors with interwoven geometric, floral, or vegetal designs, and/or Arabic or Persian inscriptions.

D. Manuscripts—Manuscripts, portions of manuscripts, and works on paper include handmade, handwritten, hand-illustrated and/or illuminated scrolls, sheets, bound volumes, and their bindings. Includes fragments. Writing, illustrations, and/or illuminations in ink, paint, and gold may be found on various media, including but not limited to, parchment, vellum, cotton, silk, and paper. Samarkand, Herat, Bukhara, and Kokand paper are particularly common, but paper of Chinese, Indian, Kashmir, European, Russian, Middle Eastern, other Central Asian, and other origins was also used. Bindings may be composed of leather, wood, cloth, paper, and/or paste or pulp board. Box bindings and bindings with or without a fore-edge flap are typical. Texts may be written in various scripts and languages, including Arabic, Persian, Uzbek, Turkish, other Turkic languages, Tajik, Pashto, Sogdian, Khwarezmian/Khorezmian, Manichaean, and others. Includes both Islamic religious texts and texts with secular content. Topics include, but are not limited to, astronomy, astrology, biography, botany, genealogy, history, law, literature, mathematics, medicine, memoir, natural sciences, philosophy, poetry, Islamic scriptures (Qu'ran and hadith), theology, and travel. Manuscripts may have monochrome, bichrome, polychrome, and/or gold handmade decorations, decoupage and stenciled motifs, illustrations, and/or illuminations, as decorative borders, margins, frames, medallions, cartouches, illuminated frontispieces (*sar-lawh*) or headpieces (*unwan*), paintings, or scientific, astronomical, or mathematical diagrams. Decorative elements include arabesque (intertwining), geometric, floral, and/or vegetal motifs. Paper may be tinted and/or speckled with gold. Book paintings may depict animals, plants, and humans, including portraiture; landscapes and architectural scenes; and/or scenes of human activities, such

as court audiences and ceremonies, encounters, hunting, falconry, battles, travel, and historical, religious, mythological, or legendary events. Bindings may be decorated with paint, lacquer, inlay, and/or engraved, tooled, impressed, or stamped designs and/or inscriptions. Approximate date: 600–1917 C.E.

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Inapplicability of Notice and Delayed Effective Date

This amendment involves a foreign affairs function of the United States and is, therefore, being made without notice or public procedure under 5 U.S.C. 553(a)(1). For the same reason, a delayed effective date is not required under 5 U.S.C. 553(d)(3).

Executive Order 12866

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). CBP has determined that this document is not a regulation or rule subject to the provisions of Executive Order 12866 because it pertains to a foreign affairs function of the United States, as described above, and therefore is specifically exempted by section 3(d)(2) of Executive Order 12866.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, requires an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of a proposed rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions) when the agency is required to publish a general notice of proposed rulemaking for a rule. Since a general notice of proposed rulemaking is not necessary for this rule, CBP is not required to prepare a regulatory flexibility analysis for this rule.

Signing Authority

In accordance with Treasury Order 100–20, the Secretary of the Treasury delegated to the Secretary of Homeland Security the authority related to the customs revenue functions vested in the Secretary of the Treasury as set forth in 6 U.S.C. 212 and 215, subject to certain exceptions. This regulation is being issued in accordance with DHS Directive 07010.3, Revision 03.2, which delegates to the Commissioner of CBP the authority to prescribe and approve regulations related to cultural property import restrictions.

Pete Flores, Acting Commissioner, having reviewed and approved this document, has delegated the authority to electronically sign this document to the Director (or Acting Director, if applicable) of the Regulations and Disclosure Law Division of CBP, for purposes of publication in the **Federal Register**.

List of Subjects in 19 CFR Part 12

Cultural property, Customs duties and inspection, Imports, Prohibited merchandise, and Reporting and recordkeeping requirements.

Amendment to the CBP Regulations

For the reasons set forth above, part 12 of title 19 of the Code of Federal Regulations (19 CFR part 12), is amended as set forth below:

PART 12—SPECIAL CLASSES OF MERCHANDISE

■ 1. The general authority citation for part 12 and the specific authority citation for § 12.104g continue to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)), 1624.

* * * * *

Sections 12.104 through 12.104i also issued under 19 U.S.C. 2612;

* * * * *

■ 2. In § 12.104g, amend the table in paragraph (a) by adding Uzbekistan to the list in appropriate alphabetical order as follows:

§ 12.104g Specific items or categories designated by agreements or emergency actions.

(a) * * *

State party	Cultural property	Decision No.
Uzbekistan	Archaeological materials representing Uzbekistan's cultural heritage ranging from approximately 50,000 B.C.E. to 1773 C.E., and ethnological materials ranging from approximately 600 C.E. to 1917 C.E.	CBP 25–04

Robert F. Altneu,

Director, Regulations and Disclosure Law
Division, Regulations and Rulings, Office of
Trade, U.S. Customs and Border Protection.

[FR Doc. 2025–07849 Filed 5–2–25; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2025–0315]

RIN 1625–AA08

Special Local Regulation; St. Mary's River, St. George's Creek, Piney Point, MD

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary special local regulation for certain waters of the St. Mary's River. This action is necessary to provide for the safety of life on these navigable waters, located at Piney Point, MD, during a two-day, high-speed, power boat demonstration event on June 7, 2025, and June 8, 2025. This rule prohibits persons and vessels from being in the regulated area unless authorized by the Captain of the Port, Maryland-National Capital Region, or the Coast Guard Event Patrol Commander.

DATES: This rule is in effect from 7:30 a.m. on June 07, 2025, through 5 p.m. on June 08, 2025. It will be enforced, from 7:30 a.m. to 5 p.m. on June 07, 2025, and from 7:30 a.m. to 5 p.m. on June 08, 2025.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rulemaking, call or email LCDR Kate Newkirk, Sector Maryland-NCR, Waterways Management Division, U.S. Coast Guard: telephone 410–576–2596, email MDNCRMarineEvents@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations

COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
PATCOM Coast Guard Patrol Commander
NPRM Notice of proposed rulemaking
§ Section
SLR Special local regulation
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard has received a request, under 33 CFR 100.15, for a Marine Event Permit to host a high-speed, power boat demonstration event in Piney Point, MD on June 07, 2025, and June 08, 2025, from 8 a.m. to 4 p.m. on both days. As “an organized water event of limited duration which is conducted according to a prearranged schedule,” the scheduled event is a “regatta or marine parade,” as defined at 33 CFR 100.05(a). The Captain of the Port (COTP), after approving plans for the holding of a regatta or marine parade within his or her district or zone, is authorized to promulgate such special local regulations (SLRs) as he or she deems necessary to ensure safety of life on the navigable waters immediately prior to, during, and immediately after the approved regatta or marine parade. 33 CFR 100.35.

The Coast Guard is issuing this temporary final rule under the authority in 5 U.S.C. 553(b)(B). This statutory provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” The Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because at the current time it is impracticable to publish an NPRM, consider comments received, and publish a final rule by June 07, 2025, when the rule must be in place to serve its intended purpose.

Also, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register** because it is impracticable to be able to get the rule published by May 7, 2025, thirty days before it must be in effect to serve its intended purpose.

III. Legal Authority and Need for the Rule

Hazards associated with the vintage and historic racing powerboat demonstrations will be a safety concern for anyone intending to participate in this event and for vessels that operate within waters of the St. Mary's River which would be covered by this rule. If normal vessel traffic were allowed to interfere with the event, potential hazards would include the risk of injury or death resulting from near or actual contact among participant vessels, spectator vessels, or non-participant waterway users. The purpose of this rulemaking is to ensure the safety of event participants, non-participants, and transiting vessels before, during, and after the scheduled event.

The Coast Guard is promulgating this rule under statutory authority in 46 U.S.C. 70041.

IV. Discussion of the Rule

The COTP is establishing a special local regulation which will be in effect from 7:30 a.m. on June 07, 2025, through 5 p.m. on June 08, 2025. The regulation will only be enforced, however, from 7:30 a.m. to 5 p.m. on June 07, 2025, and from 7:30 a.m. to 5 p.m. on June 08, 2025. The regulated area covers all navigable waters of St. George Creek. This area starts at Cedar Point, follows the western shoreline south to Coade Bar, then cuts southeast across the creek to Dodson Point. From there, it continues north along the eastern shoreline, including the area near the St. George Island Bridge (SR–249), all the way up to Long Bar at the entrance to St. George Harbor. The boundary then wraps northeast across the creek back to Cedar Point, terminating at the point of origin.

The regulated area is approximately 1,750 yards in length and 940 yards in width. The duration of the special local regulation and size of the regulated area is intended to ensure the safety of life on these navigable waters before, during, and after the high-speed power boat event scheduled to take place from 7:30 a.m. to 5 p.m. on June 07, 2025, and from 7:30 a.m. to 5 p.m. on June 08, 2025. No vessel or person will be permitted to enter the safety zone

without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size and duration of the regulated area, which will impact a small, designated area of St. George Creek for 19 total enforcement hours. This waterway supports mainly recreational vessel traffic with peak vessel traffic occurring during the summer season. Although this regulated area extends across the entire width of the waterway, the rule would allow vessels and persons to seek permission to enter the regulated area if it is safe to do so. The Event PATCOM would allow vessel traffic to transit the eastern portion of the waterway away from the event area when it is safe to do so. Vessels given permission to enter the regulated area must operate at a safe speed that minimizes wake and must not loiter within the navigable channel while within the regulated area. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF-FM marine channel 16 about the status of the regulated area.

B. Impact on Small Entities

The regulatory flexibility analysis provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to rules not subject to notice and comment. As the Coast Guard has, for good cause, waived the notice and comment requirement that would otherwise apply to this rulemaking, the Regulatory Flexibility Act’s flexibility analysis provisions do not apply here.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental

jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42

U.S.C. 4321–4370f), and have made a determination that this action is one of a category of actions that does not individually or cumulatively have a significant effect on the human environment. This rule involves implementation of regulations within 33 CFR part 100 applicable to organized marine events on the navigable waters of the United States that could negatively impact the safety of waterway users and shore side activities in the event area for 19 total enforcement hours. It is categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

List of Subjects in 33 CFR Part 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

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

■ 2. Add § 100.T599–0315 to read as follows:

§ 100.T599–0315 Southern Maryland Boat Club Piney Point Regatta, St. Mary’s River, St. George Creek, Piney Point, MD.

(a) *Locations.* All coordinates are based on datum NAD 1983.

(1) *Regulated area.* All navigable waters of St. George Creek, within an area bounded by a line connecting the following points: from the shoreline at Cedar Point at position latitude 38°09′03.4″ N, longitude 076°29′55.7″ W; thence south along the shoreline to Coade Bar at latitude 38°08′22.5″ N, longitude 076°29′19.9″ W; thence southeast across St. George Creek to Dodson Point at latitude 38°08′03.8″ N, longitude 076°29′44.6″ W; thence north along the shoreline and the eastern extent of the St. George Island (SR–249) Bridge to Long Bar (at the entrance to St. George Harbor) at latitude 38°08′50.6″ N, longitude 076°30′13.0″ W; thence northeast across St. George Creek to and terminating at the point of origin. The race area, buffer area, and spectator area are within the regulated area.

(2) *Race area.* The race area is a polygon in shape measuring approximately 700 yards in length by 240 yards in width. The area is bounded by a line commencing near Hodgson

Point at position latitude 38°08'39.80" N, longitude 076°30'3.13" W, thence southeast to latitude 38°08'21.95" N, longitude 076°29'49.31" W; thence southwest to latitude 38°08'18.20" N, longitude 076°29'56.98" W, thence northwest to latitude 38°08'36.10" N, longitude 076°30'10.84" W; thence northeast to and terminating at the point of origin.

(3) *Buffer area.* The buffer area is a polygon in shape measuring approximately 90 yards in all directions surrounding the entire race area described in the preceding paragraph of this section. The area is bounded by a line commencing near Hodgson Point at position latitude 38°08'43.58" N, longitude 076°30'02.12" W; thence southeast to latitude 38°08'21.12" N, longitude 076°29'44.81" W, thence southwest to latitude 38°08'14.68" N, longitude 076°29'58.24" W; thence northwest to latitude 38°08'35.95" N, longitude 076°30'14.33" W, thence northeast to and terminating at the point of origin.

(4) *Spectator area.* The designated spectator area is a polygon in shape with its length measuring approximately 700 yards and its width measuring approximately 300 yards at its northern portion and 150 yards at its southern portion. The area is bounded by a line commencing at position latitude 38°08'46.86" N, longitude 076°29'51.07" W; thence southeast to latitude 38°08'38.11" N, longitude 076°29'44.27" W; thence south to latitude 38°08'26.81" N, longitude 076°29'43.01" W; thence southwest to latitude 38°08'23.50" N, longitude 076°29'46.50" W, thence northwest to latitude 38°08'41.28" N, longitude 076°30'00.18" W, thence northeast to and terminating at the point of origin.

(b) *Definitions.* As used in this section—

Buffer area is a neutral area that surrounds the perimeter of the race area within the regulated area described by this section. The purpose of a buffer area is to minimize potential collision conflicts with marine event participants or high-speed powerboats and spectator vessels or nearby transiting vessels. This area provides separation between a race area and a specified Spectator Area or other vessels that are operating in the vicinity of the regulated area established by the special local regulations in this section.

Captain of the Port (COTP) Maryland-National Capital Region means the Commander, U.S. Coast Guard Sector Maryland-National Capital Region or any coast Guard commissioned, warrant or petty officer who has been authorized by the COTP to act on his behalf.

Event Patrol Commander or Event PATCOM means a commissioned, warrant, or petty officer of the U.S. Coast Guard who has been designated by the Commander, Coast Guard Sector Maryland-National Capital Region.

Official patrol means any vessel assigned or approved by Commander, Coast Guard Sector Maryland-National Capital Region with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

Participant means all persons and vessels registered with the event sponsor as participating in the "Southern Maryland Boat Club Piney Point Rumble on the River Regatta" event or otherwise designated by the event sponsor as having a function tied to the event.

Race area is an area described by a line bound by coordinates provided in latitude and longitude that outlines the boundary of a race area within the regulated area defined by this section.

Spectator means a person or vessel not registered with the event sponsor as participants or assigned as official patrols.

Spectator area is an area described by a line bound by coordinates provided in latitude and longitude that outlines the boundary of a spectator area within the regulated area defined by this part.

(c) *Special local regulations.* (1) The COTP Maryland-National Capital Region or Event PATCOM may forbid and control the movement of all vessels and persons, including event participants, in the regulated area described in paragraph (a)(1) of this section when hailed or signaled by an official patrol, a vessel or person in the regulated area shall immediately comply with the directions given by the patrol. Failure to do so may result in the Coast Guard expelling the person or vessel from the area, issuing a citation for failure to comply, or both. The COTP Maryland-National Capital Region or Event PATCOM may terminate the event, or a participant's operations at any time the COTP Maryland-National Capital Region or Event PATCOM believes it necessary to do so for the protection of life or property.

(2) Except for participants and vessels already at berth, a person or vessel within the regulated area at the start of enforcement of this section must immediately depart the regulated area.

(3) A spectator must contact the Event PATCOM to request permission to either enter or pass through the regulated area. The Event PATCOM, and official patrol vessels enforcing this regulated area, can be contacted on marine band radio VHF-FM channel 16 (156.8 MHz) and channels 22A (157.1

MHz). If permission is granted, the spectator must enter the designated Spectator Area or pass directly through the regulated area as instructed by Event PATCOM. A vessel within the regulated area must operate at safe speed that minimizes wake. A spectator vessel must not loiter within the navigable channel while within the regulate area.

(4) Only participant vessels and official patrol vessels are allowed to enter and remain within the race area.

(5) Only participant vessels and official patrol vessels are allowed to enter and transit directly through the buffer area, to arrive at or depart from the race area.

(6) A person or vessel that desires to transit, moor, or anchor within the regulated area must obtain authorization from the COTP Maryland-National Capital Region or Event PATCOM before doing so. A person or vessel seeking such permission can contact the COTP Maryland-National Capital Region at telephone number 410-576-2693 or on Marine Band Radio, VHF-FM channel 16 (156.8 MHz) or the Event PATCOM on Marine Band radio, VHF-FM channel 16 (156.8 MHz).

(7) The Coast Guard will publish a notice in the Fifth Coast Guard District Local Notice to Mariners and issue a marine information broadcast on VHF-FM marine band radio announcing specific event dates and times.

(d) *Enforcement officials.* The Coast Guard may be assisted with marine event patrol and enforcement of the regulated area by other federal, state, and local agencies.

(e) *Enforcement periods.* This section will be enforced from 7:30 a.m. to 5 p.m. on June 7, 2025, and from 7:30 a.m. to 5 p.m. on June 8, 2025.

Dated: April 25, 2025

Patrick C. Burkett,

Captain, U.S. Coast Guard, Captain of the Port Sector Maryland-National Capital Region.

[FR Doc. 2025-07680 Filed 5-2-25; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG-2025-0329]

Special Local Regulations; Marine Events in the Coast Guard Sector Detroit Captain of the Port Zone—July to August 2025

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce various special local regulations for the annual regattas and marine parades on dates between July 11, 2025, and August 31, 2025, in the Captain of the Port Detroit zone. Our regulation for marine events within Sector Detroit identifies the regulated area for these events. During the enforcement periods, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

DATES: The regulations in 33 CFR 100.911 will be enforced for the regulated areas listed in table 1 to § 100.911, as follows:

- *Event No. (4):* Swim Across America (formerly known as Motor City Mile, Detroit, MI)—from 7 a.m. through 12 p.m. on July 11, 2025.
- *Event No. (7):* St. Clair River Classic Power Boat Race (St. Clair, MI)—from 10 a.m. through 7 p.m. on July 27, 2025.
- *Event No. (9):* Detroit Hydrofest Power Boat Race, (Detroit, MI)—from 7 a.m. on August 22, 2024, through 7 p.m. on August 24, 2025
- *Event No. (12):* Michigan Championships Swimming Event (Detroit, MI)—from 7 a.m. through 1 p.m. on August 31, 2025.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email Tracy Girard, Prevention Department, U.S. Coast Guard; telephone (313) 568-9564, email Tracy.M.Girard@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce multiple special local regulations for annual events in the Captain of the Port Detroit Zone listed in table 1 to 33 CFR 100.911, for the following events:

- *Event No. (4):* Swim Across America (formerly known as Motor City Mile, Detroit, MI)—from 7:00 a.m. through 12:00 p.m. on July 11, 2025.
- *Event No. (7):* St. Clair River Classic Power Boat Race (St. Clair, MI)—from 10:00 a.m. through 7:00 p.m. on July 27, 2025.
- *Event No. (9):* Detroit Hydrofest Power Boat Race, (Detroit, MI)—from 7 a.m. on August 22, 2024, through 7 p.m. on August 24, 2025.
- *Event No. (12):* Michigan Championships Swimming Event (Detroit, MI)—from 7 a.m. through 1 p.m. on August 31, 2025.

In accordance with the requirements of § 100.911, entry into, transiting, or anchoring within these regulated areas during the enforcement periods is

prohibited unless authorized by the Coast Guard patrol commander (PATCOM). Those seeking permission to enter the regulated areas may request permission from the PATCOM. Vessels permitted to enter this regulated area must operate at a no-wake speed and in a manner that will not endanger race participants or any other craft.

The PATCOM may direct the anchoring, mooring, or movement of any vessel within this regulated area. A succession of sharp, short signals by whistle or horn from vessels patrolling the area under the direction of the PATCOM shall serve as a signal to stop. Vessels so signaled shall stop and shall comply with the orders of the PATCOM. Failure to do so may result in expulsion from the area, a Notice of Violation for failure to comply, or both. Additionally, vessels shall yield right-of-way for event participants and event safety craft and shall follow directions given by the Coast Guard's on-scene representative or by event representatives during the event.

If it is deemed necessary for the protection of life and property, the PATCOM may terminate the marine event or the operation of any vessel within the regulated area.

In accordance with the general regulations in § 100.40 of this part, the Coast Guard will patrol the regatta area under the direction of a designated Coast Guard Patrol Commander (PATCOM). The PATCOM, or his designated "on-scene representative", may be contacted on Channel 16 (156.8 MHz) by the call sign "Coast Guard Patrol Commander."

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via Broadcast Notice to Mariners or Local Notice to Mariners. If the Captain of the Port determines that any of these special local regulations need not be enforced for the full duration stated in this document, he may suspend such enforcement and notify the public of the suspension via a Broadcast Notice to Mariners.

Dated: April 22, 2025.

Richard P. Armstrong,

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

[FR Doc. 2025-07733 Filed 5-2-25; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 4

[Docket No. DOI-2022-0010; Deposit Account]

RIN 1094-AA57

Practices Before the Department of the Interior; Delay of Effective Date

AGENCY: Office of Hearings and Appeals, Interior.

ACTION: Interim final rule; further delay of effective date.

SUMMARY: In accordance with the memorandum of January 20, 2025, from President Donald J. Trump, entitled "Regulatory Freeze Pending Review," this action provides a third notification to delay the effective date of the interim final rule published on January 10, 2025, until June 4, 2025.

DATES: As of May 2, 2025, the effective date of the rule published at 90 FR 2332 on January 10, 2025, and delayed February 10, 2025 (90 FR 9222), and delayed March 13, 2025 (90 FR 12461) is further delayed to June 4, 2025.

FOR FURTHER INFORMATION CONTACT:

Rachel R. Lukens, telephone: (703) 235-3810, email: Rachel.Lukens@oha.doi.gov. Individuals in the United States who are deaf, blind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or Tele Braille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The interim final rule, "Practices Before the Department of the Interior," published on January 10, 2025, at 90 FR 2332, included a 30-day public comment period that ended on February 10, 2025. The effective date of the interim final rule was February 10, 2025. The Office of Hearings and Appeals (OHA) is taking this action in accordance with Memorandum M-25-10 of January 20, 2025, from the Executive Office of the President, Office of Management and Budget, Implementation of Regulatory Freeze, regarding the postponement of effective dates of certain published regulations. The memorandum directed the heads of Executive Departments and Agencies to consider postponing for sixty days from the date of the memorandum the effective date for any rules that have been published in the **Federal Register**, or any rules that have been issued in any manner but have not

taken effect, for the purpose of reviewing any questions of fact, law, and policy that the rule may raise. On February 10, 2025, OHA delayed the effective date (90 FR 9222) for the interim final rule to March 21, 2025. On March 13, 2025, OHA published a second document further delaying the effective date (90 FR 12461) to May 5, 2025. OHA is further delaying the effective date to June 4, 2025, to provide for further Department review.

OHA is extending the effective date of the interim final rule without opportunity for public comment and making the extension effective immediately, based on the good cause exemptions in 5 U.S.C. 553(b)(B) and 553(d)(3), in that seeking public comment on the extension is impracticable, unnecessary, and contrary to the public interest. This third delay of the effective date until June 4, 2025, is necessary to give Department officials the opportunity for further review and consideration of new regulations, consistent with the memorandum of the President, dated January 20, 2025. Given the imminence of the effective date of the interim final rule, seeking prior public comment on this delay is impractical, and contrary to the public interest in the orderly promulgation and implementation of regulations. For the foregoing reasons, the good cause exception in 5 U.S.C. 553(d)(3) also applies to OHA's decision to make this action effective immediately.

Tyler Hassen,

*Acting Assistant Secretary—Policy,
Management and Budget.*

[FR Doc. 2025-07725 Filed 5-2-25; 8:45 am]

BILLING CODE 4334-CC-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 25–108; RM–11998; DA 25–373; FR ID 292585]

Television Broadcasting Services Hazard, Kansas

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends the Table of TV Allotments (table) of the Federal Communications Commission's (Commission) rules by substituting channel 12 for channel 20 at Hazard, Kentucky in response to a Petition for Rulemaking filed by Gray Television Licensee, LLC (Gray), the licensee of

WYMT-TV, Hazard, Kentucky. The staff engineering analysis finds that the proposal is in compliance with the Commission's principal community coverage and technical requirements. The substitution of channel 12 for channel 20 in the table will allow the station to continue to operate on its licensed channel and provide uninterrupted service to its viewers.

DATES: Effective May 5, 2025.

FOR FURTHER INFORMATION CONTACT:

Emily Harrison, Media Bureau, at *Emily.Harrison@fcc.gov*, (202) 418–1665, or Mark Colombo, Media Bureau, at *Mark.Colombo@fcc.gov*, (202) 418–7611.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MB Docket No. 25–108; RM–11998; DA 25–373, adopted April 28, 2025, and released April 28, 2025. The proposed rule was published at 90 FR 11146 on March 4, 2025. The full text of this document is available online at <https://www.fcc.gov/edocs>.

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden “for small business concerns with fewer than 25 employees,” pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to this proceeding.

The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

Final Rule

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

■ 2. In § 73.622, in the table in paragraph (j), under Kentucky, revise

the entry for “Hazard” to read as follows:

§ 73.622 Digital television table of allotments.

* * * * *

(j) * * *

Community		Channel No.
* * *		*
Kentucky		
* * *		*
Hazard	12, *33	
* * *		*

* * * * *

[FR Doc. 2025–07755 Filed 5–2–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 25–107; RM–11997; DA 25–372; FR ID 292582]

Television Broadcasting Services Wichita, Kansas

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends the Table of TV Allotments (table) of the Federal Communications Commission's (Commission) rules by substituting channel 12 for channel 28 at Wichita, Kansas in response to a Petition for Rulemaking filed by Gray Television Licensee, LLC (Gray), the licensee of KSCW-DT, Wichita, Kansas. The staff engineering analysis finds that the proposal is in compliance with the Commission's principal community coverage and technical requirements. The substitution of channel 12 for channel 28 in the table will allow the station to continue to operate on its licensed channel and provide uninterrupted service to its viewers.

DATES: Effective May 5, 2025.

FOR FURTHER INFORMATION CONTACT:

Emily Harrison, Media Bureau, at *Emily.Harrison@fcc.gov*, (202) 418–1665, or Mark Colombo, Media Bureau, at *Mark.Colombo@fcc.gov*, (202) 418–7611.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MB Docket No. 25–107; RM–11997; DA 25–372, adopted April 28, 2025, and released April 28, 2025. The

proposed rule was published at 90 FR 11241 on March 5, 2025. The full text of this document is available online at <https://www.fcc.gov/edocs>.

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden “for small business concerns with fewer than 25 employees,” pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to this proceeding.

The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

Final Rule

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

- 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

- 2. In § 73.622, in the table in paragraph (j), under Kansas, revise the entry for “Wichita” to read as follows:

§ 73.622 Digital television table of allotments.

* * *	* * *
(j) * * *	
Community	Channel No.
* * *	* * *
Kansas	
* * *	* * *
Wichita	10, 12, 15, 26

Community	Channel No.
* * *	* * *
* * *	
[FR Doc. 2025–07677 Filed 5–2–25; 8:45 am]	
BILLING CODE 6712–01–P	

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 25–6; RM–11993; DA 25–355; FR ID 291686]

Television Broadcasting Services Price, Utah

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends the Table of TV Allotments (table) of the Federal Communications Commission’s (Commission) rules by substituting channel 15 for channel 11 at Price, Utah in response to a Petition for Rulemaking filed by Gray Television Licensee, LLC (Gray), the permittee of new full power television station KCBU, channel 11, Price, Utah. The staff engineering analysis finds that the proposal is in compliance with the Commission’s principal community coverage and technical requirements. The substitution of channel 15 for channel 11 in the table will not result in any loss of existing service and it will also allow Gray to avoid the known viewer reception issues on its currently authorized VHF channel.

DATES: Effective May 5, 2025.

FOR FURTHER INFORMATION CONTACT:

Emily Harrison, Media Bureau, at Emily.Harrison@fcc.gov, (202) 418–1665, or Mark Colombo, Media Bureau, at Mark.Colombo@fcc.gov, (202) 418–7611.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission’s *Report and Order*, MB Docket No. 25–6; RM–11993; DA 25–355, adopted April 22, 2025, and released April 22, 2025. The proposed rule was published at 90 FR 11035 on March 3, 2025. The full text of this document is available online at <https://www.fcc.gov/edocs>.

This document does not contain information collection requirements

subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden “for small business concerns with fewer than 25 employees,” pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to this proceeding.

The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

Final Rule

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

- 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

- 2. In § 73.622, in the table in paragraph (j), under Utah, revise the entry for “Price” to read as follows:

§ 73.622 Digital television table of allotments.

* * *	* * *
(j) * * *	
Community	Channel No.
* * *	* * *
Utah	
* * *	* * *
Price	15
* * *	* * *
* * *	
[FR Doc. 2025–07788 Filed 5–2–25; 8:45 am]	
BILLING CODE 6712–01–P	

Proposed Rules

Federal Register

Vol. 90, No. 85

Monday, May 5, 2025

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2025-0744; Project Identifier AD-2024-00586-T]

RIN 2120-AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 757-200 and -300 series airplanes. This proposed AD was prompted by cracking found during an inspection on an airplane equipped with Aviation Partners Boeing (APB) scimitar blended winglets (SBWs). This proposed AD would require performing a general visual inspection (GVI) or maintenance records check of certain stringers for an approved freeze plug repair, performing a high frequency eddy current (HFEC) inspection of the same area for any crack common to a certain stringer and a reinforcement strap, and applicable on-condition actions. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by June 20, 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-2025-0744; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Aviation Partners Boeing material identified in this proposed AD, contact Aviation Partners Boeing, 2811 South 102nd St., Suite 200, Seattle, WA 98168; telephone 206-830-7699; email leng@aviationpartners.com; website aviationpartnersboeing.com.

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

FOR FURTHER INFORMATION CONTACT:

Sarah Illg, Aviation Safety Engineer, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712; phone: 206-231-3517; email: Sarah.A.Illg@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2025-0744; Project Identifier AD-2024-00586-T" at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to [regulations.gov](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 NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as "PROPIN." The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Sarah Illg, Aviation Safety Engineer, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712; phone: 206-231-3517; email: Sarah.A.Illg@faa.gov. Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA has received a report indicating a crack on a Model 757-200 airplanes equipped with APB scimitar blended winglets found during an HFEC inspection during accomplishment of a 4C maintenance check. The airplane had 22,185 total flight cycles and 106,470 total flight hours. The 0.40-inch crack was found on the right wing lower stringer L-8 vertical web flange at approximately wing station (WS) 401, located at a fastener common to the stringer L-8 and a reinforcement strap. The blended winglet configuration on Model 757-200 and -300 airplanes is similar; therefore, the 757-300 airplanes are also subject to the unsafe condition identified in this NPRM. This condition, if not addressed, could result in the inability of a principal structural element to sustain limit loads, which could adversely affect the structural integrity of the airplane.

FAA's Determination

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

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Aviation Partners Boeing Service Bulletin AP757–57–012 Revision 1, dated October 17, 2024. This material specifies procedures for performing a GVI or maintenance records check of the lower stringer L–6 and lower stringer L–8 vertical web flange, between WS 397.50 and WS 403 for an approved freeze plug repair; a surface HFEC inspection for cracking of the wing lower stringer L–6 and lower stringer L–8 vertical web flange, common to the reinforcement strap

attach fasteners located between WS 397.50 and WS 403.00; and applicable on-condition actions. On-condition actions include repetitive surface HFEC inspections for cracking, crack length measurement, a surface HFEC inspection of the lower stringer L–6 or L–8 vertical web flange around each of the four fasteners for cracks, crack removal, freeze plug repair, and crack repair.

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the material already described, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 156 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Left- and Right-wing GVI and HFEC Inspection	7 work-hours × \$85 per hour = \$595	\$0	Up to \$595	Up to \$92,820.

The FAA has received no definitive data on which to base the cost estimates for the on-condition actions specified in this proposed AD.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2025–0744; Project Identifier AD–2024–00586–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by June 20, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 757–200 and –300 series airplanes, certificated in any category, as specified in paragraph 1.A.1 of Aviation Partners Boeing Service Bulletin AP757–57–012, Revision 1, dated October 17, 2024.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Unsafe Condition

This AD was prompted by an operator reporting a crack on a Model 757–200 airplane equipped with Aviation Partners Boeing (APB) scimitar blended winglets (SBWs). The FAA is issuing this AD to address the potential for cracking on the right- or left-wing lower stringer L–8 or L–6 vertical web flange at a fastener common to the reinforcement strap. The unsafe condition, if not addressed, could result in the inability of a principal structural element to sustain limit loads, which could adversely affect the structural integrity of the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified in paragraphs (h) and (i) of this AD: At the applicable times specified in paragraph 1.E., “Compliance,” of Aviation Partners Boeing Service Bulletin AP757–57–012, Revision 1, dated October 17, 2024, do all applicable actions identified as “RC” (required for compliance) in, and in accordance with, the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP757–57–012, Revision 1, dated October 17, 2024.

(h) Exceptions to Service Bulletin Specifications

(1) Where the Compliance Time columns of the tables in “Compliance” paragraph of

Aviation Partners Boeing Service Bulletin AP757–57–012, Revision 1, dated October 17, 2024, refer to “the original issue date of this Service Bulletin,” this AD requires using the effective date of this AD.

(2) Where Table 2 and Table 3 of the “Compliance” paragraph of Aviation Partners Boeing Service Bulletin AP757–57–012, Revision 1, dated October 17, 2024, specify Action 1 without a compliance time, for this AD, the compliance time is before 9,500 flight cycles after the blended winglet installation, within 3,000 flight cycles after the effective date of this AD, or within 24 months after the effective date of this AD, whichever occurs latest.

(3) Where Table 5 and Table 6 of the “Compliance” paragraph of Aviation Partners Boeing Service Bulletin AP757–57–012, Revision 1, dated October 17, 2024, specify Action 1 without a compliance time, for this AD, the compliance time is before 8,000 flight cycles after the blended winglet installation, within 3,000 flight cycles after the effective date of this AD, or within 24 months after the effective date of this AD, whichever occurs latest.

(4) Where Table 9 and Table 10 of the “Compliance” paragraph of Aviation Partners Boeing Service Bulletin AP757–57–012, Revision 1, dated October 17, 2024, specify Action 1 without a compliance time, for this AD, the compliance time is before 9,500 flight cycles after the blended winglet installation, within 3,000 flight cycles after the effective date of this AD, or within 22 months after the effective date of this AD, whichever occurs latest.

(5) Where Table 12 and Table 13 of the “Compliance” paragraph of Aviation Partners Boeing Service Bulletin AP757–57–012, Revision 1, dated October 17, 2024, specify Action 1 without a compliance time, for this AD, the compliance time is before 8,000 flight cycles after the blended winglet installation, within 3,000 flight cycles after the effective date of this AD, or 22 within months after the effective date of this AD, whichever occurs latest.

(6) Where flagnote (b) of Figure 5 and Figure 10 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP757–57–012, Revision 1, dated October 17, 2024, specifies “If the crack is less than or equal to 0.268 inch, remove the crack. Refer to 757–200 SRM 51–10–02 as an accepted procedure. Maximum hole diameter 0.80 inch,” for this AD, replace that text with “If the crack is less than or equal to 0.268 inch, remove the crack. Refer to 757–200 SRM 51–10–02 as an accepted procedure. Maximum hole diameter 0.80 inch. Do an open-hole HFEC inspection of the hole in the stringer in accordance with 757 NDT Manual Part 6, 51–00–04, 51–00–11, or 51–00–16.”

(7) Where Condition 2 of Table 6 in the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP757–57–012, Revision 1, dated October 17, 2024, includes “remove crack” as part of the actions, the action “remove crack” is not required by this AD for Condition 2 of Table 6.

(8) Where Action 2 of Condition 4.2 in Table 3 of the Accomplishment Instructions

of Aviation Partners Boeing Service Bulletin AP757–57–012, Revision 1, dated October 17, 2024, does not include a method of compliance for the inspection, for this AD, the method of compliance is Figure 3 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP757–57–012, Revision 1, dated October 17, 2024.

(9) Where Action 2 of Condition 4.2 in Table 6 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP757–57–012, Revision 1, dated October 17, 2024, does not include a method of compliance for the inspection, for this AD, the method of compliance is Figure 8 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP757–57–012, Revision 1, dated October 17, 2024.

(10) Where Aviation Partners Boeing Service Bulletin AP757–57–012, Revision 1, dated October 17, 2024, specifies contacting Aviation Partners Boeing for repair instructions: This AD requires repair using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(i) No Report

Although Aviation Partners Boeing Service Bulletin AP757–57–012, Revision 1, dated October 17, 2024, specifies to report existing repairs, this AD does not require any report.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(3) Except as specified by paragraph (g) of this AD: For material that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (j)(3)(i) and (ii) of this AD apply.

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

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator’s maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(k) Related Information

For more information about this AD, contact Sarah Illg, Aviation Safety Engineer, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712; phone: 206–231–3517; email: Sarah.A.Illg@faa.gov.

(l) Material Incorporated by Reference

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

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

(i) Aviation Partners Boeing Service Bulletin AP757–57–012, Revision 1, dated October 17, 2024.

(ii) [Reserved]

(3) For Aviation Partners Boeing material identified in this AD, contact Aviation Partners Boeing, 2811 South 102nd St., Suite 200, Seattle, WA 98168; telephone 206–830–7699; email leng@aviationpartners.com; website aviationpartnersboeing.com.

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

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

Issued on April 24, 2025.

Victor Wicklund,

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

[FR Doc. 2025–07724 Filed 5–2–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2025–0466; Airspace Docket No. 25–AWP–138]

RIN 2120–AA66

Establishment of Class E Airspace; Wickenburg, AZ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

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

DATES: Comments must be received on or before June 20, 2025.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2025–0466 and Airspace Docket No. 25–AWP–138 using any of the following methods:

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

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

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

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

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

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

scope of that authority as it would establish Class E airspace extending upward from 700 feet above the surface at Wickenburg Municipal Airport, Wickenburg, AZ, to support IFR operations at this airport.

Comments Invited

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

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

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

Availability of Rulemaking Documents

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

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

business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Incorporation by Reference

Class E airspace is published in paragraph 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11J, dated July 31, 2024, and effective September 15, 2024. These updates would be published subsequently in the next update to FAA Order JO 7400.11. 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 Proposal

The FAA is proposing an amendment to 14 CFR part 71 by establishing Class E airspace extending upward from 700 feet above the surface at Wickenburg Municipal Airport, Wickenburg, AZ, beginning at point lat 34°01’27” N, long 112°32’48” W to lat 34°01’14” N, long 112°31’50” W to lat 33°59’31” N, long 112°32’238” W then following the 12.8-mile radius from the airport clockwise to lat 33°49’30” N, long 112°58’57” W to lat 33°51’03” N, long 113°02’00” W to lat 33°52’07” N, long 113°01’13” W then following the 12.8-mile radius from the airport clockwise to the point of origination.

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

Regulatory Notices and Analyses

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

under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11], 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.

* * * * *

AWP AZ E5 Wickenburg, AZ [Establish]

Wickenburg Municipal Airport, AZ
(Lat. 33°58'14" N, long. 112°47'42" W)

That airspace extending upward from 700 feet above the surface at Wickenburg Municipal Airport, Wickenburg, AZ, beginning at point lat 34°01'27" N, long 112°32'48" W to lat 34°01'14" N, long 112°31'50" W to lat 33°59'31" N, long 112°32'238" W then following the 12.8-mile radius from the airport clockwise to lat 33°49'30" N, long 112°58'57" W to lat 33°51'03" N, long 113°02'00" W to lat 33°52'07" N, long 113°01'13" W then following the 12.8-mile radius from the airport clockwise to the point of origination.

* * * * *

Issued in Fort Worth, Texas, on April 29, 2025.

Wayne L. Eckenrode,

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

[FR Doc. 2025–07664 Filed 5–2–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

31 CFR Part 1010

RIN 1506–AB68

Special Measure Regarding Huione Group, as a Foreign Financial Institution of Primary Money Laundering Concern

AGENCY: Financial Crimes Enforcement Network (FinCEN), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: FinCEN is issuing a notice of proposed rulemaking (NPRM), pursuant to section 311 of the USA PATRIOT Act, that proposes prohibiting the opening or maintaining of a correspondent account in the United States for, or on behalf of, Huione Group, a foreign financial institution based in Cambodia found to be of primary money laundering concern. The NPRM also would require covered financial institutions to apply special due diligence to their foreign correspondent accounts that is reasonably designed to guard against their use to process transactions involving Huione Group.

DATES: Written comments on the notice of proposed rulemaking must be submitted on or before June 4, 2025.

ADDRESSES: Comments must be submitted by one of the following methods:

- *Federal E-rulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments. Refer to Docket Number FINCEN–2025–0004 in the submission.

- *Mail:* Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183. Refer to Docket Number FINCEN–2025–0004 in the submission.

Please submit comments by one method only and note that comments submitted in response to this NPRM will become a matter of public record.

FOR FURTHER INFORMATION CONTACT: The FinCEN Resource Center at www.fincen.gov/contact.

SUPPLEMENTARY INFORMATION:

I. Statutory Provisions

Section 311 of the USA PATRIOT Act (section 311), codified at 31 U.S.C. 5318A, grants the Secretary of the Treasury (Secretary) the authority to make a finding that “reasonable grounds exist for concluding” that any of the following “is of primary money laundering concern:

- (i) A jurisdiction outside of the United States;
- (ii) One or more financial institutions operating outside of the United States;

- (iii) One or more classes of transactions within, or involving, a jurisdiction outside of the United States; or

- (iv) One or more types of accounts.¹

Upon making such a finding, the Secretary is authorized to require domestic financial institutions and domestic financial agencies to take certain “special measures.”² The five special measures set out in section 311 are safeguards that may be employed to defend the U.S. financial system from money laundering and terrorist financing risks. The Secretary may impose one or more of these special measures to protect the U.S. financial system from such threats. Through special measures one through four, the Secretary may impose additional recordkeeping, information collection, and reporting requirements on covered domestic financial institutions and domestic financial agencies—collectively, “covered financial institutions.”³ Through special measure five, the Secretary may “prohibit, or impose conditions upon, the opening or maintaining in the United States of a correspondent account or payable-through account” for or on behalf of a foreign banking institution, if such correspondent account or payable-through account involves the foreign financial institution found to be of primary money laundering concern.⁴

Before making a finding that reasonable grounds exist for concluding that a financial institution outside of the United States (or other jurisdiction, account, or class of transactions) is of primary money laundering concern, the Secretary is required to consult with both the Secretary of State and the Attorney General.⁵ In addition, in making a finding that reasonable grounds exist for concluding that a financial institution outside of the

¹ 31 U.S.C. 5318A(a)(1).

² On October 26, 2001, the President signed into law the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, Public Law 107–56 (USA PATRIOT Act). Title III of the USA PATRIOT Act amended the anti-money laundering (AML) provisions of the Bank Secrecy Act (BSA) to promote the prevention, detection, and prosecution of international money laundering and the financing of terrorism. The BSA, as amended, is the popular name for a collection of statutory authorities that FinCEN administers that is codified at 12 U.S.C. 1829b, 1951–1960 and 31 U.S.C. 5311–5314, 5316–5336, and includes other authorities reflected in notes thereto. Regulations implementing the BSA appear at 31 CFR Chapter X.

³ 31 U.S.C. 5318A(b)(1)–(4). The term “covered financial institution” has the same meaning as provided at 31 CFR 1010.605(e)(1); *see infra* section V.A.3.

⁴ 31 U.S.C. 5318A(b)(5).

⁵ 31 U.S.C. 5318A(c)(1).

United States is of primary money laundering concern, the Secretary is required to consider such information as the Secretary determines to be relevant, including the following potentially relevant institutional factors:

- The extent to which such a financial institution is used to facilitate or promote money laundering in or through a jurisdiction outside the United States, including any money laundering activity by organized criminal groups, international terrorists, or entities involved in the proliferation of weapons of mass destruction (WMD) or missiles.

- The extent to which such a financial institution is used for legitimate business purposes in the jurisdiction; and

- The extent to which such action is sufficient to ensure, with respect to transactions involving the jurisdiction and institutions operating in the jurisdiction, that the purposes of section 311 continue to be fulfilled, and to guard against international money laundering and other financial crimes.⁶

In selecting one or more special measures, the Secretary “shall consult with the Chairman of the Board of Governors of the Federal Reserve System, any other appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act), the Secretary of State, the Securities and Exchange Commission, the Commodity Futures Trading Commission, the National Credit Union Administration Board, and in the sole discretion of the Secretary, such other agencies and interested parties as the Secretary may find appropriate.”⁷ When imposing special measure five, the Secretary must do so “in consultation with the Secretary of State, the Attorney General, and the Chairman of the Board of Governors of the Federal Reserve System.”⁸ In addition, the Secretary is required to consider the following factors:

- Whether similar action has been or is being taken by other nations or multilateral groups;
- Whether the imposition of any particular special measure would create a significant competitive disadvantage, including any undue cost or burden associated with compliance, for financial institutions organized or licensed in the United States;

- The extent to which the action or the timing of the action would have a significant adverse systemic impact on the international payment, clearance, and settlement system, or on legitimate business activities involving the particular jurisdiction, institution, class of transactions, or type of account; and

- The effect of the action on United States national security and foreign policy.⁹

The authority of the Secretary to administer the Bank Secrecy Act (BSA) and its implementing regulations, including the authority under section 311 to make such a finding and to impose special measures, has been delegated to FinCEN.¹⁰

II. Summary of NPRM

Huione Group¹¹ is a financial services conglomerate based in Phnom Penh, Cambodia.¹² Huione Group’s website is registered¹³ to an individual with a listed location of Phnom Penh, Cambodia, but Huione Group, the parent entity of the conglomerate, does not appear to be registered as a business in any jurisdiction, though it was originally incorporated in Hong Kong in 2018 as Huione Group Limited.¹⁴ While several of Huione Group’s subsidiaries are registered outside of Cambodia, their

operations are principally carried out in Cambodia.

For years, Huione Group has laundered illicit proceeds from cybercrimes—namely, cyber heists carried out by the Lazarus Group,¹⁵ an entity sanctioned by Treasury’s Office of Foreign Assets Control (OFAC)—and Convertible Virtual Currency (CVC) investment scams carried out by transnational criminal organizations (TCOs) based in Southeast Asia.¹⁶

Since its establishment, Huione Group has set up a network of businesses, each playing a different role in its money laundering enterprise. However, FinCEN’s analysis of Huione Group has identified the sharing of CVC infrastructure by Huione Group’s constituent entities, indicating that the entities, including the parent Huione Group, are functionally operating as one and the same, despite the various branding. Because Huione Group’s subsidiaries have shared CVC infrastructure with its constituent entities, the structure makes it challenging to ascertain the specific subsidiary involved in any particular transaction.

The overall Huione Group network offers unique services ranging from an online marketplace selling items useful for carrying out cyber scams to money laundering services that accept both fiat currencies and CVC. Huione Group has also created its own stablecoin, a type of CVC that is usually backed by a predetermined quantity of fiat currency, most often the U.S. dollar (USD). The stablecoin, “USDH,” which is a ticker symbol for “U.S. Dollar Huione,” is pegged to the USD at a one-to-one ratio and is represented as a stablecoin that cannot be frozen. In contrast, many stablecoin issuers develop their stablecoins to retain the ability to freeze funds, which they have sometimes done in cases of known criminal activity, or at the request of law enforcement. Because Huione Group claims that USDH cannot be frozen, this service offers Huione Group’s clientele a

⁹ 31 U.S.C. 5318A(a)(4)(B)(i)–(iv).

¹⁰ Pursuant to Treasury Order 180–01 (Jan. 14, 2020), the authority of the Secretary to administer the BSA, including, but not limited to, 31 U.S.C. 5318A, has been delegated to the Director of FinCEN.

¹¹ As will be discussed in greater detail in section III, Huione Group is the parent company of the following subsidiaries: Huione Crypto, Haowang Guarantee, and Huione Pay PLC. FinCEN assesses that this collective grouping of exchange services is a single organization, and for that reason, FinCEN will correspondingly refer to this collective as the Huione Group.

¹² Cambodia Corporate Registry, *Huione Search*, <https://www.businessregistration.moc.gov.kh/cambodia-master/service/create.html?targetAppCode=cambodia-master&targetRegisterAppCode=cambodia-br-companies&service=registerItemSearch> (last accessed Mar. 27, 2025); Huione Pay, *Index*, <https://www.huionepay.com.kh/index/help>; Huione Group, *About*, which is no longer accessible and will be discussed later in this section, *formerly available at* <https://huione.com/html/about.jsp> (last accessed Sept. 24, 2024). Huione Crypto has numerous job announcements with a work location in Phnom Penh, Cambodia. See Huione Crypto, *Career Opportunities*, <https://www.huione.io/en-US/careerOpportunities> (last accessed Mar. 27, 2025). Haowang Guarantee also lists job announcements with a work location in Phnom Penh, Cambodia. See Haowang Guarantee, *About*, <https://www.hwdb.la/about/> (last accessed Mar. 27, 2025).

¹³ The registration is valid through June 3, 2025. See ICANN, *Huione.com*, <https://lookup.icann.org/en/huione.com> (last accessed Mar. 27, 2025).

¹⁴ Hong Kong Companies Registry, *Huione Group Limited*, at p. 54, https://www.cr.gov.hk/docs/wrpt/RNC063_2018.12.17-2018.12.23.pdf.

⁶ 31 U.S.C. 5318A(c)(2)(B)(i)–(iii). In addition, in the case of a finding relating to a particular jurisdiction, section 311 sets out certain “jurisdictional factors” that the Secretary may consider, which are not relevant here. See 31 U.S.C. 5318A(c)(2)(A)(i)–(vii).

⁷ 31 U.S.C. 5318A(a)(4)(A).

⁸ 31 U.S.C. 5318A(b)(5).

¹⁵ The Lazarus Group is an agency, instrumentality, or controlled entity of the government of the Democratic People’s Republic of Korea, that has stolen large volumes of Convertible Virtual Currency in numerous and often widely reported cyber heists. On September 13, 2019, the Lazarus Group was sanctioned by OFAC. See Department of the Treasury, Press Release, *Treasury Sanctions North Korean State-Sponsored Malicious Cyber Groups*, (Sept. 13, 2019), <https://home.treasury.gov/news/press-releases/sm774>.

¹⁶ These scams are also referred to as “pig butchering.” See FinCEN, FIN–2023-Alert005, *FinCEN Alert on Prevalent Virtual Currency Investment Scam Commonly Known as “Pig Butchering”* (Sept. 8, 2023), https://www.fincen.gov/sites/default/files/shared/FinCEN_Alert_Pig_Butchering_FINAL_508c.pdf.

virtually risk-free ecosystem to move or store CVC without the risk of interception or “freezing” by law enforcement.

Finally, much of the illicit revenue laundered through Huione Group originates from well-documented criminal activity, and numerous publicly available reports describe the failings of Huione Group’s anti-money laundering/know your customer (AML/KYC) program. Despite these reports and Huione Group’s public acknowledgments of its failings,¹⁷ FinCEN assesses that Huione Group has made no meaningful steps to effectively address these AML/KYC deficiencies.

This NPRM (1) sets forth FinCEN’s finding, based on public and non-public information, that Huione Group is a financial institution operating outside of the United States of primary money laundering concern; and (2) proposes that, under special measure five, covered financial institutions be prohibited from opening or maintaining a correspondent account for, or on behalf of, Huione Group.

III. Finding That Huione Group Is a Financial Institution Operating Outside of the United States and a Foreign Financial Institution

As set forth above, section 311 authorizes FinCEN, through delegated authority and in pertinent part, to make a finding “that reasonable grounds exist for concluding” that “[one] or more financial institutions operating outside of the United States” is “of primary money laundering concern.”¹⁸ A

prerequisite to such a finding is that the relevant institution is a “financial institution operating outside of the United States.”¹⁹

The BSA defines a “financial institution” to be any of several categories of entities, including money transmitters.²⁰ The BSA defines a money transmitter as including “a licensed sender of money or any other person who engages as a business in the transmission of currency funds, or value that substitutes for currency.”²¹ A money transmitter does not require a particular license, corporate structure, or physical location.

As detailed further below, much of Huione Group’s illicit money transmitting activity occurs through transactions in CVC. This is consistent with the money transmitter definition, which includes services in CVC. FinCEN’s May 9, 2019, Guidance on CVC explains that for the purposes of the BSA’s implementing regulations, persons “may be a money transmitter . . . regardless of the technology employed for the transmittal of value or the type of asset the person uses as value that substitutes for currency, or whether such asset is physical or virtual.”²² For the reasons explained in the May 9, 2019, Guidance, the term “value that substitutes for currency” includes CVC.²³

¹⁹ 31 U.S.C. 5318A(a)(1) authorizes the imposition of special measures on, among others, “financial institutions operating outside of the United States.” Of the five special measures authorized by the statute, the fifth measure authorizes “Prohibitions or Conditions on Opening or Maintaining Certain Correspondent or Payable-Through Accounts.” The statute goes on to define the terms correspondent account and payable-through account in reference to payments made on behalf of a “foreign financial institution”—a term otherwise undefined. For the purposes of this NPRM, and under these facts, FinCEN finds that Huione Group is both a foreign financial institution and a financial institution outside of the United States.

²⁰ See 31 U.S.C. 5312(a)(2).

²¹ 31 U.S.C. 5312(a)(2)(R) (allowing “a licensed sender of money or any other person . . .” to constitute money transmitter). FinCEN’s implementing regulations define “person” broadly as “an individual, a corporation, a partnership, a trust or estate, a joint stock company, an association, a syndicate, joint venture, or other unincorporated organization or group, an Indian Tribe (as that term is defined in the Indian Gaming Regulatory Act), and all entities cognizable as legal personalities.” 31 CFR 1010.100(mm).

²² FinCEN, FIN–2019–G001, *Application of FinCEN’s Regulations to Certain Business Models Involving Convertible Virtual Currencies* (May 9, 2019), at Section 1.2.3, <https://www.fincen.gov/sites/default/files/2019-05/FinCEN%20Guidance%20CVC%20FINAL%20508.pdf>.

²³ *Id.* at Sections 1.2.1, 1.3.

A. Huione Group and Its Three Identified Subsidiaries Are Each a Financial Institution

Huione Group is a parent entity that controls three subsidiaries: (i) Haowang Guarantee; (ii) Huione Pay PLC; and (iii) Huione Crypto (collectively, the “Subsidiaries”). Based on the following, FinCEN finds that reasonable grounds exist to conclude that Huione Group and each of the Subsidiaries engages in the business of money transmission, and is thereby a financial institution under the BSA and its implementing regulations.

1. Huione Group

Huione Group is a Cambodia based, Hong Kong-registered²⁴ sole proprietorship founded in or around 2014, appears to be owned and controlled by an individual Cambodian national,²⁵ and holds itself out as the parent entity of the Subsidiaries.²⁶ By its own account, Huione Group began as a fiat currency exchange service and over the past decade, expanded its commercial interests to include finance, insurance, real estate entities,²⁷ and most recently, CVC exchange services.²⁸ The Subsidiaries operate an interconnected payment service provider, illicit online market, and a

²⁴ Hong Kong Companies Registry, *Huione Group Limited*, at p. 54, https://www.cr.gov.hk/docs/wrpt/RNC063_2018.12.17-2018.12.23.pdf.

²⁵ See The Record, *Tether freezes \$29 million of cryptocurrency connected to Cambodian marketplace accused of fueling scams* (July 15, 2024), <https://therecord.media/tether-freezes-29-million-crypto-connected-to-scam-marketplace>.

²⁶ See, e.g., Elliptic, *Huione: The Company Behind the Largest Ever Illicit Online Marketplace Has Launched a Stablecoin* (Jan. 14, 2025), <https://www.elliptic.co/blog/huione-largest-ever-illicit-online-marketplace-stablecoin>; Elliptic, *Huione Guarantee: The multi-billion dollar marketplace used by online scammers* (July 9, 2024, updated Mar. 27, 2025), <https://www.elliptic.co/blog/cyber-scam-marketplace>; Chainalysis, *2024 Crypto Crime Mid-year Update Part 2: China-based CSAM and Cybercrime Networks on the Rise, Pig Butchering Scams Remain Lucrative* (Aug. 29, 2024), <https://www.chainalysis.com/blog/2024-crypto-crime-mid-year-update-part-2/>; ABC News, *Cambodian online marketplace outed as one-stop shop for scammers’ money laundering and ‘detention equipment’ needs* (July 26, 2024), <https://www.abc.net.au/news/2024-07-27/online-marketplace-for-money-laundering-and-scammers/104131624>; Huione Crypto, *Terms and Conditions*, <https://www.huione.io/en-US/termsAndConditions/userAgreement> (last accessed Mar. 27, 2025). The Huione Group website is no longer accessible, which FinCEN assesses is more likely than not caused by negative public attention following a series of reports by blockchain analytic firms on money laundering occurring at Huione Group.

²⁷ Huione Group, *Who We Are*, formerly available at <https://www.huione.com/html/about.jsp> (last accessed Sept. 24, 2024).

²⁸ Huione Crypto, *Introduce*, <https://www.huione.io/en-US/introduce> (last accessed Mar. 26, 2025).

¹⁷ Following negative public reporting about Huione Group in July 2024, Huione Group provided a statement to ABC News, stating that “. . . because our [Huione Group’s] services are all public, covering Asia, Europe and America, and the privacy attributes of [CVC] are superimposed, our KYC [know your customer] capabilities are now seriously insufficient.” See ABC News, *Cambodian online marketplace outed as one-stop shop for scammers’ money laundering and ‘detention equipment’ needs* (July 26, 2024), <https://www.abc.net.au/news/2024-07-27/online-marketplace-for-money-laundering-and-scammers/104131624>; see also The Record, *Tether freezes \$29 million of cryptocurrency connected to Cambodian marketplace accused of fueling scams* (July 15, 2024), <https://therecord.media/tether-freezes-29-million-crypto-connected-to-scam-marketplace>; Elliptic, *Huione Guarantee: The multi-billion dollar marketplace used by online scammers* (July 9, 2024, updated Mar. 27, 2025), <https://www.elliptic.co/blog/cyber-scam-marketplace>; Elliptic, *Huione: The Company Behind the Largest Ever Illicit Online Marketplace Has Launched a Stablecoin* (Jan. 14, 2025), <https://www.elliptic.co/blog/huione-largest-ever-illicit-online-marketplace-stablecoin>; Chainalysis, *2024 Crypto Crime Mid-year Update Part 2: China-based CSAM and Cybercrime Networks on the Rise, Pig Butchering Scams Remain Lucrative* (Aug. 29, 2024), <https://www.chainalysis.com/blog/2024-crypto-crime-mid-year-update-part-2/>.

¹⁸ 31 U.S.C. 5318A(a)(1).

CVC exchanger (a type of virtual asset service provider or VASP).

Huione Group, as an individual entity, coordinates the Subsidiaries' activities by operating the customer service and public relations functions of the Huione Group. Huione Group does this by hosting Telegram channels to aid customers experiencing problems with the services that the Subsidiaries provide.²⁹ One of Huione Group's Telegram channels also provides public relations commentary on behalf of the whole of the Huione Group collective. Most recently, that public relations channel responded to counter news media reports that the Cambodian government revoked Huione Pay PLC's banking license.³⁰ Lastly, Huione Group's Subsidiaries all have shared CVC infrastructure, making it challenging to ascertain the specific subsidiary involved in a particular transaction.

FinCEN finds that reasonable grounds exist to conclude that Huione Group is a money transmitter. By providing customer service and public relations services on behalf of the Subsidiaries, Huione Group is itself part of "a network of people who engage as a business in facilitating the transfer of money." Furthermore, through Huione Group's apparent control of the Subsidiaries (each of which is itself a money transmitter, and through Huione Group's coordination of the Subsidiaries' business activities such that they form a self-contained ecosystem of exchange, payment, and market services), Huione Group is engaged as a business in the transmission of value that substitutes for currency. Accordingly, FinCEN finds that reasonable grounds exist to conclude that Huione Group is a financial institution as defined by the BSA and as that term is used in section 311.

2. Haowang Guarantee (Formerly Known as Huione Guarantee)³¹

Haowang Guarantee describes itself as "a professional e-commerce platform

²⁹ Telegram, *Huione Group Customer Service Center*, <https://t.me/huionekf/138> (last accessed Mar. 27, 2025).

³⁰ Telegram, *Huione Group Customer Service, Huione Statement* (Mar. 9, 2025), <https://t.me/huionekf/346>.

³¹ On October 19, 2024, Huione Guarantee was rebranded as Haowang Guarantee, announcing the change on September 30, 2024, and offering customer discount following the rebrand to thank their long-term customers. The reason for such a rebrand is unclear, although it could be to distance itself from the recent negative public reporting about Huione Group. Telegram, *Haowang Guarantee Customer Service Channel* (Sept. 30, 2024), <https://t.me/s/kefu> (last accessed Mar. 27, 2025).

that provides users with virtual digital products and transaction services . . . [that] does not participate in nor understand the specific business of the customer. . . . Huione cannot verify or guarantee the process of funds or goods."³² Multiple blockchain analytic firms have analyzed and reported on Haowang Guarantee for facilitating the sale of contraband and illicit services. For example, a public report issued by blockchain analytics company Elliptic found that Haowang Guarantee appears to operate in a manner similar to a darknet market.³³ This assessment is based on the fact that Haowang Guarantee offers a marketplace where third party merchants can sell goods and services, including money laundering services and equipment that can be used to detain people, which could be used for illicit purposes such as enabling human trafficking.³⁴ While FinCEN does not have evidence that Haowang Guarantee operates on the darknet, FinCEN assesses that Haowang Guarantee deals in the sale of illicit goods and services in a manner similar to a darknet market but on the open internet.³⁵

Chainalysis, a separate blockchain analytics company, found similar results. In its 2024 Crypto Crime Mid-year Update Report, it determined that Haowang Guarantee operates as a peer-to-peer marketplace that connects buyers and sellers and facilitates transactions.³⁶ Chainalysis reviewed blockchain data of Haowang Guarantee and determined it had processed at least USD 49 billion worth of CVC since 2021. Chainalysis also determined that merchants operating on Haowang Guarantee's marketplace offered various illicit services, including the

³² Haowang Guarantee, *About*, <https://www.hwbd.la/about> (last accessed Mar. 27, 2025).

³³ Darknet Markets almost exclusively accept CVC as payment for a large range of illegal services and goods, including ransomware-as-a-service (RaaS). CVC is often the payment method of choice on darknet marketplaces because illicit actors who transact on the darknet often incorrectly believe virtual currencies to be an anonymous and untraceable means of exchange.

³⁴ Elliptic, *Huione Guarantee: The multi-billion dollar marketplace used by online scammers* (July 9, 2024, updated Mar. 27, 2025), <https://www.elliptic.co/blog/cyber-scams-marketplace>.

³⁵ See Department of the Treasury, Press Release, *Treasury Sanctions Russia-Based Hydra, World's Largest Darknet Market, and Ransomware-Enabling Virtual Currency Exchange Garantex* (Apr. 5, 2022), <https://home.treasury.gov/news/press-releases/jy0701>.

³⁶ Chainalysis, *2024 Crypto Crime Mid-year Update Part 2: China-based CSAM and Cybercrime Networks on the Rise, Pig Butchering Scams Remain Lucrative* (Aug. 29, 2024), <https://www.chainalysis.com/blog/2024-crypto-crime-mid-year-update-part-2/>.

technology, infrastructure and resources to conduct cyber scams.³⁷

In addition, Elliptic reports that Haowang Guarantee provides money laundering services to criminal organizations, helping them transfer the proceeds of investment frauds and other cyber scams to the legitimate banking sector undetected.³⁸ Because Haowang Guarantee offers "virtual digital products and transaction services" and facilitates CVC (digital asset) transactions, FinCEN finds that there are reasonable grounds to conclude that it is engaged as a business in the transmission of value that substitutes for currency. Accordingly, FinCEN finds that reasonable grounds exist to conclude that Haowang Guarantee is a financial institution as that term is used in the BSA and section 311.

3. Huione Pay PLC

As of January 2025, Huione Pay PLC was registered as a payment services institution with the National Bank of Cambodia.³⁹ Until December 2023, there was a likely related entity, "Huione Pay," registered as a money services business in Canada, which was incorporated in the country as Huione Pay Inc.⁴⁰ In March 2025, Huione Group advertised its plans to expand Huione Pay PLC into new markets, including in North America.⁴¹

Huione Pay PLC offers its customers the ability to trade CVC on different blockchains, and to convert CVC to or from various fiat currencies.⁴² Huione Pay PLC is registered with the Cambodian Ministry of Commerce for "other financial service activities."⁴³

³⁷ *Id.*

³⁸ Elliptic, *Huione: The Company Behind the Largest Ever Illicit Online Marketplace Has Launched a Stablecoin* (Jan. 14, 2025), <https://www.elliptic.co/blog/huione-largest-ever-illicit-online-marketplace-stablecoin>.

³⁹ National Bank of Cambodia, *List of Payment Service Institutions* (Dec. 31, 2024), https://www.nbc.gov.kh/download_files/data/english/EN-PSIs.pdf (last accessed Mar. 21, 2025).

⁴⁰ Financial Transactions and Reports Analysis Centre of Canada (FINTRAC), *Money Services Business Registry, Huione Pay Inc.*, <https://fintrac-canafe.canada.ca/msb-esm/reg-eng> (last accessed Mar. 13, 2025).

⁴¹ Telegram, *Huione Group Customer Service, Huione Statement* (Mar. 9, 2025), <https://t.me/huionekf/346>.

⁴² Huione Pay website, *Index*, <https://www.huionepay.com.kh/index/help> (last accessed Mar. 27, 2025).

⁴³ See Cambodia Corporate Registry, *Huione Search*, <https://www.businessregistration.moc.gov.kh/cambodia-master/service/create.html?targetAppCode=cambodia-master&targetRegisterAppCode=cambodia-br-companies&service=registerItemSearch> (last accessed Mar. 27, 2025). On March 6, 2025, a media report indicated that Huione Pay PLC's banking

Continued

Part of Huione Pay PLC, Huione International Payments, acts as a merchant on Haowang Guarantee's platform and exchanging CVC to facilitate the transfer of the proceeds of cyber scams.⁴⁴ Huione Pay PLC holds the local equivalent of a money transmitting business license issued by the Kingdom of Cambodia and engages in the exchange of CVC in a manner consistent with the definition of a money transmitting business. Accordingly, FinCEN finds that reasonable grounds exist to conclude that Huione Pay PLC is a financial institution as that term is used in the BSA and section 311.

4. Huione Crypto

Huione Crypto provides CVC trading services through its "Huione Exchange" brand, which it owns and operates. Huione Exchange provides a platform for its customers to trade CVC using either its "peer to peer" or "centralized exchange platform."⁴⁵ In other words, Huione Crypto is a VASP operating under the Huione Group umbrella, and other Huione Group entities use Huione Crypto's infrastructure to engage in CVC transactions. Separately, Huione Crypto issues the USDH stablecoin.⁴⁶ By facilitating CVC value exchanges for its customers through its trading platform, and by issuing a stablecoin that facilitates the transfer of money outside the conventional financial institution systems, Huione Crypto is engaged in

license was revoked by the Cambodian government. See Radio Free Asia, *Exclusive: World's Largest online black market' Loses banking license* (Mar. 6, 2025), <https://www.rfa.org/english/cambodia/2025/03/06/huione-cambodia-cyberscam-cryptocurrency/>. Huione Group responded to the allegations, refuting them by noting that Huione Pay PLC does not require a banking license for its operations. Telegram, *Huione Group Customer Service, Huione Statement* (Mar. 9, 2025), <https://t.me/huionekf/346>. However, as of March 10, 2025, Huione Pay PLC is still listed as having an active license for "other financial services activities." See Cambodia Corporate Registry, *Huione Search*, <https://www.businessregistration.moc.gov.kh/cambodia-master/service/create.html?targetAppCode=cambodia-master&targetRegisterAppCode=cambodia-br-companies&service=registerItemSearch> (last accessed Mar. 27, 2025).

⁴⁴ FinCEN assesses that Huione International Payments is part of Huione Pay PLC and that the entity supports Haowang Guarantee's facilitation of transactions connected to money laundering activities. See Elliptic, *Huione Guarantee: The multi-billion dollar marketplace used by online scammers* (July 9, 2024, updated Mar. 27, 2025), <https://www.elliptic.co/blog/cyber-scam-marketplace>; The New York Times, *How Scammers Launder Money and Get Away With It* (Mar. 23, 2025), <https://www.nytimes.com/2025/03/23/world/asia/cambodia-money-laundering-huione.html>.

⁴⁵ Huione Crypto, *Legal*, <https://www.huione.io/en-US/termsAndConditions/userAgreement> (last accessed Mar. 27, 2025).

⁴⁶ See *supra* Section II.

money transmission as described at 31 U.S.C. 5312(R). Accordingly, FinCEN finds that reasonable grounds exist to conclude that Huione Crypto is a financial institution as that term is used in the BSA and section 311.

B. Huione Group Operates Outside the United States

1. Huione Group

Based on publicly available information, Huione Group is operated by a Cambodian person, from Phnom Penh, Cambodia.⁴⁷ Furthermore, the Huione Group website is registered to a Cambodian address in Phnom Penh, uses a Cambodian Top-Level Domain, and communicates predominately in the Chinese language via a Cambodian website and Telegram Channel operated from Cambodia. Accordingly, FinCEN finds that reasonable grounds exist to conclude that Huione Group is operated from and located in Cambodia and thus operates outside of the United States.

2. Haowang Guarantee (Formerly Huione Guarantee)

Haowang Guarantee operates Telegram-based marketplace that allows its customers to buy and sell goods and services, relying on other Huione Group services and infrastructure to execute the exchanges. Haowang Guarantee appears to serve, in significant part, fraudsters based in Southeast Asia. FinCEN assesses that Haowang Guarantee deliberately obfuscates its location in order to shield its enterprise and customers from law enforcement. Haowang Guarantee is integrated into Huione Group's operations and is apparently subject to Huione Group's control. FinCEN assesses that it is operated from Cambodia and Haowang Guarantee advertises job opportunities based in Phnom Penh, Cambodia. Accordingly, FinCEN finds that reasonable grounds exist to conclude that Haowang Guarantee is operated from and located in Cambodia and thus operates outside of the United States.

3. Huione Pay PLC

Huione Pay PLC operates eight Cambodian domestic branch locations, located in Battambang, Phnom Penh,

⁴⁷ The Record, *Tether freezes \$29 million of cryptocurrency connected to Cambodian marketplace accused of fueling scams* (July 15, 2024), <https://therecord.media/tether-freezes-29-million-crypto-connected-to-scam-marketplace>; see also ICANN, *Huione.com*, <https://lookup.icann.org/en/huione.com>; Elliptic, *Huione Guarantee: The multi-billion dollar marketplace used by online scammers* (July 9, 2024, updated Mar. 27, 2025), <https://www.elliptic.co/blog/cyber-scam-marketplace>.

Poipet, Siem Reap, and Sihanoukville.⁴⁸ Huione Pay PLC also advertises on social media that it has operated a branch in Laukkaing,⁴⁹ the capital of the Kokang Self-Administered Zone in northern Burma and a known center for criminal CVC investment scams, before a 2023–2024 crackdown shuttered the majority of these operations.⁵⁰ Huione Pay PLC is registered as a payment services institution with the National Bank of Cambodia.⁵¹ Based on the foregoing, FinCEN finds that reasonable grounds exist to conclude that Huione Pay PLC is operated from and located in Cambodia and thus operates outside of the United States.

4. Huione Crypto

Huione Crypto, under the name Huione Crypto Spółka Z Ograniczoną Odpowiedzialnością, is registered in Poland.⁵² Despite its Polish registration, however, FinCEN assesses that Huione Crypto operates in and from Cambodia.⁵³ Huione Crypto is registered as a Money Services Business (MSB)⁵⁴ with FinCEN; however, FinCEN has found no evidence consistent with activity in the United States by this entity. FinCEN assesses that the "Group" referenced in Huione Crypto's *Standard Terms and Conditions* refers to Huione Group, and that Huione Crypto's CVC services share infrastructure with Huione Pay PLC and Haowang Guarantee, and collectively comprise a single organization.

Regardless of this distinction, FinCEN will discuss Huione Crypto as a related, but distinct subsidiary of Huione Group. Huione Crypto advertises jobs in Phnom Penh, Cambodia indicating it is likely

⁴⁸ Telegram, *Huione Branch*, <https://t.me/huionestoreaddress/7> (last accessed Mar. 27, 2025).

⁴⁹ Telegram, *Huione Group Customer Service Center*, <https://t.me/huionekf/138> (last accessed Mar. 27, 2025).

⁵⁰ Recorded Future, *Myanmar rebels take control of 'pig butchering' scam city amid China pressure on junta* (Jan. 8, 2024), <https://therecord.media/myanmar-rebels-control-pig-butchering-scam-hub>.

⁵¹ National Bank of Cambodia, *List of Payment Service Institutions* (Dec. 31, 2024), https://www.nbc.gov.kh/download_files/data/english/EN/EN-PSIs.pdf (last accessed Mar. 21, 2025).

⁵² Polish corporate registration database, *Huione Crypto SPÓŁKA Z OGRANICZONĄ ODPOWIEDZIALNOŚCIĄ*, <https://www.biznes.gov.pl/en/wyszukiwarka-firm/wpis/krs/0001043802> (last accessed Mar. 27, 2025).

⁵³ Huione Crypto, *Career Opportunities*, <https://huione.io/en-US/careerOpportunities> (last accessed Mar. 27, 2025); Huione Crypto, *Legal*, <https://www.huione.io/en-US/termsAndConditions/userAgreement> (last accessed Mar. 27, 2025); Huione Pay PLC, www.huionepay.com.kh (last accessed Mar. 27, 2025).

⁵⁴ For more information on what type of business or activity requires registration as a money service business, see FinCEN, *Money Services Business Definition*, <https://www.fincen.gov/money-services-business-definition>.

operated out of Cambodia, instead of Poland. Additionally, the Standard Terms and Conditions of Huione Crypto state that the “Group provides the Services through www.7572.com, the Group’s mobile application or any Huione application programming interface.” The listed web page (www.7572.com) automatically redirects to the website of Huione Pay PLC (www.huionepay.com.kh).⁵⁵ Indeed, Huione Crypto’s terms expressly disclaim that persons inside the United States may not avail themselves of Huione Group’s services.⁵⁶ Accordingly, FinCEN finds that reasonable grounds exist to conclude that Huione Crypto is operated from and located in Cambodia and thus operates outside of the United States.

5. Huione Group’s Registrations With FinCEN and Absence of United States Operations

The most evidence of activity in the United States by Huione Group or the Subsidiaries are three MSB registrations⁵⁷ with FinCEN and an address reported on two registrations.⁵⁸ In April 2023, Huione Crypto registered as a dealer in foreign exchange, and provided a business address in Phnom Penh, Cambodia, while noting no branches in the United States. In August 2024, Huione Pay Inc. registered to conduct multiple MSB activities, including check cashing, dealing in foreign exchange, and money transmission. Huione Pay Inc. provided an address in Denver, Colorado associated with a virtual mail forwarding service, and it also noted no branches in the United States. Finally, in February 2025, Huione LTD registered as a dealer in foreign exchange, money transmitter, and seller of money orders, and noted no branches in the United States. Huione LTD appears to use the same Denver, Colorado mail forwarding service as Huione Pay Inc. FinCEN has not identified any actual physical location or other information suggesting Huione Group or the Subsidiaries are actually operating in the United States.

Based on the foregoing, FinCEN assesses that Huione Group and the Subsidiaries are predominately operated from and located in Cambodia, with a limited connection—a corporate registration—to Poland. While the three MSB registrations by Huione Crypto, Huione Pay Inc., and Huione LTD suggest that Huione Group may intend to expand its business to the United States in the future, as of the date of this NPRM, FinCEN is not aware of any physical presence by Huione Group or the Subsidiaries in the United States or any substantial business with customers in the United States.

Accordingly, FinCEN finds that there are reasonable grounds to conclude that Huione Group and the Subsidiaries are foreign financial institutions that operate outside the United States.

IV. Finding That Huione Group Is of Primary Money Laundering Concern

Pursuant to 31 U.S.C. 5318A(a)(1), FinCEN finds that reasonable grounds exist for concluding that Huione Group⁵⁹ is of primary money laundering concern. Below is a discussion of the relevant statutory institutional factors FinCEN considered in making this finding related to this Cambodia-based financial institution.

A. The Extent to Which Huione Group Is Used To Facilitate or Promote Money Laundering, Including Any Money Laundering Activity by Organized Criminal Groups, International Terrorist, or Entities Involved in the Proliferation WMD or Missiles

Under section 311, in deciding to apply one or more special measures, FinCEN may consider the extent to which the financial institution is “used to facilitate or promote money laundering” including “any money laundering activity by organized criminal groups, international terrorists, or entities involved in the proliferation of weapons of mass destruction or missiles.”⁶⁰ FinCEN assesses that Huione Group is used to facilitate and promote money laundering, particularly in support of illicit financial activities connected to the Democratic People’s Republic of Korea (DPRK) and Southeast Asia-based TCOs. Because Huione Group has shared infrastructure with its constituent entities, the structure makes it challenging to ascertain the specific subsidiary involved in any particular transaction. FinCEN bases this assessment on information available

through both public and non-public reporting, and after thorough consideration of each of the following factors: (1) Huione Group provides services that DPRK government entities use to launder the proceeds of cyber heists; (2) TCOs based in Southeast Asia have used Huione Group to launder illicit proceeds of cyber scams, including CVC investment scams; and (3) Huione Group operates an illicit online market.

1. Huione Group Facilitates Transactions for DPRK Actors To Launder Funds From Sanctions Evasion and Cyber Heists

DPRK-affiliated actors have extensively used the Huione Group to launder stolen CVC for the benefit of the DPRK government and in support of DPRK’s WMD and ballistic missile programs, in violation of U.S. and multilateral sanctions programs, including United Nation Security Council Resolutions (UNSCRs). The United States has consistently taken measures to counter DPRK’s abuse of CVC and protect the United States from DPRK’s illicit financial activity.⁶¹ However, as outlined in Treasury’s 2024 National Proliferation Financing Risk Assessment, DPRK has continued to advance its illicit exploitation of new financial technology, including the theft and laundering of CVC, to raise and move money to fund its illicit weapons programs.⁶² Indeed, a United Nations Panel of Experts (UN POE) found that the malicious cyber activities of the DPRK generates approximately 50 percent of its foreign currency income. In its March 2024 annual report, the UN POE indicated that it was investigating 17 CVC heists in 2023 for which the DPRK may be responsible, valued at more than USD 750 million.⁶³

a. Background on CVC Heists Carried Out by DPRK

In the same March 2024 report, the UN POE noted it was investigating 58 suspected cyberattacks by DPRK’s Reconnaissance General Bureau

⁵⁵ See FinCEN, MSB Registrant Search, *Huione*, <https://www.fincen.gov/msb-state-selector>.

⁵⁶ Huione Crypto, *Legal*, <https://www.huione.io/en-US/termsAndConditions/userAgreement> (last accessed Mar. 27, 2025).

⁵⁷ FinCEN’s MSB Registrant Search web page reflects only what the registrant has provided to FinCEN, and FinCEN does not approve or endorse any business that has registered as an MSB.

⁵⁸ An examiner attempted to contact Huione Pay Inc. at the Denver, Colorado location in November 2024, but the examiner did not identify a Huione Pay representative, nor any other evidence of a physical presence by Huione Pay.

⁵⁹ As described in section III, Huione Group is a parent entity that controls three subsidiaries: (a) Haowang Guarantee; (b) Huione Pay PLC; and (c) Huione Crypto.

⁶⁰ 31 U.S.C. 5318A(c)(2)(B)(i).

⁶¹ See FinCEN, *READOUT: FinCEN Hosts Public-Private Dialogue on Countering the DPRK’s Illicit Cyber Activities* (Aug. 31, 2023), <https://www.fincen.gov/news/news-releases/readout-fincen-hosts-public-private-dialogue-countering-dprks-illicit-cyber>.

⁶² Department of the Treasury, *National Proliferation Financing Risk Assessment* (Feb. 7, 2024), at pp. 2, 18, <https://home.treasury.gov/system/files/136/2024-National-Proliferation-Financing-Risk-Assessment.pdf>.

⁶³ United Nations, *S/2024/215, UN Panel of Experts Letter* (Mar. 7, 2024), at p. 60, <https://documents.un.org/doc/undoc/gen/n24/032/68/pdf/n2403268.pdf>.

(RGB),⁶⁴ to which the Lazarus Group⁶⁵ is related, on CVC companies between 2017 and 2023, valued at approximately USD 3 billion. FinCEN assesses that these funds likely bolstered DPRK's WMD development.⁶⁶ The Federal Bureau of Investigation (FBI), the Cybersecurity and Infrastructure Security Agency (CISA), and Treasury issued a joint Cybersecurity Advisory to highlight the cyber threat associated with cryptocurrency thefts and tactics used by the DPRK state-sponsored advanced persistent threat group, since at least 2020.⁶⁷ The U.S. government has observed DPRK cyber actors targeting a variety of organizations in the blockchain technology and cryptocurrency industry, including cryptocurrency exchanges, decentralized finance protocols, play-to-earn CVC video games, CVC trading companies, venture capital funds investing in CVC, and individual holders of large amounts of cryptocurrency or valuable non-fungible tokens.⁶⁸ FinCEN assesses that, over time, the DPRK's money laundering processes have become more complex in order to evade OFAC sanctions, law enforcement, and BSA reporting obligations from hacked entities or CVC entities used in the laundering process. In fact, in August 2023, the FBI alerted the public to several thefts from CVC companies that it attributed to the Lazarus Group and warned that there could be another USD 40 million worth

of CVC being prepared for laundering through VASPs.⁶⁹

b. Huione Group's Laundering of Proceeds of DPRK Cyber Heists

Despite the 2023 FBI alert and other public reporting, Huione Group has continued to receive and process these illicit proceeds. There is wide reporting that Huione Group has received stolen CVC from multiple heists linked to DPRK actors, namely the Lazarus Group.⁷⁰ For example, between June 2023 and February 2024, a CVC wallet used by the Lazarus Group sent CVC valued at over USD 150,000 to Huione Group.⁷¹

FinCEN conducted blockchain analysis, using commercially available blockchain analytic software, of flows of CVC associated with several heists carried out by DPRK. This analysis identified that Huione Group received a combined total of approximately USD 2.6 million worth of CVC from the June 2, 2023 Atomic Wallet heist and the June 22, 2023 Coinspaid⁷² and Alphapo heists.⁷³ In July 2024, Huione Group received USD 35 million worth of stolen CVC, later attributed to the Lazarus Group by the FBI, from the May 2024 heist targeting DMM, a Japanese VASP.⁷⁴ While the DMM heist was not initially attributed to the Lazarus Group (or any other prohibited entity or jurisdiction), the heist itself was widely reported by the time Huione Group received the CVC, and FinCEN would expect covered financial institutions to have an effective AML/KYC program to appropriately monitor transactions for red flags indicating connections to high

profile heist such as this. In total, FinCEN's analysis has identified that Huione Group has received at least USD 37.6 million worth of CVC from DPRK cyber actors stemming from DPRK-attributed heists.

On multiple occasions between 2022 and 2024, a DPRK national with deep ties to the RGB, DPRK's primary foreign intelligence organization, worked with Huione Pay PLC officials to transfer CVC and fiat currency. FinCEN assesses that senior Huione Pay PLC leadership was aware of the individual's affiliation with DPRK. This DPRK national maintained personal relationships with multiple Huione Pay PLC officials and regularly met in person with at least one of these officials. In late 2023, the DPRK national worked with Huione Pay PLC officials to convert CVC into fiat currency and subsequently transfer fiat currency to an associate. In total, the DPRK national transferred CVC values at tens of thousands USD to the Huione Pay PLC official. In mid-2023, the DPRK national also planned to remit USD internationally to Hong Kong and sought Huione Pay PLC officials help to do so.

Given the opacity of Huione Group and the inherent limitation of blockchain analytics, FinCEN is largely unable to determine what DPRK actors do with the CVC after they send it to Huione Group. However, given the close connection between Huione Pay PLC officials and DPRK nationals with close ties to DPRK's RGB, FinCEN assesses DPRK most likely uses Huione Group to convert CVC to fiat currencies.

2. Huione Group's Laundering of Proceeds of Organized Criminal Groups' Cyber Scams

Huione Group also has significant exposure to, and has facilitated transactions associated with suspected fraud activity, including CVC investment scams, also referred to as pig-butcher. FinCEN assesses that Huione Group's extensive CVC services and its online marketplace, Haowang Guarantee, has made Huione Group, a "one stop shop" for criminals to launder CVC obtained through illicit activities, and ultimately convert it to fiat currency.

a. Background on CVC Investment Scams

In 2023, FinCEN published an alert on the "Pig Butchering" CVC investment scams.⁷⁵ These scams are largely

⁶⁴ On January 2, 2015, OFAC sanctioned DPRK's RGB for being a controlled entity of the Government of North Korea. See Department of the Treasury, Press Release, *Treasury Imposes Sanctions Against the Government of The Democratic People's Republic Of Korea* (Jan. 2, 2015), <https://home.treasury.gov/news/press-releases/jl9733>. RGB was also previously listed in the annex to E.O. 13551 on August 30, 2010. Executive Order 13551, "Blocking Property of Certain Persons With Respect to North Korea," 75 FR 53837 (Aug. 30, 2010).

⁶⁵ This group is commonly referred to by the cybersecurity industry as Lazarus Group, APT38, BlueNoroff, and Stardust Chollima. For the purposes of this NPRM, FinCEN will refer to this group as Lazarus Group. See Department of the Treasury, Press Release, *Treasury Sanctions North Korean State-Sponsored Malicious Cyber Group* (Sept. 13, 2019), <https://home.treasury.gov/news/press-releases/sm774>.

⁶⁶ Department of the Treasury, Press Release, *Treasury Imposes Sanctions Against the Government of The Democratic People's Republic Of Korea* (Jan. 2, 2015), <https://home.treasury.gov/news/press-releases/jl9733>.

⁶⁷ Department of the Treasury, Press Release, *Treasury Sanctions North Korean State-Sponsored Malicious Cyber Groups* (Sept. 13, 2019), <https://home.treasury.gov/news/press-releases/sm774>.

⁶⁸ CISA, AA22-108A, *TraderTraitor: North Korean State-Sponsored APT Targets Blockchain Companies* (Apr. 20, 2022), <https://www.cisa.gov/news-events/cybersecurity-advisories/aa22-108a>.

⁶⁹ FBI, *FBI Identifies Cryptocurrency Funds Stolen by DPRK* (Aug. 22, 2023), <https://www.fbi.gov/news/press-releases/fbi-identifies-cryptocurrency-funds-stolen-by-dprk>.

⁷⁰ The U.S. government has previously issued advisories to publicly highlight the Lazarus Group's threat and tactics associated with CVC theft targeting organizations in the blockchain and CVC industry. See CISA, AA22-108A, *TraderTraitor: North Korean State-Sponsored APT Targets Blockchain Companies* (Apr. 20, 2022), <https://www.cisa.gov/news-events/cybersecurity-advisories/aa22-108a>.

⁷¹ Reuters, *Exclusive: North Korean hackers sent stolen crypto to wallet used by Asian payment firm* (July 15, 2024), <https://www.reuters.com/technology/cybersecurity/north-korean-hackers-sent-stolen-crypto-wallet-used-by-asian-payment-firm-2024-07-15/>.

⁷² FBI, *FBI Identifies Cryptocurrency Funds Stolen by DPRK* (Aug. 22, 2023), <https://www.fbi.gov/news/press-releases/fbi-identifies-cryptocurrency-funds-stolen-by-dprk>.

⁷³ *Id.*

⁷⁴ FBI, *FBI, DC3, and NPA Identification of North Korean Cyber Actors, Tracked as TraderTraitor, Responsible for Theft of \$308 Million USD from Bitcoin.DMM.com* (Dec. 23, 2024), <https://www.fbi.gov/news/press-releases/fbi-dc3-and-npa-identification-of-north-korean-cyber-actors-tracked-as-tradertraitor-responsible-for-theft-of-308-million-from-bitcoindmmcom>.

⁷⁵ FinCEN, FIN-2023-Alert005, *FinCEN Alert on Prevalent Virtual Currency Investment Scam Commonly Known as "Pig Butchering"* (Sept. 8, 2023), <https://www.fincen.gov/sites/default/files/>

perpetrated by criminal organizations based in Southeast Asia, who use victims of human trafficking to conduct outreach to millions of unsuspecting individuals around the world. The frontline scammers in these schemes are themselves often victims of trafficking, including forced labor, and are subjected to physical and mental abuse. The traffickers also force victims to work up to 15 hours a day and, in some cases, “resell” victims to other scam operations or subject them to sex trafficking.⁷⁶

Once trust or a relationship has been established, the scammer will introduce the victim to a supposedly lucrative investment opportunity in CVC and direct them to use CVC investment websites or applications designed to appear legitimate, but are instead fraudulent and ultimately controlled or manipulated by the scammer. When a victim’s pace of investment slows or stops, the scammer will use even more aggressive tactics to extract any final payments. The scammer may present the victim with supposed losses on the investment and encourage them to make up the difference through additional deposits. If the victim attempts to withdraw their investment, the scammer may demand that the victim pay purported taxes or early withdrawal fees. Once the victim is unable or unwilling to pay more into the scam, the scammer will abruptly cease communication with the victim, taking the victim’s entire investment with them.⁷⁷

b. Huione Group’s Laundering of Proceeds of Cyber Scams, Including CVC Investment Scams

Based on FinCEN analysis of non-public information, Huione Group received at least USD 36 million worth of CVC investment scam proceeds since at least August 2021. More broadly, the analysis identified that in the aggregate, inclusive of the cyber scam proceeds, Huione Group received approximately USD 300 million worth of CVC relating to other cyber scams. Despite the limitations noted above, FinCEN assesses that, after illicit actors send

CVC to Huione Group, CVC is then converted to fiat currency or different CVC, or withdrawn at a later point to move to a different VASP, as part of the money laundering process.

3. Huione Group’s Lax Anti-Money Laundering Policies and Procedures

The risks presented by Huione Group’s association with illicit actors and transactions linked to illicit activity are compounded by either an absence of, or ineffective, AML/KYC policies and procedures among Huione Group’s components, as well as recent changes that have served to obfuscate Huione Group’s involvement in illicit activity. For example, in July 2024, Huione Group was the subject of reporting by several blockchain analytic firms describing the use of its various services by TCOs for scam activity, including those offered by Haowang Guarantee.⁷⁸ Elliptic reported that Haowang Guarantee offered scam-enabling products and services used by scam compound operators to imprison and torture their workers. The products included tear gas, electric batons, and electronic shackles, among other related devices. The same month, in a post to its website in response to the adverse media reporting, Haowang Guarantee confirmed that “detention equipment” is not necessarily human trafficking.”⁷⁹ Subsequent to these events, Huione Group, namely Huione Pay PLC, removed all references to Haowang Guarantee from its websites.⁸⁰

Neither Huione Pay PLC nor Haowang Guarantee have published AML/KYC policies.⁸¹ Huione Crypto does not have a published AML/KYC policy either. Rather, it maintains a “standard terms and conditions” on its website

governing the use of its services. In relevant part, the agreement prohibits the use of Huione Crypto’s platform by citizens, nationals or residents of particular countries, including the United States, Iran or North Korea, as well as individuals sanctioned under various national regimes, including those of the United States and United Nations. The agreement also states that “the [u]ser may not use the interface or services to disguise the origin or nature of illicit proceeds.”⁸² However, the extent of the criminal and money laundering activity on Huione Crypto’s platforms that violate its terms and conditions agreement reflects that its AML/KYC program is either ineffective or unenforced.

Despite this, and as described in greater detail in section IV. A.1–2, since at least August 2021, FinCEN identified—through analysis of non-public information—that Huione Group received at least USD 37 million worth of illicit proceeds from sanctioned entities—including DPRK entities—and at least USD 300 million worth of CVC from various cyber and CVC scam activity. FinCEN’s analysis identified that, in the aggregate, Huione Group has received at least USD 4 billion worth of illicit proceeds, between August 2021 and January 2025.⁸³ This large-scale, persistent use of Huione Group by DPRK actors and TCO-driven CVC investment scams to launder their illicit proceeds belies the adequacy or effectiveness of Huione Group’s AML/KYC procedures.

Huione Group itself has conceded the deficiencies in its AML regime. In a July 2024 media statement, for example, Huione Group stated “our [Know Your Customer] capabilities are now seriously insufficient.”⁸⁴ This statement was made after previously claiming earlier that month—in response to public identification of one heist, the proceeds of which were transmitted to Huione

shared/FinCEN_Alert_Pig_Butchering_FINAL_508c.pdf.

⁷⁶ Department of the Treasury, Press Release, *Treasury Sanctions Cambodian Tycoon and Businesses Linked to Human Trafficking and Forced Labor in Furtherance of Cyber and Virtual Currency Scams* (Sept. 12, 2024), <https://home.treasury.gov/news/press-releases/jy2576>.

⁷⁷ FinCEN, FIN–2023–Alert005, *FinCEN Alert on Prevalent Virtual Currency Investment Scam Commonly Known as “Pig Butchering”* (Sept. 8, 2023), at p. 4, https://www.fincen.gov/sites/default/files/shared/FinCEN_Alert_Pig_Butchering_FINAL_508c.pdf.

⁷⁸ See Chainalysis, *2024 Crypto Crime Mid-year Update Part 2: China-based CSAM and Cybercrime Networks on the Rise, Pig Butchering Scams Remain Lucrative* (Aug. 29, 2024), <https://www.chainalysis.com/blog/2024-crypto-crime-mid-year-update-part-2/>; Elliptic, *Huione: The Company Behind the Largest Ever Illicit Online Marketplace Has Launched a Stablecoin* (Jan. 14, 2025), <https://www.elliptic.co/blog/huione-largest-ever-illicit-online-marketplace-stablecoin>.

⁷⁹ Haowang Guarantee, *To all public friends on social media* (July 17, 2024), <https://www.yu444.com/gonggao/detail/2237>.

⁸⁰ Elliptic, *Huione: The Company Behind the Largest Ever Illicit Online Marketplace Has Launched a Stablecoin* (Jan. 14, 2025), <https://www.elliptic.co/blog/huione-largest-ever-illicit-online-marketplace-stablecoin>.

⁸¹ Repeated searches of their respective websites, including most recently on March 27, 2025, failed to yield any evidence of a policy. Haowang Guarantee’s website did contain cursory fraud indicators available to customers, however, in FinCEN’s assessment, this falls short of reasonable policies and procedures aimed at combatting money laundering. See Haowang Guarantee, *Fangpian*, <https://hwdb.la/fangpian> (last accessed Mar. 27, 2025).

⁸² Huione Crypto, *Legal*, <https://www.huione.io/en-US/termsAndConditions/userAgreement> (last accessed Mar. 27, 2025).

⁸³ By illicit category, Huione Group has received the following proceeds in CVC, denominated in equivalent USD value: USD 1,363 from child sexual abuse material; USD 618,861 from Darknet Markets/ Illicit Cyber Vendors; USD 3,246 from FinCEN Primary Money Laundering Concerns; USD 3,248,510,440 from Identified Illicit Cyber actors; USD 47,393,602 from VASPs without KYC policies; USD 407,129,792 from OFAC Specially Designated Nationals (U.S. sanctioned entities); USD 347,549,705 from Scams; USD 22,133,556 from seized and/or stolen funds; and 2,627,009 from terrorist financing.

⁸⁴ See ABC News, *Cambodian online marketplace touted as one-stop shop for scammers’ money laundering and ‘detention equipment’ needs* (July 26, 2024), <https://www.abc.net.au/news/2024-07-27/online-marketplace-for-money-laundering-and-scammers/104131624>.

Pay PLC—that it had not known that Huione Pay PLC “received funds indirectly” from the heist, due to the layers of transactions between the source of the heist and the Huione Group-owned wallets that ultimately received the funds.⁸⁵

4. Huione Group Is Expanding Problematic CVC-Related Operations Despite Regulatory Prohibition

Further illustrating the money laundering risk posed by Huione Group is the fact that a significant portion of its assessed illicit transactional activity involves CVC, which the National Bank of Cambodia, Huione Group’s primary regulator, expressly prohibits. In a 2024 public statement, the National Bank of Cambodia stated that payment firms are “not allowed to deal or trade any cryptocurrencies and digital assets.”⁸⁶ Despite this prohibition, Huione Group has continued to develop its CVC services and has even expanded its CVC offerings in recent months. In September 2024, Huione Group launched USDH, a stablecoin it explicitly advertised as “unfreezable” and “not restricted by traditional regulatory agencies.”⁸⁷ FinCEN assesses that Huione Group is likely taking this unusual step to hamper compliance with applicable anti-money laundering laws. Huione Group’s intentional launching of this “unfreezable” stablecoin differs from other stablecoin issuers that generally respond to law enforcement requests to freeze CVC tied to illicit activity. One particular example of this contrast occurred in July 2024, when one stablecoin issuer froze CVC valued at over USD 29 million that was located in a Huione Group CVC wallet because it was “associated with activities allegedly linked to fraudulent and transnational criminal operations.”⁸⁸ By offering USDH, which is “unfreezable,” even upon a lawful request from law enforcement, Huione Group facilitates and profits from money laundering, benefiting TCOs and DPRK actors exfiltrating the proceeds of their crimes.

Given the various aggravating factors described above, FinCEN finds that the Huione Group—with its weak and ineffective AML policies, procedures, and controls, provision of services that offer anonymity and an ability to evade sanctions, and development of a stablecoin designed to hinder the ability of law enforcement to recover the proceeds of crime—is being used extensively to facilitate or promote money laundering, in particular by organized criminal groups and entities involved in the proliferation WMD or missiles.

B. The Extent to Which Huione Group Is Used for Legitimate Business Purposes

Under section 311 and FinCEN’s delegated authority, in deciding to apply one or more special measure, FinCEN may consider the extent to which the financial institutions “are used for legitimate business purposes.”⁸⁹ In addition to the payment and CVC exchange services outlined in this NPRM, the Huione Group advertises ostensibly legitimate business services, such as systems for telephone, water, and electricity bill payments. Huione Group also offers a point-of-sale system for Cambodian businesses, though there is no indication such a system is operational in the United States.⁹⁰ Huione Group’s payment services are also ubiquitous in Cambodia, most often in the form of “quick response” codes, generally referred to as “QR” codes. These QR codes are common across Cambodia, and are used to pay hotel, restaurant, and supermarket bills, among other general purchases. While FinCEN does not know the full extent of Huione Group’s legitimate business activity, Huione Group’s transactional volume since inception is believed to be at least USD 49 billion worth of CVC since 2021,⁹¹ including licit and illicit volume. While FinCEN lacks insight into most of Huione Groups fiat currency transaction activity, additional FinCEN analysis revealed that Huione Group engaged in at least USD 41 million in cleared international

transactions through U.S. correspondent bank accounts, between December 2020 and December 2024.

Huione Group’s activity, through these constituent services, indicates some legitimate business transiting the financial institution. However, under the totality of circumstances, FinCEN assesses that the benefits of any legitimate business activities Huione Group conducts are outweighed by the substantial money laundering risks it poses.

C. The Extent to Which Action Proposed by FINCEN Would Guard Against International Money Laundering and Other Financial Crimes

Under section 311 and FinCEN’s delegated authority, in deciding to apply one or more special measures, FinCEN may consider the extent to which action is “sufficient to ensure,” that the purpose of section 311 “continue[s] to be fulfilled, and to guard against international money laundering and other financial crimes.”⁹² A finding that Huione Group is of primary money laundering concern would make clear the illicit finance risk it poses to domestic financial institutions, and by extension, to their foreign correspondents. This awareness is likely to cause those financial institutions, or their regulators, to take their own action to mitigate the risks posed by Huione Group. Moreover, such a finding and subsequent imposition of special measure five, as proposed here, would protect the U.S. financial system from money laundering and other financial crimes by severing Huione Group’s access to the U.S. financial system.

V. Proposed Special Measure

Having found that Huione Group is a financial institution operating outside of the United States and is of primary money laundering concern (particularly regarding its laundering of illicit proceeds from DPRK-affiliated cyber heists and CVC investment scams carried out by TCOs based in Southeast Asia), FinCEN proposes imposing a prohibition on covered financial institutions under special measure five. Special measure five authorizes the Secretary to impose conditions upon the opening or maintaining in the United States of a correspondent account or payable-through account, if such account “involves” a financial institution of primary money laundering concern.⁹³ Although Huione Group does not have correspondent accounts with U.S. financial institutions, it has

⁸⁵ Reuters, *Exclusive: North Korean hackers sent stolen crypto to wallet used by Asian payment firm* (July 15, 2024), <https://www.reuters.com/technology/cybersecurity/north-korean-hackers-sent-stolen-crypto-wallet-used-by-asian-payment-firm-2024-07-15/>.

⁸⁶ *Id.*

⁸⁷ Huione Crypto, *USDH is a stable currency in one word!*, <https://huione.io/en-us/introduce> (last accessed Mar. 27, 2025).

⁸⁸ The Record, *Tether freezes \$29 million of cryptocurrency connected to Cambodian marketplace accused of fueling scams* (July 15, 2024), <https://therecord.media/tether-freezes-29-million-crypto-connected-to-scam-marketplace>.

⁸⁹ 31 U.S.C. 5318A(c)(2)(B)(ii).

⁹⁰ Huione Pay, *Service Items: Omni-Directional Service*, <https://www.huionepay.com.kh/index/service?lang=en> (last accessed Mar. 27, 2025).

⁹¹ Chainalysis, *2024 Crypto Crime Mid-year Update Part 2: China-based CSAM and Cybercrime Networks on the Rise, Pig Butchering Scams Remain Lucrative* (Aug. 29, 2024), <https://www.chainalysis.com/blog/2024-crypto-crime-mid-year-update-part-2/>; The New York Times, *How Scammers Launder Money and Get Away With It* (Mar. 23, 2025), <https://www.nytimes.com/2025/03/23/world/asia/cambodia-money-laundering-huione.html>.

⁹² 31 U.S.C. 5318A(c)(2)(B)(iii).

⁹³ 31 U.S.C. 5318A(b)(5).

accounts with foreign financial institutions that maintain U.S. correspondent accounts. Those U.S. correspondent accounts involve Huione Group when transactions involving the financial institution are processed through those accounts. Thus, FinCEN has determined that special measure five will most effectively mitigate the risks posed by Huione Group.

FinCEN considered the other special measures available under section 311. As discussed further in section IV.E. below, it determined that none of them would appropriately address the risks posed by Huione Group.

In proposing this special measure, FinCEN consulted with representatives and staff of the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Secretary of State, the staff of the Securities and Exchange Commission, the Commodity Futures Trading Commission, staff of the National Credit Union Administration, the Federal Deposit Insurance Corporation, and the Attorney General.⁹⁴ These consultations involved obtaining interagency views on the imposition of special measure five and the effects that such a prohibition would have on the U.S. domestic and international financial systems.

In addition, FinCEN considered the factors set forth in section 311, as set forth below.⁹⁵

A. Whether Similar Action Has Been or Is Being Taken by Other Nations or Multilateral Groups Regarding Huione Group

In March 2025, at least one news outlet reported that the National Bank of Cambodia stripped Huione Pay PLC of its banking license.⁹⁶ FinCEN is not otherwise aware of any other nation or multilateral group that has imposed, or is currently imposing, similar action against Huione Group.

B. Whether the Imposition of Any Particular Special Measure Would Create a Significant Competitive Disadvantage, Including Any Undue Cost or Burden Associated With Compliance, for Financial Institutions Organized or Licensed in the United States

While FinCEN assesses that the prohibition proposed in this NPRM would place some cost and burden on covered financial institutions, these

burdens are neither undue nor inappropriate in view of the threat posed by the illicit activity facilitated by Huione Group. As described above and according to public and non-public information, Huione Group has no direct USD correspondent relationships with U.S. financial institutions and instead, accesses USD through nested corresponding relationships, outside the United States. These accounts may be used for commercial payments, as well as foreign exchange and money markets. Covered financial institutions and transaction partners have ample opportunity to arrange for alternative payment mechanisms in the absence of correspondent banking relationships with Huione Group.

As such, a prohibition on correspondent banking with Huione Group is expected to impose minimal additional compliance costs for covered financial institutions, which would most commonly involve adding Huione Group to existing sanctions and money laundering screening tools. FinCEN assesses that given the risks posed by Huione Group's facilitation of money laundering, the additional burden on covered financial institutions in preventing the opening of correspondent accounts with Huione Group, as well as conducting due diligence on foreign correspondent account holders and notifying them of the prohibition, will be minimal and not undue.

C. The Extent to Which the Action or the Timing of the Action Would Have a Significant Adverse Systemic Impact on the International Payment, Clearance, and Settlement System, or on Legitimate Business Activities of Huione Group

FinCEN assesses that imposing the proposed special measure would have minimal impact upon the international payment, clearance, and settlement system. As a comparatively small financial institution responsible for a nominal amount of transaction volume in the region, Huione Group is not a systemically important financial institution in Cambodia, regionally, or globally. FinCEN views that prohibiting Huione Group's access to U.S. correspondent banking channels would not affect overall cross-border transaction volumes. Further, a prohibition under special measure five would not prevent Huione Group from conducting legitimate business activities in other foreign currencies.

D. The Effect of the Proposed Action on United States National Security and Foreign Policy

As described above, evidence available to FinCEN demonstrates that Huione Group serves as a significant conduit for money laundering by TCOs engaged in CVC investment scams and DPRK-related actors engaging in CVC heists. Imposing special measure five will: (1) close Huione Group's access to USD; (2) inhibit Huione Group's ability to act as an illicit finance facilitator for DPRK and TCOs engaged in CVC investment scams; and (3) raise awareness of the way illicit actors exploit weaknesses in vulnerable jurisdictions to circumvent sanctions and finance WMD and ballistic missile proliferation.

E. Consideration of Alternative Special Measures

In assessing the appropriate special measure to impose, FinCEN considered alternatives to a prohibition on the opening or maintaining in the United States of correspondent accounts or payable-through accounts, including the imposition of one or more of the first four special measures, or imposing conditions on the opening or maintaining of correspondent accounts under special measure five. Having considered these alternatives and for the reasons set out below, FinCEN assesses that none of the other special measures available under section 311 would appropriately address the risks posed by Huione Group and the urgent need to prevent it from accessing USD through correspondent banking.

With its public acknowledgements of its failure to address significant AML/KYC deficiencies, Huione Group continues to present a significant money laundering risk, particularly related to DPRK cyber heists and TCO-run scams. Taken as a whole, Huione Group's history of involvement in laundering proceeds of illicit activities, and its creation of an unfreezable stablecoin, presents a heightened risk that Huione Group will continue to be used by illicit actors. A key feature of Huione Group's service offerings includes a marketplace to sell items that enable CVC investment scams, and money laundering services to launder the proceeds of the scams. Huione Group serves as a significant node of the money laundering ecosystem that enables criminals to both obtain necessary items to carry out various crimes, and the services to launder the proceeds of those crimes.

Because of the nature, extent, and purpose of the obfuscation engaged in by Huione Group, any special measure

⁹⁴ See 31 U.S.C. 5318A(b)(5).

⁹⁵ 31 U.S.C. 5318A(a)(4)(B)(i)–(iv).

⁹⁶ Radio Free Asia, *Exclusive: World's Largest online black market' Loses banking license* (Mar. 6, 2025), <https://www.rfa.org/english/cambodia/2025/03/06/huione-cambodia-cyberscam-cryptocurrency/>.

intended to mandate additional information collection would likely be ineffective and insufficient to determine the true identity of illicit finance actors who transact with the group. For example, the provision under special measure one, that “the identity and address of the participants in a transaction or relationship, including the identity of the originator of any funds transfer” be collected in records and reports, could be circumvented by the operations of shell companies, wherein the reported identity of the originator serves to obscure the true beneficial owner or originator.⁹⁷ This would be ineffective in preventing illicit transactions. Huione Group’s record of such circumvention suggests that special measure one would not adequately protect the U.S. financial system from the threats posed by the financial institution. Further, the requirements under special measures three and four, that domestic financial institutions obtain “with respect to each customer (and each such representative), information that is substantially comparable to that which the depository institution obtains in the ordinary course of business with respect to its customers residing in the United States,” are also likely to be ineffective.⁹⁸ Huione Group’s use of nested correspondent account access through layers of payment systems would render these alternative measures ineffective. Only significant effort and expense by U.S. institutions could fill this gap, which would impose a disproportionate compliance burden, with no guarantee that the money laundering threat would be addressed through customer due diligence research. FinCEN also considered special measure two, which may require domestic financial institutions to “obtain and retain information concerning the beneficial ownership of any account opened or maintained in the United States by a foreign person.”⁹⁹ The agency determined that this special measure would likely be ineffective since the concerns involving Huione Group do not involve the opening or maintaining of accounts in the U.S. by foreign persons.

FinCEN similarly assesses that merely imposing conditions under special measure five would be inadequate to address the risks posed by Huione Group’s activities. Special measure five enables FinCEN to impose conditions as an alternative to a prohibition on the opening or maintaining of

correspondent accounts.¹⁰⁰ Given Huione Group’s longstanding ties to DPRK proliferation finance, coupled with money laundering tied to CVC investment scams, and public acknowledgment of failures of its AML/KYC program, FinCEN determined that imposing any condition would not be an effective measure to safeguard the U.S. financial system. FinCEN assesses that the billions of dollars’ worth of CVC and fiat laundered through Huione Group’s exploitation of its access to USD, and the exposure of U.S. financial institutions to Huione Group’s illicit activity, outweigh the value in providing conditioned access to the U.S. financial system for any purportedly legitimate business activity. Conditions on the opening or maintaining of correspondent accounts would likely be insufficient to prevent illicit financial flows through the U.S. financial system, given Huione Group’s inadequate AML/KYC program.

In sum, FinCEN assesses that any condition or additional recordkeeping or reporting requirement would be an ineffective measure to safeguard the U.S. financial system from the illicit behavior facilitated by Huione Group. Such measures would not prevent Huione Group from accessing the correspondent accounts of U.S. financial institutions, thus leaving the U.S. financial system vulnerable to processing illicit transfers that are likely to finance DPRK’s nuclear proliferation, or CVC investment scams, resulting in significant national security and money laundering risk. In addition, no recordkeeping or reporting requirements or conditions would be sufficient to guard against the risks posed by a financial institution that processes transactions that are designed to obscure the transactions’ true nature and are ultimately for the benefit of DPRK and TCOs. Therefore, FinCEN has determined that a prohibition on opening or maintaining correspondent banking relationships is the only available special measure available under section 311 that can adequately protect the U.S. financial system from the illicit finance risk posed by Huione Group. For these reasons, and after thorough consideration of alternate measures, FinCEN assesses that no measures short of full prohibition on correspondent or payable-through banking access would be sufficient to address the money laundering risks posed by Huione Group.

VI. Section-by-Section Analysis

The goal of this proposed rule is to combat and deter DPRK-affiliated money laundering and the laundering of proceeds from cyber scams including, CVC investment scams carried out by TCOs through Huione Group, and to prevent Huione Group from using the U.S. financial system to enable its illicit finance behavior.

A. 1010.664(a)—Definitions

1. Definition of Huione Group

The term “Huione Group” means all subsidiaries, branches, and offices of Huione Group operating as a financial institution in any jurisdiction outside of the United States, including Haowang Guarantee (formerly known as Huione Guarantee), Huione Pay PLC, and Huione Crypto Spółka Z Ograniczoną Odpowiedzialnością (d/b/a Huione Crypto).

2. Definition of Correspondent Account

The term “correspondent account” has the same meaning as the definition contained in 31 CFR 1010.605(c)(1)(ii). In the case of a U.S. depository institution, this broad definition includes most types of banking relationships between a U.S. depository institution and a foreign bank that are established to provide regular services, dealings, and other financial transactions, including a demand deposit, savings deposit, or other transaction or asset account, and a credit account or other extension of credit. FinCEN is using the same definition of “account” for purposes of this proposed rule as is established for depository institutions in the final rule implementing the provisions of section 312 of the USA PATRIOT Act, requiring enhanced due diligence for correspondent accounts maintained for certain foreign banks.¹⁰¹ Under this definition, “payable-through accounts” are a type of correspondent account.

In the case of securities broker-dealers, futures commission merchants, introducing brokers in commodities, and investment companies that are open-end companies (mutual funds), FinCEN is also using the same definition of “account” for purposes of this proposed rule as was established for these entities in the final rule implementing the provisions of section 312 of the USA PATRIOT Act, requiring due diligence for correspondent accounts maintained for certain foreign banks.¹⁰²

⁹⁷ 31 U.S.C. 5318A(b)(1)(B)(i).

⁹⁸ 31 U.S.C. 5318A(b)(3)(B).

⁹⁹ 31 U.S.C. 5318A(b)(2).

¹⁰⁰ 31 U.S.C. 5318A(b)(5).

¹⁰¹ See 31 CFR 1010.605(c)(2)(i).

¹⁰² See 31 CFR 1010.605(c)(2)(ii)–(iv).

3. Definition of Covered Financial Institution

The term “covered financial institution” is defined by reference to 31 CFR 1010.605(e)(1), the same definition used in the BSA rule (31 CFR 1010.610) requiring the establishment of due diligence programs for correspondent accounts for financial institutions. In general, this definition includes the following:

- a bank;
- a broker or dealer in securities;
- a futures commission merchant or an introducing broker in commodities; and
- a mutual fund.

4. Definition of Foreign Banking Institution

The term “foreign banking institution” means a bank organized under foreign law, or an agency, branch, or office located outside the United States of a bank. The term does not include an agent, agency, branch, or office within the United States of a bank organized under foreign law.

5. Definition of Subsidiary

The term “subsidiary” means a company of which more than 50 percent of the voting stock or an otherwise controlling interest is owned by another company.

B. 1010.664(b)—Prohibition on Accounts and Due Diligence Requirements for Covered Financial Institutions

1. Prohibition on Opening or Maintaining Correspondent Accounts

Section 1010.664(b)(1) of the proposed rule would prohibit covered financial institutions from opening or maintaining in the United States a correspondent account for, or on behalf of, Huione Group.

2. Prohibition on Use of Correspondent Accounts Involving Huione Group

Section 1010.664(b)(2) of the proposed rule would require covered financial institutions to take reasonable steps to not process a transaction for the correspondent account of a foreign banking institution in the United States if such a transaction involves Huione Group. Such reasonable steps are described in 1010.664(b)(3), which sets forth the special due diligence requirements a covered financial institution would be required to take when it knows or has reason to believe that a transaction involves Huione Group.

3. Special Due Diligence for Correspondent Accounts

As a corollary to the prohibition set forth in section 1010.664(b)(1) and (2), section 1010.664(b)(3) of the proposed rule would require covered financial institutions to apply special due diligence to all of their foreign correspondent accounts that is reasonably designed to guard against such accounts being used to process transactions involving Huione Group. As part of that special due diligence, covered financial institutions would be required to notify those foreign correspondent account holders that the covered financial institutions know or have reason to believe provide services to Huione Group, that such correspondents may not provide Huione Group with access to the correspondent account maintained at the covered financial institution. A covered financial institution may satisfy this notification requirement using the following notice:

Notice: Pursuant to U.S. regulations issued under Section 311 of the USA PATRIOT Act, see 31 CFR 1010.664, we are prohibited from opening or maintaining in the United States a correspondent account for, or on behalf of, Huione Group. The regulations also require us to notify you that you may not provide Huione Group, including any of its subsidiaries, branches, and offices access to the correspondent account you hold at our financial institution. If we become aware that the correspondent account you hold at our financial institution has processed any transactions involving Huione Group, including any of its subsidiaries, branches, and offices, we will be required to take appropriate steps to prevent such access, including terminating your account.

The purpose of the notice requirement is to aid cooperation with correspondent account holders in preventing transactions involving Huione Group from accessing the U.S. financial system. FinCEN does not require or expect a covered financial institution to obtain a certification from any of its correspondent account holders that access will not be provided to comply with this notice requirement.

Methods of compliance with the notice requirement could include, for example, transmitting a notice by mail, fax, or email. The notice should be transmitted whenever a covered financial institution knows or has reason to believe that a foreign correspondent account holder provides services to Huione Group.

Special due diligence also includes implementing risk-based procedures designed to identify any use of correspondent accounts to process transactions involving Huione Group. A

covered financial institution would be expected to apply an appropriate screening mechanism to identify a funds transfer order that on its face listed Huione Group as the financial institution of the originator or beneficiary, or otherwise referenced Huione Group in a manner detectable under the financial institution’s normal screening mechanisms. An appropriate screening mechanism could be the mechanisms used by a covered financial institution to comply with various legal requirements, such as commercially available software programs used to comply with the economic sanctions programs administered by the U.S. Department of the Treasury’s OFAC.

4. Recordkeeping and Reporting

Section 1010.664(b)(4) of the proposed rule would clarify that the proposed rule does not impose any reporting requirement upon any covered financial institution that is not otherwise required by applicable law or regulation. A covered financial institution must, however, document its compliance with the notification requirement described above in section 1010.664(b)(3).

VII. Request for Comments

FinCEN is requesting comments for 30 days after the publication of this NPRM. Given Huione Group’s consistent and longstanding ties to facilitating transactions for DPRK proliferation finance and cyber scams including CVC investment scams, and its track record of facilitating and promoting money laundering in support of DPRK and TCOs’ illicit activity, FinCEN assesses that a 30-day comment period for this NPRM strikes an appropriate balance between ensuring sufficient time for notice to the public and opportunity for comment on the proposed rule, while minimizing undue risk posed to the U.S. financial system in processing illicit transfers that are likely to finance DPRK WMD proliferation, funds derived from cyber scams, including CVC investment scams carried out by TCOs, and other illicit activity. FinCEN invites comments on all aspects of the proposed rule, including the following specific matters:

1. FinCEN’s proposal of a prohibition under the fifth special measure under 31 U.S.C. 5318A(b), as opposed to imposing special measures one through four or imposing conditions under the fifth special measure;

2. The form and scope of the notice to certain correspondent account holders that would be required under the rule; and

3. The appropriate scope of the due diligence requirements in this proposed rule.

VIII. Regulatory Impact Analysis

FinCEN has analyzed this proposed rule under Executive Orders 12866, 13563, the Regulatory Flexibility Act,¹⁰³ the Unfunded Mandates Reform Act,¹⁰⁴ and the Paperwork Reduction Act.¹⁰⁵

As discussed above, the intended effects of the imposition of special measure five to Huione Group are twofold. The rule is expected to: (1) combat and deter money laundering in facilitation of proliferation financing associate with Huione Group; and (2) prevent Huione Group from using the U.S. financial system to enable its illicit finance behavior. In the analysis below, FinCEN discusses the economic effects that are expected to accompany adoption of the rule as proposed and assesses such expectations in more granular detail. This discussion includes an explanation of how FinCEN's assumptions and methodological choices have influenced FinCEN's conclusions. The public is invited to comment on all aspects of FinCEN's practice.¹⁰⁶

A. Executive Orders

Executive Orders 12866 and 13563 direct agencies to assess costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

It has been determined that this proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866. Accordingly, a regulatory impact analysis is not required.

B. Regulatory Flexibility Act

When an agency issues a rulemaking proposal, the Regulatory Flexibility Act (RFA) requires the agency to "prepare and make available for public comment an initial regulatory flexibility analysis" (IRFA) that will "describe the impact of the proposed rule on small entities."¹⁰⁷ However, section 605 of the RFA allows

an agency to certify a rule, in lieu of preparing an analysis, if the proposed rulemaking is not expected to have a significant economic impact on a substantial number of small entities. This proposed rule would apply to all covered financial institutions and would affect a substantial number of small entities. Nevertheless, for the reasons described below, FinCEN assesses that these changes would be unlikely to have a significant economic impact on such entities.

Covered financial institutions would also be required to take reasonable measures to detect use of their correspondent accounts to process transactions involving Huione Group. All U.S. persons, including U.S. financial institutions, currently must comply with OFAC sanctions, and U.S. financial institutions generally have suspicious activity reporting requirements and systems in place to screen transactions to comply with OFAC sanctions and section 311 special measures administered by FinCEN. The systems that U.S. financial institutions have in place to comply with these requirements can easily be modified to adapt to this proposed rule. Thus, the special due diligence that would be required under the proposed rule—*i.e.*, preventing the processing of transactions involving Huione Group and the transmittal of notification to certain correspondent account holders—would not impose a significant additional economic burden upon small U.S. financial institutions. For these reasons, FinCEN certifies that the proposals contained in this rulemaking would not have a significant impact on a substantial number of small businesses.

FinCEN invites comments from members of the public who believe there would be a significant economic impact on small entities from the imposition of a prohibition under the fifth special measure regarding Huione Group.

C. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995¹⁰⁸ (Unfunded Mandates Reform Act), requires that an agency prepare a budgetary impact statement before promulgating a rule that may result in expenditure by the state, local, and tribal governments, in the aggregate, or by the private sector, of USD 100 million or more in any one year, adjusted for inflation.¹⁰⁹ If a budgetary

impact statement is required, section 202 of the Unfunded Mandates Reform Act also requires an agency to identify and consider a reasonable number of regulatory alternatives before promulgating a rule.¹¹⁰

FinCEN has determined that this proposed rule will not result in expenditures by state, local, and tribal governments in the aggregate, or by the private sector, of an annual USD 100 million or more, adjusted for inflation (USD 188.9 million).¹¹¹ Accordingly, FinCEN has not prepared a budgetary impact statement or specifically addressed the regulatory alternatives considered.

D. Paperwork Reduction Act

The recordkeeping and reporting requirements, referred to by the Office of Management and Budget (OMB) as a collection of information, contained in this proposed rule will be submitted by FinCEN to the OMB for review in accordance with the Paperwork Reduction Act of 1995 (PRA).¹¹² Under the PRA, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the OMB. Written comments and recommendations for the proposed prohibition can be submitted by visiting www.reginfo.gov/public/do/PRAMain. Find this particular document by selecting "Currently under Review—Open for Public Comments" or by using the search function. Comments are welcome and must be received by June 4, 2025. In accordance with requirements of the PRA and its implementing regulations, 5 CFR part 1320, the following information concerning the collection of information as required by 31 CFR 1010.664 is presented to assist those persons wishing to comment on the information collections.

The provisions in this proposed rule pertaining to the collection of information can be found in sections 1010.664(b)(3)(i)(A) and 1010.664(b)(4). The notification requirement in section

¹¹⁰ *Id.*

¹¹¹ The Unfunded Mandates Reform Act requires an assessment of mandates that will result in an annual expenditure of USD 100 million or more, adjusted for inflation. The U.S. Bureau of Economic Analysis reports the annual value of the gross domestic product (GDP) deflator in the first quarter of 1995, the year of the Unfunded Mandates Reform Act, as 66.452, and as 125.532 in the third quarter of 2024, the most recent available. See U.S. Bureau of Economic Analysis, "Table 1.1.9. Implicit Price Deflators for Gross Domestic Product," <https://www.bea.gov/itable/> (last accessed Jan. 17, 2025). Thus, the inflation adjusted estimate for USD 100 million is $125.532/66.452 \times 100 = \text{USD } 188.9$ million.

¹¹² 44 U.S.C. 3507(a)(1)(D).

¹⁰³ 5 U.S.C. 603.

¹⁰⁴ 12 U.S.C. 1532, Public Law 104–4 (Mar. 22, 1995).

¹⁰⁵ 44 U.S.C. 3507(a)(1)(D).

¹⁰⁶ See Section VII; see also Section VIII.D.

¹⁰⁷ 5 U.S.C. 603(a).

¹⁰⁸ 12 U.S.C. 1532, Public Law 104–4 (Mar. 22, 1995).

¹⁰⁹ *Id.*

1010.664(b)(3)(i)(A) is intended to aid cooperation from foreign correspondent account holders in preventing transactions involving Huione Group from being processed by the U.S. financial system. The information required to be maintained by section 664(b)(4) will be used by federal agencies and certain self-regulatory

organizations to verify compliance by covered financial institutions with the notification requirement in section 1010.664(b)(3)(i)(A). The collection of information would be mandatory.

Frequency: As required.

Description of Affected Financial Institutions: Only those covered financial institutions defined in section

1010.664(a)(3) that are engaged in correspondent banking with, or processing transactions potentially involving, Huione Group as defined in section 1010.664(b)(1) and (2) would be affected.

Estimated Number of Potential Respondents: Approximately 15,710.¹¹³

TABLE 1—ESTIMATES OF COVERED FINANCIAL INSTITUTIONS BY TYPE

Financial institution type	Number of entities
Banks with an FFR ^a	^b 8,995
Banks without an FFR ^c	^d 395
Broker-dealers in securities ^e	^f 3,320
Open end mutual funds ^g	^h 2,036
Futures commission merchants ⁱ	^j 65
Introducing brokers in commodities ^k	^l 899

^a See 31 CFR 1010.100(t)(1); see also 31 CFR 1010.100(d).

^b Bank data is as of Jan. 17, 2025, from Federal Deposit Insurance Corporation BankFind (<https://banks.data.fdic.gov/bankfind-suite/bankfind>). Credit union data is as of Sept. 2024 from the National Credit Union Administration Quarterly Data Summary Reports (<https://ncua.gov/analysis/credit-union-corporate-call-report-data/quarterly-data-summary-reports>).

^c 31 CFR 1020.210(b).

^d The Board of Governors of the Federal Reserve System Master Account and Services Database contains data on financial institutions that utilize Reserve Bank financial services, including those with no federal regulator. FinCEN used this data to identify 395 banks and credit unions utilizing Reserve Bank financial services with no federal regulator. (<https://www.federalreserve.gov/paymentsystems/master-account-and-services-database-existing-access.html>).

^e 31 CFR 1010.100(t)(2).

^f According to the Securities and Exchange Commission (SEC), there are 3,320 broker-dealers in securities as of Mar. 2025 from website “Company Information About Active Broker-Dealers” (<https://www.sec.gov/foia-services/frequently-requested-documents/company-information-about-active-broker-dealers>).

^g See 31 CFR 1010.100(t)(10); see also 31 CFR 1010.100(gg).

^h According to the SEC, in 2024 there were 2,036 open-end registered investment companies that report on Form N-CEN. (<https://www.sec.gov/dera/data/form-ncen-data-sets>).

ⁱ 31 CFR 1010.100(t)(8).

^j According to the Commodity Futures Trading Commission (CFTC), there are 65 futures commission merchants as of November 30, 2024. See *Financial Data for FCMs*, <https://www.cftc.gov/MarketReports/financialfcmdata/index.htm>.

^k 31 CFR 1010.100(t)(9).

^l According to the National Futures Association, there are 899 introducing brokers in commodities as of Dec. 31, 2024 from website “NFA Membership Totals” (<https://www.nfa.futures.org/registration-membership/membership-and-directories.html>).

Estimated Number of Expected Respondents: Approximately 127.¹¹⁴

TABLE 2—ESTIMATES OF AFFECTED FINANCIAL INSTITUTIONS BY TYPE

Financial institution type	Number of entities
Banks with an FFR	^a 60
Banks without an FFR	^b 17
Broker-dealers in securities	^c 26
Open end mutual funds	^d 16
Futures commission merchants	^e 1
Introducing brokers in commodities	^f 7

^a Data are from the FFIEC Central Data Repository for Reports of Condition and Income (Call Reports) and Uniform Bank Performance Reports (UBPRs), available for most FDIC-insured institutions. Using this source of data, FinCEN determines that as of Q3 2024, approximately 60 banks (as defined by FinCEN regulations, see 31 CFR 1010.100(d)) will be affected by this rule on any given year. Specifically, we determine that there are approximately 60 banks that report non-zero values for deposit liabilities of banks in foreign countries. Deposit liabilities in a foreign country is an indication that a bank maintains correspondent accounts with a foreign financial institution.

^b The Board of Governors of the Federal Reserve System Master Account and Services Database contains data on financial institutions that utilize Reserve Bank financial services, including those with no federal regulator. FinCEN used this data to identify an additional 17 international banking entities with no federal regulator and that do not file Call Reports, but that are also likely to maintain correspondent accounts with a foreign financial institution.

¹¹³ This estimate is informed by public and non-public data sources regarding both an expected maximum number of entities that may be affected and the number of active, or currently reporting, registered financial institutions.

¹¹⁴ While this regulation applies to all covered institutions described in Table 1, in practice the burden will only be imposed on select institutions that maintain correspondent accounts for foreign banks. Table 2 below presents an estimate of this

subpopulation of banks, brokers or dealers in securities, mutual funds, futures commission merchants, and introducing brokers in commodities based on data from the most recent calendar year end.

^c Broker dealers, unless they are publicly traded, are not required to make reports indicating whether or not they have foreign correspondent accounts or hold foreign deposits. FinCEN reviewed financial statement data from 10-Q and 6-K filings with the SEC, and identified nine publicly traded broker dealers with U.S. operations that reported foreign deposits. FinCEN also examined Suspicious Activity Reports (SARs) filed by broker dealers in 2024 to identify another two non-publicly traded broker dealers who appeared likely to be maintaining foreign deposits. However, because many broker dealers are not publicly traded and did not file SARs, FinCEN conservatively estimates that the proportion of broker dealers with foreign correspondent accounts will be similar to the proportion for banks (approximately 0.8%). 0.8% of 3,320 active broker dealers is approximately 26 broker dealers assumed to have foreign correspondent accounts.

^d Mutual funds, futures commission merchants, and introducing brokers in commodities generally use intermediary U.S. banks to move and maintain client deposits and funds for investment. Therefore, it is unlikely that many of these institutions will maintain direct correspondent accounts with foreign financial institutions outside of their existing upstream banking relationships. However, because these institutions may in some cases receive deposits from, make payments or other disbursements, or otherwise transact directly with foreign financial institutions, FinCEN conservatively estimates that the proportion of mutual funds with foreign correspondent accounts will be similar to the proportion for banks (approximately 0.8%). 0.8% of 2,036 active mutual funds is approximately 16 mutual funds assumed to have foreign correspondent accounts.

^e 0.8% of 65 active futures commission merchants is approximately one futures commission merchants assumed to have foreign correspondent accounts.

^f 0.8% of 899 active introducing brokers in commodities is approximately seven introducing brokers in commodities assumed to have foreign correspondent accounts.

Estimated Average Annual Burden in Hours per Affected Financial Institution:

Imposing special measure five requirements as described in this proposed rule is expected to result in a new, incremental recordkeeping burden on certain covered financial institutions as described above. Each anticipated component of this is outlined below.

Each affected covered financial institution is expected to incur a recordkeeping burden associated with preparing and retaining the materials necessary to demonstrate compliance with the proposed requirements. This is expected to include records related to:

B. Documenting the reasonable steps the financial institution undertakes to ensure no transactions involving Huione Group are processed for a foreign correspondent account, including:

1. Any investigative activities undertaken when the financial institution knows or has reason to believe that a foreign bank's correspondent account has been or is being used to process transactions involving Huione Group.

2. Any subsequent activities undertaken to prevent such access, including, where necessary, termination of the correspondent account.

C. Notifying, and documenting that the financial institution has provided notice to, foreign correspondent account holders that the financial institution knows or has reason to believe provide services to Huione Group, that such correspondents may not provide Huione Group with access to the correspondent account maintained at the financial institution.

D. Documenting the reasonable steps it took with respect to special due diligence requirements, including but not limited to, the reasoning that informed decisions to adopt (or not adopt) new measures adding to its existing risk-based approach, and those new measures, if adopted.

The estimated average annual burden associated with the collection of

information in this proposed rule is, in total, one business day, or eight hours per affected financial institution.

Estimated Total Annual Burden:

Approximately 1,016 hours.¹¹⁵

Estimated Total Annual Cost:

Approximately \$121,920.¹¹⁶

FinCEN invites comments on: (a) whether the proposed collection of information found in section 1010.664(b)(4) is necessary for the proper performance of the mission of FinCEN, including whether the information would have practical utility; (b) the accuracy of FinCEN's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information required to be maintained; (d) ways to minimize the burden of the required collection of information, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation,

¹¹⁵ 127 expected respondents multiplied by eight hours per respondent equals 1,016 total annual burden hours.

¹¹⁶ The wage rate applied here is a general composite hourly wage (\$85.55), scaled by a private-sector benefits factor of 1.42 (\$120.07 = \$85.55 × 1.42), that incorporates the mean wage data (available for download at <https://www.bls.gov/oes/tables.htm>, "May 2023—National industry-specific and by ownership") associated with the six occupational codes (11–1010: Chief Executives; 11–3021: Computer and Information Systems Managers; 11–3031: Financial Managers; 13–1041: Compliance Officers; 23–1010: Lawyers and Judicial Law Clerks; 43–3099: Financial Clerks, All Other) for each of the nine groupings of NAICS industry codes that FinCEN determined are most directly comparable to its eleven categories of covered financial institutions as delineated in 31 CFR parts 1020 to 1030. The benefit factor is 1 plus the benefit/wages ratio, where as of June 2023, Total Benefits = 29.4 and Wages and salaries = 70.6 (29.4/70.6 = 0.42) based on the private industry workers series data downloaded from https://www.bls.gov/news.release/archives/eccec_09122023.pdf (accessed Dec. 22, 2024). Given that many occupations provide benefits beyond cash wages (e.g., insurance, paid leave, etc.), the private sector benefit is applied to reflect the total cost to the employer. 1,016 total annual burden hours multiplied by \$120 per hour equals a total annual cost of \$121,920.

maintenance, and purchase of services to report the information.

List of Subjects in 31 CFR Part 1010

Administrative practice and procedure, Banks, Banking, Brokers, Crime, Foreign banking, Terrorism.

Authority and Issuance

For the reasons set forth in the preamble, FinCEN proposes amending 31 CFR part 1010 as follows:

Part 1010—GENERAL PROVISIONS

■ 1. The authority citation for part 1010 continues to read as follows:

Authority: 12 U.S.C. 1829b and 1951–1959; 31 U.S.C. 5311–5314, 5316–5336; title III, sec. 314, Pub. L. 107–56, 115 Stat. 307; sec. 2006, Pub. L. 114–41, 129 Stat. 458–459; sec. 701 Pub. L. 114–74, 129 Stat. 599; sec. 6403, Pub. L. 116–283, 134 Stat. 3388.

■ 2. Add § 1010.664 to read as follows:

§ 1010.664 Special measures regarding Huione Group.

(a) *Definitions.* For purposes of this section, the following terms have the following meanings.

(1) *Huione Group.* The term “Huione Group” means all subsidiaries, branches, and offices of Huione Group operating as a financial institution in any jurisdiction outside of the United States, including Haowang Guarantee (formerly known as Huione Guarantee), Huione Pay PLC, and Huione Crypto Spółka Z Ograniczoną Odpowiedzialnością (d/b/a Huione Crypto).

(2) *Correspondent account.* The term “correspondent account” has the same meaning as provided in 1010.605(c)(1)(ii).

(3) *Covered financial institution.* The term “covered financial institution” has the same meaning as provided in 1010.605(e)(1).

(4) *Foreign banking institution.* The term “foreign banking institution” means a bank organized under foreign law, or an agency, branch, or office

located outside the United States of a bank. The term does not include an agent, agency, branch, or office within the United States of a bank organized under foreign law.

(5) *Subsidiary*. The term “subsidiary” means a company of which more than 50 percent of the voting stock or an otherwise controlling interest is owned by another company.

(b) *Prohibition on accounts and due diligence requirements for covered financial institutions*—(1) *Prohibition on opening or maintaining correspondent accounts for Huione Group*. A covered financial institution shall not open or maintain in the United States a correspondent account for, or on behalf of, Huione Group.

(2) *Prohibition on processing transactions involving Huione Group*. A covered financial institution shall take reasonable steps not to process a transaction for the correspondent account in the United States of a foreign banking institution if such a transaction involves Huione Group.

(3) *Special due diligence of correspondent accounts to prohibit transactions*. (i) A covered financial institution shall apply special due diligence to its foreign correspondent accounts that is reasonably designed to guard against their use to process transactions involving Huione Group. At a minimum, that special due diligence must include:

(A) Notifying those foreign correspondent account holders that the covered financial institution knows or has reason to believe provide services to Huione Group that such correspondents may not provide Huione Group with access to the correspondent account maintained at the covered financial institution; and

(B) Taking reasonable steps to identify any use of its foreign correspondent accounts by Huione Group, to the extent that such use can be determined from transactional records maintained in the covered financial institution’s normal course of business.

(ii) A covered financial institution shall take a risk-based approach when deciding what, if any, other due diligence measures it reasonably must adopt to guard against the use of its foreign correspondent accounts to process transactions involving Huione Group.

(iii) A covered financial institution that knows or has reason to believe that a foreign bank’s correspondent account has been or is being used to process transactions involving Huione Group shall take all appropriate steps to further investigate and prevent such access, including the notification of its

correspondent account holder under paragraph (b)(3)(i)(A) of this section and, where necessary, termination of the correspondent account.

(4) *Recordkeeping and reporting*. (i) A covered financial institution is required to document its compliance with the notification requirement set forth in this section.

(ii) Nothing in paragraph (b) of this section shall require a covered financial institution to report any information not otherwise required to be reported by law or regulation.

Dated: May 1, 2025.

Andrea M. Gacki,

Director, Financial Crimes Enforcement Network.

[FR Doc. 2025–07837 Filed 5–2–25; 8:45 am]

BILLING CODE 4810–02–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 193

[Docket No. PHMSA–2019–0091]

RIN 2137–AF45

Pipeline Safety: Amendments to Liquefied Natural Gas Facilities

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Advance notice of proposed rulemaking (ANPRM).

SUMMARY: PHMSA is publishing this advance notice of proposed rulemaking (ANPRM) to solicit stakeholder feedback on potential amendments to the pipeline safety regulations governing liquefied natural gas (LNG).

DATES: Comments on this ANPRM must be submitted by July 7, 2025.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2019–0091 using any of the following methods:

E-Gov Web: <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: U.S. DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200

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

Fax: 1–202–493–2251.

Instructions: Please include the docket number PHMSA–2019–0091 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov>, including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its rulemaking process. 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.dot.gov/privacy>.

Confidential Business Information: 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. It is important that you clearly designate the comments submitted as CBI if: your comments responsive to this document contain commercial or financial information that is customarily treated as private; you actually treat such information as private; and your comment is relevant or responsive to this notice. Pursuant to 49 Code of Federal Regulations (CFR) 190.343, you may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as “Confidential”; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information that you are submitting is CBI. Submissions containing CBI should be sent to Brianna Wilson, Office of Pipeline Safety (PHP–30), Pipeline and Hazardous Materials Safety Administration (PHMSA), 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, or by email at brianna.wilson@dot.gov. Any materials PHMSA receives that is not

specifically designated as CBI will be placed in the public docket.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

FOR FURTHER INFORMATION CONTACT:

General: Brianna Wilson, Transportation Specialist, by phone at (771) 215-0969, or by email at brianna.wilson@dot.gov.

Technical: Thach Nguyen, Supervisory General Engineer, by phone at (909) 262-4464, or by email at thach.d.nguyen@dot.gov.

I. Executive Summary

PHMSA is publishing this advance notice of proposed rulemaking (ANPRM) to solicit stakeholder feedback on potential opportunities for amendment of its regulations governing the siting, design, installation, construction, inspection, testing, operation, and maintenance of LNG facilities at 49 CFR part 193. Those requirements have not been substantially revised for over two decades. In the years since, the U.S. LNG industry has become truly global in scale and geopolitical importance; the sophistication of technology and operating practices within LNG facilities regulated by PHMSA have similarly evolved at a breakneck pace. In recognition of these developments, Congress, the Government Accountability Office (GAO), and industry stakeholders have repeatedly called on PHMSA to update its part 193 regulations to better align with current technologies, operational best practices, and lessons learned. In response to these recommendations and mandates, PHMSA now solicits stakeholder feedback on potential amendments to its part 193 LNG facility requirements that will inform a forthcoming notice of proposed rulemaking (NPRM) in this proceeding.

II. Background

PHMSA's last significant amendments to its part 193 regulations governing LNG facilities date to 2004.¹ Current regulations rely heavily on the 2001 edition of a consensus industry standard—National Fire Protection Association (NFPA) 59A, “Standard for the Production, Storage, and Handling

of Liquefied Natural Gas” (NFPA 59A)²—that has since been updated multiple times.

In the interim, the U.S. LNG industry has emerged as a driver of the U.S. domestic economy, a lynchpin of international commerce, and a critical instrument for advancing U.S. strategic interests. A recent study predicts the U.S. LNG industry over the next 16 years will contribute around \$1.3 trillion to U.S. Gross Domestic Product—including more than \$2.5 trillion in total revenues for U.S. businesses, \$165 billion in Federal and State tax revenues, more than \$500 billion in labor income, and support an average of nearly a half-million U.S. jobs annually.³

Meanwhile, the United States is the largest international exporter of LNG, is the source of roughly 22% of worldwide LNG supply, and is a critical supplier to energy markets in Europe and Asia (the top destinations for U.S. LNG exports). U.S. LNG exports play an outsized role in advancing U.S. strategic interests, improving the nation's trade balance, and supporting the energy needs of resource-constrained strategic allies.

U.S. LNG facility technologies and operations have evolved alongside the expansion and growing importance of the industry. When PHMSA issued its last major updates to the part 193 regulations in 2004, most LNG facilities regulated by PHMSA were relatively small facilities focused on the U.S. domestic market: LNG import facilities and “peak-shaving” facilities supporting local gas distribution companies. But even as those LNG facilities remain common, there is increasing interest within the U.S. domestic LNG market for small-scale or mobile or temporary LNG facilities supporting novel applications, including (but not limited to): marine bunkering for fueling maritime vessels; trucking fleet transportation fueling; alternative gas supply for pipeline testing activity; off-grid electric power and heat generation; and electric power continuity for data centers. At the same time, the re-orientation of the U.S. LNG industry toward international markets has resulted in the construction of a number of massive, capital-intensive, and increasingly sophisticated LNG export

terminals. The LNG industry has compiled and memorialized the lessons learned and best practices in designing, constructing, and operating each of these types of LNG facilities over the last two decades in consensus industry standards—culminating in the latest edition of NFPA 59A that was published in 2023.

Recognizing that PHMSA regulations have not kept pace with technological innovation and best practices in the LNG industry, policymakers and other stakeholders have repeatedly called on PHMSA to update its part 193 regulations. GAO in 2020 criticized PHMSA for not having conducted a standards-specific review of its part 193 regulations for nearly two decades and recommended that PHMSA consider incorporating by reference more recent editions of consensus industry standards such as NFPA 59A.⁴ Section 27 of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2016 (PIPES Act of 2016, Pub. L. 114–183) directed PHMSA to update its minimum safety standards for “permanent, small scale” LNG facilities.⁵ Subsequently, section 110 of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2020 (PIPES Act of 2020, Pub. L. 116–2600) directed PHMSA to update the minimum safety standards by December 27, 2023, to impose a risk-based regulatory approach for large-scale LNG facilities, other than peak-shaving facilities.⁶

Meanwhile, President Trump in his first term issued Executive Order (E.O.) 13868 “Promoting Energy Infrastructure and Economic Growth,” directing PHMSA to issue a final rule updating its part 193 regulations no later than May 2020.⁷ President Trump has in the current term issued E.O. 14192, “Unleashing Prosperity Through Deregulation,” requiring agencies to identify opportunities to alleviate unnecessary regulatory compliance burdens imposed on industry and the general public, E.O. 14154, “Unleashing American Energy,” requiring agencies to reduce undue burdens on the identification, development, or use of domestic energy resources; and E.O. 14156, “Declaring a National Energy Emergency,” to ensure the integrity and

² PHMSA elsewhere in this ANPRM refers to specific editions of NFPA 59A by adding the date of those editions as a suffix; by way of example, “NFPA 59A–2023” refers to the 2023 edition of NFPA 59A.

³ Yergin et al., *Major New U.S. Industry at a Crossroads: a U.S. LNG Industry Impact Study—Phase 1* (Dec. 2024), available at <https://www.spglobal.com/en/research-insights/special-reports/major-new-us-industry-at-a-crossroads-us-lng-impact-study-phase-1>.

⁴ GAO, GAO–20–619, “Natural Gas Exports: Updated Guidance and Regulations Could Improve Facility Permitting Processes” (Aug. 2020), available at <https://www.gao.gov/products/gao-20-619>.

⁵ 49 U.S.C. 60103 note.

⁶ 49 U.S.C. 60103 note.

⁷ E.O. 13868, “Promoting Energy Infrastructure and Economic Growth,” 84 FR 15495 (Apr. 19, 2019).

¹ Research and Special Projects Administration, “Pipeline Safety: Liquefied Natural Gas Facilities; Clarifying and Updating Safety Standards,” 69 FR 11336 (Mar. 10, 2004).

expansion of U.S. energy infrastructure.⁸

PHMSA has also received petitions for rulemaking and other requests from industry trade groups calling on PHMSA to update its part 193 regulations to address various alleged shortcomings, including incorporating by reference more recent editions of NFPA 59A.

To develop an NPRM responding to the above recommendations and mandates, PHMSA is soliciting stakeholder feedback on, among other things: (1) the topics listed in section III below; (2) potential amendments to its part 193 LNG facility requirements, including any amendments identified by stakeholders; (3) the appropriateness of those amendments for different types of LNG facilities (including export terminals and peak-shaving facilities); (4) the incremental compliance costs and benefits (including benefits pertaining to avoided compliance costs, safety harms, and environmental harms) anticipated from those amendments; and (5) the technical feasibility, reasonableness, cost-effectiveness, and practicability of those potential amendments. PHMSA plans to hold a public meeting in the near future to supplement or to clarify the materials received in response to this ANPRM.

With respect to incremental cost and benefit information, PHMSA is seeking per-unit, aggregate, and programmatic (both one-time implementing and recurring) data. Explanation of the bases or methodologies employed in generating cost and benefit data, including data sources, assumptions (e.g., calculations), is valuable so that PHMSA can explain the support for any estimates it is able to provide that accompany a proposed rule, and other commenters may weigh in on the validity and accuracy of the data. Please also identify the baseline (e.g., a particular edition of a consensus industry standard such as NFPA 59A; widespread voluntary operator practice; or documentation of sample surveys and other operator level data or information) from which those incremental costs and benefits arise. When estimates are approximate or uncertain, consider using a range or specifying the distribution in other ways.

When responding to a specific question below please note the topic letter and question number in your comment. PHMSA will review and evaluate all comments received, as well

as late-filed comments to the extent practicable.

III. Topics Under Consideration

A. PHMSA's enabling statute at 49 U.S.C. 60101(a)(14) defines an LNG facility subject to PHMSA's authority as "a gas pipeline facility used for transporting or storing liquefied natural gas, or for liquefied natural gas conversion, in interstate or foreign commerce." Excluded from this definition is "any part of a structure or equipment located in navigable waters."

1. What regulatory amendments could improve or clarify the applicability of PHMSA's part 193 regulations to LNG facilities under its statutory authority? Should PHMSA's regulations be amended to clarify the boundaries of its regulatory authority with respect to some or all categories of LNG facilities? Which provisions (including regulatory definitions) merit revision and how should they be modified?

2. For LNG facilities over which PHMSA shares regulatory authority with another Federal agency, should PHMSA consider an LNG facility's compliance with analogous regulatory requirements or guidance issued by those other agencies in evaluating compliance with existing part 193 requirements or (should they be incorporated by reference into part 193 regulations) NFPA 59A–2023? Please identify those analogous requirements of PHMSA and other Federal agencies.

B. The term "LNG facility" is defined in PHMSA's enabling statute at 49 U.S.C. 60101(a)(14) and PHMSA implementing regulations at 49 CFR 193.2007. LNG facilities subject to part 193 requirements include "baseload" facilities, "peak-shaver" facilities, "temporary" or "mobile" LNG facilities, and "satellite" LNG facilities.

1. How many of each of these categories of LNG facilities are projected to come into existence over the next two decades? What function(s) do they each currently serve in the interstate natural gas transportation system, and are there any emerging applications for those facilities?

2. Are there material differences in the characteristics (e.g., capacity or size; physical processes) of and among those categories of LNG facilities that merit distinguishable treatment under part 193? What proportion of each category of LNG facilities are operated by "small entities" (small businesses, small organizations, or small government jurisdictions)⁹ as defined in the

Regulatory Flexibility Act (5 U.S.C. 6010 *et seq.*) and its implementing regulations?

C. LNG facility reporting requirements are set forth at 49 CFR 193.2011.

1. Is there information required in the annual, incident, and safety related condition reports required by PHMSA regulations with limited or no safety value any of the categories of part 193-regulated LNG facilities?

2. Is there information required in the reports that is duplicative with the information required to be submitted to other State or Federal regulatory authorities?

3. What incremental, per-unit costs and benefits may arise from amending § 193.2011 to clarify that safety-related condition reporting would be required not only for "in-service" LNG facilities, but also safety-related conditions that occur during commissioning and initial start-up?

D. Current part 193 regulations incorporate much of NFPA 59A–2001's provisions pertinent to LNG facility siting (§ 193.2051), design (§ 193.2101(a)), construction (§ 193.2301), equipment (§ 193.2401), and fire protection (§ 193.2801).

1. Stakeholders have asserted that compliance with provisions of NFPA 59A–2001 has become increasingly impracticable as vendors and the industry itself employ more recent consensus industry standards in their activities. Please describe noteworthy examples of tension between NFPA 59A–2001 provisions referenced in current PHMSA regulations and more recent consensus industry standards. What incremental, per-unit costs (including, but not limited to, those arising from personnel having to compare operator practices with provisions of NFPA 59A–2001 referenced in current PHMSA regulations) arise from operators having to navigate those tensions?

2. Should PHMSA consider a narrow rulemaking to update only the NFPA 59A standard to the 2023 edition and pursuing a broader part 193 update afterward? What would the incremental costs and benefits be of an update of the NFPA 59A standard to 2023?

3. To what extent do different categories of LNG facility operators generally comply with other NFPA 59A–2001 provisions (e.g., those governing operating and maintenance) not explicitly incorporated by reference in part 193? With which of those NFPA 59A–2001 provisions do different categories of LNG facility operators

⁸E.O. 14192, "Unleashing Prosperity Through Deregulation," 90 FR 9065 (Feb. 6, 2025); E.O. 14152, "Unleashing American Energy," 90 FR 8353 (Jan. 29, 2025); E.O. 14156, "Declaring a National Energy Emergency," 90 FR 8433 (Jan. 29, 2025).

⁹For example, "small businesses" include those operators that employ fewer than 1500 employees or which have annual revenue less than \$40

million; "small government jurisdictions" are those with a population of less than 50,000 persons.

generally comply? With which do they generally not comply?

4. To what extent do different categories of LNG facility operators generally comply with provisions in more recent editions of NFPA 59A? If so, which edition (e.g., NFPA 59A–2019 or NFPA 59A–2023) do operators generally follow? Do operators generally conform their activities to the entirety of those more recent editions, or do they follow specific chapters or paragraphs of those more recent editions, but not others? Do operators conform to more recent editions of NFPA 59A voluntarily or due to regulatory requirements imposed by another State or Federal regulatory authority?

5. Part 193 regulations in several places broadly incorporate pertinent NFPA 59A–2001 requirements provided they do not conflict with specific part 193 provisions; such language appears in Subparts B (“Siting”), C (“Design”), D (“Construction”), E (“Equipment”), and I (“Fire Protection”). What incremental, per-unit costs and benefits would arise from substituting NFPA 59A–2023 provisions for the current reference to NFPA 59A–2001 provisions (or superseding part 193 provisions) in each of those subparts of part 193? Should PHMSA exclude some NFPA 59A–2023 provisions from incorporation by reference in those subparts? To which categories of LNG facilities should any NFPA 59A–2023 provisions pertinent to those subparts apply?

6. What incremental, per-unit costs and benefits would arise should PHMSA propose to incorporate by reference the entirety of NFPA 59A–2023? Please provide those estimated, incremental costs and benefits on a per-chapter basis where possible, highlighting provisions in each NFPA 59A–2023 chapter for which compliance would be particularly burdensome or costly for particular categories of LNG facility operators.

7. Which mandatory provisions of NFPA 59A–2023 should be made permissive if incorporated into the PHMSA’s part 193 regulations? Are there certain mandatory elements of NFPA 59A–2023 that should remain mandatory for some categories of LNG facilities but not others? Should any non-mandatory provisions in NFPA 59A–2023 be mandatory, and what incremental, per-unit costs and benefits would arise?

8. What incremental, per-unit costs and benefits would arise from PHMSA integrating NFPA 59A–2023’s references to “hazardous fluid” alongside references to “LNG” and “natural gas” throughout part 193?

9. What incremental, per-unit costs and benefits would arise in connection with the incorporation by reference in part 193 of NFPA 59A–2023 chapter 14 requirements governing “mobile and temporary LNG facilities”? Are there particular requirements in NFPA 59A–2023 chapter 14 that would entail noteworthy incremental, per-unit compliance costs and benefits?

10. Are the criteria for “stationary, small-scale LNG facilities” in paragraph 17.1.2 of NFPA 59A–2023 appropriate? What would be the incremental, per-unit costs and benefits of adopting these provisions relative to current part 193 requirements (including referenced provisions in NFPA 59A–2001)? Are there particular requirements in NFPA 59A–2023 pertinent to small-scale LNG facilities that would lead to incremental, per-unit costs and benefits?

11. What would be the incremental, per-unit costs and benefits to operators from installing dikes around American Society of Mechanical Engineers (ASME)-compliant single-walled containers and membrane-containment tank systems? How many single-walled ASME containers, single-walled ASME vessels, and membrane-containment tank systems would different categories of LNG facilities have on average?

12. What are the incremental, per-unit costs and benefits to operators of different categories of LNG facilities from utilizing the design spill parameters for pipe-in-pipe systems in Frequently Asked Question (FAQ) #DS2(C) within PHMSA guidance for LNG facilities?¹⁰

13. What would be the initial and annual recurring incremental, per-unit costs and benefits to operators from generation and implementation of a robust mechanical and electrical lockout program in different categories of LNG facilities?

14. Are there any PHMSA interpretations of its part 193 regulations¹¹ whose safety value does not justify any associated compliance costs for each category of LNG facilities? If so, what are the associated compliance costs? Are there any interpretations that merit codification in part 193 regulations?

E. GAO in its August 2020 report identified consensus industry standards other than NFPA 59A listed in § 193.2013 and currently incorporated by reference throughout PHMSA’s part

193 regulations meriting updating to more recent editions.

1. Please describe current operator compliance strategies with respect to those standards. Do some or all operators generally comply with the older editions currently referenced in part 193 regulations, more recent editions, or both? If operators comply with a more recent edition, which one—the latest edition or some intermediate edition? If some operators but not others comply with each of those updated standards, are there certain categories of LNG facilities that generally comply with more recent standards?

2. To which edition of each standard should PHMSA update its part 193 regulations? Please provide technical, safety, and economic reasons for updating part 193 regulations to reference a particular edition of each standard.

3. Please estimate any incremental, per-unit costs and benefits that would arise from updating each of those standards to a more recent standard. Are there particular provisions of those standards that entail noteworthy incremental costs and benefits?

4. Are there specific provisions or sections in those updated editions that PHMSA should exclude when incorporating those standards by reference with respect to some or all part 193-regulated LNG facilities? Please provide the technical, safety, and economic reasons for such an exclusion.

5. Are there any updates in development for consensus industry standards currently incorporated by reference in part 193 regulations that could merit inclusion in this rulemaking? Please provide the technical, safety, and economic reasons for inclusion of those forthcoming updates.

F. Are there any consensus industry standards pertinent to part 193-regulated LNG facilities that PHMSA should consider incorporating by reference for the first time?

1. Please identify any such standards, noting the edition to be incorporated by reference and any portions of those standards that should be excluded from such incorporation, along with any technical, safety, and economic justification.

2. Which provisions of part 193 should reference those standards?

3. Please estimate any incremental, per-unit costs and benefits that would arise from incorporating by reference standard. Are there particular provisions of those standards that entail noteworthy incremental costs and benefits?

¹⁰ PHMSA, “LNG Plant Requirements: Frequently Asked Questions” (June 21, 2023), <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2024-06/PHMSA-LNG-FAQs-2014-2023.pdf>.

¹¹ PHMSA, “Letters of Interpretation,” <https://www.phmsa.dot.gov/regulations/title49/b/2/1> (last accessed Mar. 11, 2025).

G. Section 110 of the PIPES Act of 2020 requires PHMSA to update part 193 operating and maintenance standards for “large-scale” LNG facilities (other than peak shaving facilities) to provide for a “risk-based regulatory approach” that PHMSA ensures will achieve an equivalent level of safety to current, prescriptive part 193 operating and maintenance standards.

1. What is the appropriate metric and threshold for determining whether an LNG facility is a large-scale LNG facility and why is it appropriate?

2. For which provisions of part 193, subparts F (Operations) and G (Maintenance) should a risk-based regulatory approach provide an alternative? What would be the incremental, per-unit cost benefits from substitution of a risk-based regulatory approach, estimated for each of those part 193, subparts F and G provisions?

3. Are there particular regulatory or conceptual frameworks or consensus industry standards or protocols that are appropriate for use in designing implementation plans for an alternative risk-based regulatory approach? Are those frameworks or consensus industry standards or protocols employed by “large-scale LNG facilities—and if so, how widely? Are such frameworks or standards employed voluntarily or pursuant to legal requirements (e.g., the

terms and conditions of a FERC certificate of convenience and necessity)? Please provide technical and safety reasons (to include pertinent data or studies) for the appropriateness of those frameworks or industry standards.

4. What should be the relationship between an LNG facility implementation plan and the Emergency Response Plan required under section 3(a) of the Natural Gas Act (15 U.S.C. 717b–1)?

5. What should be the required content and information in LNG facility implementation plans submitted to PHMSA? What would be the incremental, per-unit unit cost for development of implementation plans?

6. What would be the annual incremental, per-unit costs for operators’ execution of implementation plans? Please provide such an estimate for each of the elements (e.g., employee and contractor training; quality assurance programs) listed in section 110(c).

7. What processes should PHMSA employ in reviewing and evaluating operator submissions? Are there models for those processes elsewhere in current PHMSA regulations? If so, how are those models appropriate for use in connection with LNG facility implementation plans? Are there elements of those models that would be inappropriate for use in connection with LNG facility implementation plans?

8. What factors should inform PHMSA’s review of LNG facility implementation plans?

H. Section II of this ANPRM identifies Executive Orders directing PHMSA and other agencies to reduce regulatory burdens on the U.S. energy industry.

1. Are there current aspects of PHMSA regulations that are particularly burdensome on the ability of industry to operate LNG facilities that PHMSA should consider amending or rescinding?

2. Are there areas that PHMSA could add regulatory text that would reduce costs on operators without reducing safety outcomes?

3. Which aspects of current PHMSA regulations do operators find outdated or unnecessary because industry practice or existing industry guidelines are an equivalent or better standard both for cost savings and safety outcomes?

4. How can PHMSA best design a rulemaking to update its part 193 regulations for LNG facilities to be deregulatory and lead to cost savings for the industry?

Issued in Washington, DC, on April 28, 2025, under authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,
Acting Administrator.

[FR Doc. 2025–07606 Filed 5–2–25; 8:45 am]

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Notices

Federal Register

Vol. 90, No. 85

Monday, May 5, 2025

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

COMMISSION ON CIVIL RIGHTS

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

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a meeting of the Puerto Rico Advisory Committee to the Commission will convene by virtual web conference on Wednesday, May 21, 2025, at 3:30 p.m. Atlantic Time/Eastern Time. The purpose is to continue discussion on their project on the civil rights impacts of the Insular Cases in Puerto Rico.

DATES: May 21, 2025, Wednesday, at 3:30 p.m. Atlantic Time/Eastern Time.

ADDRESSES: Meeting will be held via Zoom.

Registration Link (Audio/Visual):
<https://tinyurl.com/yxdw4jbd>.

Join by Phone (Audio Only): 1-833 435 1820 USA Toll Free; Meeting ID: 161 261 0577 #.

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

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

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

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

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

Agenda

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

Dated: April 29, 2025.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2025-07709 Filed 5-2-25; 8:45 am]

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DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-27-2025]

Foreign-Trade Zone (FTZ) 102, Notification of Proposed Production Activity; Tight Line Composites LLC; (Carbon Fiber Profiles for Wind Turbine Spar Caps); Earth City, Missouri

Tight Line Composites LLC (Tight Line) submitted a notification of proposed production activity to the FTZ Board (the Board) for its facility in Earth City, Missouri, within FTZ 102. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on April 21, 2025.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status materials/components and the specific finished product described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via www.trade.gov/ftz.

The proposed finished product is carbon fiber profiles (duty rate is duty-free).

The proposed foreign-status materials/components include carbon fiber tow, epoxy resin, and woven nylon 6,6 peel ply fabric (in widths not exceeding 300mm) (duty rate ranges from duty-free to 6.1%). The request indicates that certain materials/components may be subject to duties under section 1702(a)(1)(B) of the International Emergency Economic Powers Act (section 1702) or section 301 of the Trade Act of 1974 (section 301), depending on the country of origin. The applicable section 1702 and section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign (PF) status (19 CFR 146.41). The request also indicates that Epoxy Resin is subject to an antidumping/countervailing duty (AD/CVD) investigation if imported from China, India, South Korea, Taiwan, or Thailand. The Board's regulations (15 CFR 400.13(c)(2)) require that merchandise subject to AD/CVD orders, or items which would be otherwise

subject to suspension of liquidation under AD/CVD procedures if they entered U.S. customs territory, be admitted to the zone in PF status.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: ftz@trade.gov. The closing period for their receipt is June 16, 2025.

A copy of the notification will be available for public inspection in the "Online FTZ Information System" section of the Board's website.

For further information, contact Luke Engan at Luke.Engan@trade.gov.

Dated: April 30, 2025.

Elizabeth Whiteman,
Executive Secretary.

[FR Doc. 2025-07754 Filed 5-2-25; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Transportation and Related Equipment Technical Advisory Committee

AGENCY: Bureau of Industry and Security, U.S. Department of Commerce.

ACTION: Notice of partially closed meeting.

SUMMARY: The Transportation and Related Equipment Technical Advisory Committee (TRANSTAC) advises and assists the Secretary of Commerce and other Federal officials on matters related to export control policies; the TRANSTAC will meet to review and discuss these matters. The meeting will be partially closed to the public pursuant to the exemptions under the Federal Advisory Committee Act (FACA) and the Government in the Sunshine Act.

DATES: The meeting will be held on May 21, 2025, from 9:30 a.m. to 2 p.m. Eastern Time (all times are Eastern Time). The open session will start at 9:30 a.m. and end at approximately 10:30 a.m. The closed session will start at approximately 10:30 a.m. and end no later than 2:00 p.m. Individuals requiring special accommodations to access the open session should contact TAC@bis.doc.gov no later than 11:59 p.m. on May 14, 2025, so that appropriate arrangements can be made. Individuals interested in participating virtually should contact TAC@bis.doc.gov no later than 11:59 p.m. on May 19, 2025.

ADDRESSES: The meeting will be held in Room 3884 of the Herbert C. Hoover Building, 1401 Constitution Avenue NW, Washington, DC (enter through the

Main Entrance on 14th Street between Constitution and Pennsylvania Avenues). The open session will be accessible via teleconference.

FOR FURTHER INFORMATION CONTACT:

Kevin Coyne, Committee Liaison Officer, Bureau of Industry and Security, U.S. Department of Commerce, TAC@bis.doc.gov, (202) 482-4933.

SUPPLEMENTARY INFORMATION:

Background

The Transportation and Related Equipment Technical Advisory Committee (TRANSTAC) advises and assists the Secretary of Commerce (Secretary) and other Federal officials and agencies with respect to actions designed to carry out the policy set forth in section 1752 of the Export Control Reform Act. The purpose of the meeting is to have the TRANSTAC members and U.S. Government representatives mutually review the updated technical data and policy-driving information that has been gathered.

Agenda

The open session will include working group reports, open business discussions, and industry presentations. The closed session will include discussion of matters determined to be exempt from the open meeting and public participation requirements found in sections 1009(a)(1) and 1009(a)(3) of the Federal Advisory Committee Act (FACA) (5 U.S.C. 1001-1014).

Open Session Attendance

The open session will be accessible via teleconference. Registration in advance is required to receive the meeting invite for virtual attendance. Individuals interested in participating virtually should contact TAC@bis.doc.gov no later than 11:59 p.m. Eastern Time on May 19, 2025. A limited number of seats will be available for members of the public to attend the open session in person on a first-come basis. Reservations to attend in person are not accepted. Registration in advance is not required for in-person attendance, but you will be asked to sign an attendance log when you arrive.

Special Accommodations

Individuals requiring special accommodations to access the open session should contact TAC@bis.doc.gov no later than 11:59 p.m. Eastern Time on May 14, 2025, so that appropriate arrangements can be made.

Public Participation

To the extent that time permits during the open session, members of the public may present oral statements to the

TRANSTAC. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of materials to the TRANSTAC members, the TRANSTAC suggests that members of the public forward their materials prior to the meeting via email to TAC@bis.doc.gov. Material submitted by the public will be made public; therefore, submissions should not contain confidential information. Meeting materials from the open session will be accessible via the Technical Advisory Committee (TAC) website at: <https://tac.bis.doc.gov>, within 30 days after the meeting.

Closure Determination

A Senior Advisor, performing the Non-Exclusive Functions and Duties of the Chief Financial Officer and Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined, pursuant to 5 U.S.C. 1009(d), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and the U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. 1009(a)(1) and 1009(a)(3). The remaining portions of the meeting will be open to the public. The exemption is authorized by section 1009(d) of the FACA, which permits the closure of advisory committee meetings, or portions thereof, if the head of the agency to which the advisory committee reports determines such meetings may be closed to the public in accordance with subsection (c) of the Government in the Sunshine Act (5 U.S.C. 552b(c)). In this case, the applicable provisions of 5 U.S.C. 552b(c) are subsection 552b(c)(4), which permits closure to protect trade secrets and commercial or financial information that is privileged or confidential, and subsection 552b(c)(9)(B), which permits closure to protect information that would be likely to disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action. The closed session of the meeting will involve committee discussions and guidance regarding U.S. Government strategies and policies.

Meeting Cancellation

If the meeting is cancelled, a cancellation notice will be posted on the TAC website at: <https://tac.bis.doc.gov>.

Kevin Coyne,
Committee Liaison Officer.

[FR Doc. 2025-07761 Filed 5-2-25; 8:45 am]

BILLING CODE 3510-JT-P

DEPARTMENT OF COMMERCE

International Trade Administration

Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty

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

DATES: Comments must be submitted by June 30, 2025.

ADDRESSES: The U.S. Department of Commerce (Commerce) encourages any person having information on foreign government subsidy programs which benefit articles of cheese subject to an in-quota rate of duty to submit such information in writing. All comments must be submitted through the Federal eRulemaking Portal at <https://www.regulations.gov>, Docket No. ITA–2020–0005. The materials in the docket will not be edited to remove identifying or contact information, and Commerce cautions against including any information in an electronic submission that the submitter does not want publicly disclosed. Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF formats only.

All comments should be addressed to Christopher Abbott, Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Samuel Brummitt, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482–7851.

SUPPLEMENTARY INFORMATION:

Background

On February 3, 2025, pursuant to section 702(h) of the Trade Agreements Act of 1979, as amended (the Act), Commerce published the quarterly update to the annual listing of foreign government subsidies on articles of cheese subject to an in-quota rate of duty covering the period July 1, 2024, through September 30, 2024.¹ In the *Third Quarter 2024 Update*, we requested that any party that had information on foreign government subsidy programs that benefited articles of cheese subject to an in-quota rate of

duty submit such information to Commerce.² We received no comments, information, or requests for consultation from any party.

Pursuant to section 702(h) of the Act, we hereby provide Commerce’s update of subsidies on articles of cheese that were imported during the period October 1, 2024, through December 31, 2024. The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amounts of each subsidy for which information is currently available. Commerce will incorporate additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed.

Notification to Interested Parties

This determination and notice are in accordance with section 702(a) of the Act.

Dated: April 28, 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

SUBSIDY PROGRAMS ON CHEESE SUBJECT TO AN IN-QUOTA RATE OF DUTY

Country	Program(s)	Gross ³ subsidy (\$/lb.)	Net ⁴ subsidy (\$/lb.)
27 European Union Member States ⁵	European Union Restitution Payments	\$0.00	\$0.00
Canada	Export Assistance on Certain Types of Cheese	0.47	0.47
Norway	Indirect (Milk) Subsidy	0.00	
	Consumer Subsidy	0.00	
		0.00	
Total	0.00		
	0.00		
	0.00		
Switzerland	Deficiency Payments	0.00	0.00

[FR Doc. 2025–07683 Filed 5–2–25; 8:45 am]

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¹ See *Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty*, 90 FR 8784 (February 3, 2025) (*Third Quarter 2024 Update*).
² *Id.*

³ Defined in 19 U.S.C. 1677(5).
⁴ Defined in 19 U.S.C. 1677(6).
⁵ The 27 member states of the European Union are: Austria, Belgium, Bulgaria, Croatia, Cyprus,

Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and Sweden.

DEPARTMENT OF COMMERCE**International Trade Administration**

[C-570-199]

Temporary Steel Fencing From the People's Republic of China: Postponement of Preliminary Determination of Countervailing Duty Investigation

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

DATES: Applicable May 5, 2025.

FOR FURTHER INFORMATION CONTACT: Dana Mermelstein, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 481-1391.

SUPPLEMENTARY INFORMATION:**Background**

On February 4, 2025, the U.S. Department of Commerce (Commerce) initiated a countervailing duty (CVD) investigation on imports of temporary steel fencing from the People's Republic of China (China).¹ The preliminary determination is due no later than April 10, 2025.

Postponement of the Preliminary Determination

Section 703(b)(1) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in a CVD investigation within 65 days after the date on which Commerce initiated the investigation. However, section 703(c)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 130 days after the date on which Commerce initiated the investigation if: (A) the petitioner makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperation, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On March 4, 2025, the petitioner² submitted a timely request that Commerce postpone the preliminary determination in this investigation.³ The petitioner stated that it requested postponement to extend the deadline for the preliminary determination because of the complexity of the issues and number of subsidy programs under investigation.⁴

In accordance with 19 CFR 351.205(e), the petitioner submitted its request for postponement of the preliminary determination in this investigation 25 days or more before the scheduled date of the preliminary determination and stated the reasons for its request. For the reasons stated above, and because there are no compelling reasons to deny the request, in accordance with section 703(c)(1)(A) of the Act, Commerce is postponing the deadline for the preliminary determination to no later than 130 days after the date on which this investigation was initiated, *i.e.*, June 16, 2025.⁵ Pursuant to section 705(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination of this investigation will continue to be 75 days after the date of the preliminary determination.

Notification to Interested Parties

This notice is issued and published pursuant to section 703(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: March 14, 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. 2025-07681 Filed 5-2-25; 8:45 am]

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² The petitioner is ZND US Inc.

³ See Petitioner's Letter, "Temporary Steel Fencing from the People's Republic of China: Request to Extend the Preliminary Determination," dated March 4, 2025.

⁴ *Id.*

⁵ Postponing the deadline to 130 days after the date of initiation would place the deadline on Saturday, June 14, 2025. Commerce practice dictates that where a deadline falls on a weekend or Federal holiday, the appropriate deadline is the next business day. See *Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005).

DEPARTMENT OF COMMERCE**International Trade Administration**

[C-122-858]

Certain Softwood Lumber Products From Canada: Notice of Amended Final Results of Countervailing Duty Expedited Review; Notice of Exclusion From Countervailing Duty Order

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

SUMMARY: On January 21, 2025, the U.S. Court of International Trade (CIT) issued an order in *Committee Overseeing Action for Lumber International Trade Investigations or Negotiations, et al., v. United States, et al.*, Consol. Ct. No. 19-00122 (Slip Op. 25-8) (CIT 2025) (*COALITION V*), partially sustaining the U.S. Department of Commerce's (Commerce) final results of remand redetermination (remand redetermination), concerning the countervailing duty (CVD) order on certain softwood lumber products (softwood lumber) from Canada. In particular, the CIT sustained Commerce's remand redetermination calculating a 0.88 percent *de minimis* subsidy rate for Fontaine, Inc. and its cross-owned affiliates Gestion Natanis Inc., Les Placements Jean-Paul Fontaine Ltee, and Placements Nicolas Fontaine Inc. (collectively, Fontaine) and determination to exclude subject merchandise produced and exported by Fontaine from the CVD order on softwood lumber from Canada. On March 13, 2025, the CIT issued an order severing *Fontaine, Inc., et al., v. United States, et al.*, Ct. No. 19-00154, (*Fontaine v. US*) from *COALITION*. The CIT further issued its judgment and ordered that Fontaine's enjoined entries be liquidated in accordance with the final court decision. On April 18, 2025, pursuant to CIT Rule 60(b)(6), the Court further ordered that Commerce: (1) publish an amended final results of the CVD expedited review with respect to Fontaine that reflects the calculated 0.00 percent cash deposit rate for Fontaine, and (2) ensure that subject entries enjoined in the action are liquidated in accordance with the final court decision, including all appeals, consistent with the requirements of section 516A(e) of the Tariff Act of 1930, as amended. Accordingly, Commerce is issuing these amended final results of CVD expedited review reflecting the zero percent cash deposit rate determined in Commerce's remand redetermination. Moreover, we are confirming that Commerce will also direct CBP to liquidate entries enjoined

¹ See *Temporary Steel Fencing from the People's Republic of China: Initiation of Countervailing Duty Investigation*, 90 FR 9311 (February 11, 2025).

in this action of softwood lumber produced and exported by Fontaine, entered, or withdrawn from warehouse, for consumption, on or after April 28, 2017, in accordance with the final court decision in this case, including all appeals.

DATES: Applicable April 28, 2025.

FOR FURTHER INFORMATION CONTACT:

Kristen Johnson, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4793.

SUPPLEMENTARY INFORMATION:

Background

On January 3, 2018, Commerce published the CVD *Order* on softwood lumber from Canada.¹ On July 5, 2019, Commerce published its *Final Results of Expedited Review* for the *Order*.² In the *Final Results of Expedited Review*, Commerce calculated an individual subsidy rate of 1.26 percent (*i.e.*, above *de minimis*) for Fontaine.³

The Committee Overseeing Action for Lumber International Trade Investigations or Negotiations appealed Commerce's *Final Results of Expedited Review*. On November 19, 2020, the CIT remanded the *Final Results of Expedited Review* to Commerce for reconsideration of the statutory basis upon which Commerce promulgated its CVD expedited review regulations at 19 CFR 351.214(k)⁴ to determine individual subsidy rates for companies not individually examined in an investigation.⁵

In its *Final Remand*, issued in February 2021, Commerce determined that section 103(a) of the Uruguay Round of Agreements Act, as well as the other legal authorities presented to the CIT, cannot be the basis for the promulgation of the CVD expedited

review regulations under 19 CFR 351.214(k) and, thus, Commerce lacked the statutory authority to conduct CVD expedited reviews.⁶ The CIT sustained Commerce's *Final Remand* in *COALITION II*.⁷ Consequently, effective August 28, 2021, Commerce removed Fontaine's individual subsidy rate of 1.26 percent *ad valorem* and instead imposed a 14.19 percent *ad valorem* cash deposit requirement based on the all-others rate from the investigation.⁸ The Canadian parties appealed the CIT's decision.⁹

On April 25, 2023, the U.S. Court of Appeals for the Federal Circuit (Federal Circuit) reversed the CIT's August 18, 2021 decision and held that Commerce has the statutory authority to adopt the CVD expedited review process, and remanded for further proceedings necessitated by its holding that such statutory authority exists.¹⁰

On April 22, 2024, the CIT sustained, in part, and remanded, in part, certain claims concerning Commerce's *Final Results of Expedited Review* not addressed in *COALITION I*.¹¹ Relevant here, the CIT addressed Commerce's decision to rely on Fontaine's tax returns that preceded the period of review (POR) to calculate the benefit received for certain subsidy programs received during the POR.¹² The CIT remanded the issue to Commerce for reconsideration or further explanation.¹³

On September 10, 2024, Commerce issued its final results of redetermination pursuant to court

remand in *COALITION IV*.¹⁴ Pursuant to the Court's order, Commerce reconsidered the information on its record with respect to Fontaine's tax returns.¹⁵ On remand, Commerce reconsidered its determination in the *Final Results of Expedited Review* and instead relied on Fontaine's tax returns filed during the POR.¹⁶ Thus, in its remand redetermination, Commerce recalculated Fontaine's benefit for the subsidy programs at issue and overall subsidy rate.¹⁷ As a result of the recalculations on remand, Commerce determined that Fontaine's overall subsidy rate was *de minimis* and, thus, Fontaine should be excluded from the *Order* should the CIT sustain the remand redetermination in a final and conclusive decision.¹⁸ In the event of a final and conclusive determination, Commerce stated that it would instruct CBP to discontinue the suspension of liquidation and the collection of cash deposits of estimated countervailing duties on all shipments of softwood lumber produced and exported by Fontaine, entered, or withdrawn from warehouse, for consumption on or after April 28, 2017. Commerce further stated that upon a final and conclusive CIT decision it would instruct CBP to liquidate, without regard to countervailing duties, all suspended entries of shipments of softwood lumber produced and exported by Fontaine, and to refund all cash deposits of estimated countervailing duties collected on all such shipments.

On January 21, 2025, in *COALITION V*, the CIT sustained Commerce's remand redetermination with respect to Commerce's recalculation of Fontaine's overall subsidy rate to 0.88 percent *ad valorem*, or *de minimis*.¹⁹

On March 10, 2025, Fontaine filed a motion requesting that the CIT sever the consolidated case in Court No. 19-122 and enter judgment on behalf Fontaine in severed Court No. 19-00154.²⁰

On March 13, 2025, the CIT granted the motion, ordering that subject entries enjoined under Court No. 19-00154 must be liquidated in accordance with the final court decision, including all appeals, consistent with the

¹ See *Certain Softwood Lumber Products from Canada: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order*, 83 FR 347 (January 3, 2018) (*Order*).

² See *Certain Softwood Lumber Products from Canada: Final Results of Countervailing Duty Expedited Review*, 84 FR 32121 (July 5, 2019) (*Final Results of Expedited Review*), and accompanying Issues and Decision Memorandum.

³ *Id.*, 84 FR at 32122.

⁴ The CVD expedited review regulation was initially promulgated as 19 CFR 351.214(k). See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27321-22, 27396 (May 19, 1997). Section 351.214(k) of Commerce's regulations was later renumbered to § 351.214(l). *Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*, 86 FR 52300, 52373 (Sept. 20, 2021).

⁵ See *Committee Overseeing Action for Lumber International Trade Investigations or Negotiations, et al. v. United States, et al.*, 483 F. Supp. 3d 1253 (CIT 2020) (*COALITION I*).

⁶ See *Final Results of Redetermination Pursuant to Court Remand, Committee Overseeing Action for Lumber International Trade Investigations or Negotiations, et al. v. United States, et al.*, Court No. 19-00122, Slip Op. 20-167 (CIT 2020), dated February 17, 2021 (*Final Remand*), available at <https://access.trade.gov/resources/remands/20-167.pdf>.

⁷ See *Committee Overseeing Action for Lumber International Trade Investigations or Negotiations, et al. v. United States, et al.*, 535 F. Supp. 3d 1336 (CIT 2021) (*COALITION II*).

⁸ See *Certain Softwood Lumber Products from Canada: Notice of Court Decision Not in Harmony with the Results of Countervailing Duty Expedited Review; Notice of Amended Final Results*, 86 FR 48396 (August 30, 2021) (*Amended Final Results of Expedited Review*).

⁹ The Canadian parties are Les Produits Forestiers D&G Ltée, Marcel Lauzon Inc., North American Forest Products Ltd., Scierie Alexandre Lemay & Fils Inc., Fontaine, Mobilier Rustique (Beauce) Inc., Government of Canada, Government of New Brunswick, and Government of Québec.

¹⁰ See *Committee Overseeing Action for Lumber International Trade Investigations or Negotiations v. United States*, 66 F.4th 968 (Fed. Cir. 2023).

¹¹ See *Committee Overseeing Action for Lumber International Trade Investigations or Negotiations, et al. v. United States, et al.*, 701 F. Supp. 3d 1334 (CIT 2024) (*COALITION IV*).

¹² *Id.* at 1360.

¹³ *Id.* at 1362-63.

¹⁴ See *Final Results of Redetermination Pursuant to Court Remand, Committee Overseeing Action for Lumber International Trade Investigations or Negotiations, et al. v. United States, et al.*, Court No. 19-00122, Slip Op. 24-50 (CIT 2024), dated September 10, 2024 (*Remand Redetermination*).

¹⁵ *Id.* at 19-21.

¹⁶ *Id.*

¹⁷ *Id.* at 21.

¹⁸ *Id.* at 22.

¹⁹ See *COALITION V* at 18-21.

²⁰ On November 12, 2019, the CIT consolidated Court No. 19-00154 with Court No. 19-00122.

requirements in section 516A(e) of the Tariff Act of 1930.

On April 8, 2025, Fontaine filed a motion seeking that Commerce give effect to the CIT's order issued on March 13, 2025, ahead of the conclusion of the appeals period. Specifically, Fontaine requested that the CIT direct Commerce to publish a notice of amended final results, set Fontaine's cash deposit rate to 0.00 percent, exclude Fontaine from the CVD *Order*, and direct CBP to refund Fontaine's cash deposits without regard to CVD duties.

On April 18, 2025, the CIT granted Fontaine's request for relief, in part. The CIT ordered Commerce to publish amended final results of CVD expedited review with respect to Fontaine that reflect the 0.00 percent cash deposit rate determined for Fontaine in Commerce's remand redetermination. The CIT also held that subject entries enjoined in this litigation should be liquidated in accordance with the CIT's final court decision, including all appeals, consistent with the requirements in section 516A(e) of the Tariff Act of 1930, as amended.

Amended Final Results and Exclusion From the Order

On March 13, 2025, the CIT entered final judgment sustaining Commerce's remand redetermination calculating a 0.88 percent, *de minimis*, subsidy rate for Fontaine and determining to exclude Fontaine from the CVD *Order*, effective April 28, 2017. Commerce's practice with respect to the exclusion of companies from a CVD order is to exclude the subject merchandise both produced and exported by those companies.²¹ As a result, Commerce is excluding subject merchandise produced and exported by Fontaine²² from the CVD *Order*, effective April 28, 2017, and will instruct to CBP to apply the zero percent cash deposit rate determined on remand.

Liquidation of Suspended Entries

In accordance with the CIT's April 18, 2025 order, in the event that the CIT's final judgment is not appealed or is upheld on appeal, Commerce will instruct CBP to liquidate entries enjoined in this action of softwood lumber produced and exported by Fontaine, entered, or withdrawn from warehouse, for consumption, on or after April 28, 2017, without respect to countervailing duties.

At this time, Commerce remains enjoined by the CIT from liquidating certain entries. These entries will remain enjoined pursuant to the terms of the injunction during any appeals process. Lastly, subject merchandise that Fontaine exports but does not produce, as well as merchandise Fontaine produces but is exported by another company, remain subject to the *Order*.

Dated: April 28, 2025.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2025-07678 Filed 5-2-25; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-570-915]

Light-Walled Rectangular Pipe and Tube From the People's Republic of China: Final Results of Countervailing Duty Administrative Review and Final Determination of No Shipments; 2022

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that Hoa Phat Steel Pipe Company Limited (Hoa Phat) had no shipments of light-walled rectangular pipe and tube (LWRPT) from the People's Republic of China (China) during the period of review (POR) January 1, 2022, through December 31, 2022. Further, going forward, Hoa Phat will be eligible to participate in the certification program previously established with respect to the countervailing duty (CVD) order on LWRPT from China.

DATES: Applicable May 5, 2025.

FOR FURTHER INFORMATION CONTACT: Rebecca M. Janz, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2972.

SUPPLEMENTARY INFORMATION:

Background

On September 13, 2024, Commerce published the *Preliminary Results*, in which we adopted the preliminary finding in the concurrent antidumping duty (AD) administrative review and explained that, if our preliminary finding in the concurrent AD administrative review is unchanged in the final results, we would determine in the final results of this CVD

administrative review that Hoa Phat is eligible to participate in the certification program previously established with respect to the *Order* as of the publication date of the final results.¹ We invited interested parties to comment on the *Preliminary Results*.²

From November 18, through November 20, 2024, Commerce conducted an on-site verification of the information submitted on the record of this review by Hoa Phat in the Socialist Republic of Vietnam (Vietnam).³ On December 9, 2024, Commerce tolled certain deadlines in this administrative proceeding by 90 days.⁴ On January 30, 2025, Commerce released the verification report for Hoa Phat and established deadlines for submitting comments on the *Preliminary Results*.⁵ On March 14, 2025, Commerce issued a memorandum clarifying that the findings in these final results of review with respect to Hoa Phat, specifically that Hoa Phat's ability to certify as to the origin of the hot-rolled steel (HRS) used to produce LWRPT in Vietnam, applies to the *Korea AD Order* and the *Taiwan AD Order*, and we invited parties to comment.⁶ No parties commented on the *Preliminary Results*, the verification report, or Commerce's Eligibility to Certify Memorandum. On April 11,

¹ See *Light-Walled Rectangular Pipe and Tube from the People's Republic of China: Preliminary Results and Preliminary Determination of No Shipments; 2022*, 89 FR 74904 (September 13, 2024) (*Preliminary Results*); see also *Light-Walled Rectangular Pipe and Tube from the People's Republic of China: Countervailing Duty Order*, 73 FR 45405 (August 5, 2008) (*Order*).

² See *Preliminary Results*.

³ See Memorandum, "Placing on the Record the Verification Report of the Antidumping Duty Administrative Review of Light-Walled Rectangular Pipe and Tube from the People's Republic of China; 2022-2023," dated January 31, 2025 (Hoa Phat Verification Report).

⁴ See Memorandum, "Tolling of Deadline for Antidumping and Countervailing Duty Proceedings," dated December 9, 2024.

⁵ See Hoa Phat Verification Report; see also Memorandum, "Notification of Briefing Schedule in the Antidumping Duty Administrative Review of Light-Walled Rectangular Pipe and Tube from the People's Republic of China; 2022-2023," dated January 31, 2025.

⁶ See Memorandum, "Intent to Apply Hoa Phat's Eligibility to Certify Under the Countervailing Duty Order on Light-Walled Rectangular Pipe and Tube from the People's Republic of China, and the Antidumping Duty Orders on Light-Walled Rectangular Carbon Steel Tubing from Taiwan and Light-Walled Rectangular Pipe and Tube from the Republic of Korea," dated March 14, 2025 (Eligibility to Certify Memorandum); see also *Light-Walled Rectangular Pipe and Tube from Mexico, the People's Republic of China, and the Republic of Korea: Antidumping Duty Orders; Light-Walled Rectangular Pipe and Tube from the Republic of Korea: Notice of Amended Final Determination of Sales at Less Than Fair Value*, 73 FR 45403 (August 5, 2008) (*Korea AD Order*); and *Antidumping Duty Order; Light-Walled Welded Rectangular Carbon Steel Tubing from Taiwan*, 54 FR 12467 (March 27, 1989) (*Taiwan AD Order*).

²¹ See, e.g., *Certain Corrosion-Resistant Steel Products from India, Italy, Republic of Korea and the People's Republic of China: Countervailing Duty Order*, 81 FR 48387 (July 25, 2016).

²² See *Remand Redetermination* at 23; see also CVD *Order*.

2025, we extended the deadline for the final results of this review by 30 days.⁷ Accordingly, the deadline for these final results is now May 12, 2025.

Scope of the Order⁸

The merchandise subject to this *Order* is certain welded carbon quality light-walled steel pipe and tube, of rectangular (including square) cross section, having a wall thickness of less than 4 mm. The term carbon-quality steel includes both carbon steel and alloy steel which contains only small amounts of alloying elements. Specifically, the term carbon-quality includes products in which none of the elements listed below exceeds the quantity by weight respectively indicated: 1.80 percent of manganese, or 2.25 percent of silicon, or 1.00 percent of copper, or 0.50 percent of aluminum, or 1.25 percent of chromium, or 0.30 percent of cobalt, or 0.40 percent of lead, or 1.25 percent of nickel, or 0.30 percent of tungsten, or 0.10 percent of molybdenum, or 0.10 percent of niobium, or 0.15 percent vanadium, or 0.15 percent of zirconium. The description of carbon-quality is intended to identify carbon-quality products within the scope. The welded carbon-quality rectangular pipe and tube subject to this *Order* is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7306.61.50.00 and 7306.61.70.60. While HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the *Order* is dispositive.

Methodology

Commerce conducted this administrative review in accordance with section 751(a)(1)(A) of Tariff Act of 1930, as amended (the Act).

As no parties commented on the *Preliminary Results*, the verification report, or Commerce's Eligibility to Certify Memorandum, we have adopted the *Preliminary Results* as these final results, and no decision memoranda accompany this **Federal Register** notice.

We continue to find that Hoa Phat is eligible to certify the origin of the HRS that it uses to produce LWRPT in Vietnam and participate in the certification program previously established with respect to the *Order*.

⁷ See Memorandum, "Extension of Deadline for the Final Results of the Countervailing Duty Administrative Review," dated April 11, 2025.

⁸ See *Order*.

Final Determination of No Shipments of Subject Merchandise

Consistent with the *Preliminary Results*, we continue to adopt the findings in the concurrent AD review and to determine that the sole respondent under review, Hoa Phat, supported its claim that the LWRPT it produced in Vietnam and exported to the United States during the POR is non-subject LWRPT. Specifically, in the concurrent AD administrative review, Commerce determined that Hoa Phat only used HRS from Vietnamese HRS producers to produce its exports of LWRPT that entered the United States during the POR.⁹ Thus, Commerce's *Preliminary Results* are unchanged for these final results.

Eligibility To Certify

Commerce hereby determines that Hoa Phat is eligible to participate in the certification program established in the *China Circumvention Determination* because Hoa Phat records the origin of its HRS purchases in its books and records, and Hoa Phat is able to trace through its production processes the origin of the HRS used to produce LWRPT exported to the United States.¹⁰ As Commerce states in the Hoa Phat Verification Report, Hoa Phat company officials showed verifiers how they are able to track HRS through their entire production system.¹¹ We further determine that Hoa Phat's eligibility to participate in the certification program based on the *China Circumvention Determination* is effective as of the date of publication of these final results in the **Federal Register**.¹²

Disclosure

Because we have not modified our analysis from the *Preliminary Results*, there are no calculations to disclose for the final results.

LWRPT Finished in Vietnam

Based on the affirmative country-wide determinations of circumvention for Vietnam in the *China Circumvention Determination*, in accordance with 19 CFR 351.226(1)(3), we directed U.S.

⁹ See unpublished **Federal Register** Notice entitled, "Light-Walled Rectangular Pipe and Tube from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2022–2023," dated concurrently with this notice.

¹⁰ See Hoa Phat Verification Report at 5–6 and 8–10.

¹¹ *Id.* at 6.

¹² See *Light-Walled Rectangular Pipe and Tube from the People's Republic of China: Final Affirmative Determination of Circumvention of the Antidumping Duty and Countervailing Duty Orders*, 88 FR 77283 (November 9, 2023) (*China Circumvention Determination*), and accompanying Issues and Decision Memorandum (IDM).

Customs and Border Protection (CBP) to suspend liquidation and require a cash deposit of estimated duties on unliquidated entries of LWRPT completed in Vietnam using China-origin HRS that were entered, or withdrawn from warehouse, for consumption on or after the date of publication of the initiation of the circumvention inquiry in the **Federal Register**.¹³

If an importer enters into the United States LWRPT produced in Vietnam and claims that the LWRPT was not produced from China-origin HRS¹⁴ or, alternatively, claims that the LWRPT was produced using an input other than HRS, the importer and exporter are required to meet the certification and documentation requirements described in the "Certifications" and "Certification Requirements" sections of the *China Circumvention Determination* to not be subject to the cash deposit requirements of the *Order*.¹⁵

Assessment of Countervailing Duties

Commerce shall determine, and CBP shall assess, countervailing duties on all appropriate entries covered by this review, pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(2). Because we find that all the suspended entries of LWRPT produced or exported by Hoa Phat during the POR are not subject to the *Order*, we intend to instruct CBP to liquidate such entries of LWRPT without regard to countervailing duties. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Suspension of Liquidation and Cash Deposit Requirements

For LWRPT produced in China, the final results of this review do not alter the previous suspension of liquidation and cash deposit requirements.¹⁶

¹³ *Id.*, 88 FR 77284.

¹⁴ We note that Hoa Phat claimed, and we confirmed, that the HRS that Hoa Phat used in the production of its entries of LWRPT sold to the United States during the POR are made only of HRS produced in Vietnam and no other country.

¹⁵ See *China Circumvention Determination*, 88 FR 77284–85 (explaining the certification requirements) and 88 FR 77286–87 (providing the required importer and exporter certifications).

¹⁶ See *Order*. Commerce has not conducted any administrative reviews of the *Order*. See *Light-Walled Rectangular Pipe and Tube from the*

Further, for LWRPT produced in Vietnam by a company other than Hoa Phat, the suspension of liquidation and cash deposit requirements established in the *China Circumvention Determination* remain unchanged.¹⁷

For LWRPT from Vietnam produced or exported by Hoa Phat, these final results of review revise the suspension of liquidation and cash deposit instructions established in the *China Circumvention Determination*. Specifically, Hoa Phat is now permitted to participate in the certification program established in the *China Circumvention Determination* as either a producer or exporter of LWRPT from Vietnam, and other parties that export LWRPT from Vietnam produced by Hoa Phat are also eligible to participate in the certification program. Commerce has established the following company-specific third country CBP case number for Hoa Phat in the Automated Commercial Environment for entries of LWRPT from Vietnam: C-552-915-001.

If the exporter or the importer fails to properly certify that an entry of LWRPT produced by Hoa Phat in Vietnam was not produced using China-origin HRS, then Commerce intends to instruct CBP to suspend the liquidation of the entry of such LWRPT under CBP case number C-552-915-001 and require a cash deposit for estimated countervailing duties at the rate of 15.28 percent.¹⁸ If the exporter and the importer properly certify that an entry of LWRPT produced by Hoa Phat in Vietnam was not produced using China-origin HRS, then Commerce intends to instruct CBP that the entry is not subject to the *Order*.

These suspension of liquidation and cash deposit requirements, when imposed, shall remain in effect until further notice. Failure to comply with the applicable requisite certification requirements may result in the merchandise being subject to countervailing duties.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing

duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing occurred and the subsequent assessment of double antidumping duties, and/or an increase in the amount of antidumping duties by the amount of the countervailing duties.

Administrative Protective Order (APO)

This notice also serves as a reminder to parties subject to an APO of their responsibility concerning the destruction or return of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the destruction or return 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 sanctionable violation.

Notification to Interested Parties

We are issuing and publishing these final results of review and this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(h) and 351.221(b)(5).

Dated: April 29, 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. 2025-07783 Filed 5-2-25; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-201-866, C-549-855]

Certain Chassis and Subassemblies Thereof From Mexico and Thailand: Postponement of Preliminary Determinations in the Countervailing Duty Investigations

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

DATES: Applicable May 5, 2025.

FOR FURTHER INFORMATION CONTACT: Jose Rivera (Mexico) or Ian Riggs (Thailand); AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-0842 and (202) 482-3810, respectively.

SUPPLEMENTARY INFORMATION:

Background

On March 18, 2025, the U.S. Department of Commerce (Commerce) initiated countervailing duty (CVD) investigations of imports of certain chassis and subassemblies thereof (chassis) from Mexico and Thailand.¹ Currently, the preliminary determinations in these CVD investigations are due no later than May 22, 2025.

Postponement of Preliminary Determinations

Section 703(b)(1) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in a CVD investigation within 65 days after the date on which Commerce initiated the investigation. However, section 703(c)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 130 days after the date on which Commerce initiated the investigation if: (A) the petitioner makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On April 22, 2025, the petitioner² submitted a timely request that Commerce postpone the preliminary determinations in these CVD investigations.³ The petitioner stated that it was requesting postponement of the preliminary CVD determinations so that Commerce has sufficient time to review responses from the respondents, issue supplemental questionnaires, and consider deficiency comments prior to the issuance of the preliminary determinations.⁴

In accordance with 19 CFR 351.205(e), the petitioner has stated the reasons for requesting a postponement

People's Republic of China: Final Results of the Expedited Second Five-Year Sunset Review of the Countervailing Duty Order, 84 FR 45726 (August 30, 2019), and accompanying IDM at 3.

¹⁷ See *China Circumvention Determination*, 88 FR 77284-85;

¹⁸ No countervailable subsidy rate was calculated as part of these final results for Hoa Phat, and, therefore, its cash deposit rate for estimated countervailing duties continues to be the rate established in the *China Circumvention Determination*. See *China Circumvention Determination*, 88 FR 77284.

¹ See *Certain Chassis and Subassemblies Thereof from Mexico and Thailand: Initiation of Countervailing Duty Investigations*, 90 FR 13452 (March 24, 2025).

² The petitioner is the U.S. Chassis Manufacturers Coalition.

³ See Petitioner's Letter, "Request for Postponement of the Preliminary Determinations," dated April 22, 2025.

⁴ *Id.*

of the preliminary determinations, and Commerce finds no compelling reason to deny the request. Therefore, in accordance with section 703(c)(1)(A) of the Act, Commerce is postponing the deadline for the preliminary determinations to no later than 130 days after the date on which these investigations were initiated, *i.e.*, July 28, 2025.⁵ Pursuant to section 705(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determinations of these investigations will continue to be 75 days after the date of the preliminary determinations.

Notification to Interested Parties

This notice is issued and published pursuant to section 703(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: April 25, 2025.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2025-07679 Filed 5-2-25; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review and Join Annual Inquiry Service List

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

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, Office of 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

Each year during the anniversary month of the publication of an antidumping duty (AD) or countervailing duty (CVD) order, finding, or suspended investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (the Act), may request, in

accordance with 19 CFR 351.213, that the U.S. Department of Commerce (Commerce) conduct an administrative review of that AD or CVD order, finding, or suspended investigation.

All deadlines for the submission of comments or actions by Commerce discussed below refer to the number of calendar days from the applicable starting date.

Respondent Selection

In the event 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 on U.S. Customs and Border Protection (CBP) data for U.S. imports during the period of review (POR). We intend to release the CBP data under Administrative Protective Order (APO) to all parties having an APO within five days of publication of the initiation notice and to make our decision regarding respondent selection within 35 days of publication of the initiation **Federal Register** notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. Commerce invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the review.

In the event Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

1. In general, Commerce finds that determinations concerning whether particular companies should be “collapsed” (*i.e.*, 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 a 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 this AD proceeding (*i.e.*, investigation, administrative review, new shipper review, or changed circumstances review).

2. For any company subject to a 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.

3. 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.

4. Further, if companies are requested to complete a Quantity and Value 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 a proceeding where Commerce considered collapsing that entity, complete quantity and value data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that requests 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 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

⁵ Postponing the preliminary determination to 130 days after initiation would place the deadline on Saturday, July 26, 2025. Commerce’s practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day. See *Notice of Clarification: Application of “Next Business Day” Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005).

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

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 Section D responses.

Opportunity to Request a Review: Not later than the last day of May 2025,² interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in May for the following periods:

	Period
Antidumping Duty Proceedings	
AUSTRIA: Carbon and Alloy Steel Cut-To-Length Plate, A-433-812	5/1/24-4/30/25
BELGIUM:	
Certain Carbon and Alloy Steel Cut-To-Length Plate, A-423-812	5/1/24-4/30/25
Stainless Steel Plate in Coils, A-423-808	5/1/24-4/30/25
BRAZIL: Iron Construction Castings, A-351-503	5/1/24-4/30/25
CAMBODIA: Mattresses, A-555-001	5/1/24-4/30/25
CANADA:	
Large Diameter Welded Carbon and Alloy Steel Line and Structural Pipe, A-122-863	5/1/24-4/30/25
Polyethylene Terephthalate Resin, A-122-855	5/1/24-4/30/25
FRANCE: Carbon and Alloy Steel Cut-To-Length Plate, A-427-828	5/1/24-4/30/25
GERMANY: Carbon and Alloy Steel Cut-To-Length Plate, A-428-844	5/1/24-4/30/25
GREECE: Large Diameter Welded Pipe, A-484-803	5/1/24-4/30/25
INDIA:	
Certain Welded Carbon Steel Standard Pipes and Tubes, A-533-502	5/1/24-4/30/25
Organic Soybean Meal, A-533-901	5/1/24-4/30/25
Polyethylene Terephthalate Resin, A-533-861	5/1/24-4/30/25
Silicomanganese, A-533-823	5/1/23-4/30/24
INDONESIA:	
Mattresses, A-560-836	5/1/24-4/30/25
Polyethylene Retail Carrier Bags, A-560-822	5/1/24-4/30/25
ITALY:	
Certain Carbon and Alloy Steel Cut-To-Length Plate, A-475-834	5/1/24-4/30/25
Carbon and Alloy Steel Wire Rod, A-475-836	5/1/24-4/30/25
JAPAN:	
Carbon and Alloy Steel Cut-To-Length Plate, A-588-875	5/1/24-4/30/25
Diffusion-Annealed Nickel-Plated Flat-Rolled Steel Products, A-588-869	5/1/24-4/30/25
Gray Portland Cement and Cement Clinker, A-588-815	5/1/24-4/30/25
KAZAKHSTAN: Silicomanganese, A-834-807	5/1/24-4/30/25
MALAYSIA: Mattresses, A-557-818	5/1/24-4/30/25
NETHERLANDS: Certain Preserved Mushrooms, A-421-815	5/1/24-4/30/25
OMAN: Polyethylene Terephthalate Resin, A-523-810	5/1/24-4/30/25
POLAND: Preserved Mushrooms, A-455-806	5/1/24-4/30/25
REPUBLIC OF KOREA:	
Carbon and Alloy Steel Cut-To-Length Plate, A-580-887	5/1/24-4/30/25
Carbon and Alloy Steel Wire Rod, A-580-891	5/1/24-4/30/25
Ferrovanadium, A-580-886	5/1/24-4/30/25
Large Diameter Welded Pipe, A-580-897	5/1/24-4/30/25
Polyester Staple Fiber, A-580-839	5/1/24-4/30/25
REPUBLIC OF TURKIYE:	
Carbon and Alloy Steel Wire Rod, A-489-831	5/1/24-4/30/25
Circular Welded Carbon Steel Pipes and Tubes, A-489-501	5/1/24-4/30/25
Large Diameter Welded Carbon and Alloy Steel Line and Structural Pipe, A-489-833	5/1/24-4/30/25
Light-Walled Rectangular Pipe and Tube, A-489-815	5/1/24-4/30/25
Mattresses, A-489-841	5/1/24-4/30/25
Certain Paper Shopping Bags, A-489-849	1/3/24-4/30/25
SERBIA: Mattresses, A-801-002	5/1/24-4/30/25
SOCIALIST REPUBLIC OF VIETNAM:	
Mattresses, A-552-827	5/1/24-4/30/25
Polyethylene Retail Carrier Bags, A-552-806	5/1/24-4/30/25
SOUTH AFRICA: Stainless Steel Plate in Coils, A-791-805	5/1/24-4/30/25
SPAIN:	
Carbon and Alloy Steel Wire Rod, A-469-816	5/1/24-4/30/25
Preserved Mushrooms, A-469-825	5/1/24-04/30/25
TAIWAN:	
Certain Carbon and Alloy Steel Cut-To-Length Plate, A-583-858	5/1/24-4/30/25
Certain Circular Welded Carbon Steel Pipes and Tubes, A-583-008	5/1/24-4/30/25
Polyester Staple Fiber, A-583-833	5/1/24-4/30/25
Polyethylene Retail Carrier Bags, A-583-843	5/1/24-4/30/25
Certain Stainless Steel Plate in Coils, A-583-830	5/1/24-4/30/25
Stilbenic Optical Brightening Agents, A-583-848	5/1/24-4/30/25

² Or the next business day, if the deadline falls on a weekend, Federal holiday or any other day when Commerce is closed.

³ In the opportunity notice that published on April 1, 2025 (90 FR 14363), Commerce listed with

wrong period of review. The correct period of review is listed above. This serves as a correction.

	Period
THAILAND: Mattresses, A-549-841	5/1/24-4/30/25
THE PEOPLE'S REPUBLIC OF CHINA:	
1-Hydroxyethylidene-1, 1-Diphosphonic Acid (Hedp), A-570-045	5/1/24-4/30/25
Aluminum Extrusions, A-570-967	5/1/24-4/30/25
Cast Iron Soil Pipe, A-570-079	5/1/24-4/30/25
Certain Steel Wheels, A-570-082	5/1/24-4/30/25
Certain Vertical Shaft Engines, between 99cc and up to 225cc, and parts thereof, A-570-124	5/1/24-4/30/25
Circular Welded Carbon Quality Steel Line Pipe, A-570-935	5/1/24-4/30/25
Citric Acid and Citrate Salt, A-570-937	5/1/24-4/30/25
Iron Construction Castings, A-570-502	5/1/24-4/30/25
Non-refillable Steel Cylinders, A-570-126	5/1/24-4/30/25
Oil Country Tubular Goods, A-570-943	5/1/24-4/30/25
Polyethylene Terephthalate Resin, A-570-024	5/1/24-4/30/25
Pure Magnesium, A-570-832	5/1/24-4/30/25
Stilbenic Optical Brightening Agents, A-570-972	5/1/24-4/30/25
Walk-Behind Snow Throwers and Parts Thereof, A-570-141	5/1/24-4/30/25
UNITED ARAB EMIRATES: Steel Nails, A-520-804	5/1/24-4/30/25
THE UNITED KINGDOM: Carbon and Alloy Steel Wire Rod, A-412-826	5/1/24-4/30/25
VENEZUELA: Silicomanganese, A-307-820	5/1/24-4/30/25
Countervailing Duty Proceedings	
BRAZIL: Heavy Iron Construction Castings, C-351-504	1/1/24-12/31/24
BAHRAIN: Common Alloy Sheet, ³ C-525-002	1/1/24-12/31/24
INDIA:	
Organic Soybean Meal, C-533-902	1/1/24-12/31/24
Polyethylene Terephthalate Resin, C-533-862	1/1/24-12/31/24
ITALY: Carbon and Alloy Steel Wire Rod, C-475-837	1/1/24-12/31/24
REPUBLIC OF KOREA:	
Carbon and Alloy Steel Cut-To-Length Plate, C-580-888	1/1/24-12/31/24
Large Diameter Welded Pipe, C-580-898	1/1/24-12/31/24
SOCIALIST REPUBLIC OF VIETNAM: Polyethylene Retail Carrier Bags, C-552-805	1/1/24-12/31/24
SOUTH AFRICA: Stainless Steel Plate in Coils, C-791-806	1/1/24-12/31/24
THE PEOPLE'S REPUBLIC OF CHINA:	
1-Hydroxyethylidene-1, 1-Diphosphonic Acid (HEDP), C-570-046	1/1/24-12/31/24
Aluminum Extrusions, C-570-968	1/1/24-12/31/24
Cast Iron Soil Pipe, C-570-080	1/1/24-12/31/24
Certain Chassis and Subassemblies Thereof, C-570-136	1/1/24-12/31/24
Certain Steel Wheels, C-570-083	1/1/24-12/31/24
Certain Vertical Shaft Engines a Displaced, between 99 Cubic Centimeters and up to 225cc, and parts thereof, C-570-125	1/1/24-12/31/24
Citric Acid and Citrate Salt, C-570-938	1/1/24-12/31/24
Non-refillable Steel Cylinders, C-570-127	1/1/24-12/31/24
Polyethylene Terephthalate Resin, C-570-025	1/1/24-12/31/24
Walk-Behind Snow Throwers and Parts Thereof, C-570-142	1/1/24-12/31/24
REPUBLIC OF TÜRKİYE:	
Large Diameter Welded Carbon and Alloy Steel Line and Structural Pipe, C-489-834	1/1/24-12/31/24
Carbon and Alloy Steel Wire Rod, C-489-832	1/1/24-12/31/24

Suspension Agreements

None.

In accordance with 19 CFR 351.213(b), an interested party as defined by section 771(9) of the Act may request in writing that Commerce conduct an administrative review. For both AD and CVD reviews, the interested party must specify the individual producers or exporters covered by an AD finding or an AD or CVD order or suspension agreement for which it is requesting a review. In addition, a domestic interested party or an interested party described in section 771(9)(B) of the Act must state why it desires Commerce to review those particular producers or exporters. If the interested party intends for Commerce to review sales of merchandise by an exporter (or a producer if that producer

also exports merchandise from other suppliers) which was produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Note that, for any party Commerce was unable to locate in prior segments, Commerce will not accept a request for an administrative review of that party absent new information as to the party's location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for which it requested the review, the interested party must provide an explanation of the attempts it made to locate the producer or exporter at the same time it files its request for review, in order for

Commerce to determine if the interested party's attempts were reasonable, pursuant to 19 CFR 351.303(f)(3)(ii).

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003), and *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011), Commerce clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of

merchandise subject to antidumping findings and orders.⁴

Commerce no longer considers the non-market economy (NME) entity as an exporter conditionally subject to an AD administrative review.⁵ Accordingly, the NME entity will not be under review unless Commerce specifically receives a request for, or self-initiates, a review of the NME entity.⁶ In administrative reviews of AD orders on merchandise from NME countries where a review of the NME entity has not been initiated, but where an individual exporter for which a review was initiated does not qualify for a separate rate, Commerce will issue a final decision indicating that the company in question is part of the NME entity. However, in that situation, because no review of the NME entity was conducted, the NME entity's entries were not subject to the review and the rate for the NME entity is not subject to change as a result of that review (although the rate for the individual exporter may change as a function of the finding that the exporter is part of the NME entity). Following initiation of an AD administrative review when there is no review requested of the NME entity, Commerce will instruct CBP to liquidate entries for all exporters not named in the initiation notice, including those that were suspended at the NME entity rate.

All requests must be filed electronically in Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) on Enforcement and Compliance's ACCESS website at <https://access.trade.gov>.⁷ Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy of each request must be served on the petitioner and each exporter or producer specified in the request. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).⁸

⁴ See the Enforcement and Compliance website at <https://www.trade.gov/us-antidumping-and-countervailing-duties>.

⁵ See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963 (November 4, 2013).

⁶ In accordance with 19 CFR 351.213(b)(1), parties should specify that they are requesting a review of entries from exporters comprising the entity, and to the extent possible, include the names of such exporters in their request.

⁷ See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011).

⁸ See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings; Final Rule*, 88 FR 67069 (September 29, 2023).

Commerce will publish in the **Federal Register** a notice of "Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation" for requests received by the last day of May 2025. If Commerce does not receive, by the last day of May 2025, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, Commerce will instruct CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

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 provisional-measures "gap" period of the order, if such a gap period is applicable to the period of review.

Establishment of and Updates to the Annual Inquiry Service List

On September 20, 2021, Commerce published the final rule titled "*Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*" in the **Federal Register**.⁹ On September 27, 2021, Commerce also published the notice entitled "*Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions*" in the **Federal Register**.¹⁰ The *Final Rule* and *Procedural Guidance* provide that Commerce will maintain an annual inquiry service list for each order or suspended investigation, and any interested party submitting a scope ruling application or request for circumvention inquiry shall serve a copy of the application or request on the persons on the annual inquiry service list for that order, as well as any companion order covering the same merchandise from the same country of origin.¹¹

In accordance with the *Procedural Guidance*, for orders published in the **Federal Register** before November 4, 2021, Commerce created an annual

inquiry service list segment for each order and suspended investigation. Interested parties who wished to be added to the annual inquiry service list for an order submitted an entry of appearance to the annual inquiry service list segment for the order in ACCESS and, on November 4, 2021, Commerce finalized the initial annual inquiry service lists for each order and suspended investigation. Each annual inquiry service list has been saved as a public service list in ACCESS, under each case number, and under a specific segment type called "AISL-Annual Inquiry Service List."¹²

As mentioned in the *Procedural Guidance*, beginning in January 2022, Commerce will update these annual inquiry service lists on an annual basis when the *Opportunity Notice* for the anniversary month of the order or suspended investigation is published in the **Federal Register**.¹³ Accordingly, Commerce will update the annual inquiry service lists for the above-listed AD and CVD proceedings. All interested parties wishing to appear on the updated annual inquiry service list must take one of the two following actions: (1) new interested parties who did not previously submit an entry of appearance must submit a new entry of appearance at this time; (2) interested parties who were included in the preceding annual inquiry service list must submit an amended entry of appearance to be included in the next year's annual inquiry service list. For these interested parties, Commerce will change the entry of appearance status from "Active" to "Needs Amendment" for the annual inquiry service lists corresponding to the above-listed proceedings. This will allow those interested parties to make any necessary amendments and resubmit their entries of appearance. If no amendments need to be made, the interested party should indicate in the area on the ACCESS form requesting an explanation for the amendment that it is resubmitting its entry of appearance for inclusion in the annual inquiry service list for the following year. As mentioned in the

¹² This segment has been combined with the ACCESS Segment Specific Information (SSI) field which will display the month in which the notice of the order or suspended investigation was published in the **Federal Register**, also known as the anniversary month. For example, for an order under case number A-000-000 that was published in the **Federal Register** in January, the relevant segment and SSI combination will appear in ACCESS as "AISL-January Anniversary." Note that there will be only one annual inquiry service list segment per case number, and the anniversary month will be pre-populated in ACCESS.

¹³ See *Procedural Guidance*, 86 FR at 53206.

⁹ See *Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*, 86 FR 52300 (September 20, 2021) (*Final Rule*).

¹⁰ See *Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions*, 86 FR 53205 (September 27, 2021) (*Procedural Guidance*).

¹¹ *Id.*

Final Rule,¹⁴ once the petitioners and foreign governments have submitted an entry of appearance for the first time, they will automatically be added to the updated annual inquiry service list each year.

Interested parties have 30 days after the date of this notice to submit new or amended entries of appearance. Commerce will then finalize the annual inquiry service lists five business days thereafter. For ease of administration, please note that Commerce requests that law firms with more than one attorney representing interested parties in a proceeding designate a lead attorney to be included on the annual inquiry service list.

Commerce may update an annual inquiry service list at any time as needed based on interested parties' amendments to their entries of appearance to remove or otherwise modify their list of members and representatives, or to update contact information. Any changes or announcements pertaining to these procedures will be posted to the ACCESS website at <https://access.trade.gov>.

Special Instructions for Petitioners and Foreign Governments

In the *Final Rule*, Commerce stated that, "after an initial request and placement on the annual inquiry service list, both petitioners and foreign governments will automatically be placed on the annual inquiry service list in the years that follow."¹⁵ Accordingly, as stated above and pursuant to 19 CFR 351.225(n)(3), the petitioners and foreign governments will not need to resubmit their entries of appearance each year to continue to be included on the annual inquiry service list. However, the petitioners and foreign governments are responsible for making amendments to their entries of appearance during the annual update to the annual inquiry service list in accordance with the procedures described above.

This notice is not required by statute but is published as a service to the international trading community.

Dated: April 28, 2025.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2025-07682 Filed 5-2-25; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-914]

Light-Walled Rectangular Pipe and Tube From the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2022-2023

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that Hoa Phat Steel Pipe Company Limited (Hoa Phat) had no shipments of light-walled rectangular pipe and tube (LWRPT) from the People's Republic of China (China) during the period of review (POR) August 1, 2022, through July 31, 2023. Further, going forward, Hoa Phat will be eligible to participate in the certification program previously established with respect to the antidumping (AD) and countervailing duty (CVD) orders on LWRPT from China, and the AD orders on LWRPT from the Republic of Korea (Korea) and Taiwan.

DATES: Applicable May 5, 2025.

FOR FURTHER INFORMATION CONTACT: Paul Kebker, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2254.

SUPPLEMENTARY INFORMATION:

Background

On September 13, 2024, Commerce published the *Preliminary Results* in the 2022-2023 administrative review of AD order on LWRPT from China¹ and invited interested parties to comment.² From November 18, through November 20, 2024, Commerce conducted an on-site verification of the information submitted on the record of this review

¹ See *Light-Walled Rectangular Pipe and Tube from Mexico, the People's Republic of China, and the Republic of Korea: Antidumping Duty Orders; Light-Walled Rectangular Pipe and Tube from the Republic of Korea: Notice of Amended Final Determination of Sales at Less Than Fair Value*, 73 FR 45403 (August 5, 2008) (*China AD Order*); and *Light-Walled Rectangular Pipe and Tube from the People's Republic of China: Notice of Countervailing Duty Order*, 73 FR 45405 (August 5, 2008) (*China CVD Order*) (collectively, *Orders*).

² See *Light-Walled Rectangular Pipe and Tube from the People's Republic of China: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review, and Preliminary Determination of No Shipments; 2022-2023*, 89 FR 74875 (September 13, 2024) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

by Hoa Phat in the Socialist Republic of Vietnam (Vietnam).³ On December 9, 2024, Commerce tolled certain deadlines in this administrative review by 90 days.⁴ On January 30, 2025, Commerce released the verification report for Hoa Phat⁵ and established deadlines for submitting comments on the *Preliminary Results*.⁶ On March 14, 2025, Commerce issued a memorandum clarifying that the findings in these final results of review with respect to Hoa Phat, specifically that Hoa Phat's ability to certify as to the origin of the hot-rolled steel (HRS) used to produce LWRPT in Vietnam, applies to the *China CVD Order*,⁷ the *Korea AD Order*,⁸ and the *Taiwan AD Order*,⁹ and we invited parties to comment.¹⁰ No parties commented on the *Preliminary Results*, the verification report, or Commerce's Eligibility to Certify Memorandum. On April 11, 2025, we extended the deadline for the final results of this review by 30 days.¹¹ Accordingly, the deadline for these final results is now May 12, 2025.

Scope of the China AD Order

The merchandise subject to the *China AD Order* is certain welded carbon quality light-walled steel pipe and tube, of rectangular (including square) cross section, having a wall thickness of less than 4 mm. The term carbon-quality steel includes both carbon steel and alloy steel which contains only small amounts of alloying elements. Specifically, the term carbon-quality

³ See Memorandum, "Verification of Hoa Phat Steel Pipe Co. Ltd.'s Questionnaire Responses," dated January 30, 2025 (Hoa Phat Verification Report).

⁴ See Memorandum, "Tolling of Deadline for Antidumping and Countervailing Duty Proceedings," dated December 9, 2024.

⁵ See Hoa Phat Verification Report.

⁶ See Memorandum, "Establishment of Briefing Schedule," dated January 30, 2025.

⁷ We note that there is a concurrent administrative review of the *China CVD Order*.

⁸ See *Light-Walled Rectangular Pipe and Tube from Mexico, the People's Republic of China, and the Republic of Korea: Antidumping Duty Orders; Light-Walled Rectangular Pipe and Tube from the Republic of Korea: Notice of Amended Final Determination of Sales at Less Than Fair Value*, 73 FR 45403 (August 5, 2008) (*Korea AD Order*).

⁹ See *Antidumping Duty Order; Light-Walled Welded Rectangular Carbon Steel Tubing from Taiwan*, 54 FR 12467 (March 27, 1989) (*Taiwan AD Order*).

¹⁰ See Memorandum, "Intent to Apply Hoa Phat's Eligibility to Certify Under the Countervailing Duty Order on Light-Walled Rectangular Pipe and Tube from the People's Republic of China, and the Antidumping Duty Orders On Light-Walled Rectangular Carbon Steel Tubing From Taiwan and Light-Walled Rectangular Pipe and Tube from the Republic of Korea," dated March 14, 2025 (Eligibility to Certify Memorandum).

¹¹ See Memorandum, "Extension of Deadline for Final Results of Antidumping Duty Administrative Review," dated April 11, 2025.

¹⁴ See *Final Rule*, 86 FR at 52335.

¹⁵ *Id.*

includes products in which none of the elements listed below exceeds the quantity by weight respectively indicated: 1.80 percent of manganese, or 2.25 percent of silicon, or 1.00 percent of copper, or 0.50 percent of aluminum, or 1.25 percent of chromium, or 0.30 percent of cobalt, or 0.40 percent of lead, or 1.25 percent of nickel, or 0.30 percent of tungsten, or 0.10 percent of molybdenum, or 0.10 percent of niobium, or 0.15 percent vanadium, or 0.15 percent of zirconium. The description of carbon-quality is intended to identify carbon-quality products within the scope. The welded carbon-quality rectangular pipe and tube subject to this *Order* is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS), subheadings 7306.61.50.00 and 7306.61.70.60. While HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the *Order* is dispositive.

Methodology

Commerce conducted this administrative review of the *China AD Order* in accordance with section 751(a)(1)(B) of Tariff Act of 1930, as amended (the Act).

As no parties commented on the *Preliminary Results*, the verification report, or the Eligibility to Certify Memorandum, we have adopted the *Preliminary Results* as these final results, and no decision memoranda accompany this **Federal Register** notice.

We continue to find that Hoa Phat is eligible to certify the origin of the HRS that it uses to produce LWRPT in Vietnam, and that this eligibility to certify applies to the *China AD and CVD Orders*, the *Korea AD Order*, and the *Taiwan AD Order*.

Final Determination of No Shipments of Subject Merchandise

Consistent with the *Preliminary Results*, we continue to determine that the sole respondent under review, Hoa Phat, supported its claim that the LWRPT it produced in Vietnam and exported to the United States during the POR is non-subject LWRPT. Specifically, Commerce determined that Hoa Phat only used HRS from Vietnamese HRS producers to produce its exports of LWRPT that entered the United States during the POR. Thus, Commerce's *Preliminary Results* are unchanged for these final results.

Eligibility To Certify

Commerce hereby determines that Hoa Phat is eligible to participate in the certification program previously

established in the *China Circumvention Determination*,¹² the *Korea Circumvention Determination*,¹³ and the *Taiwan Circumvention Determination*.¹⁴ In each of these final determinations, Commerce stated:

Because entries of LWRPT produced or exported by Hoa Phat currently must be entered as subject to the cash deposit rates established under the *LWRPT China Orders* pursuant to Commerce's *Preliminary Determinations*, Hoa Phat, or any other interested party with standing to request a review of Hoa Phat's entries may request an administrative review of its entries under the *LWRPT China Orders*. At this time, GS Global and Hoa Phat have already requested a review of Hoa Phat for the most recent period of reviews of the *LWRPT China Orders*, and these reviews have been initiated. We intend to further consider Hoa Phat's eligibility to certify the origin of the HRS used to produce LWRPT in the context of these reviews.¹⁵

Commerce based its decision to not permit Hoa Phat to certify the origin of the HRS used to produce LWRPT in Vietnam because:

{Hoa Phat's} unwillingness to cooperate{ } prevented Commerce the opportunity to use that party's information to conduct its analysis, or to assess and verify such party's ability to trace its inputs to produce subject merchandise shipped to the United States.¹⁶

¹² See *Light-Walled Rectangular Pipe and Tube from the People's Republic of China: Final Affirmative Determination of Circumvention of the Antidumping Duty and Countervailing Duty Orders*, 88 FR 77283 (November 9, 2023) (*China Circumvention Determination*), and accompanying Issues and Decision Memorandum (IDM).

¹³ See *Light-Walled Rectangular Pipe and Tube from the Republic of Korea: Final Affirmative Determination of Circumvention of the Antidumping Duty and Countervailing Duty Orders*, 88 FR 77266 (November 9, 2023) (*Korea Circumvention Determination*), and accompanying IDM.

¹⁴ See *Light-Walled Rectangular Carbon Steel Tubing from Taiwan: Final Affirmative Determination of Circumvention of the Antidumping Duty and Countervailing Duty Orders*, 88 FR 77274 (November 9, 2023) (*Taiwan Circumvention Determination*), and accompanying IDM.

¹⁵ See *China Circumvention Determination* IDM at 26–27 (internal citations omitted); *Korea Circumvention Determination* IDM at 27 (internal citations omitted); *Taiwan Circumvention Determination* IDM at 27 (internal citations omitted).

¹⁶ See *Korea Circumvention Determination* IDM at 22 (citing *Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China: Final Affirmative Determination of Circumvention of the Antidumping Duty Order*, 84 FR 29164 (June 21, 2019); *Certain Tissue Paper Products from the People's Republic of China: Affirmative Final Determination of Circumvention of the Antidumping Duty Order*, 76 FR 47551 (August 5, 2011); *Certain Tissue Paper Products from the People's Republic of China: Affirmative Final Determination of Circumvention of the Antidumping Duty Order*, 74 FR 29172 (June 19, 2009); and *Max Fortune Indus. Co. v. United States*, Slip Op. 2013–52 (CIT April 15, 2013)); *Taiwan Circumvention Determination* IDM at 22 (internal

Commerce hereby determines that Hoa Phat is eligible to participate in the certification program because Hoa Phat records the origin of its HRS purchases in its books and records, and Hoa Phat is able to trace through its production processes the origin of the HRS used to produce LWRPT shipped to the United States.¹⁷ As Commerce states in the Hoa Phat Verification Report, Hoa Phat company officials showed verifiers how they are able to track HRS through their entire production system.¹⁸ We further determine that Hoa Phat's eligibility to participate in the certification program based on the *China Circumvention Determination*, the *Korea Circumvention Determination*, and the *Taiwan Circumvention Determination* is effective as of the publication date of the final results in the **Federal Register**. As noted above, Hoa Phat's eligibility to certify includes the *China AD and CVD Orders*, the *Korea AD Order*, and the *Taiwan AD Order*.

China-Wide Entity

Under Commerce's policy regarding the conditional review of the China-wide entity,¹⁹ the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the China-wide entity. Because no party has requested a review of the China-wide entity for this POR, the entity is not under review, and the China-wide entity's cash deposit rate for estimated antidumping duties, i.e., 255.07 percent, is not subject to change.²⁰

Disclosure

Because we have not modified our analysis from the *Preliminary Results*, there are no calculations to disclose for the final results.

LWRPT Finished in Vietnam

Based on the affirmative country-wide determinations of circumvention for Vietnam in the *China Circumvention*

citations omitted); and *China Circumvention Determination* IDM at 21 (internal citations omitted).

¹⁷ See Hoa Phat Verification Report at 5–6 and 8–10.

¹⁸ *Id.* at 6.

¹⁹ See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963 (November 4, 2013).

²⁰ See *Implementation of Determinations Under Section 129 of the Uruguay Round Agreements Act: Certain New Pneumatic Off-the-Road Tires; Circular Welded Carbon Quality Steel Pipe; Laminated Woven Sacks; and Light-Walled Rectangular Pipe and Tube from the People's Republic of China*, 77 FR 52683, 52688 (August 30, 2012); see also *Order*, 73 FR 45403.

Determination, the *Korea Circumvention Determination*, and the *Taiwan Circumvention Determination*, in accordance with 19 CFR 351.226(1)(3), we directed U.S. Customs and Border Protection (CBP) to suspend liquidation and require a cash deposit of estimated duties on unliquidated entries of LWRPT completed in Vietnam using China-,²¹ Korea-,²² or Taiwan-origin HRS, that were entered, or withdrawn from warehouse, for consumption on or after the date of publication of the initiation of the circumvention inquiries in the **Federal Register**.²⁴

If an importer enters into the United States LWRPT produced in Vietnam, and claims that the LWRPT was not produced from China-, Korea-, or Taiwan-origin HRS,²⁵ or alternatively, claims that the LWRPT was produced using an input other than HRS, the importer and exporter are required to meet the certification and documentation requirements described in the “Certifications” and “Certification Requirements” sections of the *China Circumvention Determination*, the *Korea Circumvention Determination*, and the *Taiwan Circumvention Determination* to not be subject to the cash deposit requirements of the *China Order*, *Taiwan Order*, or *Korea Order*.²⁶

²¹ See *China Circumvention Determination*, 88 FR 77284–85.

²² See *Korea Circumvention Determination*, 88 FR 77267–68.

²³ See *Taiwan Circumvention Determination*, 88 FR 77275–77.

²⁴ See *Light-Walled Rectangular Pipe and Tube from the People's Republic of China: Preliminary Affirmative Determination of Circumvention of the Antidumping Duty and Countervailing Duty Orders*, 88 FR 21985, 21986–87 (April 12, 2023), *Light-Walled Rectangular Pipe and Tube from the Republic of Korea: Preliminary Affirmative Determination of Circumvention of the Antidumping Duty Order*, 88 FR 22002, 22003–04 (April 12, 2023), and *Light-Walled Welded Rectangular Carbon Steel Tubing from Taiwan: Preliminary Affirmative Determination of Circumvention of the Antidumping Duty Order*, 88 FR 21980, 21981–82 (April 12, 2023), unchanged in *China Circumvention Determination*, *Korea Circumvention Determination*, and *Taiwan Circumvention Determination*.

²⁵ We note that Hoa Phat claimed, and we confirmed, that the HRS that Hoa Phat used in the production of its entries of LWRPT into the United States during the POR are made only of HRS produced in Vietnam and no other country.

²⁶ See *China Circumvention Determination*, 88 FR 77284–85 (explaining the certification requirements) and 88 FR 77286–87 (providing the required importer and exporter certifications); see also *Korea Circumvention Determination*, 88 FR 77267–68 (explaining the certification requirements) and 88 FR 77268–70 (providing the required importer and exporter certifications) and *Taiwan Circumvention Determination*, 88 FR 77276–77 (explaining the certification requirements) and 88 FR 77277–78 (providing the required importer and exporter certifications).

Assessment of Antidumping Duties

Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review, pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b). All entries of LWRPT from Vietnam produced or exported by Hoa Phat and entered into the United States during the POR were suspended under the *China AD Order*. Because we find that all the suspended entries of LWRPT produced or exported by Hoa Phat during the POR are not subject to the *China AD Order*, the *Korea AD Order*, or the *Taiwan AD Order*, we intend to instruct CBP to liquidate such entries of LWRPT without regard to antidumping duties. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of these final results of review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Suspension of Liquidation and Cash Deposit Requirements

For LWRPT produced in China, the final results of this review do not alter the previous suspension of liquidation and cash deposit requirements.²⁷ Further, for LWRPT produced in Vietnam by a company other than Hoa Phat, the suspension of liquidation and cash deposit requirements established in the *China Circumvention Determination*, the *Korea Circumvention Determination*, and the *Taiwan Circumvention Determination* remain unchanged.²⁸

For LWRPT from Vietnam produced or exported by Hoa Phat, these final results of review revise the suspension of liquidation and cash deposit instructions established in the *China Circumvention Determination*, the *Korea Circumvention Determination*, and the *Taiwan Circumvention Determination*. Specifically, Hoa Phat is now permitted to certify that its merchandise was not produced from China-origin, Korea-origin, or Taiwan-origin HRS, as described in each of Commerce's final circumvention determinations,

²⁷ See *Light-Walled Rectangular Pipe and Tube from the People's Republic of China: Final Results of the Antidumping Duty Administrative Review*; 2021–2022, 88 FR 58244 (August 25, 2023).

²⁸ See *China Circumvention Determination*, 88 FR 77284; *Korea Circumvention Determination*, 88 FR 77267; and *Taiwan Circumvention Determination*, 88 FR 77275–76.

respectively.²⁹ Commerce has established the following company-specific third country CBP case numbers for Hoa Phat in the Automated Commercial Environment (ACE) for entries of LWRPT from Vietnam: A–552–914–001 (*China AD Order*), A–552–859–000 (*Korea AD Order*) and A–552–863–000 (*Taiwan AD Order*).

If the exporter or the importer fails to properly certify that an entry of LWRPT produced by Hoa Phat was not produced using China-origin HRS, then Commerce intends to instruct CBP to suspend the liquidation of the entry of such LWRPT under CBP case number A–552–914–001 and require a cash deposit for estimated antidumping duties at the rate of 255.07 percent.³⁰

If the exporter and the importer properly certify that an entry of LWRPT produced by Hoa Phat in Vietnam was not produced using China-origin HRS, then Commerce intends to instruct CBP to suspend the liquidation of the entry of such LWRPT under CBP case number A–552–863–000 and require a cash deposit for estimated antidumping duties at a rate of 18.05 percent, unless both the importer and the exporter have also certified that the entry was not produced from Taiwan-origin HRS.³¹

If the exporter and the importer properly certify that an entry of LWRPT produced by Hoa Phat in Vietnam was not produced using China-origin or Taiwan-origin HRS, then Commerce intends to instruct CBP to suspend the liquidation of the entry of such LWRPT under CBP case number A–552–859–000 and require a cash deposit for estimated antidumping duties at a rate of 15.79 percent, unless both the importer and the exporter have also certified that the entered product was not produced from Korea-origin HRS.³²

If the exporter and the importer properly certify that an entry of LWRPT produced by Hoa Phat in Vietnam was not produced using China-, Taiwan-, or Korea-origin HRS, then Commerce intends to instruct CBP that the entry is

²⁹ *China Circumvention Determination*, 88 FR 77284; *Korea Circumvention Determination*, 88 FR 77267; and *Taiwan Circumvention Determination*, 88 FR 77275–76.

³⁰ No weighted-average dumping margin was calculated as part of these final results for Hoa Phat, and, therefore, its cash deposit rate for estimated antidumping duties under the *China AD Order* continues to be the rate established in the *China Circumvention Determination*. See *China Circumvention Determination*, 88 FR 77284.

³¹ This is the rate established in *Taiwan Circumvention Determination* based on the all-others rate under the *Taiwan AD Order*. See *Taiwan Circumvention Determination*, 88 FR 77275–76.

³² This is the rate established in *Korea Circumvention Determination* based on the all-others rate under the *Korea AD Order*. See *Korea Circumvention Determination*, 88 FR 77267.

not subject to the *China AD Order*, *Taiwan AD Order*, or *Korea AD Order*.

These suspension of liquidation and cash deposit requirements, when imposed, shall remain in effect until further notice. Failure to comply with the applicable requisite certification requirements may result in the merchandise being subject to AD or CVD duties.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties, and/or an increase in the amount of antidumping duties by the amount of the countervailing duties.

Administrative Protective Order (APO)

This notice also serves as a reminder to parties subject to an APO of their responsibility concerning the destruction or return of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the destruction or return 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 sanctionable violation.

Notification to Interested Parties

We are issuing and publishing these final results of review and this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(h) and 351.221(b)(5).

Dated: April 29, 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. 2025-07782 Filed 5-2-25; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE888]

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Cook Inlet Salmon Stock Assessment Modeling Workshop will be held in-person and online over two days.

DATES: The meeting will be held on Monday, May 19, 2025 through Tuesday, May 20, 2025, from 9 a.m. to 4 p.m., Alaska time.

ADDRESSES: The meeting will be a hybrid meeting. The in-person component of the meeting will be held at the Ted Stevens Marine Research Institute, Royce Room (131), 17190 Point Lena Loop Road, Juneau, AK 99801. You can also join online through the link <https://meetings.npfmc.org/Meeting/Details/3069>. Instructions for attending the meeting are given under **SUPPLEMENTARY INFORMATION** below. If you wish to attend in person please contact Diana Stram (diana.stram@noaa.gov) in advance to assist with access logistics for the federal lab.

FOR FURTHER INFORMATION CONTACT: Diana Stram, Senior Scientist, NPFMC; phone: (907) 271-2809; email: diana.stram@noaa.gov. For technical support, please contact Council administrative staff, email: npfmc.admin@noaa.gov.

SUPPLEMENTARY INFORMATION:

Agenda

The workshop objective is to prepare for the 2026 specifications process for the final Cook Inlet Salmon SAFE report. This is a technical workshop to address assessment related feedback from the SSC during the 2024 and 2025 assessment cycles. This includes methodological comments on the Tier designations for all 7 stocks as well as the calculation of the overfishing limit (OFL), the minimum stock size threshold (MSST), acceptable biological catch (ABC) and appropriate buffer levels for these stocks. Additional topics will include the structure of the SAFE report, data needs and availability, potential stock prioritization for future consideration and the development of draft risk tables. The agenda is subject to change, and the latest version will be

posted at <https://meetings.npfmc.org/Meeting/Details/3069> prior to the meeting, along with meeting materials.

Connection Information

You can attend the meeting online using a computer, tablet, or smart phone, or by phone only. Connection information will be posted online at: <https://meetings.npfmc.org/Meeting/Details/3069>.

Public Comment

Public comment letters will be accepted and should be submitted electronically to <https://meetings.npfmc.org/Meeting/Details/3069>.

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

Dated: April 29, 2025.

Key Israel Marquez,

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

[FR Doc. 2025-07720 Filed 5-2-25; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS-2024-0037; OMB Control Number 0704-0321]

Information Collection Requirement; DFARS Part 232, Contract Financing, and the Clause at 252.232-7002, Progress Payments for Foreign Military Sales Acquisition

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice.

SUMMARY: The Defense Acquisition Regulations System has submitted to 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 June 4, 2025.

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 30-day Review—Open for Public Comments" or by using the search function.

You may also submit comments, identified by docket number and title, by the following method: Federal eRulemaking Portal: <https://www.regulations.gov>. Follow the instructions for submitting comments.

FOR FURTHER INFORMATION CONTACT:

Tucker Lucas, 571–372–7574, or
whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 232, Contract Financing, and the Clause at 252.232–7002 Progress Payments for Foreign Military Sales Acquisition; OMB Control Number 0704–0321.

Type of Request: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Respondent's Obligation: Required to obtain or retain benefits.

Frequency: On Occasion.

Number of Respondents: 107.

Responses per Respondent: 19.2.

Annual Responses: 2,056.

Average Burden per Response: 1.5 hours.

Annual Burden Hours: 3,084.

Needs and Uses: Section 22 of the Arms Export Control Act (22 U.S.C. 2762) requires the U.S. Government to use foreign funds, rather than U.S. appropriated funds, to purchase military equipment for foreign governments. To comply with this requirement, the Government needs to know how much of each progress payment to charge each country. Paragraph (a) of DFARS 232.502–4–70 prescribes use of the contract clause at DFARS 252.232–7002, Progress Payments for Foreign Military Sales Acquisitions, in any contract that provides for progress payments and contains foreign military sales (FMS) requirements. The clause at 252.232–7002 requires each contractor whose contract includes FMS requirements to submit a separate progress payment request for each progress payment rate and to submit a supporting schedule that clearly distinguishes the contract's FMS requirements from U.S. requirements. The Government uses this information to determine how much of each country's funds to disburse to the contractor.

DoD Clearance Officer: Mr. Tucker Lucas. Requests for copies of the information collection proposal should be sent to Mr. Lucas at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Jennifer D. Johnson,

Editor/Publisher, Defense Acquisition Regulations System.

[FR Doc. 2025–07746 Filed 5–2–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE**Defense Acquisition Regulations System**

[Docket Number DARS–2025–0003; OMB Control Number 0704–0250]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement (DFARS) Part 242, Contract Administration and Related DFARS Clause

AGENCY: Defense Acquisition Regulations System; Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; the accuracy of DoD's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection for use under Control Number 0704–0250 through August 31, 2025. DoD proposes that OMB approve an extension of the information collection requirement, to expire three years after the approval date.

DATES: DoD will consider all comments received by July 7, 2025.

ADDRESSES: You may submit comments, identified by OMB Control Number 0704–0250, using either of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments.
- *Email:* *osd.dfars@mail.mil*. Include OMB Control Number 0704–0250 in the subject line of the message.

Comments received generally will be posted without change to <https://www.regulations.gov>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Saleemah McMillan, at 202–308–5383.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 242, Contract Administration and Related DFARS Clause; OMB Control Number 0704–0250.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Respondent's Obligation: Required to obtain or retain benefits.

Frequency: On occasion.

Number of Respondents: 287.

Responses per Respondent: 1.

Annual Responses: 287.

Average Burden per Response: 475 hours.

Annual Burden Hours: 136,325.

Needs and Uses: The Government requires this information to perform its contract administration functions. The information required by the contract clause at DFARS 252.242–7004, Material Management and Accounting System, is used by contracting officers to determine if contractor material management and accounting systems conform to established DoD standards. The clause at DFARS 252.242–7004 requires a contractor to establish and maintain a material management and accounting system for applicable contracts, disclose significant changes in its system, provide results of system reviews, and respond to any determinations by the Government of material weaknesses.

Jennifer D. Johnson,

Editor/Publisher, Defense Acquisition Regulations System.

[FR Doc. 2025–07747 Filed 5–2–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE**Defense Acquisition Regulations System**

[Docket Number DARS–2025–0004; OMB Control Number 0704–0574]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement (DFARS) Part 215, Only One Offer

AGENCY: Defense Acquisition Regulations System; Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites

comments on: whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; the accuracy of DoD's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection for use under Control Number 0704-0574 through August 31, 2025. DoD proposes that OMB approve an extension of the information collection requirement, to expire three years after the approval date.

DATES: DoD will consider all comments received by July 7, 2025.

ADDRESSES: You may submit comments, identified by OMB Control Number 0704-0574, using either of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments.
- *Email:* osd.dfars@mail.mil. Include OMB Control Number 0704-0574 in the subject line of the message.

Comments received generally will be posted without change to <https://www.regulations.gov>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Saleemah McMillan, at 202-308-5383.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 215, Only One Offer and Related Clauses at 252.215; OMB Control Number 0704-0574.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Respondent's Obligation: Required to obtain or retain benefits.

Frequency: On occasion.

Number of Respondents: 1,691.

Responses per Respondent: 1.18.

Annual Responses: 1,988.

Average Burden per Response: 37.5 hours.

Annual Burden Hours: 74,550.

Needs and Uses: This information collection pertains to information that an offeror or contractor must submit to DoD if only one offer was received in response to a competitive solicitation, and the contracting officer must request certified cost or pricing data, to meet the standard for adequate price competition that is applicable to DoD. The Government requires this information in

order to determine whether an offered price is fair and reasonable and to meet the statutory requirement for certified cost or pricing data. The contracting officer obtains this information through use of DFARS solicitation provisions 252.215-7008, Only One Offer, and DFARS 252.215-7010, Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data. These provisions implement 10 U.S.C. 3702 and 10 U.S.C. 3705.

Jennifer D. Johnson,

Editor/Publisher, Defense Acquisition Regulations System.

[FR Doc. 2025-07748 Filed 5-2-25; 8:45 am]

BILLING CODE 6001-fr-P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Inland Waterways Users Board Request for Nominations

AGENCY: U.S. Army Corps of Engineers, Department of the Army, DoD.

ACTION: Notice of open Federal advisory committee request for nominations.

SUMMARY: The Department of the Army is publishing this notice to request nominations to serve as representatives on the Inland Waterways Users Board ("Board"), sponsored by the U.S. Army Corps of Engineers. The Board provides independent advice and recommendations to the Secretary of the Army and the Congress. The Secretary of the Army recommends its 11 (eleven) representative organizations to the Secretary of Defense for approval. This notice is to solicit nominations for eleven (11) appointments for terms that will begin by January 30, 2026. For additional information about the Board, please visit the committee's website at <https://www.iwr.usace.army.mil/Missions/Navigation/Inland-Waterways-Users-Board/>.

ADDRESSES: Institute for Water Resources, U.S. Army Corps of Engineers, ATTN: Mr. Paul D. Clouse, Designated Federal Officer (DFO) for the Inland Waterways Users Board, CEIWR-NDC, 7701 Telegraph Road, Casey Building (Room H221), Alexandria, Virginia 22315-3868; by telephone at 202-768-3157; and by email at Paul.D.Clouse@usace.army.mil.

FOR FURTHER INFORMATION CONTACT: Alternatively, contact Mr. Steven D. Riley, the Alternate Designated Federal Officer (ADFO), in writing at the Institute for Water Resources, U.S. Army Corps of Engineers, ATTN: CEIWR-GW, 7701 Telegraph Road, Casey Building,

Alexandria, VA 22315-3868; by telephone at 703-659-3097; and by email at Steven.D.Riley@usace.army.mil.

SUPPLEMENTARY INFORMATION: The selection, service, and appointment of representative organizations to the Board are covered by provisions of section 302 of Public Law 99-662, as amended (33 U.S.C. 2251). The substance of those provisions is as follows:

a. Selection. Representative organizations are to be selected from the spectrum of commercial carriers and shippers using the inland and intracoastal waterways, to represent geographical regions, and to be representative of waterborne commerce as determined by commodity ton-mile statistics.

b. Service. The Board is required to meet at least semi-annually to develop and make recommendations to the Secretary of the Army on waterways construction and major rehabilitation priorities and spending levels for commercial navigation improvements; advise and make recommendations to Congress regarding any feasibility report for a project on the inland waterways that has been submitted to Congress; advise and make recommendations to Congress regarding an increase in the authorized cost of inland waterways features and components; advise and make recommendations to Congress regarding construction, rehabilitation, and spending levels after submission of the budget proposal of the President to Congress; and report its recommendations annually to the Secretary and Congress. Additionally, the Board provides advice and recommendations on the development of a twenty (20) year capital improvement program submitted to Congress every five (5) years.

c. Appointment. The operation of the Board and appointment of representative organizations are subject to chapter 10, 5 U.S.C. (commonly known as the Federal Advisory Committee Act) and departmental implementing regulations. Individuals invited or appointed to serve on the Board, or its subcommittees must be U.S. citizens and are appointed pursuant to 33 U.S.C. 2251(f)(2). The members of the Board serve as representative members and shall be appointed pursuant to 41 CFR 102-3.130(a), and in accordance with DoD policy and procedures. Representative organizations serve without compensation but their expenses due to Board activities are reimbursable pursuant to 33 U.S.C. 2251(f)(3). The considerations specified in 33 U.S.C.

2251 for the selection of representative organizations to the Board, and certain terms used therein, have been interpreted, supplemented, or otherwise clarified as follows:

(1) *Carriers and Shippers.* 33 U.S.C. 2251 uses the terms “primary users and shippers.” Primary users have been interpreted to mean the providers of transportation services on inland waterways such as barge or towboat operators. Shippers have been interpreted to mean the purchasers of such services for the movement of commodities they own or control. Representative companies are appointed to the Board, and they must be either a carrier or shipper or both. For that purpose, a trade or regional association is neither a shipper nor primary user.

(2) *Geographical Representation.* The law specifies “various” regions. For the purposes of the Board, the waterways subjected to fuel taxes and described in Public Law 95–502, as amended, have been aggregated into six regions. They are (1) the Upper Mississippi River and its tributaries above the mouth of the Ohio; (2) the Lower Mississippi River and its tributaries below the mouth of the Ohio and above Baton Rouge; (3) the Ohio River and its tributaries; (4) the Gulf Intracoastal Waterway in Louisiana and Texas; (5) the Gulf Intracoastal Waterway east of New Orleans and associated fuel-taxed waterways including the Tennessee-Tombigbee, plus the Atlantic Intracoastal Waterway below Norfolk; and (6) the Columbia-Snake Rivers System and Upper Willamette. The intent is that each region shall be represented by at least one representative organization, with that representation determined by the regional concentration of the firm’s traffic on the waterways.

(3) *Commodity Representation.* Waterway commerce has been aggregated into six commodity categories based on “inland” ton-miles shown in Waterborne Commerce of the United States. These categories are (1) Farm and Food Products; (2) Coal and Coke; (3) Petroleum, Crude and Products; (4) Minerals, Ores, and Primary Metals and Mineral Products; (5) Chemicals and Allied Products; and (6) All Other. A consideration in the selection of representative organizations to the Board will be that the commodities carried or shipped by those firms will be reasonably representative of the above commodity categories.

d. *Nomination.* Individuals, firms or associations may nominate representative organizations to serve on the Board. Nominations will:

(1) Include the commercial operations of the carrier and/or shipper representative organization being nominated. This commercial operations information will show the actual or estimated ton-miles of each commodity carried or shipped on the inland waterways system in the most recent year (or years), using the waterway regions and commodity categories previously listed. Only ton-miles will be accepted.

(2) State the region(s) to be represented.

(3) State whether the nominated representative organization is a carrier, shipper or both.

(4) Provide the name of an individual to be the principal person representing the organization and information pertaining to their personal qualifications, to include a current within six months biography or resume.

Previous nominations received in response to notices published in the **Federal Register** in prior years will not be retained for consideration.

e. *Deadline for Nominations.* All nominations must be received at the address shown above no later than June 15, 2025.

Stephen L. Hill,

Director, Operations and Regulatory Programs.

[FR Doc. 2025–07787 Filed 5–2–25; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2025–SCC–0012]

Agency Information Collection Activities; Comment Request; Streamlined Clearance Process for Discretionary Grants

AGENCY: Office of the Secretary (OS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before July 7, 2025.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <https://www.regulations.gov> by searching the Docket ID number ED–2025–SCC–0012. Comments submitted in response to this notice should be submitted electronically through the

Federal eRulemaking Portal at <https://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the [regulations.gov](https://www.regulations.gov) site is not available to the public for any reason, the Department will temporarily accept comments at ICDocketMgr@ed.gov. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Grants Policy Office, U.S. Department of Education, 400 Maryland Ave. SW, LBJ—Room 4C227, Washington, DC 20202–1200.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Kelly Terpak, 202–987–0945.

SUPPLEMENTARY INFORMATION: The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public’s reporting burden. It also helps the public understand the Department’s information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Streamlined Clearance Process for Discretionary Grants.

OMB Control Number: 1894–0001.

Type of Review: An extension without change of a currently approved ICR.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 1.

Total Estimated Number of Annual Burden Hours: 3.

Abstract: Section 3505(a)(2) of the PRA of 1995 provides the OMB Director authority to approve the streamlined clearance process proposed in this information collection request. This information collection request was originally approved by OMB in January of 1997. This information collection streamlines the clearance process for all discretionary grant information collections which do not fit the generic application process. The streamlined clearance process continues to reduce the clearance time for the U.S. Department of Education's (ED's) discretionary grant information collections by two months or 60 days. This is desirable for two major reasons: it would allow ED to provide better customer service to grant applicants and help meet ED's goal for timely awards of discretionary grants. Section 3474.20(d) adds the requirement for grantees to develop a dissemination plan for copyrighted work under open licensing. Information contained in the narrative of an application will be captured in the Evidence of Effectiveness Form.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2025-07738 Filed 5-2-25; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

National Advisory Council on Indian Education (NACIE)

AGENCY: National Advisory Council on Indian Education (NACIE), U.S. Department of Education.

ACTION: Notice of an open meeting.

SUMMARY: This notice sets forth the agenda, time, and instructions to access or participate in the June 18–19, 2025, virtual meeting of NACIE. This notice provides information about the meeting to members of the public who may be interested in virtually attending the meeting and how to provide written and/or oral comment for the meeting.

DATES: The NACIE meeting will be held on June 18, 2025, from 9 a.m.–4:30 p.m. Eastern Time and June 19, 2025, from 9 a.m.–12 p.m. Eastern Time.

FOR FURTHER INFORMATION CONTACT: Julian Guerrero, Jr., Designated Federal Official, Office of Indian Education, U.S. Department of Education, 400 Maryland Avenue SW, Office 4B–116,

Washington, DC 20202. Telephone: (202) 213–3416. Email: Julian.Guerrero@ed.gov.

SUPPLEMENTARY INFORMATION:

Statutory Authority and Function: NACIE is authorized by section 6141 of the Elementary and Secondary Education Act of 1965 (ESEA), as amended (20 U.S.C. 7471). In accordance with section 6141 of the ESEA, NACIE shall advise the Secretary of Education and the Secretary of Interior on the funding and administration (including the development of regulations and administrative policies and practices) of any program, including any program established under Title VI, Part A of the ESEA, with respect to which the Secretary of Education has jurisdiction and (1) that includes Indian children or adults as participants or (2) that may benefit Indian children or adults. Also in accordance with section 6141 of the ESEA, NACIE shall make recommendations to the Secretary of Education for filling the position of Director of Indian Education whenever a vacancy occurs and shall submit to the Congress, no later than June 30 of each year, a report on its activities that includes recommendations that are considered appropriate for the improvement of Federal education programs that include Indian children or adults as participants or that may benefit Indian children or adults, and recommendations concerning the funding of any such program.

Notice of this meeting is required by section 1009(a)(2) of 5 U.S.C. chapter 10 (commonly known as the Federal Advisory Committee Act).

Meeting Agenda: The purpose of the meeting is to convene NACIE and conduct open business. On June 18, 2025, NACIE will conduct the following business: (1) discuss fiscal year 2026 planning activities; (2) discuss subcommittee activities; and (3) approve annual report to Congress 2024–2025. On June 19, 2025, NACIE will conduct the following business: (4) discuss and hear updates from federal representatives regarding technical assistance, best practices, and development of regulatory or non-regulatory actions; and (5) hear comments from members of the public.

Instructions for Accessing the Meeting: The public may access the NACIE meeting via Zoom. The web link to register and access is <https://www.zoomgov.com/meeting/register/VGXBqyrsT8enligUXjTlLw>. There is no deadline to register, and the public may register and virtually enter the meeting at any time.

Public Comment: Members of the public interested in submitting written comments may do so via email to Julian Guerrero at Julian.Guerrero@ed.gov. Written comments related to the June 18–19, 2025, NACIE meeting should be submitted no later than 11:59 p.m. Eastern Time (ET) on June 8, 2025. Members of the public may also make oral comment during the open meeting on June 19, 2025. Requests to make oral comment will be accepted on a first requested, first served basis. Each commenter must use the “raise your hand” feature and enter “I request to make an oral comment” into the meeting chat. Each commenter will have a maximum of three minutes to state his or her comment and/or question. Please note that written comments and oral comments made during the open meeting should pertain to the work of NACIE.

Reasonable Accommodations: The virtual meeting is accessible to individuals with disabilities. If you will need an auxiliary aid or service for the meeting (e.g., interpreting service, assistive listening device, or materials in an alternate format), notify the contact person listed in this notice no later than June 8, 2025. Although we will attempt to meet a request received after that date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it.

Access to Records of the Meeting: The Department will post the official minutes of this meeting on the OESE website, <https://ed.gov/>, within 90 days after the meeting. Pursuant to 5 U.S.C. 1009(b), the public may also inspect NACIE records at the Office of Indian Education, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202, Monday–Friday, 8:30 a.m. to 5:00 p.m. ET. Please email Julian Guerrero at Julian.Guerrero@ed.gov to schedule an appointment.

Electronic Access to this Document: The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: www.gpo.gov/fdsys. At this site, you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site. You also may access documents of the Department published in the **Federal Register** by using the article search feature at: www.federalregister.gov. Specifically,

through the advanced search feature at this site, you can limit your search to documents published by the Department.

Authority: Section 6141 of the ESEA, as amended (20 U.S.C. 7471).

Hayley B. Sanon,

Principal Deputy Assistant Secretary and Acting Assistant Secretary Office of Elementary and Secondary Education.

[FR Doc. 2025-07736 Filed 5-2-25; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP25-209-000]

Great Basin Gas Transmission Company; Notice of Application and Establishing Intervention Deadline

Take notice that on April 15, 2025, Great Basin Gas Transmission Company (Great Basin), P.O. Box 94197, Las Vegas, Nevada 89193-4197, filed an application under sections 7(b) and 7(c) of the Natural Gas Act (NGA) and part 157 of the Commission's regulations requesting authorization for its 2026 Expansion Project (Project). The Project consists of (1) installing approximately 2.32 miles of new 20-inch-diameter steel pipeline loop along Great Basin's Carson Lateral (Wadsworth segment), (2) replacing approximately 2.35 miles of existing 10-inch-diameter steel pipeline with new 20-inch-diameter steel pipeline (Highway segment), and (3) installing and abandoning associated appurtenant facilities, all located in Lyon and Washoe Counties, Nevada. The Project will increase Great Basin's system firm transportation capacity by 8,129 Dekatherms per day in response to growing market demand as requested by two existing shippers in North Nevada and Northern California. Great Basin estimates the total cost of the Project to be \$18,884,092 and proposes incremental rates under the Rate Schedule FT-1, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is

available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502-6652 (toll free at 1-866-208-3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

Any questions regarding the proposed project should be directed to Frank J. Maglietti Jr., Vice President/General Manager, Great Basin Gas Transmission Company, P.O. Box 94197, Las Vegas, Nevada 89193-4197, by phone at (702) 876-738, or by email at frank.maglietti@swgas.com.

Pursuant to section 157.9 of the Commission's Rules of Practice and Procedure,¹ within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all Federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file comments on the project, you can protest the filing, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on May 20, 2025. How to file protests, motions to intervene, and comments is explained below.

The Commission's Office of Public Participation (OPP) supports meaningful

public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections, to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be.

Protests

Pursuant to sections 157.10(a)(4)² and 385.211³ of the Commission's regulations under the NGA, any person⁴ may file a protest to the application. Protests must comply with the requirements specified in section 385.2001⁵ of the Commission's regulations. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

To ensure that your comments or protests are timely and properly recorded, please submit your comments on or before May 20, 2025.

There are three methods you can use to submit your comments or protests to the Commission. In all instances, please reference the Project docket number CP25-209-000 in your submission.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's website at www.ferc.gov under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments or protests electronically by using the eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first

² 18 CFR 157.10(a)(4).

³ 18 CFR 385.211.

⁴ Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

⁵ 18 CFR 385.2001.

¹ 18 CFR 157.9.

select “General” and then select “Comment on a Filing”; or

(3) You can file a paper copy of your comments or protests by mailing them to the following address below. Your written comments must reference the Project docket number (CP25–209–000).

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502–8258 or FercOnlineSupport@ferc.gov.

Persons who comment on the environmental review of this project will be placed on the Commission’s environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission’s environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,⁶ has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission’s orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission’s Rules of Practice and Procedure⁷ and the regulations under the NGA⁸ by the intervention deadline for the project, which is May 20, 2025. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a

landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number CP25–209–000 in your submission.

(1) You may file your motion to intervene by using the Commission’s eFiling feature, which is located on the Commission’s website (www.ferc.gov) under the link to Documents and Filings. New eFiling users must first create an account by clicking on “eRegister.” You will be asked to select the type of filing you are making; first select “General” and then select “Intervention.” The eFiling feature includes a document-less intervention option; for more information, visit <https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf>; or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below. Your motion to intervene must reference the Project docket number CP25–209–000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or FercOnlineSupport@ferc.gov.

Protests and motions to intervene must be served on the applicant either by mail at: Frank J. Maglietti Jr., Vice President/General Manager, Great Basin Gas Transmission Company, P.O. Box 94197, Las Vegas, Nevada 89193–4197 or by email (with a link to the document) at frank.maglietti@swgas.com. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed⁹ motions to intervene are automatically granted by operation of Rule 214(c)(1).¹⁰ Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission’s Rules and Regulations.¹¹ A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission’s Office of External Affairs, at (866) 208–FERC, or on the FERC website at www.ferc.gov using the “eLibrary” link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to www.ferc.gov/docs-filing/esubscription.asp.

Intervention Deadline: 5:00 p.m. Eastern Time on May 20, 2025.

Dated: April 29, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025–07744 Filed 5–2–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER22–2355–000]

GridLiance Heartland LLC; Notice of Motion for Extension of Time

On November 8, 2024, GridLiance Heartland LLC (GridLiance Heartland)

⁹ The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

¹⁰ 18 CFR 385.214(c)(1).

¹¹ 18 CFR 385.214(b)(3) and (d).

⁶ 18 CFR 385.102(d).

⁷ 18 CFR 385.214.

⁸ 18 CFR 157.10.

filed a motion for an extension of time to submit a compliance filing explaining the timelines for calculating or submitting ambient-adjusted ratings (AAR) in compliance with Order Nos. 881 and 881-A¹ and the Commission's July 27, 2023, order² to implement GridLiance Heartland's compliance revisions in Attachment T to its Open Access Transmission Tariff (OATT).³

GridLiance Heartland states that it no longer retains operational control over any of its transmission facilities and no longer provides transmission service for any transmission lines under the GridLiance Heartland OATT.⁴ GridLiance Heartland explains that because all of its facilities are now under the operational control of the Midcontinent Independent System Operator, Inc. (MISO), AARs for its transmission lines will be submitted directly to MISO in accordance with the timelines required by the MISO procedures, rather than being calculated and posted pursuant to Attachment T of the GridLiance Heartland OATT.⁵ GridLiance Heartland therefore requests an extension of time to submit the further compliance filing required by the July 2023 Order until such time as GridLiance Heartland acquires transmission lines that are governed by the GridLiance Heartland OATT.⁶

Answers to the motion must be filed by 5:00 p.m. Eastern Time on Tuesday, May 6, 2025.

Dated: April 29, 2025.

Carlos D. Clay,
Deputy Secretary.

[FR Doc. 2025-07764 Filed 5-2-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EF25-5-000]

Southwestern Power Administration; Notice of Filing

Take notice that on April 28, 2025, Southwestern Power Administration submitted a tariff filing 300.1: 2023 Integrated System Rate Schedule Filing to be effective June 1, 2025.

¹ *Managing Transmission Line Ratings*, Order No. 881, 177 FERC ¶ 61,179 (2021), *order addressing arguments raised on reh'g*, Order No. 881-A, 179 FERC ¶ 61,125 (2022).

² *GridLiance Heartland LLC*, 184 FERC ¶ 61,043 (2023) (July 2023 Order).

³ Motion, Transmittal Letter at 1.

⁴ *Id.* at 1-2.

⁵ *Id.* at 2-3.

⁶ *Id.* at 3.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFiling" link at <https://www.ferc.gov>. Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Comment Date: 5:00 p.m. Eastern Time on May 28, 2025.

Dated: April 29, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025-07740 Filed 5-2-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1904-078, Project No. 1855-050, Project No. 1892-030]

Great River Hydro, LLC; Notice of Revised Procedural Schedule for Environmental Impact Statement for the Proposed Project Relicenses

On May 1, 2017, and materially amended on December 7, 2020, Great

River Hydro, LLC filed applications for new major licenses to operate its 32.4-megawatt (MW) Vernon Hydroelectric Project (Vernon Project; FERC No. 1904), 40.8-MW Bellows Falls Hydroelectric Project (Bellows Falls Project; FERC No. 1855), and 35.6-MW Wilder Hydroelectric Project (Wilder Project; FERC No. 1892) (collectively, projects). On June 5, 2024, Commission staff issued a notice of intent to prepare an environmental impact statement (EIS) to evaluate the effects of relicensing the projects. The notice included an anticipated schedule for issuing the draft and final EIS. By notice issued November 21, 2024, Commission staff revised the procedural schedule for completing the draft and final EIS.

By this notice, Commission staff is updating the procedural schedule for completing the draft and final EIS. The revised schedule is shown below. Further revisions to the schedule may be made as appropriate.

Milestone	Target date
Issue draft EIS	May 2025.
Comments on draft EIS due	July 2025.
Commission issues final EIS	January 2026.

Any questions regarding this notice may be directed to Steve Kartalia at (202) 502-6131 or stephen.kartalia@ferc.gov.

Dated: April 29, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025-07742 Filed 5-2-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1889-085; Project No. 2485-071]

FirstLight MA Hydro LLC, Northfield Mountain LLC; Notice of Revised Procedural Schedule for Environmental Impact Statement for the Proposed Project Relicenses

On April 29, 2016, and materially amended on December 4, 2020, FirstLight MA Hydro LLC and Northfield Mountain LLC, respectively, filed applications for new major licenses to operate the 62.0-megawatt (MW) Turners Falls Hydroelectric Project (Turners Falls Project; FERC No. 1889) and 1,166.8-MW Northfield Mountain Pumped Storage Project (Northfield Mountain Project; FERC No. 2485) (collectively, projects). On June 5, 2024, Commission staff issued a notice of intent to prepare an environmental

impact statement (EIS) to evaluate the effects of relicensing the projects. The notice included an anticipated schedule for issuing the draft and final EIS. By notice issued November 21, 2024, Commission staff revised the procedural schedule for completing the draft and final EIS.

By this notice, Commission staff is updating the procedural schedule for completing the draft and final EIS. The revised schedule is shown below. Further revisions to the schedule may be made as appropriate.

Milestone	Target date
Issue draft EIS	May 2025.
Comments on draft EIS due	July 2025.
Commission issues final EIS	January 2026.

Any questions regarding this notice may be directed to Steve Kartalia at (202) 502-6131 or stephen.kartalia@ferc.gov.

Dated: April 29, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025-07741 Filed 5-2-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC25-43-000.
Applicants: CONSTELLATION ENERGY CORPORATION, Constellation Energy Generation, LLC, Calpine Corporation.

Description: Response to 03/27/2025, Deficiency Letter of Constellation Energy Corporation, et al.

Filed Date: 4/28/25.

Accession Number: 20250428-5293.

Comment Date: 5 p.m. ET 5/19/25.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG25-306-000.
Applicants: Oak Hill Solar LLC.
Description: Oak Hill Solar LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 4/28/25.

Accession Number: 20250428-5250.

Comment Date: 5 p.m. ET 5/19/25.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10-1827-011.

Applicants: Cleco Power LLC.

Description: Notice of Non-Material Change in Status of Cleco Power LLC.
Filed Date: 4/28/25.

Accession Number: 20250428-5292.

Comment Date: 5 p.m. ET 5/19/25.

Docket Numbers: ER10-2126-010.
Applicants: Idaho Power Company.
Description: Notice of Change in Status of Idaho Power Company.

Filed Date: 4/25/25.

Accession Number: 20250425-5284.

Comment Date: 5 p.m. ET 5/16/25.

Docket Numbers: ER11-4633-009.
Applicants: Madison Gas and Electric Company.

Description: Notice of Change in Status of Madison Gas and Electric Company.

Filed Date: 4/25/25.

Accession Number: 20250425-5283.

Comment Date: 5 p.m. ET 5/16/25.

Docket Numbers: ER11-4633-008.
Applicants: Madison Gas and Electric Company.

Description: Triennial Market Power Analysis for Central Region of Madison Gas and Electric Company.

Filed Date: 4/25/25.

Accession Number: 20250425-5279.

Comment Date: 5 p.m. ET 6/24/25.

Docket Numbers: ER19-192-002.
Applicants: Great Plains Windpark Legacy, LLC.

Description: Notice of Non-Material Change in Status of Great Plains Legacy Windpark.

Filed Date: 4/28/25.

Accession Number: 20250428-5302.
Comment Date: 5 p.m. ET 5/19/25.

Docket Numbers: ER20-2998-001; ER20-2997-001; ER20-1983-002; ER21-2429-002; ER20-1981-002.

Applicants: Pioneer Solar (CO), LLC, Tulare Solar Center, LLC, Central 40, LLC, RE Mustang Two Whirlaway LLC, RE Mustang Two Barbaro LLC.

Description: Supplement to 03/17/2025 Notice of Non-Material Change in Status of RE Mustang Two Barbaro LLC, et al.

Filed Date: 4/24/25.

Accession Number: 20250424-5233.

Comment Date: 5 p.m. ET 5/15/25.

Docket Numbers: ER23-2520-002.
Applicants: SR Litchfield, LLC.
Description: Notice of Non-Material Change in Status of SR Litchfield, LLC.

Filed Date: 4/29/25.

Accession Number: 20250429-5178.

Comment Date: 5 p.m. ET 5/20/25.

Docket Numbers: ER24-2921-001.
Applicants: Boswell Wind, LLC.
Description: Notice of Change in Status of Boswell Wind, LLC.

Filed Date: 4/28/25.

Accession Number: 20250428-5294.

Comment Date: 5 p.m. ET 5/19/25.

Docket Numbers: ER25-951-001.

Applicants: PacifiCorp.

Description: Tariff Amendment: Response to Deficiency Letter to be effective 12/31/9998.

Filed Date: 4/28/25.

Accession Number: 20250428-5257.

Comment Date: 5 p.m. ET 5/19/25.

Docket Numbers: ER25-2067-000.
Applicants: Public Service Company of Colorado.

Description: § 205(d) Rate Filing: 2025-04-30 PSC—Rush Creek Gen-Tie to be effective 6/1/2025.

Filed Date: 4/28/25.

Accession Number: 20250428-5243.

Comment Date: 5 p.m. ET 5/19/25.

Docket Numbers: ER25-2068-000.
Applicants: Spartacus Energy of New York LLC.

Description: § 205(d) Rate Filing: Market-Based Rate Tariff Application with Expedited Treatment to be effective 4/29/2025.

Filed Date: 4/28/25.

Accession Number: 20250428-5249.

Comment Date: 5 p.m. ET 5/19/25.

Docket Numbers: ER25-2069-000.
Applicants: Pacific Gas and Electric Company.

Description: § 205(d) Rate Filing: TO SA 284: Extension to CCSF IA to be effective 7/1/2025.

Filed Date: 4/29/25.

Accession Number: 20250429-5000.

Comment Date: 5 p.m. ET 5/20/25.

Docket Numbers: ER25-2070-000.
Applicants: Pacific Gas and Electric Company.

Description: § 205(d) Rate Filing: WDT SA 275: Extension to CCSF SA and IA to be effective 7/1/2025.

Filed Date: 4/29/25.

Accession Number: 20250429-5001.

Comment Date: 5 p.m. ET 5/20/25.

Docket Numbers: ER25-2071-000.
Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Necessary Studies Agreement, Original SA No. 7663; Queue No. AB2-133 to be effective 6/29/2025.

Filed Date: 4/29/25.

Accession Number: 20250429-5028.

Comment Date: 5 p.m. ET 5/20/25.

Docket Numbers: ER25-2072-000.
Applicants: American Electric Power Service Corporation.

Description: § 205(d) Rate Filing: AEPSC submits an update to Attachment 1 of the ILDSA—SA No. 1336 to be effective 4/1/2025.

Filed Date: 4/29/25.

Accession Number: 20250429-5054.

Comment Date: 5 p.m. ET 5/20/25.

Docket Numbers: ER25-2073-000.
Applicants: Until Power Corp.

Description: Unitil Power Corp submits Statement of all billing transactions under the Amended Unitil System Agreement for the period 01/01/2024 to 12/31/2024.

Filed Date: 4/24/25.

Accession Number: 20250424–5248.

Comment Date: 5 p.m. ET 5/15/25.

Docket Numbers: ER25–2074–000.

Applicants: Midcontinent

Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2025–04–29_SA 3482 ATC-Wisconsin Electric Power 4th Rev GIA (J878 J1316) to be effective 4/23/2025.

Filed Date: 4/29/25.

Accession Number: 20250429–5075.

Comment Date: 5 p.m. ET 5/20/25.

Docket Numbers: ER25–2075–000.

Applicants: Tampa Electric Company.

Description: § 205(d) Rate Filing: Emergency Interchange Service Schedule A&B–2025 to be effective 5/1/2025.

Filed Date: 4/29/25.

Accession Number: 20250429–5090.

Comment Date: 5 p.m. ET 5/20/25.

Docket Numbers: ER25–2076–000.

Applicants: SloughHouse Solar, LLC.

Description: § 205(d) Rate Filing: Revised Market-Based Rate Tariff Filing to be effective 6/29/2025.

Filed Date: 4/29/25.

Accession Number: 20250429–5108.

Comment Date: 5 p.m. ET 5/20/25.

Docket Numbers: ER25–2077–000.

Applicants: Idaho Power Company.

Description: Notice of Termination of Interconnection Agreement of Idaho Power Company.

Filed Date: 4/28/25.

Accession Number: 20250428–5306.

Comment Date: 5 p.m. ET 5/19/25.

Docket Numbers: ER25–2078–000.

Applicants: Midcontinent

Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2025–04–29_Att X—GIP True Up to be effective 1/31/2025.

Filed Date: 4/29/25.

Accession Number: 20250429–5222.

Comment Date: 5 p.m. ET 5/20/25.

Docket Numbers: ER25–2079–000.

Applicants: Shady Hills Power Company, L.L.C.

Description: Tariff Amendment: MBR Cancellation Filing of Shady Hills Power Company LLC to be effective 4/30/2025.

Filed Date: 4/29/25.

Accession Number: 20250429–5230.

Comment Date: 5 p.m. ET 5/20/25.

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 organization, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

Dated: April 29, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–07765 Filed 5–2–25; 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: RP25–844–000.

Applicants: East Tennessee Natural Gas, LLC.

Description: § 4(d) Rate Filing: ETNG 2025 Section 4 Rate Case to be effective 6/1/2025.

Filed Date: 4/29/25.

Accession Number: 20250429–5069.

Comment Date: 5 p.m. ET 5/12/25.

Docket Numbers: RP25–845–000.

Applicants: Enable Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Amended NRA Filing—Tenaska Marketing Ventures to be effective 5/1/2025.

Filed Date: 4/29/25.

Accession Number: 20250429–5085.

Comment Date: 5 p.m. ET 5/12/25.

Docket Numbers: RP25–846–000.

Applicants: Northwest Pipeline LLC.

Description: § 4(d) Rate Filing: 2025 Housekeeping Filing to be effective 5/30/2025.

Filed Date: 4/29/25.

Accession Number: 20250429–5110.

Comment Date: 5 p.m. ET 5/12/25.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP20–1042–005.

Applicants: Northern Natural Gas Company.

Description: Compliance filing: 20250429 Operational Purchases and Sales Report to be effective N/A.

Filed Date: 4/29/25.

Accession Number: 20250429–5091.

Comment Date: 5 p.m. ET 5/12/25.

Docket Numbers: RP25–425–001.

Applicants: Northwest Pipeline LLC.

Description: Compliance filing: NAESB 4.0 Amended Compliance Filing to be effective 8/1/2025.

Filed Date: 4/28/25.

Accession Number: 20250428–5138.

Comment Date: 5 p.m. ET 5/12/25.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organization, Tribal members and others, access publicly available information and navigate Commission processes. For

public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Dated: April 29, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025-07774 Filed 5-2-25; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2021-0329; FRL-12690-01-OAR]

Agency Information Collection Activities; Proposed Information Collection Request; Comment Request; Certification and Compliance Requirements for Nonroad Spark-Ignition Engines (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), “Certification and Compliance Requirements for Nonroad Spark-Ignition Engines (Renewal)”, EPA ICR Number 1695.15, OMB Control Number 2060-0338 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 request as described below. This is a proposed extension of the Nonroad Spark-Ignition Engines ICR, which is currently approved through December 31, 2025. This notice allows for 60 days for public comments.

DATES: Comments must be submitted on or before July 7, 2025.

ADDRESSES: Submit your comments, referencing the Docket ID No. EPA-HQ-OAR-2021-0329, to the EPA: online using www.regulations.gov (our preferred method), 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:

Julian Davis, Attorney Adviser, Compliance Division, Office of Transportation and Air Quality, U.S. Environmental Protection Agency, 2000 Traverwood, Ann Arbor, Michigan 48105; telephone number: 734-214-4029; fax number 734-214-4869; email address: davis.julian@epa.gov.

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through December 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 notice 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 <https://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 information collection is requested under the authority of Title II of the Clean Air Act (42 U.S.C. 7521 *et seq.*) Under this Title, EPA is charged with issuing certificates of conformity for those engines which comply with applicable emission standards. Such a certificate must be issued before engines may be legally introduced into commerce. To apply for a certificate of conformity, manufacturers are required to submit descriptions of their planned production line, including detailed descriptions of the emission control system, and test data. This information is organized by “engine family” groups expected to have similar emission characteristics. The emission values achieved during certification testing may also be used in the Averaging, Banking, and Trading (ABT) Program. The program allows manufacturers to bank credits for engine families that emit below the standard and use the credits for families that emit above the standard. They may also trade banked credits with other manufacturers. Participation in the ABT program is voluntary. Different categories of spark-ignition engines may also be required to comply with production-line testing (PLT) and in-use testing. There are also recordkeeping and labeling requirements. This information is collected electronically by the Gasoline Engine Compliance Branch (GECB), Implementation, Analysis and Compliance Division, Office of Transportation and Air Quality (OTAQ), Office of Air and Radiation of the U.S. Environmental Protection Agency. GECC uses this information to ensure that manufacturers comply with applicable regulations and the Clean Air Act (CAA). It may also be used by the Office of Enforcement and Compliance Assurance (OECA) and the Department of Justice for enforcement purposes. Non-CBI may be disclosed on OTAQ’s website or upon request under the Freedom of Information Act (FOIA) to trade associations, environmental groups, and the public. Any information submitted for which a claim of confidentiality is made is safeguarded according to EPA regulations at 40 CFR 2.201 *et seq.*

Form Numbers

Form name	Form No.
Annual Production Worksheet	5900-90
Marine SI Production Line Testing Report	5900-91
Marine SI Averaging, Banking, and Trading Report	5900-92

Form name	Form No.
Large SI In-Use Testing Report	5900-93
Marine SI In-Use Testing Report	5900-93
Large SI Production Line Testing Report	5900-130
NR Small SI Averaging, Banking, and Trading Report	5900-131
NR Small SI Production Line Testing Report	5900-133
HDSI ABT Report	5900-134
NR Small SI Bond Worksheet	5900-450
NR Small SI Small Volume Bond Worksheet	5900-451
Altitude Worksheet	5900-452
Evaporative Fuel Cap Test Data	5900-453
Evaporative Fuel Line Test Data	5900-454
Evaporative Fuel Tank Data Worksheet	5900-455
Marine and Large SI Diurnal System Data Worksheet	5900-456
NR Small SI Equipment Worksheet	5900-457
Marine SI Vessel Worksheet	5900-458
Marine SI Engine Data Map Sheet	5900-459
Snowmobile Production Line Testing Report	5900-460
Snowmobile Certification Template	5900-463
Rec Vehicle Catalytic Converter Checklist	5900-464
Snowmobile Averaging, Banking, and Trading Template	5900-465
Rec Vehicle Fuel Line Test Data Worksheet	5900-466
Rec Vehicle Fuel Tank Test Data Worksheet	5900-467
Recreational Vehicle PLT Report Final	5900-New
HMC RV ABT Template	5900-New
ATV-UTV checklist	5900-New
Replacement Engine Exemption Report	5900-New
AECD Form	5900-New

Respondents/affected entities:

Respondents are manufacturers of nonroad engines within the following North American Industry Classification System (NAICS) code: 33618, 33612, 336999, 336991, 333112, 335312.

Respondent's obligation to respond:

The respondent's obligation to respond is voluntary, but respondents who chose not to respond cannot obtain a Certificate of Conformity, and therefore cannot introduce their products into commerce in the U.S.

Estimated number of respondents:

393 (total).

Frequency of response: Yearly for certification, production, ABT, and warranty reports.

Total estimated burden: 1,390 hours (per respondent, per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: \$102,388,928.41 (per year), includes \$45,650,002.40 annualized capital or operation & maintenance costs.

Changes in Estimates: There is a decrease of 328 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due largely to fewer respondents (37) than the previous ICR and more manufacturers utilizing carrying over data from

previous model years to demonstrate compliance with the standards.

Byron Bunker,

Director, Implementation, Analysis and Compliance Division.

[FR Doc. 2025-07763 Filed 5-2-25; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0799; FR ID 292800]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the

quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before July 7, 2025. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to PRA@fcc.gov and to Cathy.Williams@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418-2918.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060-0799.

Title: FCC Ownership Disclosure Information for the Wireless Telecommunications Services.

Form No.: FCC Form 602.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit; Not-for-profit institutions; and State, Local or Tribal government.

Number of Respondents and Responses: 4,115 respondents and 4,115 responses.

Estimated Time per Response: 0.5–1.5 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of this information is contained in sections 154(i), 303(g), 303(r), and 332(c)(7) of the Communications Act of 1934, as amended. The statutory authority for this collection of this information is contained in sections 154(i), 303(g), 303(r), and 332(c)(7) of the Communications Act of 1934, as amended.

Total Annual Burden: 5,217 hours.

Total Annual Cost: \$762,300.

Needs and Uses: The FCC Form 602 is necessary to obtain the identity of the filer and to elicit information required by § 1.2112 of the Commission's rules regarding: (1) Persons or entities holding a 10 percent or greater direct or indirect ownership interest or any general partners in a general partnership holding a direct or indirect ownership interest in the applicant ("Disclosable Interest Holders"); and (2) All FCC-regulated entities in which the filer or any of its Disclosable Interest Holders owns a 10 percent or greater interest. The data collected on the FCC Form 602 includes the FCC Registration Number (FRN), which serves as a "common link" for all filings an entity has with the FCC. The Debt Collection Improvement Act of 1996 requires that entities filing with the Commission use an FRN. The FCC Form 602 was designed for, and must be filed electronically by, all licensees that hold licenses in auctionable services.

The FCC Form 602 is comprised of the Main Form containing information regarding the filer and the Schedule A is used to collect ownership data pertaining to the Disclosable Interest Holder(s). Each Disclosable Interest Holder will have a separate Schedule A.

Thus, a filer will submit its FCC Form 602 with multiple copies of Schedule A, as necessary, to list each Disclosable Interest Holder and associated information.

Federal Communications Commission.

Marlene Dortch,
Secretary.

[FR Doc. 2025–07778 Filed 5–2–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0779; FR ID 292690]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before July 7, 2025. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to PRA@fcc.gov and to Cathy.Williams@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0779.

Title: Sections 90.20(a)(1)(iii), 90.769, 90.767, 90.763(b)(1)(i)(a), 90.763(b)(1)(i)(B), 90.771(b) and 90.743, Rules for Use of the 220 MHz Band by the Private Land Mobile Radio Service.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, not-for-profit institutions, and state, local or tribal government.

Number of Respondents: 14 respondents; 74 responses.

Estimated Time per Response: 2 hours to 8 hours.

Frequency of Response: On occasion reporting requirement and third-party disclosure requirement.

Obligation To Respond: Required to obtain or retain benefits. Statutory authority for this collection of information is contained in 47 U.S.C. 154(i), 303(g), 303(r) and 332(a).

Total Annual Burden: 550 hours.

Total Annual Cost: \$90,000.

Needs and Uses: The Commission is requesting approval for an extension of information collection 3060–0779. The collection includes rules to govern the future operation and licensing of the 220–222 MHz and (220 MHz service). In establishing this licensing plan, FCC's goal is to establish a flexible regulatory framework that allows for efficient licensing of the 220 MHz service, eliminates unnecessary regulatory burdens, and enhances the competitive potential of the 220 MHz service in the mobile service marketplace. However, as with any licensing and operational plan for a radio service, a certain number of regulatory and information burdens are necessary to verify licensee compliance with FCC rules.

Federal Communications Commission.

Marlene Dortch,
Secretary.

[FR Doc. 2025–07777 Filed 5–2–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the

Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551-0001, not later than June 4, 2025.

A. Federal Reserve Bank of Kansas City (Jeffrey Imgarten, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198-0001. Comments can also be sent electronically to KCApplicationComments@kc.frb.org:

1. *Regent Capital Corporation, Nowata, Oklahoma, through its subsidiary, DLP Acquisition Corporation, Tulsa, Oklahoma*; to merge with DLP Bancshares, Inc., Saint Augustine, Florida, and thereby indirectly acquire DLP Bank, Starke, Florida.

B. Federal Reserve Bank of Dallas (Lindsey Wieck, Director, Mergers & Acquisitions) 2200 North Pearl Street, Dallas, Texas 75201-2272. Comments can also be sent electronically to Comments.applications@dal.frb.org:

1. *2011 TCRT, Ford Ultimate Management II, LLC, Ford Management II, L.P., GJF Financial Management II, LLC, Ford Family Investment, LP, Ford Financial Fund II, L.P., EB Acquisition Company LLC, Ford Management III, L.P., Ford Financial Fund III, L.P., and EB Acquisition Company II LLC, all of University Park, Texas*; to acquire voting shares of HomeStreet, Inc., and thereby indirectly acquire voting shares of HomeStreet Bank, both of Seattle, Washington.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2025-07781 Filed 5-2-25; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Children and Families Administration

[OMB #: 0970-0166]

Proposed Information Collection Activity; National Directory of New Hires

AGENCY: Office of Child Support Services, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Office of Child Support Services (OCSS), Administration for Children and Families (ACF), is requesting the Office of Management and Budget (OMB) to approve the

National Directory of New Hires (NDNH), with minor changes to the Multistate Employer Registration form, for an additional three years. The current OMB approval expires July 31, 2025.

DATES: *Comments due* July 7, 2025. In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

ADDRESSES: You can obtain copies of the proposed collection of information and submit comments by emailing infocollection@acf.hhs.gov. Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The NDNH is a federally mandated repository of employment and wage information. The information maintained in the NDNH is collected electronically and used for authorized purposes. State child support agencies use the NDNH information to locate a parent living or working in a different State and to take appropriate interstate actions to establish, modify, or enforce a child support order. Specific State and Federal agencies also use NDNH information for authorized purposes to help administer certain programs, prevent overpayments, detect fraud, assess benefits, and recover funds, as provided under 42 U.S.C. 653(i)(1). OCSS changed the unconventional date format to a standard format in the NDNH record specifications and changed the Multistate Employer Registration Form to revise language, update links, and remove the option to submit it by mail.

Respondents: Employers, State Child Support Agencies, and State Workforce Agencies.

ANNUAL BURDEN ESTIMATES

Instrument	Annual number of respondents	Annual number of responses per respondent	Average annual burden hours per response	Annual burden hours
New Hire: Employers Reporting Manually	5,667,878	1.56	.025	221,047.24
New Hire: Employers Reporting Electronically	626,726	126.80	.00028	22,251.28
New Hire: States	54	163,513.97	.017	150,105.82
Quarterly Wage and Unemployment Insurance	53	28.00	.00028	0.42
Multistate Employer Registration Form	1,555	1.00	.05	77.75

Estimated Total Annual Burden Hours: 393,482.51.

Comments: The U.S. Department of Health and Human Services specifically requests comments on (a) whether the proposed collection of information is

necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c)

the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or

other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: 42 U.S.C. 653A(b)(1)(A) and (B); 42 U.S.C. 653A(g)(2)(A) and (B), 42 U.S.C. 503(h)(1)(A); and 26 U.S.C. 3304(a)(16)(B)

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2025-07708 Filed 5-2-25; 8:45 am]

BILLING CODE 4184-41-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2024-N-5890]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Generic Drug User Fee Program

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by June 4, 2025.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted 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 OMB control number for this information collection is 0910-0727. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A-12M, 11601 Landsdown St., North Bethesda, MD 20852, 301-796-5733, PRASStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Generic Drug User Fee Program

OMB Control Number 0910-0727—Revision

This information collection helps support implementation of FDA’s Generic Drug User Fee Program (GDUFA), most recently reauthorized September 30, 2022. It includes information collections discussed in the document, “GDUFA Reauthorization Performance Goals And Program Enhancements Fiscal Years 2023–2027,” commonly referred to as the “Goals Letter” or “Commitment Letter.” The Commitment Letter represents the product of FDA discussions with the regulated industry and public stakeholders, as mandated by Congress. The Goals Letter identifies current GDUFA program objectives and general procedures for communicating with FDA. Agency guidance, as outlined in the Goals Letter, are utilized in the information collection. All Agency guidance documents are issued consistent with our Good Guidance Practice regulations (21 CFR 10.115), which provide for public comment at any time, as well as regulatory authority found in 21 CFR 314.445 (Guidance documents), currently approved in OMB control number 0910-0001.

The information collection also includes Form FDA 3974, the Generic Drug User Fee Cover Sheet and associated instructions, available for download at https://userfees.fda.gov/OA_HTML/GDUFAFacilityCScreation.pdf. Form FDA 3974 is used to provide a uniform format for the submission of information necessary to account for and track user fees, and to determine the amount of the fee required.

As we communicate on our website, potential applicants are encouraged to contact the FDA Generic Drugs Program with questions at any point in their development and application preparation processes. We have revised the information collection to include the submission of “controlled correspondence” within the scope of activity, including covered product authorizations (CPAs) provided for under the Creating and Restoring Equal Access to Equivalent Samples Act of 2019 (CREATES Act) (Pub. L. 116-94). Historically, and under the terms of the GDUFA, a controlled correspondence may be submitted by or on behalf of a generic drug manufacturer or related industry prior to submitting an abbreviated new drug application (ANDA). To provide respondents with assistance regarding the submission of controlled correspondence, we continue to develop and issue topic-specific

Agency guidance, including the following documents:

- Controlled Correspondence Related to Generic Drug Development (Controlled Correspondence Guidance) (<https://www.fda.gov/media/164111/download>, March 2024).
- Product-Specific Guidance Meetings Between FDA and ANDA Applicants Under GDUFA (<https://www.fda.gov/regulatory-information/search-fda-guidance-documents/product-specific-guidance-meetings-between-fda-and-anda-applicants-under-gdufa>, February 2023).
- Formal Meetings Between FDA and ANDA Applicants of Complex Products Under GDUFA (<https://www.fda.gov/regulatory-information/search-fda-guidance-documents/formal-meetings-between-fda-and-anda-applicants-complex-products-under-gdufa-guidance-industry>, October 2022).
- Competitive Generic Therapies Guidance (<https://www.fda.gov/regulatory-information/search-fda-guidance-documents/competitive-generic-therapies>, October 2022).
- Cover Letter Attachments for Controlled Correspondences and ANDA Submissions (<https://www.fda.gov/regulatory-information/search-fda-guidance-documents/cover-letter-attachments-controlled-correspondences-and-anda-submissions>, June 2023).
- How to Obtain Covered Product Authorization (<https://www.fda.gov/regulatory-information/search-fda-guidance-documents/how-obtain-covered-product-authorization>, September 2022).

Each guidance document may be downloaded from our website where we maintain a searchable database at <https://www.fda.gov/regulatory-information/search-fda-guidance-documents>.

In the **Federal Register** of January 14, 2025 (90 FR 3225), we published a 60-day notice soliciting comment on the proposed collection of information. Two comments were received, one pertaining to product pricing and the other pertaining to plant-based ingredients. FDA appreciates these public comments; however, neither is responsive to the four information collection topics solicited under 5 CFR 1320.8(d) and therefore not discussed in this notice. We have made no adjustments in our estimated burden in response to the public comment.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN ¹

Information collection; activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Submission of Generic Drug User Fee Cover Sheet	500	7.616	3,808	0.5 (30 minutes) ...	1,904
Submission of Controlled Correspondence as Discussed in Agency Topic-Specific Guidance Documents.	400	12.5	5,000	5	25,000
Total .....	.....	.....	8,808	.....	26,904

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

Our estimated is based on available Agency data. Our burden estimate reflects an overall increase attributable to the inclusion of controlled correspondence and new generic drug product CPA requests.

Dated: April 24, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–07759 Filed 5–2–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2024–D–3067; FDA–2024–D–3863]

Recommendations To Reduce the Risk of Transmission of Disease Agents Associated With Sepsis by Human Cells, Tissues, and Cellular and Tissue-Based Products; Recommendations To Reduce the Risk of Transmission of Mycobacterium Tuberculosis by Human Cells, Tissues, and Cellular and Tissue-Based Products; Draft Guidances for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is withdrawing two final guidances entitled “Recommendations to Reduce the Risk of Transmission of Disease Agents Associated with Sepsis by Human Cells, Tissues, and Cellular and Tissue-Based Products (HCT/Ps)” and “Recommendations to Reduce the Risk of Transmission of *Mycobacterium Tuberculosis* (Mtb) by Human Cells, Tissues, and Cellular and Tissue-Based Products (HCT/Ps)” and reissuing them as draft guidances.

DATES: Submit either electronic or written comments on the draft guidances by July 7, 2025 to ensure that the Agency considers your comment on

the draft guidances before it begins work on the final version of the guidances.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA–

2024–D–3067 for “Recommendations to Reduce the Risk of Transmission of Disease Agents Associated with Sepsis by Human Cells, Tissues, and Cellular and Tissue-Based Products (HCT/Ps)” or the Docket No. FDA–2024–D–3863 for “Recommendations to Reduce the Risk of Transmission of *Mycobacterium Tuberculosis* (Mtb) by Human Cells, Tissues, and Cellular and Tissue-Based Products (HCT/Ps),” as appropriate. Received comments will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the guidances to the Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993-0002. Send one self-addressed adhesive labels to assist that office in processing your requests. The guidances may also be obtained by mail by calling CBER at 1-800-835-4709 or 240-402-8010. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance documents.

FOR FURTHER INFORMATION CONTACT: Irma Sison, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993-0002, 240-402-8190.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of two draft guidances, “Recommendations to Reduce the Risk of Transmission of Disease Agents Associated with Sepsis by Human Cells, Tissues, and Cellular and Tissue-Based Products (HCT/Ps)” and “Recommendations to Reduce the Risk of Transmission of *Mycobacterium Tuberculosis* (Mtb) by Human Cells, Tissues, and Cellular and Tissue-Based Products (HCT/Ps).” These draft guidance documents were originally published as final guidance in the **Federal Register** on January 7, 2025 (90 FR 1141; 90 FR 1170). Both guidances recommended that establishments making donor eligibility determinations (establishments) implement the recommendations in the guidances “as soon as feasible, but not later than 4 weeks after the guidance issue date.” On February 3, 2025, FDA subsequently announced the availability of revised versions of these guidances that recommended implementation of the guidance recommendations on a longer timeframe, by May 4, 2025 (90 FR 8802).

FDA is withdrawing the final guidances “Recommendations To Reduce the Risk of Transmission of Disease Agents Associated with Sepsis by Human Cells, Tissues, and Cellular and Tissue-Based Products (HCT/Ps)” and “Recommendations To Reduce the Risk of Transmission of *Mycobacterium Tuberculosis* (Mtb) by Human Cells, Tissues, and Cellular and Tissue-Based Products (HCT/Ps)” and reissuing them as draft guidances.

The draft guidance entitled “Recommendations to Reduce the Risk of Transmission of Disease Agents Associated with Sepsis by Human Cells, Tissues, and Cellular and Tissue-Based Products (HCT/Ps)” provides establishments making donor eligibility determinations with recommendations to reduce the risk of transmission of disease agents associated with sepsis for donors of human cells, tissues, and cellular and tissue-based products. This guidance, when finalized, will supersede information regarding sepsis included in the guidance “Eligibility Determination for Donors of Human Cells, Tissues, and Cellular and Tissue-Based Products (HCT/Ps), Guidance for Industry,” dated August 2007 (August 2007 HCT/P DE Guidance), by updating recommendations for making a donor eligibility determination when screening a donor for clinical evidence of sepsis and clinical signs to consider. The August 2007 HCT/P DE guidance identified sepsis as a relevant communicable disease agent or disease under 21 CFR 1271.3(r)(2).

The draft guidance entitled “Recommendations to Reduce the Risk of Transmission of *Mycobacterium Tuberculosis* (Mtb) by Human Cells, Tissues, and Cellular and Tissue-Based Products (HCT/Ps)” assists establishments that make donor eligibility determinations for donors of human cells, tissues, and cellular and tissue-based products, with recommendations for screening donors for evidence of, and risk factors for, infection with Mtb, the organism that causes tuberculosis.

FDA is issuing these draft guidances consistent with our good guidance practices regulation (21 CFR 10.115). FDA has received comments on the now-withdrawn final guidances issued in January 2025, and the Agency has made certain revisions that have been incorporated into the new draft guidances in response to those comments. The Agency will continue to consider those comments, as well as any comments received on these draft guidances, as we consider next steps. These draft guidances, when finalized,

will represent the current thinking of FDA on “Recommendations to Reduce the Risk of Transmission of Disease Agents Associated with Sepsis by Human Cells, Tissues, and Cellular and Tissue-Based Products (HCT/Ps)” and “Recommendations to Reduce the Risk of Transmission of *Mycobacterium Tuberculosis* (Mtb) by Human Cells, Tissues, and Cellular and Tissue-Based Products (HCT/Ps)”. These guidances do not establish any rights for any person and are not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

As we develop any final guidance on this topic, FDA will consider comments on the applicability of Executive Order 14192, per OMB guidance M-25-20, and in particular, on any costs or cost savings.

II. Paperwork Reduction Act of 1995

While these guidance documents contain no collection of information, they do refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521). The collections of information in 21 CFR 1271 relating to HCT/Ps, including establishing and maintaining records, investigation and reporting of adverse actions and documentation of methods used in facilities related to HCT/Ps, which includes but is not limited to donor screening, donor testing, and labeling have been approved under OMB control number 0910-0543.

III. Electronic Access

Persons with access to the internet may obtain the guidances at <https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances>, <https://www.fda.gov/regulatory-information/search-fda-guidance-documents>, or <https://www.regulations.gov>.

Dated: April 29, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025-07752 Filed 5-2-25; 8:45 am]

BILLING CODE 4164-01-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: Cardiovascular and Respiratory Sciences Integrated Review Group; Therapeutic Development and Preclinical Studies Study Section.

Date: June 4–5, 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: Richard D. Schneiderman, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4138, Bethesda, MD 20817, 301–402–3995, richard.schneiderman@nih.gov.

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group; Motor Function, Speech and Rehabilitation Study Section.

Date: June 5–6, 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: Stephanie Nagle Emmens, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–6604, nagleemmensc@csr.nih.gov.

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Cancer and Hematologic Disorders Study Section.

Date: June 5–6, 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: Steven M. Frenk, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3141, Bethesda, MD 20892, (301) 480–8665, frenksm@mail.nih.gov.

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Neurotoxicology and Alcohol 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: Eileen Marie Moore, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–8928, eileen.moore@nih.gov.

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Clinical Data Management and Analysis Study Section.

Date: June 5–6, 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: Shivakumar V. Chittari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 408–9098, chittari.shivakumar@nih.gov.

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Maximizing Investigators' Research Award B Study Section.

Date: June 5–6, 2025.

Time: 9:30 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: Sudha Veeraraghavan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4166, MSC 7846, Bethesda, MD 20892, (301) 827–5263, sudha.veeraraghavan@nih.gov.

Name of Committee: Interdisciplinary Molecular Sciences and Training Integrated Review Group; Advancing Therapeutics—B Study Section.

Date: June 5–6, 2025.

Time: 9:30 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Lystranne Alysia Maynard Smith, Ph.D., Scientific Review Officer, Center for Scientific Review, National

Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–402–4809, lystranne.maynard-smith@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Biomedical Data Repositories and Knowledgebases.

Date: June 5, 2025.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: David R. Filpula, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6181, MSC 7892, Bethesda, MD 20892, 301–435–2902, filpuladr@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 30, 2025.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–07791 Filed 5–2–25; 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: Brain Disorders and Clinical Neuroscience Integrated Review Group; Developmental Brain Disorders Study Section.

Date: June 2–4, 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: Pat Manos, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5200, MSC 7846, Bethesda, MD 20892, (301) 408–9866, manospa@csr.nih.gov.

Name of Committee: Risk, Prevention and Health Behavior Integrated Review Group; Biobehavioral Medicine and Health Outcomes Study Section.

Date: June 2–3, 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: Mark A Vosvick, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3110, Bethesda, MD 20892, (301) 402–4128 mark.vosvick@nih.gov.

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Neurobiology of Pain and Itch Study Section.

Date: June 3–4, 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: Anne-Sophie Marie Lucie Wattiez, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–4642, anne-sophie.wattiez@nih.gov.

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group; Language and Communication Study Section.

Date: June 3–4, 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: Natalie S. Dailey, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827–4451, daileyns@csr.nih.gov.

Name of Committee: Aging and Neurodegeneration Integrated Review Group; Clinical Neurodegeneration Translational Neuroscience Study Section.

Date: June 5–6, 2025.

Time: 8:30 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: Jordan M. Moore, Ph.D., Scientific Review Officer Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1002A1, Bethesda,

MD 20892 (301) 451–0293, jordan.moore@nih.gov.

Name of Committee: Emerging Technologies and Training Neurosciences Integrated Review Group; Imaging Technology for Neuroscience 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: Rachel A. Kane, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Bethesda, MD 20892, (301) 496–0221, kanera@csr.nih.gov.

Name of Committee: Risk, Prevention and Health Behavior Integrated Review Group; Lifestyle Change and Behavioral Health Study Section.

Date: June 5–6, 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: Pamela Jeter, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 10J08, Bethesda, MD 20892, (301) 827–6401, pamela.jeter@nih.gov.

Name of Committee: Oncology 1—Basic Translational Integrated Review Group; Cancer Cell Biology Study Section.

Date: June 5–6, 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: Alyssa Diane Gregory, Scientific Review Officer, The Center for Scientific Review, The National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–4906, alyssa.gregory@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 29, 2025

Sterlyn H Gibson,

Program Specialist, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–07749 Filed 5–2–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2024–0882; OMB Control Number 1625–0092]

Collection of Information Under Review by Office of Management and Budget

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0092, Sewage and Graywater Discharge Records for Certain Cruise Vessels Operating on Alaskan Waters; without change. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: You may submit comments to the Coast Guard and OIRA on or before June 4, 2025.

ADDRESSES: Comments to the Coast Guard should be submitted using the Federal eRulemaking Portal at <https://www.regulations.gov>. Search for docket number [USCG–2024–0882]. Written comments and recommendations to OIRA 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 30-day Review—Open for Public Comments” or by using the search function.

A copy of the ICR is available through the docket on the internet at <https://www.regulations.gov>. Additionally, copies are available from: Commandant (CG–6P), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, STOP 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone 202–475–3528, fax 202–372–8405, or email hqs-dg-m-cg-61-pii@uscg.mil for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. 3501 *et seq.*, chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) the practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, USCG–2024–0882, and must be received by June 4, 2025.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at <https://www.regulations.gov>. If your material cannot be submitted using <https://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at <https://www.regulations.gov> and can be viewed by following that website's instructions. We review all comments received, but we may choose not to post off-topic, inappropriate, or duplicate comments that we receive. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. Comments we post to <https://www.regulations.gov>

www.regulations.gov will include any personal information you have provided. For more about privacy and submissions to the Coast Guard in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020). For more about privacy and submissions to OIRA in response to this document, see the <https://www.reginfo.gov>, comment-submission web page. OIRA posts its decisions on ICRs online at <https://www.reginfo.gov/public/do/PRAMain> after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0092.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (89 FR 82248, October 10, 2024) required by 44 U.S.C. 3506(c)(2). We received two submissions to the 60-day Notice that were supportive of our ICR. One commenter also provided specific notes to sections 1 through 4 of our supporting statement. We addressed those notes by updating the supporting statement. No comments concerned our burden estimate. Accordingly, no changes have been made to the burden estimate of the Collection.

Information Collection Request

Title: Sewage and Graywater Discharge Records for Certain Cruise Vessels Operating on Alaskan Waters.

OMB Control Number: 1625–0092.

Summary: To comply with the Title XIV of Public Law 106–554, this information collection is needed to enforce sewage and graywater discharges requirements from certain cruise ships operating on Alaskan waters.

Need: 33 CFR part 159 subpart E prescribe regulations governing the discharge of sewage and graywater from cruise vessels, requires sampling and testing of sewage and graywater discharges, and establishes reporting and recordkeeping requirements.

Forms: Not applicable.

Respondents: Owners, operators, and masters of vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has increased from 358 hours to 555 hours a year, due to an increase in the estimated annual number of respondents.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. *et seq.*, chapter 35, as amended.

Dated: April 24, 2025.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2025–07533 Filed 5–2–25; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[OMB Control Number 1651–0127]

Agency Information Collection Activities; Extension; Guarantee of Payment (CBP Form I–510)

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection (CBP) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted no later than June 4, 2025 to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Please submit written comments and/or suggestions in English. 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:

Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, telephone number 202–325–0056 or via email CBP_PRA@cbp.dhs.gov. Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at <https://www.cbp.gov/>.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in the **Federal Register** (90 FR 11179) on March 4, 2025, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (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, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Guarantee of Payment.

OMB Number: 1651-0127.

Form Number: I-510

Current Actions: Extension without change.

Type of Review: Extension without change.

Affected Public: Businesses.

Abstract: Section 253 of the Immigration and Nationality Act (INA), 8 U.S.C. 1283, requires that an alien crewman found to be or suspected of having any of the diseases named in section 255 of the INA must be hospitalized or otherwise treated, with the associated expenses paid by the carrier. The owner, agent, consignee, commanding officer, or master of the vessel or aircraft must complete CBP Form I-510, *Guarantee of Payment*, that certifies the guarantee of payment for medical and other related expenses required by section 253 of the INA. No vessel or aircraft can be granted

clearance until such expenses are paid or the payment is appropriately guaranteed.

CBP Form I-510 collects information such as the name of the owner, agent, commander officer or master of the vessel or aircraft; the name of the crewmember; the port of arrival; and signature of the guarantor. This form is provided for by 8 CFR 253.1(a) and is accessible at: <https://www.cbp.gov/newsroom/publications/forms?title=I-510>.

Type of Information Collection: CBP Form I-510.

Estimated Number of Respondents: 100.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 100.

Estimated Time per Response: 0.083 hours.

Estimated Total Annual Burden Hours: 8.

Dated: April 30, 2025.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2025-07739 Filed 5-2-25; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY

Agency Information Collection Activities: DHS OBIM Biometric Technology Assessments, OMB Control No. 1601-NEW

AGENCY: Department of Homeland Security (DHS).

ACTION: 30-Day notice and request for comments.

SUMMARY: The Department of Homeland Security will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995.

DHS previously published this information collection request (ICR) in the **Federal Register** on Thursday, July 25, 2024 for a 60-day public comment period. One comment were received by DHS. The purpose of this notice is to allow additional 30-days for public comments.

DATES: Comments are encouraged and will be accepted until June 4, 2025. This process is conducted in accordance with 5 CFR 1320.10.

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.

SUPPLEMENTARY INFORMATION: The Department of Homeland Security's (DHS) Office of Biometric Identity Management (OBIM) provides biometric compare, store, share, and analyze services to DHS and mission partners. In order to serve its mission partners, OBIM is focused on delivering accurate, timely, and high assurance biometric identity information and analysis. To achieve OBIM's overall goals and priorities, OBIM continually works to improve biometric services by keeping up with advancing biometrics in terms of new modalities, capabilities, and safeguarding information. OBIM is constantly investigating new developments to keep up with the speed of relevance and to support DHS operational missions through the development of standards for interagency implementation of biometrics.

Because OBIM is congressionally mandated to manage the operation of the department's primary biometric repository and identification system that is used to identify and verify individuals crossing U.S. borders, it is mandatory for homeland security that the types of biometrics used, the technologies that capture them, and the way that OBIM safeguards them are advancing at a pace that keeps in front of bad actors.

In the continuing appropriations act of 2013, OBIM was created from the former US-VISIT program to administer the DHS biometric database, as authorized by section 7208 of the Intelligence Reform And Terrorism Prevention Act of 2004 (8 U.S.C. 1365b). See Consolidated And Further Continuing Appropriations Act of 2013, Public Law 113-6, 127 stat. 198 (2013). The Senate Explanatory Statement for the appropriation explains that "OBIM is the lead entity within DHS responsible for biometric identity management services through its management of the Automated Biometric Identification System, or IDENT. OBIM assumes the most significant and cross-cutting responsibility from what was known as US-VISIT—namely to serve customers across DHS, at other Federal agencies, in State and local law enforcement, and overseas through storage of biometric identities, recurrent matching against derogatory information, and other

biometric expertise and services.” The Consolidated Appropriations Act of 2017, Public Law 115–31, Division F, Section 301, 131 stat. 135, 418 (2017), mandated DHS to implement a facial recognition matching capability for IDENT, including the ability to search, store and match, that is independent of other biometric modalities but scalable for future needs. The 2017 Appropriations Act also called for DHS to “demonstrate new agile projects focused on the ability to fuse biographic intelligence information with biometric data.”

Thus, OBIM is constantly working through research and development efforts and standards development to improve biometric use, capture, and storage through investigation of the latest industry or academic advancements and how research findings can help improve performance of systems and policies that surround the use of the system. While continuing to improve its biometric services, OBIM has identified a need to understand the performance of new sensors and data emerging from these sensors. This understanding is crucial for advancing standards development and threshold guidance, as continuously evolving technologies impact the performance of the operational biometric matchers leveraged by the OBIM biometric repository. OBIM engages with performers, like John Hopkins University Applied Physics Laboratory (JHU APL), National Institute of Standards Technology (NIST), and DHS Science And Technology (S&T) to collaborate and leverage the subject matter expertise available at each entity on biometric sensor evaluation to assess the performance of emerging biometric technologies.

OBIM seeks an Office of Management and Budget (OMB) number to address the Paperwork Reduction Act requirements for OBIM’s studies of emerging biometric technology. These OBIM studies support relevant biometrics collection projects so that OBIM can collaborate with performers to take on various biometric collection projects that will help to understand biometric collection device performance in various operational settings. These performers include academic and other research centers to design and execute studies that involve collection of different biometrics depending on the need and/or research question. Since OBIM operates and maintains the DHS biometric repository responsible for storing, sharing, and matching of different types of biometrics modalities (*i.e.*, face, finger, iris, and future biometrics) it is imperative that OBIM

understand biometric collection device performance so that we are better able to do the sharing and comparing portion of our homeland security mission. Because authentication/identification accuracy depends on the reliability of the equipment used to capture data, OBIM is developing guidance on biometric capture quality, to enable the implementation of new capabilities that enhance national security and general public safety.

OBIM has tasked the performers to help in this effort based on their extensive experience with biometric image collection and analysis developed from previous studies. The performers anticipate conducting several small-scale human research studies to support OBIM program goals. OBIM is interested in gathering more information in the following biometric modalities: face, fingerprint, palm print, iris, and voice. The purpose of this analysis is (1) to evaluate the current state of the art in biometrics and biometric capture, and (2) to provide insights on likely future developments in biometrics and identity intelligence technologies for OBIM to continue advancing research and development efforts, interoperability standards, and threshold guidance. The goal is to aid in the elaboration of a multi-year strategy for both research and development for future technologies.

As OBIM is not an academic institution and does not engage in research studies; OBIM relies on academic and other research centers to design and execute studies that involve collection of different biometrics (depending on the need and/or research question). These performers develop research questions and protocols to solve questions and provide information and guidance for OBIM to better influence capture, share, match, and storage of biometrics.

OBIM aims to continue to improve biometric services within DHS and the necessary guidance associated with the implementation of these biometrics. The primary objective of the studies and use of information technology is to compare the performance of biometric sensors. Specifically, understanding the parameters that impact the quality of biometric image collection, which in turn, impacts the performance of downstream comparison algorithms.

OBIM will assess new sensors, as the technologies are continuously evolving, and the inherent impact on the performance with the operational biometric matchers leveraged by the OBIM biometric repository. To perform these assessments, biometric collections will occur using emerging commercial off the shelf sensors (*e.g.*, finger, face,

iris, scanner, using a platen, clamshell, mobile application, etc.). The assessment and potential future implementation of advancing biometric sensors aims to improve the biometric collection experience for the customer and the agent to ensure quality biometrics are collected in an easy to use and time efficient manner to reduce burden on the customer and agent involved in the collection while still providing quality biometric images to allow for accurate comparison for mission decision support.

Advancing technology will look to reduce burden by:

- Contactless modes of collection, reducing hygienic burden to individuals as a result of the current practices of touching the same surface.
- Simultaneous collection of multiple biometrics, reducing the burden to the customer and agent by eliminating multiple devices and thus decreasing the time for each additional biometric to be collected.
- Mobile collection sensors, reducing time burden of customer by eliminating the need to travel from site of encounter to a collection site.

If any small businesses will be involved in the collections, study, or testing that are conducted surrounding biometric devices or matching performances, OBIM will work to ensure that guidance is streamlined and clear for all participants and all the time limits put forth for collection and testing are limited. No requests of performers, vendors, or participants will be made that will be prohibitive to the participation of small businesses.

OBIM provides accurate, timely, and high assurance biometric identity services. As technology continues to advance at a rapid speed, new biometric collection devices and techniques continue to emerge. Variations in the technology leveraged in these new devices/sensors may impact the interoperability with the existing operational biometric comparison algorithms leveraged by DHS OBIM. Assessments of these technologies do not account for the impact on the legacy biometric information within the OBIM biometric repository and provides skewed performance results on emerging technology. Less frequent collections will impact the ability to identify issues related to the performance of the operational comparison algorithms with emerging biometric collection technologies. This will hinder advancements of research and development, drafting updates to interoperability standards, and inform comparison algorithm threshold guidance to optimize biometric

comparison results for mission decision points.

There are no confidentiality assurances associated with this collection. However, coverage for the collection of this information is provided under DHS/ALL-041 External Biometric Records (EBR) System of Records, April 24, 2018, 83 FR 17829; DHS/NPPD/US-VISIT-0004—IDENT SORN, 72 FR 31080 (Jun. 5, 2007); DHS/ALL-043 Enterprise Biometric Administrative Records (EBAR) System of Records, March 16, 2020, 85 FR 14955.

The Office of Management and Budget is particularly interested in comments which:

1. 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;
2. 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;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

Analysis

Agency: Department of Homeland Security (DHS).

Title: DHS OBIM Biometric Technology Assessments.

OMB Number: 1601-NEW.

Frequency: Annually.

Affected Public: Direct Service Providers, Educational Institutions, etc.

Number of Respondents: 1,000.

Estimated Time per Respondent: 1.5 hours.

Total Burden Hours: 1,500 hours.

Robert Dorr,

Executive Director, Business Management Directorate.

[FR Doc. 2025-07723 Filed 5-2-25; 8:45 am]

BILLING CODE 9112-FL-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1415]

Certain Pre-Stretched Synthetic Braiding Hair and Packaging Therefor; Notice of a Commission Determination Not To Review Initial Determination Terminating Active Respondents From the Investigation Based on Withdrawal of the Complaint; Request for Written Submissions on Remedy, the Public Interest, and Bonding as to Defaulting Respondents

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to (1) not review an initial determination ("ID") (Order No. 44) issued by the presiding administrative law judge ("ALJ") granting a motion filed by JBS Hair, Inc. ("JBS Hair") to terminate the investigation as to the remaining active respondents based on withdrawal of the complaint, and (2) to request written submissions from the parties, interested government agencies, and interested persons, under the schedule set forth below, on remedy, the public interest, and bonding with respect to respondents previously found to be in default.

FOR FURTHER INFORMATION CONTACT: Paul Lall, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2043. 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, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: On September 9, 2024, the Commission instituted this investigation based on a complaint filed by JBS Hair of Atlanta, GA. 89 FR 73123-24 (Sept. 9, 2024). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain pre-stretched

synthetic braiding hair and packaging therefor by reason of the infringement of certain claims of U.S. Patent Nos. 10,786,026; 10,945,478; and 10,980,301. The Commission's notice of investigation ("NOI") named the following respondents: Zugoo Import Inc. ("Zugoo") of Norcross, GA; Crown Pacific Group Inc. ("Crown Pacific") of Doraville, GA; Vivace, Inc. d/b/a Dae Do Inc. of Levittown, NY ("Dae Do"); A-Hair Import Inc. of Norcross, GA ("A-Hair"); Loc N Products, LLC of Atlanta, GA ("Loc N"); Sun Taiyang Co., Ltd. d/b/a Outre® of Moonachie, NJ; Beauty Elements Corporation d/b/a Bijouz® of Miami Gardens, FL; Hair Zone, Inc. d/b/a Sensationnel® of Moonachie, NJ; Beauty Essence, Inc. d/b/a Supreme™ Hair US of Moonachie, NJ; SLI Production Corp. d/b/a It's a Wig! of Moonachie, NJ; Royal Imex, Inc. d/b/a Zury® Hollywood of Santa Fe Springs, CA; GS Imports, Inc. d/b/a Golden State Imports, Inc. of Paramount, CA; Eve Hair, Inc. of Lakewood, CA; Kum Kang Trading USA, Inc. d/b/a BNGHAIR of Paramount, CA ("Kum Kang"); Midway International, Inc. d/b/a BOBBI BOSS of Cerritos, CA; Mayde Beauty Inc. of Port Washington, NY; Hair Plus Trading Co., Inc. d/b/a Femi Collection of Suwanee, GA; Optimum Solution Group LLC d/b/a Oh Yes Hair of Duluth, GA; Choix International, Inc. of Norcross, GA; Twin Peak International, Inc. d/b/a Dejavu Hair of Atlanta, GA; Chade Fashions, Inc. of Niles, IL; Mink Hair, Ltd. d/b/a Sensual® Collection of Wayne, NJ ("Mink Hair"); Mane Concept Inc. of Moonachie, NJ; Oradell International Corp. d/b/a MOTOWN TRESS of Manalapan, NJ ("Oradell"); Beauty Plus Trading Co., Inc. d/b/a Janet Collection™ of Moonachie, NJ; Model Model Hair Fashion, Inc. of Port Washington, NY; New Jigu Trading Corp. d/b/a Harlem 125® of Port Washington, NY; Shake N Go Fashion, Inc. of Port Washington, NY; Amekor Industries, Inc. d/b/a Vivica A. Fox® Hair Collection of Conshohocken, PA; I & I Hair of Dallas, TX. *Id.* The Office of Unfair Import Investigations ("OUII") was also named as a party in this investigation. *Id.* at 73124.

On December 2, 2024, the Commission granted JBS Hair's motion to amend the complaint and NOI to add JMS Trading Corp. ("JMS Trading") of Buena Park, CA as a respondent to this investigation and to make several ministerial updates to the complaint. *See* Order No. 15 (Nov. 4, 2024), *unreviewed by Comm'n Notice*, 89 FR 97068-69 (Dec. 6, 2024).

The Commission previously terminated several respondents based on consent order stipulations and

consent orders. *See* Order No. 10 (Oct. 18, 2024), *unreviewed by* Comm'n Notice (Nov. 15, 2024) (Kum Kang, Mink Hair, and Oradell); Order No. 16 (Nov. 14, 2024), *unreviewed by* Comm'n Notice (Dec. 11, 2024) (I & I Hair); Order No. 28 (Dec. 23, 2024), *unreviewed by* Comm'n Notice (Jan. 21, 2025) (JMS Trading).

The Commission has also found several respondents to be in default. *See* Order No. 26 (Dec. 19, 2024), *unreviewed by* Comm'n Notice (January 17, 2025) (Loc N); Order No. 31 (Feb. 4, 2025), *unreviewed by* Comm'n Notice (February 24, 2025) (Dae Do and A-Hair); Order No. 32 (Feb. 14, 2025), *unreviewed by* Comm'n Notice (March 11, 2025) (Crown Pacific); Order No. 34 (Feb. 24, 2025), *unreviewed by* Comm'n Notice (March 24, 2025) (Zugoo).

On April 1, 2025, JBS Hair filed a motion to terminate the investigation as to the remaining active respondents based on withdrawal of the Complaint.

On April 10, 2025, the presiding ALJ issued the subject ID (Order No. 44) terminating the investigation pursuant to Commission Rule 210.21(a) (19 CFR 210.21(a)). ID at 3. The ID finds that “no extraordinary circumstances exist that would prevent the requested partial termination of this Investigation” and that JBS Hair “has complied with the requirements of Commission Rule 210.21(a).” *Id.* at 3.

On April 15, 2025, JBS Hair filed a document entitled “Written Submission on Remedy, Bonding and Public Interest with Respect to Defaulting Respondents” (“Remedy Submission”).

No party filed a petition for review of the subject ID.

The Commission has determined not to review the subject ID. The investigation is terminated with respect to the remaining active respondents. The Commission considers JBS Hair's Remedy Submission to be a declaration seeking relief against defaulting respondents pursuant to Commission Rule 210.16(c)(1) (19 CFR 210.16(c)(1)).

In connection with the final disposition of this investigation, the statute authorizes issuance of, *inter alia*, (1) an exclusion order that could result in the exclusion of the subject articles from entry into the United States; and/or (2) cease and desist orders that could result in the respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for

consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360, USITC Pub. No. 2843, Comm'n Op. at 7–10 (Dec. 1994).

The statute requires the Commission to consider the effects of that remedy upon the public interest. The public interest factors the Commission will consider include the effect that an exclusion order and cease and desist orders would have on: (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve, disapprove, or take no action on the Commission's determination. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. In their initial submission, Complainants are also requested to identify the remedy sought and Complainants are requested to submit proposed remedial orders for the Commission's consideration. Complainants are further requested to state the dates that the Asserted Patents expire, to provide the HTSUS subheadings under which the accused products are imported, and to supply the identification information for all known importers of the products at issue in this investigation. The initial written submissions and proposed remedial orders must be filed no later than close of business on May 14, 2025. Reply submissions must be filed no later than the close of business on May 21,

2025. No further submissions on any of these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above pursuant to 19 CFR 210.4(f). Submissions should refer to the investigation number (“Inv. No. 337-TA-1415”) in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf). Persons with questions regarding filing should contact the Secretary, (202) 205–2000.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed with the Commission and served on any parties to the investigation within two business days of any confidential filing. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

The Commission's vote for this determination took place on April 29, 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 29, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025-07687 Filed 5-2-25; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

[OMB 1140-0092]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Previously Approved Collection; Voluntary Magazine Questionnaire for Agencies/Entities That Store Explosive Materials

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until July 7, 2025.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection

instrument with instructions or additional information, contact: Michael O'Lena, Explosives Industry Programs Branch, either by mail at 99 New York Ave. NE, Room 6.N.518, Washington, DC 20226, by email at eipb-informationcollection@atf.gov/michael.olen@atf.gov, or telephone at 202-648-7120.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Abstract: The request information will be used to identify the number and locations of public explosives and will allow for ATF to properly respond to emergency situations such as natural disasters. Information Collection (IC)

OMB 1140-0092 is being revised to include the burden adjustments of a decrease in respondents from 1,000 to 10, and the hourly burden from 500 to 5.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a previously approved collection.

2. *The Title of the Form/Collection:* Voluntary Magazine Questionnaire for Agencies/Entities That Store Explosive Materials.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number: None. Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as the obligation to respond:* Affected Public: State, local and tribal governments, individuals. The obligation to respond is voluntary.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 10 respondents will respond to this collection once annually, and it will take each respondent approximately 30 minutes to complete their responses.

6. *An estimate of the total annual burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 5 total hours, which is equal to 10 (total respondents) * 1 (# of response per respondent) * .5 (30 minutes).

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* \$0.

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency (annually)	Total annual responses	Time per response (minutes)	Total annual burden (hours)
Voluntary Magazine Questionnaire for Agencies/Entities That Store Explosive Materials or households)	10	1	10	30	5

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and

Planning Staff, Two Constitution Square, 145 N Street NE, 4W-218, Washington, DC.

Dated: April 29, 2025.

Darwin Arceo,
Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025-07718 Filed 5-2-25; 8:45 am]

BILLING CODE 4410-FY-P

DEPARTMENT OF JUSTICE**[OMB Number 1122–0022]****Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Previously Approved Collection; Annual Progress Report for the Sexual Assault Services Formula Grant Program****AGENCY:** Office on Violence Against Women, Department of Justice.**ACTION:** 60-Day notice.

SUMMARY: The Office on Violence Against Women, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until July 7, 2025.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Catherine Poston, Office on Violence Against Women, at 202–514–5430 or Catherine.poston@usdoj.gov.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Office on Violence Against Women, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Abstract: The Sexual Assault Services Formula Grant Program (SASP) funding is awarded to states and territories. These funds support rape crisis centers and other nonprofit, nongovernmental organizations or tribal programs that provide services, direct intervention, and related assistance to victims of sexual assault and their families. The first federal funding stream solely dedicated to the provision of direct intervention and related assistance for victims of sexual assault, the SASP funds are designed to supplement other funding sources directed at addressing sexual assault at the state and territorial level. SASP grants support intervention, advocacy, accompaniment, support services, and related assistance for adult, youth, and child victims of sexual assault, family and household members of victims, and those collaterally affected by the sexual assault. The grant funds are distributed by SASP state administrators to subgrantees as outlined under the provisions of the Violence Against Women Act, 34 U.S.C. 12511.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *Title of the Form/Collection:* Annual Progress Report for the Sexual Assault Services Formula Grant Program (SASP).

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0022. U.S. Department of Justice, Office on Violence Against Women.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the approximately 606 state SASP administrators and subgrantees of the SASP.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take approximately 606 respondents (SASP administrators and subgrantees) approximately one hour to complete an annual progress report. The annual progress report is divided into sections that pertain to the different types of activities in which subgrantees may engage. A SASP subgrantee will only be required to complete the sections of the form that pertain to its own specific activities. The form includes a section for state administrators which addresses the distribution of subawards.

6. *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection form is 606 hours, that is 606 administrators and subgrantees completing a form once a year with an estimated completion time for the form being one hour.

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* The annualized costs to the Federal Government resulting from the OVW staff review of the progress reports submitted by grantees are estimated to be \$33,936.

Activity	Number of respondents	Frequency (annually)	Total annual responses	Time per response (hour)	Total annual burden (hours)
Progress Report Form	606	1	606	1	606
Unduplicated Totals	606	.....	606	.....	606

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution

Square, 145 N Street NE, 4W–218, Washington, DC.

Dated: April 29, 2025.

Darwin Arceo,
Department Clearance Officer for PRA, U.S.
Department of Justice.

[FR Doc. 2025–07689 Filed 5–2–25; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE**[OMB 1140–0032]****Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Previously Approved Collection; Records of Acquisition and Disposition: Dealers/Pawnbrokers of Type 01/02 Firearms, and Collectors of Type 03 Firearms****AGENCY:** Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.**ACTION:** 60-Day notice.**SUMMARY:** The Department of Justice (DOJ), The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.**DATES:** Comments are encouraged and will be accepted for 60 days until July 7, 2025.**FOR FURTHER INFORMATION CONTACT:** If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, contact: Jason Gluck, FIPB, either by mail at 99 New York Avenue NE, 6N–509; Washington, DC 20226, by email at Jason.gluck@atf.gov or atf.gov/FIPB@atf.gov, or telephone at 202–648–7190.**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information

are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Abstract: The Gun Control Act of 1968, at 18 U.S.C. 923(g), requires licensed dealers, pawnbrokers, and collectors to maintain records of receipt (acquisition), sale, or other disposition of firearms (acquisition and disposition (A&D) records) in the format that the Attorney General may prescribe. This information collection corresponds with that requirement. Information Collection (IC) OMB 1140–0032 is being revised to apply the error correction of inadvertently mixing up 3 minutes per entry with the total annual time for record-keeping in the previous renewal.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a previously approved collection.

2. *The Title of the Form/Collection:* Records of Acquisition and Disposition: Dealers/Pawnbrokers of Type 01/02 Firearms, and Collectors of Type 03 Firearms.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number: None. Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as the obligation to respond:* Affected Public: Individuals or households, Private Sector-for or not for profit institutions. The obligation to respond is mandatory per 'The Gun Control Act' of 1968, at 18 U.S.C. 923(g).

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 102,555 respondents will respond to this collection once annually, and it will take each respondent approximately 8 hours throughout the year to complete their responses.

6. *An estimate of the total annual burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 820,440 total hours, which is equal to 102,555 (total respondents) * 1 (# of response per respondent) * 8 (hours throughout the year).

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* \$0.

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency	Total annual responses	Time per response (hours)	Total annual burden (hours)
A&D entries	102,555	1	102,555	8	820,440

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC.

Dated: April 29, 2025.

Darwin Arceo,*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2025–07716 Filed 5–2–25; 8:45 am]

BILLING CODE 4410–FY–P**DEPARTMENT OF JUSTICE****[OMB 1140–0052]****Agency Information Collection Activities; Proposed eCollection eComments Requested; Office of Strategic Management Environmental Assessment Outreach****AGENCY:** Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.**ACTION:** 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until June 4, 2025.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact: Jeffrey Hosmer, Office of Strategic Management, by email at Jeffrey.hosmer@atf.gov or telephone at 202-648-7132.

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register** at 90 FR 116 on Thursday, January 2, 2025, allowing a 60-day comment period. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and/or
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Written comments and recommendations for this 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 and entering either the title of the information collection or the OMB Control 1140-0052. This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view Department of Justice, information collections currently under review by OMB.

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a previously approved collection.

2. *Title of the Form/Collection:* Office of Strategic Management Environmental Assessment Outreach.

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* None.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Affected Public: Federal Government.

Abstract: Under the Government Performance and Results Modernization Act of 2010, ATF must update its strategic plan every four years and identify key external factors that could significantly affect their ability to achieve strategic goals and objectives. For this purpose, ATF conducts outreach for feedback from ATF stakeholders as part of the Bureau's quadrennial assessment process. Information Collection (IC) OMB 1140-0052 is being revised to include the burden adjustment due to a decrease in the number of respondents over time, from 1,500 to 47, and a change in calculating the burden to respondents from using the full set of those who receive the questionnaire to using only those who respond, further reducing the number of respondents from 47 to 7 and reducing the collective hour burden from 450 to 2 hours. There are also now 47 respondents, from which there were seven total responses associated with this information collection.

5. *Obligation to Respond:* Voluntary.

6. *Total Estimated Number of Respondents:* 47 respondents.

7. *Estimated Time per Respondent:* 0.3 hours.

8. *Frequency:* Once annually.

9. *Total Estimated Annual Time Burden:* 2 hours.

10. *Total Estimated Annual Other Costs Burden:* \$0.

If additional information is required contact: Darwin Arceo, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 4W-218 Washington, DC 20530.

Dated: April 29, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025-07713 Filed 5-2-25; 8:45 am]

BILLING CODE 4410-FY-P

DEPARTMENT OF JUSTICE

[OMB Number 1122-0021]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Previously Approved Collection; Semiannual Progress Report for the Grants To Enhance Culturally Specific Services for Victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking Program

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Office on Violence Against Women, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until July 7, 2025.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Catherine Poston, Office on Violence Against Women, at 202-514-5430 or Catherine.poston@usdoj.gov.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the

functions of the Office on Violence Against Women, including whether the information will have practical utility;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Abstract: The Grants to Enhance Culturally Specific Services for Victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking Program (Culturally Specific Services Program) supports culturally specific community-based organizations in addressing the critical needs of sexual assault, domestic violence, dating violence, and stalking victims in a manner that affirms a victim's culture. Advocates report that survivors are more inclined to seek services from organizations that are familiar with their culture, language, and background and that there is no "one size fits all" approach to adequately address these critical needs. Culturally specific community-based organizations are more likely to understand the complex, multi-layered challenges and obstacles that victims from their communities face when attempting to access services. Eligible applicants are limited to: private

nonprofit organizations for which the primary purpose of the organization as a whole is to provide culturally specific services to American Indians (including Alaska Natives, Eskimos, and Aleuts), Asian Americans, Native Hawaiians and other Pacific Islanders, Blacks, or Hispanics. This program is authorized by 34 U.S.C. 20124.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *Title of the Form/Collection:* Semiannual Progress Report for the Grants to Enhance Culturally Specific Services for Victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking Program

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122-0021. U.S. Department of Justice, Office on Violence Against Women

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* The Grants to Enhance Culturally Specific Services for Victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking Program (Culturally Specific Services Program) supports culturally specific community-based organizations in addressing the critical needs of sexual assault, domestic violence, dating violence, and stalking victims in a culturally specific manner. Eligible applicants are limited to: private nonprofit organizations for which the primary purpose of the organization as a whole is to provide culturally specific services to American Indians (including Alaska Natives, Eskimos, and Aleuts), Asian Americans,

Native Hawaiians and other Pacific Islanders, Blacks, or Hispanics. This program is authorized by 34 U.S.C. 20124.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* The affected public includes the approximately 50 grantees of the Culturally Specific Services Program. The program funds projects that promote the maintenance and replication of existing successful domestic violence, dating violence, sexual assault, and stalking community-based programs providing culturally specific services. It is estimated that it will take the approximately 50 respondents (Culturally Specific Services Program grantees) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. A Culturally Specific Services Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

6. *An estimate of the total public burden (in hours) associated with the collection:* The total semiannual hour burden to complete the data collection form is 100 hours, that is 50 grantees completing a form twice a year with an estimated completion time for the form being one hour.

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* The annualized costs to the Federal Government resulting from the OVW staff review of the progress reports submitted by grantees are estimated to be \$5,600.

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency (semiannually)	Total annual responses	Time per response (hours)	Total annual burden (hours)
Progress Report Form	50	2	100	1	100
Unduplicated Totals	50	.....	100	.....	100

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 4W-218, Washington, DC.

Dated: April 29, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025-07688 Filed 5-2-25; 8:45 am]

BILLING CODE 4410-FX-P

DEPARTMENT OF JUSTICE

[OMB 1140-0121]

Agency Information Collection Activities; Proposed eCollection eComments Requested; ATF's Citizens' Academy Application—ATF Form 3000.12

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until June 4, 2025.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact: Vivian Chu, ORA, by email at ora@atf.gov/Vivian.chu@atf.gov, or telephone at 202-648-7070.

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register** at 90 FR 2032 on Friday, January 10, 2025, allowing a 60-day comment period. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including

whether the information will have practical utility;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and/or
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Written comments and recommendations for this 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 and entering either the title of the information collection or the OMB Control Number 1140-0121. This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view Department of Justice, information collections currently under review by OMB.

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Overview of This Information Collection

1. *Type of Information Collection:* Reinstatement and revision of a previously approved collection.

2. *Title of the Form/Collection:* ATF's Citizens' Academy Application.

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* ATF Form 3000.12.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Affected Public: Individuals or households.

Abstract: The ATF Citizens' Academy Application—ATF form 300.12 (ATF Form 3000.12) will be used to collect

personally identifiable information to determine an individual's eligibility to participate in the Citizens Academy training program. Information Collection (IC) OMB 1140-0108 is being revised to include a decrease in respondents since the last renewal from 750 to 36, based on the number of responses received annually during the past three years. This has resulted in a consequential decrease in the total burden hours from 63 hours to 3.6 hours. ATF has also updated the Privacy Act statement for this collection. ATF is also making a minor change to ATF Form 3000.12 by (1) replacing the word "gender" with the word "sex" and (2) removing the word "non-binary" and its accompanying check box, both as required by E.O. 14168.

5. *Obligation to Respond:* Voluntary.

6. *Total Estimated Number of Respondents:* 36 total respondents.

7. *Estimated Time per Respondent:* 0.10 hours.

8. *Frequency:* Once annually.

9. *Total Estimated Annual Time Burden:* 3.6 total hours.

10. *Total Estimated Annual Other Costs Burden:* \$0.

If additional information is required contact: Darwin Arceo, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 4W-218 Washington, DC 20530.

Dated: April 29, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025-07711 Filed 5-2-25; 8:45 am]

BILLING CODE 4410-FY-P

DEPARTMENT OF JUSTICE

[OMB 1140-0108]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Forensic Firearm Training Request for Non-ATF Employees—ATF Form 7110.15

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until June 4, 2025.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact: Jodi Marsanopoli, ATF National Laboratory Center, by email at jodi.marsanopoli@atf.gov or telephone at 202–527–5078.

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register** at 90 FR 1197 on Tuesday, January 7, 2025, allowing a 60-day comment period. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and/or
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Written comments and recommendations for this 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 and entering either the title of the information collection or the OMB Control Number 1140–0108. This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view Department of Justice, information collections currently under review by OMB.

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a previously approved collection.

2. *Title of the Form/Collection:* Forensic Firearm Training Request for Non-ATF Employees.

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* ATF Form 7110.15.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Affected Public: State, local and Tribal governments and Federal Government.

Abstract: The Forensic Firearm Training Request for Non-ATF Students (ATF F 7110.15) will be used to obtain information from Federal, State and local, and international law enforcement personnel to register, obtain course information, and/or evaluate ATF forensic firearms investigative techniques training. Information Collection (IC) OMB 1140–0108 is being revised to include the number of respondents that has increased since the last renewal, from 75 to 150, based on the number of responses received annually during the past three years, resulting in a corresponding increase in the collective number of burden hours from 29.5 to 37.5. ATF is also making a minor change to ATF Form 7110.15 by removing the word “non-binary” and its accompanying check box, as required by E.O. 14168.

5. *Obligation to Respond:* Voluntary.

6. *Total Estimated Number of Respondents:* 150 respondents.

7. *Estimated Time per Respondent:* 0.25 hours.

8. *Frequency:* Once annually.

9. *Total Estimated Annual Time Burden:* 37.5 hours.

10. *Total Estimated Annual Other Costs Burden:* \$0.

If additional information is required contact: Darwin Arceo, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice,

Two Constitution Square, 145 N Street NE, 4W–218 Washington, DC 20530.

Dated: April 29, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025–07712 Filed 5–2–25; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0028]

Agency Information Collection Activities; Proposed eCollection Activities; Proposed eComments Requested; Extension of a Previously Approved Collection; Semiannual Progress Report for the Children and Youth Exposed to Violence Program

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Office on Violence Against Women, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until July 7, 2025.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Catherine Poston, Office on Violence Against Women, at 202–514–5430 or Catherine.poston@usdoj.gov.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Office on Violence Against Women, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so, how the quality, utility, and clarity of the

information to be collected can be enhanced; and

- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Abstract: This form was first approved for the Children and Youth Exposed to Violence (CEV) Program; a federal grant program previously authorized under the Violence Against Women Act. Currently, OVW administers the Children and Youth & Engaging Men (CYEM) Program which supports comprehensive, community-based efforts that develop and expand prevention, intervention, treatment, and response strategies to address the needs of children and youth impacted by domestic violence, dating violence, sexual assault, and stalking. In addition, the CYEM Program focuses on boys' and men's roles in ending violence against women by supporting projects that create educational programming and community organizing to encourage men and boys to work as allies with women and girls to prevent domestic violence, dating violence, sexual assault, and stalking. Through its grant awards, the CYEM Program aims to build safe, supportive, and accountable communities by preventing physical and sexual violence. Since FY 2012, the CYEM Program has been authorized by

federal appropriations acts. The CYEM program releases two separate funding opportunities under one program: (1) Children and Youth (CY) and (2) Engaging Men (EM). The CY Program focuses on services and training to address children exposed to domestic violence, dating violence, sexual assault, and stalking (ages 0–10); creating safer communities for youth: prevention, intervention, treatment, and response services for youth impacted by domestic violence, dating violence, sexual assault, and stalking (ages 11–24); or providing school-based services: prevention, intervention, and response to dating violence, sexual assault, and stalking (ages 5–19). Grantees receiving funds under the CY Program utilize the progress reporting form previously approved for the previously authorized CEV Program grantees.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *Title of the Form/Collection:* Semiannual Progress Report for the Children and Youth Exposed to Violence Program.

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0028. U.S. Department of Justice, Office on Violence Against Women.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public grantees

for the CY Program which include nonprofit, nongovernmental entities; tribal organizations; Indian tribal governments; and units of local government or agencies of units of local government in the United States or U.S. territories.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* The affected public includes the approximately 25 grantees of the CY Program. It is estimated that it will take the approximately 25 respondents (CY Program grantees) approximately one hour to complete a semiannual progress report. The semiannual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. A CY Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

6. *An estimate of the total public burden (in hours) associated with the collection:* The total semiannual hour burden to complete the data collection form is 50 hours, that is 25 grantees completing a form twice a year with an estimated completion time for the form being one hour.

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* The annualized costs to the Federal Government resulting from the OVW staff review of the progress reports submitted by grantees are estimated to be \$1,400.

8. Total Burden Hours.

Activity	Number of respondents	Frequency	Total annual responses	Time per response	Total annual burden (hours)
Progress Report Form	25	.....	50	1	50
Unduplicated Totals	25	.....	50	.....	50

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC.

Dated: April 29, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025–07690 Filed 5–2–25; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB 1140–0123]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Previously Approved Collection; Personal Identity Verification Form—ATF Form 8620.40

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will be

submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until July 7, 2025.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, contact: Nikki Wiltshire, Personnel Security Division, either by mail at U.S. Department of

Justice, PSD—Room (1E–300), 99 New York Ave. NE, Washington, DC 20226, by email at Niki.wiltshire@atf.gov, or telephone at 202–648–9260.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms

of information technology, *e.g.*, permitting electronic submission of responses.

Abstract: Candidates tentatively selected for positions must meet basic qualification requirements before accessing ATF information, IT systems, and facilities. ATF conducts personnel security and suitability background investigations for this purpose, in accordance with IRTPA, HSPD–12, Trusted Workforce 2.0, and other requirements. A first step in this process is verifying the person's identity, which this form documents. Information Collection (IC) OMB 1140–0123 is being revised to include an update in the hourly burden calculations for the time taken to verify forms of identification from 5 minutes to 15 minutes per verification and the increase in time from 167 hours to 500 hours.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a previously approved collection.
2. *The Title of the Form/Collection:* Personal Identity Verification Form.
3. *The agency form number, if any, and the applicable component of the*

Department sponsoring the collection: Form number: ATF Form 8620.40. Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as the obligation to respond:* Affected Public: Federal Government. The obligation to respond is mandatory per the Intelligence Reform and Terrorism Prevention Act of 2004, 5 CFR part 736.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 2,000 respondents will provide information to complete this form once, and it will take each respondent approximately 15 minutes to complete their responses.

6. *An estimate of the total annual burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 500 total hours, which is equal to 2,000 (total respondents) * 1 (# of response per respondent) * 0.25 (15 minutes).

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* \$0.

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency	Total annual responses	Time per response (hours)	Total annual burden (hours)
Personal Identity Verification	2,000	1 time	2,000	0.25	500

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC.

Dated: April 29, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025–07714 Filed 5–2–25; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB 1140–0073]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Previously Approved Collection; Furnishing of Explosives Samples

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. **DATES:** Comments are encouraged and will be accepted for 60 days until July 7, 2025.

FOR FURTHER INFORMATION CONTACT: If you have additional comments

especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, contact: Michael O'Lena, EIPB either by mail at 99 New York Avenue NE, Room 6.N.518, Washington, DC 20226, by email at Michael.olen@atf.gov/eipb-informationcollection@atf.gov, or telephone at 202–648–7120.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the

proposed collection of information, including the validity of the methodology and assumptions used;—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Abstract: Pursuant to 18 U.S.C. 843(i)(1), ATF requires licensed manufacturers and importers and persons who manufacture or import explosives materials or ammonium nitrate to submit samples at the request of the Director. This collection of information is contained in 27 CFR 555.110.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a previously approved collection.
2. *The Title of the Form/Collection:* Furnishing of Explosives Samples.
3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number: None. Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.
4. *Affected public who will be asked or required to respond, as well as the obligation to respond:* Affected Public: State, local and Tribal governments, individuals or households, Private Sector-for or not for profit institutions, Federal Government. The obligation to respond is mandatory per 18 U.S.C. 843(i)(1).
5. *An estimate of the total number of respondents and the amount of time*

estimated for an average respondent to respond: An estimated 100 respondents will respond to this collection once annually, and it will take each respondent approximately 30 minutes to complete their responses.

6. *An estimate of the total annual burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 50 total hours, which is equal to 100 (total respondents) * 1 (# of response per respondent) * 0.5 (30 minutes).

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* ATF estimates an additional cost to each respondent of \$20 for the cost of the explosive materials. The total cost of the materials is therefore \$2,000 (100 respondents * \$20). However, the regulations at 27 CFR 555.110 provide for reimbursement of the cost of the materials. Therefore, this cost is reported as 0.

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency	Total annual responses	Time per response (hours)	Total annual burden (hours)
Materials	100	1	100	0.5	50

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC.

Dated: April 29, 2025.

Darwin Arceo,
Department Clearance Officer for PRA, U.S. Department of Justice.
[FR Doc. 2025–07715 Filed 5–2–25; 8:45 am]
BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE
[OMB Number 1103–0118]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Previously Approved Collection; Tribal Access Program Application

AGENCY: Office of the Chief Information Officer, Department of Justice.
ACTION: 60-Day notice.

SUMMARY: The Office of the Chief Information Officer, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget

(OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until July 7, 2025.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Allison Spratlin, Program Manager, 145 N Street NW, Washington, DC 20530; (202) 532–5047; Allison.spratlin@usdoj.gov.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agency’s estimate of the burden of the

proposed collection of information, including the validity of the methodology and assumptions used;—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Abstract: The U.S. Department of Justice (DOJ) launched the Tribal Access Program for National Crime Information (TAP) provide Tribes access to national crime information systems for both criminal justice and non-criminal justice purposes. DOJ has developed an application for use by federally recognized Tribes interested in participating in TAP.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a previously approved collection.

2. *The Title of the Form/Collection:* Tribal Access Program Application.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* There is no agency form number for this collection. The applicable component within the Department of Justice is Office of the Chief Information Officer.

4. *Affected public who will be asked or required to respond, as well as the*

obligation to respond: Affected Public: Federally recognized Tribes. The obligation to respond is voluntary.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated number of respondents for this collection is 50.

The time per response is 60 minutes to complete the application.

6. *An estimate of the total annual burden (in hours) associated with the collection:* The total annual burden hours for this collection is 50 hours.

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* \$0.

Activity	Number of respondents	Frequency (annually)	Total annual responses	Time per response (hours)	Total annual burden (hours)
TAPS Application	50	1	50	1	50
Totals	50	.....	50	.....	50

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 4W-218, Washington, DC.

Dated: April 29, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025-07710 Filed 5-2-25; 8:45 am]

BILLING CODE 4410-ML-P

DEPARTMENT OF JUSTICE

[OMB 1140-0081]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Previously Approved Collection; Appeals of Background Checks

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until July 7, 2025.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or

additional information, contact: Shawn Stevens, either by mail at ATF-FELC, 244 Needy Road, Martinsburg, WV 25405, by email at FELC@atf.gov/Shawn.Stevens@atf.gov, or telephone at 304-616-4400.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Abstract: 18 U.S.C. 843(h) requires the Attorney General to conduct background checks on the persons whose names and descriptions accompany the above applications and requires notification to any person determined to be disabled under section 842(i) of this chapter, as well as information on how the disability may be relieved. The regulations at 27 CFR 555.33 state that an individual who

wishes to challenge a determination may direct their challenge to the Director. Information Collection (IC) OMB 1140-0081 is being revised to include the decrease in total respondents from 500 to 132, and a consequential change in the hourly burden from 1,000 to 264 hours.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a previously approved collection.

2. *The Title of the Form/Collection:* Appeals of Background Checks.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number: None. Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as the obligation to respond:* Affected Public: State, local and Tribal governments. The obligation to respond is voluntary.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 132 respondents will respond to this collection once annually, and it will take each respondent approximately 2 hours to complete their responses.

6. *An estimate of the total annual burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 264 total hours, which is equal to 132 (total respondents) * 1 (# of response per respondent) * 2 (2 hours).

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* \$0.

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency (annually)	Total annual responses	Time per response (hours)	Total annual burden (hours)
Appeals of Background Checks	132	1	132	2	264

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 4W-218, Washington, DC.

Dated: April 29, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025-07719 Filed 5-2-25; 8:45 am]

BILLING CODE 4410-FY-P

DEPARTMENT OF JUSTICE

[OMB 1140-0122]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Previously Approved Collection; Request for Temporary Eligibility To Hold a Sensitive Position—ATF Form 8620.69

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until July 7, 2025.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection

instrument with instructions or additional information, contact: Nikki Wiltshire, Personnel Security Division, either by mail at U.S. Department of Justice, PSD—Room (1E-300), 99 New York Ave. NE, Washington, DC 20226, by email at Niki.Wiltshire@atf.gov, or telephone at 202-648-9260.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Abstract: ATF uses ATF Form 8620.69, Request for Temporary Eligibility to Hold a Sensitive Position, to notify candidates of the option to receive temporary employment after a certain stage in the background check process and request their decision. ATF also uses the form to collect information to determine if the candidate (respondent) can be granted temporary

eligibility to hold a sensitive position prior to completion and adjudication of their full background investigation. Information Collection (IC) OMB 1140-0122 will no longer include the cost of mailing as it can now be filled, signed, and submitted electronically. Consequentially, the total cost of this IC has decreased from \$2,000 to \$0.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a previously approved collection.

2. *The Title of the Form/Collection:* Request for Temporary Eligibility to Hold a Sensitive Position.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number: ATF Form 8620.69. Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as the obligation to respond:* Affected Public: Federal Government. The obligation to respond is voluntary.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 2,000 respondents will complete this form one time, and it will take each respondent approximately 0.08 hours to complete their responses.

6. *An estimate of the total annual burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 160 total hours, which is equal to 2,000 (total respondents) * 1 (# of response per respondent) * 0.08 hours (5 minutes).

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* \$0.

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency	Total annual responses	Time per response (hours)	Total annual burden (hours)
Request for temporary eligibility	2,000	1 time	2,000	0.08	160

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 4W-218, Washington, DC.

Dated: April 29, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025-07717 Filed 5-2-25; 8:45 am]

BILLING CODE 4410-FY-P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Commercial Diving Operations Standard

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Occupational Safety & Health Administration (OSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before June 4, 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: Nicole Bouchet by telephone at 202-693-0213, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: The information collection requirements of the Standard are directed toward assuring the safety and health of divers exposed to hyperbaric conditions during and after undersea activities. Also, the required recordkeeping is intended to bring about a safe workplace and assure the safety of divers. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on January 6, 2024 (90 FR 683).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency’s estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL-OSHA.

Title of Collection: Commercial Diving Operations Standard.

OMB Control Number: 1218-0069.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 930.

Total Estimated Number of Responses: 1,132,688.

Total Estimated Annual Time Burden: 135,450 hours.

Total Estimated Annual Other Costs Burden: \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2025-07775 Filed 5-2-25; 8:45 am]

BILLING CODE 4510-26-P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Construction Standards on Posting Emergency Telephone Numbers and Floor Load Limits

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Occupational Safety & Health Administration (OSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before June 4, 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: Nicole Bouchet by telephone at 202-693-0213, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: Section 29 CFR 1926.50(f) requires employers to post emergency telephone numbers at the worksite if the 911 emergency telephone service is not available. Section 29 CFR 1926.250(a)(2) requires that employers post the maximum safe load limits of floors located in storage areas inside buildings or other structures unless the floors are on grade. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on December 2, 2024 (89 FR 95245).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency’s estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of

automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OSHA.

Title of Collection: Construction Standards on Posting Emergency Telephone Numbers and Floor Load Limits.

OMB Control Number: 1218–0093.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 937,602.

Total Estimated Number of Responses: 306,140.

Total Estimated Annual Time Burden: 65,283 hours.

Total Estimated Annual Other Costs Burden: \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2025–07762 Filed 5–2–25; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Records of Preshift and Onshift Inspections of Slope and Shaft Areas of Slope and Shaft Sinking Operations at Coal Mines

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Mine Safety and Health Administration (MSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with

the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before June 4, 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: Michael Howell by telephone at 202–693–6782, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: Coal mine operators are required to conduct inspections of slope and shaft areas of hazardous conditions, including tests for methane and oxygen deficiency, before and during each shift and before and after blasting. Records of the results of the inspections are required to be kept. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on October 31, 2024 (89 FR 86840).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency’s estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

Agency: DOL–MSHA.

Title of Collection: Records of Preshift and Onshift Inspections of Slope and Shaft Areas of Slope and Shaft Areas of

Slope and Shaft Sinking Operations at Coal Mines.

OMB Control Number: 1219–0082.

Affected Public: Private Sector.

Number of Respondents: 15.

Number of Responses: 6,600.

Annual Burden Hours: 8,250 hours.

Total Estimated Annual Other Costs Burden: \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Michael Howell,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2025–07684 Filed 5–2–25; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Information Collection Activities; Comment Request

AGENCY: Bureau of Labor Statistics, Department of Labor.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed new collection, “BLS Wage Records Data Application.” A copy of the proposed information collection request can be obtained by contacting the individual listed below in the Addresses section of this notice.

DATES: Written comments must be submitted to the office listed in the Addresses section of this notice on or before July 7, 2025.

ADDRESSES: Send comments to Erin Good, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, by email to BLS_PRA_Public@bls.gov.

FOR FURTHER INFORMATION CONTACT: Erin Good, BLS Clearance Officer, at 202–691–7628 (this is not a toll free number). (See **ADDRESSES** section.)

SUPPLEMENTARY INFORMATION:

I. Background

The BLS Quarterly Census of Employment and Wages (QCEW) Program produces a comprehensive tabulation of employment and wage information for workers covered by State unemployment insurance laws and is a virtual census of payroll employment. The BLS produces publicly available files from the QCEW data that include information on the number of establishments, monthly employment, and quarterly wages, by industry, at the 6-digit North American Industry Classification System (NAICS) level, by county by ownership sector, for the entire United States. QCEW data have broad significance in evaluating labor trends and major industry developments. They are used in time series analyses, industry comparisons, and in special studies such as analyses of wages by size of establishment. The program also produces data necessary to both the Employment and Training Administration (ETA) and various State employment security agencies in administering the employment security program.

The QCEW Program contains no individual wage records data; however, the BLS has started a program to exchange data about the employment and wages of individuals that was not previously provided from employers or State UI programs under the QCEW. The program promotes the interchange of information, from participating States who have entered into MOUs with the BLS. The additional wage records data will be compiled into a multi-state longitudinal database and the data will be used to improve existing BLS data products and to explore the creation of new ones. The longitudinal database will allow for research on outcomes of specified cohorts. This type of research answers questions of, for example outcomes for people who receive job training assistance. In addition, compiling a longitudinally linked multi-state database will also provide State partners with limited out-of-state wage records for the purpose of economic and statistical research and further State administration of Workforce Innovation and Opportunity Act (WIOA), 29 U.S.C. chapter 32, reporting requirements.

To provide wage records information to participating States, the BLS must collect certain information from the States. This information collection allows the BLS to obtain the details necessary for providing accurate data to participating States.

II. Current Action

Office of Management and Budget clearance is being sought for a new collection that will allow States participating in the Bureau of Labor Statistics (BLS) Unemployment Insurance (UI) Wage Records Data Sharing Program to request data from other participating States for statistical research.

III. Desired Focus of Comments

The Bureau of Labor Statistics is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- 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 submissions of responses.

Title of Collection: BLS Wage Records Data Application.

OMB Number: 1220–NEW.

Type of Review: New collection.

Affected Public: State governments.

Annual Number of Respondents: 20.

Frequency: Once.

Total Annual Responses: 20.

Average Time per Response: 10 minutes.

Estimated Annual Total Burden Hours: 3.33 hours.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed on March 21, 2025.

Eric Molina,

*Chief, Division of Management Systems,
Branch of Policy Analysis.*

[FR Doc. 2025–07757 Filed 5–2–25; 8:45 am]

BILLING CODE 4510–24–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[NASA Document Number: 25–013; NASA Docket Number: NASA–2025–0004]

Name of Information Collection: NASA Aviation Safety Reporting System (ASRS) and Related Voluntary Safety Reporting Systems (VSRS)

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Renewal of information collection.

SUMMARY: NASA, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (PRA).

DATES: Comments are due by July 7, 2025.

ADDRESSES: Written comments and recommendations for this information collection should be sent within 60 days of publication of this notice at <http://www.regulations.gov> and search for NASA Docket NASA–2025–0004.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to NASA PRA Clearance Officer, Stayce Hoult, NASA Headquarters, 300 E Street SW, JC0000, Washington, DC 20546, phone 256–714–8575, or email stayce.d.hoult@nasa.gov or hq-ocio-pra-program@mail.nasa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The NASA Ames Research Center, Human Systems Integration Division, manages voluntary safety reporting systems to collect and share safety information including, but not limited to, the NASA Aviation Safety Reporting System (ASRS) and the Confidential Close Call Reporting System (C3RS). Both systems are voluntary reporting systems for the reporting of safety incidents, events, or situations. Respondents include, but are not limited to, any participant involved in safety-critical domains such as aviation or railway operations including commercial and general aviation pilots, drone operators, air traffic controllers, flight attendants, ground crews, maintenance technicians, dispatchers, train engineers, conductors, and other members of the public. The collected safety data are used by NASA, Federal Aviation Administration (FAA), Federal

Railroad Administration (FRA), and other organizations that are engaged in research and the promotion of safety. The data are used to (1) Identify deficiencies and discrepancies so that these can be remedied by appropriate authorities, (2) Support policy formulation and planning for improvements and, (3) Strengthen the foundation of human factors safety research. Respondents are not reimbursed for associated cost to provide the information.

NASA is committed to effectively performing the Agency's communication function in accordance with the Space Act Section 203 (a)(3) to "provide for the widest practicable and appropriate dissemination of information concerning its activities and the results thereof," and to enhance public understanding of, and participation in, the nation's aeronautical and space program in accordance with the NASA Strategic Plan.

II. Methods of Collection

NASA collects this information electronically and that is the preferred manner, however information may also be collected via mail.

III. Data

Title: NASA Aviation Safety Reporting System (ASRS) and Related Voluntary Safety Reporting Systems (VSRS).

OMB Number: 2700-0172.

Type of Review: Renewal of a previously approved collection.

Affected Public: Individuals.

Estimated Annual Number of Activities: 100,000.

Estimated Number of Respondents per Activity: 1.

Annual Responses: 100,000.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 50,000 hours.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Stayce Hoult,

PRA Clearance Officer, National Aeronautics and Space Administration.

[FR Doc. 2025-07779 Filed 5-2-25; 8:45 am]

BILLING CODE 7510-13-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[NASA Document Number: 25-014; NASA Docket Number: NASA-2025-0005]

Name of Information Collection: NASA Virtual Guest Watch Party Registration

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Renewal of information collection.

SUMMARY: NASA, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (PRA).
DATES: Comments are due by July 7, 2025.

ADDRESSES: Written comments and recommendations for this information collection should be sent within 60 days of publication of this notice at <https://www.regulations.gov> and search for NASA Docket NASA-2025-0005.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to NASA PRA Clearance Officer, Stayce Hoult, NASA Headquarters, 300 E Street SW, JC0000, Washington, DC 20546, phone 256-714-8575, or email stayce.d.hoult@nasa.gov or hq-ocio-pra-program@mail.nasa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Virtual Guest Program exists to leverage the excitement around launches and milestones to widely disseminate information about Earth and space phenomena through the sharing of information about research on launches, mission objectives, public engagement activities (coloring pages, social media filters) and the like. The program provides registration opportunities for individuals and watch

parties so that NASA may provide them specific information they are interested in receiving and to share a detailed slice of the NASA efforts in carrying out the other portions of the Space Act of 1958. By learning through information submitted of the plans of Watch Party organizers, NASA can best provide appropriate resources and share information about its activities and results.

NASA is committed to effectively performing the Agency's communication function in accordance with the Space Act section 203(a)(3) to "provide for the widest practicable and appropriate dissemination of information concerning its activities and the results thereof," and to enhance public understanding of, and participation in, the nation's aeronautical and space program in accordance with the NASA Strategic Plan.

II. Methods of Collection

Electronic/Online Web Form.

III. Data

Title: NASA Virtual Guest Watch Party Registration.

OMB Number: 2700-0187.

Type of Review: Renewal.

Affected Public: Individuals.

Estimated Annual Number of Activities: 1.

Estimated Number of Respondents per Activity: 100,869.

Annual Responses: 100,869.

Estimated Time per Response: 2 minutes.

Estimated Total Annual Burden Hours: 3,362 hours.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection.

They will also become a matter of public record.

Stayce Hoult,

PRA Clearance Officer, National Aeronautics and Space Administration.

[FR Doc. 2025-07776 Filed 5-2-25; 8:45 am]

BILLING CODE 7510-13-P

NUCLEAR REGULATORY COMMISSION

[NRC-2025-0001]

Sunshine Act Meetings

TIME AND DATE: Weeks May 5, 12, 19, 26, and June 2, 9, 2025. The schedule for Commission meetings is subject to change on short notice. The NRC Commission Meeting Schedule can be found on the internet at: <https://www.nrc.gov/public-involve/public-meetings/schedule.html>.

PLACE: The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (e.g., braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301-287-0745, by videophone at 240-428-3217, or by email at Anne.Silk@nrc.gov. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

STATUS: Public.

Members of the public may request to receive the information in these notices electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301-415-1969, or by email at Betty.Thweatt@nrc.gov or Samantha.Miklaszewski@nrc.gov.

MATTERS TO BE CONSIDERED:

Week of May 5, 2025

There are no meetings scheduled for the week of May 5, 2025.

Week of May 12, 2025—Tentative

Tuesday, May 13, 2025

9:00 a.m. Strategic Programmatic Overview of the Fuel Facilities and the Spent Fuel Storage and Transportation Business Lines (Public Meeting) (Contact: Haile Lindsay: 301-415-0616)

Additional Information: The meeting will be held in the Commissioners' Hearing Room, 11555 Rockville Pike,

Rockville, Maryland. The public is invited to attend the Commission's meeting in person or watch live via webcast at the Web address—<https://video.nrc.gov/>.

Week of May 19, 2025—Tentative

There are no meetings scheduled for the week of May 19, 2025.

Week of May 26, 2025—Tentative

There are no meetings scheduled for the week of May 26, 2025.

Week of June 2, 2025—Tentative

Friday, June 6, 2025

10:00 a.m. Meeting with the Advisory Committee on Reactor Safeguards (Public Meeting) (Contact: Rob Krsek: 301-415-1766)

Additional Information: The meeting will be held in the Commissioners' Hearing Room, 11555 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission's meeting in person or watch live via webcast at the Web address—<https://video.nrc.gov/>.

Week of June 9, 2025—Tentative

There are no meetings scheduled for the week of June 9, 2025.

CONTACT PERSON FOR MORE INFORMATION:

For more information or to verify the status of meetings, contact Chris Markley at 301-415-6293 or via email at Christopher.Markley@nrc.gov.

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: May 1, 2025.

For the Nuclear Regulatory Commission.

Christopher Markley,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2025-07845 Filed 5-1-25; 11:15 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-272 and 50-311; NRC-2025-0068]

PSEG Nuclear LLC; Constellation Energy Generation, LLC; Salem Nuclear Generating Station, Unit Nos. 1 and 2; Exemption

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued an exemption from certain emergency core cooling system requirements to support

the use of Optimized ZIRLO™ fuel rod cladding material at Salem Nuclear Generating Station, Unit Nos. 1 and 2. The exemption was issued in response to a July 24, 2024, request from PSEG Nuclear LLC (PSEG).

DATES: The exemption was issued on April 24, 2025.

ADDRESSES: Please refer to Docket ID NRC-2025-0068 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-2025-0068. 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.

- *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 PSEG request for an exemption is available in ADAMS under Accession No. ML24206A100. The NRC staff's letter issuing the exemption is available in ADAMS under Accession No. ML25078A006.

- *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:

Blake A. Purnell, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-1380; email: Blake.Purnell@nrc.gov.

SUPPLEMENTARY INFORMATION: The text of the exemption is attached.

Dated: April 30, 2025.

For the Nuclear Regulatory Commission.
Blake Purnell,
*Senior Project Manager, Plant Licensing
 Branch II-2, Division of Operating Reactor
 Licensing, Office of Nuclear Reactor
 Regulation.*

Attachment—Exemption

NUCLEAR REGULATORY COMMISSION

Docket Nos. 50–272 and 50–311

**PSEG Nuclear LLC; Constellation Energy
 Generation, LLC; Salem Nuclear Generating
 Station, Unit Nos. 1 and 2; Exemption**

I. Background

PSEG Nuclear LLC (PSEG) and Constellation Energy Generation, LLC are the holders of Renewed Facility Operating License Nos. DPR–70 and DPR–75 for the Salem Nuclear Generating Station (Salem), Unit Nos. 1 and 2. The Salem facilities consist of two pressurized-water reactors located in Salem County, New Jersey. The licenses provide, among other things, that the facilities are subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (NRC or Commission) now or hereafter in effect.

II. Request/Action

By letter dated July 24, 2024 (Agencywide Documents Access and Management System Accession No. ML24206A100), PSEG requested an exemption from certain emergency core cooling system (ECCS) requirements in title 10 of the *Code of Federal Regulations* (10 CFR) part 50 applicable to Salem, Unit Nos. 1 and 2. PSEG requested the exemption in accordance with 10 CFR 50.12, “Specific exemptions,” to support the use of Optimized ZIRLO™ fuel rod cladding material in Salem, Unit Nos. 1 and 2.

The regulations in 10 CFR 50.46, “Acceptance criteria for emergency core cooling systems for light-water nuclear power reactors,” require, in part, that each boiling or pressurized light-water nuclear power reactor fueled with uranium oxide pellets within cylindrical Zircaloy or ZIRLO® cladding must be provided with an ECCS that must be designed so that its calculated cooling performance following postulated loss-of-coolant accidents (LOCAs) conforms to the criteria set forth in 10 CFR 50.46(b). In addition, paragraph I.A.5, “Metal—Water Reaction Rate,” of 10 CFR part 50, appendix K, requires the Baker-Just equation be used to calculate the rate of energy release, hydrogen generation, and cladding oxidation from the metal-water reaction in the core. The regulations in 10 CFR 50.46 and the Baker-Just equation in 10 CFR part 50, Appendix K, part I, presume the use of either Zircaloy or ZIRLO® fuel rod cladding.

In accordance with 10 CFR 50.12, “Specific exemptions,” PSEG requested an exemption from 10 CFR 50.46 and 10 CFR part 50, appendix K, paragraph I.A.5, to support the use of Optimized ZIRLO™ fuel rod cladding material in Salem, Unit Nos. 1 and 2. The requested exemption is limited to the cladding material such that all other requirements in 10 CFR 50.46 and 10 CFR

part 50, appendix K, will remain applicable to Salem, Unit Nos. 1 and 2.

PSEG’s July 24, 2024, letter also included a license amendment request to permit the use of Optimized ZIRLO™ fuel rod cladding in Salem, Unit Nos. 1 and 2. The requested exemption is a prerequisite for the issuance of the amendments. The NRC staff’s review of the license amendment request is being performed concurrently with the exemption request. The NRC staff’s safety evaluation for the license amendment request will be documented separately.

III. Discussion

Pursuant to 10 CFR 50.12, the Commission may grant exemptions from the requirements of 10 CFR part 50 provided that: (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, as defined in 10 CFR 50.12(a)(2), are present. The requested exemption to support the use of fuel rods with Optimized ZIRLO™ cladding at Salem, Unit Nos. 1 and 2, meets these requirements as discussed below.

A. The Exemption Is Authorized by Law

The requested exemption would allow the use of Optimized ZIRLO™ fuel rod cladding at Salem, Unit Nos. 1 and 2. No statute precludes the use of Optimized ZIRLO™ fuel rod cladding in nuclear reactors, and no statute required the Commission to issue its regulations in 10 CFR 50.46 and 10 CFR part 50, appendix K. Granting the exemption will not result in a violation of the Atomic Energy Act of 1954, as amended or the NRC’s regulations. Therefore, the exemption is authorized by law.

B. The Exemption Presents No Undue Risk to Public Health and Safety

The regulations in 10 CFR 50.46 establish acceptance criteria for ECCS performance for reactors during a LOCA that provide for the adequate protection of public health and safety. The regulations in 10 CFR part 50, appendix K, part I, specify the required and acceptable features of ECCS evaluation models that may be used to demonstrate compliance with the acceptance criteria in 10 CFR 50.46. The regulations in 10 CFR 50.46 and the Baker-Just equation in 10 CFR part 50, Appendix K, part I, presume the use of either Zircaloy or ZIRLO® fuel rod cladding.

The technical basis for Optimized ZIRLO™ is described in the Westinghouse topical report WCAP–12610–P–A & CENPD–404–P–A, addendum 1–A, “Optimized ZIRLO™,” dated July 2006 (Westinghouse addendum 1–A). The transmittal letter and non-proprietary version of Westinghouse addendum 1–A are available under ADAMS Accession Nos. ML062080563 and ML062080569, respectively. By letter dated June 10, 2005, the NRC staff found that this topical report is acceptable for referencing in licensing applications to the extent specified and under the conditions and limitations delineated in the topical report and associated staff safety evaluation. The NRC staff’s letter and safety evaluation with the conditions on the approval of the topical

report are included in Westinghouse Addendum 1–A.

The Westinghouse addendum 1–A demonstrated that the effectiveness of the ECCS will not be affected by using fuel rods with Optimized ZIRLO™ cladding. Additionally, the NRC staff’s safety evaluation for Westinghouse Addendum 1–A concluded, in part, that the ECCS performance criteria in 10 CFR 50.46 and the Baker-Just correlation in 10 CFR part 50, appendix K, part I, are applicable to Optimized ZIRLO™.

The PSEG request for an exemption is limited to the cladding material such that all other requirements in 10 CFR 50.46 and 10 CFR part 50, appendix K, will remain applicable to Salem, Unit Nos. 1 and 2. The requested exemption is solely to allow the use of criteria and methods set forth in these regulations for fuel rods with Optimized ZIRLO™ cladding. The reactor core reload design process at Salem, Unit Nos. 1 and 2, will continue to ensure that the acceptance criteria in 10 CFR 50.46 are met using ECCS evaluations models that are acceptable to the NRC. Therefore, the granting of this exemption request will not pose an undue risk to public health and safety.

C. The Exemption Is Consistent With the Common Defense and Security

The requested exemption would allow PSEG to use fuel rods with Optimized ZIRLO™ cladding in Salem, Unit Nos. 1 and 2. This change in cladding material will not result in any changes to plant operations that would impact the security of the facility, special nuclear material, or spent nuclear fuel. Therefore, the NRC staff has determined that the requested exemption is consistent with the common defense and security.

D. Special Circumstances

Special circumstances, in accordance with 10 CFR 50.12(a)(2)(ii), are present whenever application of the regulation in the circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule. The underlying purpose of 10 CFR 50.46 is to provide requirements capable of ensuring adequate core cooling during and after the most limiting postulated LOCA. The underlying purpose of 10 CFR part 50, appendix K, part I, is to specify the required and acceptable features of ECCS evaluation models that may be used to demonstrate compliance with the acceptance criteria in 10 CFR 50.46.

The regulations in 10 CFR 50.46 and the Baker-Just equation in 10 CFR part 50, Appendix K, part I, presume the use of either Zircaloy or ZIRLO® fuel rod cladding. The PSEG request for an exemption is limited to the cladding material such that all other requirements in 10 CFR 50.46 and 10 CFR part 50, appendix K, will remain applicable to Salem, Unit Nos. 1 and 2. The requested exemption is solely to allow the use of criteria and methods set forth in these regulations for fuel rods with Optimized ZIRLO™ cladding. The reactor core reload design process at Salem, Unit Nos. 1 and 2, will continue to ensure that the acceptance criteria in 10 CFR 50.46 are met using ECCS

evaluations models that are acceptable to the NRC. Therefore, the underlying purpose of the regulations in 10 CFR 50.46 and 10 CFR part 50, appendix K, part I, would continue to be achieved with the exemption, and the special circumstances in 10 CFR 50.12(a)(ii) for the granting of an exemption exist.

IV. Environmental Considerations

The exemption changes a requirement with respect to installation or use of facility components located within the restricted area as defined in 10 CFR part 20. With respect to its impact on the quality of the human environment, the NRC has determined, as described below, that the issuance of the exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). The regulation in 10 CFR 51.22(c)(9) states:

Issuance of an amendment to a permit or license for a reactor under part 50 or part 52 of this chapter that changes a requirement or issuance of an exemption from a requirement, with respect to installation or use of a facility component located within the restricted area, as defined in part 20 of this chapter; or the issuance of an amendment to a permit or license for a reactor under part 50 or part 52 of this chapter that changes an inspection or a surveillance requirement; provided that: (i) The amendment or exemption involves 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; and (iii) There is no significant increase in individual or cumulative occupational radiation exposure.

The criteria for determining whether an action involves a significant hazards consideration are found in 10 CFR 50.92, "Issuance of amendment." The proposed action is to permit the use of Optimized ZIRLO™ fuel rod cladding in Salem, Unit Nos. 1 and 2. The exemption is a prerequisite for the NRC staff to issue license amendments for the Salem units, which will complete the proposed action. The NRC staff's review of the exemption and license amendment requests are being performed concurrently. The Commission has previously issued a proposed finding that the associated license amendments involve no significant hazards consideration, and there has been no public comment on such finding (89 FR 79971; October 1, 2024). Therefore, the NRC staff has determined that the proposed action involves no significant hazards consideration. The NRC staff has also determined that the proposed action involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure because Optimized ZIRLO™ has similar properties and performance characteristics as the currently licensed cladding.

Based on the above, the NRC staff concludes that the proposed exemption meets the eligibility criteria for the categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR

51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the exemption.

V. Conclusions

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the 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. Also, special circumstances are present. Therefore, the Commission hereby grants PSEG an exemption from 10 CFR 50.46 and 10 CFR part 50, appendix K, paragraph I.A.5, to support the use of Optimized ZIRLO™ fuel rod cladding material in Salem, Unit Nos. 1 and 2. This exemption relates solely to the limitations on cladding material in these regulations.

Dated at Rockville, Maryland, this 24th day of April 2025.

For the Nuclear Regulatory Commission.

Aida Rivera-Varona,

Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2025–07737 Filed 5–2–25; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–09; NRC–2025–0075]

Department of Energy; Fort St. Vrain Independent Spent Fuel Storage Installation; License Amendment Application

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of docketing.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has received and docketed a license amendment application from the Department of Energy (DOE or the licensee) for amendment of Materials License No. SNM–2504, for the Fort St. Vrain (FSV) independent spent fuel storage installation (ISFSI) located in Platteville, Colorado. The requested amendment would revise certain license conditions and technical specifications (TS) by adjusting references to relevant organizational components of DOE, correcting prior clerical drafting errors, and changing the description of a DOE official who is responsible for the operation and nuclear safety of the FSV ISFSI and for ensuring its compliance with certain conditions and requirements of the license and applicable regulations. The NRC will process the application in accordance with NRC regulations, as further explained in the **SUPPLEMENTARY INFORMATION** section of this notice.

DATES: May 5, 2025.

ADDRESSES: Please refer to Docket ID NRC–2025–0075 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–2025–0075. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: Bridget.Curran@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to PDR.Resource@nrc.gov. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the "Availability of Documents" section.

- **NRC's PDR:** The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Daneira Meléndez-Colón, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7295; email: Daneira.Melendez-Colon@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

By letter dated November 14, 2024, DOE submitted to the NRC an application to amend the license conditions and TS for the Fort St. Vrain ISFSI, located in Platteville, Colorado. Materials License No. SNM–2504 authorizes the licensee to receive, possess, store, and transfer spent nuclear fuel from the decommissioned FSV Nuclear Generating Station. The proposed amendment would revise TS 5.1.1 and 5.2.1.1 so that they explicitly designate the Manager for the Idaho

Cleanup Project (ICP) as the DOE official who is responsible for the operation and nuclear safety of the FSV ISFSI and for ensuring its compliance with NRC license conditions and regulatory requirements. TS 5.1.1 currently designates the Deputy Manager for the ICP as the DOE official who is responsible for the operation of the FSV ISFSI and for ensuring its compliance with NRC license conditions and regulatory requirements. The proposed amendment would also revise TS 5.6.1 so that it identifies the Manager for the ICP, rather than the Deputy Manager, as one of the two DOE officials who are responsible for submitting certain reports that are required in connection with the license. Additionally, the proposed amendment would correct clerical drafting errors in TS 3.3.1 and 5.5.2.6 so that those technical specifications accurately reflect changes that were previously approved and included in License Amendment 10 but

were inadvertently omitted from License Amendment 11. The proposed amendment would also correct an erroneous regulatory citation in TS 5.5.1.d, correct a typographical error in TS 5.5.2.5, and adjust references to relevant organizational components of DOE in License Condition 14 and in TS 5.1.5, 5.4.2, and 5.5.2.7.

In a letter to DOE dated March 21, 2025, the NRC notified DOE that the application was acceptable to begin a technical review. The NRC's Office of Nuclear Material Safety and Safeguards has docketed this application under Docket No. 72–09, and the NRC is issuing this notice of docketing as authorized and required by 10 CFR 72.16(e). The NRC will approve the license amendment if it finds that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended, and the NRC's regulations, and the NRC will make findings consistent with the National

Environmental Policy Act and part 51 of title 10 of the *Code of Federal Regulations* (10 CFR). These findings will be documented in a safety evaluation report. The NRC may issue either a notice of hearing or a notice of proposed action and opportunity for hearing in accordance with 10 CFR 72.46(b)(1) or, if a determination is made that the amendment does not present a genuine issue as to whether the health and safety of the public will be significantly affected, take immediate action on the amendment in accordance with 10 CFR 72.46(b)(2) and then promptly provide notice of the action taken and an opportunity for interested persons to request a hearing on whether the action should be rescinded or modified.

II. Availability of Documents

The documents identified in this notice are available to interested persons through ADAMS.

Document description	ADAMS accession No.
DOE Letter—License Amendment Request to Update the Licensee Designation of Authority Title for the Fort St. Vrain Independent Spent Fuel Storage Installation, Docket 72 0009, Materials License No. SNM–2504 (CLN250095), dated November 14, 2024.	ML24324A062 (Package).
NRC Letter—Issuance of Amendment No. 10 to Renewed Materials License No. SNM–2504 for the Fort St. Vrain Independent Spent Fuel Storage Installation (TAC No. L24994), dated March 17, 2016.	ML15258A217 (Package).
NRC Letter—Amendment No. 11 to Materials License No. SNM–2504 for the Fort St. Vrain Independent Spent Fuel Storage Installation, dated June 6, 2017.	ML17151A387 (Package).
NRC Letter—Application for License Amendment Request—Amendment No. 12 to Materials License No. 2504 for the Fort St. Vrain Independent Spent Fuel Storage Installation—Accepted for Review (CAC/EPID Nos. 001028/L–2024–LLA–0161), dated March 21, 2025.	ML25073A130.

Dated: April 29, 2025.

For the Nuclear Regulatory Commission.

Yoira Diaz-Sanabria,
Chief, Spent Fuel Licensing Branch, Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2025–07727 Filed 5–2–25; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102946; File No. SR–CboeBZX–2025–038]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Amend the Rule Governing the Listing and Trading of Shares of the Fidelity Ethereum Fund To Permit Staking

April 29, 2025.

On March 11, 2025, Cboe BZX Exchange, Inc. (“Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant

to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) ¹ and Rule 19b–4 thereunder, ² a proposed rule change to amend the rule governing the listing and trading of shares of the Fidelity Ethereum Fund to permit staking. The proposed rule change was published for comment in the **Federal Register** on March 18, 2025. ³

Section 19(b)(2) of the Act ⁴ provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See Securities Exchange Act Release No. 102643 (Mar. 12, 2025), 90 FR 12626. The Commission has received no comments on the proposed rule change.

⁴ 15 U.S.C. 78s(b)(2).

disapproved. The 45th day after publication of the notice for this proposed rule change is May 2, 2025. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change and the issues raised therein. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act, ⁵ designates June 16, 2025, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–CboeBZX–2025–038).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority. ⁶

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025–07696 Filed 5–2–25; 8:45 am]

BILLING CODE 8011–01–P

⁵ 15 U.S.C. 78s(b)(2).

⁶ 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102947; File No. SR–CboeBZX–2025–037]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Amend the Rule Governing the Listing and Trading of Shares of the Franklin Crypto Index ETF To Permit Staking

April 29, 2025.

On March 10, 2025, Cboe BZX Exchange, Inc. (“Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) ¹ and Rule 19b–4 thereunder,² a proposed rule change to amend the rule governing the listing and trading of shares of the Franklin Crypto Index ETF to permit staking. The proposed rule change was published for comment in the **Federal Register** on March 18, 2025.³

Section 19(b)(2) of the Act⁴ provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is May 2, 2025. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change and the issues raised therein. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁵ designates June 16, 2025, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–CboeBZX–2025–037).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025–07697 Filed 5–2–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102956; File No. SR–CboeBYX–2025–007]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Modify Rule 11.24 To Introduce an Enhanced RPI Order and Expand Its Retail Price Improvement Program To Include Securities Priced Below \$1.00

April 29, 2025.

On March 13, 2025, Cboe BYX Exchange, Inc. (the “Exchange” or “BYX”) 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 modify BYX Rule 11.24 to introduce an Enhanced RPI Order and expand its Retail Price Improvement Program to include securities priced below \$1.00. The proposed rule change was published for comment in the **Federal Register** on March 20, 2025.³ The Commission has not received any comments on the proposed rule change.

Section 19(b)(2) of the Act⁴ provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is May 4, 2025. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within

which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change and the issues raised therein. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁵ designates June 18, 2025, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–CboeBYX–2025–007).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025–07706 Filed 5–2–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102953; File No. SR–NYSEAMER–2025–22]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Connectivity Fee Schedule Related to Connectivity to Third Party Systems and Third Party Data Feeds

April 29, 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 16, 2025, NYSE American LLC (“NYSE American” or the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Connectivity Fee Schedule to amend the list of third party systems and third party data feeds to which Users can connect, related fees and a reference to who can charge redistribution fees. The proposed rule change is available on the Exchange’s website at www.nyse.com, at the principal office of the Exchange, and

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See Securities Exchange Act Release No. 102639 (Mar. 12, 2025), 90 FR 12621. The Commission has received no comments on the proposed rule change.

⁴ 15 U.S.C. 78s(b)(2).

⁵ 15 U.S.C. 78s(b)(2).

⁶ 17 CFR 200.30–3(a)(31).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See Securities Exchange Act Release No. 102681 (March 14, 2025), 90 FR 13240.

⁴ 15 U.S.C. 78s(b)(2).

⁵ *Id.*

⁶ 17 CFR 200.30–3(a)(31).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b–4.

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 Connectivity Fee Schedule to amend the list of third party systems and third party data feeds to which Users⁴ can connect, related fees and a reference to who can charge redistribution fees.

Currently, Users are offered connectivity to the execution systems of third party markets and other service providers ("Third Party Systems") and connectivity to data feeds from third party markets and other content service providers ("Third Party Data Feeds") at the Mahwah, New Jersey data center ("MDC").⁵ The Exchange proposes to amend the two lists to add new items, combine existing items, and amend related fees.

Proposed Changes

Changes to the List of Third Party Systems

The Exchange proposes to make the following changes to the list of Third Party Systems:

- Add Blue Ocean ATS (BOATS), Canadian Imperial Bank of Commerce (CIBC), Long Term Stock Exchange,⁶ MEMX,⁷ Pragma, and Small Exchange (collectively, the "Proposed Third Party Systems").

- To reflect Cboe Canada's integration,⁸ combine Cboe MATCHNow into Cboe Canada.

To make these changes, the list of available Third Party Systems would be amended as follows (proposed deletions bracketed, proposed additions italicized):

Third Party Systems

B3 Bovespa
Blue Ocean ATS (BOATS)
 Boston Options Exchange (BOX)
Canadian Imperial Bank of Commerce (CIBC)
 Cboe Canada
 [Cboe MATCHNow]
 Cboe US
 Chicago Mercantile Exchange (CME Group)
 Investors Exchange (IEX)
Long Term Stock Exchange
MEMX
 MIAx
 Nasdaq Canada (CXC, CXD, CX2)
 Nasdaq US Stock Market
 NYFIX Marketplace
 Omega
 OTC Markets Group
Pragma
Small Exchange
 TMX Group

The Exchange does not propose to change the monthly recurring fee Users pay for access to each Third Party System. Although the proposed changes to the list of Third Party Systems would combine the names of several current Third Party Systems, no User would be charged more as a consequence of the combination. A User would continue to be able to choose which systems it wants from any Third Party System. It would not have to receive any systems, or pay for any bandwidth, that it did not choose.⁹

⁶ See Securities Exchange Act Release No. 85828 (May 10, 2019), 84 FR 21841 (May 15, 2019) (In the Matter of the Application of Long Term Stock Exchange, Inc.; for Registration as a National Securities Exchange; Findings, Opinion, and Order of the Commission).

⁷ See Securities Exchange Act Release No. 88806 (May 4, 2020), 85 FR 27451 (May 8, 2020) (In the Matter of the Application of MEMX LLC for Registration as a National Securities Exchange; Findings, Opinion, and Order of the Commission).

⁸ See "Cboe Canada Announces Planned Unification of its Canadian Operations" (December 18, 2023) (available at <https://ir.cboe.com/news/news-details/2023/CBOE-CANADA-ANNOUNCES-PLANNED-UNIFICATION-OF-ITS-CANADIAN-OPERATIONS/default.aspx>).

⁹ For example, if a User connected to Cboe Canada but did not access any other Cboe system,

Changes to Connectivity to Third Party Data Feeds

The Exchange expects that the connectivity partner of BOATS will charge a redistribution fee, which will be passed through to the User. Accordingly, the Exchange proposes to add "and their partners" to the first sentence of the second paragraph under "Connectivity to Third Party Data Feeds," which describes who can charge redistribution fees, so that it includes connectivity partners.

The Exchange proposes to make the following changes to the list of Third Party Data Feeds (together, the "Proposed Third Party Data Feeds"):

- Add the following Third Party Data Feeds with the following fees for monthly recurring connectivity:

- Blue Ocean ATS (BOATS), for \$750 a month;
- Cboe CFE Futures, for \$1,500 per month;
- Long Term Stock Exchange, for \$2,600 per month;¹⁰
- MEMX Equities, for \$2,000 per month;¹¹
- MEMX Options, for \$2,000 per month;¹² and
- Small Exchange, for \$1,000 per month.

- Reflecting Cboe Canada's integration,¹³ combine Cboe MATCHNow into Cboe Canada and change the combined monthly recurring connectivity fee to \$2,000 per month.

- Replace Miami International Securities Exchange/MIAx Pearl with the following five feeds:

- MIAx Emerald, at a \$2,600 monthly recurring connectivity fee;
- MIAx Options, at a \$2,600 monthly recurring connectivity fee;
- MIAx Pearl Equities, at a \$2,600 monthly recurring connectivity fee;
- MIAx Pearl Options, at a \$2,600 monthly recurring connectivity fee; and
- MIAx Sapphire, at a \$2,600 monthly recurring connectivity fee.

- Combine Nasdaq Stock Market with Nasdaq ISE under the name "Nasdaq Stock Market" and change the combined monthly recurring connectivity fee to \$3,000 per month.

- Combine TMX Group and Montreal Exchange¹⁴ under the name of "TMX

including Cboe MATCHNow, it would not pay for any additional system or have its monthly fee changed as a consequence of the proposed combination.

¹⁰ See *supra* note 6.

¹¹ See *supra* note 7.

¹² See *id.*

¹³ See *supra* note 8.

¹⁴ The Montreal Exchange is a subsidiary of TMX Group. See <https://www.m-x.ca/en/about-us/mx/overview#:~:text=Today%2C%20a%20wholly%20owned%20subsidiary,retail%20and%20institutional%20investors%20needs>.

⁴ 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 New York Stock Exchange LLC, NYSE Arca, Inc., 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 changes described herein. See SR-NYSE-2025-13, SR-NYSEARCA-2025-30, SR-NYSETEX-2025-04, and SR-NYSEAT-2025-08.

⁵ 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.

Group” with a combined monthly recurring connectivity fee of \$2,500 per month.

In addition, the Exchange proposes to change the monthly recurring connectivity fee per Third Party Data Feed for 18 feeds.

To make these changes, the text under “Connectivity to Third Party Data

Feeds” and list of available Third Party Data Feeds would be amended as follows (proposed deletions bracketed, proposed additions *italicized*):

Third Party Data Feed providers *and their partners* may charge redistribution fees. When the Exchange receives a redistribution fee, it passes through the charge to the User, without change to

the fee. The fee is labeled as a pass-through of a redistribution fee on the User’s invoice. The Exchange does not charge third party markets or content providers for connectivity to their own feeds.

Third Party Data Feed	Monthly recurring connectivity fee per Third Party Data Feed
B3 Bovespa	\$3,000]900
Blue Ocean ATS (BOATS)	750
Boston Options Exchange (BOX)	1,000]300
Cboe BZX Exchange (CboeBZX) and Cboe BYX Exchange (CboeBYX)	[2,000]1,500
Cboe Canada	[1,200]2,000
Cboe CFE Futures	1,500
Cboe EDGX Exchange (CboeEDGX) and Cboe EDGA Exchange (CboeEDGA)	[2,000]1,500
Cboe Exchange (Cboe) and Cboe C2 Exchange (C2)	[2,000]1,500
[Cboe MATCHNow	1,000]
Chicago Mercantile Exchange (CME Group)	3,000
Financial Industry Regulatory Authority (FINRA)	[500]650
Global OTC	[100]150
ICE Data Services Consolidated Feed ≤100 Mb	200
ICE Data Services Consolidated Feed >100 Mb to ≤1 Gb	500
ICE Data Services Consolidated Feed >1 Gb	1,000
ICE Data Services Consolidated Feed Shared Farm ≤100Mb	[200]300
ICE Data Services Consolidated Feed Shared Farm >100 Mb to ≤1 Gb	[500]750
ICE Data Services Consolidated Feed Shared Farm >1 Gb	[1]2,000
ICE Data Services PRD	[200]300
ICE Data Services PRD CEP	[400]500
Intercontinental Exchange (ICE)	1,500]950
Investors Exchange (IEX)	1,000]300
Long Term Stock Exchange	2,600
MEMX Equities	2,000
MEMX Options	2,000
MIAX Emerald	2,600
MIAX Options	2,600
MIAX Pearl Equities	2,600
[Miami International Securities Exchange/]MIAX [PEARL]Pearl Options	2,000]600
MIAX Sapphire	2,600
[Montréal Exchange (MX)	1,000]
Nasdaq Stock Market	[2]3,000
Nasdaq Global Index Data Service (GIDS)	100
Nasdaq UQDF & UTDF	[500]650
Nasdaq Canada (CXC, CXD, CX2)	1,500]950
[Nasdaq ISE	1,000]
Omega	1,000]300
OTC Markets Group	1,000]300
Small Exchange	1,000
TMX Group	2,500

Access to the Proposed Third Party Systems

The Exchange would provide access to the Proposed Third Party Systems as conveniences to Users.

As with the current Third Party Systems, Users would connect to the Proposed Third Party Systems over the internet protocol (“IP”) network, a local area network available in the MDC.

As with the current Third Party Systems, in order to obtain access to a Proposed Third Party System, the User would enter into an agreement with the relevant proposed third party, pursuant to which it would charge the User for

access to the Proposed Third Party System. The Exchange would then enable unicast connectivity between the User and the Proposed Third Party System over the IP network.¹⁵ The Exchange would charge the User for the connectivity to the Proposed Third Party System. A User would only receive, and would only be charged for,

¹⁵ 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.

access to the Proposed Third Party System for which it enters into agreements with the third party.

The Exchange has no affiliation with the providers of any of the Proposed Third Party Systems. Establishing a User’s access to a Proposed Third Party System would not give the Exchange any right to use the Proposed Third Party System. Connectivity to a Proposed Third Party System would not provide access or order entry to the Exchange’s execution system, and a User’s connection to a Proposed Third Party System would not be through the Exchange’s execution system.

The Exchange proposes to charge the same monthly recurring fee for connectivity to the Proposed Third Party Systems that it does for the current Third Party Systems. Specifically, when a User requested access to a Proposed Third Party System, it would identify the applicable third party and what bandwidth connection would be required. The fees for such bandwidth connection would vary based on the size of the connection, not on the particular Third Party System the User chooses. The Exchange is not proposing to change the pricing of any of these bandwidth connections; the Exchange is simply expanding the list of Third Party Systems that Users may access via these bandwidth connections.

Connectivity to the Proposed Third Party Data Feeds

The Exchange would provide connectivity to the Proposed Third Party Data Feeds as a convenience to Users.

As with the existing connections to Third Party Data Feeds, the Exchange would receive a Proposed Third Party Data Feed from the content service provider at the relevant source. The Exchange would then provide connectivity to that data to Users for a fee. Users would connect to the Proposed Third Party Data Feeds over the IP network. The Proposed Third Party Data Feeds would include trading and other information concerning the securities that are traded on the relevant third party systems.

As with the existing connections to Third Party Data Feeds, in order to connect to a Proposed Third Party Data Feed, a User would enter into a contract with the third party content service provider, pursuant to which it may charge the User for the data feed. The Exchange would receive the Proposed Third Party Data Feed in remote locations and transport it over its fiber optic network to the MDC. After the content service provider and User entered into an agreement and the Exchange received authorization from the content service provider, the Exchange would retransmit the data to the User over the User's port. The Exchange would charge the User for connectivity to the Proposed Third Party Data Feed. A User would only receive, and would only be charged the fee for, connectivity to a Proposed Third Party Data Feed for which it entered into a contract.

The Exchange has no affiliation with the sellers of the Proposed Third Party Data Feeds and would have no right to use those feeds other than as a redistributor of the data. None of the

Proposed Third Party Data Feeds would provide access or order entry to the Exchange's execution system. The Proposed Third Party Data Feeds would not provide access or order entry service to the execution systems of the third parties generating the feeds. The Exchange would receive the Proposed Third Party Data Feeds via arms-length agreements and would have no inherent advantage over any other distributor of such data.

Application and Impact of the Proposed Changes

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 purchase of any colocation service is completely voluntary and the Connectivity Fee Schedule is applied uniformly to all Users.

Access to most of the Proposed Third Party Systems and connectivity to most of the Proposed Third Party Data Feeds were requested by Users, but the Exchange believes that it would gain at most a handful of new customers due to the proposed change. The Exchange does not expect that the remainder of the proposed rule change will result in new customers.

Competitive Environment

The Exchange operates in a highly competitive market in which other vendors offer colocation services as a means to facilitate the trading and other market activities of those market participants who believe that colocation enhances the efficiency of their operations. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system "has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies."¹⁶

As explained below, the Exchange's provision of access to the Proposed Third Party Systems ("Access") and connectivity to the Proposed Third Party Data Feeds ("Connectivity") may compete with access and connectivity provided by other third parties. Third-

party vendors are not at any competitive disadvantage created by the Exchange.

The proposed change is not otherwise intended to address any other issues relating to colocation services or related fees, and the Exchange is not aware of any problems that Users 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,¹⁷ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹⁸ 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,¹⁹ 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.

The Proposed Rule 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."²⁰ If the Exchange meets that burden, "the Commission will find that its proposal

¹⁷ 15 U.S.C. 78f(b).

¹⁸ 15 U.S.C. 78f(b)(5).

¹⁹ 15 U.S.C. 78f(b)(4).

²⁰ See 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).

¹⁶ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

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.”²¹ 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 Exchange has not placed present or future third party vendors at a competitive disadvantage created by the Exchange.

Substantially Similar Substitutes Are Available

The Exchange’s proposed Access and Connectivity would compete with other methods by which both the Exchange and various third parties already provide, or could provide, Users with access to Third Party Systems and connectivity to Third Party Data Feeds. Third-party vendors are not at any competitive disadvantage created by the Exchange.

The Exchange believes that access to at least two of the Proposed Third Party Data Feeds are available to Users from one or more third parties in the MDC. The Exchange does not have visibility into whether additional third parties currently offer, or intend to offer, Users access to the Proposed Third Party Systems or connectivity to the Proposed Third Party Data Feeds, as such third parties are not required to make that information public. However, the market for access to the Proposed Third Party Systems and connectivity to the Proposed Third Party Data Feeds is competitive, and there is no reason to believe that other third party providers of access and connectivity would not provide it to Users if they considered it to be in their commercial interest. FIDS competes with other providers that offer such access and connectivity.

Such third parties compete, or, if additional third parties wish to offer access or connectivity, would compete, with the Exchange’s Access and Connectivity and exert, or would exert, significant competitive forces on the Exchange in setting the terms of its proposal, including the level of the Exchange’s proposed fees.²² If the Exchange were to set its proposed fees too high, Users could respond by instead selecting third parties’ substantially similar access and connectivity.

Third Party Competitors Are Not at a Competitive Disadvantage Created by the Exchange

The Exchange does not believe that FIDS would have any competitive advantage over either existing third-party providers or any future providers of access to Proposed Third Party Systems or connectivity to Proposed Third Party Data Feeds. If a third party offers such access or connectivity to Users, a User may utilize a cross connect, a third party telecommunication network, the MDC network, or a combination thereof to access such access or connectivity through a connection to another User inside the MDC or a third party vendor outside the MDC.²³ The Exchange’s proposed service for Access and Connectivity does not have any special access to or advantage within the MDC, as all distances in the MDC are normalized.

Moreover, the Exchange does not believe that FIDS would have any competitive advantage because it would charge for connectivity only, not the Proposed Third Party System or Proposed Third Party Data Feed itself. All Users that connect to a Proposed Third Party System or Proposed Third Party Data Feed, whether they elect to connect using the Exchange’s proposed service or that of the Exchange’s competitors, would have to pay a third party for the Proposed Third Party System or Proposed Third Party Data Feed.

To be clear, third party competitors would not be required to obtain the Proposed Third Party Systems or Proposed Third Party Data Feeds from FIDS; rather, they could obtain them from other third parties and transport them into the MDC, via telecom equipment, in order to redistribute them to other Users. Whether they are Users or third party vendors outside the MDC, actual or future competitors of the Exchange would not have to pay the Exchange for the Proposed Third Party System or Proposed Third Party Data Feed itself.

Nor does the Exchange believe that FIDS has a competitive advantage over any third-party competitors offering access to the Proposed Third Party

Systems or connectivity to the Proposed Third Party Data Feeds by virtue of the fact that ICE owns and operates the MDC’s meet-me-rooms. Users purchasing Access or Connectivity—like Users of any other colocation service—would require a circuit connecting out of the MDC, and in most cases, such circuits are provided by third-party telecommunications service providers that have installed their equipment in the MDC’s two meet-me-rooms (“Telecoms”).²⁴ 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 level²⁵ 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.²⁶ 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

²⁴ Note that in the case of wireless connectivity, a User in colocation 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.

²⁵ See Securities Exchange Act Release No. 97999 (July 26, 2023), 88 FR 50190 (August 1, 2023) (SR–NYSEAmex–2023–36) (“MMR Notice”).

²⁶ 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.

²¹ See Wireless Approval Order, *supra* note 20, at 67049, citing 2008 ArcaBook Approval Order, *supra* note 20, at 74781.

²² See 2008 ArcaBook Approval Order, *supra* note 20, at 74789 and n.295 (recognizing that products need not be identical to be substitutable).

²³ A Hosted Customer may use its connection to a Hosting User for such access or connectivity. A User may host another entity in its space within the MDC. Such Users are called “Hosting Users,” and their customers are referred to as “Hosted Customers.” In contrast to Users, Hosted Customers do not have a direct contractual relationship with the Exchange vis-à-vis co-location services. See Securities Exchange Act Release No. 76009 (September 29, 2015), 80 FR 60213 (October 5, 2015) (SR–NYSEMKT–2015–67).

vis-à-vis third-party competitors offering access to the Proposed Third Party Systems or connectivity to the Proposed Third Party Data Feeds. Third-party competitors 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.

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 at least two of the Proposed Third Party Systems and at least two of the Proposed Third Party Data Feeds is available, and the Exchange has not placed third-party vendors at a competitive disadvantage created by the Exchange, the proposed fees for the Exchange's connectivity to Proposed Third Party Systems and Proposed Third Party Data Feeds are reasonable.²⁷ If the Exchange were to set its prices for access to Proposed Third Party Systems or Proposed Third Party Data Feeds at a level that Users found to be too high, Users could easily choose to connect to Proposed Third Party Systems or Proposed Third Party Data Feeds through competing connections, as detailed above.

Additional Considerations

The Exchange believes that it is reasonable to add "and their partners" to the second paragraph under "Connectivity to Third Party Data Feeds" ("Proposed Pass-Through Edit") as that would add clarity as to who may charge redistribution fees, making the paragraph more precise.

The Exchange believes that it is reasonable to make the proposed changes, as connectivity to the Proposed Third Party Systems and access to the Proposed Third Party Data Feeds was generally requested by Users.

The Exchange does not propose to change the monthly recurring fee Users pay for access to each Third Party System. Although the proposed changes to the list of Third Party Systems would combine the names of several current Third Party Systems, no User would be charged more as a consequence of the combinations. A User would continue to

be able to choose which systems it wants from any Third Party System. It would not have to receive any systems, or pay for any bandwidth, that it did not choose.

The Exchange believes that the fees for connectivity to the Proposed Third Party Data Feeds are reasonable.

- The combination of Cboe MATCHNow into Cboe Canada reflects the integration of Cboe Canada.²⁸ The combined fee is less than the sum of the current fees for those feeds.

- The proposed fee for the combination of the Nasdaq Stock Market and Nasdaq ISE is equal to the sum of the current fees for those feeds.

- The proposed fee for the combination of the TMX Group and Montreal Exchange is less than the sum of the current fees for those feeds.

- By breaking out the MIAX options into five Proposed Third Party Data Feeds, Users may connect to only the market or markets that they wish. Unlike other Proposed Third Party Data Feeds, MIAX requires dedicated connectivity by individual data feed, and so separating them into five Proposed Third Party Data Feeds follows MIAX's own connectivity model.

The Proposed Rule Change Is Equitable

The Exchange believes that the proposed rule change is equitable.

The Exchange believes that the Proposed Pass-Through Edit is equitable as it would add clarity as to who may charge redistribution fees, making the paragraph more precise and thereby ensuring the accuracy of, and adding clarity and transparency to, the Connectivity Fee Schedule. Without this proposed rule change, Users would have fewer options for connectivity to the Proposed Third Party Systems and Proposed Third Party Data Feeds. By offering Access and Connectivity, the Exchange gives each User additional options for addressing its needs, responding to User demand for options. Providing additional services helps each User tailor its data center operations to the requirements of its business operations by allowing it to select the form and latency of connectivity that best suits its needs. Users that do not opt to utilize the Exchange's Access or Connectivity should still be able to access Proposed Third Party Systems or connect to Proposed Third Party Data Feeds using third party connections.

The Exchange believes that the proposed change is equitable because it will result in fees being charged only to Users that voluntarily select to receive

the corresponding services and because those services will be available to all Users.

Furthermore, the Exchange believes that the services and fees proposed herein are equitably allocated because, in addition to the services being completely voluntary, they are available to all Users on an equal basis (*i.e.*, the same products and services are available to all Users). All Users that voluntarily select the Exchange's Access or Connectivity would be charged the same amount for the same services. Users who opt not to use the Access or Connectivity would not be charged. In this way, the proposed rule change equitably allocates the proposed fees only to Users who choose to use Exchange's Access or Connectivity.

The Proposed Change Is Not Unfairly Discriminatory

The Exchange believes that the proposed rule change is not unfairly discriminatory, for the following reasons.

The Exchange believes that the Proposed Pass-Through Edit is not unfairly discriminatory as it would add clarity as to who may charge redistribution fees, making the paragraph more precise and thereby ensuring the accuracy of, and adding clarity and transparency to, the Connectivity Fee Schedule to all market participants.

Without this proposed rule change, Users would have fewer options for access to Proposed Third Party Systems or connectivity to Proposed Third Party Data Feeds. The proposed change would provide Users with an additional choice with respect to the form and optimal latency of the access they use to connect to Proposed Third Party Systems or connectivity to Proposed Third Party Data Feeds, allowing a User to select the connectivity that better suits its needs, helping it tailor its colocation operations to the requirements of its business operations. Users that do not opt to utilize the Exchange's proposed Access or Connectivity would still be able to access the Proposed Third Party Systems or connect to Proposed Third Party Data Feeds using third party systems.

The Exchange believes that the proposed change is not unfairly discriminatory because it will result in fees being charged only to Users that voluntarily select to receive the corresponding services and because those services will be available to all Users. Furthermore, the Exchange believes that the services and fees proposed herein are not unfairly discriminatory because, in addition to

²⁷ See Wireless Approval Order, *supra* note 20. There is no fee change proposed for the Proposed Third Party Systems.

²⁸ See *supra* note 8.

the services being completely voluntary, they are available to all Users on an equal basis (*i.e.*, the same products and services are available to all Users). All Users that voluntarily select the Exchange's Access or Connectivity would be charged the same amount for the same services.

For all these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,²⁹ the Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change would not affect competition among national securities exchanges or among members of the Exchange, but rather between FIDS and its commercial competitors. By offering Access and Connectivity, the Exchange would give each User additional options for addressing its needs, responding to User demand for options. Providing additional services would help each User tailor its data center operations to the requirements of its business operations by allowing it to select the form and latency of connectivity that best suits its needs. Users that do not opt to utilize the Exchange's proposed Access or Connectivity should still be able to access Proposed Third Party Systems and connect to Proposed Third Party Data Feeds using third party connections.

The Exchange does not believe that FIDS would have any competitive advantage over either existing third-party providers or any future providers of access to Proposed Third Party Systems or connectivity to Proposed Third Party Data Feeds. If a third party offers such access or connectivity to Users, a User may utilize a cross connect, a third party telecommunication network, the MDC network, or a combination thereof to access such access or connectivity through a connection to another User inside the MDC or a third party vendor outside the MDC. The Exchange's proposed service for Access and Connectivity does not have any special access to or advantage within the MDC. All distances in the MDC are normalized.

Moreover, the Exchange does not believe that FIDS would have any competitive advantage because it would charge for connectivity only, not the Third Party System or Third Party Data

Feed itself. All Users that connect to a Proposed Third Party System or Proposed Third Party Data Feed, whether they elect to connect using the Exchange's proposed service or that of the Exchange's competitors, would have to pay a third party for the Proposed Third Party System or Proposed Third Party Data Feed.

To be clear, third party competitors would not be required to obtain the Proposed Third Party Systems or Proposed Third Party Data Feeds from FIDS; rather, they could obtain them from other third parties and transport them into the MDC, via telecom equipment, in order to redistribute them to other Users. Whether they are Users or third party vendors outside the MDC, actual or future competitors of the Exchange would not have to pay the Exchange for the Proposed Third Party System or Proposed Third Party Data Feed itself.

Nor does the Exchange believe that FIDS has a competitive advantage over any third-party competitors offering access to the Proposed Third Party Systems or connectivity to the Proposed Third Party Data Feeds by virtue of the fact that ICE owns and operates the MDC's meet-me-rooms. Users purchasing Access or Connectivity—like Users of any other colocation service—would require a circuit connecting out of the MDC, and in most cases, such circuits are provided by third-party Telecoms. 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 level³⁰ 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.³¹ 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 third-party competitors offering access to the Proposed Third Party Systems or connectivity to the Proposed Third Party Data Feeds. Third-party competitors 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 Proposed Pass-Through Edit would not impose any burden on competition. It is not intended to address competitive issues but rather is concerned solely with adding clarity as to who may charge redistribution fees.

The changes would not put any market participants at a relative disadvantage compared to other market participants or penalize one or more categories of market participants in a manner that would impose an undue burden on competition.

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 Act³² and Rule 19b-4(f)(6) thereunder.³³ Because the 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

²⁹ 15 U.S.C. 78f(b)(8).

³⁰ See MMR Notice, *supra* note 25.

³¹ See *supra* note 26.

³² 15 U.S.C. 78s(b)(3)(A)(iii).

³³ 17 CFR 240.19b-4(f)(6).

prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6)(iii) thereunder.³⁴

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) ³⁵ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSEAMER-2025-22 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-2025-22. 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-2025-22 and should be submitted on or before May 27, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³⁶

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-07703 Filed 5-2-25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102955; File No. SR-LCH SA-2025-005]

Self-Regulatory Organizations; LCH SA; Notice of Filing of Proposed Rule Change Relating to Revisions to Its Rule Book and FCM/BD Regulations Related To Clearing Member Testing Requirements

April 29, 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 17, 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.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

LCH SA is proposing to amend its CDS Clearing Rule Book ("Rule Book") and FCM/BD CDS Clearing Regulations ("FCM/BD Regulations") to: (i) provide that each Clearing Member must participate in the testing of LCH SA's business continuity and disaster recovery ("BCDR") plans and LCH SA's recovery and orderly wind-down ("RWD") plans pursuant to Exchange Act Rule 1004 ("Reg SCI")³ and Exchange Act Rule 17ad-26(a)(8)(i)⁴ and (ii) incorporate the margin adequacy requirements pursuant to Commodity Exchange Act ("CEA") Rule 1.44⁵ (the "Proposed Rule Change").⁶ The text of the Proposed Rule Change is provided in Exhibit 5 [SIC].⁷ 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 amend the Rule Book⁸ to provide that each Clearing Member must participate in testing of LCH SA's BCDR plans and

³ 17 CFR 242.1004.

⁴ 17 CFR 240.17ad-26(a)(8)(i).

⁵ 17 CFR 1.44.

⁶ All capitalized terms not defined herein have the same meaning as in the Rule Book in its version as available on LCH SA's website: <https://www.lseg.com/en/post-trade/clearing/clearing-resources/rulebooks/lch-sa#t-over-the-counter-credit-default-swaps>.

⁷ All capitalized terms not defined herein have the same definition as in the Framework, unless otherwise stated.

⁸ LCH SA's CDS Clearing Rule Book can be found on LCH SA's public website: https://www.lseg.com/content/dam/post-trade/en_us/documents/lch/rulebooks/lch-sa/lch-sa-cdsclear-rule-book-12162024.pdf.

³⁴ 17 CFR 240.19b-4(f)(6)(iii). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file 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.

³⁵ 15 U.S.C. 78s(b)(2)(B).

³⁶ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

RWD plans as LCH SA may reasonably require in order to comply with its regulatory obligations pursuant to Reg SCI⁹ and Exchange Act Rule 17ad-26(a)(8)(i).¹⁰ In addition, LCH SA is also proposing to revise Regulation 6 of the FCM/BD CDS Clearing Regulations¹¹ by adding provisions on the treatment of separate accounts by FCM/BDs pursuant to CEA Rule 1.44.¹²

LCH SA currently engages select participants to assist with functional and performance testing of its SCI systems as part of its overall BCDR program. To ensure it has the authority to designate select participants to engage in BCDR testing, LCH SA is proposing to specify in its Rule Book the authority to designate participants to assist with BCDR testing in accordance with its regulatory obligations under Reg SCI¹³ and to ensure it can maintain fair and orderly markets in the event such BCDR plans are activated. Separately, LCH SA is proposing to update its Rule Book to clarify that Clearing Members will be required to participate in the testing of its RWD plans if designated to do so. Under the SEC's final rule regarding RWD,¹⁴ LCH SA is required to have the authority to designate its Clearing Members and other stakeholders (e.g., Settlement Banks) to participate in testing its RWD plans. This requirement will be in addition to its authority to designate Clearing Members to participate in default management testing and will be performed by LCH SA at least once every 12 months.¹⁵

1. Expansion of Participation Requirement for BCDR and RWD Plans Testing

LCH SA proposes to amend Article 2.2.8.1 of the Rule Book to provide that each Clearing Member must participate in functional and performance testing of the operation of LCH SA's BCDR plans and LCH SA's RWD plans, in the manner and frequency specified by LCH SA, as LCH SA may reasonably require to comply with its applicable regulatory obligations, on one month's notice via member notification sent by email. This proposed new requirement would be in addition to existing Clearing Member participation requirements in any other technical and operational tests, reasonably organized at the discretion of LCH SA, in order to ensure the continuity and orderly functioning of LCH SA's CDS Clearing Service. Specifically, LCH SA may already designate Clearing Members to participate in default management testing as a condition of membership pursuant to its Rule Book and now proposes to separately clarify that pursuant to revised Article 2.2.8.1 of the Rule Book, Clearing Members must also participate in BCDR testing and its RWD plans.¹⁶ Under the Proposed Rule Change and similar to its authority for the purposes of conducting default management testing, LCH SA will have the authority to designate Clearing Members to participate in scheduled operational and performance testing of the operation of LCH SA's BCDR and RWD plans. To effectuate this change, LCH SA is proposing to add new subparagraph (ii) to Article 2.2.8.1 to specify each Clearing Member must participate in BCDR and RWD testing, as determined by LCH SA, provided Clearing Members are at least notified by email one month in advance of such testing. LCH SA will continue to require Clearing Members participate in other technical and operational tests, including for purposes of default management, and will clarify this existing requirement in subparagraph (i) of Article 2.2.8.1.

2. Treatment of Separate Accounts by FCM/BDs

LCH SA proposes to amend Regulation 6 of the FCM/BD Regulations for the purposes of taking into account the recent adoption of CEA Rule 1.44¹⁷

in respect of the margin treatment of separate accounts by FCM/BDs by adding a new paragraph (f) related to the withdrawal of Cleared Swaps Customer Funds and in accordance with Article 6.2.6.2 of the CDS Clearing Rule Book, each FCM/BD Clearing Member shall ensure that no Cleared Swaps Customer withdraws Cleared Swaps Customer Collateral from its Cleared Swaps Customer Account (as such terms are defined in CEA Rule 22.1¹⁸) with the FCM/BD Clearing Member unless the "net liquidating value" (as such term is used in Part 39 of the CFTC Regulations¹⁹) plus the funds attributable to such Cleared Swap Customer remaining in such Cleared Swaps Customer Account after such withdrawal is sufficient to meet the amount of Collateral as required by LCH SA in accordance with Article 6.2.6.1 of the CDS Clearing Rule Book in respect of all FCM/BD Cleared Transactions entered into on behalf of that Cleared Swap Customer. At the end of this new paragraph (f), LCH SA also proposes to specify that references to "Cleared Swaps Customer Account" shall include all Cleared Swaps Customer Accounts for which the Cleared Swaps Customer is the beneficial owner, except for any Cleared Swaps Customer with multiple such accounts for which the FCM/BD Clearing Member has made the separate accounts election pursuant to new CEA Rule 1.44(d)²⁰ and provided further that the FCM/BD complies with the requirements of CEA Rule 1.44.²¹

LCH SA is proposing this amendment following the CFTC's adoption of new Rule 1.44,²² which allows FCMs to treat separate accounts of a single beneficial owner as accounts of different legal entities for purposes of the CFTC's margin adequacy requirements. As amended, Rule 1.44 codifies the CFTC's no-action position in CFTC Letter No. 19-17 dated July 10, 2019 (and subsequent extensions thereto) (the "Letter"),²³ and as a result, LCH SA will remove the references to this CFTC Letter from paragraph (e) of Regulation 6 of the FCM/BD Regulations because Rule 1.44 now supersedes the requirements specified in the Letter. The paragraphs of Regulation 6 following the new paragraph (f) will be renumbered and any cross-reference to paragraphs (f) *et seq.* of Regulation 6

⁹ 17 CFR 242.1004.

¹⁰ 17 CFR 240.17ad-26(a)(8)(i).

¹¹ LCH SA's FCM/BD CDS Clearing Regulations can be found on LCH SA's public website: https://www.lseg.com/content/dam/post-trade/en_us/documents/lch/rulebooks/lch-sa/lch-sa-cdsclear-fcm-bd-cds-regulations.pdf.

¹² 17 CFR 1.44.

¹³ 17 CFR 242.1004.

¹⁴ 17 CFR 240.17ad-26(a)(8)(i).

¹⁵ LCH SA maintains a CDS Default Management Committee comprising representatives nominated by Clearing Members and appointed by LCH SA (with oversight provided by the LCH SA Risk Committee). Among other responsibilities, the CDS Default Management Committee reviews the CDS Default Management Process and the CDS Default Management Guidance Manual and assists LCH SA in the design, testing and further improvement of the CDS Default Management Process, including by participating in regular fire drills (default management tests) in relation to the CDS Default Management Process. Section 2.2.8.1. of the Rule Book further provides that as a condition to membership, members, including Select Members that choose to nominate a member to LCH SA's Default Management Group pursuant to Article 2.2.0.4. of LCH SA's Rule Book ("Select Members opting in"), are required to participate in technical and operational tests to ensure the continuity and orderly functioning of the CDS Clearing Service. As members, including Select Members opting in are required to nominate representatives to participate in the CDS Default Management Committee,

participation in fire drills is therefore a condition of membership. Please also see Section 10.2 of LCH SA's Rule Book.

¹⁶ Please see Note [15] regarding the role of the CDS Default Management Committee and the requirements for Clearing Member participation in fire drills.

¹⁷ *Id.*

¹⁸ 17 CFR 22.1.

¹⁹ See 17 CFR 39.13(g)(8)(iii).

²⁰ 17 CFR 1.44(d).

²¹ *Id.*

²² 17 CFR 1.44.

²³ CFTC Letter No. 19-17, Advisory and Time-Limited No-Action Relief with Respect to the Treatment of Separate Accounts by Futures Commission Merchants (July 10, 2019).

will be also updated in the FCM/BD Regulations.

2. Statutory Basis

LCH SA believes that the Proposed Rule Change is consistent with the requirements of Section 17A of the Exchange Act²⁴ and the regulations thereunder, including the standards under Exchange Act Rule 17Ad-22.²⁵ Exchange Act Section 17A(b)(3)(A)²⁶ requires, among other things, that a clearing agency must have the capacity to be able to facilitate the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts, and transactions for which it is responsible, to safeguard securities and funds in its custody or control or for which it is responsible, and to comply with the Exchange Act and the rules and regulations thereunder. Exchange Act Section 17A(d)(1) provides that a clearing agency shall not engage, directly or indirectly, in any activity as clearing agency in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Exchange Act.²⁷ Further, Exchange Act Section 17A(b)(4)(B) provides, in part, that a registered clearing agency may deny participation to, or condition the participation of, any person if such person does not meet such standards of financial responsibility, operational capability, experience, and competence as are prescribed by the rules of the clearing agency.²⁸

Exchange Act Rule 17Ad-22 provides that a clearing agency must establish, implement, maintain, and enforce written policies and procedures reasonably designed to, among other things, manage the covered clearing agency's operational risks by establishing and maintaining a business continuity plan that addresses events posing a significant risk of disrupting operations.²⁹ In addition, Reg SCI provides that a clearing agency (an SCI entity) must establish, maintain, and enforce written policies and procedures reasonably designed to ensure that its SCI systems and indirect SCI systems, have levels of capacity, integrity, resiliency, availability, and security, adequate to maintain the SCI entity's operational capability and promote the

maintenance of fair and orderly markets.³⁰ Such policies and procedures must include business continuity and disaster recovery plans that include maintaining backup and recovery capabilities sufficiently resilient and geographically diverse and that are reasonably designed to achieve next business day resumption of trading and two-hour resumption of critical SCI systems following a wide-scale disruption.³¹ Reg SCI also provides that LCH SA, as an SCI entity, must have the authority to designate members or participants to participate in the scheduled functional and performance testing of the operation of such [BCDR] plans, in the manner and frequency specified by LCH SA, provided that such frequency shall not be less than once every 12 months.³²

Finally, Exchange Act Rule 17ad-22 requires LCH SA 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 LCH SA, which must include plans for the recovery and orderly wind-down of LCH SA necessitated by credit losses, liquidity shortfalls, losses from general business risk, or any other losses.³³ To ensure LCH SA can facilitate the successful execution of its RWD plans in the event it is required to do so, Exchange Act Rule 17ad-26 requires LCH SA to have the authority to require its participants and, when practicable, other stakeholders to participate in the testing of its RWD plans.³⁴

LCH SA believes the Proposed Rule Change is consistent with the provisions of Section 17A of the Exchange Act³⁵ and Commission regulations thereunder referenced above, as it would clarify LCH SA's authority to designate participants to assist in the testing of its BCDR plans and RWD plans, as required by Exchange Act Rule 17ad-22³⁶ and Reg SCI³⁷ and Exchange Act Rule 17ad-26.³⁸ In addition, LCH SA believes the Proposed Rule Change is consistent with Section 17A of the Exchange Act³⁹ in that it would protect investors by

supporting LCH SA's preparedness for a potential default, material system outage or implementation of its recovery and wind-down tools should it need to do so to maintain market stability. LCH SA believes that requiring such participation as a condition of membership is reasonable for the broader protection of the market and is consistent with Section 17A of the Exchange Act.⁴⁰

Specifically, LCH SA is proposing to clarify to participants and other stakeholders that, as a requirement to membership and to ensure LCH SA can successfully execute its BCDR plans and RWD plans in the event such plans are activated, LCH SA shall designate such participants and other stakeholders to assist in testing of such plans as required by its regulatory obligations. This change would complement LCH SA's ability to manage its operational risk, as the BCDR testing requirement would provide LCH SA with valuable information to inform and enhance its BCDR program.

Likewise, this change would complement LCH SA's risk management framework, as RWD plan testing would be in addition to default management testing and would include additional informative scenarios that would trigger the execution of LCH SA's recovery tools or if such tools are exhausted, the initiation of an orderly wind-down. The results of RWD plan testing would complement lessons learned from default management testing and would ensure LCH SA is prepared to manage a recovery and/or wind-down of its core services.

Taken together, LCH SA believes that clarifying its requirements for participant and other stakeholder testing of its BCDR plans and RWD plans is consistent with Section 17A of the Exchange Act, Rules 17ad-22⁴¹ and 17ad-26⁴² thereunder, and Reg SCI.⁴³ As part of this Proposed Rule Change, LCH SA is also seeking to revise Regulation 6 of the FCM/BD Regulations by adding provisions on the treatment of separate accounts by FCM/BDs pursuant to CEA Rule 1.44.⁴⁴ This would not be a change to LCH SA's current operations and would only clarify the CFTC's new rule.

B. Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act requires that the rules of a clearing

²⁴ 15 U.S.C. 78q-1.

²⁵ 17 CFR 240.17ad-22.

²⁶ 15 U.S.C. 78q-1(b)(3)(A).

²⁷ 15 U.S.C. 78q-1(d)(1).

²⁸ 15 U.S.C. 78q-1(b)(4)(B).

²⁹ 17 CFR 240.17ad-22(e)(17)(iii).

³⁰ 17 CFR 242.1001(a)(1).

³¹ 17 CFR 242.1001(a)(2)(v).

³² 17 CFR 242.1004(b).

³³ 17 CFR 240.17ad-22(e)(3)(ii).

³⁴ 17 CFR 240.17ad-26(a)(8)(i).

³⁵ 15 U.S.C. 78q-1.

³⁶ 17 CFR 240.17ad-22(e)(17)(iii) and 17 CFR 242.1004(b).

³⁷ 17 CFR 242.1004(b).

³⁸ 17 CFR 240.17ad-26(a)(8)(i).

³⁹ 15 U.S.C. 78q-1.

⁴⁰ *Id.*

⁴¹ 17 CFR 240.17ad-22(e)(3)(ii) and 17 CFR 240.17ad-22(e)(17)(iii).

⁴² 17 CFR 240.17ad-26(a)(8)(i).

⁴³ 17 CFR 242.1004(b).

⁴⁴ 17 CFR 1.44.

agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.⁴⁵ 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-2025-005 on the subject line.

Paper Comments

Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to file number SR-LCH SA-2025-005. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of LCH SA and on LCH SA's website at: <https://www.lch.com/resources/rulebooks/proposed-rule-changes>. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted materials that is obscene or subject to copyright protection. All submissions should refer to file number SR-LCH SA-2025-005 and should be submitted on or before May 27, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁴⁶

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-07705 Filed 5-2-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102951; File No. SR-NYSETEX-2025-04]

Self-Regulatory Organizations; NYSE Texas, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Connectivity Fee Schedule Related to Connectivity to Third Party Systems and Third Party Data Feeds

April 29, 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 16, 2025, the NYSE Texas, Inc. ("NYSE Texas" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Connectivity Fee Schedule to amend the list of third party systems and third party data feeds to which Users can connect, related fees and a reference to who can charge redistribution fees. 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.

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴⁵ 15 U.S.C. 78q-1(b)(3)(I).

⁴⁶ 17 CFR 200.30-3(a)(12).

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 Connectivity Fee Schedule to amend the list of third party systems and third party data feeds to which Users⁴ can connect, related fees and a reference to who can charge redistribution fees.

Currently, Users are offered connectivity to the execution systems of third party markets and other service providers ("Third Party Systems") and connectivity to data feeds from third party markets and other content service providers ("Third Party Data Feeds") at the Mahwah, New Jersey data center ("MDC").⁵ The Exchange proposes to amend the two lists to add new items, combine existing items, and amend related fees.

Proposed Changes

Changes to the List of Third Party Systems

The Exchange proposes to make the following changes to the list of Third Party Systems:

- Add Blue Ocean ATS (BOATS), Canadian Imperial Bank of Commerce (CIBC), Long Term Stock Exchange, MEMX,⁶ Pragma, and Small Exchange (collectively, the "Proposed Third Party Systems").

⁴ 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 New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., and NYSE National, Inc. (together, the "Affiliate SROs"). Each Affiliate SRO has submitted substantially the same proposed rule change to propose the changes described herein. See SR-NYSE-2025-13, SR-NYSEAMER-2025-22, SR-NYSEARCA-2025-30, and SR-NYSENAT-2025-08.

⁵ 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.

⁶ See Securities Exchange Act Release No. 85828 (May 10, 2019), 84 FR 21841 (May 15, 2019) (In the Matter of the Application of Long Term Stock Exchange, Inc.; for Registration as a National Securities Exchange; Findings, Opinion, and Order of the Commission).

⁷ See Securities Exchange Act Release No. 88806 (May 4, 2020), 85 FR 27451 (May 8, 2020) (In the Matter of the Application of MEMX LLC for Registration as a National Securities Exchange; Findings, Opinion, and Order of the Commission).

- To reflect Cboe Canada's integration,⁸ combine Cboe MATCHNow into Cboe Canada.

To make these changes, the list of available Third Party Systems would be amended as follows (proposed deletions bracketed, proposed additions italicized):

Third Party Systems

B3 Bovespa
Blue Ocean ATS (BOATS)
 Boston Options Exchange (BOX)
Canadian Imperial Bank of Commerce (CIBC)
 Cboe Canada
 [Cboe MATCHNow]
 Cboe US
 Chicago Mercantile Exchange (CME Group)
 Investors Exchange (IEX)
Long Term Stock Exchange MEMX
 MIAx
 Nasdaq Canada (CXC, CXD, CX2)
 Nasdaq US Stock Market
 NYFIX Marketplace
 Omega
 OTC Markets Group
 Pragma
Small Exchange
 TMX Group

The Exchange does not propose to change the monthly recurring fee Users pay for access to each Third Party System. Although the proposed changes to the list of Third Party Systems would combine the names of several current Third Party Systems, no User would be charged more as a consequence of the combination. A User would continue to be able to choose which systems it wants from any Third Party System. It would not have to receive any systems, or pay for any bandwidth, that it did not choose.⁹

Changes to Connectivity to Third Party Data Feeds

The Exchange expects that the connectivity partner of BOATS will charge a redistribution fee, which will be passed through to the User. Accordingly, the Exchange proposes to add "and their partners" to the first sentence of the second paragraph under "Connectivity to Third Party Data Feeds," which describes who can charge

⁸ See "Cboe Canada Announces Planned Unification of its Canadian Operations" (December 18, 2023) (available at <https://ir.cboe.com/news/news-details/2023/CBOE-CANADA-ANNOUNCES-PLANNED-UNIFICATION-OF-ITS-CANADIAN-OPERATIONS/default.aspx>).

⁹ For example, if a User connected to Cboe Canada but did not access any other Cboe system, including Cboe MATCHNow, it would not pay for any additional system or have its monthly fee changed as a consequence of the proposed combination.

redistribution fees, so that it includes connectivity partners.

The Exchange proposes to make the following changes to the list of Third Party Data Feeds (together, the "Proposed Third Party Data Feeds"):

- Add the following Third Party Data Feeds with the following fees for monthly recurring connectivity:
 - Blue Ocean ATS (BOATS), for \$750 a month;
 - Cboe CFE Futures, for \$1,500 per month;
 - Long Term Stock Exchange, for \$2,600 per month;¹⁰
 - MEMX Equities, for \$2,000 per month;¹¹
 - MEMX Options, for \$2,000 per month;¹² and
 - Small Exchange, for \$1,000 per month.
- Reflecting Cboe Canada's integration,¹³ combine Cboe MATCHNow into Cboe Canada and change the combined monthly recurring connectivity fee to \$2,000 per month.
- Replace Miami International Securities Exchange/MIAx Pearl with the following five feeds:
 - MIAx Emerald, at a \$2,600 monthly recurring connectivity fee;
 - MIAx Options, at a \$2,600 monthly recurring connectivity fee;
 - MIAx Pearl Equities, at a \$2,600 monthly recurring connectivity fee;
 - MIAx Pearl Options, at a \$2,600 monthly recurring connectivity fee; and
 - MIAx Sapphire, at a \$2,600 monthly recurring connectivity fee.
- Combine Nasdaq Stock Market with Nasdaq ISE under the name "Nasdaq Stock Market" and change the combined monthly recurring connectivity fee to \$3,000 per month.
- Combine TMX Group and Montreal Exchange¹⁴ under the name of "TMX Group" with a combined monthly recurring connectivity fee of \$2,500 per month.

In addition, the Exchange proposes to change the monthly recurring connectivity fee per Third Party Data Feed for 18 feeds.

To make these changes, the text under "Connectivity to Third Party Data Feeds" and list of available Third Party Data Feeds would be amended as follows (proposed deletions bracketed, proposed additions *italicized*):

Third Party Data Feed providers *and their partners* may charge redistribution

¹⁰ See *supra* note 6.

¹¹ See *supra* note 7.

¹² See *id.*

¹³ See *supra* note 8.

¹⁴ The Montreal Exchange is a subsidiary of TMX Group. See <https://www.m-x.ca/en/about-us/mx/overview#:~:text=Today%2C%20a%20wholly%20owned%20subsidiary,retail%20and%20institutional%20investors%20needs>.

fees. When the Exchange receives a redistribution fee, it passes through the charge to the User, without change to

the fee. The fee is labeled as a pass-through of a redistribution fee on the User's invoice. The Exchange does not

charge third party markets or content providers for connectivity to their own feeds.

Third Party Data Feed	Monthly recurring connectivity fee per Third Party Data Feed
B3 Bovespa	\$3,000]900
Blue Ocean ATS (BOATS)	750
Boston Options Exchange (BOX)	1,000]300
Cboe BZX Exchange (CboeBZX) and Cboe BYX Exchange (CboeBYX)	[2,000]1,500
Cboe Canada	[1,200]2,000
Cboe CFE Futures	1,500
Cboe EDGX Exchange (CboeEDGX) and Cboe EDGA Exchange (CboeEDGA)	[2,000]1,500
Cboe Exchange (Cboe) and Cboe C2 Exchange (C2)	[2,000]1,500
[Cboe MATCHNow	1,000]
Chicago Mercantile Exchange (CME Group)	3,000
Financial Industry Regulatory Authority (FINRA)	[500]650
Global OTC	[100]150
ICE Data Services Consolidated Feed ≤100 Mb	200
ICE Data Services Consolidated Feed >100 Mb to ≤1 Gb	500
ICE Data Services Consolidated Feed >1 Gb	1,000
ICE Data Services Consolidated Feed Shared Farm ≤100Mb	[200]300
ICE Data Services Consolidated Feed Shared Farm >100 Mb to ≤1 Gb	[500]750
ICE Data Services Consolidated Feed Shared Farm >1Gb	[1]2,000
ICE Data Services PRD	[200]300
ICE Data Services PRD CEP	[400]500
Intercontinental Exchange (ICE)	1,500]950
Investors Exchange (IEX)	1,000]300
Long Term Stock Exchange	2,600
MEMX Equities	2,000
MEMX Options	2,000
MIAX Emerald	2,600
MIAX Options	2,600
MIAX Pearl Equities	2,600
[Miami International Securities Exchange/]MIAX [PEARL]Pearl Options	2,000]600
MIAX Sapphire	2,600
[Montréal Exchange (MX)	1,000]
Nasdaq Stock Market	[2]3,000
Nasdaq Global Index Data Service (GIDS)	100
Nasdaq UQDF & UTDF	[500]650
Nasdaq Canada (CXC, CXD, CX2)	1,500]950
[Nasdaq ISE	1,000]
Omega	1,000]300
OTC Markets Group	1,000]300
Small Exchange	1,000
TMX Group	2,500

Access to the Proposed Third Party Systems

The Exchange would provide access to the Proposed Third Party Systems as conveniences to Users.

As with the current Third Party Systems, Users would connect to the Proposed Third Party Systems over the internet protocol ("IP") network, a local area network available in the MDC.

As with the current Third Party Systems, in order to obtain access to a Proposed Third Party System, the User would enter into an agreement with the relevant proposed third party, pursuant to which it would charge the User for access to the Proposed Third Party System. The Exchange would then enable unicast connectivity between the User and the Proposed Third Party

System over the IP network.¹⁵ The Exchange would charge the User for the connectivity to the Proposed Third Party System. A User would only receive, and would only be charged for, access to the Proposed Third Party System for which it enters into agreements with the third party.

The Exchange has no affiliation with the providers of any of the Proposed Third Party Systems. Establishing a User's access to a Proposed Third Party System would not give the Exchange any right to use the Proposed Third Party System. Connectivity to a

¹⁵ 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.

Proposed Third Party System would not provide access or order entry to the Exchange's execution system, and a User's connection to a Proposed Third Party System would not be through the Exchange's execution system.

The Exchange proposes to charge the same monthly recurring fee for connectivity to the Proposed Third Party Systems that it does for the current Third Party Systems. Specifically, when a User requested access to a Proposed Third Party System, it would identify the applicable third party and what bandwidth connection would be required. The fees for such bandwidth connection would vary based on the size of the connection, not on the particular Third Party System the User chooses. The Exchange is not proposing to change the pricing of any of these bandwidth connections; the

Exchange is simply expanding the list of Third Party Systems that Users may access via these bandwidth connections.

Connectivity to the Proposed Third Party Data Feeds

The Exchange would provide connectivity to the Proposed Third Party Data Feeds as a convenience to Users.

As with the existing connections to Third Party Data Feeds, the Exchange would receive a Proposed Third Party Data Feed from the content service provider at the relevant source. The Exchange would then provide connectivity to that data to Users for a fee. Users would connect to the Proposed Third Party Data Feeds over the IP network. The Proposed Third Party Data Feeds would include trading and other information concerning the securities that are traded on the relevant third party systems.

As with the existing connections to Third Party Data Feeds, in order to connect to a Proposed Third Party Data Feed, a User would enter into a contract with the third party content service provider, pursuant to which it may charge the User for the data feed. The Exchange would receive the Proposed Third Party Data Feed in remote locations and transport it over its fiber optic network to the MDC. After the content service provider and User entered into an agreement and the Exchange received authorization from the content service provider, the Exchange would retransmit the data to the User over the User's port. The Exchange would charge the User for connectivity to the Proposed Third Party Data Feed. A User would only receive, and would only be charged the fee for, connectivity to a Proposed Third Party Data Feed for which it entered into a contract.

The Exchange has no affiliation with the sellers of the Proposed Third Party Data Feeds and would have no right to use those feeds other than as a redistributor of the data. None of the Proposed Third Party Data Feeds would provide access or order entry to the Exchange's execution system. The Proposed Third Party Data Feeds would not provide access or order entry service to the execution systems of the third parties generating the feeds. The Exchange would receive the Proposed Third Party Data Feeds via arms-length agreements and would have no inherent advantage over any other distributor of such data.

Application and Impact of the Proposed Changes

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 purchase of any colocation service is completely voluntary and the Connectivity Fee Schedule is applied uniformly to all Users.

Access to most of the Proposed Third Party Systems and connectivity to most of the Proposed Third Party Data Feeds were requested by Users, but the Exchange believes that it would gain at most a handful of new customers due to the proposed change. The Exchange does not expect that the remainder of the proposed rule change will result in new customers.

Competitive Environment

The Exchange operates in a highly competitive market in which other vendors offer colocation services as a means to facilitate the trading and other market activities of those market participants who believe that colocation enhances the efficiency of their operations. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system "has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies."¹⁶

As explained below, the Exchange's provision of access to the Proposed Third Party Systems ("Access") and connectivity to the Proposed Third Party Data Feeds ("Connectivity") may compete with access and connectivity provided by other third parties. Third-party vendors are not at any competitive disadvantage created by the Exchange.

The proposed change is not otherwise intended to address any other issues relating to colocation services or related fees, and the Exchange is not aware of any problems that Users 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,¹⁷ in general, and

further the objectives of Section 6(b)(5) of the Act,¹⁸ 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,¹⁹ 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.

The Proposed Rule 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."²⁰ 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."²¹ 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 Exchange has not placed present or future third party

¹⁸ 15 U.S.C. 78f(b)(5).

¹⁹ 15 U.S.C. 78f(b)(4).

²⁰ See 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).

²¹ See Wireless Approval Order, *supra* note 20, at 67049, citing 2008 ArcaBook Approval Order, *supra* note 20, at 74781.

¹⁶ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

¹⁷ 15 U.S.C. 78f(b).

vendors at a competitive disadvantage created by the Exchange.

Substantially Similar Substitutes Are Available

The Exchange's proposed Access and Connectivity would compete with other methods by which both the Exchange and various third parties already provide, or could provide, Users with access to Third Party Systems and connectivity to Third Party Data Feeds. Third-party vendors are not at any competitive disadvantage created by the Exchange.

The Exchange believes that access to at least two of the Proposed Third Party Data Feeds are available to Users from one or more third parties in the MDC. The Exchange does not have visibility into whether additional third parties currently offer, or intend to offer, Users access to the Proposed Third Party Systems or connectivity to the Proposed Third Party Data Feeds, as such third parties are not required to make that information public. However, the market for access to the Proposed Third Party Systems and connectivity to the Proposed Third Party Data Feeds is competitive, and there is no reason to believe that other third party providers of access and connectivity would not provide it to Users if they considered it to be in their commercial interest. FIDS competes with other providers that offer such access and connectivity.

Such third parties compete, or, if additional third parties wish to offer access or connectivity, would compete, with the Exchange's Access and Connectivity and exert, or would exert, significant competitive forces on the Exchange in setting the terms of its proposal, including the level of the Exchange's proposed fees.²² If the Exchange were to set its proposed fees too high, Users could respond by instead selecting third parties' substantially similar access and connectivity.

Third Party Competitors Are Not at a Competitive Disadvantage Created by the Exchange

The Exchange does not believe that FIDS would have any competitive advantage over either existing third-party providers or any future providers of access to Proposed Third Party Systems or connectivity to Proposed Third Party Data Feeds. If a third party offers such access or connectivity to Users, a User may utilize a cross connect, a third party

telecommunication network, the MDC network, or a combination thereof to access such access or connectivity through a connection to another User inside the MDC or a third party vendor outside the MDC.²³ The Exchange's proposed service for Access and Connectivity does not have any special access to or advantage within the MDC, as all distances in the MDC are normalized.

Moreover, the Exchange does not believe that FIDS would have any competitive advantage because it would charge for connectivity only, not the Proposed Third Party System or Proposed Third Party Data Feed itself. All Users that connect to a Proposed Third Party System or Proposed Third Party Data Feed, whether they elect to connect using the Exchange's proposed service or that of the Exchange's competitors, would have to pay a third party for the Proposed Third Party System or Proposed Third Party Data Feed.

To be clear, third party competitors would not be required to obtain the Proposed Third Party Systems or Proposed Third Party Data Feeds from FIDS; rather, they could obtain them from other third parties and transport them into the MDC, via telecom equipment, in order to redistribute them to other Users. Whether they are Users or third party vendors outside the MDC, actual or future competitors of the Exchange would not have to pay the Exchange for the Proposed Third Party System or Proposed Third Party Data Feed itself.

Nor does the Exchange believe that FIDS has a competitive advantage over any third-party competitors offering access to the Proposed Third Party Systems or connectivity to the Proposed Third Party Data Feeds by virtue of the fact that ICE owns and operates the MDC's meet-me-rooms. Users purchasing Access or Connectivity—like Users of any other colocation service—would require a circuit connecting out of the MDC, and in most cases, such circuits are provided by third-party telecommunications service providers that have installed their equipment in the MDC's two meet-me-rooms

(“Telecoms”).²⁴ 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 level²⁵ 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.²⁶ 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 third-party competitors offering access to the Proposed Third Party Systems or connectivity to the Proposed Third Party Data Feeds. Third-party competitors 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

²⁴ Note that in the case of wireless connectivity, a User in colocation 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.

²⁵ See Securities Exchange Act Release No. 98001 (July 26, 2023), 88 FR 50202 (August 1, 2023) (SR-NYSECHX-2023-14) (“MMR Notice”).

²⁶ 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.

²² See 2008 ArcaBook Approval Order, *supra* note 20, at 74789 and n.295 (recognizing that products need not be identical to be substitutable).

²³ A Hosted Customer may use its connection to a Hosting User for such access or connectivity. A User may host another entity in its space within the MDC. Such Users are called “Hosting Users,” and their customers are referred to as “Hosted Customers.” In contrast to Users, Hosted Customers do not have a direct contractual relationship with the Exchange vis-à-vis co-location services. See Securities Exchange Act Release No. 87408 (October 28, 2019), 84 FR 58778 (November 1, 2019) (SR-NYSECHX-2019-12).

respond to pricing pressure from its competitors without seeking a formal fee change in a filing before the Commission.

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 at least two of the Proposed Third Party Systems and at least two of the Proposed Third Party Data Feeds is available, and the Exchange has not placed third-party vendors at a competitive disadvantage created by the Exchange, the proposed fees for the Exchange's connectivity to Proposed Third Party Systems and Proposed Third Party Data Feeds are reasonable.²⁷ If the Exchange were to set its prices for access to Proposed Third Party Systems or Proposed Third Party Data Feeds at a level that Users found to be too high, Users could easily choose to connect to Proposed Third Party Systems or Proposed Third Party Data Feeds through competing connections, as detailed above.

Additional Considerations

The Exchange believes that it is reasonable to add "and their partners" to the second paragraph under "Connectivity to Third Party Data Feeds" ("Proposed Pass-Through Edit") as that would add clarity as to who may charge redistribution fees, making the paragraph more precise.

The Exchange believes that it is reasonable to make the proposed changes, as connectivity to the Proposed Third Party Systems and access to the Proposed Third Party Data Feeds was generally requested by Users.

The Exchange does not propose to change the monthly recurring fee Users pay for access to each Third Party System. Although the proposed changes to the list of Third Party Systems would combine the names of several current Third Party Systems, no User would be charged more as a consequence of the combinations. A User would continue to be able to choose which systems it wants from any Third Party System. It would not have to receive any systems, or pay for any bandwidth, that it did not choose.

The Exchange believes that the fees for connectivity to the Proposed Third Party Data Feeds are reasonable.

- The combination of Cboe MATCHNow into Cboe Canada reflects the integration of Cboe Canada.²⁸ The

combined fee is less than the sum of the current fees for those feeds.

- The proposed fee for the combination of the Nasdaq Stock Market and Nasdaq ISE is equal to the sum of the current fees for those feeds.

- The proposed fee for the combination of the TMX Group and Montreal Exchange is less than the sum of the current fees for those feeds.

- By breaking out the MIAX options into five Proposed Third Party Data Feeds, Users may connect to only the market or markets that they wish. Unlike other Proposed Third Party Data Feeds, MIAX requires dedicated connectivity by individual data feed, and so separating them into five Proposed Third Party Data Feeds follows MIAX's own connectivity model.

The Proposed Rule Change Is Equitable

The Exchange believes that the proposed rule change is equitable.

The Exchange believes that the Proposed Pass-Through Edit is equitable as it would add clarity as to who may charge redistribution fees, making the paragraph more precise and thereby ensuring the accuracy of, and adding clarity and transparency to, the Connectivity Fee Schedule. Without this proposed rule change, Users would have fewer options for connectivity to the Proposed Third Party Systems and Proposed Third Party Data Feeds. By offering Access and Connectivity, the Exchange gives each User additional options for addressing its needs, responding to User demand for options. Providing additional services helps each User tailor its data center operations to the requirements of its business operations by allowing it to select the form and latency of connectivity that best suits its needs. Users that do not opt to utilize the Exchange's Access or Connectivity should still be able to access Proposed Third Party Systems or connect to Proposed Third Party Data Feeds using third party connections.

The Exchange believes that the proposed change is equitable because it will result in fees being charged only to Users that voluntarily select to receive the corresponding services and because those services will be available to all Users.

Furthermore, the Exchange believes that the services and fees proposed herein are equitably allocated because, in addition to the services being completely voluntary, they are available to all Users on an equal basis (*i.e.*, the same products and services are available to all Users). All Users that voluntarily select the Exchange's Access or Connectivity would be charged the same

amount for the same services. Users who opt not to use the Access or Connectivity would not be charged. In this way, the proposed rule change equitably allocates the proposed fees only to Users who choose to use Exchange's Access or Connectivity.

The Proposed Change Is Not Unfairly Discriminatory

The Exchange believes that the proposed rule change is not unfairly discriminatory, for the following reasons.

The Exchange believes that the Proposed Pass-Through Edit is not unfairly discriminatory as it would add clarity as to who may charge redistribution fees, making the paragraph more precise and thereby ensuring the accuracy of, and adding clarity and transparency to, the Connectivity Fee Schedule to all market participants.

Without this proposed rule change, Users would have fewer options for access to Proposed Third Party Systems or connectivity to Proposed Third Party Data Feeds. The proposed change would provide Users with an additional choice with respect to the form and optimal latency of the access they use to connect to Proposed Third Party Systems or connectivity to Proposed Third Party Data Feeds, allowing a User to select the connectivity that better suits its needs, helping it tailor its colocation operations to the requirements of its business operations. Users that do not opt to utilize the Exchange's proposed Access or Connectivity would still be able to access the Proposed Third Party Systems or connect to Proposed Third Party Data Feeds using third party systems.

The Exchange believes that the proposed change is not unfairly discriminatory because it will result in fees being charged only to Users that voluntarily select to receive the corresponding services and because those services will be available to all Users. Furthermore, the Exchange believes that the services and fees proposed herein are not unfairly discriminatory because, in addition to the services being completely voluntary, they are available to all Users on an equal basis (*i.e.*, the same products and services are available to all Users). All Users that voluntarily select the Exchange's Access or Connectivity would be charged the same amount for the same services.

For all these reasons, the Exchange believes that the proposal is consistent with the Act.

²⁷ See Wireless Approval Order, *supra* note 20. There is no fee change proposed for the Proposed Third Party Systems.

²⁸ See *supra* note 8.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,²⁹ the Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change would not affect competition among national securities exchanges or among members of the Exchange, but rather between FIDS and its commercial competitors. By offering Access and Connectivity, the Exchange would give each User additional options for addressing its needs, responding to User demand for options. Providing additional services would help each User tailor its data center operations to the requirements of its business operations by allowing it to select the form and latency of connectivity that best suits its needs. Users that do not opt to utilize the Exchange's proposed Access or Connectivity should still be able to access Proposed Third Party Systems and connect to Proposed Third Party Data Feeds using third party connections.

The Exchange does not believe that FIDS would have any competitive advantage over either existing third-party providers or any future providers of access to Proposed Third Party Systems or connectivity to Proposed Third Party Data Feeds. If a third party offers such access or connectivity to Users, a User may utilize a cross connect, a third party telecommunication network, the MDC network, or a combination thereof to access such access or connectivity through a connection to another User inside the MDC or a third party vendor outside the MDC. The Exchange's proposed service for Access and Connectivity does not have any special access to or advantage within the MDC. All distances in the MDC are normalized.

Moreover, the Exchange does not believe that FIDS would have any competitive advantage because it would charge for connectivity only, not the Third Party System or Third Party Data Feed itself. All Users that connect to a Proposed Third Party System or Proposed Third Party Data Feed, whether they elect to connect using the Exchange's proposed service or that of the Exchange's competitors, would have to pay a third party for the Proposed Third Party System or Proposed Third Party Data Feed.

To be clear, third party competitors would not be required to obtain the

Proposed Third Party Systems or Proposed Third Party Data Feeds from FIDS; rather, they could obtain them from other third parties and transport them into the MDC, via telecom equipment, in order to redistribute them to other Users. Whether they are Users or third party vendors outside the MDC, actual or future competitors of the Exchange would not have to pay the Exchange for the Proposed Third Party System or Proposed Third Party Data Feed itself.

Nor does the Exchange believe that FIDS has a competitive advantage over any third-party competitors offering access to the Proposed Third Party Systems or connectivity to the Proposed Third Party Data Feeds by virtue of the fact that ICE owns and operates the MDC's meet-me-rooms. Users purchasing Access or Connectivity—like Users of any other colocation service—would require a circuit connecting out of the MDC, and in most cases, such circuits are provided by third-party Telecoms. 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 level³⁰ 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.³¹ 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 third-party competitors offering access to the Proposed Third Party Systems or connectivity to the Proposed Third Party Data Feeds. Third-party competitors 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 Proposed Pass-Through Edit would not impose any burden on competition. It is not intended to address competitive issues but rather is concerned solely with adding clarity as to who may charge redistribution fees.

The changes would not put any market participants at a relative disadvantage compared to other market participants or penalize one or more categories of market participants in a manner that would impose an undue burden on competition.

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 Act³² and Rule 19b-4(f)(6) thereunder.³³ Because the 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 prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6)(iii) thereunder.³⁴

³² 15 U.S.C. 78s(b)(3)(A)(iii).

³³ 17 CFR 240.19b-4(f)(6).

³⁴ 17 CFR 240.19b-4(f)(6)(iii). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to

²⁹ 15 U.S.C. 78f(b)(8).

³⁰ See MMR Notice, *supra* note 25.

³¹ See *supra* note 26.

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) ³⁵ 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-NYSETEX-2025-04 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-2025-04. 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,

give the Commission written notice of its intent to file 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.

³⁵ 15 U.S.C. 78s(b)(2)(B).

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-2025-04 and should be submitted on or before May 27, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³⁶

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-07701 Filed 5-2-25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102954; File No. SR-NYSEARCA-2025-30]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Connectivity Fee Schedule Related to Connectivity to Third Party Systems and Third Party Data Feeds

April 29, 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 16, 2025, NYSE Arca, Inc. ("NYSE Arca" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Connectivity Fee Schedule to amend the list of third party systems and third party data feeds to which Users can connect, related fees and a reference to who can charge redistribution fees. 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 Connectivity Fee Schedule to amend the list of third party systems and third party data feeds to which Users ⁴ can connect, related fees and a reference to who can charge redistribution fees.

Currently, Users are offered connectivity to the execution systems of third party markets and other service providers ("Third Party Systems") and connectivity to data feeds from third party markets and other content service providers ("Third Party Data Feeds") at the Mahwah, New Jersey data center ("MDC").⁵ The Exchange proposes to amend the two lists to add new items, combine existing items, and amend related fees.

⁴ 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 New York Stock Exchange LLC, NYSE American LLC, 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 changes described herein. See SR-NYSE-2025-13, SR-NYSEAMER-2025-22, SR-NYSETEX-2025-04, and SR-NYSEENAT-2025-08.

⁵ 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.

³⁶ 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.

Proposed Changes

Changes to the List of Third Party Systems

The Exchange proposes to make the following changes to the list of Third Party Systems:

- Add Blue Ocean ATS (BOATS), Canadian Imperial Bank of Commerce (CIBC), Long Term Stock Exchange,⁶ MEMX,⁷ Pragma, and Small Exchange (collectively, the “Proposed Third Party Systems”).

- To reflect Cboe Canada’s integration,⁸ combine Cboe MATCHNow into Cboe Canada.

To make these changes, the list of available Third Party Systems would be amended as follows (proposed deletions bracketed, proposed additions *italicized*):

Third Party Systems

B3 Bovespa
Blue Ocean ATS (BOATS)
 Boston Options Exchange (BOX)
Canadian Imperial Bank of Commerce (CIBC)
 Cboe Canada
 [Cboe MATCHNow]
 Cboe US
 Chicago Mercantile Exchange (CME Group)
 Investors Exchange (IEX)
Long Term Stock Exchange MEMX
 MIAX
 Nasdaq Canada (CXC, CXD, CX2)
 Nasdaq US Stock Market
 NYFIX Marketplace
 Omega
 OTC Markets Group
Pragma
Small Exchange
 TMX Group

The Exchange does not propose to change the monthly recurring fee Users pay for access to each Third Party

System. Although the proposed changes to the list of Third Party Systems would combine the names of several current Third Party Systems, no User would be charged more as a consequence of the combination. A User would continue to be able to choose which systems it wants from any Third Party System. It would not have to receive any systems, or pay for any bandwidth, that it did not choose.⁹

Changes to Connectivity to Third Party Data Feeds

The Exchange expects that the connectivity partner of BOATS will charge a redistribution fee, which will be passed through to the User. Accordingly, the Exchange proposes to add “and their partners” to the first sentence of the second paragraph under “Connectivity to Third Party Data Feeds,” which describes who can charge redistribution fees, so that it includes connectivity partners.

The Exchange proposes to make the following changes to the list of Third Party Data Feeds (together, the “Proposed Third Party Data Feeds”):

- Add the following Third Party Data Feeds with the following fees for monthly recurring connectivity:
 - Blue Ocean ATS (BOATS), for \$750 a month;
 - Cboe CFE Futures, for \$1,500 per month;
 - Long Term Stock Exchange, for \$2,600 per month;¹⁰
 - MEMX Equities, for \$2,000 per month;¹¹
 - MEMX Options, for \$2,000 per month;¹² and
 - Small Exchange, for \$1,000 per month.
- Reflecting Cboe Canada’s integration,¹³ combine Cboe MATCHNow into Cboe Canada and

change the combined monthly recurring connectivity fee to \$2,000 per month.

- Replace Miami International Securities Exchange/MIAX Pearl with the following five feeds:

- MIAX Emerald, at a \$2,600 monthly recurring connectivity fee;
- MIAX Options, at a \$2,600 monthly recurring connectivity fee;
- MIAX Pearl Equities, at a \$2,600 monthly recurring connectivity fee;
- MIAX Pearl Options, at a \$2,600 monthly recurring connectivity fee; and
- MIAX Sapphire, at a \$2,600 monthly recurring connectivity fee.

- Combine Nasdaq Stock Market with Nasdaq ISE under the name “Nasdaq Stock Market” and change the combined monthly recurring connectivity fee to \$3,000 per month.

- Combine TMX Group and Montreal Exchange¹⁴ under the name of “TMX Group” with a combined monthly recurring connectivity fee of \$2,500 per month.

In addition, the Exchange proposes to change the monthly recurring connectivity fee per Third Party Data Feed for 18 feeds.

To make these changes, the text under “Connectivity to Third Party Data Feeds” and list of available Third Party Data Feeds would be amended as follows (proposed deletions bracketed, proposed additions *italicized*):

Third Party Data Feed providers *and their partners* may charge redistribution fees. When the Exchange receives a redistribution fee, it passes through the charge to the User, without change to the fee. The fee is labeled as a pass-through of a redistribution fee on the User’s invoice. The Exchange does not charge third party markets or content providers for connectivity to their own feeds.

Third Party Data Feed	Monthly recurring connectivity fee per Third Party Data Feed
B3 Bovespa	\$3,[000]900
<i>Blue Ocean ATS (BOATS)</i>	750
Boston Options Exchange (BOX)	1,[000]300
Cboe BZX Exchange (CboeBZX) and Cboe BYX Exchange (CboeBYX)	[2,000]1,500
Cboe Canada	[1,200]2,000
<i>Cboe CFE Futures</i>	1,500
Cboe EDGX Exchange (CboeEDGX) and Cboe EDGA Exchange (CboeEDGA)	[2,000]1,500

⁶ See Securities Exchange Act Release No. 85828 (May 10, 2019), 84 FR 21841 (May 15, 2019) (In the Matter of the Application of Long Term Stock Exchange, Inc.; for Registration as a National Securities Exchange; Findings, Opinion, and Order of the Commission).

⁷ See Securities Exchange Act Release No. 88806 (May 4, 2020), 85 FR 27451 (May 8, 2020) (In the Matter of the Application of MEMX LLC for Registration as a National Securities Exchange; Findings, Opinion, and Order of the Commission).

⁸ See “Cboe Canada Announces Planned Unification of its Canadian Operations” (December 18, 2023) (available at <https://ir.cboe.com/news/news-details/2023/CBOE-CANADA-ANNOUNCES-PLANNED-UNIFICATION-OF-ITS-CANADIAN-OPERATIONS/default.aspx>).

⁹ For example, if a User connected to Cboe Canada but did not access any other Cboe system, including Cboe MATCHNow, it would not pay for any additional system or have its monthly fee

changed as a consequence of the proposed combination.

¹⁰ See *supra* note 6.

¹¹ See *supra* note 7.

¹² See *id.*

¹³ See *supra* note 8.

¹⁴ The Montreal Exchange is a subsidiary of TMX Group. See <https://www.m-x.ca/en/about-us/mx/overview#:~:text=Today%2C%20a%20wholly%20owned%20subsidiary,retail%20and%20institutional%20investors%20needs.>

Third Party Data Feed	Monthly recurring connectivity fee per Third Party Data Feed
Cboe Exchange (Cboe) and Cboe C2 Exchange (C2)	[2,000]1,500
[Cboe MATCHNow	1,000]
Chicago Mercantile Exchange (CME Group)	3,000
Financial Industry Regulatory Authority (FINRA)	[500]650
Global OTC	[100]150
ICE Data Services Consolidated Feed ≤100 Mb	200
ICE Data Services Consolidated Feed >100 Mb to ≤1 Gb	500
ICE Data Services Consolidated Feed >1 Gb	1,000
ICE Data Services Consolidated Feed Shared Farm ≤100Mb	[200]300
ICE Data Services Consolidated Feed Shared Farm >100 Mb to ≤1 Gb	[500]750
ICE Data Services Consolidated Feed Shared Farm >1 Gb	[1]2,000
ICE Data Services PRD	[200]300
ICE Data Services PRD CEP	[400]500
Intercontinental Exchange (ICE)	1,[500]950
Investors Exchange (IEX)	1,[000]300
Long Term Stock Exchange	2,600
MEMX Equities	2,000
MEMX Options	2,000
MIAX Emerald	2,600
MIAX Options	2,600
MIAX Pearl Equities	2,600
[Miami International Securities Exchange/]MIAX [PEARL]Pearl Options	2,[000]600
MIAX Sapphire	2,600
[Montréal Exchange (MX)	1,000]
Nasdaq Stock Market	[2]3,000
Nasdaq Global Index Data Service (GIDS)	100
Nasdaq UQDF & UTDF	[500]650
Nasdaq Canada (CXC, CXD, CX2)	1,[500]950
[Nasdaq ISE	1,000]
Omega	1,[000]300
OTC Markets Group	1,[000]300
Small Exchange	1,000
TMX Group	2,500

Access to the Proposed Third Party Systems

The Exchange would provide access to the Proposed Third Party Systems as conveniences to Users.

As with the current Third Party Systems, Users would connect to the Proposed Third Party Systems over the internet protocol (“IP”) network, a local area network available in the MDC.

As with the current Third Party Systems, in order to obtain access to a Proposed Third Party System, the User would enter into an agreement with the relevant proposed third party, pursuant to which it would charge the User for access to the Proposed Third Party System. The Exchange would then enable unicast connectivity between the User and the Proposed Third Party System over the IP network.¹⁵ The Exchange would charge the User for the connectivity to the Proposed Third Party System. A User would only receive, and would only be charged for,

access to the Proposed Third Party System for which it enters into agreements with the third party.

The Exchange has no affiliation with the providers of any of the Proposed Third Party Systems. Establishing a User’s access to a Proposed Third Party System would not give the Exchange any right to use the Proposed Third Party System. Connectivity to a Proposed Third Party System would not provide access or order entry to the Exchange’s execution system, and a User’s connection to a Proposed Third Party System would not be through the Exchange’s execution system.

The Exchange proposes to charge the same monthly recurring fee for connectivity to the Proposed Third Party Systems that it does for the current Third Party Systems. Specifically, when a User requested access to a Proposed Third Party System, it would identify the applicable third party and what bandwidth connection would be required. The fees for such bandwidth connection would vary based on the size of the connection, not on the particular Third Party System the User chooses. The Exchange is not proposing to change the pricing of any of these bandwidth connections; the Exchange is simply expanding the list of

Third Party Systems that Users may access via these bandwidth connections.

Connectivity to the Proposed Third Party Data Feeds

The Exchange would provide connectivity to the Proposed Third Party Data Feeds as a convenience to Users.

As with the existing connections to Third Party Data Feeds, the Exchange would receive a Proposed Third Party Data Feed from the content service provider at the relevant source. The Exchange would then provide connectivity to that data to Users for a fee. Users would connect to the Proposed Third Party Data Feeds over the IP network. The Proposed Third Party Data Feeds would include trading and other information concerning the securities that are traded on the relevant third party systems.

As with the existing connections to Third Party Data Feeds, in order to connect to a Proposed Third Party Data Feed, a User would enter into a contract with the third party content service provider, pursuant to which it may charge the User for the data feed. The Exchange would receive the Proposed Third Party Data Feed in remote locations and transport it over its fiber

¹⁵ 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.

optic network to the MDC. After the content service provider and User entered into an agreement and the Exchange received authorization from the content service provider, the Exchange would retransmit the data to the User over the User's port. The Exchange would charge the User for connectivity to the Proposed Third Party Data Feed. A User would only receive, and would only be charged the fee for, connectivity to a Proposed Third Party Data Feed for which it entered into a contract.

The Exchange has no affiliation with the sellers of the Proposed Third Party Data Feeds and would have no right to use those feeds other than as a redistributor of the data. None of the Proposed Third Party Data Feeds would provide access or order entry to the Exchange's execution system. The Proposed Third Party Data Feeds would not provide access or order entry service to the execution systems of the third parties generating the feeds. The Exchange would receive the Proposed Third Party Data Feeds via arms-length agreements and would have no inherent advantage over any other distributor of such data.

Application and Impact of the Proposed Changes

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 purchase of any colocation service is completely voluntary and the Connectivity Fee Schedule is applied uniformly to all Users.

Access to most of the Proposed Third Party Systems and connectivity to most of the Proposed Third Party Data Feeds were requested by Users, but the Exchange believes that it would gain at most a handful of new customers due to the proposed change. The Exchange does not expect that the remainder of the proposed rule change will result in new customers.

Competitive Environment

The Exchange operates in a highly competitive market in which other vendors offer colocation services as a means to facilitate the trading and other market activities of those market participants who believe that colocation enhances the efficiency of their operations. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the

importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system "has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies."¹⁶

As explained below, the Exchange's provision of access to the Proposed Third Party Systems ("Access") and connectivity to the Proposed Third Party Data Feeds ("Connectivity") may compete with access and connectivity provided by other third parties. Third-party vendors are not at any competitive disadvantage created by the Exchange.

The proposed change is not otherwise intended to address any other issues relating to colocation services or related fees, and the Exchange is not aware of any problems that Users 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,¹⁷ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹⁸ 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,¹⁹ 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.

The Proposed Rule 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."²⁰ 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."²¹ 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 Exchange has not placed present or future third party vendors at a competitive disadvantage created by the Exchange.

Substantially Similar Substitutes Are Available

The Exchange's proposed Access and Connectivity would compete with other methods by which both the Exchange and various third parties already provide, or could provide, Users with access to Third Party Systems and connectivity to Third Party Data Feeds. Third-party vendors are not at any competitive disadvantage created by the Exchange.

The Exchange believes that access to at least two of the Proposed Third Party Data Feeds are available to Users from one or more third parties in the MDC. The Exchange does not have visibility into whether additional third parties currently offer, or intend to offer, Users access to the Proposed Third Party Systems or connectivity to the Proposed Third Party Data Feeds, as such third parties are not required to make that information public. However, the market for access to the Proposed Third Party Systems and connectivity to the Proposed Third Party Data Feeds is competitive, and there is no reason to believe that other third party providers of access and connectivity would not provide it to Users if they considered it to be in their commercial interest. FIDS competes with other providers that offer such access and connectivity.

²⁰ See 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).

²¹ See Wireless Approval Order, *supra* note 20, at 67049, citing 2008 ArcaBook Approval Order, *supra* note 20, at 74781.

¹⁶ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

¹⁷ 15 U.S.C. 78f(b).

¹⁸ 15 U.S.C. 78f(b)(5).

¹⁹ 15 U.S.C. 78f(b)(4).

Such third parties compete, or, if additional third parties wish to offer access or connectivity, would compete, with the Exchange's Access and Connectivity and exert, or would exert, significant competitive forces on the Exchange in setting the terms of its proposal, including the level of the Exchange's proposed fees.²² If the Exchange were to set its proposed fees too high, Users could respond by instead selecting third parties' substantially similar access and connectivity.

Third Party Competitors Are Not at a Competitive Disadvantage Created by the Exchange

The Exchange does not believe that FIDS would have any competitive advantage over either existing third-party providers or any future providers of access to Proposed Third Party Systems or connectivity to Proposed Third Party Data Feeds. If a third party offers such access or connectivity to Users, a User may utilize a cross connect, a third party telecommunication network, the MDC network, or a combination thereof to access such access or connectivity through a connection to another User inside the MDC or a third party vendor outside the MDC.²³ The Exchange's proposed service for Access and Connectivity does not have any special access to or advantage within the MDC, as all distances in the MDC are normalized.

Moreover, the Exchange does not believe that FIDS would have any competitive advantage because it would charge for connectivity only, not the Proposed Third Party System or Proposed Third Party Data Feed itself. All Users that connect to a Proposed Third Party System or Proposed Third Party Data Feed, whether they elect to connect using the Exchange's proposed service or that of the Exchange's competitors, would have to pay a third party for the Proposed Third Party System or Proposed Third Party Data Feed.

To be clear, third party competitors would not be required to obtain the

Proposed Third Party Systems or Proposed Third Party Data Feeds from FIDS; rather, they could obtain them from other third parties and transport them into the MDC, via telecom equipment, in order to redistribute them to other Users. Whether they are Users or third party vendors outside the MDC, actual or future competitors of the Exchange would not have to pay the Exchange for the Proposed Third Party System or Proposed Third Party Data Feed itself.

Nor does the Exchange believe that FIDS has a competitive advantage over any third-party competitors offering access to the Proposed Third Party Systems or connectivity to the Proposed Third Party Data Feeds by virtue of the fact that ICE owns and operates the MDC's meet-me-rooms. Users purchasing Access or Connectivity—like Users of any other colocation service—would require a circuit connecting out of the MDC, and in most cases, such circuits are provided by third-party telecommunications service providers that have installed their equipment in the MDC's two meet-me-rooms ("Telecoms").²⁴ 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 level²⁵ 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.²⁶ 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 third-party competitors offering access to the Proposed Third Party Systems or connectivity to the Proposed Third Party Data Feeds. Third-party competitors 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.

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 at least two of the Proposed Third Party Systems and at least two of the Proposed Third Party Data Feeds is available, and the Exchange has not placed third-party vendors at a competitive disadvantage created by the Exchange, the proposed fees for the Exchange's connectivity to Proposed Third Party Systems and Proposed Third Party Data Feeds are reasonable.²⁷ If the Exchange were to set its prices for access to Proposed Third Party Systems or Proposed Third Party Data Feeds at a level that Users found to be too high, Users could easily choose to connect to Proposed Third Party Systems or Proposed Third Party Data Feeds through competing connections, as detailed above.

Additional Considerations

The Exchange believes that it is reasonable to add "and their partners" to the second paragraph under "Connectivity to Third Party Data Feeds" ("Proposed Pass-Through Edit") as that would add clarity as to who may

²² See 2008 ArcaBook Approval Order, *supra* note 20, at 74789 and n.295 (recognizing that products need not be identical to be substitutable).

²³ A Hosted Customer may use its connection to a Hosting User for such access or connectivity. A User may host another entity in its space within the MDC. Such Users are called "Hosting Users," and their customers are referred to as "Hosted Customers." In contrast to Users, the Hosted Customers do not have a direct contractual relationship with the Exchange vis-à-vis co-location services. See Securities Exchange Act Release No. 76010 (September 29, 2015), 80 FR 60197 (October 5, 2015) (SR-NYSEArca-2015-82).

²⁴ Note that in the case of wireless connectivity, a User in colocation 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.

²⁵ See Securities Exchange Act Release No. 98000 (July 26, 2023), 88 FR 50244 (August 1, 2023) (SR-NYSEArca-2023-47) ("MMR Notice").

²⁶ 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.

²⁷ See Wireless Approval Order, *supra* note 20. There is no fee change proposed for the Proposed Third Party Systems.

charge redistribution fees, making the paragraph more precise.

The Exchange believes that it is reasonable to make the proposed changes, as connectivity to the Proposed Third Party Systems and access to the Proposed Third Party Data Feeds was generally requested by Users.

The Exchange does not propose to change the monthly recurring fee Users pay for access to each Third Party System. Although the proposed changes to the list of Third Party Systems would combine the names of several current Third Party Systems, no User would be charged more as a consequence of the combinations. A User would continue to be able to choose which systems it wants from any Third Party System. It would not have to receive any systems, or pay for any bandwidth, that it did not choose.

The Exchange believes that the fees for connectivity to the Proposed Third Party Data Feeds are reasonable.

- The combination of Cboe MATCHNow into Cboe Canada reflects the integration of Cboe Canada.²⁸ The combined fee is less than the sum of the current fees for those feeds.

- The proposed fee for the combination of the Nasdaq Stock Market and Nasdaq ISE is equal to the sum of the current fees for those feeds.

- The proposed fee for the combination of the TMX Group and Montreal Exchange is less than the sum of the current fees for those feeds.

- By breaking out the MIAX options into five Proposed Third Party Data Feeds, Users may connect to only the market or markets that they wish. Unlike other Proposed Third Party Data Feeds, MIAX requires dedicated connectivity by individual data feed, and so separating them into five Proposed Third Party Data Feeds follows MIAX's own connectivity model.

The Proposed Rule Change Is Equitable

The Exchange believes that the proposed rule change is equitable.

The Exchange believes that the Proposed Pass-Through Edit is equitable as it would add clarity as to who may charge redistribution fees, making the paragraph more precise and thereby ensuring the accuracy of, and adding clarity and transparency to, the Connectivity Fee Schedule. Without this proposed rule change, Users would have fewer options for connectivity to the Proposed Third Party Systems and Proposed Third Party Data Feeds. By offering Access and Connectivity, the Exchange gives each User additional

options for addressing its needs, responding to User demand for options. Providing additional services helps each User tailor its data center operations to the requirements of its business operations by allowing it to select the form and latency of connectivity that best suits its needs. Users that do not opt to utilize the Exchange's Access or Connectivity should still be able to access Proposed Third Party Systems or connect to Proposed Third Party Data Feeds using third party connections.

The Exchange believes that the proposed change is equitable because it will result in fees being charged only to Users that voluntarily select to receive the corresponding services and because those services will be available to all Users.

Furthermore, the Exchange believes that the services and fees proposed herein are equitably allocated because, in addition to the services being completely voluntary, they are available to all Users on an equal basis (*i.e.*, the same products and services are available to all Users). All Users that voluntarily select the Exchange's Access or Connectivity would be charged the same amount for the same services. Users who opt not to use the Access or Connectivity would not be charged. In this way, the proposed rule change equitably allocates the proposed fees only to Users who choose to use Exchange's Access or Connectivity.

The Proposed Change Is Not Unfairly Discriminatory

The Exchange believes that the proposed rule change is not unfairly discriminatory, for the following reasons.

The Exchange believes that the Proposed Pass-Through Edit is not unfairly discriminatory as it would add clarity as to who may charge redistribution fees, making the paragraph more precise and thereby ensuring the accuracy of, and adding clarity and transparency to, the Connectivity Fee Schedule to all market participants.

Without this proposed rule change, Users would have fewer options for access to Proposed Third Party Systems or connectivity to Proposed Third Party Data Feeds. The proposed change would provide Users with an additional choice with respect to the form and optimal latency of the access they use to connect to Proposed Third Party Systems or connectivity to Proposed Third Party Data Feeds, allowing a User to select the connectivity that better suits its needs, helping it tailor its colocation operations to the requirements of its business operations. Users that do not

opt to utilize the Exchange's proposed Access or Connectivity would still be able to access the Proposed Third Party Systems or connect to Proposed Third Party Data Feeds using third party systems.

The Exchange believes that the proposed change is not unfairly discriminatory because it will result in fees being charged only to Users that voluntarily select to receive the corresponding services and because those services will be available to all Users. Furthermore, the Exchange believes that the services and fees proposed herein are not unfairly discriminatory because, in addition to the services being completely voluntary, they are available to all Users on an equal basis (*i.e.*, the same products and services are available to all Users). All Users that voluntarily select the Exchange's Access or Connectivity would be charged the same amount for the same services.

For all these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,²⁹ the Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change would not affect competition among national securities exchanges or among members of the Exchange, but rather between FIDS and its commercial competitors. By offering Access and Connectivity, the Exchange would give each User additional options for addressing its needs, responding to User demand for options. Providing additional services would help each User tailor its data center operations to the requirements of its business operations by allowing it to select the form and latency of connectivity that best suits its needs. Users that do not opt to utilize the Exchange's proposed Access or Connectivity should still be able to access Proposed Third Party Systems and connect to Proposed Third Party Data Feeds using third party connections.

The Exchange does not believe that FIDS would have any competitive advantage over either existing third-party providers or any future providers of access to Proposed Third Party Systems or connectivity to Proposed Third Party Data Feeds. If a third party offers such access or connectivity to Users, a User may utilize a cross

²⁸ See *supra* note 8.

²⁹ 15 U.S.C. 78f(b)(8).

connect, a third party telecommunication network, the MDC network, or a combination thereof to access such access or connectivity through a connection to another User inside the MDC or a third party vendor outside the MDC. The Exchange's proposed service for Access and Connectivity does not have any special access to or advantage within the MDC. All distances in the MDC are normalized.

Moreover, the Exchange does not believe that FIDS would have any competitive advantage because it would charge for connectivity only, not the Third Party System or Third Party Data Feed itself. All Users that connect to a Proposed Third Party System or Proposed Third Party Data Feed, whether they elect to connect using the Exchange's proposed service or that of the Exchange's competitors, would have to pay a third party for the Proposed Third Party System or Proposed Third Party Data Feed.

To be clear, third party competitors would not be required to obtain the Proposed Third Party Systems or Proposed Third Party Data Feeds from FIDS; rather, they could obtain them from other third parties and transport them into the MDC, via telecom equipment, in order to redistribute them to other Users. Whether they are Users or third party vendors outside the MDC, actual or future competitors of the Exchange would not have to pay the Exchange for the Proposed Third Party System or Proposed Third Party Data Feed itself.

Nor does the Exchange believe that FIDS has a competitive advantage over any third-party competitors offering access to the Proposed Third Party Systems or connectivity to the Proposed Third Party Data Feeds by virtue of the fact that ICE owns and operates the MDC's meet-me-rooms. Users purchasing Access or Connectivity—like Users of any other colocation service—would require a circuit connecting out of the MDC, and in most cases, such circuits are provided by third-party Telecoms. 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 level³⁰ 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.³¹ 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 third-party competitors offering access to the Proposed Third Party Systems or connectivity to the Proposed Third Party Data Feeds. Third-party competitors 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 Proposed Pass-Through Edit would not impose any burden on competition. It is not intended to address competitive issues but rather is concerned solely with adding clarity as to who may charge redistribution fees.

The changes would not put any market participants at a relative disadvantage compared to other market participants or penalize one or more categories of market participants in a manner that would impose an undue burden on competition.

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 Act³² and Rule 19b-4(f)(6) thereunder.³³ Because the 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 prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6)(iii) thereunder.³⁴

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)³⁵ 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

³² 15 U.S.C. 78s(b)(3)(A)(iii).

³³ 17 CFR 240.19b-4(f)(6).

³⁴ 17 CFR 240.19b-4(f)(6)(iii). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file 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.

³⁵ 15 U.S.C. 78s(b)(2)(B).

³⁰ See MMR Notice, *supra* note 25.

³¹ See *supra* note 26.

• Send an email to rule-comments@sec.gov. Please include file number SR-NYSEARCA-2025-30 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-2025-30. 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-2025-30 and should be submitted on or before May 27, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³⁶

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-07704 Filed 5-2-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102943; File No. SR-NASDAQ-2025-021]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To List and Trade Shares of the Grayscale Hedera Trust (HBAR) Under Nasdaq Rule 5711(d) (Commodity-Based Trust Shares)

April 29, 2025.

On February 28, 2025, The Nasdaq Stock Market LLC ("Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to list and trade shares of the Grayscale Hedera Trust (HBAR) under Nasdaq Rule 5711(d). The proposed rule change was published for comment in the **Federal Register** on March 17, 2025.⁴

Section 19(b)(2) of the Act⁵ provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is May 1, 2025. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change and the issues raised therein. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁶ designates June 15, 2025, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to

disapprove, the proposed rule change (File No. SR-NASDAQ-2025-021).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁷

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-07693 Filed 5-2-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102941; File No. SR-NYSEARCA-2024-87]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Adopt New NYSE Arca Rule 8.800-E To Provide for the Listing and Trading of Commodity- and/or Digital Asset-Based Investment Interests and To List and Trade Shares of the Grayscale Digital Large Cap Fund LLC

April 29, 2025.

On October 15, 2024, NYSE Arca, Inc. 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 adopt new NYSE Arca Rule 8.800-E to provide for the listing and trading of Commodity- and Digital Asset-Based Investment Interests and to list and trade shares of the Grayscale Digital Large Cap Fund LLC under proposed NYSE Arca Rule 8.800-E. The proposed rule change was published for comment in the **Federal Register** on November 4, 2024.³

On December 17, 2024, pursuant to Section 19(b)(2) of the Exchange Act,⁴ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.⁵

¹ 17 CFR 200.30-3(a)(31).

² 15 U.S.C. 78s(b)(1).

³ 17 CFR 240.19b-4.

⁴ See Securities Exchange Act Release No. 101470 (Oct. 29, 2024), 89 FR 87681. Comments on the proposed rule change are available at: <https://www.sec.gov/comments/sr-nysearca-2024-87/srnysearca202487.htm>.

⁵ 15 U.S.C. 78s(b)(2).

⁶ See Securities Exchange Act Release No. 101939, 89 FR 104581 (Dec. 23, 2024) (designating February 2, 2025, as the date by which the Commission shall either approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴ See Securities Exchange Act Release No. 102569 (Mar. 11, 2025), 90 FR 12395. Comments received on the proposed rule change are available at: <https://www.sec.gov/comments/sr-nasdaq-2025-021/srnasdaq2025021.htm>.

⁵ 15 U.S.C. 78s(b)(2).

⁶ 15 U.S.C. 78s(b)(2).

³⁶ 17 CFR 200.30-3(a)(12).

On January 31, 2025, the Commission initiated proceedings under Section 19(b)(2)(B) of the Act⁶ to determine whether to approve or disapprove the proposed rule change.⁷

Section 19(b)(2) of the Act⁸ provides that, after initiating proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for comment in the **Federal Register** on November 4, 2024.⁹ The 180th day after publication of the proposed rule change is May 3, 2025. The Commission is extending the time period for approving or disapproving the proposed rule change for an additional 60 days.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change and the issues raised therein. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,¹⁰ designates July 2, 2025, as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR-NYSEARCA-2024-87).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹¹

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-07691 Filed 5-2-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35562; 812-15709]

Align Alternative Access Fund and Sovereign Financial Group, Inc.

April 29, 2025.

AGENCY: Securities and Exchange Commission (“Commission” or “SEC”).

ACTION: Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 (the “Act”) for an exemption from sections 18(a)(2), 18(c) and 18(i) of the Act and for an order pursuant to section 17(d) of the Act and rule 17d-1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain registered closed-end investment companies to issue multiple classes of shares of beneficial interest with varying sales loads and to impose asset-based distribution and/or service fees.

APPLICANTS: Align Alternative Access Fund and Sovereign Financial Group, Inc.

FILING DATES: The application was filed on February 26, 2025, and an amendment on March 21, 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 27, 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.

ADDRESSES: The Commission: *Secretarys-Office@sec.gov*. Applicants: Cassandra W. Borchers, Esq., Thompson Hine LLP, 312 Walnut Street, 20th Floor Cincinnati, OH 45202, and Jacob Olliffe, Esq., Thompson Hine LLP, *jacob.olliffe@thompsonhine.com*, with a copy to Charles L. Failla, Sovereign Financial Group, Inc., *CLF@SFGROUPINC.com*.

FOR FURTHER INFORMATION CONTACT: Trace W. Rakestraw, Senior Special Counsel, at (202) 551-6825 (Division of Investment Management, Chief Counsel’s Office).

SUPPLEMENTARY INFORMATION: For Applicants’ representations, legal analysis, and conditions, please refer to

Applicants’ application, dated March 21, 2025, which may be obtained via the Commission’s website by searching for the file number at the top of this document, or for an Applicant using the Company name search field on the SEC’s EDGAR system. The SEC’s EDGAR system may be searched at <https://www.sec.gov/edgar/searchedgar/companysearch>. You may also call the SEC’s Office of Investor Education and Advocacy at (202) 551-8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood

Assistant Secretary.

[FR Doc. 2025-07685 Filed 5-2-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102945; File No. SR-CboeBZX-2025-039]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To List and Trade Shares of the Franklin Solana ETF Under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares

April 29, 2025.

On March 12, 2025, Cboe BZX Exchange, Inc. (“BZX”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)¹ and Rule 19b-4 thereunder,² a proposed rule change to list and trade shares of the Franklin Solana ETF under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares. The proposed rule change was published for comment in the **Federal Register** on March 19, 2025.³

Section 19(b)(2) of the Act⁴ provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 102651 (Mar. 13, 2025), 90 FR 12824. Comments received on the proposed rule change are available at: <https://www.sec.gov/comments/sr-cboebzx-2025-039/srcboebzx2025039.htm>.

⁴ 15 U.S.C. 78s(b)(2).

⁶ 15 U.S.C. 78s(b)(2)(B).

⁷ See Securities Exchange Act Release No. 102313, 90 FR 9092 (Feb. 6, 2025).

⁸ 15 U.S.C. 78s(b)(2).

⁹ See *supra* note 3 and accompanying text.

¹⁰ 15 U.S.C. 78s(b)(2).

¹¹ 17 CFR 200.30-3(a)(57).

proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is May 3, 2025. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change and the issues raised therein. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁵ designates June 17, 2025, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR-CboeBZX-2025-039).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-07695 Filed 5-2-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102949; File No. SR-CboeBZX-2025-035]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Amend the Rules Governing the Listing and Trading of Shares of the Invesco Galaxy Bitcoin ETF and the Invesco Galaxy Ethereum ETF in Order To Permit In-Kind Creations and Redemptions

April 29, 2025.

On March 10, 2025, Cboe BZX Exchange, Inc. ("Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to amend the rules governing the listing and trading of shares of the Invesco Galaxy Bitcoin ETF and the Invesco Galaxy Ethereum ETF to permit in-kind creations and redemptions. The proposed rule change was published for

comment in the **Federal Register** on March 18, 2025.³

Section 19(b)(2) of the Act⁴ provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is May 2, 2025. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change and the issues raised therein. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁵ designates June 16, 2025, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR-CboeBZX-2025-035).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-07699 Filed 5-2-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102942; File No. SR-NYSEARCA-2025-19]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To List and Trade Shares of the Bitwise Dogecoin ETF Under NYSE Arca Rule 8.201-E (Commodity-Based Trust Shares)

April 29, 2025.

On March 3, 2025, NYSE Arca, Inc. ("NYSE Arca") filed with the Securities

³ See Securities Exchange Act Release No. 102645 (Mar. 12, 2025), 90 FR 12602. The Commission has received no comments on the proposed rule change.

⁴ 15 U.S.C. 78s(b)(2).

⁵ 15 U.S.C. 78s(b)(2).

⁶ 17 CFR 200.30-3(a)(31).

and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to list and trade shares of the Bitwise Dogecoin ETF under NYSE Arca Rule 8.201-E (Commodity-Based Trust Shares). The proposed rule change was published for comment in the **Federal Register** on March 17, 2025.³

Section 19(b)(2) of the Act⁴ provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is May 1, 2025. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change and the issues raised therein. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁵ designates June 15, 2025, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR-NYSEARCA-2025-19).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-07692 Filed 5-2-25; 8:45 am]

BILLING CODE 8011-01-P

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 102570 (Mar. 11, 2025), 90 FR 12429. Comments received on the proposed rule change are available at: <https://www.sec.gov/comments/sr-nysearca-2025-19/srnysearca202519.htm>.

⁴ 15 U.S.C. 78s(b)(2).

⁵ 15 U.S.C. 78s(b)(2).

⁶ 17 CFR 200.30-3(a)(31).

⁶ 17 CFR 200.30-3(a)(31).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 102656

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102944; File No. SR–CboeBZX–2025–040]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To List and Trade Shares of the Franklin XRP Fund Under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares

April 29, 2025.

On March 13, 2025, Cboe BZX Exchange, Inc. (“BZX”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) ¹ and Rule 19b–4 thereunder,² a proposed rule change to list and trade shares of the Franklin XRP Fund under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares. The proposed rule change was published for comment in the **Federal Register** on March 19, 2025.³

Section 19(b)(2) of the Act⁴ provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is May 3, 2025. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change and the issues raised therein. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁵ designates June 17, 2025, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to

disapprove, the proposed rule change (File No. SR–CboeBZX–2025–040).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025–07694 Filed 5–2–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102948; File No. SR–CboeBZX–2025–036]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Amend the Rule Governing the Listing and Trading of Shares of the Franklin Ethereum ETF To Permit Staking

April 29, 2025.

On March 10, 2025, Cboe BZX Exchange, Inc. (“Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) ¹ and Rule 19b–4 thereunder,² a proposed rule change to amend the rule governing the listing and trading of shares of the Franklin Ethereum ETF to permit staking. The proposed rule change was published for comment in the **Federal Register** on March 18, 2025.³

Section 19(b)(2) of the Act⁴ provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is May 2, 2025. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed

rule change so that it has sufficient time to consider the proposed rule change and the issues raised therein.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁵ designates June 16, 2025, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–CboeBZX–2025–036).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025–07698 Filed 5–2–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102950; File No. SR–NYSENAT–2025–08]

Self-Regulatory Organizations; NYSE National, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Connectivity Fee Schedule Related to Connectivity to Third Party Systems and Third Party Data Feeds

April 29, 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 16, 2025, NYSE National, Inc. (“NYSE National” or the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Connectivity Fee Schedule to amend the list of third party systems and third party data feeds to which Users can connect, related fees and a reference to who can charge redistribution fees. The proposed rule change is available on the Exchange’s website at www.nyse.com, at the principal office of the Exchange, and

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See Securities Exchange Act Release No. 102656 (Mar. 13, 2025), 90 FR 12881. The Commission has received no comment letters on the proposed rule change.

⁴ 15 U.S.C. 78s(b)(2).

⁵ 15 U.S.C. 78s(b)(2).

⁶ 17 CFR 200.30–3(a)(31).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See Securities Exchange Act Release No. 102632 (Mar. 12, 2025), 90 FR 12611. The Commission has received no comments on the proposed rule change.

⁴ 15 U.S.C. 78s(b)(2).

⁵ 15 U.S.C. 78s(b)(2).

⁶ 17 CFR 200.30–3(a)(31).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b–4.

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 Connectivity Fee Schedule to amend the list of third party systems and third party data feeds to which Users⁴ can connect, related fees and a reference to who can charge redistribution fees.

Currently, Users are offered connectivity to the execution systems of third party markets and other service providers ("Third Party Systems") and connectivity to data feeds from third party markets and other content service providers ("Third Party Data Feeds") at the Mahwah, New Jersey data center ("MDC").⁵ The Exchange proposes to amend the two lists to add new items, combine existing items, and amend related fees.

Proposed Changes

Changes to the List of Third Party Systems

The Exchange proposes to make the following changes to the list of Third Party Systems:

- Add Blue Ocean ATS (BOATS), Canadian Imperial Bank of Commerce (CIBC), Long Term Stock Exchange,⁶ MEMX,⁷ Pragma, and Small Exchange (collectively, the "Proposed Third Party Systems").

- To reflect Cboe Canada's integration,⁸ combine Cboe MATCHNow into Cboe Canada.

To make these changes, the list of available Third Party Systems would be amended as follows (proposed deletions bracketed, proposed additions italicized):

Third Party Systems

B3 Bovespa

Blue Ocean ATS (BOATS)

Boston Options Exchange (BOX)

Canadian Imperial Bank of Commerce (CIBC)

Cboe Canada

[Cboe MATCHNow]

Cboe US

Chicago Mercantile Exchange (CME Group)

Investors Exchange (IEX)

Long Term Stock Exchange

MEMX

MIAX

Nasdaq Canada (CXC, CXD, CX2)

Nasdaq US Stock Market

NYFIX Marketplace

Omega

OTC Markets Group

Pragma

Small Exchange

TMX Group

The Exchange does not propose to change the monthly recurring fee Users pay for access to each Third Party System. Although the proposed changes to the list of Third Party Systems would combine the names of several current Third Party Systems, no User would be charged more as a consequence of the combination. A User would continue to be able to choose which systems it wants from any Third Party System. It would not have to receive any systems, or pay for any bandwidth, that it did not choose.⁹

⁶ See Securities Exchange Act Release No. 85828 (May 10, 2019), 84 FR 21841 (May 15, 2019) (In the Matter of the Application of Long Term Stock Exchange, Inc.; for Registration as a National Securities Exchange; Findings, Opinion, and Order of the Commission).

⁷ See Securities Exchange Act Release No. 88806 (May 4, 2020), 85 FR 27451 (May 8, 2020) (In the Matter of the Application of MEMX LLC for Registration as a National Securities Exchange; Findings, Opinion, and Order of the Commission).

⁸ See "Cboe Canada Announces Planned Unification of its Canadian Operations" (December 18, 2023) (available at <https://ir.cboe.com/news/news-details/2023/CBOE-CANADA-ANNOUNCES-PLANNED-UNIFICATION-OF-ITS-CANADIAN-OPERATIONS/default.aspx>).

⁹ For example, if a User connected to Cboe Canada but did not access any other Cboe system, including Cboe MATCHNow, it would not pay for

Changes to Connectivity to Third Party Data Feeds

The Exchange expects that the connectivity partner of BOATS will charge a redistribution fee, which will be passed through to the User. Accordingly, the Exchange proposes to add "and their partners" to the first sentence of the second paragraph under "Connectivity to Third Party Data Feeds," which describes who can charge redistribution fees, so that it includes connectivity partners.

The Exchange proposes to make the following changes to the list of Third Party Data Feeds (together, the "Proposed Third Party Data Feeds"):

- Add the following Third Party Data Feeds with the following fees for monthly recurring connectivity:

- Blue Ocean ATS (BOATS), for \$750 a month;

- Cboe CFE Futures, for \$1,500 per month;

- Long Term Stock Exchange, for \$2,600 per month;¹⁰

- MEMX Equities, for \$2,000 per month;¹¹

- MEMX Options, for \$2,000 per month;¹² and

- Small Exchange, for \$1,000 per month.

- Reflecting Cboe Canada's integration,¹³ combine Cboe MATCHNow into Cboe Canada and change the combined monthly recurring connectivity fee to \$2,000 per month.

- Replace Miami International Securities Exchange/MIAX Pearl with the following five feeds:

- MIAX Emerald, at a \$2,600 monthly recurring connectivity fee;

- MIAX Options, at a \$2,600 monthly recurring connectivity fee;

- MIAX Pearl Equities, at a \$2,600 monthly recurring connectivity fee;

- MIAX Pearl Options, at a \$2,600 monthly recurring connectivity fee; and

- MIAX Sapphire, at a \$2,600 monthly recurring connectivity fee.

- Combine Nasdaq Stock Market with Nasdaq ISE under the name "Nasdaq Stock Market" and change the combined monthly recurring connectivity fee to \$3,000 per month.

- Combine TMX Group and Montreal Exchange¹⁴ under the name of "TMX

any additional system or have its monthly fee changed as a consequence of the proposed combination.

¹⁰ See *supra* note 6.

¹¹ See *supra* note 7.

¹² See *id.*

¹³ See *supra* note 8.

¹⁴ The Montreal Exchange is a subsidiary of TMX Group. See <https://www.m-x.ca/en/about-us/mx/overview#:~:text=Today%2C%20a%20wholly%20owned%20subsidiary,retail%20and%20institutional%20investors%20needs>.

⁴ 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-NAT-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 New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., and NYSE Texas, Inc. (together, the "Affiliate SROs"). Each Affiliate SRO has submitted substantially the same proposed rule change to propose the changes described herein. See SR-NYSE-2025-13, SR-NYSEAMER-2025-22, SR-NYSEARCA-2025-30, and SR-NYSETEX-2025-04.

⁵ 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.

Group” with a combined monthly recurring connectivity fee of \$2,500 per month.

In addition, the Exchange proposes to change the monthly recurring connectivity fee per Third Party Data Feed for 18 feeds.

To make these changes, the text under “Connectivity to Third Party Data

Feeds” and list of available Third Party Data Feeds would be amended as follows (proposed deletions bracketed, proposed additions italicized):

Third Party Data Feed providers *and their partners* may charge redistribution fees. When the Exchange receives a redistribution fee, it passes through the charge to the User, without change to

the fee. The fee is labeled as a pass-through of a redistribution fee on the User’s invoice. The Exchange does not charge third party markets or content providers for connectivity to their own feeds.

Third Party Data Feed	Monthly recurring connectivity fee per Third Party Data Feed
B3 Bovespa	\$3,000]900
Blue Ocean ATS (BOATS)	750
Boston Options Exchange (BOX)	1,000]300
Cboe BZX Exchange (CboeBZX) and Cboe BYX Exchange (CboeBYX)	[2,000]1,500
Cboe Canada	[1,200]2,000
Cboe CFE Futures	1,500
Cboe EDGX Exchange (CboeEDGX) and Cboe EDGA Exchange (CboeEDGA)	[2,000]1,500
Cboe Exchange (Cboe) and Cboe C2 Exchange (C2)	[2,000]1,500
[Cboe MATCHNow	1,000]
Chicago Mercantile Exchange (CME Group)	3,000
Financial Industry Regulatory Authority (FINRA)	[500]650
Global OTC	[100]150
ICE Data Services Consolidated Feed ≤100 Mb	200
ICE Data Services Consolidated Feed >100 Mb to ≤1 Gb	500
ICE Data Services Consolidated Feed >1 Gb	1,000
ICE Data Services Consolidated Feed Shared Farm ≤100 Mb	[200]300
ICE Data Services Consolidated Feed Shared Farm >100 Mb to ≤1 Gb	[500]750
ICE Data Services Consolidated Feed Shared Farm >1 Gb	[1]2,000
ICE Data Services PRD	[200]300
ICE Data Services PRD CEP	[400]500
Intercontinental Exchange (ICE)	1,500]950
Investors Exchange (IEX)	1,000]300
Long Term Stock Exchange	2,600
MEMX Equities	2,000
MEMX Options	2,000
MIAX Emerald	2,600
MIAX Options	2,600
MIAX Pearl Equities	2,600
[Miami International Securities Exchange/]MIAX [PEARL]Pearl Options	2,000]600
MIAX Sapphire	2,600
[Montréal Exchange (MX)	1,000]
Nasdaq Stock Market	[2]3,000
Nasdaq Global Index Data Service (GIDS)	100
Nasdaq UQDF & UTDF	[500]650
Nasdaq Canada (CXC, CXD, CX2)	1,500]950
[Nasdaq ISE	1,000]
Omega	1,000]300
OTC Markets Group	1,000]300
Small Exchange	1,000
TMX Group	2,500

Access to the Proposed Third Party Systems

The Exchange would provide access to the Proposed Third Party Systems as conveniences to Users.

As with the current Third Party Systems, Users would connect to the Proposed Third Party Systems over the internet protocol (“IP”) network, a local area network available in the MDC.

As with the current Third Party Systems, in order to obtain access to a Proposed Third Party System, the User would enter into an agreement with the relevant proposed third party, pursuant to which it would charge the User for

access to the Proposed Third Party System. The Exchange would then enable unicast connectivity between the User and the Proposed Third Party System over the IP network.¹⁵ The Exchange would charge the User for the connectivity to the Proposed Third Party System. A User would only receive, and would only be charged for,

¹⁵ 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.

access to the Proposed Third Party System for which it enters into agreements with the third party.

The Exchange has no affiliation with the providers of any of the Proposed Third Party Systems. Establishing a User’s access to a Proposed Third Party System would not give the Exchange any right to use the Proposed Third Party System. Connectivity to a Proposed Third Party System would not provide access or order entry to the Exchange’s execution system, and a User’s connection to a Proposed Third Party System would not be through the Exchange’s execution system.

The Exchange proposes to charge the same monthly recurring fee for connectivity to the Proposed Third Party Systems that it does for the current Third Party Systems. Specifically, when a User requested access to a Proposed Third Party System, it would identify the applicable third party and what bandwidth connection would be required. The fees for such bandwidth connection would vary based on the size of the connection, not on the particular Third Party System the User chooses. The Exchange is not proposing to change the pricing of any of these bandwidth connections; the Exchange is simply expanding the list of Third Party Systems that Users may access via these bandwidth connections.

Connectivity to the Proposed Third Party Data Feeds

The Exchange would provide connectivity to the Proposed Third Party Data Feeds as a convenience to Users.

As with the existing connections to Third Party Data Feeds, the Exchange would receive a Proposed Third Party Data Feed from the content service provider at the relevant source. The Exchange would then provide connectivity to that data to Users for a fee. Users would connect to the Proposed Third Party Data Feeds over the IP network. The Proposed Third Party Data Feeds would include trading and other information concerning the securities that are traded on the relevant third party systems.

As with the existing connections to Third Party Data Feeds, in order to connect to a Proposed Third Party Data Feed, a User would enter into a contract with the third party content service provider, pursuant to which it may charge the User for the data feed. The Exchange would receive the Proposed Third Party Data Feed in remote locations and transport it over its fiber optic network to the MDC. After the content service provider and User entered into an agreement and the Exchange received authorization from the content service provider, the Exchange would retransmit the data to the User over the User's port. The Exchange would charge the User for connectivity to the Proposed Third Party Data Feed. A User would only receive, and would only be charged the fee for, connectivity to a Proposed Third Party Data Feed for which it entered into a contract.

The Exchange has no affiliation with the sellers of the Proposed Third Party Data Feeds and would have no right to use those feeds other than as a redistributor of the data. None of the

Proposed Third Party Data Feeds would provide access or order entry to the Exchange's execution system. The Proposed Third Party Data Feeds would not provide access or order entry service to the execution systems of the third parties generating the feeds. The Exchange would receive the Proposed Third Party Data Feeds via arms-length agreements and would have no inherent advantage over any other distributor of such data.

Application and Impact of the Proposed Changes

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 purchase of any colocation service is completely voluntary and the Connectivity Fee Schedule is applied uniformly to all Users.

Access to most of the Proposed Third Party Systems and connectivity to most of the Proposed Third Party Data Feeds were requested by Users, but the Exchange believes that it would gain at most a handful of new customers due to the proposed change. The Exchange does not expect that the remainder of the proposed rule change will result in new customers.

Competitive Environment

The Exchange operates in a highly competitive market in which other vendors offer colocation services as a means to facilitate the trading and other market activities of those market participants who believe that colocation enhances the efficiency of their operations. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system "has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies."¹⁶

As explained below, the Exchange's provision of access to the Proposed Third Party Systems ("Access") and connectivity to the Proposed Third Party Data Feeds ("Connectivity") may compete with access and connectivity provided by other third parties. Third-

party vendors are not at any competitive disadvantage created by the Exchange.

The proposed change is not otherwise intended to address any other issues relating to colocation services or related fees, and the Exchange is not aware of any problems that Users 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,¹⁷ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹⁸ 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,¹⁹ 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.

The Proposed Rule 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."²⁰ If the Exchange meets that burden, "the Commission will find that its proposal

¹⁷ 15 U.S.C. 78f(b).

¹⁸ 15 U.S.C. 78f(b)(5).

¹⁹ 15 U.S.C. 78f(b)(4).

²⁰ See 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).

¹⁶ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

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.”²¹ 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 Exchange has not placed present or future third party vendors at a competitive disadvantage created by the Exchange.

Substantially Similar Substitutes Are Available

The Exchange’s proposed Access and Connectivity would compete with other methods by which both the Exchange and various third parties already provide, or could provide, Users with access to Third Party Systems and connectivity to Third Party Data Feeds. Third-party vendors are not at any competitive disadvantage created by the Exchange.

The Exchange believes that access to at least two of the Proposed Third Party Data Feeds are available to Users from one or more third parties in the MDC. The Exchange does not have visibility into whether additional third parties currently offer, or intend to offer, Users access to the Proposed Third Party Systems or connectivity to the Proposed Third Party Data Feeds, as such third parties are not required to make that information public. However, the market for access to the Proposed Third Party Systems and connectivity to the Proposed Third Party Data Feeds is competitive, and there is no reason to believe that other third party providers of access and connectivity would not provide it to Users if they considered it to be in their commercial interest. FIDS competes with other providers that offer such access and connectivity.

Such third parties compete, or, if additional third parties wish to offer access or connectivity, would compete, with the Exchange’s Access and Connectivity and exert, or would exert, significant competitive forces on the Exchange in setting the terms of its proposal, including the level of the Exchange’s proposed fees.²² If the Exchange were to set its proposed fees too high, Users could respond by instead selecting third parties’ substantially similar access and connectivity.

Third Party Competitors Are Not at a Competitive Disadvantage Created by the Exchange

The Exchange does not believe that FIDS would have any competitive advantage over either existing third-party providers or any future providers of access to Proposed Third Party Systems or connectivity to Proposed Third Party Data Feeds. If a third party offers such access or connectivity to Users, a User may utilize a cross connect, a third party telecommunication network, the MDC network, or a combination thereof to access such access or connectivity through a connection to another User inside the MDC or a third party vendor outside the MDC.²³ The Exchange’s proposed service for Access and Connectivity does not have any special access to or advantage within the MDC, as all distances in the MDC are normalized.

Moreover, the Exchange does not believe that FIDS would have any competitive advantage because it would charge for connectivity only, not the Proposed Third Party System or Proposed Third Party Data Feed itself. All Users that connect to a Proposed Third Party System or Proposed Third Party Data Feed, whether they elect to connect using the Exchange’s proposed service or that of the Exchange’s competitors, would have to pay a third party for the Proposed Third Party System or Proposed Third Party Data Feed.

To be clear, third party competitors would not be required to obtain the Proposed Third Party Systems or Proposed Third Party Data Feeds from FIDS; rather, they could obtain them from other third parties and transport them into the MDC, via telecom equipment, in order to redistribute them to other Users. Whether they are Users or third party vendors outside the MDC, actual or future competitors of the Exchange would not have to pay the Exchange for the Proposed Third Party System or Proposed Third Party Data Feed itself.

Nor does the Exchange believe that FIDS has a competitive advantage over any third-party competitors offering access to the Proposed Third Party

Systems or connectivity to the Proposed Third Party Data Feeds by virtue of the fact that ICE owns and operates the MDC’s meet-me-rooms. Users purchasing Access or Connectivity—like Users of any other colocation service—would require a circuit connecting out of the MDC, and in most cases, such circuits are provided by third-party telecommunications service providers that have installed their equipment in the MDC’s two meet-me-rooms (“Telecoms”).²⁴ 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 level²⁵ 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.²⁶ 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

²⁴ Note that in the case of wireless connectivity, a User in colocation 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.

²⁵ See Securities Exchange Act Release No. 98002 (July 26, 2023), 88 FR 50232 (August 1, 2023) (SR–NYSENAT–2023–12) (“MMR Notice”).

²⁶ 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.

²¹ See Wireless Approval Order, *supra* note 20, at 67049, citing 2008 ArcaBook Approval Order, *supra* note 20, at 74781.

²² See 2008 ArcaBook Approval Order, *supra* note 20, at 74789 and n.295 (recognizing that products need not be identical to be substitutable).

²³ A Hosted Customer may use its connection to a Hosting User for such access or connectivity. A User may host another entity in its space within the MDC. Such Users are called “Hosting Users,” and their customers are referred to as “Hosted Customers.” In contrast to Users, the Hosted Customers do not have a direct contractual relationship with the Exchange vis-à-vis co-location services. See Securities Exchange Act Release No. 83351 (May 31, 2018), 83 FR 26314 (June 6, 2018) (SR–NYSENAT–2018–07).

vis-à-vis third-party competitors offering access to the Proposed Third Party Systems or connectivity to the Proposed Third Party Data Feeds. Third-party competitors 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.

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 at least two of the Proposed Third Party Systems and at least two of the Proposed Third Party Data Feeds is available, and the Exchange has not placed third-party vendors at a competitive disadvantage created by the Exchange, the proposed fees for the Exchange's connectivity to Proposed Third Party Systems and Proposed Third Party Data Feeds are reasonable.²⁷ If the Exchange were to set its prices for access to Proposed Third Party Systems or Proposed Third Party Data Feeds at a level that Users found to be too high, Users could easily choose to connect to Proposed Third Party Systems or Proposed Third Party Data Feeds through competing connections, as detailed above.

Additional Considerations

The Exchange believes that it is reasonable to add "and their partners" to the second paragraph under "Connectivity to Third Party Data Feeds" ("Proposed Pass-Through Edit") as that would add clarity as to who may charge redistribution fees, making the paragraph more precise.

The Exchange believes that it is reasonable to make the proposed changes, as connectivity to the Proposed Third Party Systems and access to the Proposed Third Party Data Feeds was generally requested by Users.

The Exchange does not propose to change the monthly recurring fee Users pay for access to each Third Party System. Although the proposed changes to the list of Third Party Systems would combine the names of several current Third Party Systems, no User would be charged more as a consequence of the combinations. A User would continue to

be able to choose which systems it wants from any Third Party System. It would not have to receive any systems, or pay for any bandwidth, that it did not choose.

The Exchange believes that the fees for connectivity to the Proposed Third Party Data Feeds are reasonable.

- The combination of Cboe MATCHNow into Cboe Canada reflects the integration of Cboe Canada.²⁸ The combined fee is less than the sum of the current fees for those feeds.

- The proposed fee for the combination of the Nasdaq Stock Market and Nasdaq ISE is equal to the sum of the current fees for those feeds.

- The proposed fee for the combination of the TMX Group and Montreal Exchange is less than the sum of the current fees for those feeds.

- By breaking out the MIAX options into five Proposed Third Party Data Feeds, Users may connect to only the market or markets that they wish. Unlike other Proposed Third Party Data Feeds, MIAX requires dedicated connectivity by individual data feed, and so separating them into five Proposed Third Party Data Feeds follows MIAX's own connectivity model.

The Proposed Rule Change Is Equitable

The Exchange believes that the proposed rule change is equitable.

The Exchange believes that the Proposed Pass-Through Edit is equitable as it would add clarity as to who may charge redistribution fees, making the paragraph more precise and thereby ensuring the accuracy of, and adding clarity and transparency to, the Connectivity Fee Schedule. Without this proposed rule change, Users would have fewer options for connectivity to the Proposed Third Party Systems and Proposed Third Party Data Feeds. By offering Access and Connectivity, the Exchange gives each User additional options for addressing its needs, responding to User demand for options. Providing additional services helps each User tailor its data center operations to the requirements of its business operations by allowing it to select the form and latency of connectivity that best suits its needs. Users that do not opt to utilize the Exchange's Access or Connectivity should still be able to access Proposed Third Party Systems or connect to Proposed Third Party Data Feeds using third party connections.

The Exchange believes that the proposed change is equitable because it will result in fees being charged only to Users that voluntarily select to receive

the corresponding services and because those services will be available to all Users.

Furthermore, the Exchange believes that the services and fees proposed herein are equitably allocated because, in addition to the services being completely voluntary, they are available to all Users on an equal basis (*i.e.*, the same products and services are available to all Users). All Users that voluntarily select the Exchange's Access or Connectivity would be charged the same amount for the same services. Users who opt not to use the Access or Connectivity would not be charged. In this way, the proposed rule change equitably allocates the proposed fees only to Users who choose to use Exchange's Access or Connectivity.

The Proposed Change Is Not Unfairly Discriminatory

The Exchange believes that the proposed rule change is not unfairly discriminatory, for the following reasons.

The Exchange believes that the Proposed Pass-Through Edit is not unfairly discriminatory as it would add clarity as to who may charge redistribution fees, making the paragraph more precise and thereby ensuring the accuracy of, and adding clarity and transparency to, the Connectivity Fee Schedule to all market participants.

Without this proposed rule change, Users would have fewer options for access to Proposed Third Party Systems or connectivity to Proposed Third Party Data Feeds. The proposed change would provide Users with an additional choice with respect to the form and optimal latency of the access they use to connect to Proposed Third Party Systems or connectivity to Proposed Third Party Data Feeds, allowing a User to select the connectivity that better suits its needs, helping it tailor its colocation operations to the requirements of its business operations. Users that do not opt to utilize the Exchange's proposed Access or Connectivity would still be able to access the Proposed Third Party Systems or connect to Proposed Third Party Data Feeds using third party systems.

The Exchange believes that the proposed change is not unfairly discriminatory because it will result in fees being charged only to Users that voluntarily select to receive the corresponding services and because those services will be available to all Users. Furthermore, the Exchange believes that the services and fees proposed herein are not unfairly discriminatory because, in addition to

²⁷ See Wireless Approval Order, *supra* note 20. There is no fee change proposed for the Proposed Third Party Systems.

²⁸ See *supra* note 8.

the services being completely voluntary, they are available to all Users on an equal basis (*i.e.*, the same products and services are available to all Users). All Users that voluntarily select the Exchange's Access or Connectivity would be charged the same amount for the same services.

For all these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,²⁹ the Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change would not affect competition among national securities exchanges or among members of the Exchange, but rather between FIDS and its commercial competitors. By offering Access and Connectivity, the Exchange would give each User additional options for addressing its needs, responding to User demand for options. Providing additional services would help each User tailor its data center operations to the requirements of its business operations by allowing it to select the form and latency of connectivity that best suits its needs. Users that do not opt to utilize the Exchange's proposed Access or Connectivity should still be able to access Proposed Third Party Systems and connect to Proposed Third Party Data Feeds using third party connections.

The Exchange does not believe that FIDS would have any competitive advantage over either existing third-party providers or any future providers of access to Proposed Third Party Systems or connectivity to Proposed Third Party Data Feeds. If a third party offers such access or connectivity to Users, a User may utilize a cross connect, a third party telecommunication network, the MDC network, or a combination thereof to access such access or connectivity through a connection to another User inside the MDC or a third party vendor outside the MDC. The Exchange's proposed service for Access and Connectivity does not have any special access to or advantage within the MDC. All distances in the MDC are normalized.

Moreover, the Exchange does not believe that FIDS would have any competitive advantage because it would charge for connectivity only, not the Third Party System or Third Party Data

Feed itself. All Users that connect to a Proposed Third Party System or Proposed Third Party Data Feed, whether they elect to connect using the Exchange's proposed service or that of the Exchange's competitors, would have to pay a third party for the Proposed Third Party System or Proposed Third Party Data Feed.

To be clear, third party competitors would not be required to obtain the Proposed Third Party Systems or Proposed Third Party Data Feeds from FIDS; rather, they could obtain them from other third parties and transport them into the MDC, via telecom equipment, in order to redistribute them to other Users. Whether they are Users or third party vendors outside the MDC, actual or future competitors of the Exchange would not have to pay the Exchange for the Proposed Third Party System or Proposed Third Party Data Feed itself.

Nor does the Exchange believe that FIDS has a competitive advantage over any third-party competitors offering access to the Proposed Third Party Systems or connectivity to the Proposed Third Party Data Feeds by virtue of the fact that ICE owns and operates the MDC's meet-me-rooms. Users purchasing Access or Connectivity—like Users of any other colocation service—would require a circuit connecting out of the MDC, and in most cases, such circuits are provided by third-party Telecoms. 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 level³⁰ 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.³¹ 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 third-party competitors offering access to the Proposed Third Party Systems or connectivity to the Proposed Third Party Data Feeds. Third-party competitors 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 Proposed Pass-Through Edit would not impose any burden on competition. It is not intended to address competitive issues but rather is concerned solely with adding clarity as to who may charge redistribution fees.

The changes would not put any market participants at a relative disadvantage compared to other market participants or penalize one or more categories of market participants in a manner that would impose an undue burden on competition.

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 Act³² and Rule 19b-4(f)(6) thereunder.³³ Because the 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

²⁹ 15 U.S.C. 78f(b)(8).

³⁰ See MMR Notice, *supra* note 25.

³¹ See *supra* note 26.

³² 15 U.S.C. 78s(b)(3)(A)(iii).

³³ 17 CFR 240.19b-4(f)(6).

prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6)(iii) thereunder.³⁴

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) ³⁵ 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-2025-08 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-2025-08. 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-2025-08 and should be submitted on or before May 27, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³⁶

Sherry R. Haywood,
Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102952; File No. SR-NYSE-2025-13]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Connectivity Fee Schedule Related to Connectivity to Third Party Systems and Third Party Data Feeds

April 29, 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 16, 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 and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit

comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Connectivity Fee Schedule to amend the list of third party systems and third party data feeds to which Users can connect, related fees and a reference to who can charge redistribution fees. 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 Connectivity Fee Schedule to amend the list of third party systems and third party data feeds to which Users ⁴ can connect, related fees and a reference to who can charge redistribution fees.

Currently, Users are offered connectivity to the execution systems of third party markets and other service providers ("Third Party Systems") and connectivity to data feeds from third party markets and other content service providers ("Third Party Data Feeds") at

⁴ 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 LLC, NYSE Arca, Inc., 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 changes described herein. See SR-NYSEAMER-2025-22, SR-NYSEARCA-2025-30, SR-NYSETEX-2025-04, and SR-NYSE-2025-08.

³⁴ 17 CFR 240.19b-4(f)(6)(iii). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file 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.

³⁵ 15 U.S.C. 78s(b)(2)(B).

³⁶ 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 Mahwah, New Jersey data center (“MDC”).⁵ The Exchange proposes to amend the two lists to add new items, combine existing items, and amend related fees.

Proposed Changes

Changes to the List of Third Party Systems

The Exchange proposes to make the following changes to the list of Third Party Systems:

- Add Blue Ocean ATS (BOATS), Canadian Imperial Bank of Commerce (CIBC), Long Term Stock Exchange,⁶ MEMX,⁷ Pragma, and Small Exchange (collectively, the “Proposed Third Party Systems”).

- To reflect Cboe Canada’s integration,⁸ combine Cboe MATCHNow into Cboe Canada.

To make these changes, the list of available Third Party Systems would be amended as follows (proposed deletions bracketed, proposed additions *italicized*):

Third Party Systems

B3 Bovespa
Blue Ocean ATS (BOATS)
 Boston Options Exchange (BOX)
Canadian Imperial Bank of Commerce (CIBC)
 Cboe Canada
 [Cboe MATCHNow]
 Cboe US
 Chicago Mercantile Exchange (CME Group)
 Investors Exchange (IEX)
Long Term Stock Exchange
MEMX
 MIAX
 Nasdaq Canada (CXC, CXD, CX2)
 Nasdaq US Stock Market
 NYFIX Marketplace
 Omega
 OTC Markets Group
 Pragma
Small Exchange

TMX Group

The Exchange does not propose to change the monthly recurring fee Users pay for access to each Third Party System. Although the proposed changes to the list of Third Party Systems would combine the names of several current Third Party Systems, no User would be charged more as a consequence of the combination. A User would continue to be able to choose which systems it wants from any Third Party System. It would not have to receive any systems, or pay for any bandwidth, that it did not choose.⁹

Changes to Connectivity to Third Party Data Feeds

The Exchange expects that the connectivity partner of BOATS will charge a redistribution fee, which will be passed through to the User. Accordingly, the Exchange proposes to add “and their partners” to the first sentence of the second paragraph under “Connectivity to Third Party Data Feeds,” which describes who can charge redistribution fees, so that it includes connectivity partners.

The Exchange proposes to make the following changes to the list of Third Party Data Feeds (together, the “Proposed Third Party Data Feeds”):

- Add the following Third Party Data Feeds with the following fees for monthly recurring connectivity:
 - Blue Ocean ATS (BOATS), for \$750 a month;
 - Cboe CFE Futures, for \$1,500 per month;
 - Long Term Stock Exchange, for \$2,600 per month;¹⁰
 - MEMX Equities, for \$2,000 per month;¹¹
 - MEMX Options, for \$2,000 per month;¹² and
 - Small Exchange, for \$1,000 per month.
- Reflecting Cboe Canada’s integration,¹³ combine Cboe

MATCHNow into Cboe Canada and change the combined monthly recurring connectivity fee to \$2,000 per month.

- Replace Miami International Securities Exchange/MIAX Pearl with the following five feeds:
 - MIAX Emerald, at a \$2,600 monthly recurring connectivity fee;
 - MIAX Options, at a \$2,600 monthly recurring connectivity fee;
 - MIAX Pearl Equities, at a \$2,600 monthly recurring connectivity fee;
 - MIAX Pearl Options, at a \$2,600 monthly recurring connectivity fee; and
 - MIAX Sapphire, at a \$2,600 monthly recurring connectivity fee.
- Combine Nasdaq Stock Market with Nasdaq ISE under the name “Nasdaq Stock Market” and change the combined monthly recurring connectivity fee to \$3,000 per month.
- Combine TMX Group and Montreal Exchange¹⁴ under the name of “TMX Group” with a combined monthly recurring connectivity fee of \$2,500 per month.

In addition, the Exchange proposes to change the monthly recurring connectivity fee per Third Party Data Feed for 18 feeds.

To make these changes, the text under “Connectivity to Third Party Data Feeds” and list of available Third Party Data Feeds would be amended as follows (proposed deletions bracketed, proposed additions *italicized*):

Third Party Data Feed providers *and their partners* may charge redistribution fees. When the Exchange receives a redistribution fee, it passes through the charge to the User, without change to the fee. The fee is labeled as a pass-through of a redistribution fee on the User’s invoice. The Exchange does not charge third party markets or content providers for connectivity to their own feeds.

Third Party Data Feed	Monthly recurring connectivity fee per Third Party Data Feed
B3 Bovespa	\$3,000]900
<i>Blue Ocean ATS (BOATS)</i>	750
Boston Options Exchange (BOX)	1,000]300
Cboe BZX Exchange (CboeBZX) and Cboe BYX Exchange (CboeBYX)	[2,000]1,500

⁵ 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.

⁶ See Securities Exchange Act Release No. 85828 (May 10, 2019), 84 FR 21841 (May 15, 2019) (In the Matter of the Application of Long Term Stock Exchange, Inc.; for Registration as a National Securities Exchange; Findings, Opinion, and Order of the Commission).

⁷ See Securities Exchange Act Release No. 88806 (May 4, 2020), 85 FR 27451 (May 8, 2020) (In the

Matter of the Application of MEMX LLC for Registration as a National Securities Exchange; Findings, Opinion, and Order of the Commission).

⁸ See “Cboe Canada Announces Planned Unification of its Canadian Operations” (December 18, 2023) (available at <https://ir.cboe.com/news/news-details/2023/CBOE-CANADA-ANNOUNCES-PLANNED-UNIFICATION-OF-ITS-CANADIAN-OPERATIONS/default.aspx>).

⁹ For example, if a User connected to Cboe Canada but did not access any other Cboe system, including Cboe MATCHNow, it would not pay for

any additional system or have its monthly fee changed as a consequence of the proposed combination.

¹⁰ See *supra* note 6.

¹¹ See *supra* note 7.

¹² See *id.*

¹³ See *supra* note 8.

¹⁴ The Montreal Exchange is a subsidiary of TMX Group. See <https://www.m-x.ca/en/about-us/mx/overview#:~:text=Today%2C%20a%20wholly%20owned%20subsidiary,retail%20and%20institutional%20investors%20needs>.

Third Party Data Feed	Monthly recurring connectivity fee per Third Party Data Feed
Cboe Canada	[1,200]2,000
Cboe CFE Futures	1,500
Cboe EDGX Exchange (CboeEDGX) and Cboe EDGA Exchange (CboeEDGA)	[2,000]1,500
Cboe Exchange (Cboe) and Cboe C2 Exchange (C2)	[2,000]1,500
[Cboe MATCHNow	1,000]
Chicago Mercantile Exchange (CME Group)	3,000
Financial Industry Regulatory Authority (FINRA)	[500]650
Global OTC	[100]150
ICE Data Services Consolidated Feed ≤100 Mb	200
ICE Data Services Consolidated Feed >100 Mb to ≤1 Gb	500
ICE Data Services Consolidated Feed >1 Gb	1,000
ICE Data Services Consolidated Feed Shared Farm ≤100Mb	[200]300
ICE Data Services Consolidated Feed Shared Farm >100 Mb to ≤1 Gb	[500]750
ICE Data Services Consolidated Feed Shared Farm >1 Gb	[1]2,000
ICE Data Services PRD	[200]300
ICE Data Services PRD CEP	[400]500
Intercontinental Exchange (ICE)	1,[500]950
Investors Exchange (IEX)	1,[000]300
Long Term Stock Exchange	2,600
MEMX Equities	2,000
MEMX Options	2,000
MIAX Emerald	2,600
MIAX Options	2,600
MIAX Pearl Equities	2,600
[Miami International Securities Exchange]/MIAX [PEARL]Pearl Options	2,[000]600
MIAX Sapphire	2,600
[Montréal Exchange (MX)	1,000]
Nasdaq Stock Market	[2]3,000
Nasdaq Global Index Data Service (GIDS)	100
Nasdaq UQDF & UTDF	[500]650
Nasdaq Canada (CXC, CXD, CX2)	1,[500]950
[Nasdaq ISE	1,000]
Omega	1,[000]300
OTC Markets Group	1,[000]300
Small Exchange	1,000
TMX Group	2,500

Access to the Proposed Third Party Systems

The Exchange would provide access to the Proposed Third Party Systems as conveniences to Users.

As with the current Third Party Systems, Users would connect to the Proposed Third Party Systems over the internet protocol ("IP") network, a local area network available in the MDC.

As with the current Third Party Systems, in order to obtain access to a Proposed Third Party System, the User would enter into an agreement with the relevant proposed third party, pursuant to which it would charge the User for access to the Proposed Third Party System. The Exchange would then enable unicast connectivity between the User and the Proposed Third Party System over the IP network.¹⁵ The Exchange would charge the User for the

connectivity to the Proposed Third Party System. A User would only receive, and would only be charged for, access to the Proposed Third Party System for which it enters into agreements with the third party.

The Exchange has no affiliation with the providers of any of the Proposed Third Party Systems. Establishing a User's access to a Proposed Third Party System would not give the Exchange any right to use the Proposed Third Party System. Connectivity to a Proposed Third Party System would not provide access or order entry to the Exchange's execution system, and a User's connection to a Proposed Third Party System would not be through the Exchange's execution system.

The Exchange proposes to charge the same monthly recurring fee for connectivity to the Proposed Third Party Systems that it does for the current Third Party Systems. Specifically, when a User requested access to a Proposed Third Party System, it would identify the applicable third party and what bandwidth connection would be required. The fees for such bandwidth connection would

vary based on the size of the connection, not on the particular Third Party System the User chooses. The Exchange is not proposing to change the pricing of any of these bandwidth connections; the Exchange is simply expanding the list of Third Party Systems that Users may access via these bandwidth connections.

Connectivity to the Proposed Third Party Data Feeds

The Exchange would provide connectivity to the Proposed Third Party Data Feeds as a convenience to Users.

As with the existing connections to Third Party Data Feeds, the Exchange would receive a Proposed Third Party Data Feed from the content service provider at the relevant source. The Exchange would then provide connectivity to that data to Users for a fee. Users would connect to the Proposed Third Party Data Feeds over the IP network. The Proposed Third Party Data Feeds would include trading and other information concerning the securities that are traded on the relevant third party systems.

¹⁵ 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.

As with the existing connections to Third Party Data Feeds, in order to connect to a Proposed Third Party Data Feed, a User would enter into a contract with the third party content service provider, pursuant to which it may charge the User for the data feed. The Exchange would receive the Proposed Third Party Data Feed in remote locations and transport it over its fiber optic network to the MDC. After the content service provider and User entered into an agreement and the Exchange received authorization from the content service provider, the Exchange would retransmit the data to the User over the User's port. The Exchange would charge the User for connectivity to the Proposed Third Party Data Feed. A User would only receive, and would only be charged the fee for, connectivity to a Proposed Third Party Data Feed for which it entered into a contract.

The Exchange has no affiliation with the sellers of the Proposed Third Party Data Feeds and would have no right to use those feeds other than as a redistributor of the data. None of the Proposed Third Party Data Feeds would provide access or order entry to the Exchange's execution system. The Proposed Third Party Data Feeds would not provide access or order entry service to the execution systems of the third parties generating the feeds. The Exchange would receive the Proposed Third Party Data Feeds via arms-length agreements and would have no inherent advantage over any other distributor of such data.

Application and Impact of the Proposed Changes

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 purchase of any colocation service is completely voluntary and the Connectivity Fee Schedule is applied uniformly to all Users.

Access to most of the Proposed Third Party Systems and connectivity to most of the Proposed Third Party Data Feeds were requested by Users, but the Exchange believes that it would gain at most a handful of new customers due to the proposed change. The Exchange does not expect that the remainder of the proposed rule change will result in new customers.

Competitive Environment

The Exchange operates in a highly competitive market in which other vendors offer colocation services as a means to facilitate the trading and other

market activities of those market participants who believe that colocation enhances the efficiency of their operations. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system "has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies."¹⁶

As explained below, the Exchange's provision of access to the Proposed Third Party Systems ("Access") and connectivity to the Proposed Third Party Data Feeds ("Connectivity") may compete with access and connectivity provided by other third parties. Third-party vendors are not at any competitive disadvantage created by the Exchange.

The proposed change is not otherwise intended to address any other issues relating to colocation services or related fees, and the Exchange is not aware of any problems that Users 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,¹⁷ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹⁸ 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,¹⁹ 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.

The Proposed Rule 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."²⁰ 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."²¹ 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 Exchange has not placed present or future third party vendors at a competitive disadvantage created by the Exchange.

Substantially Similar Substitutes Are Available

The Exchange's proposed Access and Connectivity would compete with other methods by which both the Exchange and various third parties already provide, or could provide, Users with access to Third Party Systems and connectivity to Third Party Data Feeds. Third-party vendors are not at any competitive disadvantage created by the Exchange.

The Exchange believes that access to at least two of the Proposed Third Party Data Feeds are available to Users from one or more third parties in the MDC. The Exchange does not have visibility into whether additional third parties currently offer, or intend to offer, Users access to the Proposed Third Party Systems or connectivity to the Proposed Third Party Data Feeds, as such third

¹⁶ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

¹⁷ 15 U.S.C. 78f(b).

¹⁸ 15 U.S.C. 78f(b)(5).

¹⁹ 15 U.S.C. 78f(b)(4).

²⁰ See 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-NYSEENAT-2020-03, SR-NYSE-2020-11, SR-NYSEAMER-2020-10, SR-NYSEARCA-2020-15, SR-NYSECHX-2020-05, SR-NYSEENAT-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).

²¹ See Wireless Approval Order, *supra* note 20, at 67049, citing 2008 ArcaBook Approval Order, *supra* note 20, at 74781.

parties are not required to make that information public. However, the market for access to the Proposed Third Party Systems and connectivity to the Proposed Third Party Data Feeds is competitive, and there is no reason to believe that other third party providers of access and connectivity would not provide it to Users if they considered it to be in their commercial interest. FIDS competes with other providers that offer such access and connectivity.

Such third parties compete, or, if additional third parties wish to offer access or connectivity, would compete, with the Exchange's Access and Connectivity and exert, or would exert, significant competitive forces on the Exchange in setting the terms of its proposal, including the level of the Exchange's proposed fees.²² If the Exchange were to set its proposed fees too high, Users could respond by instead selecting third parties' substantially similar access and connectivity.

Third Party Competitors Are Not at a Competitive Disadvantage Created by the Exchange

The Exchange does not believe that FIDS would have any competitive advantage over either existing third-party providers or any future providers of access to Proposed Third Party Systems or connectivity to Proposed Third Party Data Feeds. If a third party offers such access or connectivity to Users, a User may utilize a cross connect, a third party telecommunication network, the MDC network, or a combination thereof to access such access or connectivity through a connection to another User inside the MDC or a third party vendor outside the MDC.²³ The Exchange's proposed service for Access and Connectivity does not have any special access to or advantage within the MDC, as all distances in the MDC are normalized.

Moreover, the Exchange does not believe that FIDS would have any competitive advantage because it would charge for connectivity only, not the Proposed Third Party System or

Proposed Third Party Data Feed itself. All Users that connect to a Proposed Third Party System or Proposed Third Party Data Feed, whether they elect to connect using the Exchange's proposed service or that of the Exchange's competitors, would have to pay a third party for the Proposed Third Party System or Proposed Third Party Data Feed.

To be clear, third party competitors would not be required to obtain the Proposed Third Party Systems or Proposed Third Party Data Feeds from FIDS; rather, they could obtain them from other third parties and transport them into the MDC, via telecom equipment, in order to redistribute them to other Users. Whether they are Users or third party vendors outside the MDC, actual or future competitors of the Exchange would not have to pay the Exchange for the Proposed Third Party System or Proposed Third Party Data Feed itself.

Nor does the Exchange believe that FIDS has a competitive advantage over any third-party competitors offering access to the Proposed Third Party Systems or connectivity to the Proposed Third Party Data Feeds by virtue of the fact that ICE owns and operates the MDC's meet-me-rooms. Users purchasing Access or Connectivity—like Users of any other colocation service—would require a circuit connecting out of the MDC, and in most cases, such circuits are provided by third-party telecommunications service providers that have installed their equipment in the MDC's two meet-me-rooms ("Telecoms").²⁴ 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 level²⁵ 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.²⁶ 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 third-party competitors offering access to the Proposed Third Party Systems or connectivity to the Proposed Third Party Data Feeds. Third-party competitors 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.

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 at least two of the Proposed Third Party Systems and at least two of the Proposed Third Party Data Feeds is available, and the Exchange has not placed third-party vendors at a competitive disadvantage created by the Exchange, the proposed fees for the Exchange's connectivity to Proposed Third Party Systems and Proposed Third Party Data Feeds are reasonable.²⁷ If the Exchange were to set its prices for access to Proposed Third Party Systems or Proposed Third Party Data Feeds at a level that Users found to be too high, Users could easily choose

²² See 2008 ArcaBook Approval Order, *supra* note 20, at 74789 and n.295 (recognizing that products need not be identical to be substitutable).

²³ A Hosted Customer may use its connection to a Hosting User for such access or connectivity. A User may host another entity in its space within the MDC. Such Users are called "Hosting Users," and their customers are referred to as "Hosted Customers." In contrast to Users, Hosted Customers do not have a direct contractual relationship with the Exchange vis-à-vis co-location services. See Securities Exchange Act Release No. 76008 (September 29, 2015), 80 FR 60190 (October 5, 2015) (SR-NYSE-2015-40).

²⁴ Note that in the case of wireless connectivity, a User in colocation 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.

²⁵ See Securities Exchange Act Release No. 97998 (July 26, 2023), 88 FR 50238 (August 1, 2023) (SR-NYSE-2023-27) ("MMR Notice").

²⁶ 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.

²⁷ See Wireless Approval Order, *supra* note 20. There is no fee change proposed for the Proposed Third Party Systems.

to connect to Proposed Third Party Systems or Proposed Third Party Data Feeds through competing connections, as detailed above.

Additional Considerations

The Exchange believes that it is reasonable to add “and their partners” to the second paragraph under “Connectivity to Third Party Data Feeds” (“Proposed Pass-Through Edit”) as that would add clarity as to who may charge redistribution fees, making the paragraph more precise.

The Exchange believes that it is reasonable to make the proposed changes, as connectivity to the Proposed Third Party Systems and access to the Proposed Third Party Data Feeds was generally requested by Users.

The Exchange does not propose to change the monthly recurring fee Users pay for access to each Third Party System. Although the proposed changes to the list of Third Party Systems would combine the names of several current Third Party Systems, no User would be charged more as a consequence of the combinations. A User would continue to be able to choose which systems it wants from any Third Party System. It would not have to receive any systems, or pay for any bandwidth, that it did not choose.

The Exchange believes that the fees for connectivity to the Proposed Third Party Data Feeds are reasonable.

- The combination of Cboe MATCHNow into Cboe Canada reflects the integration of Cboe Canada.²⁸ The combined fee is less than the sum of the current fees for those feeds.

- The proposed fee for the combination of the Nasdaq Stock Market and Nasdaq ISE is equal to the sum of the current fees for those feeds.

- The proposed fee for the combination of the TMX Group and Montreal Exchange is less than the sum of the current fees for those feeds.

- By breaking out the MIAX options into five Proposed Third Party Data Feeds, Users may connect to only the market or markets that they wish. Unlike other Proposed Third Party Data Feeds, MIAX requires dedicated connectivity by individual data feed, and so separating them into five Proposed Third Party Data Feeds follows MIAX’s own connectivity model.

The Proposed Rule Change Is Equitable

The Exchange believes that the proposed rule change is equitable.

The Exchange believes that the Proposed Pass-Through Edit is equitable

as it would add clarity as to who may charge redistribution fees, making the paragraph more precise and thereby ensuring the accuracy of, and adding clarity and transparency to, the Connectivity Fee Schedule. Without this proposed rule change, Users would have fewer options for connectivity to the Proposed Third Party Systems and Proposed Third Party Data Feeds. By offering Access and Connectivity, the Exchange gives each User additional options for addressing its needs, responding to User demand for options. Providing additional services helps each User tailor its data center operations to the requirements of its business operations by allowing it to select the form and latency of connectivity that best suits its needs. Users that do not opt to utilize the Exchange’s Access or Connectivity should still be able to access Proposed Third Party Systems or connect to Proposed Third Party Data Feeds using third party connections.

The Exchange believes that the proposed change is equitable because it will result in fees being charged only to Users that voluntarily select to receive the corresponding services and because those services will be available to all Users.

Furthermore, the Exchange believes that the services and fees proposed herein are equitably allocated because, in addition to the services being completely voluntary, they are available to all Users on an equal basis (*i.e.*, the same products and services are available to all Users). All Users that voluntarily select the Exchange’s Access or Connectivity would be charged the same amount for the same services. Users who opt not to use the Access or Connectivity would not be charged. In this way, the proposed rule change equitably allocates the proposed fees only to Users who choose to use Exchange’s Access or Connectivity.

The Proposed Change Is Not Unfairly Discriminatory

The Exchange believes that the proposed rule change is not unfairly discriminatory, for the following reasons.

The Exchange believes that the Proposed Pass-Through Edit is not unfairly discriminatory as it would add clarity as to who may charge redistribution fees, making the paragraph more precise and thereby ensuring the accuracy of, and adding clarity and transparency to, the Connectivity Fee Schedule to all market participants.

Without this proposed rule change, Users would have fewer options for access to Proposed Third Party Systems

or connectivity to Proposed Third Party Data Feeds. The proposed change would provide Users with an additional choice with respect to the form and optimal latency of the access they use to connect to Proposed Third Party Systems or connectivity to Proposed Third Party Data Feeds, allowing a User to select the connectivity that better suits its needs, helping it tailor its colocation operations to the requirements of its business operations. Users that do not opt to utilize the Exchange’s proposed Access or Connectivity would still be able to access the Proposed Third Party Systems or connect to Proposed Third Party Data Feeds using third party systems.

The Exchange believes that the proposed change is not unfairly discriminatory because it will result in fees being charged only to Users that voluntarily select to receive the corresponding services and because those services will be available to all Users. Furthermore, the Exchange believes that the services and fees proposed herein are not unfairly discriminatory because, in addition to the services being completely voluntary, they are available to all Users on an equal basis (*i.e.*, the same products and services are available to all Users). All Users that voluntarily select the Exchange’s Access or Connectivity would be charged the same amount for the same services.

For all these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization’s Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,²⁹ the Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change would not affect competition among national securities exchanges or among members of the Exchange, but rather between FIDS and its commercial competitors. By offering Access and Connectivity, the Exchange would give each User additional options for addressing its needs, responding to User demand for options. Providing additional services would help each User tailor its data center operations to the requirements of its business operations by allowing it to select the form and latency of connectivity that best suits its needs. Users that do not opt to utilize the Exchange’s proposed Access or Connectivity should still be able to access Proposed Third Party

²⁸ See *supra* note 8.

²⁹ 15 U.S.C. 78f(b)(8).

Systems and connect to Proposed Third Party Data Feeds using third party connections.

The Exchange does not believe that FIDS would have any competitive advantage over either existing third-party providers or any future providers of access to Proposed Third Party Systems or connectivity to Proposed Third Party Data Feeds. If a third party offers such access or connectivity to Users, a User may utilize a cross connect, a third party telecommunication network, the MDC network, or a combination thereof to access such access or connectivity through a connection to another User inside the MDC or a third party vendor outside the MDC. The Exchange's proposed service for Access and Connectivity does not have any special access to or advantage within the MDC. All distances in the MDC are normalized.

Moreover, the Exchange does not believe that FIDS would have any competitive advantage because it would charge for connectivity only, not the Third Party System or Third Party Data Feed itself. All Users that connect to a Proposed Third Party System or Proposed Third Party Data Feed, whether they elect to connect using the Exchange's proposed service or that of the Exchange's competitors, would have to pay a third party for the Proposed Third Party System or Proposed Third Party Data Feed.

To be clear, third party competitors would not be required to obtain the Proposed Third Party Systems or Proposed Third Party Data Feeds from FIDS; rather, they could obtain them from other third parties and transport them into the MDC, via telecom equipment, in order to redistribute them to other Users. Whether they are Users or third party vendors outside the MDC, actual or future competitors of the Exchange would not have to pay the Exchange for the Proposed Third Party System or Proposed Third Party Data Feed itself.

Nor does the Exchange believe that FIDS has a competitive advantage over any third-party competitors offering access to the Proposed Third Party Systems or connectivity to the Proposed Third Party Data Feeds by virtue of the fact that ICE owns and operates the MDC's meet-me-rooms. Users purchasing Access or Connectivity—like Users of any other colocation service—would require a circuit connecting out of the MDC, and in most cases, such circuits are provided by third-party Telecoms. 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 level³⁰ 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.³¹ 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 third-party competitors offering access to the Proposed Third Party Systems or connectivity to the Proposed Third Party Data Feeds. Third-party competitors 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 Proposed Pass-Through Edit would not impose any burden on competition. It is not intended to address competitive issues but rather is concerned solely with adding clarity as to who may charge redistribution fees.

The changes would not put any market participants at a relative

disadvantage compared to other market participants or penalize one or more categories of market participants in a manner that would impose an undue burden on competition.

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 Act³² and Rule 19b-4(f)(6) thereunder.³³ Because the 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 prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6)(iii) thereunder.³⁴

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)³⁵ 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:

³² 15 U.S.C. 78s(b)(3)(A)(iii).

³³ 17 CFR 240.19b-4(f)(6).

³⁴ 17 CFR 240.19b-4(f)(6)(iii). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file 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.

³⁵ 15 U.S.C. 78s(b)(2)(B).

³⁰ See MMR Notice, *supra* note 25.

³¹ See *supra* note 26.

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-2025-13 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-NYSE-2025-13. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NYSE-2025-13 and should be submitted on or before May 27, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³⁶

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-07702 Filed 5-2-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 90 FR 14669, April 3, 2025.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Friday, June 6, 2025, at 1:00 p.m.

CHANGES IN THE MEETING: The Crypto Task Force roundtable scheduled for Friday, June 6, 2025, at 1:00 p.m., has been changed to Monday, June 9, 2025, at 1:00 p.m.

CONTACT PERSON FOR MORE INFORMATION: For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551-5400.

Authority: 5 U.S.C. 552b.

Dated: May 1, 2025.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2025-07883 Filed 5-1-25; 4:15 pm]

BILLING CODE P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102957; File No. SR-NYSECHX-2025-04]

Self-Regulatory Organizations; NYSE Chicago, Inc.; Notice of Filing of Amendment No. 1, and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Amend Exchange Rules 1.1, 5, 7.18, 8 and Exchange Article 22, Rules 24-27

April 29, 2025.

I. Introduction

On March 10, 2025, the NYSE Chicago, Inc. (now known as NYSE Texas, Inc., "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: (a) amend Exchange Rules 5, 7.18, and 8 to permit the listing and trading of shares of certain exchange-traded products on the Exchange; (b) amend Exchange Rule 1.1 to change the definition of "Exchange-Traded Product" to "Derivative Securities Product" and include Exchange-Traded Fund Shares in the definition; and (c) delete redundant listing rules set forth in Exchange Article 22, Rules 24-27. The proposed rule change was

published for comment in the **Federal Register** on March 18, 2025.³ On April 23, 2025, the Exchange filed Amendment No. 1, which amends and replaces the proposed rule change in its entirety.⁴ The Commission has received no comments on the proposed rule change. The Commission is publishing this notice to solicit comments on Amendment No. 1 to the proposed rule change from interested persons, and is approving the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

II. Exchange's Description of the Proposed Rule Change, as Modified by Amendment No. 1

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 amendments to (1) Rules 5, 7.18, and 8 to permit the listing and trading of certain Exchange Traded Products ("ETPs") on the

³ See Securities Exchange Act Release No. 102617 (March 12, 2025), 90 FR 12578.

⁴ In Amendment No. 1, the Exchange: (a) corrected typographical errors in proposed rule text references; (b) referred to certain changes applicable to Market Makers made in a separate proposed rule change (see Securities Exchange Act Release No. 102874 (April 16, 2025), 90 FR 16896 (April 22, 2025) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Amend Rule 1.1, Reinstate Article 16, Rules 1 through 4 and Relocate Them) (SR-NYSECHX-2025-05); (c) furnished a representation regarding the prohibition on the misuse of non-public information (see *infra* note 20); and (d) made changes to reflect the new name of the Exchange (see Securities Exchange Act Release No. 102507 (February 28, 2025), 90 FR 11445 (March 6, 2025) (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.) (SR-NYSECHX-2025-01)). In addition, Amendment No. 1 requests accelerated approval of the proposal pursuant to Section 19(b)(2) of the Act. Amendment No. 1 to the proposed rule change is available on the Commission's website at: <https://www.sec.gov/comments/sr-nysechx-2025-04/srnysechx202504-593435-1721362.pdf>.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³⁶ 17 CFR 200.30-3(a)(12).

Exchange,⁵ and (2) Rule 1.1 to conform the definition of “Exchange Traded Product” to “Derivative Securities Product” in NYSE Arca Rule 1.1 and include Exchange-Traded Fund Shares in the definition. The proposed rule changes would adopt the initial and continued listing standards for these products based on the rules of the Exchange’s affiliate NYSE Arca, Inc (“NYSE Arca”) without substantive change. The Exchange also proposes to delete redundant listing rules in Article 22, Rules 24–27.

Background

Current rules permit the trading on the Exchange of securities, including certain ETPs, on an unlisted trading privileges (“UTP”) basis. Rule 1.1(k) defines “UTP Exchange Traded Product” to mean one of the following ETPs that trades on the Exchange on a UTP basis:

- Equity Linked Notes, Investment Company Units listed pursuant to NYSE Arca Rule 5.2–E(j)(3) and Index Fund Shares listed pursuant to Cboe BZX Exchange, Inc. (“Cboe BZX”) Rule 14.11(c) or Nasdaq Stock Exchange LLC (“Nasdaq”) Rule 5705(b);

- Index-Linked Exchangeable Notes;
- Equity Gold Shares;
- Equity Index-Linked Securities;
- Commodity-Linked Securities;
- Currency-Linked Securities;
- Fixed-Income Index-Linked

Securities;

- Futures-Linked Securities;
- Multifactor-Index-Linked

Securities;

- Trust Certificates;
- Currency and Index Warrants;
- Portfolio Depository Receipts;
- Trust Issued Receipts;
- Commodity-Based Trust Shares;
- Currency Trust Shares;
- Commodity Index Trust Shares;
- Commodity Futures Trust Shares;
- Partnership Units;
- Paired Trust Shares;
- Trust Units, Managed Fund Shares;
- Managed Trust Securities;
- Managed Portfolio Shares; and
- Active Proxy Portfolio Shares listed

pursuant to NYSE Arca, Inc. Rule 8.601–E, Tracking Fund Shares listed pursuant to Cboe BZX Rule 14.11(m), and Proxy Portfolio Shares listed pursuant to Nasdaq Rule 5750.

The Exchange proposes substantially identical rules to those of NYSE Arca for

the qualification and listing of ETPs on the Exchange. Each proposed rule corresponds to the same rule number as the NYSE Arca rule on which it is based and each is being adopted in substantially the same form.

Proposed Rule Change

The Exchange proposes certain non-substantive, technical and conforming changes throughout the proposed rules, as follows. In addition to minor spelling, grammatical and other similar changes and edits, the Exchange proposes to use:

- “Exchange” rather than “NYSE Arca” or “NYSE Arca Marketplace”;
- “will” rather than “shall”;
- “Participant” rather than “ETP Holder” to reflect the Exchange’s membership structure; and
- “Core Trading Hours” rather than “NYSE Arca Marketplace trading hours.”

Further, as discussed below, the Exchange proposes to amend Rule 7.18 (Halts) to add a new section (c)(2) governing trading halts for listed ETPs based on the corresponding NYSE Arca rule. The proposed rules would accordingly reference Rule 7.18.

Rule 1.1

The Exchange proposes to amend Rule 1.1, which sets forth definitions of terms used in Exchange rules, including the terms “Exchange Traded Product” and “UTP Exchange Traded Product.” Specifically, the Exchange proposes to conform these terms with NYSE Arca Rule 1.1, which uses the terms “Derivative Securities Product” and “UTP Derivative Securities Product.” In addition, the Exchange would amend the definition of “Derivative Securities Product” to include Exchange-Traded Fund Shares listed pursuant to NYSE Arca Rule 5.2–E(j)(8), Exchange-Traded Fund Shares listed pursuant to New York Stock Exchange LLC (“NYSE”) Rule 5.2(j)(8), Exchange-Traded Fund Shares listed pursuant to Cboe BZX Rule 14.11(l), and Exchange Traded Fund Shares listed pursuant to Nasdaq Rule 5704 as additional types of ETPs that may trade on the Exchange.

To effect these changes, the Exchange proposes to amend the heading of the definition and the text of the Rule to replace “Exchange Traded” with “Derivative Securities” in conformity with NYSE Arca Rule 1.1 and add the following clause from that definition which reads “With respect to cash equity securities traded on the Exchange,” to the first sentence of the Rule. In addition, the Exchange would add a bullet point listing “Exchange

Traded Fund Shares listed pursuant to NYSE Arca, Inc. Rule 5.2–E(j)(8), New York Stock Exchange LLC (“NYSE”) Rule 5.2(j)(8), or Cboe BZX Rule 14.11(l) and Exchange Traded Fund Shares listed pursuant to Nasdaq Stock Market LLC Rule 5704” at the end of Rule 1.1 to include them in the enumerated list of Derivative Securities Products that may trade on the Exchange. The Exchange also proposes non-substantive changes to accommodate the addition of this bullet point as the final item in the bulleted list in Rule 1.1.

The Exchange believes that the proposed change would ensure that the amended definition of “Derivative Securities Product” in Rule 1.1 reflects a complete list of Derivative Securities Products that may trade on the Exchange, thereby improving the clarity and transparency of Exchange Rules.

Proposed Rule 5—Exchange Traded Products Listing Requirements

The Exchange proposes to amend Rule 5, titled “Trading on an Unlisted Trading Privileges Basis,”⁶ to add listing (proposed Rule 5.2) and continued listing (proposed Rule 5.5) rules, as follows.

Proposed Rules 5.2(j)(2)–(j)(8)

Proposed Rules 5.2(j)(2)–(j)(8) would permit the Exchange to list and trade the following ETPs:

- Equity Linked Notes that (proposed Rule 5.2(j)(2));
- Investment Company Units (proposed Rule 5.2(j)(3));
- Index-Linked Exchangeable Notes (proposed Rule 5.2(j)(4));
- Equity Gold Shares (proposed Rule 5.2(j)(5));
- Equity Index Linked Securities, Commodity-Linked Securities, Currency-Linked Securities, Fixed Income Index-Linked Securities, Futures-Linked Securities, and Multifactor Index-Linked Securities (proposed Rule 5.2(j)(6));
- Trust Certificates (proposed Rule 5.2(j)(7)); and
- Exchange-Traded Securities (proposed Rule 5.2(j)(8)).

The text of these proposed rules is identical to NYSE Arca Rules 5.2–E(j)(2)–5.2(j)(8), other than certain non-substantive and technical differences explained below.

In order to maintain the same rule numbers as the NYSE Arca rules, the

⁵ Rule 1.1(k) defines “Exchange Traded Product” as a security that meets the definition of “derivative securities product” in Rule 19b–4(e) under the Securities and Exchange Act of 1934 (the “Act”).

⁶ Exchange Rule 5 would be re-named “Exchange Traded Products Listing Requirements.”

Exchange proposes to mark paragraphs 5.2(a)–(i)⁷ and (j)(1)⁸ as “Reserved.”

Proposed Rule 5.2(j)(2)—Equity Linked Notes (“ELNs”)

Proposed Rule 5.2(j)(2) would provide rules for the listing and trading of ELNs. Other than certain non-substantive, technical and conforming changes described above and substitution of the Exchange’s delisting rule contained in Article 22, Rule 4 for NYSE Arca’s delisting rule, there are no substantive differences between the proposed rule and NYSE Arca Rule 5.2–E(j)(2).

Proposed Rule 5.2(j)(3)—Investment Company Units

Proposed Rule 5.2(j)(3) would provide rules for the listing and trading of investment company units, a security that represents an interest in a registered investment company that could be organized as a unit investment trust, an open-end management investment company, or similar entity. Other than certain non-substantive, technical and conforming changes described above and substitution of the Exchange’s delisting rule contained in Article 22, Rule 4 for NYSE Arca’s delisting rule, there are no substantive differences between the proposed rule and NYSE Arca Rule 5.2–E(j)(3).

Proposed Rule 5.2(j)(4)—Index-Linked Exchangeable Notes

Proposed Rule 5.2(j)(4) would provide rules for the listing and trading of index-linked exchangeable notes, which are debt securities exchangeable at the option of the holder (subject to certain requirements). In addition to certain non-substantive, technical and conforming changes described above, the Exchange proposes the following additional non-substantive differences between the proposed rule and NYSE Arca Rule 5.2–E(j)(4):⁹

- To qualify for listing and trading under NYSE Arca Rule 5.2–E(j)(4), an index-linked exchangeable note and its issuer must meet the criteria set forth in NYSE Arca Rule 5.2–E(j)(1) (Other Securities), except that the minimum public distribution would be 150,000 notes with a minimum of 400 public note-holders unless traded in thousand dollar denominations, in which case there is no minimum public distribution and number of holders. The Exchange proposes to reference Article 22, Rule 13 (Tier 1 Listing Requirements for Other Securities), the Exchange’s rule that is comparable to NYSE Arca Rule 5.2–E(j)(1), in subparagraphs (a) and (c) of proposed Rule 5.2(j)(4) in order to establish the criteria an issuer and issue must satisfy.

- To qualify for listing and trading under NYSE Arca Rule 5.2–E(j)(4), an index to which an exchangeable note is linked and its underlying securities must meet (1) the procedures in NYSE Arca Rules 5.13–O(b)–(c); or (2) the criteria set forth in subsections (C) and (D) of NYSE Arca Rule 5.2–E(j)(2), the index concentration limits set forth in NYSE Arca Rule 5.13–O(b)(6), and Rule 5.13–O(b)(12) insofar as it relates to Rule 5.13–O(b)(6).¹⁰

The Exchange does not have and is not proposing a rule for listing of index option contracts comparable to NYSE Arca Rule 5.13–O. The Exchange hence proposes to retain the reference to NYSE Arca Rule 5.13–O in paragraph (d) of proposed Rule 5.2(j)(4) and apply the criteria set forth in NYSE Arca Rule 5.13–O in determining whether an index underlying an index-linked exchangeable note satisfies the requirements of proposed Rule 5.2(j)(4)(d).

- Replace “further dealings of the Exchange” in NYSE Arca Rule 5.2–E(j)(4)(f)(v) with “further dealings on the Exchange” in proposed Rule 5.2(j)(4)(f)(v).

- Finally, the Exchange proposes to reference its delisting rule contained in Article 22, Rule 4 in subsections (f) and (g) for NYSE Arca’s delisting rule.

Proposed Rule 5.2(j)(5)—Equity Gold Shares

Proposed Rule 5.2(j)(5) would provide rules for the listing and trading of equity gold shares, which represent units of fractional undivided beneficial interest in and ownership of the Equity Gold

Trust. Other than certain non-substantive, technical and conforming changes described above, there are no differences between the proposed rule and NYSE Arca Rule 5.2–E(j)(5).

Proposed Rule 5.2(j)(6)—Index-Linked Securities

Proposed Rule 5.2(j)(6) would provide rules for the listing and trading of index-linked securities, which are certificates representing an interest in a special purpose trust created pursuant to a trust agreement. In addition to certain non-substantive, technical and conforming changes described above, the Exchange proposes the following additional non-substantive differences between the proposed rule and NYSE Arca Rule 5.2–E(j)(6):¹¹

- To qualify for listing and trading under NYSE Arca Rule 5.2–E(j)(6), both the issue and issuer of an index-linked security must meet the criteria in NYSE Arca Rule 5.2–E(j)(1) (Other Securities), with certain specified exceptions. The Exchange proposes to reference Article 22, Rule 13 (Tier 1 Listing Requirements for Other Securities), the Exchange’s rule that is comparable to NYSE Arca Rule 5.2–E(j)(1), in proposed Rule 5.2(j)(6) in order to establish the criteria an issue and issuer must satisfy.

- The listing standards for Equity Index-Linked Securities in NYSE Arca Rule 5.2–E(j)(6) reference NYSE Arca Rule 5.3–O in describing the criteria for securities that compose 90% of an index’s numerical value and at least 80% of the total number of components. Since the Exchange does not have and is not proposing a rule comparable to NYSE Arca Rule 5.3–O, the Exchange proposes to reference to NYSE Arca Rule 5.3–O in paragraph (B)(I)(1)(b)(2)(iv) of proposed Rule 5.2(j)(6) establishing the initial listing criteria that an index must meet to trade on the Exchange.

- Finally, the Exchange proposes to reference its delisting rule contained in Article 22, Rule 4 for NYSE Arca’s delisting rule.

Proposed Rule 5.2(j)(7)—Trust Certificates

Proposed Rule 5.2(j)(7) would provide rules for the listing and trading of trust certificates, which are securities representing an interest in a special purpose trust created pursuant to a trust agreement.

In addition to certain non-substantive, technical and conforming changes described above, the Exchange proposes

⁷ NYSE Arca Rules 5.2–E(a) and (b) relate to certain requirements and structures unique to NYSE Arca, while NYSE Arca Rules 5.2–E(c)–(g) relate to listing standards for securities that are not ETPs. Finally, NYSE Arca Rule 5.2–E(h) pertains to Unit Investment Trusts (“UITs”) that the Exchange proposes to list and trade pursuant to proposed Rule 5.2(j)(3) (Investment Company Units) or proposed Rule 8.100 (Portfolio Depository Receipts). In addition, the Exchange does not propose to adopt a rule comparable to NYSE Arca Rule 5.2–E(i), which relates to securities issued in a limited partnership rollout transaction as defined by Section 14(h) of the Act.

⁸ NYSE Arca Rule 5.2–E(j)(1) pertains to “Other Securities” not otherwise covered by the requirements contained in the other listing rules of NYSE Arca. Article 22, Rule 13 is the Exchange’s comparable rule. See the discussion, *infra*.

⁹ The changes are similar to those made by the Exchange’s affiliate NYSE when it adopted NYSE Arca Rule 5.2–E(j)(4). See NYSE Rule 5.2(j)(4).

¹⁰ NYSE Arca Rule 5.13–O sets forth criteria for narrow-based and micro narrow-based indexes on which an options contract may be listed without a rule filing under Section 19(b) of the Act. The NYSE Arca rules incorrectly refer to NYSE Arca Rule 5.13–E(b) & (c). The correct reference should be to NYSE Arca’s options rules.

¹¹ The changes are similar to those made by the Exchange’s affiliate NYSE when it adopted this rule. See NYSE Rule 5.2(j)(6).

the following additional non-substantive difference between the proposed rule and NYSE Arca Rule 5.2–E(j)(7).

- Commentary .08 to NYSE Arca Rule 5.2–E(j)(7) provides that, in the event that the Trust Certificates are exchangeable at the option of the holder and contains an Index Warrant, then the ETP Holder must ensure that the holder's account is approved for options trading in accordance with NYSE Arca Rule 9.2–E¹² in order to exercise such rights. The Exchange does not currently have and is not proposing to add rules that pertain to the opening of accounts that are approved for options trading. The Exchange thus proposes to require a Participant to ensure that the account of a holder of a Trust Certificate that is exchangeable, at the holder's option, into securities that participate in the return of the applicable underlying asset is approved for options trading in accordance with NYSE Arca Rule 9.18–O.

- The Exchange proposes to reference its delisting rule contained in Article 22, Rule 4 for NYSE Arca's delisting rule.

Proposed Rule 5.2(j)(8)—Exchange-Traded Fund Shares

Proposed Rule 5.2(j)(8) would establish “generic” listing standards for listing and trading ETPs that are permitted to operate in reliance on Rule 6c–11 under the Investment Company Act of 1940 (the “1940 Act”). Other than certain non-substantive, technical and conforming changes described above and substitution of the Exchange's delisting rule contained in Article 22, Rule 4 for NYSE Arca's delisting rule, there are no differences between the proposed rule and NYSE Arca Rule 5.2–E(j)(8).

Proposed Rule 5.5

Proposed Rule 5.5 would set forth additional continued listing standards and procedures that the Exchange would undertake for non-compliant ETPs. The text of these proposed rules is identical to NYSE Arca Rules 5.5–E(g)(2), (i)–1, and (j)–1, other than certain non-substantive and technical differences described above. In order to maintain the same rule numbers as the NYSE Arca rules with respect to rules that the Exchange does not propose to adopt, the Exchange would mark

paragraphs 5.5(a)–(g),¹³ (h)–(i),¹⁴ (j),¹⁵ and (k)–(m)¹⁶ as “Reserved.”

Proposed Rule 5.5(g)(2)

Proposed Rule 5.5(g)(2) would set forth continued listing criteria, halt parameters and delisting criteria for investment company units listed under proposed Rule 5.2(j)(3). Other than certain non-substantive, technical and conforming changes described above and substitution of the Exchange's delisting rule contained in Article 22, Rule 4 for NYSE Arca's delisting rule, there are no substantive differences between the proposed rule and NYSE Arca Rule 5.5–E(g)(2).

Proposed Rule 5.5(i)–1¹⁷

Proposed Rule 5.5(i)–1 would set forth continued listing criteria and delisting criteria for securities listed pursuant to Article 22, Rule 13. Other than certain non-substantive, technical and conforming changes described above and substitution of the Exchange's delisting rule contained in Article 22, Rule 4 for NYSE Arca's delisting rule, there are no substantive differences between the proposed rule and NYSE Arca Rule 5.5–E(g)(2).

Proposed Rule 5.5(j)–1

Proposed Rule 5.5(j)–1 would set forth continued listing criteria and delisting criteria for ELNs listed under proposed Rule 5.2(j)(2). Other than certain non-substantive, technical and conforming changes described above and substitution of the Exchange's delisting rule contained in Article 22, Rule 4 for NYSE Arca's delisting rule, there are no substantive differences between the proposed rule and NYSE Arca Rule 5.5–E(j)–1.

¹³ NYSE Arca Rule 5.5–E(a) relates to continued listing (*i.e.*, maintenance) requirements and delisting procedures generally. NYSE Arca Rule 5.5–E(b) through (g)(1) specify continuing listing requirements for common stock (select market companies, equity securities and similar issues); preferred stock and similar issues; bonds and debentures; warrants; contingent value rights; and unit investment trusts, respectively.

¹⁴ NYSE Arca Rule 5.5–E(h) specifies continued listing requirements for the common stock of development stage companies. NYSE Arca Rule 5.5–E(i) specifies continued listing requirements for the preferred stock and similar issues.

¹⁵ NYSE Arca Rule 5.5–E(j) sets forth continued listing requirements for bonds and debentures.

¹⁶ NYSE Arca Rule 5.5–E(k) specifies continuing listing requirements for warrants. NYSE Arca Rules 5.5–E(l) and (m) set forth delisting criteria and procedures, respectively.

¹⁷ The heading of both NYSE Arca Rule 5.5–E(i)–1 and 5.5–E(j)–1 states “The Exchange will commence.” The Exchange does not propose to adopt the same heading for either rule.

Proposed Rule 7.18(c)(2)—Trading Halts for Listed ETPs

The Exchange proposes new Rule 7.18(c)(2) modeled on NYSE Arca Rule 7.18–E(d)(2) that would govern trading halts for listed ETPs for which a Net Asset Value (“NAV”) (and, in the case of Managed Fund Shares under proposed Rule 8.600 and Managed Trust Securities under proposed Rule 8.700, a Disclosed Portfolio), is disseminated. Under the proposed rule, if the Exchange becomes aware that the NAV (or in the case of Managed Fund Shares or Managed Trust Securities, the Disclosed Portfolio) is not being disseminated to all market participants at the same time, it will halt trading in the affected ETP on the Exchange until such time as the NAV (or in the case of Managed Fund Shares or Managed Trust Securities, the Disclosed Portfolio, as applicable) is available to all market participants.

Except for certain non-substantive, technical and conforming changes described above, there are no differences between proposed Rule 7.18(c)(2) and NYSE Arca Rule 7.18–E(d)(2).

Proposed Rule 8—Trading of Certain Exchange Traded Products

The Exchange proposes rules to permit the Exchange to list and trade the following securities:

- Currency and Index Warrants (proposed Rules 8.1–8.13);
- Portfolio Depositary Receipts (proposed Rule 8.100);
- Trust Issued Receipts (proposed Rule 8.200);
- Commodity Based Trust Shares (proposed Rule 8.201);
- Currency Trust Shares (proposed Rule 8.202);
- Commodity Index Trust Shares (proposed Rule 8.203);
- Commodity Futures Trust Shares (proposed Rule 8.204);
- Partnership Units (proposed Rule 8.300);
- Paired Trust Shares (proposed Rule 8.400);
- Trust Units (proposed Rule 8.500);
- Managed Fund Shares (proposed Rule 8.600);
- Active Proxy Portfolio Shares (proposed Rule 8.601);
- Managed Trust Securities (proposed Rule 8.700); and
- Managed Portfolio Shares (proposed Rule 8.900).

The Exchange proposes to reserve Rule 8.100(g) to maintain the same numbering as the NYSE Arca rules. Once again, except for the non-substantive and technical differences

¹² NYSE Arca Rule 5.2–E(j)(7) incorrectly cites NYSE Arca Rule 9.2–E. The correct reference should be to NYSE Arca Rule 9.18–O, which the Exchange proposes to adopt.

described above, the rules are being adopted in substantially the same form as the NYSE Arca rules.

Proposed Rules 8.1–8.13—Currency and Index Warrants

Proposed Rules 8.1–8.13 would provide rules for the listing and trading (including sales-practice rules such as those relating to suitability and supervision of accounts) of currency and index warrants. In addition to certain non-substantive, technical and conforming changes described above and the additional non-substantive differences with respect to specific rules described below, there are no substantive differences between the proposed rules and NYSE Arca Rules 8.1–E through 8.13–E.

- *Proposed Rule 8.1—General.* No substantive differences are proposed between the proposed rule and NYSE Arca Rule 8.1–E other than certain non-substantive, technical and conforming changes described above.

- *Proposed Rule 8.2—Definitions.* No substantive differences are proposed between the proposed rule and NYSE Arca Rule 8.2–E other than certain non-substantive, technical and conforming changes described above.

- *Proposed Rule 8.3—Listing of Currency and Index Warrants.* NYSE Arca Rule 8.3–E references the size and earnings requirements for a warrant issuer set forth in NYSE Arca Rule 5.2–E(c) (Common Stock-Select Market Companies). The Exchange does not currently have and is not proposing a rule comparable to NYSE Arca Rule 5.2–E(c), and thus proposes to reference the requirements of NYSE Arca Rule 5.2–E(c) in proposed Rule 8.3(b)(1). In addition, the Exchange would substitute its delisting rule contained in Article 22, Rule 4 for NYSE Arca's delisting rule in proposed Rule 8.3.

- *Proposed Rule 8.4—Account Approval.* NYSE Arca Rule 8.4–E references the requirements of NYSE Arca 9.18–E(b) (Doing a Public Business in Options) regarding the opening and approval of a customer accounts for options trading. The Exchange does not trade options and does not have or intend to adopt a rule comparable rule to NYSE Arca Rule 9.18–E(b). The Exchange thus proposes to reference the requirements of NYSE Arca Rule 9.18–E(b) in proposed Rule 8.4.

- *Proposed Rule 8.5—Suitability.* NYSE Arca Rule 8.5–E provides that the suitability requirement of NYSE Arca Rule 9.18–E(c) (Suitability) apply to recommendations made in stock index, currency index and currency warrants and that the term “option” as used therein shall be deemed for purposes of

this Rule to include warrants. Once again, the Exchange does not trade options and does not have or intend to adopt a rule comparable rule to NYSE Arca Equities Rule 9.18(c). The Exchange would reference the requirements of NYSE Arca Rule 9.18–E(b) in proposed Rule 8.4.

- *Proposed Rule 8.6—Discretionary Accounts.* NYSE Arca Rule 8.6–E provides that NYSE Arca Rule 9.6–E(a), which prohibits discretion as to customers' accounts, shall not apply to customer accounts insofar as an ETP Holder exercises discretion to trade in stock index, currency index and currency warrants, and that any such customer account shall instead be subject to NYSE Arca Rule 9.18–E(e). Article 9, Rule 21 is the Exchange's equivalent rule to NYSE Arca Rule 9.6–E(a), which the Exchange would reference in proposed Rule 8.6. The Exchange would retain references to NYSE Arca Rule 9.18–E(e), which governs the exercise of discretion with respect to trading in option contracts, currency warrants, or index warrants in a customer's account.

- *Proposed Rule 8.7—Supervision of Accounts.* NYSE Arca Rule 8.7–E provides that NYSE Arca Rule 9.18–E(d) shall apply to all customer accounts of an ETP Holder in which transactions in stock index, currency index or currency warrants are effected. NYSE Arca Rule 9.18–E(d) provides supervisory guidelines for operating an options business. The Exchange does not trade options and does not have or intend to adopt a rule comparable rule to NYSE Arca Rule 9.18–E(d). The Exchange thus proposes to reference the requirements of NYSE Arca Rule 9.18–E(e) in proposed Rule 8.7.

- *Proposed Rule 8.8—Customer Complaints.* NYSE Arca Rule 8.8–E provides that NYSE Arca Rule 9.18–E(l) shall apply to all customer complaints received by an ETP Holder regarding stock index, currency index or currency warrants. The Exchange does not trade options and does not have or intend to adopt a rule comparable rule to NYSE Arca Rule 9.18–E(l). The Exchange thus proposes to reference the requirements of NYSE Arca Rule 9.18–E(l) in proposed Rule 8.8.

- *Proposed Rule 8.9—Prior Approval of Certain Communications to Customers.* NYSE Arca Rule 8.9–E provides that all advertisements, sales literature and educational material issued by an ETP Holder to any customer or member of the public pertaining to stock index, currency index or currency warrants shall comply with the requirements set forth in the Commentaries to NYSE Arca Rule 9.28–

E. NYSE Arca Rule 9.28–E governs advertisements, Market Letters and Sales Literature Relating to Options. The Exchange does not trade options and thus does not have a comparable rule. The Exchange accordingly proposes to retain the reference to the Commentaries to NYSE Arca Rule 9.28–E in proposed Rule 8.9.

- *Proposed Rule 8.10—Position Limits.* No substantive differences are proposed between the proposed rule and NYSE Arca Rule 8.10–E other than certain non-substantive, technical and conforming changes described above.

- *Proposed Rule 8.11—Exercise Limits.* No substantive differences are proposed between the proposed rule and NYSE Arca Rule 8.11–E other than certain non-substantive, technical and conforming changes described above.

- *Proposed Rule 8.12—Trading Halts or Suspensions.* No substantive differences are proposed between the proposed rule and NYSE Arca Rule 8.12–E other than certain non-substantive, technical and conforming changes described above. In addition, the Exchange would substitute its delisting rule contained in Article 22, Rule 4 for NYSE Arca's delisting rule in proposed Rule 8.12.

- *Proposed Rule 8.13—Reporting of Warrant Positions.* No substantive differences are proposed between the proposed rule and NYSE Arca Rule 8.13–E other than certain non-substantive, technical and conforming changes described above. The Exchange would correct a typographical error in subsection (a) and substitute the phrase “the ETP Holder filing the same file with the Exchange such additional periodic reports with respect to such account as the Exchange may from time to time prescribe” with “the Participant filing the report will file with the Exchange such additional periodic reports with respect to such account as the Exchange may from time to time prescribe.”

Proposed Rule 8.100—Portfolio Depositary Receipts

Proposed Rule 8.100 would establish rules to list and trade portfolio depositary receipts, a security based on a unit investment trust that holds securities comprising an index or portfolio underlying a series of portfolio depositary receipts. Other than certain non-substantive, technical and conforming changes described above and substitution of the Exchange's delisting rule contained in Article 22, Rule 4 for NYSE Arca's delisting rule, there are no differences between the proposed rule and NYSE Arca Rule 8.100–E.

Proposed Rule 8.200—Trust Issued Receipts

Proposed Rule 8.200 would establish rules to list and trade trust issued receipts, a security issued by a trust that holds specific securities deposited with the Trust. Other than certain non-substantive, technical and conforming changes described above and substitution of the Exchange's delisting rule contained in Article 22, Rule 4 for NYSE Arca's delisting rule, there are no differences between the proposed rule and NYSE Arca Rule 8.200-E.

Proposed Rule 8.201—Commodity-Based Trust Shares

Proposed Rule 8.201 would establish rules to list and trade commodity-based trust shares, a security issued by a trust that holds a specified commodity deposited with the trust or a specified commodity and cash. Other than certain non-substantive, technical and conforming changes described above and substitution of the Exchange's delisting rule contained in Article 22, Rule 4 for NYSE Arca's delisting rule, there are no differences between the proposed rule and NYSE Arca Rule 8.201-E.

Proposed Rule 8.202—Currency Trust Shares

Proposed Rule 8.202 would establish rules to list and trade currency trust shares, a security issued by a trust that holds a specified non-U.S. currency or currencies deposited with the Trust. Other than certain non-substantive, technical and conforming changes described above and substitution of the Exchange's delisting rule contained in Article 22, Rule 4 for NYSE Arca's delisting rule, there are no differences between the proposed rule and NYSE Arca Rule 8.202-E.

Proposed Rule 8.203—Commodity Index Trust Shares

Proposed Rule 8.203 would establish rules to list and trade commodity index trust shares, a security that is a commodity pool as defined in the Commodity Exchange Act and regulations thereunder, that is managed by a commodity pool operator registered with the Commodity Futures Trading Commission, and that holds long positions in futures contracts on a specified commodity index, or interests in a commodity pool which, in turn, holds such long positions. Other than certain non-substantive, technical and conforming changes described above and substitution of the Exchange's delisting rule contained in Article 22, Rule 4 for NYSE Arca's delisting rule, there are no differences between the

proposed rule and NYSE Arca Rule 8.203-E. The Exchange proposes to correct a typographical error in the first sentence of subsection (d) to replace "one more more" with "one or more."

Proposed Rule 8.204—Commodity Futures Trust Shares

Proposed Rule 8.204 would establish rules to list and trade commodity futures trust shares, a security issued by a trust that is a commodity pool as defined in the Commodity Exchange Act and regulations thereunder, that is managed by a commodity pool operator registered with the Commodity Futures Trading Commission, and that holds positions in futures contracts that track the performance of a specified commodity, or interests in a commodity pool which, in turn, holds such positions. Other than certain non-substantive, technical and conforming changes described above and substitution of the Exchange's delisting rule contained in Article 22, Rule 4 for NYSE Arca's delisting rule and the Exchange's books and records rule in Article 11, Rule 2 for NYSE Arca's rule, there are no differences between the proposed rule and NYSE Arca Rule 8.204-E.

Proposed Rule 8.300—Partnership Units

Proposed Rule 8.300 would establish rules to list and trade partnership units, a security issued by a partnership that invests in any combination of futures contracts, options on futures contracts, forward contracts, commodities and/or securities and that is issued and redeemed daily in specified aggregate amounts at net asset value. Other than certain non-substantive, technical and conforming changes described above and substitution of the Exchange's delisting rule contained in Article 22, Rule 4 for NYSE Arca's delisting rule and the Exchange's books and records rule in Article 11, Rule 2 for NYSE Arca's rule, there are no differences between the proposed rule and NYSE Arca Rule 8.300-E.

Proposed Rule 8.400—Paired Trust Shares

Proposed Rule 8.400 would establish rules to list and trade paired trust shares, which can be of a "holding" or "tradeable" variety. Other than certain non-substantive, technical and conforming changes described above and substitution of the Exchange's delisting rule contained in Article 22, Rule 4 for NYSE Arca's delisting rule and the Exchange's books and records rule in Article 11, Rule 2 for NYSE Arca's rule, there are no differences

between the proposed rule and NYSE Arca Rule 8.400-E.

Proposed Rule 8.500—Trust Units

Proposed Rule 8.500 would establish rules to list and trade trust units, a security issued by a trust or similar entity constituted as a commodity pool that holds investments comprising or otherwise based on any combination of futures contracts, options on futures contracts, forward contracts, swap contracts, commodities and/or securities. Other than certain non-substantive, technical and conforming changes described above and substitution of the Exchange's delisting rule contained in Article 22, Rule 4 for NYSE Arca's delisting rule, there are no differences between the proposed rule and NYSE Arca Rule 8.500-E.

Proposed Rule 8.600—Managed Fund Shares

Proposed Rule 8.600 would establish rules to list and trade managed fund shares, a security that represents an interest in a registered investment company organized as an open-end management investment company or similar entity that invests in a portfolio of securities selected by the investment company's investment adviser consistent with its investment objectives and policies. Other than certain non-substantive, technical and conforming changes described above and substitution of the Exchange's delisting rule contained in Article 22, Rule 4 for NYSE Arca's delisting rule, there are no differences between the proposed rule and NYSE Arca Rule 8.600-E.

Proposed Rule 8.601—Active Proxy Portfolio Shares

Proposed Rule 8.601 would establish rules to list and trade active proxy portfolio shares, a security issued by a registered investment company organized as an open-end management investment company or similar entity that invests in a portfolio of securities selected by the investment company's investment adviser consistent with its investment objectives and policies. Other than certain non-substantive, technical and conforming changes described above, deletion of "pursuant to unlisted trading privileges" and the reference to subsection (d)(1) of NYSE Arca Rule 7.18 in proposed Rule 8.601(d)(2)(D)(ii), and substitution of the Exchange's delisting rule contained in Article 22, Rule 4 for NYSE Arca's delisting rule, there are no differences between the proposed rule and NYSE Arca Rule 8.601-E.

Proposed Rule 8.700—Managed Trust Securities

Proposed Rule 8.700 would establish rules to list and trade managed trust securities, a security registered under the Securities Act of 1933, as amended, and issued by a trust that is a commodity pool as defined in the Commodity Exchange Act and regulations thereunder, is not registered or required to be registered as an investment company under the Investment Company Act of 1940, as amended, and managed by a commodity pool operator registered with the Commodity Futures Trading Commission that holds long and/or short positions in exchange-traded futures contracts and/or certain currency forward contracts and/or swaps. Other than certain non-substantive, technical and conforming changes described above and substitution of the Exchange's delisting rule contained in Article 22, Rule 4 for NYSE Arca's delisting rule and the Exchange's books and records rule in Article 11, Rule 2 for NYSE Arca's rule, there are no differences between the proposed rule and NYSE Arca Rule 8.700–E.

Proposed Rule 8.900—Managed Portfolio Shares

Proposed Rule 8.900 would establish rules to list and trade managed portfolio shares, a security registered under the Investment Company Act of 1940 and organized as an open-end management investment company that invests in a portfolio of securities selected by the investment company's investment adviser. Other than certain non-substantive, technical and conforming changes described above and substitution of the Exchange's delisting rule contained in Article 22, Rule 4 for NYSE Arca's delisting rule, there are no differences between the proposed rule and NYSE Arca Rule 8.900–E.¹⁸

Deletion of Obsolete Listing Rules—Article 22, Rules 24–27

The Exchange's listing rules are set forth in Article 22. The Exchange proposes to delete the following listing rule that would be superseded by the ETP listing and trading rules in proposed Rules 5 and 8:

- Article 22, Rule 24 (Investment Company Units);
- Article 22, Rule 25 (Portfolio Depositary Receipts);
- Article 22, Rule 26 (Equity-Linked Debt Securities); and

- Article 22, Rule 27 (Trust Issued Receipts).

The remaining Article 22 rules would be re-numbered. Article 22, Rule 28 (Additional Requirements for Listed Securities Issued by Intercontinental Exchange, Inc. or its Affiliates) would become Article 22, Rule 24 and Article 22, Rule 29 (Erroneously Awarded Compensation) would become Article 22, Rule 25.

The Exchange believes that the proposed change would make the Exchange's rules more accessible and add clarity and transparency to its rule by removing superseded text.

Surveillance

The Exchange represents that listed ETPs would be subject to the existing trading surveillances administered by the Exchange, as well as cross-market surveillances administered by the Financial Industry Regulatory Authority ("FINRA") on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws. The Exchange represents that these procedures are adequate to properly monitor the Exchange's listing and trading of ETPs in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.¹⁹

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of relevant parties for relevant trading violations. The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in ETPs, as well as certain other securities and financial instruments underlying such ETPs, with other markets and other entities that are members of the Intermarket Surveillance Group ("ISG"). The Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in ETPs and financial instruments from such markets and other entities. In addition, the Exchange may obtain information regarding trading in ETPs, as well as certain other securities and financial instruments underlying such ETPs, from markets and other entities with which

the Exchange has in place a comprehensive surveillance sharing agreement ("CSSA"). Further, the Exchange's affiliates, the NYSE and NYSE Arca, currently list ETPs pursuant to rules that are substantially identical to the rules proposed by the Exchange in this filing. NYSE Regulation conducts initial and continued listing reviews for ETPs listed on the NYSE and NYSE Arca. The Exchange represents that NYSE Regulation will conduct initial and continued listing reviews of ETPs listed on the Exchange in the same manner as it does for the NYSE and NYSE Arca.

Participant Duties and Responsibilities

The Exchange notes that Participants, including Market Makers,²⁰ would be subject to all Exchange rules applicable to equities trading and the duties and responsibilities of Exchange Participants. Specifically, Participants would continue to be subject to the requirement to make and preserve books and records pursuant to Article 11, Rule 2 and to provide those books and records to the Exchange upon demand under Article 11, Rule 1. Market Makers in particular would be subject to the requirements set forth in Rule 7, Section 2, including Market Maker registration and obligations, such as the responsibility to engage in a course of dealings for their own account to assist in the maintenance, insofar as reasonably practicable, of fair and orderly markets on the Exchange as well as minimum performance standards for Designated Market Makers. All Participants would further be subject to the requirements of Rule 11.3110 to establish and maintain a system to supervise the activities of each associated person that is reasonably designed to achieve compliance with applicable securities laws and regulations, and with applicable Exchange rules, and sets forth the minimum requirements for such supervisory system. Under Rule

²⁰ The Exchange recently deleted the preamble to Article 16 that rendered the rules relating to the registration and obligation of Market Makers therein inapplicable to trading on the Pillar trading platform, and reinstated and relocated those rules under Rule 7, Section 2 as Rules 7.20 through 7.24, with changes to harmonize them with rules governing Market Makers on its affiliated exchanges. See Securities Exchange Act Release No. 102874 (April 16, 2025), 90 FR 16896 (April 22, 2025) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Amend Rule 1.1, Reinstatement Article 16, Rules 1 through 4 and Relocate Them). The Exchange will be submitting a rule filing to adopt a rule substantially similar to NYSE Arca Rule 11.3 governing the prevention of the misuse of material, nonpublic information. The Exchange represents that it will not list or trade any ETPs until the rule modeled on NYSE Arca Rule 11.3 is operative.

¹⁸ The Exchange would adopt NYSE Arca's numbering and skip 8.800.

¹⁹ FINRA conducts cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

11.3110, final responsibility for proper supervision rests with the Participant.

Firewalls

Commentary .01(b)(1) and Commentary .02(b) to proposed Rule 5.2(j)(3) (applicable to Investment Company Units) and Commentary .06 to proposed Rule 8.600 (applicable to Managed Fund Shares) require the establishment and maintenance of a “firewall” around personnel who have access to information concerning changes to an index or the composition and/or changes to a fund’s portfolio; and that specified persons or entities be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the applicable index or portfolio.

In the Rule 6c–11 Release, the Commission, in the context of index-based ETFs with affiliated index providers (“self-indexed ETFs”), noted the federal securities law provisions that currently relate to implementation by funds of appropriate measures to deal with misuse of non-public information.²¹ The Exchange notes that these federal securities law requirements will continue to apply to issues of index and actively-managed ETFs and the proposed generic listing rules for Exchange-Traded Fund Shares are consistent with such requirements.

The Exchange notes that proposed Commentary .02(a) to Rule 5.2(j)(8) provides that, with respect to series of Exchange-Traded Fund Shares that are based on an index, if the underlying index is maintained by a broker-dealer or fund adviser, the broker-dealer or fund adviser will erect and maintain a

“fire wall” around the personnel who have access to information concerning changes and adjustments to the index and the index shall be calculated by a third party who is not a broker-dealer or fund advisor. In addition, proposed Commentary .02(b) to Rule 5.2(j)(8) provides that, with respect to series of Exchange-Traded Fund Shares that are actively managed if, the investment adviser to the Exchange-Traded Fund issuing Exchange-Traded Fund Shares is affiliated with a broker-dealer, such investment adviser will erect and maintain a “fire wall” between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such Exchange-Traded Fund portfolio. Personnel who make decisions on the applicable Exchange-Traded Fund’s portfolio composition must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the applicable Exchange-Traded Fund portfolio.²² Proposed Commentary .02(a) to Rule 5.2(j)(8)(k) is based on Commentary .02(a) to NYSE Arca Rule 5.2–E(j)(8) without any differences.

As noted, proposed Rule is based on NYSE Arca Rule 5.2–E(j)(8). The Exchange believes that adopting the same generic standards for Exchange-Traded Fund Shares would facilitate efficient procedures for ETFs that are permitted to operate in reliance on Rule 6c–11. The Exchange further believes that the proposed rule is, like its NYSE Arca counterpart, fully consistent with, and will further, the Commission’s goals in adopting Rule 6c–11.

For all of the reasons stated above, the proposal is therefore consistent with the requirements of the Act.

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act,²³ in general, and furthers the objectives of Sections 6(b)(5) of the Act,²⁴ 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 facilitating transactions in securities, to

remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest. In addition, the Exchange believes that the proposed changes would promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and protect investors and the public interest because the proposed rules are based on rules of the Exchange’s affiliated market, NYSE Arca. Accordingly, the proposed rule changes promote continuity across affiliated exchanges, permitting ETPs to list and trade on the Exchange by meeting the same listing standards as on the Exchange’s affiliated market.

The Exchange believes that the proposed rule change is consistent with the above principles. By providing rules for the listing and trading of ETPs, the Exchange believes its proposal would lead to the addition of liquidity to the broader market and to increased competition among the existing group of liquidity providers. The Exchange also believes that, by so doing, the proposed rule change would encourage the additional utilization of, and interaction with, the exchange market, and provide market participants with improved price discovery, increased liquidity, more competitive quotes and greater price improvement for listed ETPs.

The Exchange further believes that listing ETPs on the Exchange would help raise investors’ confidence in the fairness of the market, generally, and their transactions in particular. As such, the listing of ETPs would foster cooperation and coordination with persons engaged in facilitating securities transactions, enhance the mechanism of a free and open market, and promote fair and orderly markets in securities on the Exchange.

The proposal is also designed to promote just and equitable principles of trade by way of initial and continued listing standards which, if not maintained, would result in the discontinuation of trading in the affected products. These requirements, together with the applicable Exchange trading rules (which apply to the proposed products), ensure that no investor would have an unfair advantage over another respecting the trading of the subject products. On the contrary, all investors would have the same access to, and use of, information concerning the specific products and trading in the specific products, all to the benefit of public customers and the marketplace as a whole. The proposal is intended to ensure that investors receive

²¹ See Release Nos. 33–10695; IC–33646; File No. S7–15–18 (ETFs) (September 25, 2019), 84 FR 57162, 57168–57169 (October 24, 2019) (the “Rule 6c–11 Release”). See also 17 CFR 270.38a–1 (Rule 38a–1 under the 1940 Act) (requiring funds to adopt policies and procedures reasonably designed to prevent violation of federal securities laws); 17 CFR 270.17j–1(c)(1) (Rule 17j–1(c)(1) under the Investment Company Act) (requiring funds to adopt a code of ethics containing provisions designed to prevent certain fund personnel (“access persons”) from misusing information regarding fund transactions); section 204A of the Investment Advisers Act of 1940 (“Advisers Act”) (15 U.S.C. 80b–204A) (requiring an adviser to adopt policies and procedures that are reasonably designed, taking into account the nature of its business, to prevent the misuse of material, non-public information by the adviser or any associated person, in violation of the Advisers Act or the Exchange Act, or the rules or regulations thereunder); section 15(g) of the Exchange Act (15 U.S.C. 78o(f)) (requiring a registered broker or dealer to adopt policies and procedures reasonably designed, taking into account the nature of the broker’s or dealer’s business, to prevent the misuse of material, nonpublic information by the broker or dealer or any person associated with the broker or dealer, in violation of the Exchange Act or the rules or regulations thereunder).

²² As noted above, the Exchange will be submitting a rule filing to adopt a rule substantially similar to NYSE Arca Rule 11.3 governing the prevention of the misuse of material, nonpublic information. See note 20, *supra*. The Exchange represents that it will not list or trade any ETPs until the rule modeled on NYSE Arca Rule 11.3 is operative.

²³ 15 U.S.C. 78f(b).

²⁴ 15 U.S.C. 78f(b)(5).

up-to-date information on the value of certain underlying securities and indices in the products in which they invest, and protect investors and the public interest, enabling investors to: (i) respond quickly to market changes through intra-day trading opportunities; (ii) engage in hedging strategies; and (iii) reduce transaction costs. Consequently, the proposed rule change is consistent with the protection of investors and the public interest.

Furthermore, the proposal is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system by adopting rules that would lead ultimately to the listing and trading of new products on the Exchange. The proposed changes do nothing more than match Exchange rules with what is currently available on other exchanges for the listing of ETPs. The Exchange believes that by allowing for listing opportunities on the Exchange that are already allowed by rule on another market, the proposal would offer another venue for listing ETPs and thereby promote broader competition among exchanges. The Exchange believes that individuals and entities permitted to list ETPs on the Exchange should enhance competition within the mechanism of a free and open market and a national market system, and customers and other investors in the national market system should benefit from more depth and liquidity in the market for the ETPs.

Additionally, the proposal is designed to prevent fraudulent and manipulative acts and practices, as trading would be subject to existing Exchange trading rules, together with specific requirements for registered market makers, books and record production, surveillance procedures, suitability and prospectus requirements, and requisite Exchange approvals, all set forth above. The proposed rule changes accomplish these objectives by enhancing Exchange rules by clarifying that most initial listing standards, as well as certain representations included in Exchange rule filings to list an ETP, are considered continued listing standards. Additionally, the ETP rules will also require that issuers of securities listed under proposed rule must notify the Exchange regarding instances of non-compliance and to clarify that deficiencies will be subject to the delisting process in Article 22, Rule 4. The Exchange believes that these proposed rules will enhance the Exchange's rules, thereby serving to improve the national market system and protect investors and the public interest. In addition, as noted, under the

proposal Participants would be subject to the Exchange's structure for trading listed securities, including supervision and books and records requirements, and Market Makers would be subject to the more specific obligations and limitations of Market Makers set forth in Exchange Rules 7.20 through 7.24, including Market Maker registration and obligations, such as the responsibility to engage in a course of dealings for their own account to assist in the maintenance, insofar as reasonably practicable, of fair and orderly markets on the Exchange as well as minimum performance standards for Designated Market Makers.²⁵

With respect to the deletion of superseded listing rules in Article 22, the Exchange believes that the proposed change would remove impediments to and perfect the mechanisms of a free and open market by eliminating rules that would be superseded, thereby improving the clarity of the Exchange's rules and enabling market participants to more easily navigate the Exchange's rules. The Exchange also believes that the proposed change would protect investors and the public interest because the deletion of obsolete text would make the Exchange's rules more accessible and transparent.

Finally, the proposed change is not designed to address any competitive issue, but rather to adopt new rules that allow the Exchange to list and trade ETPs. The proposed rules are identical to the rules of NYSE Arca (other than with respect to certain non-substantive and technical changes described above), which currently lists ETPs pursuant to the same rule set. These proposed rules support competition by allowing for ETP listings on the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change is not designed to address any competitive issue, but rather to adopt new rules that allow the Exchange to list and trade ETPs. The proposed rules are identical to the rules of NYSE Arca (other than with respect to certain non-substantive and technical

²⁵ The Exchange reiterates that it will be submitting a rule filing to adopt a rule substantially similar to NYSE Arca Rule 11.3 governing the prevention of the misuse of material, nonpublic information by Participants, which includes Market Makers. See note 20, *supra*. The Exchange represents that it will not list or trade any ETPs until the rule modeled on NYSE Arca Rule 11.3 is operative.

changes described above), which currently lists ETPs pursuant to the same rule set. The proposed rules in fact support competition by allowing for ETP listings on the Exchange. Limiting trading of ETPs on the Exchange solely to UTP securities limits competition in that there are certain products that the Exchange cannot list, while other exchanges, with identical listing rules, can list such products. The proposed rule change would thus promote competition by allowing the Exchange to compete with other national securities exchanges for the listing and trading of ETPs. With respect to the proposed deletion of obsolete listing rules, the proposed changes would not have any impact on competition, because they are solely designed to eliminate obsolete text.

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. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the Act and rules and regulations thereunder applicable to a national securities exchange.²⁶ In particular, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with Section 6(b)(5) of the Act,²⁷ which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange proposes to: (1) amend Exchange Rules 5, 7.18, and 8 to permit the listing and trading of shares of certain ETPs on the Exchange; (2) amend Exchange Rule 1.1 to change the definition of "Exchange-Traded Product" to "Derivative Securities Product" and include Exchange-Traded Fund Shares in the definition; and (3) delete the existing rules in Exchange Article 22, Rules 24–27 that would become redundant as a result of the

²⁶ 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).

²⁷ 15 U.S.C. 78f(b)(5).

proposed rule change. Under the proposal, the Exchange seeks to adopt the initial and continued listing standards for certain ETPs directly based on the rules of NYSE Arca. The Exchange represents that the proposed rules are identical to the rules of NYSE Arca (other than with respect to certain non-substantive and technical changes described above),²⁸ which currently lists ETPs pursuant to substantially similar rules.

The Exchange states that the proposal is consistent with Section 6(b)(5) of the Act 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 facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest by, among other things, adding liquidity to the broader market and increasing competition among existing liquidity providers, as well as promoting continuity across the listing standards of the NYSE exchanges. The Exchange's ETP listing rules, as proposed to be amended, are substantially similar to the equivalent rules of NYSE Arca, and do not present any novel or unique regulatory issues.²⁹ In addition, the proposed deletion of certain existing Exchange rules (Exchange Article 22, Rules 24–27) is reasonable as they would be redundant to the new listing rules proposed to be adopted. Accordingly, the Commission finds that this proposed rule change, as modified by Amendment No. 1, is consistent with Section 6(b)(5) of the Act³⁰ and the rules and regulations thereunder applicable to a national securities exchange.³¹

This approval order is based on all the Exchange's representations, including the representations relating to the Exchange's surveillance procedures. Specifically, the Exchange represents that listed ETPs would be subject to the existing trading surveillances administered by the Exchange, as well as cross-market surveillances administered by FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.³² The Exchange represents that these procedures are adequate to properly monitor the Exchange's listing and trading of ETPs in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.³³ The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in ETPs, as well as certain other securities and financial instruments underlying such ETPs, with other markets and other entities that are members of the Intermarket Surveillance Group, and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in ETPs and financial instruments from such markets and other entities.³⁴ In addition, the Exchange may obtain information regarding trading in ETPs, as well as certain other securities and financial instruments underlying such ETPs, from markets and other entities with which the Exchange has in place a comprehensive surveillance sharing agreement.³⁵ Further, the Exchange's affiliates, the NYSE and NYSE Arca, currently list ETPs pursuant to rules that are substantially similar to the rules proposed by the Exchange in this filing.³⁶ The Exchange states that NYSE Regulation conducts initial and continued listing reviews for ETPs listed on NYSE and NYSE Arca.³⁷ The Exchange represents that NYSE

Regulation will conduct initial and continued listing reviews of ETPs listed on the Exchange in the same manner as it does for NYSE and NYSE Arca.³⁸

In addition, the Exchange represents that Participants, including Market Makers,³⁹ would be subject to all Exchange rules applicable to equities trading and the duties and responsibilities of Exchange Participants.⁴⁰ Specifically, Participants would continue to be subject to the requirement to make and preserve books and records pursuant to Exchange Article 11, Rule 2 and to provide those books and records to the Exchange upon demand under Exchange Article 11, Rule 1.⁴¹ Market Makers in particular would be subject to the obligations set forth in Exchange Rule 7, Section 2.⁴² In addition, the Exchange states that it will be submitting a rule filing to adopt a rule substantially similar to NYSE Arca Rule 11.3 governing the prevention of the misuse of material, nonpublic information. The Exchange represents that it will not list or trade any ETPs until the rule modeled on NYSE Arca Rule 11.3 is operative.⁴³ All Participants would further be subject to the requirements of Exchange Rule 11.3110, which requires each Participant firm to establish and maintain a system to supervise the activities of each associated person that is reasonably designed to achieve compliance with applicable securities laws and regulations, and with applicable Exchange rules, and sets forth the minimum requirements for such supervisory system.⁴⁴ Under Exchange Rule 11.3110, final responsibility for proper supervision rests with the Participant.⁴⁵

For the foregoing reasons, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with Section 6(b)(5) of the Act⁴⁶ and the rules and

²⁸ See Amendment No. 1, *supra* note 4.

²⁹ See, e.g., Securities Exchange Act Release Nos. 89185 (June 29, 2020), 85 FR 40328 (July 6, 2020) (Notice of Filing of Amendment No. 6 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 6, To Adopt NYSE Arca Rule 8.601–E To Permit the Listing and Trading of Active Proxy Portfolio Shares and To List and Trade Shares of the Natixis U.S. Equity Opportunities ETF Under Proposed NYSE Arca Rule 8.601–E), 88648 (April 15, 2020), 85 FR 22200 (April 21, 2020) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt a New NYSE Arca Rule 8.900–E); and 78397 (July 22, 2016), 81 FR 49320 (July 27, 2016) (Order Granting Approval of Proposed Rule Change, as Modified by Amendment No. 7 Thereto, Amending NYSE Arca Equities Rule 8.600 To Adopt Generic Listing Standards for Managed Fund Shares).

³⁰ 15 U.S.C. 78f(b)(5).

³¹ With respect to the listing and trading of certain ETPs pursuant to the listing rules, as proposed to be amended, when relying on Rule 19b–4(e) under the Act to list and trade a new

derivative securities product, as the case may be, the Exchange must comply with all the requirements of Rule 19b–4(e). See 17 CFR 240.19b–4(e). See also 17 CFR 240.19b–4(e)(2)(i) (setting forth a self-regulatory organization's recordkeeping requirements relating to all relevant records and information pertaining to each new derivative securities product traded pursuant to Rule 19b–4(e)).

³² See *supra* note 20 and accompanying text.

³³ According to the Exchange, FINRA conducts cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement. See Amendment No. 1, *supra* note 4.

³⁴ See *id.*

³⁵ See *id.*

³⁶ See *id.*

³⁷ See *id.*

³⁸ See 17 CFR 240.19b–4(e)(1) (with respect to the listing and trading of certain ETPs pursuant to Rule 19b–4(e), requiring the self-regulatory organization to have a surveillance program for the product class of a new derivative securities product). See Amendment No. 1, *supra* note 4.

³⁹ See *supra* note 20 and accompanying text. See also Securities Exchange Act Release No. 102874 (April 16, 2025), 90 FR 16896 (April 22, 2025) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Amend Rule 1.1, Reinstate Article 16, Rules 1 through 4 and Relocate Them).

⁴⁰ See Amendment No. 1, *supra* note 4. See also Exchange Article 3 (Participants and Participant Firms).

⁴¹ See Amendment No. 1, *supra* note 4.

⁴² See *supra* note 20 and accompanying text.

⁴³ See *id.*

⁴⁴ See Amendment No. 1, *supra* note 4.

⁴⁵ See *id.*

⁴⁶ 15 U.S.C. 78f(b)(5).

regulations thereunder applicable to a national securities exchange.

IV. Solicitation of Comments on Amendment No. 1 to the Proposed Rule Change

Interested persons are invited to submit written data, views, and arguments concerning whether Amendment No. 1 is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSECHX-2025-04 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-NYSECHX-2025-04. 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-NYSECHX-2025-04 and should be submitted on or before May 27, 2025.

V. Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 1

The Commission finds good cause, pursuant to Section 19(b)(2) of the Act,⁴⁷ to approve the proposed rule change, as modified by Amendment No. 1, prior to the thirtieth day after the date of publication of notice of Amendment No. 1 in the **Federal Register**. As described in greater detail above, in Amendment No. 1, the Exchange: (a) corrected typographical errors in proposed rule text references; (b) referred to certain changes applicable to Market Makers made in a separate proposed rule change; (c) furnished a representation regarding the prohibition on the misuse of non-public information; and (d) made changes to reflect the new name of the Exchange. The changes and additional representations in Amendment No. 1 assist the Commission in evaluating the Exchange's proposal and in determining that it is consistent with the Act. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,⁴⁸ to approve the proposed rule change, as modified by Amendment No. 1 on an accelerated basis.

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,⁴⁹ that the proposed rule change (SR-NYSECHX-2025-04), as modified by Amendment No. 1, be, and it hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁵⁰

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-07707 Filed 5-2-25; 8:45 am]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21040 and #21041;
VIRGINIA Disaster Number VA-20019]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the Commonwealth of Virginia

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for

⁴⁷ 15 U.S.C. 78s(b)(2).

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ 17 CFR 200.30-3(a)(12).

the Commonwealth of Virginia (FEMA-4863-DR), dated April 4, 2025.

Incident: Severe Winter Storms and Flooding.

DATES: Issued on April 28, 2025.

Incident Period: February 10, 2025 through February 18, 2025.

Physical Loan Application Deadline Date: June 3, 2025.

Economic Injury (EIDL) Loan Application Deadline Date: January 5, 2026.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Sharon Henderson, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the Commonwealth of Virginia, dated April 4, 2025, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Amelia, Appomattox, Bedford, Botetourt, Buckingham, Campbell, Charlotte, Cumberland, Giles, Halifax, Lunenburg, Montgomery, Nottoway, Page, Pittsylvania, Powhatan, Prince Edward, Rockingham, Wythe.

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. 2025-07760 Filed 5-2-25; 8:45 am]

BILLING CODE 8026-09-P

DEPARTMENT OF STATE

[Public Notice: 12711]

Specially Designated Global Terrorist Designations of Viv Ansanm and Gran Grif

Acting under the authority of and in accordance with section 1(a)(ii)(A) of Executive Order 13224, as amended ("E.O. 13224" or "Order"), I hereby determine that the persons known as Viv Ansanm (also known as Living Together, G-9, G9 Family and Allies, G9 Fanmi e Alye, The Revolutionary Forces of the G9 Family and Allies, Fòs Revolisyonè G9 an Fanmi e Alye, G-Pèp, G-People); and Gran Grif (also known as Gran Grif gang, Gran Grif de Savien, Savien gang, Baz Gran Grif) are

foreign persons who have committed or have attempted to commit, pose a significant risk of committing, or have participated in training to commit acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of E.O. 13224 that prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously, I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This determination shall be published in the **Federal Register**.

Dated: April 22, 2025.

Marco Rubio,

Secretary of State.

[FR Doc. 2025–07468 Filed 5–2–25; 8:45 am]

BILLING CODE 4710–AD–P

DEPARTMENT OF STATE

[Public Notice: 12720]

Plenary Meeting of the Binational Bridges and Border Crossings Group in Mexico City

SUMMARY: Delegates from the U.S. and Mexican governments, the states of California, Arizona, New Mexico, and Texas, and the Mexican states of Baja California, Sonora, Chihuahua, Coahuila, Nuevo Laredo, and Tamaulipas will participate in an in-person plenary meeting of the U.S.-Mexico Binational Bridges and Border Crossings Group.

DATES: Tuesday, June 10, 2025, and Wednesday, June 11, 2025, in Mexico City.

FOR FURTHER INFORMATION CONTACT: For further information on the meeting and/or to attend the public session, please contact Beney Lee, Border Affairs Officer, via email at WHA-BorderAffairs@state.gov, by phone at 771–204–0192, or by mail at the Office of Mexican Affairs, Room 3924, Department of State, 2201 C Street NW, Washington, DC 20520.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to discuss operational matters involving existing and proposed international bridges and

border crossings and their related infrastructure and to exchange technical information as well as views on policy. This meeting will include a public session on Tuesday, June 10, 2025, from 9 a.m. until 12 p.m. This session will allow interested parties with views on proposed bridges and border crossings and related projects to make presentations to the delegations and members of the public.

Beney J. Lee,

Border Affairs Officer, Office of Mexican Affairs, Department of State.

[FR Doc. 2025–07758 Filed 5–2–25; 8:45 am]

BILLING CODE 4710–29–P

DEPARTMENT OF STATE

[Public Notice: 12717]

Notice of Determinations; Culturally Significant Object Being Imported for Exhibition—Determinations: “Noah Davis” Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that a certain object being imported from abroad pursuant to an agreement with its foreign owner or custodian for temporary display in the exhibition “Noah Davis” at the Armand Hammer Museum of Art and Cultural Center, Los Angeles, California; the Philadelphia Museum of Art, Philadelphia, Pennsylvania; and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that its temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: section2459@state.gov). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of

August 28, 2000, and Delegation of Authority No. 574 of March 4, 2025.

Mary C. Miner,

Managing Director for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2025–07735 Filed 5–2–25; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 12710]

Foreign Terrorist Organization Designations of Viv Ansanm and Gran Grif

Based upon a review of the Administrative Records assembled in this matter, and in consultation with the Attorney General and the Secretary of the Treasury, I have concluded that there is a sufficient factual basis to find that the relevant circumstances described in section 219 of the Immigration and Nationality Act, as amended (hereinafter “INA”) (8 U.S.C. 1189), exist with respect to: Viv Ansanm (also known as Living Together, G–9, G9 Family and Allies, G9 Fanmi e Alye, The Revolutionary Forces of the G9 Family and Allies, Fòs Revolisyoné G9 an Fanmi e Alye, G-Pèp, G-People); and Gran Grif (also known as Gran Grif gang, Gran Grif de Savien, Savien gang, Baz Gran Grif).

Therefore, I hereby designate the aforementioned organizations and their respective aliases as Foreign Terrorist Organizations pursuant to section 219 of the INA.

This determination shall be published in the **Federal Register**. The designations go into effect upon publication.

Dated: April 22, 2025.

Marco Rubio,

Secretary of State.

[FR Doc. 2025–07464 Filed 5–2–25; 8:45 am]

BILLING CODE P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36831]

Marquette Rail, LLC—Lease and Operation Exemption Including Interchange Commitment—CSX Transportation, Inc.

Marquette Rail, LLC (MQT), a Class III railroad, has filed a verified notice of exemption pursuant to 49 CFR 1150.41 to continue to lease from CSX Transportation, Inc. (CSXT), and operate the following several segments of rail line in Michigan totaling approximately

129.03 miles: (1) from milepost CGE 3.6 at the Grand Rapids station to milepost CGE 73.71 at the Baldwin station; (2) from milepost CB 106.91 at the Baldwin station to milepost CB 136.5 at the Ludington station; (3) from milepost CBA 87.0 at the Walhalla station to milepost CBA 113.7 at the Manistee station; and (4) the Filer City Spur extending an additional 2.63 miles from milepost CBA 113.7 at the Manistee station to the end of track at Filer City (the Line).¹

According to the verified notice,² MQT entered into an agreement to lease from CSXT and operate the Line in 2005. *Marquette Rail, LLC—Lease & Operation Exemption—CSX Transp., Inc.*, FD 34728 (STB served Oct. 26, 2005). MQT states that it and CSXT have agreed to extend the term of the lease and make other commercial changes. The verified notice states that MQT currently operates the Line and will continue to do so after the amended lease becomes effective.

According to the verified notice, the lease includes an interchange commitment. MQT has provided additional information regarding the interchange commitment, as required by 49 CFR 1150.43(h).³

MQT certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier and that its annual revenues currently exceed \$5,000,000. Pursuant to 49 CFR 1150.42(e), if a carrier's projected annual revenues will exceed \$5 million, it must, at least 60 days before the exemption becomes effective, post a notice of its intent to undertake the proposed transaction at the workplace of the employees on the affected lines, serve a copy of the notice on the national offices of the labor unions with employees on the affected lines, and certify to the Board that it has done so. However, MQT has requested waiver of the 60-day advance labor notice requirement. MQT's waiver request will be addressed in a separate decision. The Board will establish the effective date of

the exemption in its separate decision on the waiver request.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than May 2, 2025.

All pleadings, referring to Docket No. FD 36831, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, one copy of each pleading must be served on MQT's representative, Eric M. Hocky, Clark Hill PLC, Two Commerce Square, 2001 Market Street, Suite 2620, Philadelphia, PA 19103.

According to MQT, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at www.stb.gov.

Decided: April 29, 2025.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Zantori Dickerson,
Clearance Clerk.

[FR Doc. 2025-07721 Filed 5-2-25; 8:45 am]

BILLING CODE 4915-01-P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36776 (Sub-No. 1)]

CSX Transportation, Inc.—Trackage Rights Exemption—Norfolk Southern Railway Company

By petition filed on September 26, 2024, CSX Transportation, Inc. (CSXT), requests that the Board permit the trackage rights granted to it under 49 CFR 1180.2(d)(7) in Docket No. FD 36776 to expire under the terms agreed to by CSXT and the grantor of the rights, Norfolk Southern Railway Company (NSR).

As explained in CSXT's verified notice of exemption in Docket No. FD 36776, NSR has agreed to grant CSXT overhead trackage rights over a portion of NSR's Bay Route and portions of its Harrisburg Route.¹ The purpose of the

new trackage rights is to provide temporary alternate routes for CSXT trains while CSXT's Howard Street Tunnel in Baltimore, Md. (HST), is closed for a project that includes clearing the HST for double-stack rail passage. CSXT Verified Notice of Exemption 4, 6, *CSX Transp., Inc.—Trackage Rts. Exemption—Norfolk S. Ry.*, FD 36776. CSXT states that, at certain times during the project, it will close the HST, and, during such closures, CSXT intends to reroute its current traffic over other CSXT lines and lines of NSR to continue to provide service to its customers whose traffic normally moves through the HST. *Id.* at 4. CSXT further states that it will reroute the traffic using a combination of existing trackage rights and the new trackage rights that are the subject of CSXT's verified notice. *Id.*² According to the verified notice, CSXT and NSR have agreed that the new overhead trackage rights will terminate when the project is complete, the HST is reopened, and CSXT has begun to move rail traffic through the HST. CSXT Verified Notice of Exemption 4, *CSX Transp., Inc.—Trackage Rts. Exemption—Norfolk S. Ry.*, FD 36776.

In its petition, CSXT asks the Board to partially revoke the exemption as necessary to permit the trackage rights to expire as agreed to by the parties. (CSXT Pet. 2, 4–5.) CSXT argues that granting this petition would promote the rail transportation policy at 49 U.S.C. 10101, would be consistent with the limited scope of the transaction, and would not have an adverse effect on shippers. (CSXT Pet. 4.) In addition, CSXT asserts that the Board has granted similar petitions for partial revocation to permit temporary trackage rights to expire. (*Id.*)

Discussion and Conclusions

Although CSXT and NSR have expressly agreed on the duration of the proposed trackage rights, trackage rights approved under the class exemption at 49 CFR 1180.2(d)(7) typically remain effective indefinitely, regardless of any contract provisions. At times, however, the Board has taken action to allow such

Pa. (at or near milepost LG 40.1/HW 40.1), and Norristown, Pa., at CP Norris, Pa. (at or near milepost HP 18.0), a distance of approximately 148.3 miles; and (b) between CP Falls (at or near milepost HP 5.4) and a connection with CSXT's Philadelphia Subdivision at CP Laurel Hill (at or near milepost QA 2.9), a distance of approximately 0.5 mile. CSXT Verified Notice of Exemption 3, *CSX Transp., Inc.—Trackage Rts. Exemption—Norfolk S. Ry.*, FD 36776.

² Similarly, to accommodate NSR's detoured traffic, CSXT is granting NSR overhead trackage rights over certain CSXT routes. See *Norfolk S. Ry.—Trackage Rts. Exemption—CSX Transp., Inc.*, FD 36790 (STB served Oct. 16, 2024).

¹ This is a republication of the notice of exemption originally served and published in the **Federal Register** on April 25, 2025 (90 FR 17500). This notice contains corrected information.

² MQT supplemented its verified notice on April 11, 2025, which is therefore deemed the filing date of the verified notice.

³ Concurrent with the initial filing of its verified notice, MQT filed, under seal, a copy of the amended lease. See 49 CFR 1150.43(h)(1) (providing that certain information related to interchange commitments, such as copies of agreements, will be kept confidential without an accompanying motion for a protective order). In its April 11 supplement, MQT provided a replacement copy of that confidential agreement.

rights to expire after a limited time rather than lasting in perpetuity, based on the parties' agreement. *See, e.g., BNSF Ry.—Trackage Rts. Exemption—Union Pac. R.R.*, FD 36377 (Sub-No. 9) (STB served Oct. 8, 2024) (allowing trackage rights under 49 CFR 1180.2(d)(7) to expire).

Permitting the trackage rights to expire as agreed to by the parties would eliminate the need for CSXT to separately seek discontinuance authority at a later date, thereby minimizing the need for federal regulatory control (49 U.S.C. 10101(2)), reducing regulatory barriers to entry into and exit from the rail industry (49 U.S.C. 10101(7)), and allowing for the expeditious handling and resolution of this transaction (49 U.S.C. 10101(15)). Moreover, doing so would not result in an abuse of market power, as the termination will be permitted to occur only upon resumption of CSXT's service through the HST.³ Therefore, the Board will grant the petition and permit the trackage rights exempted in Docket No. FD 36776 to expire upon completion of the HST project, reopening of the HST, and resumption of CSXT's movement of rail traffic through the HST. CSXT will be directed to notify the Board within five days of the resumption of its service through the HST following completion of the project.

To provide the statutorily mandated protection to any employee adversely affected by the discontinuance of trackage rights, the Board will impose the employee protective conditions set forth in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979).

This action is categorically excluded from environmental review under 49 CFR 1105.6(c).

It is ordered:

1. CSXT's petition to permit expiration of the trackage rights in Docket No. FD 36776 per the agreement of the parties is granted.

2. As discussed above, the trackage rights in Docket No. FD 36776 are permitted to expire, subject to the employee protective conditions set forth in *Oregon Short Line*, upon completion of the HST project, reopening of the HST, and resumption of CSXT's movement of rail traffic through the HST.

3. Within five days of CSXT's resumption of service through the HST

following completion of the project, CSXT shall file with the Board a notice to that effect.

4. Notice of this decision will be published in the **Federal Register**.

5. This decision is effective on May 30, 2025. Petitions for stay must be filed by May 12, 2025. Petitions for reconsideration must be filed by May 20, 2025.

Decided: April 29, 2025.

By the Board, Board Members Fuchs, Hedlund, Primus, and Schultz.

Regena Smith-Bernard,
Clearance Clerk.

[FR Doc. 2025–07750 Filed 5–2–25; 8:45 am]

BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36790 (Sub-No. 1)]

Norfolk Southern Railway Company— Trackage Rights Exemption—CSX Transportation, Inc.

By petition filed on September 30, 2024, Norfolk Southern Railway Company (NSR) requests that the Board permit the trackage rights granted to it under 49 CFR 1180.2(d)(7) in Docket No. FD 36790 to expire under the terms agreed to by NSR and the grantor of the rights, CSX Transportation, Inc. (CSXT).

As explained in NSR's verified notice of exemption in Docket No. FD 36790, CSXT has agreed to grant NSR trackage rights over an approximately 95-mile CSXT rail line between Falls, Pa., at or near CP River, CSXT milepost QA 2, and Baltimore, Md., including all necessary trackage within CSXT's Bayview Yard, and between the western end of CSXT's Bayview Yard (MP BAL 0.0 ±) and a connection at MP BAL 0.5 ± (the Lines). NSR Verified Notice of Exemption 3, *Norfolk S. Ry.—Trackage Rts. Exemption—CSX Transp., Inc.*, FD 36790. NSR further stated that the new trackage rights arrangement is intended to permit NSR to reroute traffic over the Lines while CSXT's Howard Street Tunnel (HST) in Baltimore is closed for a project that includes clearing the HST for double-stack rail passage. *Id.*

In its petition, NSR asks the Board to partially revoke the exemption as necessary to permit the trackage rights to expire as agreed to by the parties. (NSR Pet. 2.) NSR argues that granting this petition would promote the rail transportation policy at 49 U.S.C. 10101, would be consistent with the limited scope of the transaction, and would not have an adverse effect on shippers. (NSR Pet. 3–4.) In addition, NSR asserts that the Board has granted similar petitions for partial revocation to permit

temporary trackage rights to expire. (NSR Pet. 4.)

Discussion and Conclusions

Although NSR and CSXT have expressly agreed on the duration of the proposed trackage rights, trackage rights approved under the class exemption at 49 CFR 1180.2(d)(7) typically remain effective indefinitely, regardless of any contract provisions. At times, however, the Board has taken action to allow such rights to expire after a limited time rather than lasting in perpetuity, based on the parties' agreement. *See, e.g., BNSF Ry.—Trackage Rts. Exemption—Union Pac. R.R.*, FD 36377 (Sub-No. 9) (STB served Oct. 8, 2024) (allowing trackage rights under 49 CFR 1180.2(d)(7) to expire).

Permitting the trackage rights to expire as agreed to by the parties would eliminate the need for NSR to separately seek discontinuance authority at a later date, thereby minimizing the need for federal regulatory control (49 U.S.C. 10101(2)), reducing regulatory barriers to entry into and exit from the rail industry (49 U.S.C. 10101(7)), and allowing for the expeditious handling and resolution of this transaction (49 U.S.C. 10101(15)). Moreover, doing so would not result in an abuse of market power, as the termination will be permitted to occur only upon resumption of NSR's service through the HST, effectively undoing the temporary rerouting of NSR's rail traffic as overhead on the Lines.¹ Therefore, the Board will grant the petition and permit the trackage rights exempted in Docket No. FD 36790 to expire upon completion of the HST project, reopening of the HST, and resumption of NSR's movement of rail traffic through the HST. NSR will be directed to notify the Board within five days of the resumption of its service through the HST following completion of the project.

To provide the statutorily mandated protection to any employee adversely affected by the discontinuance of trackage rights, the Board will impose the employee protective conditions set forth in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979).

This action is categorically excluded from environmental review under 49 CFR 1105.6(c).

It is ordered:

¹ Because the proposed transaction would not result in an abuse of market power, the Board need not determine whether it is limited in scope. *See* 49 U.S.C. 10502(a).

³ Because the proposed transaction would not result in an abuse of market power, the Board need not determine whether it is limited in scope. *See* 49 U.S.C. 10502(a).

1. NSR's petition to permit expiration of the trackage rights in Docket No. FD 36790 per the agreement of the parties is granted.

2. As discussed above, the trackage rights in Docket No. FD 36790 are permitted to expire, subject to the employee protective conditions set forth in *Oregon Short Line*, upon completion of the HST project, reopening of the HST, and resumption of NSR's movement of rail traffic through the HST.

3. Within five days of NSR's resumption of service through the HST following completion of the project, NSR shall file with the Board a notice to that effect.

4. Notice of this decision will be published in the **Federal Register**.

5. This decision is effective on May 30, 2025. Petitions for stay must be filed by May 12, 2025. Petitions for reconsideration must be filed by May 20, 2025.

Decided: April 29, 2025.

By the Board, Board Members Fuchs, Hedlund, Primus, and Schultz.

Zantori Dickerson,
Clearance Clerk.

[FR Doc. 2025-07751 Filed 5-2-25; 8:45 am]

BILLING CODE 4915-01-P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36377 (Sub-No. 11)]

BNSF Railway Company—Trackage Rights Exemption—Union Pacific Railroad Company

By petition filed on December 26, 2024, BNSF Railway Company (BNSF) requests that the Board permit the trackage rights granted to it under 49 CFR 1180.2(d)(7) in Docket No. FD 36377 (Sub-No. 10) to expire under the terms agreed to by BNSF and the grantor of the rights, Union Pacific Railroad (UP).

As explained by BNSF in its verified notice of exemption in Docket No. FD 36377 (Sub-No. 10), BNSF and UP entered into an agreement granting BNSF restricted, local trackage rights over two rail lines owned by UP between (1) UP milepost 93.2 at Stockton, Cal., on UP's Oakland Subdivision, and UP milepost 219.4 at Elsey, Cal., on UP's Canyon Subdivision, a distance of 126.2 miles; and (2) UP milepost 219.4 at Elsey, and UP milepost 280.7 at Keddie, Cal., on UP's Canyon Subdivision, a distance of 61.3 miles (collectively, the Lines). BNSF Verified Notice of Exemption 2, *BNSF Ry.—Trackage Rts. Exemption—Union Pac. R.R.*, FD 36377 (Sub-No. 10).

BNSF further stated that the trackage rights arrangement is intended to permit BNSF to move empty and loaded unit ballast trains to and from the ballast pit located at Elsey. *Id.* According to BNSF, it filed its verified notice of exemption under the Board's trackage rights class exemption at 49 CFR 1180.2(d)(7), instead of the temporary trackage rights exemption at 49 CFR 1180.2(d)(8), because the trackage rights covered by the notice are local rather than overhead. BNSF Verified Notice of Exemption 1 n.1, 2, *BNSF Ry.—Trackage Rts. Exemption—Union Pac. R.R.*, FD 36377 (Sub-No. 10).

In its petition, BNSF asks the Board to partially revoke the exemption as necessary to permit the trackage rights to expire at midnight on December 31, 2025, pursuant to the parties' agreement. (See BNSF Pet. 1, 3); *see also* BNSF Verified Notice of Exemption, Ex. B at 2, *BNSF Ry.—Trackage Rts. Exemption—Union Pac. R.R.*, FD 36377 (Sub-No. 10.) BNSF argues that granting this petition will promote the rail transportation policy at 49 U.S.C. 10101 and that the partial revocation would be consistent with the limited scope of the transaction and would not have an adverse effect on shippers. (BNSF Pet. 3–4.) In addition, BNSF asserts that the Board has granted similar petitions for partial revocation to permit temporary trackage rights to expire, including petitions involving prior iterations of the trackage rights agreement at issue here. (*Id.* at 4.)

Discussion and Conclusions

Although BNSF and UP have expressly agreed on the duration of the proposed trackage rights, trackage rights approved under the class exemption at 49 CFR 1180.2(d)(7) typically remain effective indefinitely, regardless of any contract provisions. At times, however, the Board has taken action to allow such rights to expire after a limited time rather than lasting in perpetuity, based on the parties' agreement. *See, e.g., BNSF Ry.—Trackage Rts. Exemption—Union Pac. R.R.*, FD 36377 (Sub-No. 9) (STB served Oct. 8, 2024) (allowing trackage rights under 49 CFR 1180.2(d)(7) to expire).

Permitting the trackage rights to expire at the end of 2025 would eliminate the need for BNSF to separately seek discontinuance authority at a later date, thereby minimizing the need for federal regulatory control (49 U.S.C. 10101(2)), reducing regulatory barriers to entry into and exit from the rail industry (49 U.S.C. 10101(7)), and allowing for the expeditious handling and resolution of this transaction (49 U.S.C. 10101(15)).

Moreover, doing so would not result in an abuse of market power because the trackage rights at issue are solely to allow BNSF to move empty and loaded unit ballast trains to and from the ballast pit in Elsey for use in BNSF's maintenance-of-way projects. (See BNSF Pet. 2.)¹ Therefore, the Board will grant the petition and permit the trackage rights exempted in Docket No. FD 36377 (Sub-No. 10) to expire at midnight on December 31, 2025.

To provide the statutorily mandated protection to any employee adversely affected by the discontinuance of trackage rights, the Board will impose the employee protective conditions set forth in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979).

This action is categorically excluded from environmental review under 49 CFR 1105.6(c).

It is ordered:

1. BNSF's petition to permit expiration of the trackage rights in Docket No. FD 36377 (Sub-No. 10) per the agreement of the parties is granted.

2. As discussed above, the trackage rights in Docket No. FD 36377 (Sub-No. 10) are permitted to expire at midnight on December 31, 2025, subject to the employee protective conditions set forth in *Oregon Short Line*.

3. Notice of this decision will be published in the **Federal Register**.

4. This decision is effective on May 30, 2025. Petitions for stay must be filed by May 12, 2025. Petitions for reconsideration must be filed by May 20, 2025.

Decided: April 29, 2025.

By the Board, Board Members Fuchs, Hedlund, Primus, and Schultz.

Aretha Laws-Byrum,
Clearance Clerk.

[FR Doc. 2025-07726 Filed 5-2-25; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Compatibility Program for Oxnard Airport, Ventura County, California

AGENCY: Federal Aviation Administration, DOT.

ACTION: Acceptance of Oxnard Airport noise exposure map.

¹ Because the proposed transaction is of limited scope, the Board need not make a market power finding. *See* 49 U.S.C. 10502(a).

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure map submitted by County of Ventura for Oxnard Airport is compliant with applicable statutory and regulatory requirements.

DATES: The effective date of the FAA's determination on the noise exposure map is April 29, 2025.

FOR FURTHER INFORMATION CONTACT: Gail M. Campos, Environmental Protection Specialist, Federal Aviation Administration, 777 South Aviation Boulevard, Suite 150, El Segundo, California 90045. Telephone 424-405-7269.

SUPPLEMENTARY INFORMATION: The FAA determined the noise exposure map submitted by the County of Ventura for Oxnard Airport, is in compliance with applicable statutory and regulatory requirements, effective April 29, 2025. Under title 49, United States Code (U.S.C.) section 47503, an airport operator may submit to the FAA, noise exposure maps depicting non-compatible uses as of the date such map is submitted, a description of estimated aircraft operations during a forecast period that is at least five years in the future and how those operations will affect the map. A noise exposure map must be prepared in accordance with title 14, Code of Federal Regulations (CFR) part 150, the regulations promulgated pursuant to 49 U.S.C. 47502 and developed in consultation with public agencies and planning authorities in the area surrounding the airport, state and Federal agencies, interested and affected parties in the local community, and aeronautical users of the airport. In addition, an airport operator that submitted a noise exposure map, which the FAA determined is compliant with statutory and regulatory requirements, may submit a noise compatibility program for FAA approval that sets forth measures the operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The FAA completed its review of the noise exposure map and supporting documentation submitted by the County of Ventura and determined the noise exposure map and accompanying documentation are compliant with applicable requirements. The documentation that constitutes the Noise Exposure Map includes: "Exhibit 1—2022 Existing Noise Exposure Map" and "Exhibit 2—2027 Future Noise Exposure Map" which addresses the current and forecast NEM graphics. The

"Oxnard Airport 14 CFR part 150 Noise Exposure Map Update," dated September 2024, complies all other applicable narrative, graphic, and tabular representations of the data including airport description, flight track data, aircraft operations data, aviation forecast data, on-airport and off-airport land use information as required by 14 CFR 150.101 and 49 U.S.C. sections 47503 and 47506. This determination is effective on April 29, 2025. FAA's determination on an airport's noise exposure map is limited to a finding that the noise exposure map was developed in accordance with the 49 U.S.C. sections 47503 and 47506 and procedures contained in 14 CFR part 150, Appendix A. FAA's acceptance of an NEM does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program. If questions arise concerning the precise relationship of specific properties within noise exposure contours depicted on a noise exposure map, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of 49 U.S.C. 47506. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under 14 CFR part 150 or through FAA review and acceptance of a noise exposure map. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted a noise exposure map or with those public and planning agencies with which consultation is required under 49 U.S.C. section 47503. The FAA relied on the certification by the airport operator, under of 14 CFR 150.21 that the required consultations and opportunity for public review has been accomplished during the development of the noise exposure maps. Copies of the noise exposure map and supporting documentation and the FAA's evaluation of the noise exposure maps are available for examination at the following locations:

1. Federal Aviation Administration, Los Angeles Airports District Office, 777 South Aviation Boulevard, Suite 150, El Segundo, California 90045.

2. Oxnard Airport, County of Ventura, 555 Airport Way, Suite B, Camarillo, California 93010.

Questions may be directed to the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Issued in El Segundo, California, on April 29, 2025.

Mark A. McClardy,

Director, Airports Division, AWP-600, Western—Pacific Region.

[FR Doc. 2025-07722 Filed 5-2-25; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2013-0124; FMCSA-2014-0103; FMCSA-2014-0106; FMCSA-2014-0385; FMCSA-2015-0329; FMCSA-2016-0002; FMCSA-2017-0058; FMCSA-2018-0135; FMCSA-2018-0136; FMCSA-2018-0137; FMCSA-2020-0027; FMCSA-2022-0036; FMCSA-2022-0037; FMCSA-2023-0018]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 17 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below. Comments must be received on or before June 4, 2025.

ADDRESSES: You may submit comments identified by the Federal Docket Management System Docket No. FMCSA-2013-0124, Docket No. FMCSA-2014-0103, Docket No. FMCSA-2014-0106, Docket No. FMCSA-2014-0385, Docket No. FMCSA-2015-0329, Docket No. FMCSA-2016-0002, Docket No. FMCSA-2017-0058, Docket No. FMCSA-2018-0135, Docket No. FMCSA-2018-0136, Docket No. FMCSA-2018-0137, Docket No. FMCSA-2020-0027, Docket No. FMCSA-2022-0036, Docket No.

FMCSA–2022–0037, or Docket No. FMCSA–2023–0018 using any of the following methods:

- *Federal eRulemaking Portal*: Go to www.regulations.gov, insert the docket number (FMCSA–2013–0124, FMCSA–2014–0103, FMCSA–2014–0106, FMCSA–2014–0385, FMCSA–2015–0329, FMCSA–2016–0002, FMCSA–2017–0058, FMCSA–2018–0135, FMCSA–2018–0136, FMCSA–2018–0137, FMCSA–2020–0027, FMCSA–2022–0036, FMCSA–2022–0037, or FMCSA–2023–0018) in the keyword box and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, and click on the “Comment” button. Follow the online instructions for submitting comments.

- *Mail*: Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Washington, DC 20590–0001.

- *Hand Delivery*: West Building Ground Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal Holidays.

- *Fax*: (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the “Public Participation” portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001, (202) 366–4001, fmcsamedical@dot.gov. Office hours are 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2013–0124, Docket No. FMCSA–2014–0103, Docket No. FMCSA–2014–0106, Docket No. FMCSA–2014–0385, Docket No. FMCSA–2015–0329, Docket No. FMCSA–2016–0002, Docket No. FMCSA–2017–0058, Docket No. FMCSA–2018–0135, Docket No. FMCSA–2018–0136, Docket No. FMCSA–2018–0137, Docket No. FMCSA–2020–0027, Docket No. FMCSA–2022–0036, Docket No. FMCSA–2022–0037, or Docket No.

FMCSA–2023–0018), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to www.regulations.gov, insert the docket number (FMCSA–2013–0124, FMCSA–2014–0103, FMCSA–2014–0106, FMCSA–2014–0385, FMCSA–2015–0329, FMCSA–2016–0002, FMCSA–2017–0058, FMCSA–2018–0135, FMCSA–2018–0136, FMCSA–2018–0137, FMCSA–2020–0027, FMCSA–2022–0036, FMCSA–2022–0037, or FMCSA–2023–0018) in the keyword box and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, click the “Comment” button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. FMCSA will consider all comments and material received during the comment period.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as “PROPIN” to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey

Avenue SE, Washington, DC 20590–0001 or via email at brian.g.dahlin@dot.gov. At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments

To view comments go to www.regulations.gov. Insert the docket number (FMCSA–2013–0124, FMCSA–2014–0103, FMCSA–2014–0106, FMCSA–2014–0385, FMCSA–2015–0329, FMCSA–2016–0002, FMCSA–2017–0058, FMCSA–2018–0135, FMCSA–2018–0136, FMCSA–2018–0137, FMCSA–2020–0027, FMCSA–2022–0036, FMCSA–2022–0037, or FMCSA–2023–0018) in the keyword box and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, and click “Browse Comments.” If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. 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.

D. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption requests. DOT posts these comments, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>. The comments are posted without edit and are searchable by the name of the submitter.

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 applicant’s safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)). FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

III. Background

The physical qualification standard for drivers regarding hearing in 49 CFR 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, (35 FR 6458, 6463 (Apr. 22, 1970) and 36 FR 12857 (July 8, 1971), respectively).

The 17 individuals listed in this notice have requested renewal of their exemptions from the hearing standard in § 391.41(b)(11), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable 2-year period.

IV. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent

with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b), FMCSA will take immediate steps to revoke the exemption of a driver.

V. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the 17 applicants has satisfied the renewal conditions for obtaining an exemption from the hearing requirement. The 17 drivers in this notice remain in good standing with the Agency. In addition, the Agency has reviewed each applicant's certified driving record from their State Driver's Licensing Agency (SDLA). The information obtained from each applicant's driving record provides the Agency with details regarding any moving violations or reported crash data, which demonstrates whether the driver has a safe driving history and is an indicator of future driving performance. If the driving record revealed a crash, FMCSA requested and reviewed the related police reports and other relevant documents, such as the citation and conviction information. These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each of these drivers for a period of 2 years is likely to achieve a level of safety equivalent to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of April and are discussed below.

As of April 21, 2025, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following 15 individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers:

Ivan Batista (NJ)
Prince K. Bemping (MA)
Richard Boggs (OH)
Keith Byrd (TN)
Joshua Cogan (MD)
Joseph Conversa (IL)
Brandon Hester (TX)
Paradise Larizza (CA)
Reynaldo Martinez (TX)
Floyd McClain (OH)
Dustin R. Miller (MI)
David Sanders (IL)
Jesse Shelander (TX)
John Turner, III (CO)
Brandon Veronie (LA)

The drivers were included in docket number FMCSA–2013–0124, FMCSA–2014–0103, FMCSA–2014–0106, FMCSA–2014–0385, FMCSA–2015–

0329, FMCSA–2016–0002, FMCSA–2017–0058, FMCSA–2018–0135, FMCSA–2018–0136, FMCSA–2018–0137, FMCSA–2020–0027, FMCSA–2022–0036, FMCSA–2022–0037. Their exemptions were applicable as of April 21, 2025, and will expire on April 21, 2027.

As of April 26, 2025, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following two individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers:

Freddy Lopez Hernandez (TX); and Martin Vorpahl (WI).

The drivers were included in docket number FMCSA–2023–0018. Their exemptions were applicable as of April 26, 2025, and will expire on April 26, 2027.

VI. Terms and Conditions

The exemptions are extended subject to the following conditions: each driver (1) must report to FMCSA any crashes as defined in § 390.5T, within 7 days of the crash; (2) must report to FMCSA any citations and convictions for disqualifying offenses under 49 CFR parts 383 and 391, within 7 days of the citation and conviction; (3) must submit to FMCSA annual certified driving records from their SDLA; and (4) is prohibited from operating a motorcoach or bus with passengers in interstate commerce. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. In addition, the driver must meet all the applicable commercial driver's license testing requirements. Each exemption will be valid for 2 years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

VII. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VIII. Conclusion

Based upon its evaluation of the 17 exemption applications, FMCSA renews the exemptions of the above-named drivers from the hearing requirement in § 391.41(b)(11). In accordance with 49

U.S.C. 31136(e) and 31315(b), each exemption will be valid for 2 years unless revoked earlier by FMCSA.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2025-07769 Filed 5-2-25; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2024-0004]

Qualification of Drivers; Exemption Applications; Implantable Cardioverter Defibrillator (ICD)

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to deny the applications of two individuals treated with an Implantable Cardioverter Defibrillator (ICD) who requested an exemption from the Federal Motor Carrier Safety Regulations (FMCSRs) prohibiting operation of a commercial motor vehicle (CMV) in interstate commerce by persons with a current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope (transient loss of consciousness), dyspnea (shortness of breath), collapse, or congestive heart failure.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64-224, Washington, DC 20590-0001, (202) 366-4001, fmcsamedical@dot.gov. Office hours are from 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing materials in the docket, contact Dockets Operations, (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments go to www.regulations.gov. Insert the docket number (FMCSA-2024-0004) in the keyword box and click "Search." Next, sort the results by "Posted (Newer-Older)," choose the first notice listed, and click "Browse Comments." If you do not have access to the internet, you may view the docket online by visiting

Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m. 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.

B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption requests. DOT posts these comments, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice DOT/ALL-14 FDMS (Federal Docket Management System), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>. The comments are posted without edit and are searchable by the name of the submitter.

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 applicant's safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)). FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

III. Background

The physical qualification standard for drivers regarding cardiovascular

diseases and loss of consciousness provides that a person is physically qualified to drive a CMV if that person has "no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure" (49 CFR 391.41(b)(4)). To assist in applying this standard, FMCSA publishes guidance for medical examiners (ME) in the form of medical advisory criteria in appendix A to 49 CFR part 391.¹ The advisory criteria for § 391.41(b)(4) indicates that ICDs are installed to address an ongoing underlying cardiovascular condition and that syncope or collapse is likely to occur as a result of both the underlying cardiovascular condition as well as when the ICDs discharge. Therefore, ICDs are medically disqualifying. In April 2007, FMCSA published an evidence report titled, "Cardiovascular Disease and Commercial Motor Vehicle Driver Safety," presenting findings regarding cardiovascular disease and CMV driver safety.² In December 2014, FMCSA published a research report titled, "Implantable Cardioverter Defibrillators and the Impact of a Shock in a Patient When Deployed," that provided evidence regarding the potential impact of ICD deployment and how it may interfere with the safe operation of a CMV.³

The Agency considers the medical advisory criteria, the April 2007 evidence report, the December 2014 research report, the application, and each individual's medical information in deciding whether to grant the exemption.

On January 15, 2025, FMCSA published a notice announcing receipt of applications from two individuals requesting an exemption from 49 CFR 391.41(b)(4) and requested comments from the public (90 FR 3997). The public comment period ended on February 14, 2025, and no comments were received.

IV. Discussion of Comments

FMCSA received no comments in this proceeding.

¹ 49 CFR part 391, app.A.II.C, available at <https://www.ecfr.gov/current/title-49/subtitle-B/chapter-III/subchapter-B/part-391/appendix-Appendix%20A%20to%20Part%20391>.

² "Evidence Report: Cardiovascular Disease" (Apr. 27, 2007), available at <https://doi.org/10.21949/1502991>.

³ "Implantable Cardio Defibrillators and the Impact of a Shock to the Patient when Deployed Research White Paper" (Dec. 17, 2014), available at https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2021-06/Cardio%20Defibrillators%20White%20Paper_Final_508C.pdf.

V. Basis for Exemption Determination

The Agency's decision regarding these exemption applications is based on an individualized assessment of the applicants' medical information, available medical and scientific data concerning ICDs, and any relevant public comments received.

In the case of persons with ICDs, the underlying condition for which the ICD was implanted places the individual at high risk for syncope or other unpredictable events known to result in gradual or sudden incapacitation. ICDs may discharge, which could result in loss of ability to safely control a CMV. The December 2014 focused research report referenced previously upholds the findings of the April 2007 report and indicates that the available scientific data on persons with ICDs and CMV driving does not support the conclusion that persons with ICDs are able to meet an equivalent or greater level of safety in operating a CMV as persons without those devices.

VI. Conclusion

The Agency has determined that the available medical and scientific literature and research provides insufficient data to enable the Agency to conclude that granting these exemptions would likely achieve a level of safety equivalent to, or greater than, the level of safety maintained without the exemption. Therefore, the following applicants have been denied an exemption from the physical qualification standards in § 391.41(b)(4):

Micos Mims (AL) and Paul Siefker (OH).

The applicants have, prior to this notice, received a letter of final disposition regarding their exemption request. The decision letter fully outlined the basis for the denial and constitutes final action by the Agency. The names of these individuals published today summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4).

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2025-07770 Filed 5-2-25; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2016-0007; FMCSA-2020-0046; FMCSA-2020-0047; FMCSA-2022-0045; FMCSA-2022-0047; FMCSA-2023-0029]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for six individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have "no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV." The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below. Comments must be received on or before June 4, 2025.

ADDRESSES: You may submit comments identified by the Federal Docket Management Docket No. FMCSA-2016-0007, Docket No. FMCSA-2020-0046, Docket No. FMCSA-2020-0047, Docket No. FMCSA-2022-0045, Docket No. FMCSA-2022-0047, or Docket No. FMCSA-2023-0029 using any of the following methods:

- **Federal eRulemaking Portal:** Go to www.regulations.gov/, insert the docket number (FMCSA-2016-0007, FMCSA-2020-0046, FMCSA-2020-0047, FMCSA-2022-0045, FMCSA-2022-0047, or FMCSA-2023-0029) in the keyword box and click "Search." Next, sort the results by "Posted (Newer-Older)," choose the first notice listed, and click on the "Comment" button. Follow the online instructions for submitting comments.

- **Mail:** Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Washington, DC 20590-0001.

- **Hand Delivery:** West Building Ground Floor, 1200 New Jersey Avenue

SE, Washington, DC 20590-0001 between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal Holidays.

- **Fax:** (202) 493-2251.

To avoid duplication, please use only one of these four methods. See the "Public Participation" portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590-0001; (202) 366-4001; fmcsamedical@dot.gov. Office hours are from 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA-2016-0007, Docket No. FMCSA-2020-0046, Docket No. FMCSA-2020-0047, Docket No. FMCSA-2022-0045, Docket No. FMCSA-2022-0047, or Docket No. FMCSA-2023-0029), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to www.regulations.gov, insert the docket number (FMCSA-2016-0007, FMCSA-2020-0046, FMCSA-2020-0047, FMCSA-2022-0045, FMCSA-2022-0047, or FMCSA-2023-0029) in the keyword box and click "Search." Next, sort the results by "Posted (Newer-Older)," choose the first notice listed, click the "Comment" button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. FMCSA will consider

all comments and material received during the comment period.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as "PROPIN" to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590-0001 or via email at brian.g.dahlin@dot.gov. At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

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D. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, including any personal information the

commenter provides, to www.regulations.gov, as described in the system of records notice DOT/ALL-14 FDMS (Federal Docket Management System), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>. The comments are posted without edit and searchable by the name of the submitter.

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 applicant's safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)).

III. Background

The physical qualification standard for drivers regarding seizures and loss of consciousness provides that a person is physically qualified to drive a CMV if that person has "no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control" a CMV (49 CFR 391.41(b)(8)). To assist in applying this standard, FMCSA publishes guidance for medical examiners (ME) in the form of medical advisory criteria in appendix A to 49 CFR part 391.¹ In 2007, FMCSA published recommendations from a Medical Expert Panel (MEP) that FMCSA tasked to review the existing seizure disorder

guidelines for MEs.² The MEP performed a comprehensive, systematic literature review, including evidence available at the time. The MEP issued recommended criteria to evaluate whether an individual with a history of epilepsy, a single unprovoked seizure, or a provoked seizure should be allowed to drive a CMV.

On January 15, 2013, FMCSA began granting exemptions, on a case-by-case basis, to individual drivers from the physical qualification standard regarding seizures and loss of consciousness in 49 CFR 391.41(b)(8) (78 FR 3069). The Agency considers the medical advisory criteria, the 2007 MEP recommendations, and each individual's medical information and driving record in deciding whether to grant the exemption.

The six individuals listed in this notice have requested renewal of their exemptions from the epilepsy and seizure disorders prohibition in § 391.41(b)(8), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable 2-year period.

IV. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b), FMCSA will take immediate steps to revoke the exemption of a driver.

V. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the six applicants have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition. The six drivers in this notice remain in good standing with the Agency, have maintained their medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period. In addition, the Agency has reviewed each applicant's certified

¹ 49 CFR part 391, app.A.II.G, available at <https://www.ecfr.gov/current/title-49/subtitle-B/chapter-III/subchapter-B/part-391/appendix-Appendix%20A%20to%20Part%20391>.

² "Expert Panel Recommendations, Seizure Disorders and Commercial Motor Vehicle Driver Safety," Medical Expert Panel (Oct. 15, 2007), available at <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2020-04/Seizure-Disorders-MEP-Recommendations-v2-prot%2010152007.pdf>.

driving record from their State Driver's Licensing Agency (SDLA). The information obtained from each applicant's driving record provides the Agency with details regarding any moving violations or reported crash data, which demonstrates whether the driver has a safe driving history and is an indicator of future driving performance. If the driving record revealed a crash, FMCSA requested and reviewed the related police reports and other relevant documents, such as the citation and conviction information. These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of 2 years is likely to achieve a level of safety equivalent to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of March and are discussed below.

As of March 17, 2025, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following five individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers.

Joel Clapper (MI)
Ryan Freedman (MI)
Todd Hines (OH)
Harold Seaton (KY)
Thomas Smutnik (PA)

The drivers were included in docket number FMCSA–2016–0007, FMCSA–2020–0046, FMCSA–2020–0047, FMCSA–2022–0045, or FMCSA–2022–0047. Their exemptions were applicable as of March 17, 2025, and will expire on March 17, 2027.

As of March 31, 2025, and in accordance with 49 U.S.C. 31136(e) and 31315(b), Spencer William (OH) has satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers.

This driver was included in docket number FMCSA–2023–0029. The exemption was applicable as of March 31, 2025 and will expire on March 31, 2027.

VI. Terms and Conditions

The exemptions are extended subject to the following conditions: each driver must (1) remain seizure-free, maintain a stable treatment, and report to FMCSA within 24 hours if they experience a seizure during the 2-year exemption

period; (2) submit to FMCSA annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) undergo an annual medical examination by a certified medical examiner, as defined by § 390.5T; (4) provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of their driver's qualification file if they are self-employed; (5) report to FMCSA the date, time, and location of any crashes, as defined in § 390.5T, within 7 days of the crash; (6) report to FMCSA any citations and convictions for disqualifying offenses under 49 CFR parts 383 and 391 to FMCSA within 7 days of the citation and conviction; and (7) submit to FMCSA annual certified driving records from their SDLA. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. In addition, the driver must meet all the applicable commercial driver's license testing requirements. Each exemption will be valid for 2 years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

VII. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VIII. Conclusion

Based on its evaluation of the six exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the epilepsy and seizure disorders prohibition in § 391.41(b)(8). In accordance with 49 U.S.C. 31136(e) and 31315(b), each exemption will be valid for 2 years unless revoked earlier by FMCSA.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2025–07767 Filed 5–2–25; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2025–0023]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 26 individuals for an exemption from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions would enable these hard of hearing and deaf individuals to operate CMVs in interstate commerce.

DATES: Comments must be received on or before June 4, 2025.

ADDRESSES: You may submit comments identified by the Federal Docket Management System Docket No. FMCSA–2025–0023 using any of the following methods:

- *Federal eRulemaking Portal:* Go to www.regulations.gov, insert the docket number (FMCSA–2025–0023) in the keyword box and click “Search.” Next, choose the only notice listed, and click on the “Comment” button. Follow the online instructions for submitting comments.

- *Mail:* Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Washington, DC 20590–0001.

- *Hand Delivery:* West Building Ground Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal Holidays.

- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the “Public Participation” portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, (202) 366–4001, fmcsamedical@dot.gov. Office hours are 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:**I. Public Participation****A. Submitting Comments**

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2025–0023), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2025-0023>. Next, choose the only notice listed, click the “Comment” button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. FMCSA will consider all comments and material received during the comment period.

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a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments

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D. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>. The comments are posted without edit and are searchable by the name of the submitter.

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 applicant’s safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory

provision from which the applicant will be exempt the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)). FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver’s medical certification.

III. Background

The physical qualification standard for drivers regarding hearing found in § 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5–1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid (35 FR 6458, 6463 (Apr. 22, 1970) and 36 FR 12857 (July 8, 1971), respectively). In 2008, FMCSA published Evidence Report, “Executive Summary on Hearing, Vestibular Function and Commercial Motor Driving Safety.”¹ The evidence report reached two conclusions regarding the matter of hearing loss and CMV driver safety: (1) no studies that examined the relationship between hearing loss and crash risk exclusively among CMV drivers were identified; and (2) evidence from studies of the private driver’s license holder population does not support the contention that individuals with hearing impairment are at an increased risk for a crash.

On February 1, 2013, FMCSA began granting exemptions, on a case-by-case basis, to individual drivers from the physical qualification standard regarding hearing in 49 CFR 391.41(b)(11) (78 FR 3069). The Agency considers relevant scientific information and literature, the 2008 Evidence Report, “Executive Summary on Hearing, Vestibular Function and Commercial Motor Driving Safety,” any public comments received, and each

¹ <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/Hearing-Evidence-Report-FinalExecutive-Summary-prot.pdf>.

individual's driving record in deciding whether to grant the exemption.

The 26 individuals listed in this notice have requested an exemption from the hearing standard in 49 CFR 391.41(b)(11). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

Robert Erickson

Robert Erickson, 60, holds a class ABCDM commercial driver's license (CDL) in Wisconsin.

Israel Gilliam

Israel Gilliam, 38, holds a class A CDL in Texas.

Timothy Hogan

Timothy Hogan, 24, holds a class C driver's license in Texas.

Kirk Johnson

Kirk Johnson, 45, holds a class E driver's license in Florida.

Randall Johnson

Randall Johnson, 54, holds a class D driver's license in Wisconsin.

Dakota Kangas

Dakota Kangas, 25, holds a class D driver's license in Wisconsin.

Camerson Luttrell

Camerson Luttrell, 23, holds a class C driver's license in Missouri.

Shane Martin

Shane Martin, 55, holds a class DMV driver's license in Alabama.

Shellie Overstreet

Shellie Overstreet, 41, holds a class D driver's license in Utah.

Erick Salcido

Erick Salcido, 25, holds a class C driver's license in Texas.

Rex Shepard

Rex Shepard, 26, holds a class C driver's license in Maryland.

Sean Sikes

Sean Sikes, 44, holds a regular driver's license in Indiana.

Jonna Silvia

Jonna Silvia, 63, holds a class 10 driver's license in Rhode Island.

David Warning

David Warning, 40, holds a class 10 driver's license in Rhode Island.

Kerry Werner

Kerry Werner, 39, holds a class E driver's license in Florida.

IV. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b), FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. FMCSA will consider all comments received before the close of business on the closing date indicated under the **DATES** section of the notice.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2025-07773 Filed 5-2-25; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2013-0124; FMCSA-2014-0102; FMCSA-2014-0104; FMCSA-2014-0106; FMCSA-2014-0107; FMCSA-2017-0061; FMCSA-2018-0138; FMCSA-2020-0027; FMCSA-2020-0028; FMCSA-2022-0034; FMCSA-2022-0038; FMCSA-2022-0039; FMCSA-2023-0017]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 23 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below. Comments must be received on or before June 4, 2025.

ADDRESSES: You may submit comments identified by the Federal Docket Management System Docket No. FMCSA-2013-0124, Docket No. FMCSA-2014-0102, Docket No. FMCSA-2014-0104, Docket No. FMCSA-2014-0106, Docket No. FMCSA-2014-0107, Docket No. FMCSA-2017-0061, Docket No. FMCSA-2018-0138, Docket No. FMCSA-2020-0027, Docket No. FMCSA-2020-0028, Docket No. FMCSA-2022-0034, Docket No. FMCSA-2022-0038, Docket No. FMCSA-2022-0039, or Docket No.

FMCSA-2023-0017 using any of the following methods:

- **Federal eRulemaking Portal:** Go to www.regulations.gov, insert the docket number (FMCSA-2013-0124, FMCSA-2014-0102, FMCSA-2014-0104, FMCSA-2014-0106, FMCSA-2014-0107, FMCSA-2017-0061, FMCSA-2018-0138, FMCSA-2020-0027, FMCSA-2020-0028, FMCSA-2022-0034, FMCSA-2022-0038, FMCSA-2022-0039, or FMCSA-2023-0017) in the keyword box and click "Search." Next, sort the results by "Posted (Newer-Older)," choose the first notice listed, and click on the "Comment" button. Follow the online instructions for submitting comments.

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In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption requests. DOT posts these comments, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>. The comments are posted without edit and are searchable by the name of the submitter.

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 applicant’s safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to,

or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)). FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver’s medical certification.

III. Background

The physical qualification standard for drivers regarding hearing in 49 CFR 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, (35 FR 6458, 6463 (Apr. 22, 1970) and 36 FR 12857 (July 8, 1971), respectively).

The 23 individuals listed in this notice have requested renewal of their exemptions from the hearing standard in § 391.41(b)(11), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable 2-year period.

IV. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b), FMCSA will take immediate steps to revoke the exemption of a driver.

V. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the 23 applicants has satisfied the renewal conditions for obtaining an exemption from the hearing requirement. The 23 drivers in this notice remain in good standing with the Agency. In addition, the Agency has reviewed each applicant's certified driving record from their State Driver's Licensing Agency (SDLA). The information obtained from each applicant's driving record provides the Agency with details regarding any moving violations or reported crash data, which demonstrates whether the driver has a safe driving history and is an indicator of future driving performance. If the driving record revealed a crash, FMCSA requested and reviewed the related police reports and other relevant documents, such as the citation and conviction information. These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each of these drivers for a period of 2 years is likely to achieve a level of safety equivalent to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of March and are discussed below.

As of March 3, 2025, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following 12 individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers:

Richard Blaine (PA)
John Darr (TN)
Scott Friede (TX)
Boris Garth (AL)
Jeremy Graslie (AZ)
Joshua Johnson (CO)
Timothy Lewey (TX)
Kimothy McLeod (GA)
Brett Ripp (FL)
Norlan Soler (NE)
Tony Walls (MD)
Christopher Zrimsek (FL)

The drivers were included in docket number FMCSA–2014–0106, FMCSA–2017–0061, FMCSA–2018–0138, FMCSA–2020–0027, FMCSA–2020–0028, FMCSA–2022–0034, FMCSA–2022–0038, FMCSA–2022–0039, or FMCSA–2022–0049. Their exemptions were applicable as of March 3, 2025, and will expire on March 3, 2027.

As of March 10, 2025, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following two individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers:

David Helgerson (WI); and Susan Helgerson (WI).

The drivers were included in docket number FMCSA–2013–0124. Their exemptions were applicable as of March 10, 2025, and will expire on March 10, 2027.

As of March 13, 2025, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following two individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers:

John Huey (TX); and Scott Putman (TX).

The drivers were included in docket number FMCSA–2014–0107. Their exemptions were applicable as of March 13, 2025, and will expire on March 13, 2027.

As of March 19, 2025, and in accordance with 49 U.S.C. 31136(e) and 31315(b), Victor Morales (TX) has satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers.

This driver was included in docket number FMCSA–2014–0106. The exemption was applicable as of March 19, 2025, and will expire on March 19, 2027.

As of March 22, 2025, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following two individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers:

William B. Britt (TN); and Michael Lua-Morales (PA).

The drivers were included in docket number FMCSA–2018–0137 or FMCSA–2023–0017. Their exemptions were applicable as of March 22, 2025, and will expire on March 22, 2027.

As of March 29, 2025, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following four individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers:

Kenneth Harris (TX)
Joseph Kelly (PA)
Timothy Laporte (AL)

Brandon Londo (TX)

The drivers were included in docket number FMCSA–2013–0124, FMCSA–2014–0102, or FMCSA–2014–0104. Their exemptions were applicable as of March 29, 2025, and will expire on March 29, 2027.

VI. Terms and Conditions

The exemptions are extended subject to the following conditions: each driver (1) must report to FMCSA any crashes as defined in § 390.5T, within 7 days of the crash; (2) must report to FMCSA any citations and convictions for disqualifying offenses under 49 CFR parts 383 and 391, within 7 days of the citation and conviction; (3) must submit to FMCSA annual certified driving records from their SDLA; and (4) is prohibited from operating a motorcoach or bus with passengers in interstate commerce. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. In addition, the driver must meet all the applicable commercial driver's license testing requirements. Each exemption will be valid for 2 years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

VII. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VIII. Conclusion

Based upon its evaluation of the 23 exemption renewal applications, FMCSA renews the exemptions of the above-named drivers from the hearing requirement in § 391.41(b)(11). In accordance with 49 U.S.C. 31136(e) and 31315(b), each exemption will be valid for 2 years unless revoked earlier by FMCSA.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2025–07768 Filed 5–2–25; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA–2013–0109; FMCSA–2014–0380; FMCSA–2015–0323; FMCSA–2016–0008; FMCSA–2016–0313; FMCSA–2020–0050; FMCSA–2020–0053; FMCSA–2022–0047; FMCSA–2023–0030]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 17 individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have “no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.” The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below. Comments must be received on or before June 4, 2025.

ADDRESSES: You may submit comments identified by the Federal Docket Management System Docket No. FMCSA–2013–0109, Docket No. FMCSA–2014–0380, Docket No. FMCSA–2015–0323, Docket No. FMCSA–2016–0008, Docket No. FMCSA–2016–0313, Docket No. FMCSA–2020–0050, Docket No. FMCSA–2020–0053, Docket No. FMCSA–2022–0047, or Docket No. FMCSA–2023–0030 using any of the following methods:

- *Federal eRulemaking Portal:* Go to www.regulations.gov/, insert the docket number (FMCSA–2013–0109, FMCSA–2014–0380, FMCSA–2015–0323, FMCSA–2016–0008, FMCSA–2016–0313, FMCSA–2020–0050, FMCSA–2020–0053, FMCSA–2022–0047, or FMCSA–2023–0030) in the keyword box and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, and click on the “Comment” button. Follow the online instructions for submitting comments.

- *Mail:* Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Washington, DC 20590–0001.

- *Hand Delivery:* West Building Ground Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal Holidays.

- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the “Public Participation” portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 366–4001; fmcamedical@dot.gov. Office hours are from 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:**I. Public Participation***A. Submitting Comments*

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2013–0109, Docket No. FMCSA–2014–0380, Docket No. FMCSA–2015–0323, Docket No. FMCSA–2016–0008, Docket No. FMCSA–2016–0313, Docket No. FMCSA–2020–0050, Docket No. FMCSA–2020–0053, Docket No. FMCSA–2022–0047, or Docket No. FMCSA–2023–0030), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to www.regulations.gov/, insert the docket number (FMCSA–2013–0109, FMCSA–2014–0380, FMCSA–2015–0323, FMCSA–2016–0008, FMCSA–2016–0313, FMCSA–2020–0050, FMCSA–2020–0053, FMCSA–2022–0047, or FMCSA–2023–0030) in the keyword box and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, click the

“Comment” button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. FMCSA will consider all comments and material received during the comment period.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as “PROPIN” to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at brian.g.dahlin@dot.gov. At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments

To view comments, go to www.regulations.gov. Insert the docket number (FMCSA–2013–0109, FMCSA–2014–0380, FMCSA–2015–0323, FMCSA–2016–0008, FMCSA–2016–0313, FMCSA–2020–0050, FMCSA–2020–0053, FMCSA–2022–0047, or FMCSA–2023–0030) in the keyword box and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, and click “Browse Comments.” If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–

0001, between 9 a.m. and 5 p.m. 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.

D. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>. The comments are posted without edit and searchable by the name of the submitter.

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 applicant's safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)).

III. Background

The physical qualification standard for drivers regarding seizures and loss of consciousness provides that a person is physically qualified to drive a CMV if that person has “no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control” a CMV (49

CFR 391.41(b)(8)). To assist in applying this standard, FMCSA publishes guidance for medical examiners (ME) in the form of medical advisory criteria in Appendix A to 49 CFR part 391.¹ In 2007, FMCSA published recommendations from a Medical Expert Panel (MEP) that FMCSA tasked to review the existing seizure disorder guidelines for MEs.² The MEP performed a comprehensive, systematic literature review, including evidence available at the time. The MEP issued recommended criteria to evaluate whether an individual with a history of epilepsy, a single unprovoked seizure, or a provoked seizure should be allowed to drive a CMV.

On January 15, 2013, FMCSA began granting exemptions, on a case-by-case basis, to individual drivers from the physical qualification standard regarding seizures and loss of consciousness in 49 CFR 391.41(b)(8) (78 FR 3069). The Agency considers the medical advisory criteria, the 2007 MEP recommendations, and each individual's medical information and driving record in deciding whether to grant the exemption.

The 17 individuals listed in this notice have requested renewal of their exemptions from the epilepsy and seizure disorders prohibition in § 391.41(b)(8), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable 2-year period.

IV. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b), FMCSA will take immediate steps to revoke the exemption of a driver.

V. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the 17 applicants

¹ 49 CFR part 391, app.A.II.G, available at <https://www.ecfr.gov/current/title-49/subtitle-B/chapter-III/subchapter-B/part-391/appendix-Appendix%20A%20to%20Part%20391>.

² “Expert Panel Recommendations, Seizure Disorders and Commercial Motor Vehicle Driver Safety,” Medical Expert Panel (Oct. 15, 2007), available at <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2020-04/Seizure-Disorders-MEP-Recommendations-v2-prot%2010152007.pdf>.

have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition. The 17 drivers in this notice remain in good standing with the Agency, have maintained their medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period. In addition, the Agency has reviewed each applicant's certified driving record from their State Driver's Licensing Agency (SDLA). The information obtained from each applicant's driving record provides the Agency with details regarding any moving violations or reported crash data, which demonstrates whether the driver has a safe driving history and is an indicator of future driving performance. If the driving record revealed a crash, FMCSA requested and reviewed the related police reports and other relevant documents, such as the citation and conviction information. These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of 2 years is likely to achieve a level of safety equivalent to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of April and are discussed below.

As of April 2, 2025, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following 15 individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers.

Sayed Abbed (PA)
Jeffrey Ballweg (WI)
Kenneth Elder (KY)
Larry Kirby (MO)
Brian Klein (IN)
Edward Malicki (NY)
Jared Meyers (MS)
Ronnie Moody (NC)
Rick Morrison (NC)
Joshua Pattyn (OR)
Benjamin Reinek (OH)
Robert Schauer (IA)
Jeffrey Smith, Jr. (FL)
Eric Smits (WI)
Tara Vanhorne (PA)

The drivers were included in docket number FMCSA–2013–0109, FMCSA–2014–0380, FMCSA–2015–0323, FMCSA–2016–0008, FMCSA–2020–0050, FMCSA–2020–0053, or FMCSA–

2022–0047. Their exemptions were applicable as of April 2, 2025, and will expire on April 2, 2027.

As of April 26, 2025, and in accordance with 49 U.S.C. 31136(e) and 31315(b), Michael Littleton (CO) has satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers.

This driver was included in docket number FMCSA–2023–0030. The exemption was applicable as of April 26, 2025 and will expire on April 26, 2027.

As of April 30, 2025, and in accordance with 49 U.S.C. 31136(e) and 31315(b), Bradley Hollister (PA) has satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers.

This driver was included in docket number FMCSA–2016–0313. The exemption is applicable as of April 30, 2025 and will expire on April 30, 2027

VI. Terms and Conditions

The exemptions are extended subject to the following conditions: each driver must (1) remain seizure-free, maintain a stable treatment, and report to FMCSA within 24 hours if they experience a seizure during the 2-year exemption period; (2) submit to FMCSA annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) undergo an annual medical examination by a certified medical examiner, as defined by § 390.5T; (4) provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of their driver's qualification file if they are self-employed; (5) report to FMCSA the date, time, and location of any crashes, as defined in § 390.5T, within 7 days of the crash; (6) report to FMCSA any citations and convictions for disqualifying offenses under 49 CFR parts 383 and 391 to FMCSA within 7 days of the citation and conviction; and (7) submit to FMCSA annual certified driving records from their SDLA. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. In addition, the driver must meet all the applicable commercial driver's license testing requirements. Each exemption will be valid for 2 years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) the person fails to comply with the terms and conditions

of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

VII. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VIII. Conclusion

Based on its evaluation of the 17 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the epilepsy and seizure disorders prohibition in § 391.41(b)(8). In accordance with 49 U.S.C. 31136(e) and 31315(b), each exemption will be valid for 2 years unless revoked earlier by FMCSA.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2025–07772 Filed 5–2–25; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2025–0011]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 35 individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to control a commercial motor vehicle (CMV) to drive in interstate commerce. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: Comments must be received on or before June 4, 2025.

ADDRESSES: You may submit comments identified by the Federal Docket Management System Docket No.

FMCSA–2025–0011 using any of the following methods:

- **Federal eRulemaking Portal:** Go to www.regulations.gov/, insert the docket number (FMCSA–2025–0011) in the keyword box and click “Search.” Next, choose the only notice listed, and click on the “Comment” button. Follow the online instructions for submitting comments.

- **Mail:** Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Washington, DC 20590–0001.

- **Hand Delivery:** West Building Ground Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal Holidays.

- **Fax:** (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the “Public Participation” portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, (202) 366–4001, fmcamedical@dot.gov. Office hours are 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2025–0011), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2025-0011>. Next, choose the only notice listed, click the “Comment” button, and type your comment into the text box on the following screen. Choose whether you are submitting your

comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. FMCSA will consider all comments and material received during the comment period.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as “PROPIN” to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at brian.g.dahlin@dot.gov. At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments

To view comments, go to www.regulations.gov, insert the docket number (FMCSA–2025–0011) in the keyword box and click “Search.” Next, choose the only notice listed, and click “Browse Comments.” If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. 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.

D. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments

from the public on the exemption request. DOT posts these comments, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System), which can be reviewed under the “Department Wide System of Records Notices” link at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>. The comments are posted without edit and are searchable by the name of the submitter.

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 applicant’s safety analysis. 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 set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)). FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver’s medical certification.

III. Background

The physical qualification standard for drivers regarding seizures and loss of consciousness provides that a person is physically qualified to drive a CMV if that person has “no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control” a CMV (49 CFR 391.41(b)(8)). To assist in applying this standard, FMCSA publishes guidance for medical examiners (ME) in the form of medical advisory criteria in

Appendix A to 49 CFR part 391.¹ In 2007, FMCSA published recommendations from a Medical Expert Panel (MEP) that FMCSA tasked to review the existing seizure disorder guidelines for MEs.² The MEP performed a comprehensive, systematic literature review, including evidence available at the time. The MEP issued recommended criteria to evaluate whether an individual with a history of epilepsy, a single unprovoked seizure, or a provoked seizure should be allowed to drive a CMV.

On January 15, 2013, FMCSA began granting exemptions, on a case-by-case basis, to individual drivers from the physical qualification standard regarding seizures and loss of consciousness in 49 CFR 391.41(b)(8) (78 FR 3069). The Agency considers the medical advisory criteria, the 2007 MEP recommendations, and each individual’s medical information and driving record in deciding whether to grant the exemption.

The 35 individuals listed in this notice have requested an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

IV. Qualifications of Applicants

Shane Addy

Shane Addy is a 24-year-old class C license holder in Pennsylvania. They have a history of epilepsy and have been seizure free since 2009. They take anti-seizure medication with the dosage and frequency remaining the same since 2010. Their physician states that they are supportive of Shane Addy receiving an exemption.

Erik Bernal

Erik Bernal is a 39-year-old class C license holder in Wyoming. They have a history of focal epilepsy and have been seizure free since 2017. They take anti-seizure medication with the dosage and frequency remaining the same since March 2020. Their physician states that they are supportive of Erik Bernal receiving an exemption.

¹ 49 CFR part 391, app.A.II.G, available at <https://www.ecfr.gov/current/title-49/subtitle-B/chapter-III/subchapter-B/part-391/appendix-Appendix%20A%20to%20Part%20391>.

² “Expert Panel Recommendations, Seizure Disorders and Commercial Motor Vehicle Driver Safety,” Medical Expert Panel (Oct. 15, 2007), available at <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2020-04/Seizure-Disorders-MEP-Recommendations-v2-prot%2010152007.pdf>.

Benjamin Billat

Benjamin Billat is a 37-year-old class D license holder in Minnesota. They have a history of provoked seizures and have been seizure free since August 28, 2019. They take anti-seizure medication with the dosage and frequency remaining the same for over two years. Their physician states that they are supportive of Benjamin Billat receiving an exemption.

Linda Bradt

Linda Bradt is a 50-year-old class C commercial driver's license (CDL) holder in New York. They have a history of epilepsy and have been seizure free since 2016. They take anti-seizure medication with the dosage and frequency remaining the same since September 2023. Their physician states that they are supportive of Linda Bradt receiving an exemption.

Stephen Carlson

Stephen Carlson is a 21-year-old class C chauffeur's license holder in Michigan. They have a history of childhood absence epilepsy and have been seizure free since 2012. They have not taken anti-seizure medication since March 2015. Their physician states that they are supportive of Stephen Carlson receiving an exemption.

Nicholas Casillan

Nicholas Casillan is a 43-year-old class C license holder in California. They have a history of childhood epilepsy and have been seizure free since 2004. They take anti-seizure medication with the dosage and frequency remaining the same since 2004. Their physician states that they are supportive of Nicholas Casillan receiving an exemption.

Amanda Fisk

Amanda Fisk is a 38-year-old class B commercial learner's permit holder in Kansas. They have a history of epilepsy and have been seizure free since 2015. They take anti-seizure medication with the dosage and frequency remaining the same since August 6, 2015. Their physician states that they are supportive of Amanda Fisk receiving an exemption.

Richard Freys

Richard Freys is a 54-year-old class D license holder in Ohio. They have a history of idiopathic epilepsy and have been seizure free since February 2017. They take anti-seizure medication with the dosage and frequency remaining the same since 2017. Their physician states that they are supportive of Richard Freys receiving an exemption.

Jacob Griffin

Jacob Griffin is a 21-year-old class BCD CDL holder in Wisconsin. They have a history of rolandic epilepsy and have been seizure free since June 2014. They take anti-seizure medication with the dosage and frequency remaining the same since 2018. Their physician states that they are supportive of Jacob Griffin receiving an exemption.

Joseph Gwinnett

Joseph Gwinnett is a 44-year-old class D license holder in New Jersey. They have a history of epilepsy and have been seizure free since 2015. They take anti-seizure medication with the dosage and frequency remaining the same since 2021. Their physician states that they are supportive of Joseph Gwinnett receiving an exemption.

Carter Hunt

Carter Hunt is a 25-year-old class C license holder in North Carolina. They have a history of localization-related symptomatic epilepsy and have been seizure free since 2014. They take anti-seizure medication with the dosage and frequency remaining the same since October 2022. Their physician states that they are supportive of Carter Hunt receiving an exemption.

Ryan Jaacks

Ryan Jaacks is a 24-year-old class C license holder in Iowa. They have a history of partial symptomatic epilepsy and have been seizure free since 2009. They take anti-seizure medication with the dosage and frequency remaining the same since 2009. Their physician states that they are supportive of Ryan Jaacks receiving an exemption.

Scott Jensen

Scott Jensen is a 30-year-old class D regular license holder in Wisconsin. They have a history of generalized epilepsy and have been seizure free since March 6, 2014. They take anti-seizure medication with the dosage and frequency remaining the same since January 2023. Their physician states that they are supportive of Scott Jensen receiving an exemption.

Theodore Kemak

Theodore Kemak is a 39-year-old class A CDL holder in New York. They have a history of epilepsy and have been seizure free since 2012. They take anti-seizure medication with the dosage and frequency remaining the same since 2012. Their physician states that they are supportive of Theodore Kemak receiving an exemption.

Thomas Knight

Thomas Knight is a 59-year-old class A CDL holder in Georgia. They have a history of epilepsy and have been seizure free since 1991. They take anti-seizure medication with the dosage and frequency remaining the same for over 20 years. Their physician states that they are supportive of Thomas Knight receiving an exemption.

Kurtis Kuhl

Kurtis Kuhl is a 36-year-old class A CDL holder in Ohio. They have a history of seizures and have been seizure free since 2015. They take anti-seizure medication with the dosage and frequency remaining the same since 2015. Their physician states that they are supportive of Kurtis Kuhl receiving an exemption.

Rachel LaFraniere

Rachel LaFraniere is a 32-year-old class D license holder in Tennessee. They have a history of focal epilepsy and have been seizure free since 2017. They take anti-seizure medication with the dosage and frequency remaining the same since July 2023. Their physician states that they are supportive of Rachel LaFraniere receiving an exemption.

Matthew Lee

Matthew Lee is a 48-year-old class D license holder in Connecticut. They have a history of epilepsy and have been seizure free since 2006. They have not taken anti-seizure medication since November 2016. Their physician states that they are supportive of Matthew John Lee receiving an exemption.

Zachery Lieske

Zachery Lieske is a 22-year-old class D regular license holder in Wisconsin. They have a history of generalized epilepsy and have been seizure free since August 2016. They take anti-seizure medication with the dosage and frequency remaining the same since May 20, 2021. Their physician states that they are supportive of Zachery Lieske receiving an exemption.

Thomas Mercer

Thomas Mercer is a 46-year-old class C license holder in Georgia. They have a history of petit mal seizure disorder and have been seizure free since January 2, 2002. They take anti-seizure medication with the dosage and frequency remaining the same since 2002. Their physician states that they are supportive of Thomas Mercer receiving an exemption.

Elijah Morrissey

Elijah Morrissey is a 20-year-old class C license holder in North Carolina. They have a history of benign focal epilepsy and have been seizure free since 2016. They take anti-seizure medication with the dosage and frequency remaining the same since 2009. Their physician states that they are supportive of Elijah Morrissey receiving an exemption.

Sean O'Dwyer

Sean O'Dwyer is a 53-year-old class C license holder in North Carolina. They have a history of complex partial seizures and have been seizure free since 2012. They take anti-seizure medication with the dosage and frequency remaining the same since 2016. Their physician states that they are supportive of Sean O'Dwyer receiving an exemption.

Nikki Peyton

Nikki Peyton is a 36-year-old class A CDL holder in Indiana. They have a history of seizure disorder and have been seizure free since 2016. They take anti-seizure medication with the dosage and frequency remaining the same since January 21, 2019. Their physician states that they are supportive of Nikki Peyton receiving an exemption.

Joseph Platania

Joseph Platania is a 34-year-old class C license holder in Pennsylvania. They have a history of epilepsy and have been seizure free since April 2016. They take anti-seizure medication with the dosage and frequency remaining the same since April 2016. Their physician states that they are supportive of Joseph Platania receiving an exemption.

Nathan Porcher

Nathan Porcher is a 36-year-old class C license holder in Texas. They have a history of other seizures and have been seizure free since 2017. They take anti-seizure medication with the dosage and frequency remaining the same since April 19, 2024. Their physician states that they are supportive of Nathan Porcher receiving an exemption.

Samuel Porter

Samuel Porter is a 32-year-old class D license holder in Illinois. They have a history of tonic clonic seizures and have been seizure free since 2012. They take anti-seizure medication with the dosage and frequency remaining the same since 2023. Their physician states that they are supportive of Samuel Porter receiving an exemption.

Lorenzo Rivera

Lorenzo Rivera is a 22-year-old class D license holder in Ohio. They have a history of seizure disorder and have been seizure free since 2015. They have not taken anti-seizure medication since 2017. Their physician states that they are supportive of Lorenzo Rivera receiving an exemption.

Robert Rush

Robert Rush is a 49-year-old class CM1 license holder in California. They have a history of nonintractable epilepsy and have been seizure free since the early 2000s. They take anti-seizure medication with the dosage and frequency remaining the same since December 2022. Their physician states that they are supportive of Robert Rush receiving an exemption.

Ethan Seabury-Kolod

Ethan Seabury-Kolod is a 38-year-old class A CDL holder in Louisiana. They have a history of single unprovoked seizure and have been seizure free since January 2016. They have never taken anti-seizure medication. Their physician states that they are supportive of Ethan Seabury-Kolod receiving an exemption.

Michael Shea

Michael Shea is a 30-year-old class D license holder in New Jersey. They have a history of seizure disorder and have been seizure free since October 2015. They take anti-seizure medication with the dosage and frequency remaining the same since 2016. Their physician states that they are supportive of Michael Shea receiving an exemption.

Brittany Spicer

Brittany Spicer is a 34-year-old class D license holder in Virginia. They have a history of epilepsy and have been seizure free since 2009. They take anti-seizure medication with the dosage and frequency remaining the same since 2015. Their physician states that they are supportive of Brittany Spicer receiving an exemption.

Robert Stagg

Robert Stagg is a 46-year-old class CM1 license holder in California. They have a history of complex partial epilepsy and have been seizure free since October 2014. They take anti-seizure medication with the dosage and frequency remaining the same since August 2015. Their physician states that they are supportive of Robert Stagg receiving an exemption.

Jeremy Steele

Jeremy Steele is a 33-year-old class D license holder in Delaware. They have

a history of a single unprovoked seizure and have been seizure free since February 2021. They take anti-seizure medication with the dosage and frequency remaining the same since March 2021. Their physician states that they are supportive of Jeremy Steele receiving an exemption.

Rodney Taylor

Rodney Taylor is a 54-year-old class C license holder in North Carolina. They have a history of seizure disorder and have been seizure free since 2012. They take anti-seizure medication with the dosage and frequency remaining the same since 2012. Their physician states that they are supportive of Rodney Taylor receiving an exemption.

Alfonso Valdivieso

Alfonso Valdivieso is a 61-year-old class A CDL holder in New York. They have a history of focal epilepsy and have been seizure free since March 2011. They take anti-seizure medication with the dosage and frequency remaining the same since 2015. Their physician states that they are supportive of Alfonso Valdivieso receiving an exemption.

V. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b), FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. FMCSA will consider all comments received before the close of business on the closing date indicated under the **DATES** section of the notice.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2025-07766 Filed 5-2-25; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION**Maritime Administration**

[Docket No. MARAD-2025-0069]

Request for Comments on the Renewal of a Previously Approved Collection: Merchant Marine Medals and Awards

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Maritime Administration (MARAD) invites public comments on our intention to request the Office of Management and Budget (OMB) approval to renew an information collection in accordance with the Paperwork Reduction Act of 1995. The proposed collection OMB 2133-0506 (Merchant Marine Medals and Awards) is used by MARAD personnel to process

and verify requests for service awards. There are no changes to this collection since the last renewal. We are required to publish this notice in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments must be submitted on or before July 7, 2025.

ADDRESSES: You may submit comments identified by Docket No. MARAD–2025–0069 through one of the following methods:

- **Federal eRulemaking Portal:** www.regulations.gov. Search using the above DOT docket number and follow the online instructions for submitting comments.
- **Mail or Hand Delivery:** Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Instructions: All submissions must include the agency name and docket number for this rulemaking.

Note: All comments received will be posted without change to www.regulations.gov including any personal information provided.

Comments are invited on: (a) whether the proposed collection of information is reasonable for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility, and clarity of the information collection; and (d) ways that the burden could be modified without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Katrina McRae, 202–366–3198, Office of Sealift Support, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, Email: Katrina.mcrae@dot.gov.

SUPPLEMENTARY INFORMATION:

Title: Merchant Marine Medals and Awards.

OMB Control Number: 2133–0506.

Type of Request: Extension without change of a previously approved collection.

Abstract: This collection of information provides a method of awarding merchant marine medals and decorations to masters, officers, and crew members of U.S. ships, in recognition of their service in areas of danger during the operations by the Armed Forces of the United States in World War II, Korea, Vietnam, and Operation Desert Storm.

Respondents: Masters, officers, and crew members of U.S. ships.

Affected Public: Individuals or households.

Estimated Number of Respondents: 550.

Estimated Number of Responses: 550.

Estimated Hours per Response: 1.

Annual Estimated Total Annual

Burden Hours: 550.

Frequency of Response: Once Annually.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.49.)

By Order of the Maritime Administration.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025–07731 Filed 5–2–25; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2025–0068]

Request for Comments on the Renewal of a Previously Approved Collection: U.S. Merchant Marine Academy (USMMA) Alumni Survey

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Maritime Administration (MARAD) invites public comments on our intention to request approval from the Office of Management and Budget (OMB) to renew an information collection in accordance with the Paperwork Reduction Act of 1995. The proposed collection OMB 2133–0542 (U.S. Merchant Marine Academy (USMMA) Alumni Survey) is being updated to include the following minor changes: removal of gender-related questions, reworded question to reflect the Academy's current learning outcomes, alignment of salary ranges to the current market, and disaggregation of cohort groups at the academic major level. We are required to publish this notice in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments must be submitted on or before July 7, 2025.

ADDRESSES: You may submit comments identified by Docket No. MARAD–2025–0068 through one of the following methods:

- **Federal eRulemaking Portal:** www.regulations.gov. Search using the above DOT docket number and follow the online instructions for submitting comments.
- **Mail or Hand Delivery:** Docket Management Facility, U.S. Department

of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Instructions: All submissions must include the agency name and docket number for this rulemaking.

Note: All comments received will be posted without change to www.regulations.gov including any personal information provided.

Comments are invited on: (a) whether the proposed collection of information is reasonable for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility, and clarity of the information collection; and (d) ways that the burden could be lessened without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Dr. Lori Townsend, 516–726–5637, U.S. Merchant Marine Academy, 300 Steamboat Road, Kings Point, NY 11024, Email: assessment@usmma.edu.

SUPPLEMENTARY INFORMATION:

Title: U.S. Merchant Marine Academy (USMMA) Alumni Survey.

OMB Control Number: 2133–0542.

Type of Request: Extension with Change of a Currently Approved Collection.

Abstract: The United States Merchant Marine Academy is an accredited Federal service academy that confers Bachelor of Science and Master of Science degrees. The Academy is expected to assess its educational outcomes and report those findings to its regional and programmatic accreditation authorities to maintain the institution's degree granting status. Periodic survey of alumni cohorts and analysis of the data gathered is a routine higher education assessment practice in the United States.

Respondents: Graduates of the U.S. Merchant Marine Academy who completed the program within the last one to ten years.

Affected Public: U.S. Merchant Marine Academy Graduates.

Estimated Number of Respondents: 600.

Estimated Number of Responses: 600.

Estimated Hours per Response: 0.25 hours.

Annual Estimated Total Annual Burden Hours: 150.

Frequency of Response: Annually.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.49.)

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,
Secretary, Maritime Administration.
 [FR Doc. 2025-07732 Filed 5-2-25; 8:45 am]
BILLING CODE 4910-81-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0912]

Agency Information Collection Activity: Veterans Engagement Action Center (VEAC) Surveys

AGENCY: Veterans Experience Office,
 Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Experience Office (VEO), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Comments must be received on or before July 7, 2025.

ADDRESSES: Comments must be submitted through www.regulations.gov.

FOR FURTHER INFORMATION CONTACT:

Program-Specific information: Todd Stawicki, 908-768-5372, todd.stawicki@va.gov.

VA PRA information: Dorothy Glasgow, 202-461-1084, VAPRA@va.gov.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VEO invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VEO's functions, including whether the information will have practical utility;

(2) the accuracy of VEO's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Veterans Engagement Action Center (VEAC) Surveys.

OMB Control Number: 2900-0912. <https://www.reginfo.gov/public/do/PRAsearch> (Once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection).

Type of Review: Revision of a currently approved collection.

Abstract: Veterans Experience Action Center (VEAC) is a Veterans Affairs (VA) program established to proactively assist Veterans in a selected state with a one-stop resource for all their needs. The VEAC brings together VA benefits, health care and other resources in partnership with state VA resources.

The VEAC gathers feedback from Veterans, Active Military, Guard/Reservist, Family members, caregivers, providers, and survivors. The VEAC then provides that feedback to VA leaders to measure the success of the outreach event and measure the ease, effectiveness, emotion, and trust from the participants as they exit.

The surveys will further allow the Veterans Experience Office (VEO) to measure whether the needs of the participants were met. Additional areas where the survey results will impact:

- Identifies gaps and challenges in health care, benefits, and service delivery.
- Identifies areas for how VA can best support local efforts in a holistic fashion.
- Identifies areas where there may be barriers to access, and outreach tailored to local communities.

Per FY2021 MILCON House report 116-445, the Committee directs the VA to provide quarterly reports on the status of the implementation of the VEAC pilot program; the effectiveness of the pilot program at reaching Veterans, particularly those in need, and increasing utilization of VA services:

- Congress (Quarterly Congressional Tracking Reports (CTRs).

VEAC surveys afford VEAC participants the ability to provide feedback to VA and allow the customer to share their experiences. VEO uses the customer's feedback to enhance and increase outreach and engagement efforts and determine the direct value of our efforts.

The surveys and its delivery are an innovative approach to measure and improve customer experience based on the "voice of the Veteran." Through the use of the VSignals digital platform, VEO can identify gaps and challenges in the community, provide information on VA programs, increase access and outreach, identify what is and what is not working, and determine how VA can best support local community efforts in support of Veterans, families, caregivers, and survivors.

Survey respondents will be Veterans, Active Military, Guard/Reservist, family members, caregivers, and survivors that attend a VEAC event. Different surveys may be administered participants of events:

1. *VEAC Exit Survey:* Outreach event staff will verbally administer the survey to event attendees as the last step in the overall event process. The outreach staff will fill out the web-based survey on behalf of the outreach event participant.

2. *VEAC Email Survey:* A survey will be sent via email to event attendees that were not able to take the VEAC Exit Survey. The email survey will not be sent to event attendees that opted out of the VEAC Exit Survey.

Affected Public: Individuals.

Estimated Annual Burden: 1,000 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 12,000.

Authority: 44 U.S.C. 3501 *et seq.*

Shunda Willis,

*Acting, VA PRA Clearance Officer, (Alt.),
 Office of Enterprise and Integration/Data
 Governance Analytics, Department of
 Veterans Affairs.*

[FR Doc. 2025-07771 Filed 5-2-25; 8:45 am]

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Part II

Department of Commerce

National Oceanic and Atmospheric Administration

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to a Marine Geophysical Survey Off Western Mexico in the Eastern Tropical Pacific Ocean; Notice

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[RTID 0648–XE764]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to a Marine Geophysical Survey Off Western Mexico in the Eastern Tropical Pacific Ocean

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

ACTION: Notice; proposed incidental harassment authorization; request for comments on proposed authorization and possible renewal.

SUMMARY: NMFS has received a request from the Lamont-Doherty Earth Observatory (L–DEO) for authorization to take marine mammals incidental to a marine geophysical survey off Western Mexico in the Eastern Tropical Pacific Ocean (ETP). Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to incidentally take marine mammals during the specified activities. NMFS is also requesting comments on a possible one-time, 1-year renewal that could be issued under certain circumstances and if all requirements are met, as described in Request for Public Comments at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorization and agency responses will be summarized in the final notice of our decision.

DATES: Comments and information must be received no later than June 4, 2025.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service and should be submitted via email to ITP.harlacher@noaa.gov. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-research-and-other-activities>. In case of problems accessing these documents, please call the contact listed below.

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or

received after the end of the comment period. Comments, including all attachments, must not exceed a 25-megabyte file size. All comments received are a part of the public record and will generally be posted online at <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act> without change. All personal identifying information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

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

SUPPLEMENTARY INFORMATION:**Background**

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are proposed or, if the taking is limited to harassment, a notice of a proposed IHA is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other “means of effecting the least practicable adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as “mitigation”); and requirements pertaining to the monitoring and reporting of the takings. The definitions of all applicable MMPA statutory terms used above are included in the relevant sections below and can be found in section 3 of the MMPA (16 U.S.C. 1362) and NMFS regulations at 50 CFR 216.103.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969

(NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.*, the issuance of an IHA) with respect to potential impacts on the human environment.

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

Summary of Request

On November 14, 2024, NMFS received a request from the L–DEO for an IHA to take marine mammals incidental to a marine geophysical survey off Western Mexico in the ETP. After sending initial questions to the applicant, L–DEO deferred the IHA request due to vessel clearance issues. On January 29, 2025 L–DEO alerted us that they received clearance but their proposed survey dates had changed. With revised dates, NMFS continued processing the application and it was deemed adequate and complete on March 4, 2025. L–DEO’s request is for take of 29 species of marine mammals, by Level B harassment only. Neither L–DEO nor NMFS expect serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

Description of Proposed Activity**Overview**

Researchers from the New Mexico Institute of Mining and Technology (NMT) and University of New Mexico (UNM), with funding from the National Science Foundation (NSF), and in collaboration with Centro de Investigación Científica y de Educación Superior de Ensenada (CICESE), propose to conduct a low-energy marine seismic survey, using airguns as the acoustic source, and heat probe measurements, conducted from the research vessel (R/V) *Marcus G. Langseth* (*Langseth*), which is owned and operated by L–DEO. The proposed survey would occur off Western Mexico in the ETP from approximately November 2025 to December 2025. The proposed survey would occur within the Mexican exclusive economic zone (EEZ) but outside of territorial waters, in

water depths ranging from approximately 1,000 to 5,300 meters (m). To complete this 2-dimensional (2-D) survey, the *Langseth* would tow a cluster of two 45 cubic inch (in³, 737 cubic centimeters (cc)) generator injector (GI) airguns with a total discharge volume of 90 in³ (~1,475 cc) at a depth of 3 m. The airgun array receiver would consist of a 3–5 kilometer (km) long solid-state hydrophone streamer. The airguns would fire at a shot interval of 6.25–12.5 m. Approximately 1,258 kilometers (km) of seismic acquisition is planned. Airgun arrays would introduce underwater sound that may result in take of marine mammals.

The purpose of the proposed survey is to obtain information on the sediment distribution and geologic structure of the Cocos plate and margin wedge, which is necessary for constraining the thermal structure of the subduction

zone offshore southern Mexico. The main goal of the proposed seismic surveys is to acquire 2-D seismic reflection data, in conjunction with densely spaced heat probe measurements, to quantify the effects of fluid circulation in oceanic crust on temperatures in the southern Mexico subduction zone.

Dates and Duration

The *Langseth* is proposed to leave out of port in Manzanilla, Mexico, on November 18, 2025, and return to port in Manzanilla, Mexico, on December 15, 2025, after the survey is completed. The survey is expected to last 24 days, which includes approximately 7 days of seismic operations, 14 days of heat probe measurements, and 3 days of transit.

Specific Geographic Region

The proposed survey would occur within approximately ~15.5–17° N and

99.5–102° W, off the Pacific coast of Mexico within the EEZ of Mexico, in water depths ranging from approximately 1,000 to 5,300 m. The region where the survey is proposed to occur is depicted in figure 1. Representative survey tracklines are shown; however, some deviation in actual tracklines, including the order of survey operations, could be necessary for reasons such as science drivers, poor data quality, inclement weather, or mechanical issues with the research vessel and/or equipment. Therefore, for the proposed survey, the tracklines could occur anywhere within the coordinates noted above. The *Langseth* would likely leave out of and return to port in Manzanilla, Mexico (approximately 420 km north of the survey area).

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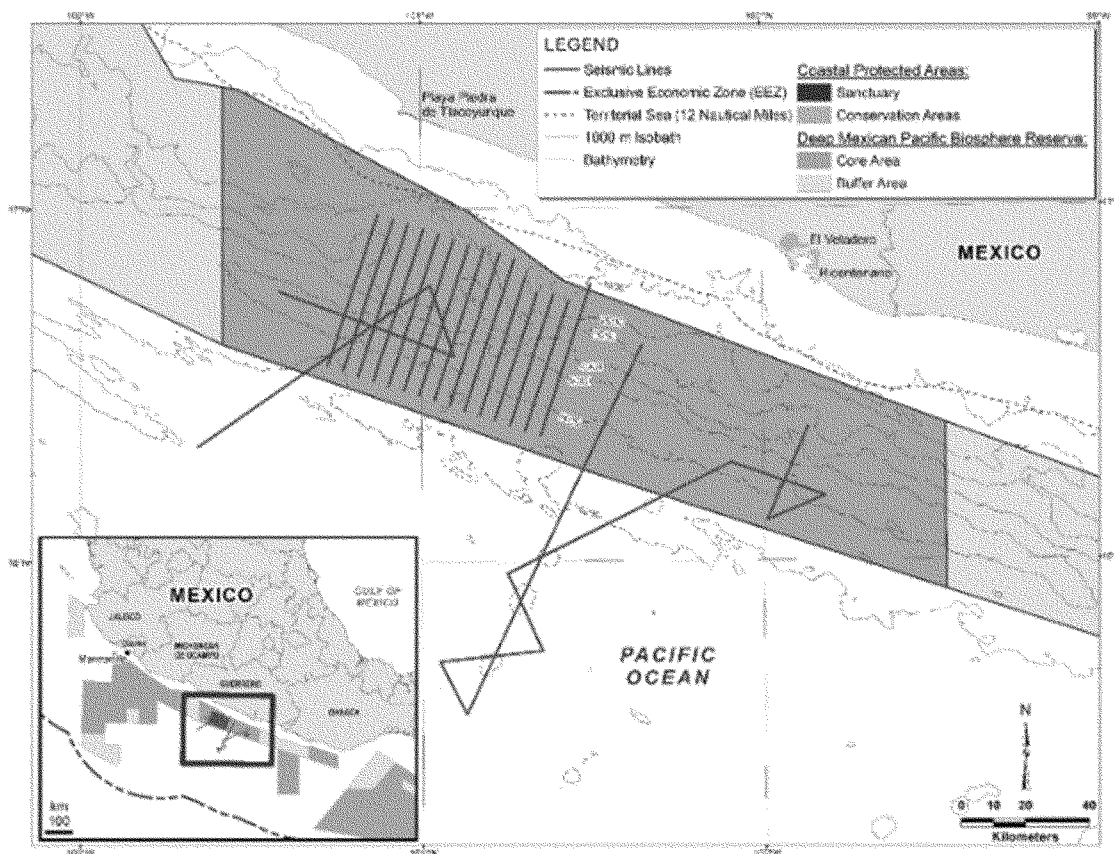


Figure 1 -- Location of the Proposed Seismic Survey off Western Mexico in the ETP
Representative survey tracklines are included in the figure; however, the tracklines could occur anywhere within the survey area.

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Detailed Description of the Specified Activity

The procedures to be used for the proposed survey would be similar to those used during previous seismic surveys conducted by L-DEO and would use conventional seismic methodology. The survey would involve one source vessel, *Langseth*, which is owned and operated by L-DEO. During the low-energy 2D seismic survey, *Langseth* would tow two GI airguns with a total discharge volume of 90 in³. The two inline airguns would be spaced 2.46 m apart. The airgun array configurations are illustrated in figure 2–14 of NSF and the U.S. Geological Survey's (USGS) Programmatic Environmental Impact Statement (PEIS; NSF–USGS, 2011). (The PEIS is available online at: https://www.nsf.gov/geo/oce/envcomp/usgs-nsf-marine-seismic-research/nsf-usgs-final-eis-oeis_3june2011.pdf). The receiving system would consist of a 3–5 km long solid-state hydrophone streamer. As the airgun arrays are towed along the survey lines, the hydrophone streamer would transfer the data to the on-board processing system. Approximately 1,258 km of seismic acquisition are planned. The survey would take place in water depths ranging from approximately 1,000 to 5,300 m.

Heat flow data would be acquired with a heat flow probe that takes the temperature of the sediments like a thermometer. Heat probe measurements are made by lowering the probe through the water column and letting it plunge ~3.5 m into the sediment. Measurements consist of two parts—thermal gradient and conductivity—and would be made every ~500–1,000 m. At each measurement site the probe is left in the seafloor for ~15 minutes. After the measurement is taken, the probe is pulled out of the sediment and raised ~200 m above the seafloor, the ship then moves position along the transect, and the process is repeated (referred to as “pogo” mode). During heat flow probe operations, a 12-kilohertz (kHz) bottom-finding pinger would be employed, and an acoustic release would be used once during an initial calibration of the heat probe activities.

The heat flow probe would be equipped with an ultra-short baseline

(USBL) transducer acoustic positioning system (or pinger) to allow it to “talk” with the research vessel. The pole-mounted USBL transducer pings once per second to the receiver to locate the heat flow probe location and vice versa. The reflected pings are picked up by a Knudsen Chirp 3260 sub-bottom profiler (SBP). While on station for heat flow measurements, the MBES would be turned off.

In addition to the operations of the airgun array and the heat flow probe, the ocean floor would be mapped with the Kongsberg EM 122 multibeam echosounder (MBES), and a SBP. A Teledyne RDI 75 kHz Ocean Surveyor acoustic doppler current profiler (ADCP) would be used to measure water current velocities. Take of marine mammals is not expected to occur incidental to use of the MBES, SBP, ADCP, and heat flow probe operations whether or not the airguns are operating simultaneously with the other sources. Given their characteristics (e.g., narrow downward-directed beam), marine mammals would experience no more than one or two brief ping exposures, if any exposure were to occur. NMFS does not expect that the use of these sources is likely to cause take of marine mammals.

Proposed mitigation, monitoring, and reporting measures are described in detail later in this document (please see Proposed Mitigation and Proposed Monitoring and Reporting).

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history of the potentially affected species. NMFS fully considered all of this information, and we refer the reader to these descriptions, instead of reprinting the information. Additional information about these species (e.g., physical and behavioral descriptions) may be found on NMFS' website (<https://www.fisheries.noaa.gov/find-species>). NMFS refers the reader to the aforementioned source for general information regarding the species listed in table 1.

Table 1 lists all species or stocks for which take is expected and proposed to

be authorized for this activity and summarizes information related to the population or stock, including regulatory status under the MMPA and Endangered Species Act (ESA) and potential biological removal (PBR), where known. PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS' stock assessment reports (SARs)). While no serious injury or mortality is anticipated or proposed to be authorized here, PBR and annual serious injury and mortality (M/SI) from anthropogenic sources are included here as gross indicators of the status of the species or stocks and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS's stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS's U.S. Pacific SARs. All values presented in table 1 are the most recent available at the time of publication and are available in the draft 2024 SARs (available online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/draft-marine-mammal-stock-assessment-reports>). Where available, abundance and status information is also presented for marine mammals in the Pacific waters of Mexico and/or the greater ETP region. Table 1 denotes the status of species and stocks under the U.S. MMPA and ESA. We note also that the Guadalupe fur seal is classified as “En peligro de extinción” (in danger of extinction) under the Norma Oficial Mexicana NOM–059–SEMARNAT–2010 and all other marine mammal species listed in table 1, with the exception of Longman's beaked whales and Deraniyagala's beaked whales, are listed as “Sujetas a protección especial” (subject to special protection).

TABLE 1—SPECIES LIKELY IMPACTED BY THE SPECIFIED ACTIVITIES

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) ¹	Stock abundance (CV, N _{min} , most recent abundance survey) ²	PBR	Annual M/SI ³	ETP abundance ⁴	Mexico Pacific abundance ⁵
Order Artiodactyla—Cetacea—Mysticeti (baleen whales)								
<i>Family Balaenopteridae (rorquals):</i>								
Humpback Whale	<i>Megaptera novaeangliae</i> .	Central America/ Southern Mexico- California-Oregon- Washington.	E, D, Y	1,496 (0.2, 1,284, 2021).	3.5	14.9	2,566 .....	.....
Minke whale	<i>Balaenoptera acutorostrata</i> .	N/A	-, -, N	N/A	N/A	N/A	115 .....	.....
Bryde's whale	<i>Balaenoptera edeni</i> ..	Eastern Tropical Pa- cific.	-, -, N	Unknown (Unknown, Unknown, N/A).	Undetermined	Unknown	10,411	649
Sei whale	<i>Balaenoptera bore- alis</i> .	Eastern N Pacific	E, D, Y	519 (0.4, 374, 2014)	0.75	≥0.2	0 .....	.....
Fin whale	<i>Balaenoptera physalus</i> .	N/A	E, D, Y	N/A	N/A	N/A	574	145
Odontoceti (toothed whales, dolphins, and porpoises)								
<i>Family Physeteridae:</i>								
Sperm whale	<i>Physeter macrocephalus</i> .	N/A	E, D, Y	N/A	N/A	N/A	4,145	2,810
<i>Family Kogiidae:</i>								
Dwarf Sperm Whale.	<i>Kogia sima</i>	N/A	N/A	N/A	N/A	N/A	⁶ 11,200	.....
Pygmy Sperm Whale.	<i>Kogia breviceps</i>	N/A	-, -, N	N/A	N/A	N/A	⁶ 11,200	.....
<i>Family Ziphiidae (beaked whales):</i>								
Cuvier's Beaked Whale.	<i>Ziphius cavirostris</i>	N/A	-, -, N	N/A	N/A	N/A	⁷ 20,000	⁸ 68,828
Longman's beaked whale.	<i>Indopacetus pacificus</i> .	N/A	-, -, N	N/A	N/A	N/A	1,007	.....
Blainville's beaked whale.	<i>Mesoplodon densirostris</i> .	N/A	-, -, N	N/A	N/A	N/A	⁹ 25,300	⁸ 68,828
Ginkgo-toothed beaked whale.	<i>M. ginkgodens</i>	N/A	-, -, N	N/A	N/A	N/A	⁹ 25,300	⁸ 68,828
Deraniyagala's beaked whale.	<i>M. hotaula</i>	N/A	-, -, N	N/A	N/A	N/A	⁹ 25,300	⁸ 68,828
Pygmy beaked whale.	<i>M. peruvianus</i>	N/A	-, -, N	N/A	N/A	N/A	⁹ 25,300	⁸ 68,828
<i>Family Delphinidae:</i>								
Risso's dolphin ...	<i>Grampus griseus</i>	N/A	-, -, N	N/A	N/A	N/A	110,457	24,084
Rough-toothed dolphin.	<i>Steno bredanensis</i> ...	N/A	-, -, N	N/A	N/A	N/A	107,663	37,511
Common bottlenose dol- phin.	<i>Tursiops truncatus</i> ...	N/A	-, -, N	N/A	N/A	N/A	335,834	61,536
Pantropical spot- ted dolphin.	<i>Stenella attenuata</i>	N/A	-, D, N	N/A	N/A	N/A	¹⁰ 1,297,091	146,296
Spinner dolphin ...	<i>Stenella longirostris</i>	N/A	-, D, N	N/A	N/A	N/A	¹⁰ 2,075,871	186,906
Striped dolphin ...	<i>Stenella coeruleoalba</i> .	N/A	-, -, N	N/A	N/A	N/A	964,362	128,867
Short-beaked common dol- phin.	<i>Delphinus delphis</i>	N/A	-, -, N	N/A	N/A	N/A	3,127,203	283,196
Fraser's dolphin ...	<i>Lagenodelphis hosei</i>	N/A	-, -, N	N/A	N/A	N/A	⁷ 289,300	.....
Short-finned pilot whale.	<i>Globicephala macrorhynchus</i> .	N/A	-, -, N	N/A	N/A	N/A	¹¹ 589,315	3,348
Killer whale	<i>Orcinus orca</i>	N/A	-, -, N	N/A	N/A	N/A	⁷ 8,500	852
False killer whale	<i>Pseudorca crassidens</i> .	N/A	-, -, N	N/A	N/A	N/A	⁷ 39,800	.....
Pygmy killer whale.	<i>Feresa attenuata</i>	N/A	-, -, N	N/A	N/A	N/A	⁷ 38,900	.....
Melon-headed whale.	<i>Peponocephala electra</i> .	N/A	-, -, N	N/A	N/A	N/A	⁷ 45,400	.....
Order Carnivora—Pinnipedia								
<i>Family Otariidae (eared seals and sea lions):</i>								
Guadalupe fur seal.	<i>Arctocephalus townsendi</i> .	Mexico	T, D, Y	63,850 (N/A, 57,199, 2013).	1,959	≥10.0	.....	.....

TABLE 1—SPECIES LIKELY IMPACTED BY THE SPECIFIED ACTIVITIES—Continued

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) ¹	Stock abundance (CV, N _{min} , most recent abundance survey) ²	PBR	Annual M/SI ³	ETP abundance ⁴	Mexico Pacific abundance ⁵
California sea lion	<i>Zalophus californianus</i> .	U.S.	-, -, N	257,606 (N/A, 233,515, 2014).	14,011	>321	105,000	.....

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

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

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

⁴ From NMFS (2015b) unless otherwise noted.

⁵ Pacific Mexico excluding the Gulf of California (from Gerrodette and Palacios (1996) unless otherwise noted).

⁶ Estimate for ETP is mostly for *K. sima* but may also include some *K. brevicauda* (Wade and Gerrodette 1993).

⁷ Wade and Gerrodette 1993.

⁸ Abundance for all ziphiids.

⁹ This estimate for the ETP includes all species of the genus *Mesoplodon*.

¹⁰ Includes abundance of several stocks added together.

¹¹ Based on surveys in 2000 (Gerrodette and Forcada 2002).

As indicated above, all 29 species in table 1 temporally and spatially co-occur with the activity to the degree that take is reasonably likely to occur. As the planned survey lines are outside of the U.S. EEZ, they do not directly overlap with the defined ranges for most U.S. managed stocks (Carretta *et al.*, 2024). For some species (e.g., Bryde's whale, Guadalupe fur seal; see table 1), animals encountered during the surveys could be from a defined stock under the MMPA but most marine mammals in the survey area do not belong to any defined stock.

Some species could potentially occur in the proposed survey area but are not likely to be encountered due to the rarity of their occurrence. These species include the North Pacific right whale (*Eubalaena japonica*), blue whale (*Balaenoptera musculus*), gray whale (*Eschrichtius robustus*), Hubbs' beaked whale (*Mesoplodon carlhubbsi*), Stejneger's beaked whale (*M. stejnegeri*), Perrin's beaked whale (*M. perrini*), Baird's beaked whale (*Berardius bairdii*), vaquita (*Phocoena sinus*), harbor porpoise (*Phocoena phocoena*), Dall's porpoise (*Phocoenoides dalli*), Pacific white-sided dolphin (*Lagenorhynchus obliquidens*), and northern right whale dolphin (*Lissodelphis borealis*), which all generally occur well outside or north of the proposed survey area (e.g. north of the Baja peninsula). Five additional pinniped species are known to occur in the ETP but are considered extralimital in the proposed survey area: The Galápagos sea lion (*Zalophus wolfebaeki*), Galápagos fur seal (*Arctocephalus galapagoensis*), South American fur seal (*A. australis*), and the South American sea lion (*Otaria*

flavescens), which all occur south of the survey area, and the northern elephant seal (*Mirounga angustirostris*) which is found north of the survey area.

In addition to what is included in sections 3 and 4 of the IHA application, and NMFS' website, further detail informing the regional occurrence for select species of particular or unique vulnerability (i.e., information regarding ESA listed or MMPA depleted species) is provided below.

Humpback Whale

The Central America distinct population segment (DPS) equates to the Central America/Southern Mexico-CA/OR/WA stock designated under the MMPA and shown in table 1. The endangered Central America DPS may occur within the proposed survey area, based on the timing of the proposed survey (November–December). Humpbacks from the Central America DPS could be migrating through the survey area at the time of the proposed survey.

Whales in the Central America/Southern Mexico-CA/OR/WA stock winter off the coasts of Nicaragua, Honduras, El Salvador, Guatemala, Panama, Costa Rica, and southern Mexico including the states of Oaxaca and Guerrero, with some animals ranging even farther north (Taylor *et al.* 2021); they summer off California, Oregon, and Washington (Calambokidis *et al.* 2000).

Nine sightings were made during surveys off the Pacific coast of Mexico in November 2019 (Oedekoven *et al.* 2021). The central coast of Oaxaca is thought to be a migratory corridor during winter, with whales typically migrating up to 4 km from shore (Heckel *et al.* 2020). In 2012, 45 sightings were

made off Oaxaca (Castillejos-Moguel and Villegas-Zurita 2014 in Heckel *et al.* 2020) including feeding behavior (Villegas-Zurita and Castillejos-Moguel 2013 in Heckel *et al.* 2020). Feeding has also been observed in Banderas Bay, which is known to be an aggregation area for humpbacks during the winter months (Frish-Jordán *et al.* 2019). One sighting was made during an L-DEO survey off Guerrero and Michoacán in May–June 2022 (RPS 2022). Although sightings are regularly made within the region during winter, sightings during the proposed fall survey in deep offshore waters are likely to be less common.

Although there are other stocks of humpback whales found in Mexico near the project area, it's likely that humpbacks from the Mexico DPS (Mexico-North Pacific Stock and Mainland Mexico-CA/OR/WA Stock) would still be migrating south from their northern feeding grounds off of the U.S. west coast and are not likely to be found in the survey area. Additionally, the Mexico DPS's winter breeding grounds are north of the proposed survey area in the Revillagigedo Islands. Therefore, we assume that all humpback whales taken by the proposed survey activities would be from the Central America/Southern Mexico-CA/OR/WA stock.

Sei Whale

Sei whales are less common in the survey area but there have been some reports as summarized below. Sei whales are known to occasionally occur in the Gulf of California (Urbán *et al.* 2014 in Heckel *et al.* 2020), as well as off the west coast of the Baja California Peninsula (Heckel *et al.* 2020). One sighting has been reported for waters off

Nayarit (Urbán et al. 1997, Guerrero et al. 2006 in Heckel et al. 2020), and another sighting was made near the northern part of the proposed survey area, off Jalisco (Heckel et al. 2020). González et al. (2008) also reported the presence of sei whales off west coast of Mexico south of 23° N. However, neither Ferguson and Barlow (2001) nor Jackson et al. (2004) positively identified any sei whales in Mexican waters during surveys conducted during July–December. RPS (2022) reported two sightings of single sei whales during an L–DEO survey off Guerrero and Michoacán in May–June 2022.

Fin Whale

Fin whale calls are recorded in the North Pacific year-round (e.g., Moore et al. 2006; Stafford et al. 2007, 2009; Edwards et al. 2015). However, fin whales are considered rare in the proposed survey area. No sightings were made in the proposed survey area during July–December surveys during 1986–1996, 2003, or 2019 (Ferguson and Barlow 2001; Jackson et al. 2004; Oedekoven et al. 2021). Similarly, Edwards et al. (2015) reported no sightings or acoustic detections for the proposed survey area, although sightings have been reported for the Gulf of California and a few sightings exist for offshore waters far west of Mexico. However, González et al. (2008) reported the presence of this species off west coast of Mexico south of 23° N, and a sighting has been reported for Banderas Bay (Arroyo 2017). RPS (2022) reported one fin whale sighting during an L–DEO survey off Guerrero and Michoacán in May–June 2022.

Sperm Whale

During summer and fall, sperm whales are widely distributed in the ETP, although they are generally more abundant in deeper “nearshore” waters than far offshore (e.g., Polacheck 1987; Wade and Gerrodette 1993). More than 180 sightings have been reported for the ETP, with the highest concentrations at 10° N–10° S, 80°–100° W (Guerrero et al. 2006). Sightings for Pacific Mexico include records off the Baja California Peninsula and in the Gulf of California (Guerrero et al. 2006; Heckel et al. 2020). During 25,356 km of surveys (excluding the Gulf of California) within the EEZ of Pacific Mexico, during July–December 1986–1990, 1992 and 1993, 46 sightings of sperm whales were made (Gerrodette and Palacios 1996). No sightings were made along the mainland coast of Mexico during July–December surveys in 2003, although one sighting was made off the west coast of Baja California Sur (Jackson et al. 2004).

Records also exist for Banderas Bay (Arroyo 2017) and Oaxaca (Pérez and Gordillo 2002 in Heckel et al. 2020).

Pantropical Spotted Dolphin

The pantropical spotted dolphin is one of the most abundant cetaceans and is distributed worldwide in tropical and some subtropical waters, between ~40° N and 40° S (Jefferson et al., 2015). In the ETP, this species ranges from 25° N off the Baja California Peninsula to 17° S, off southern Peru (Perrin and Hohn, 1994). There are two forms of pantropical spotted dolphin (Perrin 2018a): Coastal (*Stenella attenuata graffmani*) and offshore (*S. a. attenuata*), both of which could occur within the proposed survey area. Along the coast of Latin America, the coastal form typically occurs within 20 km from shore (Urbán 2008 in Heckel et al., 2020). There are currently three recognized stocks of spotted dolphins in the ETP: The coastal stock and two offshore stocks—the northeast and the west/south stocks (Wade and Gerrodette 1993; Leslie et al., 2019). Much of what is known about the pantropical spotted dolphin in the ETP is related to the historical tuna purse-seine fishery in that area (Perrin and Hohn 1994). There was an overall stock decline of spotted dolphins from 1960–1980 because of the fishery (Allen 1985). In 1979, the population size of spotted dolphins in the ETP was estimated at 2.9–3.3 million (Allen 1985). For 1986–1990, Wade and Gerrodette (1993) reported an estimate of 2.1 million. Gerrodette and Forcada (2005) noted that the population of offshore northeastern spotted dolphins had not yet recovered from the earlier population declines; possible reasons for the lack of growth were attributed to unreported bycatch, effects of fishing activity on survival and reproduction, and long-term changes in the ecosystem. The abundance estimate for 2006 was ~857,884 northeastern offshore spotted dolphins, and 439,208 western-southern offshore spotted dolphins; the coastal subspecies was estimated at 278,155 and was less affected by fishing activities (Gerrodette et al., 2008). In 2004, the mortality rate in the tuna fishery was estimated at 0.03 percent (Bayliff 2004). Perrin (2018a) noted that for the last few years, hundreds of spotted dolphins have been taken in the fishery. Currently, there are ~640,000 northeastern offshore spotted dolphins inhabiting the ETP (Perrin 2018a). This stock is designated as depleted under the MMPA and may be slow to recover due to continued chase and encirclement by the tuna fishery, which may in turn affect reproductive rates

(Cramer et al., 2008; Kellar et al., 2013). The northeastern offshore and coastal stocks of pantropical spotted dolphins are likely to be encountered during the proposed surveys.

Spinner Dolphin

The spinner dolphin is pantropical in distribution, including oceanic tropical and sub-tropical waters between 40° N and 40° S (Jefferson et al., 2015). It is generally considered a pelagic species, but it can also be found in coastal waters (Perrin 2018b). In the ETP, three types of spinner dolphins have been identified and two of those are recognized as subspecies: The eastern spinner dolphin (*Stenella longirostris orientalis*), considered an offshore species, the Central American spinner (*S. l. centroamericana*; also known as the Costa Rican spinner), considered a coastal species occurring from southern Mexico to Costa Rica (Perrin 1990; Dizon et al., 1991), and the ‘whitebelly’ spinner which is thought to be a hybrid of the eastern spinner and Gray’s spinner (*S. l. longirostris*). Gray’s spinner dolphin is not expected to occur within the proposed study area. Although there is a great deal of overlap between the ranges of eastern and whitebelly spinner dolphins, the eastern form generally occurs in the northeastern portion of the ETP, whereas the whitebelly spinner occurs in the southern portion of the ETP, ranging farther offshore (Wade and Gerrodette 1993; Reilly and Fiedler 1994). Reilly and Fiedler (1994) noted that eastern spinners are associated with waters that have high surface temperatures and chlorophyll and shallow thermoclines, whereas whitebelly spinners are associated with cooler surface temperatures, lower chlorophyll levels, and deeper thermoclines. The eastern spinner dolphins are the most likely to occur in the proposed survey area (see Ferguson and Barlow 2001; Heckel et al., 2020), as this subspecies occurs in the ETP, east of 145° W, between 24° N off the Baja California Peninsula and 10° S off Peru (Perrin 1990). Wade and Gerrodette (1993) reported an abundance estimate of 1.7 million, and Gerrodette et al. (2005) estimated the abundance at 1.1 million for 2003. Gerrodette and Forcada (2005) noted that the population of eastern spinner dolphins had not yet recovered from the earlier population declines due to the tuna fishery. The population estimate for eastern spinner dolphins in 2003 was 612,662 (Gerrodette et al., 2005). In 2000, the whitebelly dolphin was estimated to number 801,000 in the ETP (Gerrodette et al., 2005). Bayliff (2004)

noted a spinner dolphin mortality rate in the tuna fishery of 0.03 percent for 2004. Possible reasons why the population has not recovered include under-reported bycatch, effects of fishing activity on survival and reproduction, and long-term changes in the ecosystem (Gerrodette and Forcada, 2005). In 2008, Cramer *et al.*, determined that the continued chase and encirclement by the tuna fishery may be affecting the reproductive rates of the eastern spinner dolphin.

Guadalupe Fur Seal

During the summer season, most Guadalupe fur seal adults occur at rookeries in Mexico (Carretta *et al.* 2021). Most breeding and births occur at Isla Guadalupe, off the west coast of Baja California Peninsula; a secondary rookery exists at Isla Benito del Este (Maravilla-Chavez and Lowry 1999; Aurioles-Gamboa *et al.* 2010). Following the breeding season, adult males tend to move north to forage. All rookeries are

outside of the project area as the proposed area is offshore. While at sea, this species is usually solitary but typically gathers in the hundreds to thousands at breeding sites. Guadalupe fur seals prefer rocky habitat for breeding and hauling out. They generally haul out at the base of towering cliffs on shores characterized by solid rock and large lava blocks (Peterson *et al.* 1968), although they can also inhabit caves and recesses (Belcher and Lee 2002). Guadalupe fur seals are unlikely to be encountered during the proposed seismic survey, as they typically occur farther north. However, Heckel *et al.* (2020) reported occasional records for Guerrero and Oaxaca.

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure

to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Not all marine mammal species have equal hearing capabilities (*e.g.*, Richardson *et al.*, 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007, 2019) recommended that marine mammals be divided into hearing groups based on directly measured (behavioral or auditory evoked potential techniques) or estimated hearing ranges (behavioral response data, anatomical modeling, *etc.*). Generalized hearing ranges were chosen based on the ~65 dB threshold from composite audiograms, previous analyses in NMFS (2018), and/or data from Southall *et al.* (2007) and Southall *et al.* (2019). We note that the names of two hearing groups and the generalized hearing ranges of all marine mammal hearing groups have been recently updated (NMFS 2024) as reflected below in table 2.

TABLE 2—MARINE MAMMAL HEARING GROUPS
[NMFS, 2024]

Hearing group	Generalized hearing range *
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 36 kHz.
High-frequency (HF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales).	150 Hz to 160 kHz.
Very High-frequency (VHF) cetaceans (true porpoises, <i>Kogia</i> , river dolphins, Cephalorhynchid, <i>Lagenorhynchus cruciger</i> & <i>L. australis</i>).	200 Hz to 165 kHz.
Phocid pinnipeds (PW) (underwater) (true seals)	40 Hz to 90 kHz.
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 68 kHz.

* Represents the generalized hearing range for the entire group as a composite (*i.e.*, all species within the group), where individual species' hearing ranges may not be as broad. Generalized hearing range chosen based on ~65 dB threshold from composite audiogram, previous analysis in NMFS 2018, and/or data from Southall *et al.* 2007; Southall *et al.* 2019. Additionally, animals are able to detect very loud sounds above and below that "generalized" hearing range.

For more detail concerning these groups and associated frequency ranges, please see NMFS (2024) for a review of available information.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

This section provides a discussion of the ways in which components of the specified activity may impact marine mammals and their habitat. The Estimated Take of Marine Mammals section later in this document includes a quantitative analysis of the number of individuals that are expected to be taken by this activity. The Negligible Impact Analysis and Determination section considers the content of this section, the Estimated Take of Marine Mammals section, and the Proposed Mitigation section, to draw conclusions regarding the likely impacts of these activities on the reproductive success or survivorship of individuals and whether those

impacts are reasonably expected to, or reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Description of Active Acoustic Sound Sources

This section contains a brief technical background on sound, the characteristics of certain sound types, and on metrics used in this proposal inasmuch as the information is relevant to the specified activity and to a discussion of the potential effects of the specified activity on marine mammals found later in this document.

Sound travels in waves, the basic components of which are frequency, wavelength, velocity, and amplitude. Frequency is the number of pressure waves that pass by a reference point per unit of time and is measured in hertz (Hz) or cycles per second. Wavelength is the distance between two peaks or

corresponding points of a sound wave (length of one cycle). Higher frequency sounds have shorter wavelengths than lower frequency sounds, and typically attenuate (decrease) more rapidly, except in certain cases in shallower water. Amplitude is the height of the sound pressure wave or the "loudness" of a sound and is typically described using the relative unit of the dB. A sound pressure level (SPL) in dB is described as the ratio between a measured pressure and a reference pressure (for underwater sound, this is 1 micropascal (µPa)) and is a logarithmic unit that accounts for large variations in amplitude; therefore, a relatively small change in dB corresponds to large changes in sound pressure. The source level (SL) represents the SPL referenced at a distance of 1 m from the source (referenced to 1 µPa) while the received

level is the SPL at the listener's position (referenced to 1 μ Pa).

Root mean square (RMS) is the quadratic mean sound pressure over the duration of an impulse. Root mean square is calculated by squaring all of the sound amplitudes, averaging the squares, and then taking the square root of the average (Urick, 1983). Root mean square accounts for both positive and negative values; squaring the pressures makes all values positive so that they may be accounted for in the summation of pressure levels (Hastings and Popper, 2005). This measurement is often used in the context of discussing behavioral effects, in part because behavioral effects, which often result from auditory cues, may be better expressed through averaged units than by peak pressures.

Sound exposure level (SEL; represented as dB re 1 μ Pa²-s) represents the total energy contained within a pulse and considers both intensity and duration of exposure. Peak sound pressure (also referred to as zero-to-peak sound pressure or 0-p) is the maximum instantaneous sound pressure measurable in the water at a specified distance from the source and is represented in the same units as the RMS sound pressure. Another common metric is peak-to-peak sound pressure (pk-pk), which is the algebraic difference between the peak positive and peak negative sound pressures. Peak-to-peak pressure is typically approximately 6 dB higher than peak pressure (Southall *et al.*, 2007).

When underwater objects vibrate or activity occurs, sound-pressure waves are created. These waves alternately compress and decompress the water as the sound wave travels. Underwater sound waves radiate in a manner similar to ripples on the surface of a pond and may be either directed in a beam or beams or may radiate in all directions (omnidirectional sources), as is the case for pulses produced by the airgun array considered here. The compressions and decompressions associated with sound waves are detected as changes in pressure by aquatic life and man-made sound receptors such as hydrophones.

Even in the absence of sound from the specified activity, the underwater environment is typically loud due to ambient sound. Ambient sound is defined as environmental background sound levels lacking a single source or point (Richardson *et al.*, 1995), and the sound level of a region is defined by the total acoustical energy being generated by known and unknown sources. These sources may include physical (*e.g.*, wind and waves, earthquakes, ice, atmospheric sound), biological (*e.g.*, sounds produced by marine mammals,

fish, and invertebrates), and anthropogenic (*e.g.*, vessels, dredging, construction) sound. A number of sources contribute to ambient sound, including the following (Richardson *et al.*, 1995):

Wind and waves—The complex interactions between wind and water surface, including processes such as breaking waves and wave-induced bubble oscillations and cavitation, are a main source of naturally occurring ambient sound for frequencies between 200 Hz and 50 kHz (Mitson, 1995). In general, ambient sound levels tend to increase with increasing wind speed and wave height. Surf sound becomes important near shore, with measurements collected at a distance of 8.5 km from shore showing an increase of 10 dB in the 100 to 700 Hz band during heavy surf conditions;

Precipitation—Sound from rain and hail impacting the water surface can become an important component of total sound at frequencies above 500 Hz, and possibly down to 100 Hz during quiet times;

Biological—Marine mammals can contribute significantly to ambient sound levels, as can some fish and snapping shrimp. The frequency band for biological contributions is from approximately 12 Hz to over 100 kHz; and

Anthropogenic—Sources of anthropogenic sound related to human activity include transportation (surface vessels), dredging and construction, oil and gas drilling and production, seismic surveys, sonar, explosions, and ocean acoustic studies. Vessel noise typically dominates the total ambient sound for frequencies between 20 and 300 Hz. In general, the frequencies of anthropogenic sounds are below 1 kHz and, if higher frequency sound levels are created, they attenuate rapidly. Sound from identifiable anthropogenic sources other than the activity of interest (*e.g.*, a passing vessel) is sometimes termed background sound, as opposed to ambient sound.

The sum of the various natural and anthropogenic sound sources at any given location and time—which comprise “ambient” or “background” sound—depends not only on the source levels (as determined by current weather conditions and levels of biological and human activity) but also on the ability of sound to propagate through the environment. In turn, sound propagation is dependent on the spatially and temporally varying properties of the water column and sea floor, and is frequency-dependent. As a result of this dependence on a large number of varying factors, ambient

sound levels can be expected to vary widely over both coarse and fine spatial and temporal scales. Sound levels at a given frequency and location can vary by 10–20 dB from day to day (Richardson *et al.*, 1995). The result is that, depending on the source type and its intensity, sound from a given activity may be a negligible addition to the local environment or could form a distinctive signal that may affect marine mammals. Details of source types are described in the following text.

Sounds are often considered to fall into one of two general types: Pulsed and non-pulsed. The distinction between these two sound types is important because they have differing potential to cause physical effects, particularly with regard to hearing (*e.g.*, NMFS, 2018; Ward, 1997 in Southall *et al.*, 2007). Please see Southall *et al.* (2007) for an in-depth discussion of these concepts.

Pulsed sound sources (*e.g.*, airguns, explosions, gunshots, sonic booms, impact pile driving) produce signals that are brief (typically considered to be less than one second), broadband, atonal transients (American National Standards Institute (ANSI), 1986, 2005; Harris, 1998; National Institute for Occupational Health and Safety (NIOSH), 1998; International Organization for Standardization (ISO), 2003) and occur either as isolated events or repeated in some succession. Pulsed sounds are all characterized by a relatively rapid rise from ambient pressure to a maximal pressure value followed by a rapid decay period that may include a period of diminishing, oscillating maximal and minimal pressures, and generally have an increased capacity to induce physical injury as compared with sounds that lack these features.

Non-pulsed sounds can be tonal, narrowband, or broadband, brief or prolonged, and may be either continuous or non-continuous (ANSI, 1995; NIOSH, 1998). Some of these non-pulsed sounds can be transient signals of short duration but without the essential properties of pulses (*e.g.*, rapid rise time). Examples of non-pulsed sounds include those produced by vessels, aircraft, machinery operations such as drilling or dredging, vibratory pile driving, and active sonar systems (such as those used by the U.S. Navy). The duration of such sounds, as received at a distance, can be greatly extended in a highly reverberant environment.

Airgun arrays produce pulsed signals with energy in a frequency range from about 10–2,000 Hz, with most energy radiated at frequencies below 200 Hz.

The amplitude of the acoustic wave emitted from the source is equal in all directions (*i.e.*, omnidirectional), but airgun arrays do possess some directionality due to different phase delays between guns in different directions. Airgun arrays are typically tuned to maximize functionality for data acquisition purposes, meaning that sound transmitted in horizontal directions and at higher frequencies is minimized to the extent possible.

Acoustic Effects

Here, we discuss the effects of active acoustic sources on marine mammals.

Potential Effects of Underwater Sound¹—Anthropogenic sounds cover a broad range of frequencies and sound levels and can have a range of highly variable impacts on marine life, from none or minor to potentially severe responses, depending on received levels, duration of exposure, behavioral context, and various other factors. The potential effects of underwater sound from active acoustic sources can potentially result in one or more of the following: Temporary or permanent hearing impairment; non-auditory physical or physiological effects; behavioral disturbance; stress; and masking (Richardson *et al.*, 1995; Gordon *et al.*, 2004; Nowacek *et al.*, 2007; Southall *et al.*, 2007; Götz *et al.*, 2009). The degree of effect is intrinsically related to the signal characteristics, received level, distance from the source, and duration of the sound exposure. In general, sudden, high level sounds can cause hearing loss, as can longer exposures to lower level sounds. Temporary or permanent loss of hearing, if it occurs at all, will occur almost exclusively in cases where a noise is within an animal's hearing frequency range. We first describe specific manifestations of acoustic effects before providing discussion specific to the use of airgun arrays.

Richardson *et al.* (1995) described zones of increasing intensity of effect that might be expected to occur, in relation to distance from a source and assuming that the signal is within an animal's hearing range. First is the area within which the acoustic signal would be audible (potentially perceived) to the animal, but not strong enough to elicit any overt behavioral or physiological response. The next zone corresponds with the area where the signal is audible to the animal and of sufficient intensity to elicit behavioral or physiological

response. Third is a zone within which, for signals of high intensity, the received level is sufficient to potentially cause discomfort or tissue damage to auditory or other systems. Overlaying these zones to a certain extent is the area within which masking (*i.e.*, when a sound interferes with or masks the ability of an animal to detect a signal of interest that is above the absolute hearing threshold) may occur; the masking zone may be highly variable in size.

We describe the more severe effects of certain non-auditory physical or physiological effects only briefly as we do not expect that use of airgun arrays are reasonably likely to result in such effects (see below for further discussion). Potential effects from impulsive sound sources can range in severity from effects such as behavioral disturbance or tactile perception to physical discomfort, slight injury of the internal organs and the auditory system, or mortality (Yelverton *et al.*, 1973). Non-auditory physiological effects or injuries that theoretically might occur in marine mammals exposed to high level underwater sound or as a secondary effect of extreme behavioral reactions (*e.g.*, change in dive profile as a result of an avoidance reaction) caused by exposure to sound include neurological effects, bubble formation, resonance effects, and other types of organ or tissue damage (Cox *et al.*, 2006; Southall *et al.*, 2007; Zimmer and Tyack, 2007; Tal *et al.*, 2015). The survey activities considered here do not involve the use of devices such as explosives or mid-frequency tactical sonar that are associated with these types of effects.

Marine mammals, like all mammals, develop increased hearing thresholds over time due to age-related degeneration of auditory pathways and sensory cells of the inner ear. This natural, age-related hearing loss is contrasted by noise-induced hearing loss (Møller, 2012). Marine mammals exposed to high-intensity sound or to lower-intensity sound for prolonged periods can experience a noise-induced hearing threshold shift (TS), which NMFS defines as a change, usually an increase, in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level as a result of noise exposure (NMFS, 2018, 2024). The amount of TS is customarily expressed in dB. Noise-induced hearing TS can be temporary (TTS) or permanent (PTS), and higher-level sound exposures are more likely to cause PTS or other AUD INJ. As described in NMFS (2018, 2024) there are numerous factors to consider when

examining the consequence of TS, including, but not limited to, the signal temporal pattern (*e.g.*, impulsive or non-impulsive), likelihood an individual would be exposed for a long enough duration or to a high enough level to induce a TS, the magnitude of the TS, time to recovery (seconds to minutes or hours to days), the frequency range of the exposure (*i.e.*, spectral content), the hearing frequency range of the exposed species relative to the signal's frequency spectrum (*i.e.*, how animal uses sound within the frequency band of the signal; *e.g.*, Kastelein *et al.*, 2014), and the overlap between the animal and the source (*e.g.*, spatial, temporal, and spectral).

Auditory Injury (AUD INJ)

NMFS (2024) defines AUD INJ as damage to the inner ear that can result in destruction of tissue, such as the loss of cochlear neuron synapses or auditory neuropathy (Houser 2021; Finneran 2024). AUD INJ may or may not result in a PTS. PTS is subsequently defined as a permanent, irreversible increase in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS, 2024). PTS does not generally affect more than a limited frequency range, and an animal that has incurred PTS has some level of hearing loss at the relevant frequencies; typically animals with PTS or other AUD INJ are not functionally deaf (Au and Hastings, 2008; Finneran, 2016). For marine mammals, AUD INJ is considered to be possible when sound exposures are sufficient to produce 40 dB of TTS measured after exposure (Southall *et al.* 2007, 1019). AUD INJ levels for marine mammals are estimates, as with the exception of a single study unintentionally inducing PTS in a harbor seal (*Phoca vitulina*) (Kastak *et al.*, 2008; Reichmuth *et al.* 2019), there are no empirical data measuring AUD INJ in marine mammals largely due to the fact that, for various ethical reasons, experiments involving anthropogenic noise exposure at levels inducing AUD INJ are not typically pursued or authorized (NMFS, 2024).

Temporary Threshold Shift (TTS)

TTS is the mildest form of hearing impairment that can occur during exposure to sound. TTS is a temporary, reversible increase in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS, 2024) that represents primarily tissue fatigue (Henderson *et al.*, 2008), and is not considered an AUD INJ. Based on data from marine mammal

¹ Please refer to the information given previously (*Description of Active Acoustic Sound Sources*) regarding sound, characteristics of sound types, and metrics used in this document.

TTS measurements (see Southall *et al.*, 2007, 2019), a TTS of 6 dB is considered the minimum threshold shift clearly larger than any day-to-day or session-to-session variation in a subject's normal hearing ability (Finneran *et al.*, 2000, 2002; Schlundt *et al.*, 2000). While experiencing TTS, the hearing threshold rises, and a sound must be at a higher level in order to be heard.

In terrestrial and marine mammals, TTS can last from minutes or hours to days (*i.e.*, there is recovery back to baseline/pre-exposure levels), can occur within a specific frequency range (*i.e.*, an animal might only have a temporary loss of hearing sensitivity within a limited frequency band of its auditory range), and can be of varying amounts (*e.g.*, an animal's hearing sensitivity might be reduced by only 6 dB or reduced by 30 dB). In many cases, hearing sensitivity recovers rapidly after exposure to the sound ends. While there are data on sound levels and durations necessary to elicit mild TTS for marine mammals, recovery is complicated to predict and dependent on multiple factors.

Relationships between TTS and AUD INJ thresholds have not been studied in marine mammals, and there are no measured PTS data for cetaceans, but such relationships are assumed to be similar to those in humans and other terrestrial mammals. AUD INJ typically occurs at exposure levels at least several dB above that inducing mild TTS (*e.g.*, a 40-dB threshold shift approximates AUD INJ onset (Kryter *et al.*, 1966; Miller, 1974), while a 6-dB threshold shift approximates TTS onset (Southall *et al.*, 2007, 2019). Based on data from terrestrial mammals, a precautionary assumption is that the AUD INJ thresholds for impulsive sounds (such as airgun pulses as received close to the source) are at least 6 dB higher than the TTS threshold on a peak sound pressure level (PK SPL) basis and AUD INJ cumulative SEL (SEL_{24h}) thresholds are 15 (impulsive sound criteria) to 20 dB (non-impulsive criteria) higher than TTS cumulative SEL thresholds (Southall *et al.*, 2007, 2019). Given the higher level of sound or longer exposure duration necessary to cause AUD INJ as compared with TTS, it is considerably less likely that AUD INJ could occur.

Marine mammal hearing plays a critical role in communication with conspecifics, and interpretation of environmental cues for purposes such as predator avoidance and prey capture. Depending on the degree (elevation of threshold in dB), duration (*i.e.*, recovery time), and frequency range of TTS, and the context in which it is experienced, TTS can have effects on marine

mammals ranging from discountable to serious. For example, a marine mammal may be able to readily compensate for a brief, relatively small amount of TTS in a non-critical frequency range that occurs during a time where ambient noise is lower and there are not as many competing sounds present.

Alternatively, a larger amount and longer duration of TTS sustained during time when communication is critical for successful mother/calf interactions could have more serious impacts.

Finneran *et al.* (2015) measured hearing thresholds in 3 captive bottlenose dolphins before and after exposure to 10 pulses produced by a seismic airgun in order to study TTS induced after exposure to multiple pulses. Exposures began at relatively low levels and gradually increased over a period of several months, with the highest exposures at peak SPLs from 196 to 210 dB and cumulative (unweighted) SELs from 193–195 dB. No substantial TTS was observed. In addition, behavioral reactions were observed that indicated that animals can learn behaviors that effectively mitigate noise exposures (although exposure patterns must be learned, which is less likely in wild animals than for the captive animals considered in this study). The authors note that the failure to induce more significant auditory effects was likely due to the intermittent nature of exposure, the relatively low peak pressure produced by the acoustic source, and the low-frequency energy in airgun pulses as compared with the frequency range of best sensitivity for dolphins and other high-frequency cetaceans.

Currently, TTS data only exist for four species of cetaceans (bottlenose dolphin, beluga whale (*Delphinapterus leucas*), harbor porpoise (*Phocoena phocoena*), and Yangtze finless porpoise (*Neophocaena asiaeorientalis*)) exposed to a limited number of sound sources (*i.e.*, mostly tones and octave-band noise) in laboratory settings (Finneran, 2015). In general, harbor porpoises have a lower TTS onset than other measured cetacean species (Finneran, 2015). Additionally, the existing marine mammal TTS data come from a limited number of individuals within these species.

Critical questions remain regarding the rate of TTS growth and recovery after exposure to intermittent noise and the effects of single and multiple pulses. Data at present are also insufficient to construct generalized models for recovery and determine the time necessary to treat subsequent exposures as independent events. More information is needed on the

relationship between auditory evoked potential and behavioral measures of TTS for various stimuli. For summaries of data on TTS in marine mammals or for further discussion of TTS onset thresholds, please see Southall *et al.* (2007, 2019), Finneran and Jenkins (2012), Finneran (2015), and NMFS (2018, 2024).

Behavioral Effects—Behavioral disturbance may include a variety of effects, including subtle changes in behavior (*e.g.*, minor or brief avoidance of an area or changes in vocalizations), more conspicuous changes in similar behavioral activities, and more sustained and/or potentially severe reactions, such as displacement from or abandonment of high-quality habitat. Behavioral responses to sound are highly variable and context-specific, and any reactions depend on numerous intrinsic and extrinsic factors (*e.g.*, species, state of maturity, experience, current activity, reproductive state, auditory sensitivity, time of day), as well as the interplay between factors (*e.g.*, Richardson *et al.*, 1995; Wartzok *et al.*, 2003; Southall *et al.*, 2007, 2019; Weilgart, 2007; Archer *et al.*, 2010). Behavioral reactions can vary not only among individuals but also within an individual, depending on previous experience with a sound source, context, and numerous other factors (Ellison *et al.*, 2012), and can vary depending on characteristics associated with the sound source (*e.g.*, whether it is moving or stationary, number of sources, distance from the source). Please see appendices B–C of Southall *et al.* (2007) for a review of studies involving marine mammal behavioral responses to sound.

Habituation can occur when an animal's response to a stimulus wanes with repeated exposure, usually in the absence of unpleasant associated events (Wartzok *et al.*, 2003). Animals are most likely to habituate to sounds that are predictable and unvarying. It is important to note that habituation is appropriately considered as a “progressive reduction in response to stimuli that are perceived as neither aversive nor beneficial,” rather than as, more generally, moderation in response to human disturbance (Bejder *et al.*, 2009). The opposite process is sensitization, when an unpleasant experience leads to subsequent responses, often in the form of avoidance, at a lower level of exposure. As noted, behavioral state may affect the type of response. For example, animals that are resting may show greater behavioral change in response to disturbing sound levels than animals that are highly motivated to remain in

an area for feeding (Richardson *et al.*, 1995; National Research Council (NRC), 2003; Wartzok *et al.*, 2003). Controlled experiments with captive marine mammals have shown pronounced behavioral reactions, including avoidance of loud sound sources (Ridgway *et al.*, 1997). Observed responses of wild marine mammals to loud pulsed sound sources (typically seismic airguns or acoustic harassment devices) have been varied but often consist of avoidance behavior or other behavioral changes suggesting discomfort (Morton and Symonds, 2002; see also Richardson *et al.*, 1995; Nowacek *et al.*, 2007). However, many delphinids approach acoustic source vessels with no apparent discomfort or obvious behavioral change (e.g., Barkaszi *et al.*, 2012; Barkaszi and Kelly, 2018).

Available studies show wide variation in response to underwater sound; therefore, it is difficult to predict specifically how any given sound in a particular instance might affect marine mammals perceiving the signal. If a marine mammal does react briefly to an underwater sound by changing its behavior or moving a small distance, the impacts of the change are unlikely to be significant to the individual, let alone the stock or population. However, if a sound source displaces marine mammals from an important feeding or breeding area for a prolonged period, impacts on individuals and populations could be significant (e.g., Lusseau and Bejder, 2007; Weilgart, 2007; NRC, 2005). There are broad categories of potential response, which we describe in greater detail here, that include alteration of dive behavior, alteration of foraging behavior, effects to breathing, interference with or alteration of vocalization, avoidance, and flight.

Changes in dive behavior can vary widely, and may consist of increased or decreased dive times and surface intervals as well as changes in the rates of ascent and descent during a dive (e.g., Frankel and Clark, 2000; Ng and Leung, 2003; Nowacek *et al.*, 2004; Goldbogen *et al.*, 2013a, b). Variations in dive behavior may reflect disruptions in biologically significant activities (e.g., foraging) or they may be of little biological significance. The impact of an alteration to dive behavior resulting from an acoustic exposure depends on what the animal is doing at the time of the exposure and the type and magnitude of the response.

Disruption of feeding behavior can be difficult to correlate with anthropogenic sound exposure, so it is usually inferred by observed displacement from known foraging areas, the appearance of

secondary indicators (e.g., bubble nets or sediment plumes), or changes in dive behavior. As for other types of behavioral response, the frequency, duration, and temporal pattern of signal presentation, as well as differences in species sensitivity, are likely contributing factors to differences in response in any given circumstance (e.g., Croll *et al.*, 2001; Nowacek *et al.*, 2004; Madsen *et al.*, 2006; Yazvenko *et al.*, 2007a, b). A determination of whether foraging disruptions affect fitness consequences would require information on or estimates of the energetic requirements of the affected individuals and the relationship between prey availability, foraging effort and success, and the life history stage of the animal.

Visual tracking, passive acoustic monitoring (PAM), and movement recording tags were used to quantify sperm whale behavior prior to, during, and following exposure to airgun arrays at received levels in the range 140–160 dB at distances of 7–13 km, following a phase-in of sound intensity and full array exposures at 1–13 km (Madsen *et al.*, 2006; Miller *et al.*, 2009). Sperm whales did not exhibit horizontal avoidance behavior at the surface. However, foraging behavior may have been affected. The sperm whales exhibited 19 percent less vocal, or buzz, rate during full exposure relative to post exposure, and the whale that was approached most closely had an extended resting period and did not resume foraging until the airguns had ceased firing. The remaining whales continued to execute foraging dives throughout exposure; however, swimming movements during foraging dives were 6 percent lower during exposure than control periods (Miller *et al.*, 2009). These data raise concerns that seismic surveys may impact foraging behavior in sperm whales, although more data are required to understand whether the differences were due to exposure or natural variation in sperm whale behavior (Miller *et al.*, 2009).

Changes in respiration naturally vary with different behaviors and alterations to breathing rate as a function of acoustic exposure can be expected to co-occur with other behavioral reactions, such as a flight response or an alteration in diving. However, respiration rates in and of themselves may be representative of annoyance or an acute stress response. Various studies have shown that respiration rates may either be unaffected or could increase, depending on the species and signal characteristics, again highlighting the importance in understanding species differences in the tolerance of underwater noise when

determining the potential for impacts resulting from anthropogenic sound exposure (e.g., Kastelein *et al.*, 2001, 2005, 2006; Gailey *et al.*, 2007, 2016).

Marine mammals vocalize for different purposes and across multiple modes, such as whistling, echolocation click production, calling, and singing. Changes in vocalization behavior in response to anthropogenic noise can occur for any of these modes and may result from a need to compete with an increase in background noise or may reflect increased vigilance or a startle response. For example, in the presence of potentially masking signals, humpback whales and killer whales have been observed to increase the length of their songs or amplitude of calls (Miller *et al.*, 2000; Fristrup *et al.*, 2003; Foote *et al.*, 2004; Holt *et al.*, 2012), while right whales have been observed to shift the frequency content of their calls upward while reducing the rate of calling in areas of increased anthropogenic noise (Parks *et al.*, 2007). In some cases, animals may cease sound production during production of aversive signals (Bowles *et al.*, 1994).

Cerchio *et al.* (2014) used PAM to document the presence of singing humpback whales off the coast of northern Angola and to opportunistically test for the effect of seismic survey activity on the number of singing whales. Two recording units were deployed between March and December 2008 in the offshore environment; numbers of singers were counted every hour. Generalized additive mixed models were used to assess the effect of survey day (seasonality), hour (diel variation), moon phase, and received levels of noise (measured from a single pulse during each 10 minutes sampled period) on singer number. The number of singers significantly decreased with increasing received level of noise, suggesting that humpback whale communication was disrupted to some extent by the survey activity.

Castellote *et al.* (2012) reported acoustic and behavioral changes by fin whales in response to shipping and airgun noise. Acoustic features of fin whale song notes recorded in the Mediterranean Sea and northeast Atlantic Ocean were compared for areas with different shipping noise levels and traffic intensities and during a seismic airgun survey. During the first 72 hours of the survey, a steady decrease in song received levels and bearings to singers indicated that whales moved away from the acoustic source and out of the study area. This displacement persisted for a time period well beyond the 10-day duration of seismic airgun activity,

providing evidence that fin whales may avoid an area for an extended period in the presence of increased noise. The authors hypothesize that fin whale acoustic communication is modified to compensate for increased background noise and that a sensitization process may play a role in the observed temporary displacement.

Seismic pulses at average received levels of 131 dB re 1 $\mu\text{Pa}^2\text{-s}$ caused blue whales to increase call production (Diorio and Clark, 2010). In contrast, McDonald *et al.* (1995) tracked a blue whale with seafloor seismometers and reported that it stopped vocalizing and changed its travel direction at a range of 10 km from the acoustic source vessel (estimated received level 143 dB pk-pk). Blackwell *et al.* (2013) found that bowhead whale call rates dropped significantly at onset of airgun use at sites with a median distance of 41–45 km from the survey. Blackwell *et al.* (2015) expanded this analysis to show that whales actually increased calling rates as soon as airgun signals were detectable before ultimately decreasing calling rates at higher received levels (*i.e.*, 10-minute cumulative SEL (SEL_{cum}) of ~127 dB). Overall, these results suggest that bowhead whales may adjust their vocal output in an effort to compensate for noise before ceasing vocalization effort and ultimately deflecting from the acoustic source (Blackwell *et al.*, 2013, 2015). These studies demonstrate that even low levels of noise received far from the source can induce changes in vocalization and/or behavior for mysticetes.

Avoidance is the displacement of an individual from an area or migration path as a result of the presence of sound or other stressors, and is one of the most obvious manifestations of disturbance in marine mammals (Richardson *et al.*, 1995). For example, gray whales are known to change direction—deflecting from customary migratory paths—in order to avoid noise from seismic surveys (Malme *et al.*, 1984). Humpback whales show avoidance behavior in the presence of an active seismic array during observational studies and controlled exposure experiments in western Australia (McCauley *et al.*, 2000). Avoidance may be short-term, with animals returning to the area once the noise has ceased (*e.g.*, Bowles *et al.*, 1994; Goold, 1996; Stone *et al.*, 2000; Morton and Symonds, 2002; Gailey *et al.*, 2007). Longer-term displacement is possible, however, which may lead to changes in abundance or distribution patterns of the affected species in the affected region if habituation to the presence of the sound does not occur

(*e.g.*, Bejder *et al.*, 2006; Teilmann *et al.*, 2006).

Forney *et al.* (2017) detail the potential effects of noise on marine mammal populations with high site fidelity, including displacement and auditory masking, noting that a lack of observed response does not imply absence of fitness costs and that apparent tolerance of disturbance may have population-level impacts that are less obvious and difficult to document. Avoidance of overlap between disturbing noise and areas and/or times of particular importance for sensitive species may be critical to avoiding population-level impacts because (particularly for animals with high site fidelity) there may be a strong motivation to remain in the area despite negative impacts. Forney *et al.* (2017) state that, for these animals, remaining in a disturbed area may reflect a lack of alternatives rather than a lack of effects.

Forney *et al.* (2017) specifically discuss beaked whales, stating that until recently most knowledge of beaked whales was derived from strandings, as they have been involved in atypical mass stranding events associated with mid-frequency active (MFA) sonar training operations. Given these observations and recent research, beaked whales appear to be particularly sensitive and vulnerable to certain types of acoustic disturbance relative to most other marine mammal species. Individual beaked whales reacted strongly to experiments using simulated MFA sonar at low received levels, by moving away from the sound source and stopping foraging for extended periods. These responses, if on a frequent basis, could result in significant fitness costs to individuals (Forney *et al.*, 2017). Additionally, difficulty in detection of beaked whales due to their cryptic surfacing behavior and silence when near the surface pose problems for mitigation measures employed to protect beaked whales. Forney *et al.* (2017) specifically states that failure to consider both displacement of beaked whales from their habitat and noise exposure could lead to more severe biological consequences.

A flight response is a dramatic change in normal movement to a directed and rapid movement away from the perceived location of a sound source. The flight response differs from other avoidance responses in the intensity of the response (*e.g.*, directed movement, rate of travel). Relatively little information on flight responses of marine mammals to anthropogenic signals exist, although observations of flight responses to the presence of predators have occurred (Connor and

Heithaus, 1996). The result of a flight response could range from brief, temporary exertion and displacement from the area where the signal provokes flight to, in extreme cases, marine mammal strandings (Evans and England, 2001). However, it should be noted that response to a perceived predator does not necessarily invoke flight (Ford and Reeves, 2008), and whether individuals are solitary or in groups may influence the response.

Behavioral disturbance can also impact marine mammals in more subtle ways. Increased vigilance may result in costs related to diversion of focus and attention (*i.e.*, when a response consists of increased vigilance, it may come at the cost of decreased attention to other critical behaviors such as foraging or resting). These effects have generally not been demonstrated for marine mammals, but studies involving fish and terrestrial animals have shown that increased vigilance may substantially reduce feeding rates (*e.g.*, Beauchamp and Livoreil, 1997; Fritz *et al.*, 2002; Purser and Radford, 2011). In addition, chronic disturbance can cause population declines through reduction of fitness (*e.g.*, decline in body condition) and subsequent reduction in reproductive success, survival, or both (*e.g.*, Harrington and Veitch, 1992; Daan *et al.*, 1996; Bradshaw *et al.*, 1998). However, Ridgway *et al.* (2006) reported that increased vigilance in bottlenose dolphins exposed to sound over a 5-day period did not cause any sleep deprivation or stress effects.

Many animals perform vital functions, such as feeding, resting, traveling, and socializing, on a diel cycle (24-hour cycle). Disruption of such functions resulting from reactions to stressors, such as sound exposure, are more likely to be significant if they last more than one diel cycle or recur on subsequent days (Southall *et al.*, 2007). Consequently, a behavioral response lasting less than 1 day and not recurring on subsequent days is not considered particularly severe unless it could directly affect reproduction or survival (Southall *et al.*, 2007). Note that there is a difference between multi-day substantive behavioral reactions and multi-day anthropogenic activities. For example, just because an activity lasts for multiple days does not necessarily mean that individual animals are either exposed to activity-related stressors for multiple days or, further, exposed in a manner resulting in sustained multi-day substantive behavioral responses.

Stone (2015) reported data from at-sea observations during 1,196 seismic surveys from 1994 to 2010. When large arrays of airguns (considered to be 500

in³ (8,294 cc) or more in that study) were firing, lateral displacement, more localized avoidance, or other changes in behavior were evident for most odontocetes. However, significant responses to large arrays were found only for the minke whale and fin whale. Behavioral responses observed included changes in swimming or surfacing behavior, with indications that cetaceans remained near the water surface at these times. Cetaceans were recorded as feeding less often when large arrays were active. Behavioral observations of gray whales during a seismic survey monitored whale movements and respirations pre-, during, and post-seismic survey (Gailey *et al.*, 2016). Behavioral state and water depth were the best “natural” predictors of whale movements and respiration and, after considering natural variation, none of the response variables were significantly associated with seismic survey or vessel sounds.

Stress Responses—An animal’s perception of a threat may be sufficient to trigger stress responses consisting of some combination of behavioral responses, autonomic nervous system responses, neuroendocrine responses, or immune responses (*e.g.*, Seyle, 1950; Moberg, 2000). In many cases, an animal’s first and sometimes most economical (in terms of energetic costs) response is behavioral avoidance of the potential stressor. Autonomic nervous system responses to stress typically involve changes in heart rate, blood pressure, and gastrointestinal activity. These responses have a relatively short duration and may or may not have a significant long-term effect on an animal’s fitness.

Neuroendocrine stress responses often involve the hypothalamus-pituitary-adrenal system. Virtually all neuroendocrine functions that are affected by stress—including immune competence, reproduction, metabolism, and behavior—are regulated by pituitary hormones. Stress-induced changes in the secretion of pituitary hormones have been implicated in failed reproduction, altered metabolism, reduced immune competence, and behavioral disturbance (*e.g.*, Moberg, 1987; Blecha, 2000). Increases in the circulation of glucocorticoids are also equated with stress (Romano *et al.*, 2004).

The primary distinction between stress (which is adaptive and does not normally place an animal at risk) and distress is the cost of the response. During a stress response, an animal uses glycogen stores that can be quickly replenished once the stress is alleviated. In such circumstances, the cost of the stress response would not pose serious

fitness consequences. However, when an animal does not have sufficient energy reserves to satisfy the energetic costs of a stress response, energy resources must be diverted from other functions. This state of distress will last until the animal replenishes its energetic reserves sufficiently to restore normal function.

Relationships between these physiological mechanisms, animal behavior, and the costs of stress responses are well-studied through controlled experiments and for both laboratory and free-ranging animals (*e.g.*, Holberton *et al.*, 1996; Hood *et al.*, 1998; Jessop *et al.*, 2003; Krausman *et al.*, 2004; Lankford *et al.*, 2005). Stress responses due to exposure to anthropogenic sounds or other stressors and their effects on marine mammals have also been reviewed (Fair and Becker, 2000; Romano *et al.*, 2002b) and, more rarely, studied in wild populations (*e.g.*, Romano *et al.*, 2002a). For example, Rolland *et al.* (2012) found that noise reduction from reduced ship traffic in the Bay of Fundy was associated with decreased stress in North Atlantic right whales. These and other studies lead to a reasonable expectation that some marine mammals will experience physiological stress responses upon exposure to acoustic stressors and that it is possible that some of these would be classified as “distress.” In addition, any animal experiencing TTS would likely also experience stress responses (NRC, 2003).

Auditory Masking—Sound can disrupt behavior through masking, or interfering with, an animal’s ability to detect, recognize, or discriminate between acoustic signals of interest (*e.g.*, those used for intraspecific communication and social interactions, prey detection, predator avoidance, navigation) (Richardson *et al.*, 1995; Erbe *et al.*, 2016). Masking occurs when the receipt of a sound is interfered with by another coincident sound at similar frequencies and at similar or higher intensity, and may occur whether the sound is natural (*e.g.*, snapping shrimp, wind, waves, precipitation) or anthropogenic (*e.g.*, shipping, sonar, seismic exploration) in origin. The ability of a noise source to mask biologically important sounds depends on the characteristics of both the noise source and the signal of interest (*e.g.*, signal-to-noise ratio, temporal variability, direction), in relation to each other and to an animal’s hearing abilities (*e.g.*, sensitivity, frequency range, critical ratios, frequency discrimination, directional discrimination, age or TTS hearing loss),

and existing ambient noise and propagation conditions.

Under certain circumstances, significant masking could disrupt behavioral patterns, which in turn could affect fitness for survival and reproduction. It is important to distinguish TTS and PTS, which persist after the sound exposure, from masking, which occurs during the sound exposure. Because masking (without resulting in a TS) is not associated with abnormal physiological function, it is not considered a physiological effect, but rather a potential behavioral effect.

The frequency range of the potentially masking sound is important in predicting any potential behavioral impacts. For example, low-frequency signals may have less effect on high-frequency echolocation sounds produced by odontocetes but are more likely to affect detection of mysticete communication calls and other potentially important natural sounds such as those produced by surf and some prey species. The masking of communication signals by anthropogenic noise may be considered as a reduction in the communication space of animals (*e.g.*, Clark *et al.*, 2009) and may result in energetic or other costs as animals change their vocalization behavior (*e.g.*, Miller *et al.*, 2000; Foote *et al.*, 2004; Parks *et al.*, 2007; Di Iorio and Clark, 2010; Holt *et al.*, 2009). Masking may be less in situations where the signal and noise come from different directions (Richardson *et al.*, 1995), through amplitude modulation of the signal, or through other compensatory behaviors (Houser and Moore, 2014). Masking can be tested directly in captive species (*e.g.*, Erbe, 2008), but in wild populations it must be either modeled or inferred from evidence of masking compensation. There are few studies addressing real-world masking sounds likely to be experienced by marine mammals in the wild (*e.g.*, Branstetter *et al.*, 2013).

Masking affects both senders and receivers of acoustic signals and can potentially have long-term chronic effects on marine mammals at the population level as well as at the individual level. Low-frequency ambient sound levels have increased by as much as 20 dB (more than three times in terms of SPL) in the world’s ocean from pre-industrial periods, with most of the increase from distant commercial shipping (Hildebrand, 2009). All anthropogenic sound sources, but especially chronic and lower-frequency signals (*e.g.*, from vessel traffic), contribute to elevated ambient sound levels, thus intensifying masking.

Masking effects of pulsed sounds (even from large arrays of airguns) on marine mammal calls and other natural sounds are expected to be limited, although there are few specific data on this. Because of the intermittent nature and low duty cycle of seismic pulses, animals can emit and receive sounds in the relatively quiet intervals between pulses. However, in exceptional situations, reverberation occurs for much or all of the interval between pulses (e.g., Simard *et al.* 2005; Clark and Gagnon 2006), which could mask calls. Situations with prolonged strong reverberation are infrequent. However, it is common for reverberation to cause some lesser degree of elevation of the background level between airgun pulses (e.g., Gedamke 2011; Guerra *et al.* 2011, 2016; Klinck *et al.* 2012; Guan *et al.* 2015), and this weaker reverberation presumably reduces the detection range of calls and other natural sounds to some degree. Guerra *et al.* (2016) reported that ambient noise levels between seismic pulses were elevated as a result of reverberation at ranges of 50 km from the seismic source. Based on measurements in deep water of the Southern Ocean, Gedamke (2011) estimated that the slight elevation of background noise levels during intervals between seismic pulses reduced blue and fin whale communication space by as much as 36–51 percent when a seismic survey was operating 450–2,800 km away. Based on preliminary modeling, Wittekind *et al.* (2016) reported that airgun sounds could reduce the communication range of blue and fin whales 2,000 km from the seismic source. Nieukirk *et al.* (2012) and Blackwell *et al.* (2013) noted the potential for masking effects from seismic surveys on large whales.

Some baleen and toothed whales are known to continue calling in the presence of seismic pulses, and their calls usually can be heard between the pulses (e.g., Nieukirk *et al.* 2012; Thode *et al.* 2012; Bröker *et al.* 2013; Sciacca *et al.* 2016). Cerchio *et al.* (2014) suggested that the breeding display of humpback whales off Angola could be disrupted by seismic sounds, as singing activity declined with increasing received levels. In addition, some cetaceans are known to change their calling rates, shift their peak frequencies, or otherwise modify their vocal behavior in response to airgun sounds (e.g., Di Iorio and Clark 2010; Castellote *et al.* 2012; Blackwell *et al.* 2013, 2015). The hearing systems of baleen whales are more sensitive to low-frequency sounds than are the ears of the small odontocetes that have been

studied directly (e.g., MacGillivray *et al.*, 2014). The sounds important to small odontocetes are predominantly at much higher frequencies than are the dominant components of airgun sounds, thus limiting the potential for masking. In general, masking effects of seismic pulses are expected to be minor, given the normally intermittent nature of seismic pulses.

Vessel Noise

Vessel noise from the *Langseth* could affect marine animals in the proposed survey areas. Houghton *et al.* (2015) proposed that vessel speed is the most important predictor of received noise levels, and Putland *et al.* (2017) also reported reduced sound levels with decreased vessel speed. However, some energy is also produced at higher frequencies (Hermannsen *et al.*, 2014); low levels of high-frequency sound from vessels has been shown to elicit responses in harbor porpoise (Dyndo *et al.*, 2015).

Vessel noise, through masking, can reduce the effective communication distance of a marine mammal if the frequency of the sound source is close to that used by the animal, and if the sound is present for a significant fraction of time (e.g., Richardson *et al.* 1995; Clark *et al.*, 2009; Jensen *et al.*, 2009; Gervaise *et al.*, 2012; Hatch *et al.*, 2012; Rice *et al.*, 2014; Dunlop 2015; Jones *et al.*, 2017; Putland *et al.*, 2017). In addition to the frequency and duration of the masking sound, the strength, temporal pattern, and location of the introduced sound also play a role in the extent of the masking (Branstetter *et al.*, 2013, 2016; Finneran and Branstetter 2013; Sills *et al.*, 2017). Branstetter *et al.* (2013) reported that time-domain metrics are also important in describing and predicting masking.

Baleen whales are thought to be more sensitive to sound at these low frequencies than are toothed whales (e.g., MacGillivray *et al.* 2014), possibly causing localized avoidance of the proposed survey area during seismic operations. Many odontocetes show considerable tolerance of vessel traffic, although they sometimes react at long distances if confined by ice or shallow water, if previously harassed by vessels, or have had little or no recent exposure to vessels (Richardson *et al.* 1995). Pirotta *et al.* (2015) noted that the physical presence of vessels, not just ship noise, disturbed the foraging activity of bottlenose dolphins. There is little data on the behavioral reactions of beaked whales to vessel noise, though they seem to avoid approaching vessels (e.g., Würsig *et al.*, 1998) or dive for an

extended period when approached by a vessel (e.g., Kasuya, 1986).

In summary, project vessel sounds would not be at levels expected to cause anything more than possible localized and temporary behavioral changes in marine mammals, and would not be expected to result in significant negative effects on individuals or at the population level. In addition, in all oceans of the world, large vessel traffic is currently so prevalent that it is commonly considered a usual source of ambient sound (NSF-USGS, 2011).

Vessel Strike

Vessel collisions with marine mammals, or vessel strikes, can result in death or serious injury of the animal. Wounds resulting from vessel strike may include massive trauma, hemorrhaging, broken bones, or propeller lacerations (Knowlton and Kraus, 2001). An animal at the surface may be struck directly by a vessel, a surfacing animal may hit the bottom of a vessel, or an animal just below the surface may be cut by a vessel's propeller. Superficial strikes may not kill or result in the death of the animal. These interactions are typically associated with large whales (e.g., fin whales), which are occasionally found draped across the bulbous bow of large commercial vessels upon arrival in port. Although smaller cetaceans are more maneuverable in relation to large vessels than are large whales, they may also be susceptible to strike. The severity of injuries typically depends on the size and speed of the vessel, with the probability of death or serious injury increasing as vessel speed increases (Knowlton and Kraus, 2001; Laist *et al.*, 2001; Vanderlaan and Taggart, 2007; Conn and Silber, 2013). Impact forces increase with speed, as does the probability of a strike at a given distance (Silber *et al.*, 2010; Gende *et al.*, 2011).

Pace and Silber (2005) also found that the probability of death or serious injury increased rapidly with increasing vessel speed. Specifically, the predicted probability of serious injury or death increased from 45 to 75 percent as vessel speed increased from 10 to 14 knots (kn, 26 kilometer per hour (kph)), and exceeded 90 percent at 17 kn (31 kph). Higher speeds during collisions result in greater force of impact, but higher speeds also appear to increase the chance of severe injuries or death through increased likelihood of collision by pulling whales toward the vessel (Clyne, 1999; Knowlton *et al.*, 1995). In a separate study, Vanderlaan and Taggart (2007) analyzed the probability of lethal mortality of large whales at a given speed, showing that

the greatest rate of change in the probability of a lethal injury to a large whale as a function of vessel speed occurs between 8.6 and 15 kn (28 kph). The chances of a lethal injury decline from approximately 80 percent at 15 kn (28 kph) to approximately 20 percent at 8.6 kn (16 kph). At speeds below 11.8 kn (22 kph), the chances of lethal injury drop below 50 percent, while the probability asymptotically increases toward one hundred percent above 15 kn (28 kph).

The *Langseth* will travel at a speed of 5 kn (9 kph) while towing seismic survey gear. At this speed, both the possibility of striking a marine mammal and the possibility of a strike resulting in serious injury or mortality are discountable. At average transit speed, the probability of serious injury or mortality resulting from a strike is less than 50 percent. However, the likelihood of a strike actually happening is again discountable. Vessel strikes, as analyzed in the studies cited above, generally involve commercial shipping, which is much more common in both space and time than is geophysical survey activity. Jensen and Silber (2004) summarized vessel strikes of large whales worldwide from 1975–2003 and found that most collisions occurred in the open ocean and involved large vessels (e.g., commercial shipping). No such incidents were reported for geophysical survey vessels during that time period.

It is possible for vessel strikes to occur while traveling at slow speeds. For example, a hydrographic survey vessel traveling at low speed (5.5 kn (10 kph)) while conducting mapping surveys off the central California coast struck and killed a blue whale in 2009. The State of California determined that the whale had suddenly and unexpectedly surfaced beneath the hull, with the result that the propeller severed the whale's vertebrae, and that this was an unavoidable event. This strike represents the only such incident in approximately 540,000 hours of similar coastal mapping activity ($p = 1.9 \times 10^{-6}$; 95 percent confidence interval = $0-5.5 \times 10^{-6}$; NMFS, 2013). In addition, a research vessel reported a fatal strike in 2011 of a dolphin in the Atlantic, demonstrating that it is possible for strikes involving smaller cetaceans to occur. In that case, the incident report indicated that an animal apparently was struck by the vessel's propeller as it was intentionally swimming near the vessel. While indicative of the type of unusual events that cannot be ruled out, neither of these instances represents a circumstance that would be considered

reasonably foreseeable or that would be considered preventable.

Although the likelihood of the vessel striking a marine mammal is low, we propose a robust vessel strike avoidance protocol (see Proposed Mitigation), which we believe eliminates any foreseeable risk of vessel strike during transit. We anticipate that vessel collisions involving a seismic data acquisition vessel towing gear, while not impossible, represent unlikely, unpredictable events for which there are no preventive measures. Given the proposed mitigation measures, the relatively slow speed of the vessel towing gear, the presence of bridge crew watching for obstacles at all times (including marine mammals), and the presence of marine mammal observers, the possibility of vessel strike is discountable and, further, were a strike of a large whale to occur, it would be unlikely to result in serious injury or mortality. No incidental take resulting from vessel strike is anticipated, and this potential effect of the specified activity will not be discussed further in the following analysis.

Stranding—When a living or dead marine mammal swims or floats onto shore and becomes “beached” or incapable of returning to sea, the event is a “stranding” (Geraci *et al.*, 1999; Perrin and Geraci, 2002; Geraci and Lounsbury, 2005; NMFS, 2007). The legal definition for a stranding under the MMPA is that a marine mammal is dead and is on a beach or shore of the United States; or in waters under the jurisdiction of the United States (including any navigable waters); or a marine mammal is alive and is on a beach or shore of the United States and is unable to return to the water; on a beach or shore of the United States and, although able to return to the water, is in need of apparent medical attention; or in the waters under the jurisdiction of the United States (including any navigable waters), but is unable to return to its natural habitat under its own power or without assistance.

Marine mammals strand for a variety of reasons, such as infectious agents, biotoxins, starvation, fishery interaction, vessel strike, unusual oceanographic or weather events, sound exposure, or combinations of these stressors sustained concurrently or in series. However, the cause or causes of most strandings are unknown (Geraci *et al.*, 1976; Eaton, 1979; Odell *et al.*, 1980; Best, 1982). Numerous studies suggest that the physiology, behavior, habitat relationships, age, or condition of cetaceans may cause them to strand or might predispose them to strand when exposed to another phenomenon. These

suggestions are consistent with the conclusions of numerous other studies that have demonstrated that combinations of dissimilar stressors commonly combine to kill an animal or dramatically reduce its fitness, even though one exposure without the other does not produce the same result (Chroussos, 2000; Creel, 2005; DeVries *et al.*, 2003; Fair and Becker, 2000; Foley *et al.*, 2001; Moberg, 2000; Relyea, 2005a; 2005b, Romero, 2004; Sih *et al.*, 2004).

There is no conclusive evidence that exposure to airgun noise results in behaviorally-mediated forms of injury. Behaviorally-mediated injury (*i.e.*, mass stranding events) has been primarily associated with beaked whales exposed to MFA sonar. MFA sonar and the alerting stimulus used in Nowacek *et al.* (2004) are very different from the noise produced by airguns. One should therefore not expect the same reaction to airgun noise as to these other sources. As explained below, military MFA sonar is very different from airguns, and one should not assume that airguns will cause the same effects as MFA sonar (including strandings).

To understand why military MFA sonar affects beaked whales differently than airguns do, it is important to note the distinction between behavioral sensitivity and susceptibility to auditory injury. To understand the potential for auditory injury in a particular marine mammal species in relation to a given acoustic signal, the frequency range the species is able to hear is critical, as well as the species' auditory sensitivity to frequencies within that range. Current data indicate that not all marine mammal species have equal hearing capabilities across all frequencies and, therefore, species are grouped into hearing groups with generalized hearing ranges assigned on the basis of available data (Southall *et al.*, 2007, 2019). Hearing ranges as well as auditory sensitivity/susceptibility to frequencies within those ranges vary across the different groups. For example, in terms of hearing range, the very high-frequency cetaceans (*e.g.*, *Kogia* spp.) have a generalized hearing range of frequencies between 200 Hz and 165 kHz, while high-frequency cetaceans—such as dolphins and beaked whales—have a generalized hearing range between 150 Hz to 160 kHz. Regarding auditory susceptibility within the hearing range, while high-frequency cetaceans and very high-frequency cetaceans have roughly similar hearing ranges, the high-frequency group is much more susceptible to noise-induced hearing loss during sound exposure, *i.e.*, these species have lower thresholds for

these effects than other hearing groups (NMFS, 2018, 2024). Referring to a species as behaviorally sensitive to noise simply means that an animal of that species is more likely to respond to lower received levels of sound than an animal of another species that is considered less behaviorally sensitive. So, while dolphin species and beaked whale species—both in the high-frequency cetacean hearing group—are assumed to generally hear the same sounds equally well and be equally susceptible to noise-induced hearing loss (auditory injury), the best available information indicates that a beaked whale is more likely to behaviorally respond to that sound at a lower received level compared to an animal from other high-frequency cetacean species that are less behaviorally sensitive. This distinction is important because, while beaked whales are more likely to respond behaviorally to sounds than are many other species (even at lower levels), they cannot hear the predominant, lower frequency sounds from seismic airguns as well as sounds that have more energy at frequencies that beaked whales can hear better (such as military MFA sonar).

Military MFA sonar effects beaked whales differently than airguns do because it produces energy at different frequencies than airguns. High-frequency cetacean hearing is generically thought to be best between 8.8 to 110 kHz, *i.e.*, these cutoff values define the range above and below which a species in the group is assumed to have declining auditory sensitivity, until reaching frequencies that cannot be heard (NMFS, 2018, 2024). However, beaked whale hearing is likely best within a higher, narrower range (20–80 kHz, with best sensitivity around 40 kHz), based on a few measurements of hearing in stranded beaked whales (Cook *et al.*, 2006; Finneran *et al.*, 2009; Pacini *et al.*, 2011) and several studies of acoustic signals produced by beaked whales (*e.g.*, Frantzis *et al.*, 2002; Johnson *et al.*, 2004, 2006; Zimmer *et al.*, 2005). While precaution requires that the full range of audibility be considered when assessing risks associated with noise exposure (Southall *et al.*, 2007, 2019), animals typically produce sound at frequencies where they hear best. More recently, Southall *et al.* (2019) suggested that certain species in the historical high-frequency hearing group (beaked whales, sperm whales, and killer whales) are likely more sensitive to lower frequencies within the group's generalized hearing range than are other species within the group, and state that

the data for beaked whales suggest sensitivity to approximately 5 kHz. However, this information is consistent with the general conclusion that beaked whales (and other high-frequency cetaceans) are relatively insensitive to the frequencies where most energy of an airgun signal is found. Military MFA sonar is typically considered to operate in the frequency range of approximately 3–14 kHz (D'Amico *et al.*, 2009), *i.e.*, outside the range of likely best hearing for beaked whales but within or close to the lower bounds, whereas most energy in an airgun signal is radiated at much lower frequencies, below 500 Hz (Dragoset, 1990).

It is important to distinguish between energy (loudness, measured in dB) and frequency (pitch, measured in Hz). In considering the potential impacts of mid-frequency components of airgun noise (1–10 kHz, where beaked whales can be expected to hear) on marine mammal hearing, one needs to account for the energy associated with these higher frequencies and determine what energy is truly “significant.” Although there is mid-frequency energy associated with airgun noise (as expected from a broadband source), airgun sound is predominantly below 1 kHz (Breitzke *et al.*, 2008; Tashmukhambetov *et al.*, 2008; Tolstoy *et al.*, 2009). As stated by Richardson *et al.* (1995), “[. . .] most emitted [seismic airgun] energy is at 10–120 Hz, but the pulses contain some energy up to 500–1,000 Hz.” Tolstoy *et al.* (2009) conducted empirical measurements, demonstrating that sound energy levels associated with airguns were at least 20 dB lower at 1 kHz (considered “mid-frequency”) compared to higher energy levels associated with lower frequencies (below 300 Hz) (“all but a small fraction of the total energy being concentrated in the 10–300 Hz range” (Tolstoy *et al.*, 2009), and at higher frequencies (*e.g.*, 2.6–4 kHz), power might be less than 10 percent of the peak power at 10 Hz. Energy levels measured by Tolstoy *et al.* (2009) were even lower at frequencies above 1 kHz. In addition, as sound propagates away from the source, it tends to lose higher-frequency components faster than low-frequency components (*i.e.*, low-frequency sounds typically propagate longer distances than high-frequency sounds) (Diebold *et al.*, 2010). Although higher-frequency components of airgun signals have been recorded, it is typically in surface-ducting conditions (*e.g.*, DeRuiter *et al.*, 2006; Madsen *et al.*, 2006) or in shallow water, where there are advantageous propagation conditions for the higher frequency (but low-energy) components

of the airgun signal (Hermannsen *et al.*, 2015). This should not be of concern because the likely behavioral reactions of beaked whales that can result in acute physical injury would result from noise exposure at depth (because of the potentially greater consequences of severe behavioral reactions). In summary, the frequency content of airgun signals is such that beaked whales will not be able to hear the signals well (compared to MFA sonar), especially at depth where we expect the consequences of noise exposure could be more severe.

Aside from frequency content, there are other significant differences between MFA sonar signals and the sounds produced by airguns that minimize the risk of severe behavioral reactions that could lead to strandings or deaths at sea, *e.g.*, significantly longer signal duration, horizontal sound direction, typical fast and unpredictable source movement. All of these characteristics of MFA sonar tend towards greater potential to cause severe behavioral or physiological reactions in exposed beaked whales that may contribute to stranding. Although both sources are powerful, MFA sonar contains significantly greater energy in the mid-frequency range, where beaked whales hear better. Short-duration, high energy pulses—such as those produced by airguns—have greater potential to cause damage to auditory structures (though this is unlikely for high-frequency cetaceans, as explained later in this document), but it is longer duration signals that have been implicated in the vast majority of beaked whale strandings. Faster, less predictable movements in combination with multiple source vessels are more likely to elicit a severe, potentially anti-predator response. Of additional interest in assessing the divergent characteristics of MFA sonar and airgun signals and their relative potential to cause stranding events or deaths at sea is the similarity between the MFA sonar signals and stereotyped calls of beaked whales' primary predator: the killer whale (Zimmer and Tyack, 2007). Although generic disturbance stimuli—as airgun noise may be considered in this case for beaked whales—may also trigger antipredator responses, stronger responses should generally be expected when perceived risk is greater, as when the stimulus is confused for a known predator (Frid and Dill, 2002). In addition, because the source of the perceived predator (*i.e.*, MFA sonar) will likely be closer to the whales (because attenuation limits the range of detection of mid-frequencies) and moving faster (because it will be on

faster-moving vessels), any antipredator response would be more likely to be severe (with greater perceived predation risk, an animal is more likely to disregard the cost of the response; Frid and Dill, 2002). Indeed, when analyzing movements of a beaked whale exposed to playback of killer whale predation calls, Allen *et al.* (2014) found that the whale engaged in a prolonged, directed avoidance response, suggesting a behavioral reaction that could pose a risk factor for stranding. Overall, these significant differences between sound from MFA sonar and the mid-frequency sound component from airguns and the likelihood that MFA sonar signals will be interpreted in error as a predator are critical to understanding the likely risk of behaviorally-mediated injury due to seismic surveys.

The available scientific literature also provides a useful contrast between airgun noise and MFA sonar regarding the likely risk of behaviorally-mediated injury. There is strong evidence for the association of beaked whale stranding events with MFA sonar use, and particularly detailed accounting of several events is available (e.g., a 2000 Bahamas stranding event for which investigators concluded that MFA sonar use was responsible; Evans and England, 2001). D'Amico *et al.*, (2009) reviewed 126 beaked whale mass stranding events over the period from 1950 (*i.e.*, from the development of modern MFA sonar systems) through 2004. Of these, there were two events where detailed information was available on both the timing and location of the stranding and the concurrent nearby naval activity, including verification of active MFA sonar usage, with no evidence for an alternative cause of stranding. An additional 10 events were at minimum spatially and temporally coincident with naval activity likely to have included MFA sonar use and, despite incomplete knowledge of timing and location of the stranding or the naval activity in some cases, there was no evidence for an alternative cause of stranding. The U.S. Navy has publicly stated agreement that five such events since 1996 were associated in time and space with MFA sonar use, either by the U.S. Navy alone or in joint training exercises with the North Atlantic Treaty Organization. The U.S. Navy additionally noted that, as of 2017, a 2014 beaked whale stranding event in Crete coincident with naval exercises was under review and had not yet been determined to be linked to sonar activities (U.S. Navy, 2017). Separately, the International Council for the

Exploration of the Sea reported in 2005 that, worldwide, there have been about 50 known strandings, consisting mostly of beaked whales, with a potential causal link to MFA sonar (International Council for the Exploration of the Sea, 2005). In contrast, very few such associations have been made to seismic surveys, despite widespread use of airguns as a geophysical sound source in numerous locations around the world.

A review of possible stranding associations with seismic surveys (Castellote and Llorens, 2016) states that, “[s]peculation concerning possible links between seismic survey noise and cetacean strandings is available for a dozen events but without convincing causal evidence.” The authors’ search of available information found 10 events worth further investigation via a ranking system representing a rough metric of the relative level of confidence offered by the data for inferences about the possible role of the seismic survey in a given stranding event. Only three of these events involved beaked whales. Whereas D’Amico *et al.*, (2009) used a 1–5 ranking system, in which “1” represented the most robust evidence connecting the event to MFA sonar use, Castellote and Llorens (2016) used a 1–6 ranking system, in which “6” represented the most robust evidence connecting the event to the seismic survey. As described above, D’Amico *et al.* (2009) found that two events were ranked “1” and 10 events were ranked “2” (*i.e.*, 12 beaked whale stranding events were found to be associated with MFA sonar use). In contrast, Castellote and Llorens (2016) found that none of the three beaked whale stranding events achieved their highest ranks of 5 or 6. Of the 10 total events, none achieved the highest rank of 6. Two events were ranked as 5: one stranding in Peru involving dolphins and porpoises and a 2008 stranding in Madagascar. This latter ranking can only be broadly associated with the survey itself, as opposed to use of seismic airguns. An investigation of this stranding event, which did not involve beaked whales, concluded that use of a high-frequency mapping system (12-kHz multibeam echosounder) was the most plausible and likely initial behavioral trigger of the event, which was likely exacerbated by several site- and situation-specific secondary factors. The review panel found that seismic airguns were used after the initial strandings and animals entering a lagoon system, that airgun use clearly had no role as an initial trigger, and that there was no evidence

that airgun use dissuaded animals from leaving (Southall *et al.*, 2013).

However, one of these stranding events, involving two Cuvier’s beaked whales, was contemporaneous with and reasonably associated spatially with a 2002 seismic survey in the Gulf of California conducted by L-DEO, as was the case for the 2007 Gulf of Cadiz seismic survey discussed by Castellote and Llorens (also involving two Cuvier’s beaked whales). Neither event was considered a “true atypical mass stranding” (according to Frantzis (1998)) as used in the analysis of Castellote and Llorens (2016). While we agree with the authors that this lack of evidence should not be considered conclusive, it is clear that there is very little evidence that seismic surveys should be considered as posing a significant risk of acute harm to beaked whales or other high-frequency cetaceans. We have considered the potential for the proposed surveys to result in marine mammal stranding and, based on the best available information, do not expect a stranding to occur.

Entanglement—Entanglements occur when marine mammals become wrapped around cables, lines, nets, or other objects suspended in the water column. During seismic operations, numerous cables, lines, and other objects primarily associated with the airgun array and hydrophone streamers will be towed behind the *Langseth* near the water’s surface. However, we are not aware of any cases of entanglement of marine mammals in seismic survey equipment. No incidents of entanglement of marine mammals with seismic survey gear have been documented in over 54,000 nautical miles (100,000 km) of previous NSF-funded seismic surveys when observers were aboard (e.g., Smultea and Holst 2003; Haley and Koski 2004; Holst 2004; Smultea *et al.*, 2004; Holst *et al.*, 2005; Haley and Ireland 2006; SIO and NSF 2006; Hauser *et al.*, 2008; Holst and Smultea 2008). Although entanglement with the streamer is theoretically possible, it has not been documented during tens of thousands of miles of NSF-sponsored seismic cruises or, to our knowledge, during hundreds of thousands of miles of industrial seismic cruises. There are relatively few deployed devices, and no interaction between marine mammals and any such device has been recorded during prior NSF surveys using the devices. There are no meaningful entanglement risks posed by the proposed survey, and entanglement risks are not discussed further in this document.

Anticipated Effects on Marine Mammal Habitat

Effects to Prey—Marine mammal prey varies by species, season, and location and, for some, is not well documented. Fish react to sounds which are especially strong and/or intermittent low-frequency sounds, and behavioral responses such as flight or avoidance are the most likely effects. However, the reaction of fish to airguns depends on the physiological state of the fish, past exposures, motivation (e.g., feeding, spawning, migration), and other environmental factors. Several studies have demonstrated that airgun sounds might affect the distribution and behavior of some fishes, potentially impacting foraging opportunities or increasing energetic costs (e.g., Fewtrell and McCauley, 2012; Pearson *et al.*, 1992; Skalski *et al.*, 1992; Santulli *et al.*, 1999; Paxton *et al.*, 2017), though the bulk of studies indicate no or slight reaction to noise (e.g., Miller and Cripps, 2013; Dalen and Knutsen, 1987; Peña *et al.*, 2013; Chapman and Hawkins, 1969; Wardle *et al.*, 2001; Jorgenson and Gyselman, 2009; Blaxter *et al.*, 1981; Cott *et al.*, 2012; Boeger *et al.*, 2006), and that, most commonly, while there are likely to be impacts to fish as a result of noise from nearby airguns, such effects will be temporary. For example, investigators reported significant, short-term declines in commercial fishing catch rate of gadid fishes during and for up to 5 days after seismic survey operations, but the catch rate subsequently returned to normal (Engås *et al.*, 1996; Engås and Lokkeborg, 2002). Other studies have reported similar findings (Hassel *et al.*, 2004).

Skalski *et al.*, (1992) also found a reduction in catch rates—for rockfish (*Sebastes* spp.) in response to controlled airgun exposure—but suggested that the mechanism underlying the decline was not dispersal but rather decreased responsiveness to baited hooks associated with an alarm behavioral response. A companion study showed that alarm and startle responses were not sustained following the removal of the sound source (Pearson *et al.*, 1992). Therefore, Skalski *et al.* (1992) suggested that the effects on fish abundance may be transitory, primarily occurring during the sound exposure itself. In some cases, effects on catch rates are variable within a study, which may be more broadly representative of temporary displacement of fish in response to airgun noise (i.e., catch rates may increase in some locations and decrease in others) than any long-term

damage to the fish themselves (Streever *et al.*, 2016).

SPLs of sufficient strength have been known to cause injury to fish and fish mortality and, in some studies, fish auditory systems have been damaged by airgun noise (McCauley *et al.*, 2003; Popper *et al.*, 2005; Song *et al.*, 2008). However, in most fish species, hair cells in the ear continuously regenerate and loss of auditory function likely is restored when damaged cells are replaced with new cells. Halvorsen *et al.* (2012) showed that a TTS of 4–6 dB was recoverable within 24 hours for one species. Impacts would be most severe when the individual fish is close to the source and when the duration of exposure is long; both of which are conditions unlikely to occur for this survey that is necessarily transient in any given location and likely result in brief, infrequent noise exposure to prey species in any given area. For this survey, the sound source is constantly moving, and most fish would likely avoid the sound source prior to receiving sound of sufficient intensity to cause physiological or anatomical damage. In addition, ramp-up may allow certain fish species the opportunity to move further away from the sound source.

A comprehensive review (Carroll *et al.*, 2017) found that results are mixed as to the effects of airgun noise on the prey of marine mammals. While some studies suggest a change in prey distribution and/or a reduction in prey abundance following the use of seismic airguns, others suggest no effects or even positive effects in prey abundance. As one specific example, Paxton *et al.* (2017), which describes findings related to the effects of a 2014 seismic survey on a reef off of North Carolina, showed a 78 percent decrease in observed nighttime abundance for certain species. It is important to note that the evening hours during which the decline in fish habitat use was recorded (via video recording) occurred on the same day that the seismic survey passed, and no subsequent data is presented to support an inference that the response was long-lasting. Additionally, given that the finding is based on video images, the lack of recorded fish presence does not support a conclusion that the fish actually moved away from the site or suffered any serious impairment. In summary, this particular study corroborates prior studies indicating that a startle response or short-term displacement should be expected.

Available data suggest that cephalopods are capable of sensing the particle motion of sounds and detect low frequencies up to 1–1.5 kHz,

depending on the species, and so are likely to detect airgun noise (Kaifu *et al.*, 2008; Hu *et al.*, 2009; Mooney *et al.*, 2010; Samson *et al.*, 2014). Auditory injuries (lesions occurring on the statocyst sensory hair cells) have been reported upon controlled exposure to low-frequency sounds, suggesting that cephalopods are particularly sensitive to low-frequency sound (André *et al.*, 2011; Solé *et al.*, 2013). Behavioral responses, such as inking and jetting, have also been reported upon exposure to low-frequency sound (McCauley *et al.*, 2000b; Samson *et al.*, 2014). Similar to fish, however, the transient nature of the survey leads to an expectation that effects will be largely limited to behavioral reactions and would occur as a result of brief, infrequent exposures.

With regard to potential impacts on zooplankton, McCauley *et al.* (2017) found that exposure to airgun noise resulted in significant depletion for more than half the taxa present and that there were two to three times more dead zooplankton after airgun exposure compared with controls for all taxa, within 1 km of the airguns. However, the authors also stated that in order to have significant impacts on r-selected species (i.e., those with high growth rates and that produce many offspring) such as plankton, the spatial or temporal scale of impact must be large in comparison with the ecosystem concerned, and it is possible that the findings reflect avoidance by zooplankton rather than mortality (McCauley *et al.*, 2017). In addition, the results of this study are inconsistent with a large body of research that generally finds limited spatial and temporal impacts to zooplankton as a result of exposure to airgun noise (e.g., Dalen and Knutsen, 1987; Payne, 2004; Stanley *et al.*, 2011). Most prior research on this topic, which has focused on relatively small spatial scales, has showed minimal effects (e.g., Kostyuchenko, 1973; Booman *et al.*, 1996; Sætre and Ona, 1996; Pearson *et al.*, 1994; Bolle *et al.*, 2012).

A modeling exercise was conducted as a follow-up to the McCauley *et al.* (2017) study (as recommended by McCauley *et al.*), in order to assess the potential for impacts on ocean ecosystem dynamics and zooplankton population dynamics (Richardson *et al.*, 2017). Richardson *et al.* (2017) found that for copepods with a short life cycle in a high-energy environment, a full-scale airgun survey would impact copepod abundance up to 3 days following the end of the survey, suggesting that effects such as those found by McCauley *et al.* (2017) would not be expected to be detectable

downstream of the survey areas, either spatially or temporally.

Notably, a more recently described study produced results inconsistent with those of McCauley *et al.* (2017). Researchers conducted a field and laboratory study to assess if exposure to airgun noise affects mortality, predator escape response, or gene expression of the copepod *Calanus finmarchicus* (Fields *et al.*, 2019). Immediate mortality of copepods was significantly higher, relative to controls, at distances of 5 m or less from the airguns. Mortality 1 week after the airgun blast was significantly higher in the copepods placed 10 m from the airgun but was not significantly different from the controls at a distance of 20 m from the airgun. The increase in mortality, relative to controls, did not exceed 30 percent at any distance from the airgun. Moreover, the authors caution that even this higher mortality in the immediate vicinity of the airguns may be more pronounced than what would be observed in free-swimming animals due to increased flow speed of fluid inside bags containing the experimental animals. There were no sublethal effects on the escape performance or the sensory threshold needed to initiate an escape response at any of the distances from the airgun that were tested. Whereas McCauley *et al.* (2017) reported an SEL of 156 dB at a range of 509–658 m, with zooplankton mortality observed at that range, Fields *et al.* (2019) reported an SEL of 186 dB at a range of 25 m, with no reported mortality at that distance. Regardless, if we assume a worst-case likelihood of severe impacts to zooplankton within approximately 1 km of the acoustic source, the brief time to regeneration of the potentially affected zooplankton populations does not lead us to expect any meaningful follow-on effects to the prey base for marine mammals.

A review article concluded that, while laboratory results provide scientific evidence for high-intensity and low-frequency sound-induced physical trauma and other negative effects on some fish and invertebrates, the sound exposure scenarios in some cases are not realistic to those encountered by marine organisms during routine seismic operations (Carroll *et al.*, 2017). The review finds that there has been no evidence of reduced catch or abundance following seismic activities for invertebrates, and that there is conflicting evidence for fish with catch observed to increase, decrease, or remain the same. Further, where there is evidence for decreased catch rates in response to airgun noise, these findings provide no information about the

underlying biological cause of catch rate reduction (Carroll *et al.*, 2017).

In summary, impacts of the specified activity on marine mammal prey species will likely generally be limited to behavioral responses, the majority of prey species will be capable of moving out of the area during the survey, a rapid return to normal recruitment, distribution, and behavior for prey species is anticipated, and, overall, impacts to prey species will be minor and temporary. Prey species exposed to sound might move away from the sound source, experience TTS, experience masking of biologically relevant sounds, or show no obvious direct effects. Mortality from decompression injuries is possible in close proximity to a sound, but only limited data on mortality in response to airgun noise exposure are available (Hawkins *et al.*, 2014). The most likely impacts for most prey species in the survey area would be temporary avoidance of the area. The proposed survey would move through an area relatively quickly, limiting exposure to multiple impulsive sounds. In all cases, sound levels would return to ambient once the survey moves out of the area or ends and the noise source is shut down and, when exposure to sound ends, behavioral and/or physiological responses are expected to end relatively quickly (McCauley *et al.*, 2000). The duration of fish avoidance of a given area after survey effort stops is unknown, but a rapid return to normal recruitment, distribution, and behavior is anticipated. While the potential for disruption of spawning aggregations or schools of important prey species can be meaningful on a local scale, the mobile and temporary nature of this survey and the likelihood of temporary avoidance behavior suggest that impacts would be minor.

Acoustic Habitat—Acoustic habitat is the soundscape—which encompasses all of the sound present in a particular location and time, as a whole—when considered from the perspective of the animals experiencing it. Animals produce sound for, or listen for sounds produced by, conspecifics (communication during feeding, mating, and other social activities), other animals (finding prey or avoiding predators), and the physical environment (finding suitable habitats, navigating). Together, sounds made by animals and the geophysical environment (*e.g.*, produced by earthquakes, lightning, wind, rain, waves) make up the natural contributions to the total acoustics of a place. These acoustic conditions, termed acoustic habitat, are one attribute of an animal's total habitat.

Soundscapes are also defined by, and acoustic habitat influenced by, the total contribution of anthropogenic sound. This may include incidental emissions from sources such as vessel traffic, or may be intentionally introduced to the marine environment for data acquisition purposes (as in the use of airgun arrays). Anthropogenic noise varies widely in its frequency content, duration, and loudness and these characteristics greatly influence the potential habitat-mediated effects to marine mammals (please see also the previous discussion on masking under *Acoustic Effects*), which may range from local effects for brief periods of time to chronic effects over large areas and for long durations. Depending on the extent of effects to habitat, animals may alter their communications signals (thereby potentially expending additional energy) or miss acoustic cues (either conspecific or adventitious). For more detail on these concepts see, *e.g.*, Barber *et al.*, 2010; Pijanowski *et al.*, 2011; Francis and Barber, 2013; Lillis *et al.*, 2014.

Problems arising from a failure to detect cues are more likely to occur when noise stimuli are chronic and overlap with biologically relevant cues used for communication, orientation, and predator/prey detection (Francis and Barber, 2013). Although the signals emitted by seismic airgun arrays are generally low frequency, they would also likely be of short duration and transient in any given area due to the nature of these surveys. As described previously, exploratory surveys such as these cover a large area but would be transient rather than focused in a given location over time and therefore would not be considered chronic in any given location.

Based on the information discussed herein, we conclude that impacts of the specified activity are not likely to have more than short-term adverse effects on any prey habitat or populations of prey species. Further, any impacts to marine mammal habitat are not expected to result in significant or long-term consequences for individual marine mammals, or to contribute to adverse impacts on their populations.

Estimated Take of Marine Mammals

This section provides an estimate of the number of incidental takes proposed for authorization through the IHA, which will inform NMFS' consideration of "small numbers," the negligible impact determinations, and impacts on subsistence uses.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities

not pertinent here, section 3(18) of the MMPA defines “harassment” as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes would be by Level B harassment only, in the form of behavioral reactions and/or TTS, for individual marine mammals resulting from exposure to noise from the use of seismic airguns. Based on the nature of the activity and the anticipated effectiveness of the mitigation measures (*i.e.*, shutdown) discussed in detail below in the Proposed Mitigation section, Level A harassment is neither anticipated nor proposed to be authorized.

As described previously, no serious injury or mortality is anticipated or proposed to be authorized for this activity. Below we describe how the proposed take numbers are estimated.

For acoustic impacts, generally speaking, we estimate take by considering: (1) acoustic criteria above which NMFS believes the best available science indicates marine mammals will likely be behaviorally harassed or incur some degree of AUD INJ; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) the number of days of activities. We note that while these factors can contribute to a basic calculation to provide an initial prediction of potential takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.*, previous monitoring results or average group size). Below, we describe the factors

considered here in more detail and present the proposed take estimates.

Acoustic Criteria

NMFS recommends the use of acoustic criteria that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur AUD INJ of some degree (equated to Level A harassment). We note that the criteria for AUD INJ, as well as the names of two hearing groups, have been recently updated (NMFS 2024) as reflected below in the Level A Harassment section.

Level B Harassment—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source or exposure context (*e.g.*, frequency, predictability, duty cycle, duration of the exposure, signal-to-noise ratio, distance to the source), the environment (*e.g.*, bathymetry, other noises in the area, predators in the area), and the receiving animals (hearing, motivation, experience, demography, life stage, depth) and can be difficult to predict (*e.g.*, Southall *et al.*, 2007, 2021, Ellison *et al.*, 2012). Based on what the available science indicates and the practical need to use a threshold based on a metric that is both predictable and measurable for most activities, NMFS typically uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS generally predicts that marine mammals are likely to be behaviorally harassed in a manner considered to be Level B harassment when exposed to underwater anthropogenic noise above root-mean-squared pressure received levels (RMS SPL) of 120 dB (referenced to 1 micropascal (re 1 μ Pa)) for continuous (*e.g.*, vibratory pile driving, drilling) and

above RMS SPL 160 dB re 1 μ Pa for non-explosive impulsive (*e.g.*, seismic airguns) or intermittent (*e.g.*, scientific sonar) sources. Generally speaking, Level B harassment take estimates based on these behavioral harassment thresholds are expected to include any likely takes by TTS as, in most cases, the likelihood of TTS occurs at distances from the source less than those at which behavioral harassment is likely. TTS of a sufficient degree can manifest as behavioral harassment, as reduced hearing sensitivity and the potential reduced opportunities to detect important signals (conspecific communication, predators, prey) may result in changes in behavior patterns that would not otherwise occur.

L-DEO’s proposed activity includes the use of impulsive seismic sources (*i.e.*, airguns), and therefore the RMS SPL thresholds of 160 dB re 1 μ Pa is applicable.

Level A harassment—NMFS’ Updated Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 3.0) (Updated Technical Guidance, 2024) identifies dual criteria to assess AUD INJ (Level A harassment) to five different underwater marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). L-DEO’s proposed activity includes the use of impulsive seismic sources (*i.e.*, airguns).

The 2024 Updated Technical Guidance criteria include both updated thresholds and updated weighting functions for each hearing group. The thresholds are provided in table 3. The references, analysis, and methodology used in the development of the criteria are described in NMFS’ 2024 Updated Technical Guidance, which may be accessed at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance-other-acoustic-tools>.

TABLE 3—THRESHOLDS IDENTIFYING THE ONSET OF AUDITORY INJURY

Hearing group	AUD INJ onset acoustic thresholds* (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	Cell 1: $L_{pk,flat}$: 222 dB; $L_{E,LF,24h}$: 183 dB	Cell 2: $L_{E,LF,24h}$: 197 dB.
High-Frequency (HF) Cetaceans	Cell 3: $L_{pk,flat}$: 230 dB; $L_{E,HF,24h}$: 193 dB	Cell 4: $L_{E,HF,24h}$: 201 dB.
Very High-Frequency (VHF) Cetaceans	Cell 5: $L_{pk,flat}$: 202 dB; $L_{E,VHF,24h}$: 159 dB	Cell 6: $L_{E,VHF,24h}$: 181 dB.
Phocid Pinnipeds (PW) (Underwater)	Cell 7: $L_{pk,flat}$: 223 dB; $L_{E,PW,24h}$: 183 dB	Cell 8: $L_{E,PW,24h}$: 195 dB.
Otariid Pinnipeds (OW) (Underwater)	Cell 9: $L_{pk,flat}$: 230 dB; $L_{E,OW,24h}$: 185 dB	Cell 10: $L_{E,OW,24h}$: 199 dB.

* Dual metric criteria for impulsive sounds: Use whichever criteria results in the larger isopleth for calculating AUD INJ onset. If a non-impulsive sound has the potential of exceeding the peak SPL criteria associated with impulsive sounds, the PK SPL criteria are recommended for consideration for non-impulsive sources.

Note: Peak SPL ($L_{p,0-pk}$) has a reference value of 1 μ Pa, and weighted cumulative SEL ($L_{E,p}$) has a reference value of 1 μ Pa²s. In this table, criteria are abbreviated to be more reflective of International Organization for Standardization standards (ISO 2017; ISO 2020). The subscript “flat” is being included to indicate peak sound pressure are flat weighted or unweighted within the generalized hearing range of marine mammals underwater (*i.e.*, 7 Hz to 165 kHz). The subscript associated with cumulative SEL criteria indicates the designated marine mammal auditory weighting function (LF, HF, and VHF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The $L_{E,p}$ criteria could be exceeded in a multitude of ways (*i.e.*, varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these criteria will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that are used in estimating the area ensonified above the acoustic thresholds, including source levels and transmission loss coefficient.

The ensonified area associated with Level A harassment is more technically challenging to predict due to the need to account for a duration component. Therefore, NMFS developed an optional User Spreadsheet tool to accompany the 2024 Updated Technical Guidance that can be used to relatively simply predict an isopleth distance for use in conjunction with marine mammal density or occurrence to help predict potential takes. We note that because of some of the assumptions included in the methods underlying this optional tool, we anticipate that the resulting isopleth estimates are typically going to be overestimates of some degree, which may result in an overestimate of potential take by Level A harassment. However, this optional tool offers the best way to estimate isopleth distances when more sophisticated modeling methods are not available or practical.

The proposed survey would entail the use of a cluster of two GI airguns with a total discharge volume of 90 in³ (1,475 cc) at a tow depth of 3 m. L-DEO model results are used to determine the 160 dB RMS radius for the airgun source down to a maximum depth of 2,000 m. Received sound levels have been predicted by L-DEO’s model (Diebold *et al.* 2010) as a function of distance from

the airgun array. This modeling approach uses ray tracing for the direct wave traveling from the array to the receiver and its associated source ghost (reflection at the air-water interface in the vicinity of the array), in a constant-velocity half-space (infinite homogeneous ocean layer, unbounded by a seafloor). In addition, propagation measurements of pulses from the 36-airgun array at a tow depth of 6 m have been reported in deep water (~1,600 m), intermediate water depth on the slope (~600–1,100 m), and shallow water (~50 m) in the Gulf of America (previously Gulf of Mexico) (Tolstoy *et al.* 2009; Diebold *et al.* 2010).

For deep and intermediate water cases, the field measurements cannot be used readily to derive the harassment isopleths, as at those sites the calibration hydrophone was located at a roughly constant depth of 350–550 m, which may not intersect all the SPL isopleths at their widest point from the sea surface down to the assumed maximum relevant water depth (~2000 m) for marine mammals. At short ranges, where the direct arrivals dominate and the effects of seafloor interactions are minimal, the data at the deep sites are suitable for comparison with modeled levels at the depth of the calibration hydrophone. At longer ranges, the comparison with the model—constructed from the maximum SPL through the entire water column at varying distances from the airgun array—is the most relevant.

In deep and intermediate water depths at short ranges, sound levels for

direct arrivals recorded by the calibration hydrophone and L-DEO model results for the same array tow depth are in good alignment (see figures 12 and 14 in Diebold *et al.* 2010). Consequently, isopleths falling within this domain can be predicted reliably by the L-DEO model, although they may be imperfectly sampled by measurements recorded at a single depth. At greater distances, the calibration data show that seafloor-reflected and sub-seafloor-refracted arrivals dominate, whereas the direct arrivals become weak and/or incoherent (see figures 11, 12, and 16 in Diebold *et al.* 2010). Aside from local topography effects, the region around the critical distance is where the observed levels rise closest to the model curve. However, the observed sound levels are found to fall almost entirely below the model curve. Thus, analysis of the Gulf of America calibration measurements demonstrates that although simple, the L-DEO model is a robust tool for conservatively estimating isopleths.

The proposed low-energy survey would acquire data with the 2 GI airgun array at a tow depth of 3 m. For deep water (>1,000 m), we use the deep-water radii obtained from the L-DEO model results down to a maximum water depth of 2,000 m for the airgun array.

L-DEO’s modeling methodology is described in greater detail in their application. The estimated distances to the Level B harassment isopleth for the proposed airgun configuration are shown in table 4.

TABLE 4—PREDICTED RADIAL DISTANCES FROM THE *LANGSETH* SEISMIC SOURCE TO ISOPLETH CORRESPONDING TO LEVEL B HARASSMENT THRESHOLD

Airgun configuration	Tow depth (m)	Water depth (m)	Predicted distances (in m) to the Level B harassment threshold
Two 45 in ³ airguns	3	>1,000	438

TABLE 5—MODELED RADIAL DISTANCE TO ISOPLETHS CORRESPONDING TO LEVEL A HARASSMENT THRESHOLDS

	Low frequency cetaceans	High frequency cetaceans	Very high frequency cetaceans	Phocid pinnipeds	Otariid pinnipeds
PTS SEL _{cum}	31.5	0	0.1	0.5	0
PTS Peak	3.9	1.1	35.3	3.4	1.1

The largest distance (in bold) of the dual criteria (SEL_{cum} or Peak) was used to estimate threshold distances and potential takes by Level A harassment.

Table 5 presents the modeled Level A harassment isopleths for each marine mammal hearing group based on L-DEO modeling incorporated in the companion user spreadsheet, for the low-energy surveys with the shortest shot interval (*i.e.*, greatest potential to cause PTS based on accumulated sound energy) (NMFS 2018, 2024).

Predicted distances to Level A harassment isopleths, which vary based on marine mammal hearing groups, were calculated based on modeling performed by L-DEO using the Nucleus software program and the NMFS user spreadsheet, described below. The acoustic thresholds for impulsive sounds contained in the NMFS Technical Guidance were presented as dual metric acoustic thresholds using both SEL_{cum} and peak sound pressure metrics (NMFS, 2016). As dual metrics, NMFS considers onset of PTS (Level A harassment) to have occurred when either one of the two metrics is exceeded (*i.e.*, metric resulting in the largest isopleth). The SEL_{cum} metric considers both level and duration of exposure, as well as auditory weighting functions by marine mammal hearing group.

The SEL_{cum} for the 2 GI airgun array is derived from calculating the modified farfield signature. The farfield signature is often used as a theoretical representation of the source level. To compute the farfield signature, the source level is estimated at a large distance (right) below the array (*e.g.*, 9 km), and this level is back projected mathematically to a notional distance of 1 m from the array's geometrical center. However, it has been recognized that the source level from the theoretical farfield signature is never physically achieved at the source when the source is an array of multiple airguns separated in space (Tolstoy *et al.*, 2009). Near the source (at short ranges, distances <1 km), the pulses of sound pressure from each individual airgun in the source array do not stack constructively as they do for the theoretical farfield signature. The pulses from the different airguns spread out in time such that the source levels observed or modeled are the result of the summation of pulses from a few airguns, not the full array (Tolstoy *et al.*, 2009). At larger distances, away from the source array center, sound pressure of all the airguns in the array stack coherently, but not within one time sample, resulting in smaller source levels (a few dB) than the source level derived from the farfield signature. Because the farfield signature does not take into account the large array effect near the source and is calculated as a point source, the farfield signature is not

an appropriate measure of the sound source level for large arrays. See L-DEO's application for further detail on acoustic modeling.

In consideration of the received sound levels in the near-field as described above, we expect the potential for Level A harassment of any species to be de minimis, even before the likely moderating effects of aversion and/or other compensatory behaviors (*e.g.*, Nachtigall *et al.*, 2018) are considered. We do not anticipate that auditory injury or Level A harassment is a likely outcome for any species and do not propose to authorize any take by Level A harassment for any species, given the very small modeled zones of injury for those species (estimated zones are less than 36 m for all species), in context of distributed source dynamics.

The Level B harassment estimates are based on a consideration of the number of marine mammals that could be within the area around the operating airgun array where received levels of sound ≥ 160 dB re 1 μ Pa RMS are predicted to occur. The estimated numbers are based on the densities (numbers per unit area) of marine mammals expected to occur in the area in the absence of seismic surveys. To the extent that marine mammals tend to move away from seismic sources before the sound level reaches the criterion level and tend not to approach an operating airgun array, these estimates likely overestimate the numbers actually exposed to the specified level of sound.

Marine Mammal Occurrence

In this section we provide information about the occurrence of marine mammals, including density or other relevant information which will inform the take calculations.

L-DEO used habitat-based stratified marine mammal densities for summer (July–December) for the ETP when available (Barlow *et al.*, 2009), and densities for the ETP from NMFS (2015b) for all other species (See table 3 in L-DEO's application). Barlow *et al.* (2009) used data from 16 NMFS Southwest Fisheries Science Center (SWFSC) ship-based cetacean and ecosystem assessment surveys between 1986 and 2006 to develop habitat models to predict density for 15 cetacean species in the ETP. Model predictions were then used in standard line-transect formulae to estimate density for each transect segment for each survey year. Predicted densities for each year were smoothed with geospatial methods to obtain a continuous grid of density estimates for the surveyed area in the ETP. These annual grids were then averaged to

obtain a composite grid that represents our best estimates of cetacean density over the past 20 years in the ETP. The models developed by Barlow *et al.* (2009) have been incorporated into a web-based geographic information system (GIS) software system developed by Duke University's Strategic Environmental Research and Development Program. The habitat-based density models consist of 100 km $\times$ 100 km grid cells. Densities in the grid cells that overlapped the survey area were averaged for each of the three water depth categories (shallow, intermediate, deep).

The NMFS SWFSC also developed density estimates for species in the ETP that may be affected by their own fisheries research activities (NMFS 2015a). These estimates were derived from abundance estimates using ship-based surveys of marine mammals in the ETP, as reported by Gerrodette *et al.* (2008). While the SWFSC developed volumetric density estimates (animals/km³) to account for typical dive depth of each species (0–200 m and >200 m), L-DEO used the area density (animals/km²) to represent expected density across all water depth strata.

For the sei whale, for which NMFS (2015) reported a density of zero, L-DEO used the spring density for Baja from U.S. Navy (2017). This was done because even though there is a modeled density of zero, we do expect there is some potential for sei whale to be in the project area during the proposed survey. No densities were available for Blainville's beaked whale, ginkgo-toothed beaked whale, Deraniyagala's beaked whale, or pygmy beaked whale so density for *Mesoplodon* species was used. For California sea lion only 10 percent of the density from the wider ETP was used to account for the fact that California sea lions typically do not occur in water greater than 1,000 m.

Take Estimation

Here we describe how the information provided above is synthesized to produce a quantitative estimate of the take that is reasonably likely to occur and proposed for authorization.

In order to estimate the number of marine mammals predicted to be exposed to sound levels that would result in Level A or Level B harassment, radial distances from the airgun array to the predicted isopleth corresponding to the Level A harassment and Level B harassment thresholds are calculated, as described above. Those radial distances were then used to calculate the area(s) around the airgun array predicted to be ensonified to sound levels that exceed the harassment thresholds. The distance

for the 160-dB Level B harassment threshold and auditory injury (Level A harassment) thresholds (based on L-DEO model results) was used to draw a buffer around the area expected to be ensonified (*i.e.*, the survey area). The ensonified areas were then increased by 25 percent to account for potential delays, which is equivalent to adding 25 percent to the proposed line km to be surveyed. The density for each species was then multiplied by the daily

ensonified areas (increased as described above) and then multiplied by the number of survey days (seven) to estimate potential takes (see appendix B of L-DEO's application for more information).

L-DEO assumed that their estimates of marine mammal exposures above harassment thresholds equate to take and requested authorization of those takes. Those estimates in turn form the basis for our proposed take

authorization numbers. Based on the nature of the activity and the anticipated effectiveness of the mitigation measures (*i.e.*, shutdown) discussed in detail below in the Proposed Mitigation section, and due to no Level A harassment being calculated, Level A harassment is neither anticipated nor proposed to be authorized. Estimated exposures and proposed take numbers for authorization are shown in table 6.

TABLE 6—ESTIMATED TAKE PROPOSED FOR AUTHORIZATION

Species	Estimated takes by Level B harassment	Proposed takes by Level B harassment	Population abundance	Percent of population
Humpback whale ¹	0	^b 1	^d 2,566	0.04
Minke whale	0	^c 2	115	1.74
Bryde's whale	1	^a 2	^d 649	0.31
Fin whale	0	^c 1	^d 145	0.69
Sei whale	0	^c 1	^e 29,600	<0.01
Sperm whale	0	^a 8	2,810	0.28
Cuvier's beaked whale	2	2	^e 20,000	0.01
Longman's beaked whale	0	^a 3	^e 1,007	0.3
Mesoplodon beaked whales ²	1	^a 12	^e 25,300	0.01
Risso's dolphin	27	27	^d 24,084	0.11
Rough-toothed dolphin	16	16	^d 37,511	0.04
Bottlenose dolphin	62	62	^d 61,536	0.1
Pantropical spotted dolphin	223	223	^d 146,296	0.15
Spinner dolphin ³	222	222	^d 186,906	0.12
Striped dolphin	57	^a 6	^d 128,867	0.05
Common dolphin	75	^a 254	^d 283,196	0.09
Fraser's dolphin	23	^a 39	^e 289,300	0.14
Short-finned pilot whales	7	^a 18	^d 3,348	0.54
Killer whale	1	^a 5	^d 852	0.59
False killer whale	3	^a 11	^e 39,600	0.03
Pygmy killer whale	3	^a 28	^e 38,900	0.07
Melon-headed whale	4	^a 199	^e 45,400	0.44
Kogia spp ⁴	0	^a 2	^e 11,200	0.02
Guadalupe fur seal	13	13	^e 34,107	0.04
California sea lion	3	3	^e 105,000	<0.01

¹ Takes are assumed to be from the Central America/Southern Mexico Stock.

² Includes: Blainville's, ginkgo-toothed, Deraniyagala's, and pygmy beaked whales.

³ Includes both whitebelly and eastern population.

⁴ Includes pygmy and dwarf sperm whales.

^a Increased to a group size from Wade and Gerrodette (1993).

^b Increased to a group size from Oedekoven *et al.*, 2021.

^c Increased to a group size based on 87 FR 27111 (May 6, 2022).

^d Population sizes are for Pacific waters of Mexico (Gerrodette and Palacios, 1996).

^e Population in ETP or wider Pacific (NMFS 2015).

Proposed Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological)

of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, and their habitat (50 CFR 216.104(a)(11)).

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

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or

stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned), and;

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

Vessel-Based Visual Mitigation Monitoring

Visual monitoring requires the use of trained observers (herein referred to as visual protected species observers (PSOs)) to scan the ocean surface for the presence of marine mammals. The area to be scanned visually includes primarily the shutdown zone (SZ), within which observation of certain marine mammals requires shutdown of the acoustic source, a buffer zone, and to the extent possible depending on conditions, the surrounding waters. The buffer zone means an area beyond the SZ to be monitored for the presence of marine mammals that may enter the SZ. During pre-start clearance monitoring (*i.e.*, before ramp-up begins), the buffer zone also acts as an extension of the SZ in that observations of marine mammals within the buffer zone would also prevent airgun operations from beginning (*i.e.*, ramp-up). The buffer zone encompasses the area at and below the sea surface from the edge of the 0–100 m SZ, out to a radius of 200 m from the edges of the airgun array (100–200 m). This 200-m zone (SZ plus buffer) represents the pre-start clearance zone. Visual monitoring of the SZ and adjacent waters (buffer plus surrounding waters) is intended to establish and, when visual conditions allow, maintain zones around the sound source that are clear of marine mammals, thereby reducing or eliminating the potential for injury and minimizing the potential for more severe behavioral reactions for animals occurring closer to the vessel. Visual monitoring of the buffer zone is intended to (1) provide additional protection to marine mammals that may be in the vicinity of the vessel during pre-start clearance, and (2) during airgun use, aid in establishing and maintaining the SZ by alerting the visual observer and crew of marine mammals that are outside of, but may approach and enter, the SZ.

During survey operations (*e.g.*, any day on which use of the airgun array is planned to occur and whenever the airgun array is in the water, whether activated or not), a minimum of two visual PSOs must be on duty and conducting visual observations at all times during daylight hours (*i.e.*, from 30 minutes prior to sunrise through 30 minutes following sunset). Visual monitoring of the pre-start clearance zone must begin no less than 30 minutes prior to ramp-up and monitoring must continue until 1 hour after use of the airgun array ceases or until 30 minutes past sunset. Visual PSOs shall coordinate to ensure 360° visual coverage around the vessel from the

most appropriate observation posts and shall conduct visual observations using binoculars and the naked eye while free from distractions and in a consistent, systematic, and diligent manner.

PSOs shall establish and monitor the SZ and buffer zone. These zones shall be based upon the radial distance from the edges of the airgun array (rather than being based on the center of the array or around the vessel itself). During use of the airgun array (*i.e.*, anytime airguns are active, including ramp-up), detections of marine mammals within the buffer zone (but outside the SZ) shall be communicated to the operator to prepare for the potential shutdown of the airgun array. Any observations of marine mammals by crew members shall be relayed to the PSO team. During good conditions (*e.g.*, daylight hours; Beaufort sea state (BSS) 3 or less), visual PSOs shall conduct observations when the airgun array is not operating for comparison of sighting rates and behavior with and without use of the airgun array and between acquisition periods, to the maximum extent practicable.

Visual PSOs may be on watch for a maximum of 4 consecutive hours followed by a break of at least 1 hour between watches and may conduct a maximum of 12 hours of observation per 24-hour period.

Establishment of Shutdown and Pre-Start Clearance Zones

A SZ is a defined area within which occurrence of a marine mammal triggers mitigation action intended to reduce the potential for certain outcomes (*e.g.*, auditory injury, disruption of critical behaviors). The PSOs would establish a minimum SZ with a 100-m radius. The 100-m SZ would be based on radial distance from the edge of the airgun array (rather than being based on the center of the array or around the vessel itself). With certain exceptions (described below), if a marine mammal appears within or enters this zone, the airgun array would be shut down.

The pre-start clearance zone is defined as the area that must be clear of marine mammals prior to beginning ramp-up of the airgun array and includes the SZ plus the buffer zone. Detections of marine mammals within the pre-start clearance zone would prevent airgun operations from beginning (*i.e.*, ramp-up).

The 100-m SZ is intended to be precautionary in the sense that it would be expected to contain sound exceeding the injury criteria for all cetacean hearing groups, (based on the dual criteria of SEL_{cum} and peak SPL), while also providing a consistent, reasonably

observable zone within which PSOs would typically be able to conduct effective observational effort. Additionally, a 100-m SZ is expected to minimize the likelihood that marine mammals will be exposed to levels likely to result in more severe behavioral responses. Although significantly greater distances may be observed from an elevated platform under good conditions, we expect that 100 m is likely regularly attainable for PSOs using the naked eye during typical conditions. The pre-start clearance zone simply represents the addition of a buffer to the SZ, doubling the SZ size during pre-clearance.

An extended SZ of 500 m must be implemented for all beaked whales, a large whale with a calf, and groups of six or more large whales. No buffer of this extended SZ is required, as NMFS concludes that this extended SZ is sufficiently protective to mitigate harassment to these groups.

Pre-Start Clearance and Ramp-Up

Ramp-up (sometimes referred to as “soft start”) means the gradual and systematic increase of emitted sound levels from an airgun array. The intent of pre-start clearance observation (30 minutes) is to ensure no marine mammals are observed within the pre-start clearance zone (or extended SZ, for beaked whales, a large whale with a calf, and groups of six or more large whales) prior to the beginning of ramp-up. During the pre-start clearance period is the only time observations of marine mammals in the buffer zone would prevent operations (*i.e.*, the beginning of ramp-up). The intent of the ramp-up is to warn marine mammals of pending seismic survey operations and to allow sufficient time for those animals to leave the immediate vicinity prior to the sound source reaching full intensity. A ramp-up procedure, involving a stepwise increase in the number of airguns firing and total array volume until all operational airguns are activated and the full volume is achieved, is required at all times as part of the activation of the airgun array. All operators must adhere to the following pre-start clearance and ramp-up requirements:

- The operator must notify a designated PSO of the planned start of ramp-up as agreed upon with the lead PSO; the notification time should not be less than 60 minutes prior to the planned ramp-up in order to allow the PSOs time to monitor the pre-start clearance zone (and extended SZ) for 30 minutes prior to the initiation of ramp-up (pre-start clearance);

- Ramp-ups shall be scheduled so as to minimize the time spent with the source activated prior to reaching the designated run-in;

- One of the PSOs conducting pre-start clearance observations must be notified again immediately prior to initiating ramp-up procedures and the operator must receive confirmation from the PSO to proceed;

- Ramp-up may not be initiated if any marine mammal is within the applicable shutdown or buffer zone. If a marine mammal is observed within the pre-start clearance zone (or extended SZ, for beaked whales, a large whale with a calf, and groups of six or more large whales) during the 30 minute pre-start clearance period, ramp-up may not begin until the animal(s) has been observed exiting the zones or until an additional time period has elapsed with no further sightings (15 minutes for small odontocetes, and 30 minutes for all mysticetes and all other odontocetes, including sperm whales, beaked whales, and large delphinids, such as pilot whales);

- Ramp-up must begin by activating one GI airgun followed by the second, with each stage lasting no less than 5 minutes. The operator must provide information to the PSO documenting that appropriate procedures were followed;

- PSOs must monitor the pre-start clearance zone and extended SZ during ramp-up, and ramp-up must cease and the source must be shut down upon detection of a marine mammal within the applicable zone. Once ramp-up has begun, detections of marine mammals within the buffer zone do not require shutdown, but such observation shall be communicated to the operator to prepare for the potential shutdown;

- Ramp-up may occur at times of poor visibility, including nighttime, if appropriate monitoring has occurred with no observations in the 30 minutes prior to beginning ramp-up. Airgun array activation may only occur at times of poor visibility where operational planning cannot reasonably avoid such circumstances;

- If the airgun array is shut down for brief periods (*i.e.*, less than 30 minutes) for reasons other than implementation of prescribed mitigation (*e.g.*, mechanical difficulty), it may be activated again without ramp-up if PSOs have maintained constant visual observation and no visual observations of marine mammals have occurred within the pre-start clearance zone (or extended SZ, where applicable). For any longer shutdown, pre-start clearance observation and ramp-up are required; and

- Testing of the airgun array involving all elements requires ramp-up. Testing limited to individual source elements or strings does not require ramp-up but does require pre-start clearance of 30 minutes.

Shutdown

The shutdown of an airgun array requires the immediate de-activation of all individual airgun elements of the array. Any PSO on duty will have the authority to call for shutdown of the airgun array if a marine mammal is detected within the applicable SZ. The operator must also establish and maintain clear lines of communication directly between PSOs on duty and crew controlling the airgun array to ensure that shutdown commands are conveyed swiftly while allowing PSOs to maintain watch. When the airgun array is active (*i.e.*, anytime one or more airguns is active, including during ramp-up) and a marine mammal appears within or enters the applicable SZ the airgun array will be shut down. When shutdown is called for by a PSO, the airgun array will be immediately deactivated and any dispute resolved only following deactivation.

Following a shutdown, airgun activity would not resume until the marine mammal has cleared the SZ. The animal would be considered to have cleared the SZ if it is visually observed to have departed the SZ (*i.e.*, animal is not required to fully exit the buffer zone where applicable), or it has not been seen within the SZ for 15 minutes for small odontocetes or 30 minutes for all mysticetes and all other odontocetes, including sperm whales, beaked whales, and large delphinids, such as pilot whales.

The shutdown requirement is waived for specific genera of small dolphins if an individual is detected within the SZ. The small dolphin group is intended to encompass those members of the Family Delphinidae most likely to voluntarily approach the source vessel for purposes of interacting with the vessel and/or airgun array (*e.g.*, bow riding). This exception to the shutdown requirement applies solely to the specific genera of small dolphins (*Lagenodelphis*, *Stenella*, *Steno*, *Delphinus*, *Tursiops*, and pinnipeds).

We include this small dolphin exception because shutdown requirements for these species under all circumstances represent practicability concerns without likely commensurate benefits for the animals in question. Small dolphins are generally the most commonly observed marine mammals in the specific geographic region and would typically be the only marine

mammals likely to intentionally approach the vessel. As described above, auditory injury is extremely unlikely to occur for high-frequency cetaceans (*e.g.*, delphinids), as this group is relatively insensitive to sound produced at the predominant frequencies in an airgun pulse while also having a relatively high threshold for the onset of auditory injury (*i.e.*, permanent threshold shift).

A large body of anecdotal evidence indicates that small dolphins commonly approach vessels and/or towed arrays during active sound production for purposes of bow riding with no apparent effect observed (*e.g.*, Barkaszi *et al.*, 2012; Barkaszi and Kelly, 2018). The potential for increased shutdowns resulting from such a measure would require the *Langseth* to revisit the missed track line to reacquire data, resulting in an overall increase in the total sound energy input to the marine environment and an increase in the total duration over which the survey is active in a given area. Although other high-frequency hearing specialists (*e.g.*, large delphinids) are no more likely to incur auditory injury than are small dolphins, they are much less likely to approach vessels. Therefore, retaining a shutdown requirement for large delphinids would not have similar impacts in terms of either practicability for the applicant or corollary increase in sound energy output and time on the water. We do anticipate some benefit for a shutdown requirement for large delphinids in that it simplifies somewhat the total range of decision-making for PSOs and may preclude any potential for physiological effects other than to the auditory system as well as some more severe behavioral reactions for any such animals in close proximity to the *Langseth*.

Visual PSOs shall use best professional judgment in making the decision to call for a shutdown if there is uncertainty regarding identification (*i.e.*, whether the observed marine mammal(s) belongs to one of the delphinid genera for which shutdown is waived or one of the species with a larger SZ).

L-DEO must implement shutdown if a marine mammal species for which take was not authorized or a species for which authorization was granted but the authorized takes have been met approaches the Level A or Level B harassment zones. L-DEO must also implement shutdown if any large whale (defined as a sperm whale or any mysticete species) with a calf (defined as an animal less than two-thirds the body size of an adult observed to be in close association with an adult) and/or

an aggregation of six or more large whales are observed at any distance.

Vessel Strike Avoidance Mitigation Measures

Vessel personnel should use an appropriate reference guide that includes identifying information on all marine mammals that may be encountered. Vessel operators must comply with the below measures except under extraordinary circumstances when the safety of the vessel or crew is in doubt or the safety of life at sea is in question. These requirements do not apply in any case where compliance would create an imminent and serious threat to a person or vessel or to the extent that a vessel is restricted in its ability to maneuver and, because of the restriction, cannot comply.

Vessel operators and crews must maintain a vigilant watch for all marine mammals and slow down, stop their vessel, or alter course, as appropriate and regardless of vessel size, to avoid striking any marine mammal. A single marine mammal at the surface may indicate the presence of submerged animals in the vicinity of the vessel; therefore, precautionary measures should always be exercised. A visual observer aboard the vessel must monitor a vessel strike avoidance zone around the vessel (separation distances stated below). Visual observers monitoring the vessel strike avoidance zone may be third-party observers (*i.e.*, PSOs) or crew members, but crew members responsible for these duties must be provided sufficient training to (1) distinguish marine mammals from other phenomena and (2) broadly to identify a marine mammal as a large whale (defined in this context as sperm whales or baleen whales), or other marine mammals.

Vessel speeds must be reduced to 10 kn (18.5 kph) or less when mother/calf pairs, pods, or large assemblages of cetaceans are observed near a vessel. All vessels must maintain a minimum separation distance of 100 m from sperm whales and all other baleen whales. All vessels must, to the maximum extent practicable, attempt to maintain a minimum separation distance of 50 m from all other marine mammals, with an understanding that at times this may not be possible (*e.g.*, for animals that approach the vessel).

When marine mammals are sighted while a vessel is underway, the vessel shall take action as necessary to avoid violating the relevant separation distance (*e.g.*, attempt to remain parallel to the animal's course, avoid excessive speed or abrupt changes in direction until the animal has left the area). If

marine mammals are sighted within the relevant separation distance, the vessel must reduce speed and shift the engine to neutral, not engaging the engines until animals are clear of the area. This does not apply to any vessel towing gear or any vessel that is navigationally constrained.

Based on our evaluation of the applicant's proposed measures, NMFS has preliminarily determined that the proposed mitigation measures provide the means of effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Proposed Monitoring and Reporting

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

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

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

fitness and survival of individual marine mammals; or (2) populations, species, or stocks;

- Effects on marine mammal habitat (*e.g.*, marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and,
- Mitigation and monitoring effectiveness.

Vessel-Based Visual Monitoring

As described above, PSO observations would take place during daytime airgun operations. During seismic survey operations, at least five visual PSOs would be based aboard the *Langseth*. Two visual PSOs would be on duty at all times during daytime hours. The operator will work with the selected third-party observer provider to ensure PSOs have all equipment (including backup equipment) needed to adequately perform necessary tasks, including accurate determination of distance and bearing to observed marine mammals. L-DEO must use dedicated, trained, and NMFS-approved PSOs. At least one visual PSO aboard the vessel must have a minimum of 90 days at-sea experience working in those roles, respectively, with no more than 18 months elapsed since the conclusion of the at-sea experience. One visual PSO with such experience shall be designated as the lead for the entire protected species observation team. The lead PSO shall serve as primary point of contact for the vessel operator and ensure all PSO requirements per the IHA are met. To the maximum extent practicable, the experienced PSOs should be scheduled to be on duty with those PSOs with appropriate training but who have not yet gained relevant experience. The PSOs must have no tasks other than to conduct observational effort, record observational data, and communicate with and instruct relevant vessel crew with regard to the presence of marine mammals and mitigation requirements. PSO resumes shall be provided to NMFS for approval. Monitoring shall be conducted in accordance with the following requirements:

- PSOs shall be independent, dedicated, trained visual PSOs and must be employed by a third-party observer provider;
- PSOs shall have no tasks other than to conduct visual observational effort, collect data, and communicate with and instruct relevant vessel crew with regard to the presence of protected species and mitigation requirements (including brief alerts regarding maritime hazards); and
- PSOs shall have successfully completed an approved PSO training

course appropriate for their designated task (visual).

- NMFS must review and approve PSO resumes accompanied by a relevant training course information packet that includes the name and qualifications (*i.e.*, experience, training completed, or educational background) of the instructor(s), the course outline or syllabus, and course reference material as well as a document stating successful completion of the course;

- PSOs must successfully complete relevant training, including completion of all required coursework and passing (80 percent or greater) a written and/or oral examination developed for the training program;

- PSOs must have successfully attained a bachelor's degree from an accredited college or university with a major in one of the natural sciences, a minimum of 30 semester hours or equivalent in the biological sciences, and at least one undergraduate course in math or statistics; and

- The educational requirements may be waived if the PSO has acquired the relevant skills through alternate experience. Requests for such a waiver shall be submitted to NMFS and must include written justification. Requests shall be granted or denied (with justification) by NMFS within 1 week of receipt of submitted information. Alternate experience that may be considered includes, but is not limited to (1) secondary education and/or experience comparable to PSO duties; (2) previous work experience conducting academic, commercial, or government-sponsored protected species surveys; or (3) previous work experience as a PSO; the PSO should demonstrate good standing and consistently good performance of PSO duties.

- For data collection purposes, PSOs shall use standardized electronic data collection forms. PSOs shall record detailed information about any implementation of mitigation requirements, including the distance of animals to the airgun array and description of specific actions that ensued, the behavior of the animal(s), any observed changes in behavior before and after implementation of mitigation, and if shutdown was implemented, the length of time before any subsequent ramp-up of the airgun array. If required mitigation was not implemented, PSOs should record a description of the circumstances. At a minimum, the following information must be recorded:

- Vessel name, vessel size and type, maximum speed capability of vessel;

- Dates (MM/DD/YYYY) of departures and returns to port with port name;

- PSO names and affiliations, PSO ID (initials or other identifier);

- Date (MM/DD/YYYY) and

- participants of PSO briefings;

- Visual monitoring equipment used (description);

- PSO location on vessel and height (meters) of observation location above water surface;

- Watch status (description);

- Dates (MM/DD/YYYY) and times (Greenwich Mean Time (GMC)/Coordinated Universal Time (UTC)) of survey on/off effort and times (GMC/UTC) corresponding with PSO on/off effort;

- Vessel location (decimal degrees) when survey effort began and ended and vessel location at beginning and end of visual PSO duty shifts;

- Vessel location (decimal degrees) at 30-second intervals if obtainable from data collection software, otherwise at practical regular interval;

- Vessel heading (compass heading) and speed (knots) at beginning and end of visual PSO duty shifts and upon any change;

- Water depth (meters) (if obtainable from data collection software);

- Environmental conditions while on visual survey (at beginning and end of PSO shift and whenever conditions changed significantly), including BSS and any other relevant weather conditions including cloud cover, fog, sun glare, and overall visibility to the horizon;

- Factors that may have contributed to impaired observations during each PSO shift change or as needed as environmental conditions changed (description) (*e.g.*, vessel traffic, equipment malfunctions); and

- Vessel/Survey activity information (and changes thereof) (description), such as airgun power output while in operation, number and volume of airguns operating in the array, tow depth of the array, and any other notes of significance (*i.e.*, pre-start clearance, ramp-up, shutdown, testing, shooting, ramp-up completion, end of operations, streamers, *etc.*).

- Upon visual observation of any marine mammals, the following information must be recorded:

- Sighting ID (numeric);

- Watch status (sighting made by PSO on/off effort, opportunistic, crew, alternate vessel/platform);

- Location of PSO/observer

- (description);

- Vessel activity at the time of the sighting (*e.g.*, deploying, recovering, testing, shooting, data acquisition, other);

- PSO who sighted the animal/ID;

- Time/date of sighting (GMT/UTC, MM/DD/YYYY);

- Initial detection method (description);

- Sighting cue (description);

- Vessel location at time of sighting (decimal degrees);

- Water depth (meters);

- Direction of vessel's travel (compass direction);

- Speed (knots) of the vessel from which the observation was made;

- Direction of animal's travel relative to the vessel (description, compass heading);

- Bearing to sighting (degrees);

- Identification of the animal (*e.g.*, genus/species, lowest possible taxonomic level, or unidentified) and the composition of the group if there is a mix of species;

- Species reliability (an indicator of confidence in identification) (1 = unsure/possible, 2 = probable, 3 = definite/sure, 9 = unknown/not recorded);

- Estimated distance to the animal (meters) and method of estimating distance;

- Estimated number of animals (high/low/best) (numeric);

- Estimated number of animals by cohort (adults, yearlings, juveniles, calves, group composition, *etc.*);

- Description (as many distinguishing features as possible of each individual seen, including length, shape, color, pattern, scars or markings, shape and size of dorsal fin, shape of head, and blow characteristics);

- Detailed behavior observations (*e.g.*, number of blows/breaths, number of surfaces, breaching, spyhopping, diving, feeding, traveling; as explicit and detailed as possible; note any observed changes in behavior);

- Animal's closest point of approach (meters) and/or closest distance from any element of the airgun array;

- Description of any actions implemented in response to the sighting (*e.g.*, delays, shutdown, ramp-up) and time and location of the action.

- Photos (Yes/No);

- Photo Frame Numbers (List of numbers); and

- Conditions at time of sighting (Visibility; Beaufort Sea State).

Reporting

L-DEO shall submit a draft comprehensive report on all activities and monitoring results within 90 days of the completion of the survey or expiration of the IHA, whichever comes sooner. The report must describe all activities conducted and sightings of marine mammals, must provide full

documentation of methods, results, and interpretation pertaining to all monitoring, and must summarize the dates and locations of survey operations and all marine mammal sightings (dates, times, locations, activities, associated survey activities). The draft report shall also include geo-referenced time-stamped vessel tracklines for all time periods during which airgun arrays were operating. Tracklines should include points recording any change in airgun array status (e.g., when the sources began operating, when they were turned off, or when they changed operational status such as from full array to single gun or vice versa). Geographic Information System files shall be provided in Environmental Systems Research Institute shapefile format and include the UTC date and time, latitude in decimal degrees, and longitude in decimal degrees. All coordinates shall be referenced to the WGS84 geographic coordinate system. In addition to the report, all raw observational data shall be made available. The report must summarize data collected as described above in *Proposed Monitoring and Reporting*. A final report must be submitted within 30 days following resolution of any comments on the draft report.

Reporting Injured or Dead Marine Mammals

Discovery of injured or dead marine mammals—In the event that personnel involved in the survey activities discover an injured or dead marine mammal, the L-DEO shall report the incident to the Office of Protected Resources (OPR) and NMFS as soon as feasible. The report must include the following information:

- Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
- Species identification (if known) or description of the animal(s) involved;
- Condition of the animal(s) (including carcass condition if the animal is dead);
- Observed behaviors of the animal(s), if alive;
- If available, photographs or video footage of the animal(s); and
- General circumstances under which the animal was discovered.

Vessel strike—In the event of a strike of a marine mammal by any vessel involved in the activities covered by the authorization, L-DEO shall report the incident to OPR and NMFS as soon as feasible. The report must include the following information:

- Time, date, and location (latitude/longitude) of the incident;

- Vessel's speed during and leading up to the incident;
- Vessel's course/heading and what operations were being conducted (if applicable);
- Status of all sound sources in use;
- Description of avoidance measures/requirements that were in place at the time of the strike and what additional measure were taken, if any, to avoid strike;
- Environmental conditions (e.g., wind speed and direction, BSS, cloud cover, visibility) immediately preceding the strike;
- Species identification (if known) or description of the animal(s) involved;
- Estimated size and length of the animal that was struck;
- Description of the behavior of the marine mammal immediately preceding and following the strike;
- If available, description of the presence and behavior of any other marine mammals present immediately preceding the strike;
- Estimated fate of the animal (e.g., dead, injured but alive, injured and moving, blood or tissue observed in the water, status unknown, disappeared); and
- To the extent practicable, photographs or video footage of the animal(s).

Negligible Impact Analysis and Determination

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

1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the baseline (e.g., as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, the discussion of our analysis applies to all the species listed in table 1, given that the anticipated effects of this activity on these different marine mammal stocks are expected to be similar. NMFS does not anticipate that serious injury or mortality would occur as a result of L-DEO's planned survey, even in the absence of mitigation, and no serious injury or mortality is proposed to be authorized. As discussed in the *Potential Effects of Specified Activities on Marine Mammals and Their Habitat* section above, non-auditory physical effects and vessel strike are not expected to occur. NMFS expects that all potential take would be in the form of Level B behavioral harassment in the form of temporary avoidance of the area or decreased foraging (if such activity was occurring), responses that are considered to be of low severity, and with no lasting biological consequences (e.g., Southall *et al.*, 2007, 2021). These low-level impacts of behavioral harassment are not likely to impact the overall fitness of any individual or lead to population level effects of any species. As described above, Level A harassment is not expected to occur given the estimated small size of the Level A harassment zones.

In addition, the maximum expected Level B harassment zone around the survey vessel is 438 m. Therefore, the ensounded area surrounding the vessel is relatively small compared to the overall distribution of animals in the area and their use of the habitat. Feeding behavior is not likely to be significantly impacted as prey species are mobile and are broadly distributed throughout the survey area; therefore, marine mammals that may be temporarily displaced during survey activities are expected to be able to resume foraging once they have moved away from areas with disturbing levels of underwater noise. Because of the short duration (seven survey days) and temporary nature of the disturbance and the availability of similar habitat and resources in the surrounding area, the impacts to marine mammals and marine mammal prey species are not expected to cause significant or long-term fitness consequences for individual marine mammals or their populations.

Additionally, the acoustic “footprint” of the proposed survey would be very small relative to the ranges of all marine mammals that would potentially be affected. Sound levels would increase in the marine environment in a relatively small area surrounding the vessel compared to the range of the marine mammals within the proposed survey area. The seismic array would be active 24 hours per day throughout the duration of the proposed survey. However, the very brief overall duration of the proposed survey (seven survey days) would further limit potential impacts that may occur as a result of the proposed activity.

Of the marine mammal species that are likely to occur in the project area, the following species are listed as endangered or threatened under the ESA: humpback whales (Central America DPS), fin whales, sei whales, sperm whales and Guadalupe fur seals. Additionally, the following species found in the action area that are not listed under the ESA but are depleted under the MMPA include: Pantropical spotted dolphin and spinner dolphin. The take numbers proposed for authorization for these species (table 6) are minimal relative to their modeled population sizes; therefore, we do not expect population-level impacts to any of these species. Moreover, the actual range of the populations extends past the area covered by the model, so modeled population sizes are likely smaller than their actual population size. Lastly, as previously described, meaningful impacts from the seismic survey are even less likely to occur for high-frequency cetaceans (e.g., dolphins), as this group is relatively insensitive to sound produced at the predominant frequencies in an airgun pulse. Additionally for both high frequency and pinniped species the level A harassment isopleth is less than 5 m. The other marine mammal species that may be taken by harassment during L-DEO’s seismic survey are not listed as threatened or endangered under the ESA or depleted under the MMPA. There is no designated critical habitat for any ESA-listed marine mammals within the project area.

There are no rookeries, mating, or calving grounds known to be biologically important to marine mammals within the survey area, and there are no feeding areas known to be biologically important to marine mammals within the survey area.

In summary and as described above, the following factors primarily support our preliminary determination that the impacts resulting from this activity are not expected to adversely affect any of

the species or stocks through effects on annual rates of recruitment or survival:

- No Level A harassment, serious injury, or mortality is anticipated or authorized;
 - The proposed activity is temporary and of relatively short duration (24 days total with 7 days of planned survey activity);
 - The anticipated impacts of the proposed activity on marine mammals would be temporary behavioral changes due to avoidance of the ensounded area, which is relatively small (see tables 4 and 5);
 - The availability of alternative areas of similar habitat value for marine mammals to temporarily vacate the survey area during the proposed survey to avoid exposure to sounds from the activity is readily abundant;
 - The potential adverse effects on fish or invertebrate species that serve as prey species for marine mammals from the proposed survey would be temporary and spatially limited and impacts to marine mammal foraging would be minimal; and,
 - The proposed mitigation measures are expected to reduce the number and severity of takes, to the extent practicable, by visually and/or acoustically detecting marine mammals within the established zones and implementing corresponding mitigation measures (e.g., delay; shutdown).
- Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS preliminarily finds that the total marine mammal take from the proposed activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

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

may be considered in the analysis, such as the temporal or spatial scale of the activities.

The number of takes NMFS proposes to authorize is below one-third of the modeled abundance for all relevant populations (specifically, take of individuals is less than 2 percent of the modeled abundance of each affected population, see table 6). This is conservative because the modeled abundance represents a population of the species and we assume all takes are of different individual animals, which is likely not the case. Some individuals may be encountered multiple times in a day, but PSOs would count them as separate individuals if they cannot be identified.

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

Unmitigable Adverse Impact Analysis and Determination

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

Endangered Species Act

Section 7(a)(2) of the ESA of 1973 (16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

NMFS is proposing to authorize take of humpback whales (Central America DPS), fin whales, sei whales, sperm whales and Guadalupe fur seals, which are listed under the ESA. The NMFS OPR Permits and Conservation Division has requested initiation of section 7 consultation with the OPR ESA Interagency Cooperation Division for the issuance of this IHA. NMFS will conclude the ESA consultation prior to reaching a determination regarding the proposed issuance of the authorization.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to L-DEO for conducting a marine geophysical survey off Western Mexico in the ETP from November 18, 2025 through December 15, 2025, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed IHA can be found at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-research-and-other-activities>.

Request for Public Comments

We request comment on our analyses, the proposed authorization, and any other aspect of this notice of proposed IHA for the proposed marine geophysical survey. We also request comment on the potential renewal of this proposed IHA as described in the paragraph below. Please include with your comments any supporting data or literature citations to help inform decisions on the request for this IHA or a subsequent renewal IHA.

On a case-by-case basis, NMFS may issue a one-time, 1-year renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical or nearly identical activities as described in the *Description of Proposed Activity* section of this notice is planned or (2) the activities as described in the *Description of Proposed Activity* section of this notice would not be completed by the time the IHA expires and a renewal would allow for completion of the activities beyond that described in the *Dates and Duration* section of this notice, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to the needed renewal IHA effective date (recognizing that the renewal IHA expiration date cannot extend beyond 1 year from expiration of the initial IHA).

- The request for renewal must include the following:

- (1) An explanation that the activities to be conducted under the requested renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or

include changes so minor (*e.g.*, reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take).

- (2) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

- Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

Dated: April 28, 2025.

Catherine Marzin,

*Acting Director, Office of Protected Resources,
National Marine Fisheries Service.*

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