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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1145

RIN 0581–AE37

[Doc. No. AMS–DA–25–0001]

Reauthorization of Dairy Forward Pricing Program: Correction

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule; correction.

SUMMARY: The Agricultural Marketing Service (AMS), Dairy Program published a final rule in the **Federal Register** of April 23, 2025, concerning the reauthorization of the Dairy Forward Pricing Program (DFPP) in accordance with the American Relief Act, 2025 (Relief Act). The Relief Act reauthorizes the DFPP program to allow handlers to enter into new contracts until September 30, 2025. This document will correct references to ''E.O. 12415.''

DATES: Effective May 7, 2025.

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

SUPPLEMENTARY INFORMATION:

Correction

In the final rule FR Doc. 2025–06939, beginning on page 16997 in the issue of April 23, 2025, make the following correction. On page 16997, in the third column, in the **SUPPLEMENTARY INFORMATION** section, correct references to ''E.O. 12415'' to read ''E.O. 14215.''

Erin Morris,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2025–07880 Filed 5–6–25; 8:45 am]

BILLING CODE P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[NRC–2011–0069]

Long-Term Cooling and Unattended Water Makeup of Spent Fuel Pools

AGENCY: Nuclear Regulatory Commission.

ACTION: Discontinuation of rulemaking activity; denial of petition for rulemaking.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is discontinuing a rulemaking activity, ''Long-Term and Unattended Water Makeup of Spent Fuel Pools,'' and denying a petition for rulemaking. The petitioner requested that the NRC amend its regulations to require that nuclear power plant licensees ensure long-term cooling and unattended water makeup of spent fuel pools (SFPs). The purpose of this action is to inform members of the public that this rulemaking activity is being discontinued and to provide a brief discussion of the NRC's decision to discontinue the rulemaking and deny the aspects of the petition not previously addressed by the NRC.

DATES: Effective May 7, 2025.

ADDRESSES: Please refer to Docket ID NRC–2011–0069 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2011–0069. Address questions about NRC dockets to Helen Chang; telephone: 301–415–3228; email: *Helen.Chang@nrc.gov.* For technical questions, contact the individuals 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, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Christopher Prescott, Office of Nuclear Material Safety and Safeguards, telephone: 301–287–9452; email: *Christopher.Prescott@nrc.gov;* or Jason Paige, Office of Nuclear Reactor Regulation, telephone: 301–415–1474; email: *Jason.Paige@nrc.gov.* Both are staff of the U.S. NRC, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Background

The NRC received a petition for rulemaking (PRM), dated March 14, 2011, submitted by Thomas Popik on behalf of the Foundation for Resilient Societies. On March 15, 2011, the petition was docketed by the NRC as PRM–50–96. The petitioner requested that the NRC amend its regulations to require facilities licensed by the NRC under part 50, ''Domestic Licensing of Production and Utilization Facilities,'' of title 10 of the *Code of Federal Regulations* (10 CFR) to address concerns about the effects of a long-term commercial grid outage on the long-term cooling and unattended water makeup of SFPs. The petitioner asserted that the North American commercial electric power grids are vulnerable to a prolonged outage caused by extreme space weather, such as coronal mass ejections and associated geomagnetic disturbances and therefore cannot be relied on to provide continual power for active cooling and/or water makeup of SFPs. Moreover, the petitioner stated that existing means of onsite backup power are designed to operate for only a few days, while spent fuel requires active cooling for several years after removal of the fuel rods from the reactor core. The petitioner suggested the following rule language for 10 CFR part 50:

Licensees shall provide reliable emergency systems to provide long-term cooling and water makeup for spent fuel pools using only on-site power sources. These emergency systems shall be able to operate for a period of two years without human operator intervention and without offsite fuel resupply. Backup power systems for spent fuel pools shall be electrically isolated from other plant electrical systems during normal and emergency operation. If weather-dependent power sources are to be used, sufficient water or power storage must be provided to maintain continual cooling during weather conditions which may temporarily constrict power generation.

On May 6, 2011, the NRC published a notice of receipt and request for public comment for this petition in the **Federal Register** (76 FR 26223). The public comment period closed on July 20, 2011, and the NRC received 97 public comments. After reviewing public comments and evaluating other ongoing activities, the NRC performed a preliminary review and analysis to ascertain the validity, accuracy, and efficacy of the petitioner's technical assertions and proposed amendment of 10 CFR part 50.

On December 18, 2012, the NRC closed the docket for PRM–50–96 by publishing a document in the **Federal Register** (77 FR 74788) stating that the NRC would, in a phased approach, consider the PRM issues in the NRC rulemaking process. This document also stated that the NRC would monitor the progress of the rulemaking efforts that would eventually become the ''Mitigation of Beyond-Design-Basis Events'' (MBDBE) final rule to determine whether the requirements established therein would address the issues raised in PRM–50–96.

On August 9, 2019, the NRC published the MBDBE final rule (84 FR 39684), which partially resolved this PRM because it requires, in part, that licensees have plans to acquire and use offsite assistance and resources to support the functions of maintaining or restoring core cooling, containment, and SFP cooling capabilities during an extended loss of alternating current power. Furthermore, in the preamble for the MBDBE final rule, the Commission stated that the NRC would address the remaining issues in PRM–50–96 following the completion of the MBDBE rulemaking. A discussion of the NRC's decision to discontinue this rulemaking activity and deny PRM–50–96 is provided in section II of this document.

II. Discussion

A. Basis for Denying the Petition and Discontinuing Rulemaking Activity

The NRC will discontinue rulemaking activities associated with PRM–50–96 and deny aspects of the petition related to the two issues that were not fully addressed by the MBDBE final rule. The first such issue was that current NRC regulations do not require power reactor licensees to undertake mitigating efforts for prolonged grid failure scenarios that could be caused by geomagnetically induced currents resulting from an extreme solar storm. The second issue was the petitioner's request that licensees be required to have emergency systems to assure long-term cooling and water makeup of SFPs capable of operating for a period of 2 years without human intervention and without offsite fuel resupply. These concerns not resolved by the MBDBE final rule have been addressed by other industry and government action, as described below.

Since 2012, there have been improvements in electrical grid resilience to geomagnetic disturbances and overall knowledge regarding the potential impacts of geomagnetic disturbances that address, in large part, the unresolved aspects of the PRM. The current understanding is that geomagnetic disturbances may cause localized grid failures but are unlikely to cause a widespread, long-term grid failure. This is demonstrated by improvements in space weather induced geoelectric field modeling through research sponsored by the United States Geological Survey, National Oceanic and Atmospheric Administration (NOAA), and the National Aeronautics and Space Administration (see examples listed in section III of this document), in conjunction with industry efforts to quantify the associated risk to the power grid such as the 2017 Electric Power Research Institute (EPRI) report, ''Magnetohydrodynamic Electromagnetic Pulse Assessment of the Continental U.S. Electric Grid: Voltage Stability Analysis.'' Additionally, the Federal Energy Regulatory Commission has worked to improve the resiliency of the grid to geomagnetic disturbances by implementing improved standards such as the North American Electric Reliability Corporation (NERC) TPL–007–4, ''Transmission System Planned Performance for Geomagnetic Disturbance Events.'' Currently, more than 80 percent of extra high voltage transformers are resistant against the effects of geomagnetically induced currents. With TPL–007–4 in effect, a widespread, long-term grid failure is unlikely because such grid failure is largely driven by failure of extra high voltage transformers that are now subject to standards for vulnerability assessments and associated corrective action plans.

Moreover, improvements in space weather monitoring allow grid operators to take actions that can protect grid equipment. Grid operators are directly engaged with NOAA—Space Weather Prediction Center (SWPC). For example, the SWPC provides grid operators with timely notification of impending geomagnetic storms, forecasts, and real-time onset, strength, and duration information. This information allows active mitigation of potential space weather impacts. As such, damage to transformers and other vital equipment is less likely to occur. In 2014, the White House Office of Science and Technology Policy established the Space Weather Operations, Research, and Mitigation (SWORM) Subcommittee to address operations, research, and mitigation of space weather issues. The first National Space Weather Strategy and Action Plan (NSW–SAP) in 2015 established the framework for a government-wide approach to space weather. In 2019, building on this coordinated effort and supported by Executive Order 13744, ''Coordinating Efforts to Prepare the Nation for Space Weather Events,'' the SWORM developed a revised NSW–SAP that improved and clarified ongoing and future space weather activities. The 2023 Implementation Plan of the National Space Weather Strategy serves as a roadmap for implementing the 2019 NSW–SAP over the following 5 years and supports continued grid management activities. Therefore, the petitioner's concerns of a potential geomagnetic disturbance resulting in 2-year grid failure have been addressed.

The second issue raised in the PRM regarding licensees' capability to have adequate fuel supply to provide continual power for active cooling and/or water makeup of SFPs during a grid failure resulting from a geomagnetic disturbance has also been addressed. The NRC has reasonable assurance of an onsite 7-day fuel supply to maintain safe shutdown; that offsite diesel fuel can be obtained in the event of such a grid failure through existing industry contracts; and that Federal, State, and local organizations have the capability to provide fuel supplies, if needed. The NRC's regulations in 10 CFR part 50, appendix A, establish the minimum requirements for the principal design criteria for water-cooled nuclear power plants. Criterion 17, ''Electric Power Systems,'' requires that onsite electric power supplies, and the onsite electric distribution system, to have sufficient independence, redundancy, and testability to perform their safety

functions, eliminating any single points of failure. The general design criteria in 10 CFR part 50, appendix A, are considered to be generally applicable to other types of nuclear power units and are intended to provide guidance for the development of principal design criteria for such other units. The NRC guidance in Regulatory Guide 1.137, Revision 2, ''Fuel Oil Systems for Emergency Power Supplies,'' and industry standards such as American National Standards Institute/American Nuclear Society 59.51, ''Fuel Oil Systems for Safety-Related Emergency Diesel Generators,'' recommend that sites should maintain onsite a minimum of a 7-day fuel supply. Most sites include additional fuel storage capacity. The Federal Emergency Management Agency's National Response Framework identifies roles and responsibilities in the Emergency Support Function #12—Energy, and the Emergency Support Function #7—Logistics, to ensure adequate planning and subsequent support to jurisdictions, citizens, nongovernmental organizations, and businesses in the case of energy emergencies and disruptions. Both Federal and State emergency response organizations use the National Response Framework and have the organizational structure and authority to ensure that nuclear power plants receive fuel resupplies. Furthermore, onsite equipment to provide makeup water to the SFP would not be affected by a grid failure resulting from a geomagnetic disturbance because emergency equipment like stand-alone diesel pumps do not run on electricity.

The NRC concludes that there is no safety concern necessitating the changes requested by the petitioner.

B. Discussion of Public Comments Received

The NRC received 97 comment submissions on PRM–50–96. The NRC considered all the comments on the PRM and the comments from the MBDBE rulemaking that were not addressed by the final rule. Of the 97 comment submissions, 58 were form letter submissions. One comment came from an industry group, and the remainder were either anonymous submissions or from individuals.

For PRM–50–96, the only comment submission recommending the denial of the petition came from the Nuclear Energy Institute. The majority of comments supporting the petition were in a form letter format and did not provide additional technical information. The common concerns raised included long-term grid failure, loss of operators, inadequate or unreliable emergency generator fuel supply, SFP fires, solar flares, electromagnetic pulse (EMP) attack, and cyberattack.

Since the events of September 11, 2001, the NRC has actively addressed cybersecurity threats by establishing requirements in 2009 to protect safety, security, and emergency preparedness (SSEP) functions at commercial nuclear power plants. Specifically, 10 CFR 73.54, ''Protection of digital computer and communication systems and networks,'' requires commercial nuclear power plant licensees to protect digital computer and communication systems and networks associated with SSEP functions against cyberattacks. Commercial nuclear power plant licensees submitted cybersecurity plans and an implementation schedule that were reviewed and approved by the NRC in 2010. Since then, licensees completed full implementation of their cybersecurity programs from 2017 to 2020. During this period, the NRC conducted inspections verifying compliance with the requirements and the implementation schedule. Cybersecurity inspections are still ongoing to make sure those systems required for SSEP are protected, protections are maintained, and that upgrades are analyzed to ensure that adequate protections are in place prior to installation. Licensee cybersecurity programs are required to provide defense-in-depth protective strategies to ensure the capability to detect, respond to, and recover from cyberattacks, and these aspects are verified every 2 years via inspections.

Multiple comments raised the issue of the impacts of geomagnetic disturbances from solar flare activity or an EMP attack on transmission system protections. As described in section II.A of this document, this issue has been addressed through the implementation of the National Space Weather Action Plan, improved grid reliability standards, and other activities required by the 2019 Executive Order 13865, ''Coordinating National Resilience to Electromagnetic Pulses,'' as well as close coordination between the utilities, grid operators, and the SWPC.

Additionally, several commenters were concerned with the safety of SFPs and potential risks from fires, malicious attacks, and the compromise of structural integrity. These comments did not introduce any new information that has not been previously considered and addressed by the NRC. The NRC has a long history of evaluating SFP safety and security and has taken action to enhance safety and security, when necessary. The NRC's responses to public comments on the MBDBE proposed rule, dated July 31, 2019, include a description of some of the more important NRC actions involving SFPs.

Public comment submissions also echoed the concern of the petitioner that emergency systems need to be able to run without human intervention for up to 2 years and suggested that operators may be unavailable to reach the site to perform their duties. As discussed in part A of this section, the aspect of the PRM regarding licensees' capability to provide continual power for active cooling and/or water makeup of SFPs has been addressed. In addition, experience with past natural disasters and emergency events has shown that the NRC and licensees can respond to emergency situations affecting the ability of operators to perform their duties. For example, during the COVID–19 public health emergency, licensees were restricted in their ability to maintain an appropriate workforce to meet the NRC's minimum reactor operator staffing requirements. Despite these personnel challenges, public health and safety were maintained during continuous nuclear power plant operations. Therefore, the NRC has reasonable assurance that long-term disruptions to emergency systems will not occur and that operators will be able to perform their duties.

Over two-thirds of the public comment submissions for PRM–50–96 were partially addressed by the MBDBE final rule as they included concerns about the sufficiency of long-term cooling and offsite power availability. The requirements in § 50.155(b)(1) and (c) address, in part, the issues raised by the comments because these regulations require licensees to establish offsite assistance to support maintenance of the key functions, including both reactor and SFP cooling, following an extended loss of alternating current power.

Additionally, the NRC received multiple public comment submissions on the MBDBE proposed rule that concerned the effects of geomagnetic disturbances, and the Commission deferred these comments to the resolution of the outstanding issues in PRM–50–96. Although the MBDBE rule requires mitigation strategies that could be initially deployed and used to address the effects of geomagnetic disturbances if such disturbances lead to adverse impacts on the transmission system and an associated loss of offsite power, the MBDBE rule's regulatory scope does not address the issue of geomagnetic disturbances in its entirety. The deferred comments were concerned about the long-term failure of critical

grid infrastructure and SFP cooling equipment and adequate resupply of licensees by outside resources. Section II.A of this document explains how these concerns have been addressed.

III. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	ADAMS Accession No./web link/ **Federal Register** citation
PRM–50–96—Foundation for Resilient Societies Petition to Amend 10 CFR 50 ''To Assure Long-Term Cooling and Unattended Water Makeup of Spent Fuel Pools,'' March 14, 2011.	ML110750145.
Federal Register Notice: Petition for rulemaking; receipt and request for comment; PRM–50–96: ''Petition for Rulemaking Submitted by Thomas Popik,'' May 6, 2011.	76 FR 26223.
Federal Register Notice: Petition for rulemaking; consideration in the rulemaking process; PRM–50–96: ''Long-Term Cooling and Unattended Water Makeup of Spent Fuel Pools,'' December 18, 2012.	77 FR 74788.
Federal Register Notice: Final Rule, ''Mitigation of Beyond-Design-Basis Events,'' August 9, 2019	84 FR 39684.
NOAA SWPC Models	*https://www.swpc.noaa.gov/models*.
NOAA SWPC Press Release, ''New Space Weather Model, the Geoelectric Field Model, Announced Today,'' June 27, 2017.	*https://www.swpc.noaa.gov/news/new-space-weather-model-geoelectric-field-model-announced-today*.
Cooperative Institute for Research in Environmental Sciences (CIRES) Press Release, ''A NOAA and CIRES team, Breakthrough Space Weather Model,'' 2022.	*https://cires.colorado.edu/recognition/noaa-and-cires-team-breakthrough-space-weather-model*.
EPRI Report ''Magnetohydrodynamic Electromagnetic Pulse Assessment of the Continental U.S. Electric Grid: Voltage Stability Analysis,'' December 20, 2017.	*https://www.epri.com/research/products/3002011969*.
NERC TPL–007–4, ''Transmission System Planned Performance for Geomagnetic Disturbance Events''	*https://www.nerc.com/pa/Stand/Reliability%20Standards/tpl-007-4.PDF*.
Presidential Document: Executive Order 13744, ''Coordinating Efforts to Prepare the Nation for Space Weather Events,'' October 18, 2016.	81 FR 71573.
National Science and Technology Council Report, ''Implementation Plan of the National Space Weather Strategy and Action Plan,'' December 2023.	*https://bidenwhitehouse.archives.gov/ostp/news-updates/2023/12/20/implementation-plan-of-the-national-space-weather-strategy-and-action-plan/*.
Regulatory Guide 1.137, Revision 2, ''Fuel Oil Systems for Emergency Power Supplies,'' June 2013	ML12300A122.
Presidential Document: Executive Order 13865, ''Coordinating National Resilience to Electromagnetic Pulses,'' March 29, 2019.	84 FR 12041.
Federal Emergency Management Agency, ''National Response Framework,'' October 28, 2019	*https://www.fema.gov/sites/default/files/documents/NRF_FINALApproved_2011028.pdf*.

IV. Conclusion

The NRC is denying the aspects of PRM–50–96 that were not fully addressed by the MBDBE final rule and is discontinuing the ''Long-Term Cooling and Unattended Water Makeup of Spent Fuel Pools'' rulemaking for the reasons discussed in this document. If the NRC decides to pursue similar or related rulemaking activities in the future, it will inform the public through new rulemaking entries in the Unified Agenda.

Dated: May 1, 2025.

For the Nuclear Regulatory Commission.

Carrie Safford,

Secretary of the Commission.

[FR Doc. 2025–07899 Filed 5–6–25; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF ENERGY

10 CFR Part 430

[EERE–2025–BT–DET–0002]

RIN 1904–AF70

Energy Conservation Program: Final Withdrawal of Determination of Miscellaneous Gas Products as a Covered Consumer Product

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Final rule; withdrawal of determination.

SUMMARY: DOE is withdrawing its prior determination that miscellaneous gas products (''MGPs''), which include decorative hearths and outdoor heaters, qualify as covered products under Part A of Title III of the Energy Policy and Conservation Act, as amended (''EPCA'').

DATES: The effective date of this final rule is June 6, 2025.

ADDRESSES: The docket for this activity, which includes **Federal Register** notices, 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. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

The docket web page can be found at *www.regulations.gov/docket/EERE-2025-BT-DET-0002.* The docket web page contains instructions on how to access all documents, including public comments, in the docket.

FOR FURTHER INFORMATION CONTACT:

Ms. Julia Hegarty, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington,

DC 20585–0121. Telephone: (202) 287–1445. Email: *ApplianceStandardsQuestions@ee.doe.gov.*

Mr. Matthew Schneider, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–4798. Email: *Matthew.Schneider@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

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I. General Discussion

A. Authority and Background

Under the Energy Policy and Conservation Act (''EPCA''), DOE may add consumer products to the list of covered products for which energy conservation standards can be established. *See* 42 U.S.C. 6292(a)(20). After coverage is determined, DOE may adopt standards and test procedures regulating such products, pursuant to the requirements set out in the statute. *See generally,* 42 U.S.C. 6293, 6295. The coverage determination procedures require DOE to conclude that a type of consumer product should be a ''covered product,'' meaning that ''(1) classifying products of such type as covered products is necessary or appropriate to carry out the purposes of this chapter,'' and ''(2) average annual per-household energy use by products of such type is likely to exceed 100 kilowatt-hours (or its Btu equivalent) per year.'' *Id.* at 42 U.S.C. 6292(b).

On February 7, 2022, DOE published a notice of proposed determination (''NOPD'') that proposed to determine coverage for MGPs, which are comprised of decorative hearths and outdoor heaters. 87 FR 6786 (''February 2022 NOPD''). After considering public comments, data, and information from interested parties submitted on the February 2022 NOPD, DOE finalized the coverage determination for MGPs. 87 FR 54330 (Sept. 6, 2022) (''September 2022 Determination'').

B. March 2025 Proposed Withdrawal

On March 13, 2025, DOE published a proposed withdrawal of determination, in which DOE proposed to withdraw its determination that MGPs are covered products under EPCA for which DOE is authorized to establish test procedures and energy conservation standards, on the basis that outdoor heaters and decorative hearth products are not similar enough in function to be grouped together for the purposes of establishing a new type of covered product. 90 FR 11908 (''March 2025 Proposed Withdrawal''). This proposal included striking the definitions for ''miscellaneous gas products,'' ''decorative hearth product,'' and ''outdoor heater'' from the CFR, as established by the September 2022 Determination. *Id.* at 90 FR 11913.

DOE developed this final withdrawal of coverage after considering comments, data, and information from interested parties that provided comments on the March 2025 Proposed Withdrawal.

TABLE I.1—LIST OF COMMENTERS WITH WRITTEN SUBMISSIONS IN RESPONSE TO THE MARCH 2025 PROPOSED WITHDRAWAL

Commenter(s)	Abbreviation	Comment number in the docket	Commenter type
Kelly Moore	Moore	2	Individual.
Logan Penna	Penna	3	Individual.
Anonymous	Anonymous	4	Individual.
Mark Straunch	Straunch	5	Individual.
Lia Claxton	Claxton	6	Individual.
MacGregor	MacGregor	7	Individual.
Americans for Prosperity	AFP	8	Advocacy Group.
Anonymous	Anonymous	9	Individual.
Tiffany Anne	Anne	10	Individual.
American Gas Association, American Public Gas Association, and the National Propane Gas Association.	AGA *et al*	11	Trade Association.
Northwest Energy Efficiency Alliance	NEEA	12	Advocacy Group.
Kynleigh Williams	Williams	13	Individual.
Hearth, Patio & Barbecue Association	HPBA	14	Trade Association.
Keke Dawson	Dawson	15	Individual.
Appliance Standards Awareness Project and Earthjustice	ASAP and Earthjustice	16	Advocacy Group.

A parenthetical reference at the end of a comment quotation or paraphrase provides the location of the item in the public record.[1]

In response to the March 2025 proposed withdrawal, DOE received four general comments from individuals in support of withdrawing the coverage determination for MGPs. (Anonymous, No. 4, p. 1; Straunch, No. 5, p. 1; MacGregor, No. 7, p. 1; Williams, No. 13, pp. 3–4) AFP commented that it supports the withdrawal of coverage for MGPs and supported the rationale that the products are not similar enough in function to be grouped together for purposes of establishing a new type of covered product. (AFP, No. 8 at p. 3).

[1] The parenthetical reference provides a reference for information located in the docket. (Docket No. EERE–2024–BT–DET–0012–0001, which is maintained at *www.regulations.gov*). The references are arranged as follows: (commenter name, comment docket ID number, page of that document).

AGA, APGA, and the NPGA submitted a joint comment stating their support for the withdrawal of coverage of miscellaneous gas products as covered products under EPCA. (AGA *et al.,* No. 11, pp. 2–3) Similarly, HPBA commented in support of the withdrawal of the coverage determination. HPBA further stated that establishing coverage for MGPs is neither ''necessary'' nor ''appropriate'' within the meaning of 42 U.S.C. 6292(b)(1)(A), as is required by EPCA in order to establish coverage. (HPBA, No. 14, p. 2) In their joint comments, AGA *et al.* also contends that there is no reasonable potential that efficiency standards for these products would provide significant energy savings or be economically justified and further states their support for the comment submitted by HPBA. (AGA, No. 11, p. 2–3)

ASAP and Earthjustice submitted a joint comment, in which they expressed support for the adoption of an energy conservation standard for MGPs. In their comments, they highlight the potential of a design standard that would disallow continuous standing pilot lights for decorative hearth products, as well as the potential for performance standards for outdoor heaters. (ASAP and Earthjustice, No. 16, p. 1) However, ASAP and Earthjustice note they do not oppose the withdrawal of coverage for these products, as they do not support DOE maintaining federal coverage over products that are not subject to federal energy standards. (ASAP and Earthjustice, No. 16, pp. 1–2) DOE responds by noting that it has not adopted energy conservation standards for MGPs. Further, in this final rule, DOE has determined that MGPs, as defined in the September 2022 Determination, are not a ''type of consumer product'' for which DOE can establish coverage under 42 U.S.C. 6295(b)(1) and that as a result the coverage determination is not necessary or appropriate to carry out the purposes of statute. Should DOE decide to consider a design standard for outdoor heaters or decorative hearth products, it would need to initiate a new rulemaking or rulemakings as provided under EPCA.

NEEA expressed their opposition to the withdrawal of coverage for MGPs and encouraged DOE to maintain coverage of these products. (NEEA, No. 12 at pp. 1–2). DOE additionally received four comments from individuals opposing the proposal to withdraw the coverage determinations for MGPs, on the basis that there is potential for energy savings and an opportunity to mitigate climate impacts. (Penna, No. 3, p. 1; Claxton, No. 6, p. 1; Anonymous, No. 9, p. 1; Dawson, No. 15, p. 1)

Several comments received from individuals referred to products outside the scope of this rulemaking. (Moore, No. 2, p. 1; Straunch, No. 5, p. 1; Anonymous, No. 9, p. 1; Anne, No. 10, p. 1) The coverage of MGPs is limited to decorative hearth heaters and outdoor heaters that are gas-fired. All comments are available to review in the docket for this rulemaking.

C. Scope of Coverage

AFB, APGA *et al.,* and Williams agreed with the March 2025 Proposed Withdrawal that MGPs, as defined in the September 2022 Determination, are not similar enough in function to be grouped together for purposes of establishing a new type of covered product. (AFB, No. 8, p. 3; APGA *et al.,* No. 11, p. 2; Williams, No. 13, p. 3–4)

HPBA expressed that they agree with DOE's rationale for withdrawing the determination of coverage and noted in their comments that the definitions for outdoor heaters and decorative hearth products are overly broad and encompass materially different products. (HPBA, No. 14, p 2) As identified by their comments, the ''decorative hearth products'' category includes vented gas fireplaces, indoor log sets, and outdoor products such as fire tables, which all serve different consumer needs and have different design requirements. *Id.* Concerning outdoor heaters, HPBA similarly points out that strictly utilitarian patio heaters are materially different than those patio heaters intended to provide lighting and visual appeal, and portable and non-portable infrared patio heaters are similarly materially different. HPBA stated that DOE could not make a lawful determination of coverage for MGPs unless it better defines that term to include specific products, and that the same extends to the terms for decorative hearth products and outdoor heaters. *Id.*

Williams stated that DOE should withdraw coverage of MGPs as a category to be consistent with precedent, but that the Department should consider regulating outdoor heaters and decorative hearths as separate covered products. (Williams, No. 13, pp. 3–4) Claxton, while opposing the withdrawal of the determination of coverage of MGPs, also commented that decorative hearth products and outdoor heaters could be redefined and categorized as separate products. (Claxton, No. 6, p. 1)

NEEA, ASAP and Earthjustice, and Claxton all commented that they disagree with the rationale that outdoor heaters and decorative hearth products do not share a major function and therefore cannot be grouped together to be regulated as a single type of consumer product. (NEEA, No. 12, pp. 1–2; ASAP and Earthjustice, No. 16, p. 1; Claxton, No. 6, p. 1) ASAP and Earthjustice stated that this action does not account for the complexity of the overlapping market for these products, and noted that DOE previously has acknowledged that aesthetic values are an important part of the function of both decorative hearth products and outdoor heaters. (ASAP and Earthjustice, No. 16, p. 1) These joint commenters further noted that EPCA names ''electric motors and pumps'' as a single type of covered equipment, despite the fact that electric motors have a wider array of applications than pumps. They similarly noted that EPCA groups battery charger and external power supplies together although the function of these products differs in all but the broadest sense of facilitating energy use in other products. (ASAP and Earthjustice, No. 16, p. 2)

On a similar note, NEEA stated that while some MGP designs focus more on aesthetics and others focus more on supplemental heat, both types of these appliances provide some supplemental heat to consumers in indoor or outdoor spaces. (NEEA, No. 12, p. 2) Claxton additionally noted that both types of appliances are gas-powered, used in households, and consume significant amounts of energy, which could be used as justification for grouping these products as one covered product. (Claxton, No. 6, p. 1)

Upon consideration of these comments, DOE agrees with those commenters which have expressed that outdoor heaters and decorative hearth products are not similar enough in function to be grouped together for the purposes of establishing a new type of covered product. DOE notes that the categories of outdoor heaters and decorative hearths cover a wide variety of products, and these varied products as a whole do not share a major function on a consistent enough basis in order to establish them as a single covered product. While some decorative products may provide some ambient heat, and some outdoor heaters may have an aesthetic component to their design, as defined in the September 2022 Determination these functions are not required to meet the definition of either a decorative hearth product or an outdoor heater. Indeed, while decorative hearths are defined to expressly exclude products ''designed to provide heat proximate to the unit,'' outdoor heaters are defined to be ''designed to provide

heat proximate to the unit.'' Therefore, the covered product, as established in the September 2022 Determination, encompasses products that may not overlap at all in any major functions. Because of this, DOE agrees with stakeholders that have commented that the covered product, as written, should be withdrawn.

II. Conclusions

For the reasons discussed in the preceding section of this document, DOE has determined that outdoor heaters and decorative hearth products are not similar enough in function to be grouped together for the purposes of establishing a new type of covered product. As a result, DOE has determined that MGPs, as defined in the September 2022 Determination, are not a ''type of consumer product'' for which DOE can establish coverage under 42 U.S.C. 6295(b)(1) and that as a result the coverage determination is not necessary or appropriate to carry out the purposes of statute.

III. Procedural Issues and Regulatory Review

A. Review Under Executive Orders 12866 and 13563

Executive Order (''E.O.'') 12866, ''Regulatory Planning and Review,'' as supplemented and reaffirmed by E.O. 13563, ''Improving Regulation and Regulatory Review, 76 FR 3821 (Jan. 21, 2011), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity); (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public. DOE emphasizes as well that E.O. 13563 requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. In its guidance, the Office of Information and Regulatory Affairs (''OIRA'') in the Office of Management and Budget (''OMB'') has emphasized that such techniques may include identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes. For the reasons stated in the preamble, this final regulatory action is consistent with these principles.

Section 6(a) of E.O. 12866 also requires agencies to submit ''significant regulatory actions'' to OIRA for review. OIRA has determined that this regulatory action does not constitute a ''significant regulatory action'' under section 3(f) of E.O. 12866. Accordingly, this action was not submitted to OIRA for review under E.O. 12866.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (''IRFA'') and a final regulatory flexibility analysis (''FRFA'') for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by E.O. 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (Aug. 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel's website (*www.energy.gov/gc/office-general-counsel*).

DOE reviewed this final withdrawal of a determination under the provisions of the Regulatory Flexibility Act and the policies and procedures published on February 19, 2003. This withdrawal does not establish test procedures or standards for MGPs and if adopted, DOE would no longer have the authority to consider adopting such measures. Therefore, DOE concludes that the impacts of the withdrawal would not have a ''significant economic impact on a substantial number of small entities,'' and that the preparation of an IRFA is not warranted. DOE will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act

This final withdrawal of a determination, which concludes that MGPs as defined by the September 2022 Determination do not meet the criteria for a covered product for which the Secretary may consider prescribing energy conservation standards pursuant to 42 U.S.C. 6295(o) and (p), imposes no new information or record-keeping requirements. Accordingly, the OMB clearance is not required under the Paperwork Reduction Act. (44 U.S.C. 3501 *et seq.*)

D. Review Under the National Environmental Policy Act of 1969

Pursuant to the National Environmental Policy Act of 1969 (''NEPA''), DOE has analyzed this final withdrawal in accordance with the National Environmental Policy Act (''NEPA'') and DOE's NEPA implementing regulations (10 CFR part 1021). DOE's regulations include a categorical exclusion for rulemakings that are strictly procedural. 10 CFR part 1021, subpart D, appendix A6. DOE has determined this rulemaking qualifies for categorical exclusion A6 because it is a strictly procedural rulemaking and otherwise meets the requirements for application of a categorical exclusion. See 10 CFR 1021.410. DOE will complete its NEPA review before issuing the final determination.

E. Review Under Executive Order 13132

E.O. 13132, ''Federalism,'' 64 FR 43255 (Aug. 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The Executive order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735. DOE has examined this withdrawal of a determination and has determined that it would not have a substantial direct effects on the States, on the relationship between the national

government and the States, or on the distribution of power and responsibilities among the various levels of government. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the products that are the subject of this determination. States can petition DOE for exemption from such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297) Therefore, no further action is required by E.O. 13132.

F. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, ''Civil Justice Reform,'' imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity, (2) write regulations to minimize litigation, (3) provide a clear legal standard for affected conduct rather than a general standard, and (4) promote simplification and burden reduction. 61 FR 4729 (Feb. 7, 1996). Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation (1) clearly specifies the preemptive effect, if any, (2) clearly specifies any effect on existing Federal law or regulation, (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction, (4) specifies the retroactive effect, if any, (5) adequately defines key terms, and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this withdrawal of a determination meets the relevant standards of E.O. 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (''UMRA'') requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a ''significant intergovernmental mandate,'' and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820. DOE's policy statement is also available at *www.energy.gov/sites/prod/files/gcprod/documents/umra_97.pdf.*

DOE examined this withdrawal of a determination according to UMRA and its statement of policy and determined that the withdrawal of coverage does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of $100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This final withdrawal of a determination would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

Pursuant to E.O. 12630, ''Governmental Actions and Interference with Constitutionally Protected Property Rights,'' 53 FR 8859 (March 18, 1988), DOE has determined that this final withdrawal of a determination would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE's guidelines were published at 67 FR 62446 (Oct. 7, 2002). Pursuant to OMB Memorandum M–19–15, Improving Implementation of the Information Quality Act (April 24, 2019), DOE published updated guidelines which are available at: *www.energy.gov/sites/prod/files/2019/12/f70/DOE%20Final%20Updated%20IQA%20Guidelines%20Dec%202019.pdf.* DOE has reviewed this final withdrawal of a determination under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

E.O. 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OIRA at OMB, a Statement of Energy Effects for any significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgates or is expected to lead to promulgation of a final rule, and that (1) is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy, or (3) is designated by the Administrator of OIRA as a significant energy action. For any significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

This final withdrawal of a determination, which does not amend or establish energy conservation standards for MGPs, is not a significant regulatory action under E.O. 12866. Moreover, it would not have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as such by the Administrator at OIRA. Accordingly,

DOE has not prepared a Statement of Energy Effects.

L. Information Quality

On December 16, 2004, OMB, in consultation with the Office of Science and Technology Policy (''OSTP''), issued its Final Information Quality Bulletin for Peer Review (''the Bulletin''). 70 FR 2664 (Jan. 14, 2005). The Bulletin establishes that certain scientific information shall be peer reviewed by qualified specialists before it is disseminated by the Federal Government, including influential scientific information related to agency regulatory actions. The purpose of the Bulletin is to enhance the quality and credibility of the Government's scientific information. Under the Bulletin, the energy conservation standards rulemaking analyses are ''influential scientific information,'' which the Bulletin defines as ''scientific information the agency reasonably can determine will have, or does have, a clear and substantial impact on important public policies or private sector decisions.'' 70 FR 2664, 2667.

In response to OMB's Bulletin, DOE conducted formal peer reviews of the energy conservation standards development process and the analyses that are typically used and prepared a report describing that peer review.[2] Generation of this report involved a rigorous, formal, and documented evaluation using objective criteria and qualified and independent reviewers to make a judgment as to the technical/scientific/business merit, the actual or anticipated results, and the productivity and management effectiveness of programs and/or projects. Because available data, models, and technological understanding have changed since 2007, DOE has engaged with the National Academy of Sciences to review DOE's analytical methodologies to ascertain whether modifications are needed to improve the Department's analyses. DOE is in the process of evaluating the resulting report.[3]

M. Review Under Additional Executive Orders and Presidential Memoranda

DOE has examined this final withdrawal of a determination and has determined that it is consistent with the policies and directives outlined in E.O. 14154 ''Unleashing American Energy,'' E.O. 14192, ''Unleashing Prosperity Through Deregulation,'' and Presidential Memorandum, ''Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis.''

IV. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this final rule; withdrawal of determination.

List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Intergovernmental relations, Reporting and recordkeeping requirements, Small businesses.

Signing Authority

This document of the Department of Energy was signed on May 1, 2025, by Louis Hrkman, Principal Deputy Assistant Secretary for Energy Efficiency and Renewable Energy, 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 May 2, 2025.

Treena V. Garrett,

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

For the reasons set forth in the preamble, DOE amends part 430 of chapter II, subchapter D, of title 10 of the Code of Federal Regulations, to read as set forth:

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

■ 1. The authority citation for part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

§ 430.2 [Amended]

■ 2. Amend § 430.2 by removing the definitions of ''Decorative hearth product'', ''Miscellaneous gas products'', and ''Outdoor heater''.

[FR Doc. 2025–07950 Filed 5–6–25; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–2552; Project Identifier MCAI–2022–01243–R; Amendment 39–23019; AD 2025–08–06]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2021–09–14 which applied to certain Airbus Helicopters (Airbus) Model SA330J helicopters. AD 2021–09–14 required repetitively inspecting for a gap between the main gearbox (MGB) oil cooling fan assembly (fan) rotor blade and the upper section of the guide vane bearing housing, installing improved MGB fan rotor shaft bearings, and repetitively inspecting the improved MGB fan rotor shaft bearings. Since the FAA issued AD 2021–09–14, Airbus has developed modifications to the components of the MGB fan bearing assembly and issued new material regarding these modifications. This AD retains the actions required by AD 2021–09–14 and also requires installing the improved MGB fan rotor bearing assembly, which constitutes terminating action for the repetitive inspections. These actions are specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective June 11, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of June 11, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–2552; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for

[2] The 2007 ''Energy Conservation Standards Rulemaking Peer Review Report'' is available at the following website: *energy.gov/eere/buildings/downloads/energy-conservation-standards-rulemaking-peer-review-report-0* (last accessed July 1, 2022).

[3] The report is available at *www.nationalacademies.org/our-work/review-of-methods-for-setting-building-and-equipment-performance-standards.*

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

Material Incorporated by Reference:

- For EASA material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website: *easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2024–2552.

FOR FURTHER INFORMATION CONTACT: Hal Jensen, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (303) 342–1080; email: *hal.jensen@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2021–09–14, Amendment 39–21528 (86 FR 26829, May 18, 2021) (AD 2021–09–14). AD 2021–09–14 applied to Airbus Model SA330J helicopters with MGB fan rotor shaft bearings (both rear and front) part number (P/N) 704A33651114 (manufacturer P/N (MP/N) 205FFTX74K6–G33) or P/N 704A33651268 (MP/N 594918) installed. AD 2021–09–14 required repetitively inspecting for a gap between the MGB fan rotor blade and the upper section of the guide vane bearing housing and, depending on the results or within a specified compliance time, installing improved MGB fan rotor shaft bearings and repetitively inspecting the improved MGB fan rotor shaft bearings. The FAA issued AD 2021–09–14 to prevent rotor burst of the MGB fan, damage to the hydraulic lines and flight controls, and subsequent loss of control of the helicopter.

The NPRM published in the **Federal Register** on December 10, 2024 (89 FR 99169). The NPRM was prompted by EASA AD 2022–0191, dated September 15, 2022 (EASA AD 2022–0191) (also referred to as the MCAI) issued by EASA, which is the Technical Agent for the Member States of the European Union. The MCAI states that Airbus has developed modifications (mod) 0776102 and mod 0776104, which introduce a new Kevlar protection on the fan bearing rectifier and a new flexible duct. Additionally, Airbus issued revised material to provide in-service modification instructions.

In the NPRM, the FAA proposed to retain all the requirements of AD 2021–09–14 and require accomplishing the actions specified in EASA AD 2022–0191 except for any differences identified as exceptions in the regulatory text of this AD and except as discussed under ''Differences Between this AD and EASA AD 2022–0191.'' You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–2552.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the costs.

Conclusion

These products have been approved by the aviation authority of another country and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for minor editorial changes, this AD is adopted as proposed in the NPRM.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2022–0191, which requires repetitively inspecting for play (a gap) on the MGB fan rotor shaft bearings (both rear and front) between the MGB fan rotor blade and the upper section of the guide vane bearing housing. If there is play that does not meet the minimum requirement or at a specified compliance time, EASA AD 2022–0191 requires replacing the affected MGB fan rotor shaft bearings with serviceable MGB fan rotor shaft bearings (both rear and front) as defined in EASA AD 2022–0191. Additionally, EASA AD 2022–0191 allows credit for performing these inspections and corrective action, provided specific requirements are met.

EASA AD 2022–0191 also requires modifying the MGB fan bearing assembly, which would constitute terminating action for the repetitive inspections.

Lastly, EASA AD 2022–0191 only allows installing serviceable MGB fan rotor shaft bearings as defined in EASA AD 2022–0191 and installing an improved MGB fan bearing assembly as defined in EASA AD 2022–0191.

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.

Differences Between This AD and EASA AD 2022–0191

The inspection material referenced in EASA AD 2022–0191 specifies returning certain parts to the manufacturer, whereas this AD requires removing those parts from service instead. The inspection material referenced in EASA AD 2022–0191 specifies completing a response form, whereas this AD does not require that action.

The modification material referenced in EASA AD 2022–0191 specifies sending the fan-bearing assembly to an approved D-level maintenance center for modification, whereas this AD requires installing modification 0776102, and as applicable, modification 0725373.

Costs of Compliance

The FAA estimates that this AD affects 6 helicopters of U.S. Registry. Labor rates are estimated at $85 per work-hour. Based on these numbers, the FAA estimates that operators may incur the following costs in order to comply with this AD.

Inspecting for a gap between the MGB fan rotor blade and the upper section of the guide vane bearing housing takes 2 work-hours for an estimated cost of $170 per helicopter and $1,020 for the U.S. fleet, per inspection cycle.

Replacing the MGB fan rotor shaft bearings takes 6 work-hours and parts cost $1,938 for an estimated cost of $2,448 per helicopter and $14,688 for the U.S. fleet.

Removing the flexible duct, installing new flexible duct MOD 0776104, removing the fan-bearing assembly, and installing the modified fan-bearing assembly takes 8 work-hours and parts cost $10,000 for an estimated cost of $10,680 per helicopter and $64,080 for the U.S. fleet.

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA has determined that this 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,

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

(3) Will 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 Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive AD 2021–09–14, Amendment 39–21528 (86 FR 26829, May 18, 2021); and

■ b. Adding the following new airworthiness directive:

2025–08–06 Airbus Helicopters: Amendment 39–23019; Docket No. FAA–2024–2552; Project Identifier MCAI–2022–01243–R.

(a) Effective Date

This airworthiness directive (AD) is effective June 11, 2025.

(b) Affected ADs

This AD replaces AD 2021–09–14, Amendment 39–21528 (86 FR 26829, May 18, 2021) (AD 2021–09–14).

(c) Applicability

This AD applies to Airbus Helicopters Model SA330J helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 6322, Main Gearbox Oil Cooler.

(e) Unsafe Condition

This AD was prompted by the development of a modification for an improved main gearbox (MGB) fan rotor bearing assembly. The FAA is issuing this AD to prevent rotor burst of the MGB fan, damage to the hydraulic lines and flight controls, and subsequent loss of control of the helicopter.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2022–0191, dated September 15, 2022 (EASA AD 2022–0191).

(h) Exceptions to EASA AD 2022–0191

(1) Where EASA AD 2022–0191 refers to August 11, 2020 (the effective date of EASA AD 2020–0171, dated July 28, 2020) and to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2022–0191 refers to flight hours (FH), this AD requires using hours time-in-service.

(3) Where the inspection ASB material referenced in EASA AD 2022–0191 specifies to return certain parts to Airbus Helicopters, this AD requires removing those parts from service.

(4) Where the inspection ASB material referenced in EASA AD 2022–0191 specifies completing the response form in Appendix 4, this AD does not require that action.

(5) Where the modification ASB material referenced in EASA AD 2022–0191 specifies ''sending the fan-bearing assembly to an approved D-level maintenance center to integrate modification 0776102 and where applicable, modification 0725373,'' this AD requires replacing that text with ''installing modification 0776102, and as applicable, modification 0725373.''

(6) This AD does not adopt the ''Remarks'' section of EASA AD 2022–0191.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2022–0191 specifies to submit certain information to the manufacturer, this AD does not require that action.

(j) Special Flight Permits

Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the helicopter to a location where the actions of this AD can be performed, provided there are no passengers onboard.

(k) Alternative Methods of Compliance (AMOCs)

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

(l) Additional Information

For more information about this AD, contact Hal Jensen, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (303) 342–1080; email: *hal.jensen@faa.gov*.

(m) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2022–0191, dated September 15, 2022.

(ii) [Reserved]

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

(4) You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on May 1, 2025.

Steven W. Thompson,

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

[FR Doc. 2025–07921 Filed 5–6–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31602; Amdt. No. 4163]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective May 7, 2025. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 7, 2025.

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

For Examination

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

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

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

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

Availability

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

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

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

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

Availability and Summary of Material Incorporated by Reference

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

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

The Rule

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

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

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making some SIAPs effective in less than 30 days.

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

Lists of Subjects in 14 CFR Part 97

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

Issued in Washington, DC, on April 25, 2025.

Romana B. Wolf,

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

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

Effective 12 June 2025

Eufaula, AL, EUF, Takeoff Minimums and Obstacle DP, Amdt 1A
Gadsden, AL, GAD, RNAV (GPS) RWY 18, Amdt 1C, CANCELED
Gadsden, AL, GAD, RNAV (GPS) RWY 36, Amdt 1C, CANCELED
De Queen, AR, DEQ, Takeoff Minimums and Obstacle DP, Amdt 1B
Palmdale, CA, PMD, ILS Z OR LOC Z RWY 25, Amdt 10A
Palmdale, CA, PMD, VOR OR TACAN Z RWY 25, Amdt 8A
Defuniak Springs, FL, 54J, RNAV (GPS) RWY 9, Amdt 1C
Jacksonville, FL, JAX, RNAV (GPS) Z RWY 32, Amdt 3
Lake City, FL, LCQ, RNAV (GPS) RWY 10, Amdt 1
Quincy, FL, 2J9, RNAV (GPS) RWY 14, Orig
Quincy, FL, 2J9, RNAV (GPS) RWY 32, Orig
Quincy, FL, 2J9, RNAV (GPS)-A, Orig, CANCELED
Tallahassee, FL, TLH, ILS OR LOC RWY 27, ILS RWY 27 (CAT II), Amdt 10E
Douglas, GA, DQH, ILS OR LOC RWY 4, Amdt 3
Douglas, GA, DQH, RNAV (GPS) RWY 4, Amdt 3
Kailua/Kona, HI, KOA/PHKO, LOC BC RWY 35, Amdt 10C, CANCELED
Kailua-Kona, HI, KOA/PHKO, RNAV (GPS) RWY 35, Amdt 4
Kailua-Kona, HI, KOA/PHKO, RNAV (GPS) Y RWY 17, Amdt 3
Kailua-Kona, HI, KOA/PHKO, VOR OR TACAN RWY 17, Amdt 2
Kailua-Kona, HI, KOA/PHKO, VOR OR TACAN RWY 35, Amdt 2
Grangeville, ID, GIC, RNAV (GPS) RWY 8, Amdt 1
Grangeville, ID, GIC, RNAV (GPS) RWY 26, Amdt 1
Dodge City, KS, DDC, VOR RWY 14, Amdt 19C
Goodland, KS, GLD, ILS OR LOC RWY 30, Amdt 3
Wichita, KS, ICT, Takeoff Minimums and Obstacle DP, Orig-D
Bowling Green, KY, BWG, RNAV (GPS) RWY 21, Amdt 1B
Springfield, KY, 6I2, Takeoff Minimums and Obstacle DP, Amdt 3A
Boston, MA, BOS, RNAV (GPS) RWY 4L, Amdt 1A
Belfast, ME, BST, Takeoff Minimums and Obstacle DP, Amdt 2A
Fryeburg, ME, IZG, RNAV (GPS) RWY 32, Amdt 2
Pittsfield, ME, 2B7, Takeoff Minimums and Obstacle DP, Amdt 2B
Rangeley, ME, 8B0, Takeoff Minimums and Obstacle DP, Amdt 3
Cadillac, MI, CAD, ILS OR LOC RWY 7, Amdt 1A
Cadillac, MI, CAD, RNAV (GPS) RWY 7, Orig-D
Lapeer, MI, D95, RNAV (GPS) RWY 18, Orig-C
Sparta, MI, 8D4, Takeoff Minimums and Obstacle DP, Amdt 3
Redwood Falls, MN, RWF, Takeoff Minimums and Obstacle DP, Orig-A
Ronan, MT, 7S0, Takeoff Minimums and Obstacle DP, Orig-A
Rockingham, NC, RCZ, Takeoff Minimums and Obstacle DP, Amdt 2A
Holdrege, NE, HDE, RNAV (GPS) RWY 18, Orig-B
Holdrege, NE, HDE, RNAV (GPS) RWY 36, Orig-B
Holdrege, NE, HDE, VOR–A, Amdt 3C
Napoleon, OH, 7W5, Takeoff Minimums and Obstacle DP, Orig-A
La Grande, OR, LGD, RNAV (GPS) RWY 17, Amdt 2
Redmond, OR, RDM, RNAV (RNP) Z RWY 5, Amdt 2B
Redmond, OR, RDM, RNAV (RNP) Z RWY 23, Amdt 2A
Butler, PA, BTP, ILS OR LOC RWY 8, Amdt 10A
Corry, PA, 8G2, RNAV (GPS) RWY 14, Amdt 1C
Corry, PA, 8G2, RNAV (GPS) RWY 32, Amdt 1B
Gettysburg, PA, W05, RNAV (GPS) RWY 6, Orig
Clarksville, TN, CKV, LOC RWY 35, Amdt 6C
Fort Worth, TX, AFW, ILS OR LOC RWY 34R, Amdt 8A
Henderson, TX, RFI, RNAV (GPS) RWY 35, Orig
Ogden, UT, OGD, VOR–A, Orig-A
Prairie Du Chien, WI, PDC, RNAV (GPS) RWY 14, Amdt 1
Sheboygan, WI, SBM, ILS OR LOC RWY 22, Amdt 6A
Sheboygan, WI, SBM, RNAV (GPS) RWY 4, Amdt 3D
Sheboygan, WI, SBM, RNAV (GPS) RWY 13, Amdt 1
Sheboygan, WI, SBM, RNAV (GPS) RWY 22, Amdt 4A
Sheboygan, WI, SBM, RNAV (GPS) RWY 31, Orig-E
Dubois, WY, DUB, RNAV (GPS) RWY 29, Orig-A

[FR Doc. 2025–07923 Filed 5–6–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31603; Amdt. No. 4164]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective May 7, 2025. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 7, 2025.

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

For Examination

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

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

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

4. The National Archives and Records Administration (NARA).

For information on the availability of this material at NARA, visit *www.archives.gov/federal-register/cfr/ibr-locations* or email *fr.inspection@nara.gov.*

Availability

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

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

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

Availability and Summary of Material Incorporated by Reference

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

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

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and Takeoff Minimums and ODP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP and Takeoff Minimums and ODP as modified by FDC permanent NOTAMs.

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

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

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

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

List of Subjects in 14 CFR Part 97

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

Issued in Washington, DC, on April 25, 2025.

Romana B. Wolf,

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

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

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

** * * Effective Upon Publication*

AIRAC date	State	City	Airport	FDC No.	FDC date	Procedure name
12–Jun–25 ...	MA	Worcester	Worcester Rgnl	5/0568	4/2/2025	ILS OR LOC RWY 29, Amdt 4E.
12–Jun–25 ...	OK	Wagoner	Hefner-Easley	5/1150	4/3/2025	RNAV (GPS) RWY 18, Amdt 1A.
12–Jun–25 ...	IA	Des Moines	Des Moines Intl	5/1652	2/10/2025	ILS OR LOC RWY 5, Amdt 1A.
12–Jun–25 ...	IA	Des Moines	Des Moines Intl	5/1653	2/10/2025	ILS OR LOC RWY 13, Amdt 10.
12–Jun–25 ...	IA	Des Moines	Des Moines Intl	5/1654	2/10/2025	ILS OR LOC RWY 31, ILS RWY 31 (SA CAT I), ILS RWY 31 (CAT II AND III), Amdt 24A.

AIRAC date	State	City	Airport	FDC No.	FDC date	Procedure name
12–Jun–25 ...	TX	Monahans	Roy Hurd Meml	5/1715	3/12/2025	VOR/DME RWY 12, Amdt 1C.
12–Jun–25 ...	TX	Monahans	Roy Hurd Meml	5/1716	3/12/2025	RNAV (GPS) RWY 12, Orig-A.
12–Jun–25 ...	TX	Monahans	Roy Hurd Meml	5/1717	3/12/2025	RNAV (GPS) RWY 30, Orig-A.
12–Jun–25 ...	AR	Batesville	Batesville Rgnl	5/1731	3/12/2025	RNAV (GPS) RWY 26, Amdt 1C.
12–Jun–25 ...	MA	Nantucket	Nantucket Meml	5/1963	4/4/2025	VOR RWY 24, Amdt 14B.
12–Jun–25 ...	WI	Wisconsin Rapids ...	Alexander Fld South Wood County.	5/2030	4/4/2025	RNAV (GPS) RWY 20, Amdt 2A.
12–Jun–25 ...	WI	Wisconsin Rapids ...	Alexander Fld South Wood County.	5/2031	4/4/2025	RNAV (GPS) RWY 2, Orig-C.
12–Jun–25 ...	WV	Point Pleasant	Mason County	5/2302	4/4/2025	RNAV (GPS) RWY 25, Orig-A.
12–Jun–25 ...	IA	Muscatine	Muscatine Muni	5/2370	4/4/2025	RNAV (GPS) RWY 6, Orig-A.
12–Jun–25 ...	OH	Wilmington	Wilmington Air Park	5/2704	3/13/2025	RNAV (GPS) RWY 4L, Orig-D.
12–Jun–25 ...	TX	Baytown	Rwj Airpark	5/3005	3/13/2025	RNAV (GPS)-A, Orig.
12–Jun–25 ...	WI	Eau Claire	Chippewa Valley Rgnl	5/3112	3/14/2025	ILS OR LOC RWY 22, Amdt 10A.
12–Jun–25 ...	NE	Blair	Blair Exec	5/3581	4/9/2025	Takeoff Minimums and Obstacle DP, Orig.
12–Jun–25 ...	AR	Decatur	Crystal Lake	5/4440	4/10/2025	RNAV (GPS) RWY 13, Orig-C.
12–Jun–25 ...	KY	Owensboro	Owensboro/Daviess County Rgnl.	5/4551	3/18/2025	RNAV (GPS) RWY 18, Amdt 2B.
12–Jun–25 ...	AR	Springdale	Springdale Muni	5/4686	3/19/2025	Takeoff Minimums and Ostacle DP, Amdt 5.
12–Jun–25 ...	NY	Oneonta	Albert S Nader Rgnl	5/4886	4/10/2025	RNAV (GPS) RWY 6, Orig-D.

[FR Doc. 2025–07924 Filed 5–6–25; 8:45 am]

BILLING CODE 4910–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Parts 1264 and 1271

[NASA Document Number: 25–015]

RIN 2700–AE78

Implementation of the Federal Civil Penalties Inflation Adjustment Act and Adjustment of Amounts for 2025

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: The National Aeronautics and Space Administration (NASA) has adopted a final rule making inflation adjustments to civil monetary penalties within its jurisdiction. This final rule represents the annual 2025 inflation adjustments of monetary penalties. These adjustments are required by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

DATES: This final rule is effective May 7, 2025.

FOR FURTHER INFORMATION CONTACT: Griffin Farris, Office of the General Counsel, NASA Headquarters, (202) 358–1448.

SUPPLEMENTARY INFORMATION:

I. Background

The Inflation Adjustment Act, as amended by the 2015 Act, required Federal agencies to adjust the civil penalty amounts within their jurisdiction for inflation by July 1, 2016. Subsequent to the 2016 adjustment, Federal agencies were required to make an annual inflation adjustment by January 15 every year thereafter.[1] Under the amended Act, any increase in a civil penalty made under the Act will apply to penalties assessed after the increase takes effect, including penalties whose associated violation predated the increase.[2] The inflation adjustments mandated by the Act serve to maintain the deterrent effect of civil penalties and to promote compliance with the law.

Pursuant to the Act, adjustments to the civil penalties are required to be made by January 15 of each year. The annual adjustments are based on the percent change between the United States Department of Labor's Consumer Price Index for All Urban Consumers (CPI–U) for the month of October preceding the date of the adjustment and the CPI–U for October of the prior year (28 United States Code (U.S.C.) 2461 note, section (5)(b)(1)). Based on that formula, the cost-of-living adjustment multiplier for the 2025 adjustment is 1.02598. Pursuant to the 2015 Act, adjustments are rounded to the nearest dollar.

II. The Final Rule

This final rule makes the required adjustments to civil penalties for 2025. Applying the 2025 multiplier above, the adjustments for each penalty are summarized below.

Law	Penalty description	2024 Penalty	Penalty adjusted for 2025
Program Fraud Civil Remedies Act of 1986	Maximum Penalties for False Claims	$13,946	$14,308
Department of the Interior and Related Agencies Appropriations Act of 1989, Public Law 101–121, sec. 319.	Minimum Penalty for use of appropriated funds to lobby or influence certain contracts.	24,496	25,132
Department of the Interior and Related Agencies Appropriations Act of 1989, Public Law 101–121, sec. 319.	Maximum Penalty for use of appropriated funds to lobby or influence certain contracts.	244,958	251,322
Department of the Interior and Related Agencies Appropriations Act of 1989, Public Law 101–121, sec. 319.	Minimum penalty for failure to report certain lobbying transactions.	24,496	25,132

[1] *See* 28 U.S.C. 2461 note.

[2] Inflation Adjustment Act section 6, *codified at* 28 U.S.C. 2461 note.

Law	Penalty description	2024 Penalty	Penalty adjusted for 2025
Department of the Interior and Related Agencies Appropriations Act of 1989, Public Law 101–121, sec. 319.	Maximum penalty for failure to report certain lobbying transactions.	244,958	251,322

This rule codifies these civil penalty amounts by amending parts 1264 and 1271 of title 14 of the Code of Federal Regulations (CFR).

III. Legal Authority and Effective Date

NASA issues this rule under the Federal Civil Penalties Inflation Adjustment Act of 1990,[3] as amended by the Debt Collection Improvement Act of 1996,[4] and further amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015,[5] which requires NASA to adjust the civil penalties within its jurisdiction for inflation according to a statutorily prescribed formula.

Section 553 of title 5 of the U.S.C. generally requires an agency to publish a rule at least 30 days before its effective date to allow for advance notice and opportunity for public comments.[6] After the initial adjustment for 2016, however, the Civil Penalties Inflation Adjustment Act requires agencies to make subsequent annual adjustments for inflation ''notwithstanding section 553 of title 5, United States Code.'' Moreover, the 2025 adjustments are made according to a statutory formula that does not provide for agency discretion. Accordingly, a delay in effectiveness of the 2025 adjustments is not required.

IV. Regulatory Requirements

Executive Orders 12866, 13563, and 14192

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule is not a significant regulatory action under E.O. 12866. Because this rule is not significant under E.O. 12866, it is not an E.O. 14192 regulatory action.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required, the Regulatory Flexibility Act does not require an initial or final regulatory flexibility analysis.[7]

Paperwork Reduction Act

No collections of information pursuant to the Paperwork Reduction Act are contained in the final rule.

List of Subjects in 14 CFR Parts 1264 and 1271

Claims, Lobbying, Penalties.

For the reasons stated in the preamble, NASA is amending 14 CFR parts 1264 and 1271 as follows:

PART 1264—IMPLEMENTATION OF THE PROGRAM FRAUD CIVIL PENALTIES ACT OF 1986

■ 1. The authority citation for part 1264 continues to read as follows:

Authority: 31 U.S.C. 3809, 51 U.S.C. 20113(a).

§ 1264.102 [Amended]

■ 2. In § 1264.102, remove the number ''$13,946'' wherever it appears and add in its place the number ''$14,308.''

PART 1271—NEW RESTRICTIONS ON LOBBYING

■ 3. The authority citation for part 1271 continues to read as follows:

Authority: Section 319, Pub. L. 101–121 (31 U.S.C. 1352); Pub. L. 97–258 (31 U.S.C. 6301 *et seq.*)

§ 1271.400 [Amended]

■ 4. In § 1271.400:
■ a. In paragraphs (a) and (b), remove the words ''not less than $24,496 and not more than $244,958'' and add in their place the words ''not less than $25,132 and not more than $251,322.''
■ b. In paragraph (e), remove the numbers ''$24,496'' and ''$244,958'' wherever they appear and add in their place the numbers ''$25,132'' and ''$251,322'', respectively.

Appendix A to Part 1271 [Amended]

■ 5. In appendix A to part 1271:
■ a. Remove the number ''$24,496'' wherever it appears and add in its place the number ''$25,132.''
■ b. Remove the number ''$244,958'' wherever it appears and add in its place the number ''$251,322.''

Nanette Smith,

Team Lead, NASA Directives and Regulations.

[FR Doc. 2025–07886 Filed 5–6–25; 8:45 am]

BILLING CODE 7510–13–P

[3] Public Law 101–410, 104 Stat. 890 (1990).

[4] Public Law 104–134, section 31001(s)(1), 110 Stat. 1321, 1321–373 (1996).

[5] Public Law 114–74, section 701, 129 Stat. 584, 599 (2015).

[6] *See* 5 U.S.C. 533(d).

[7] 5 U.S.C. 603(a), 604(a).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 5, 91, 92, 570, 574, 576, and 903

[Docket No. FR–6519–I–02]

RIN 2529–AB08

Affirmatively Furthering Fair Housing Revisions; Extension of Comment Period

AGENCY: Department of Housing and Urban Development; Office of General Counsel.

ACTION: Interim final rule; request for comments; extension of comment period.

SUMMARY: On March 3, 2025, the U.S. Department of Housing and Urban Development (HUD) published in the **Federal Register** an interim final rule entitled ''Affirmatively Furthering Fair Housing Revisions.'' The interim final rule provided for a 60-day comment period, which would have ended May 2, 2025. However, following a technical problem with *regulations.gov* that appeared to prohibit the electronic submission of comments on this rule beginning on or about April 28, HUD has determined that a seven-day extension of the comment period, until May 9, 2025, is appropriate. This extension will allow interested persons who may have tried unsuccessfully to submit comments additional time to do so.

DATES: The comment period for the interim final rule published on March 3, 2025, at 90 FR 11020, is extended. Comments should be received on or before May 9, 2025.

ADDRESSES: Interested persons are invited to submit comments regarding this notice to the Regulations Division,

Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500. Communications must refer to the above docket number and title. There are two methods for submitting public comments. All submissions must refer to the above docket number and title.

1. *Submission of Comments by Mail.* Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500.

2. *Electronic Submission of Comments.* Interested persons may submit comments electronically through the Federal eRulemaking Portal at *www.regulations.gov.* HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the *www.regulations.gov* website can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

FOR FURTHER INFORMATION CONTACT: Andrew Hughes, Chief of Staff, or Brian Miller, Acting General Counsel, U.S. Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; telephone number 202–402–2244 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

SUPPLEMENTARY INFORMATION: On March 3, 2025, at 90 FR 11020, the U.S. Department of Housing and Urban Development (HUD) published in the **Federal Register** an interim final rule entitled ''Affirmatively Furthering Fair Housing Revisions.''

The interim final rule provided for a 60-day comment period, which would have ended May 2, 2025. However, following a migration performed on the Federal eRulemaking Portal at *www.regulations.gov* on or about April 28, HUD discovered that the public comments were not being updated. HUD subsequently discovered that the ability to submit a public comment at *www.regulations.gov* did not appear to be operational. HUD informed staff at the Federal eRulemaking Portal and the issue has been resolved. Nevertheless, HUD has determined that a seven-day extension of the comment period, until May 9, 2025, is appropriate. This extension will allow interested persons who may have tried unsuccessfully to submit comments additional time to do so.

Amanda Wahlig,

Acting Associate General Counsel for Legislation and Regulations.

[FR Doc. 2025–07961 Filed 5–2–25; 4:15 pm]

BILLING CODE 4210–67–P

Proposed Rules

Federal Register
Vol. 90, No. 87
Wednesday, May 7, 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–2025–0751; Project Identifier MCAI–2024–00305–T]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Bombardier, Inc., Model BD–100–1A10 airplanes. This proposed AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. 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 23, 2025.

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

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

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–0751; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Bombardier material identified in this proposed AD, contact Bombardier Business Aircraft Customer Response Center, 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–2999; email *ac.yul@aero.bombardier.com;* website *bombardier.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: John Massey, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (516) 228–7300; email: *9-avs-nyaco-cos@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–2025–0751; Project Identifier MCAI–2024–00305–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *regulations.gov,* including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this 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 John Massey, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (516) 228–7300; email: *9-avs-nyaco-cos@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

Transport Canada, which is the aviation authority for Canada, has issued Transport Canada AD CF–2024–17, dated May 23, 2024 (Transport Canada AD CF–2024–17) (also referred to as the MCAI), to correct an unsafe condition for all Bombardier, Inc., Model BD–100–1A10 airplanes. The MCAI states that new or more restrictive airworthiness limitations have been developed.

The FAA is proposing this AD to address potential structural, control system, and navigational system failures which could result in loss of control of the airplane. You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–0751.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed the following Bombardier documents:

- Part 2, ''Airworthiness Limitations,'' of Bombardier Challenger 300 Time Limits/Maintenance Check (TLMC), Publication No. CH 300 TLMC, Revision 24, dated August 9, 2023. (For obtaining Bombardier Challenger 300 TLMC, Publication No. CH 300 TLMC, use Document Identification No. CH 300 TLMC.)
- Part 2, ''Airworthiness Limitations,'' of Bombardier Challenger

350 TLMC, Publication No. CH 350 TLMC, Revision 14, dated August 9, 2023.

This material specifies new or more restrictive airworthiness limitations for safe life limits and certification maintenance requirements. These documents are distinct since they apply to different airplane models.

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

FAA's Determination

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI and material referenced above. The FAA is proposing this AD because the FAA evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed Requirements of This NPRM

This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations.

This proposed AD would require revisions to certain operator maintenance documents to include new actions (*e.g.,* inspections). Compliance with these actions is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (i)(1) of this proposed AD.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 782 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

The FAA has determined that revising the maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, the agency estimates the average total cost per operator to be $7,650 (90 work-hours × $85 per work-hour).

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:

Bombardier, Inc.: Docket No. FAA–2025–0751; Project Identifier MCAI–2024–00305–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by June 23, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Bombardier, Inc., Model BD–100–1A10 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Unsafe Condition

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address potential structural, control system, and navigational system failures. The unsafe condition, if not addressed, could result in loss of control of the airplane.

(f) Compliance

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

(g) Maintenance or Inspection Program Revision

Within 90 days after the effective date of this AD, revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in Part 2, ''Airworthiness Limitations,'' of the applicable time limits/maintenance checks (TLMC) manual identified in paragraph (g)(1) or (2) of this AD. The initial compliance time for doing the tasks specified in Part 2, ''Airworthiness Limitations,'' of the applicable TLMC manual identified in paragraph (g)(1) or (2) of this AD is at the time specified in the applicable TLMC manual, or within 90 days after the effective date of this AD, whichever occurs later.

(1) For Model BD–100–1A10 airplanes having serial numbers (S/Ns) 20003 through 20457 inclusive: Bombardier Challenger 300 Time Limits/Maintenance Check (TLMC), Publication No. CH 300 TLMC, Revision 24, dated August 9, 2023.

(2) For Model BD–100–1A10 airplanes having S/Ns 20501 through 21399 inclusive: Bombardier Challenger 350 TLMC, Publication No. CH 350 TLMC, Revision 14, dated August 9, 2023.

(h) No Alternative Actions or Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) or intervals, may be used unless the actions or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (i)(1) of this AD.

(i) Additional AD Provisions

The following provisions also apply to this AD:

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

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Validation Branch, FAA; or Transport Canada; or Bombardier, Inc.'s Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Additional Information

For more information about this AD, contact John Massey, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (516) 228–7300; email: *9-avs-nyaco-cos@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) Part 2, ''Airworthiness Limitations,'' of Bombardier Challenger 300 Time Limits/Maintenance Check (TLMC), Publication No. CH 300 TLMC, Revision 24, dated August 9, 2023.

Note 1 to paragraph (k)(2)(i): For obtaining Bombardier Challenger 300 TLMC, Publication No. CH 300 TLMC, use Document Identification No. CH 300 TLMC.

(ii) Part 2, ''Airworthiness Limitations,'' of Bombardier Challenger 350 TLMC, Publication No. CH 350 TLMC, Revision 14, dated August 9, 2023.

(3) For Bombardier material identified in this AD, contact Bombardier Business Aircraft Customer Response Center, 400 Côte Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514 855 2999; email *ac.yul@aero.bombardier.com;* website *bombardier.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 May 1, 2025.

Steven W. Thompson,

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

[FR Doc. 2025–07929 Filed 5–6–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2025–0273; Airspace Docket No. 23–ASO–43]

RIN 2120–AA66

Establishment of Restricted Areas R–5305A, R–5305B, and R–5305C; Camp Lejeune, NC; and Restricted Areas R–5307A, R–5307B, and R–5307C; Cherry Point, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; extension of comment period.

SUMMARY: This action provides a second extension of the comment period for a NPRM that was originally published on March 20, 2025. In that document, the FAA proposed to establish restricted areas R–5305A, R–5305B, and R–5305C at Camp Lejeune, NC; and restricted areas R–5307A, R–5307B, and R–5307C at Cherry Point, NC. A four-day extension to the comment period was previously issued on April 16, 2025. The present extension provides an additional two weeks for comments in response to a request by the Aircraft Owners and Pilots Association (AOPA) to extend the comment period to analyze newly provided supporting graphics.

DATES: The comment period for the NPRM published on March 20, 2025 (90 FR 13112), was initially scheduled to close on May 5, 2025; an extension of the comment period was published in the **Federal Register** on April 16, 2025 (90 FR 15944) extending the comment period until May 9, 2025; is hereby further extended by two additional weeks until May 23, 2025.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2025–0273 and Airspace Docket No. 23–ASO–43 using any of the following methods:

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

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

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

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

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

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

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), 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 **ADDRESSES** section for address, phone number, and hours of operation). An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Avenue, College Park, GA 30337.

Background

The FAA originally published a NPRM for Docket No. FAA 2025–0273 in the **Federal Register** (90 FR 13112; March 20, 2025), proposing to establish restricted areas R–5305A, R–5305B, and R–5305C at Camp Lejeune, NC; and restricted areas R–5307A, R–5307B, and R–5307C at Cherry Point, NC. Subsequent to publication of the NPRM, the FAA determined that a four-day extension of the comment period was appropriate due to a planned four-day outage of the **Federal Register** comment submission website during the period of public comment. An extension of the comment period was accordingly published in the **Federal Register** on April 16, 2025 (90 FR 15944) extending the comment period from May 5, 2025 to May 9, 2025.

On April 29, 2025, the FAA received a request from the Aircraft Owners and Pilots Association (AOPA) to include graphical depictions in Docket No. FAA 2025–0273 of the proposed restricted areas R–5305A, R–5305B, and R–5305C at Camp Lejeune, NC; and proposed restricted areas R–5307A, R–5307B, and R–5307C at Cherry Point, NC. Subsequently, the requested graphics of each proposed restricted area were uploaded to the docket. Additionally, AOPA further requested that the comment period be extended by two weeks, to May 23, 2025, to allow additional time for the public to analyze the graphics and to provide feedback. The FAA finds it appropriate for the comment period to be extended and hereby grants a two-week extension as requested.

Extension of Comment Period

The FAA has determined that an extension of the comment period is consistent with the public interest, and that good cause exists for taking this action. Therefore, pursuant to the authority delegated to me, the comment period for Docket No. FAA–2025–0273; Airspace Docket No. 23–ASO–43 originally published in the **Federal Register** on March 20, 2025 (90 FR 13112), is extended until May 23, 2025.

Issued in Washington, DC, on May 2, 2025.

Brian Eric Konie,

Manager (A), Rules and Regulations Group.

[FR Doc. 2025–07940 Filed 5–6–25; 8:45 am]

BILLING CODE 4910–13–P

Notices

Federal Register
Vol. 90, No. 87
Wednesday, May 7, 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 Utah Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of public meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Utah Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a public meeting via Zoom at 3 p.m. mountain time (MT) on Tuesday, July 22, 2025. The purpose of the meeting is to discuss the Committee's report on the topic, ''The Civil Rights Implications of Disparate Outcomes in Utah's K–12 Education System''.

DATES: Tuesday, July 22, 2025, from 3 p.m.–4 p.m. MT.

ADDRESSES: The meeting will be held via Zoom Webinar.

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_nS_EfhM0RPW6VIjdiuYYww.

Join by Phone (Audio Only): (833) 435–1820 USA Toll-Free; Meeting ID: 161 462 9440.

FOR FURTHER INFORMATION CONTACT: Brooke Peery, Designated Federal Officer, at *bpeery@usccr.gov* or (202) 701–1376.

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

Members of the public are entitled to submit written comments; the comments must be received within 30 days following the meeting. Written comments may be emailed to Brooke Peery at *bpeery@usccr.gov.* Persons who desire additional information may contact the Regional Programs Coordination Unit at (202) 701–1376.

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

Agenda

I. Welcome & Roll Call

II. Discussion: Civil Rights Implications of Disparate Outcomes in Utah's K–12 Education System

III. Public Comment

IV. Next Steps

V. Adjournment

Dated: May 1, 2025.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2025–07893 Filed 5–6–25; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–827]

Certain Cased Pencils From the People's Republic of China: Rescission of Antidumping Duty Administrative Review; 2023–2024

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

SUMMARY: The U.S. Department of Commerce (Commerce) is rescinding the administrative review of the antidumping duty order on certain cased pencils (pencils) from the People's Republic of China (China) for the period of review (POR) December 1, 2023 to November 30, 2024.

DATES: Applicable May 7, 2025.

FOR FURTHER INFORMATION CONTACT: Elizabeth Beuley, AD/CVD Operations, Office IX, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3269.

SUPPLEMENTARY INFORMATION:

Background

On December 28, 1994, Commerce published in the **Federal Register** the antidumping duty order on pencils from China.[1] On December 3, 2024, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the *Order.*[2] On December 9, 2024, Commerce tolled certain deadlines in this administrative proceeding by 90 days.[3] The deadline for the preliminary results is now December 1, 2025.

On January 13, 2025, Commerce issued a questionnaire to Aloha Pencil Co. (Aloha Pencil) to assess its standing as a domestic producer, manufacturer, or wholesaler of pencils during the POR.[4] On January 27, 2025, based on

[1] *See Antidumping Duty Order: Certain Cased Pencils from the People's Republic of China,* 59 FR 66909 (December 28, 1994) (*Order*).

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review and Join Annual Inquiry Service List,* 89 FR 95737 (December 3, 2024).

[3] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,'' dated December 9, 2024.

[4] *See* Commerce's Letter, ''Aloha Pencil Domestic Standing Questionnaire,'' dated January 13, 2025.

timely requests for review from Dixon Ticonderoga Company (the petitioner) and Aloha Pencil, in accordance with 19 CFR 351.221(c)(1)(i) and section 751(a) of the Tariff Act of 1930, as amended (the Act), Commerce published the initiation of this administrative review with respect to 39 companies.[5]

On February 7, 2025, Aloha Pencil timely submitted its Standing Questionnaire Response.[6] On February 14, 2025, Commerce issued a supplemental questionnaire to Aloha Pencil regarding its standing, to which it timely responded on March 3, 2025.[7] On February 19, 2025, China First Pencil Co., Ltd. (China First) submitted comments on Aloha Pencil's Standing Questionnaire Response.[8] On March 13, 2025, China First submitted comments on Aloha Pencil's Supplemental Standing Questionnaire Response.[9] On March 20, 2025, Aloha Pencil submitted rebuttal comments.[10]

On March 25, 2025, based on the information on the record, Commerce determined that Aloha Pencil was not a *bona fide* producer, manufacturer, or wholesaler of a domestic like product during the POR.[11] As a result, Commerce declined to find that Aloha Pencil is a domestic interested party and stated that it was: (1) treating Aloha Pencil's review request as void; and (2) preliminarily rescinding this administrative review with respect to any company for which Aloha Pencil was the sole requestor.[12] Consequently, because Aloha Pencil's request for review of 34 companies was void, and it was the sole party requesting a review of these companies, only five companies remained under review: (1) Centraline Stationery & Gift Co. Limited; (2) Ningbo Homey Union Co., Ltd.; (3) Shandong Wah Yuen Stationery Co. Ltd.; (4) Tianjin Tonghe Stationery Co. Ltd; and (5) Wah Yuen Stationery Co. Ltd.[13]

On March 26, 2025, Commerce released the U.S. Customs and Border Protection (CBP) data to all interested parties under an administrative protective order and requested comments regarding the data and respondent selection.[14] We received no comments from interested parties on the CBP data.

On April 3, 2025, Commerce notified all interested parties of its intent to rescind this review in full because there were no reviewable, suspended entries of subject merchandise from the five remaining companies under review and invited comments from interested parties.[15] We received no comments from interested parties on our intent to rescind.

Rescission of Review

Pursuant to 19 CFR 351.213(d)(3), it is Commerce's practice to rescind an administrative review of an antidumping duty order when there are no reviewable entries of subject merchandise during the POR for which liquidation is suspended.[16] Normally, upon completion of an administrative review, the suspended entries are liquidated at the antidumping duty assessment rate calculated for the review period.[17] Therefore, for an administrative review to be conducted, there must be a reviewable, suspended entry that Commerce can instruct CBP to liquidate at the antidumping duty assessment rate calculated for the review period.[18] As explained above, because Commerce declined to find that Aloha Pencil is a domestic interested party, its request for review of 34 companies is void, and there were no reviewable, suspended entries of subject merchandise in the CBP data for the five companies remaining companies under review during the POR. Accordingly, in the absence of suspended entries of subject merchandise during the POR, we are hereby rescinding this administrative review, in its entirety, in accordance with 19 CFR 351.213(d)(3).

Assessment

Commerce will instruct CBP to assess antidumping duties on all appropriate entries.

Antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of this rescission notice in the **Federal Register**.

Administrative Protective Order

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

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

Dated: May 2, 2025.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2025–07963 Filed 5–6–25; 8:45 am]

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[5] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 90 FR 8187, 8190 (January 27, 2025) (*Initiation Notice*).

[6] *See* Aloha Pencil's Letter, ''Standing Questionnaire Response,'' dated February 7, 2025 (Standing Questionnaire Response).

[7] *See* Commerce's Letter, ''Supplemental Questionnaire,'' dated February 14, 2025; *see also* Aloha Pencil's Letter, ''Standing Questionnaire Response,'' dated March 3, 2025 (Supplemental Standing Questionnaire Response).

[8] *See* China First's Letter, ''Comments on Aloha's Response to the Standing Questionnaire,'' dated February 19, 2025.

[9] *See* China First's Letter, ''Comments on Aloha's Supplemental Response To the Standing Questionnaire and Request That The Review Be Rescinded as to China First Pencil Co., Ltd.,'' dated March 13, 2025 (Deficiency Comments on Supplemental Standing Response).

[10] *See* Aloha Pencil's Letter, ''Reply to Comments on Aloha Pencil Standing Supplemental Questionnaire Response,'' dated March 20, 2025.

[11] *See* Memorandum, ''Aloha Pencil Company's Standing to Request Review,'' dated March 25, 2025 (Standing Determination).

[12] *Id.*

[13] *See* Petitioner's Letter, ''Request for Administrative Review,'' dated December 26, 2024. *See also Initiation Notice,* 90 FR at 8190.

[14] *See* Memorandum, ''Release of Customs Entry Data,'' dated March 26, 2025.

[15] *See* Memorandum, ''Notice of Intent to Rescind Review,'' dated April 3, 2025.

[16] *See, e.g., Dioctyl Terephthalate from the Republic of Korea: Rescission of Antidumping Administrative Review; 2021–2022,* 88 FR 24758 (April 24, 2023); *see also Certain Carbon and Alloy Steel Cut-to-Length Plate from the Federal Republic of Germany: Recission of Antidumping Administrative Review; 2020–2021,* 88 FR 4157 (January 24, 2023); and *Lightweight Thermal Paper from Japan: Rescission of Antidumping Administrative Review; 2022–2023,* 89 FR 18373 (March 13, 2024).

[17] *See* 19 CFR 351.212(b)(1).

[18] *See* 19 CFR 351.213(d)(3).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–192]

Erythritol From People's Republic of China: Postponement of Preliminary Determination in the Less-Than-Fair-Value Investigation

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

DATES: Applicable May 7, 2025.

FOR FURTHER INFORMATION CONTACT: Brian Smith and Hannah Lee, AD/CVD Operations, Office VIII, Enforcement

and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1766 and (202) 482–1216, respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 2, 2025, the U.S. Department of Commerce (Commerce) initiated a less-than-fair-value (LTFV) investigation of imports of erythritol from the People's Republic of China.[1] Currently, the preliminary determination is due no later than May 22, 2025.

Postponement of Preliminary Determination

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in an LTFV investigation within 140 days after the date on which Commerce initiated the investigation. However, section 733(c)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 190 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 petitioner [2] submitted a timely request that Commerce postpone the preliminary determination in the LTFV investigation.[3] The petitioner stated that it requested postponement ''to allow for the collection and analysis of all necessary information for determining the most accurate possible antidumping duty rate.'' [4]

For the reasons stated above and because there are no compelling reasons to deny the request, Commerce, in accordance with section 733(c)(1)(A) of the Act, is postponing the deadline for the preliminary determination by 50 days (*i.e.,* 190 days after the date on which this investigation was initiated). As a result, Commerce will issue its preliminary determination no later than July 11, 2025. In accordance with section 735(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, unless postponed at a later date.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: May 1, 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. 2025–07945 Filed 5–6–25; 8:45 am]

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[1] *See Erythritol from the People's Republic of China: Initiation of Less-Than-Fair-Value Investigation,* 90 FR 1957 (January 10, 2025).

[2] The petitioner is Cargill, Incorporated.

[3] *See* Petitioner's Letter, ''Erythritol from the People's Republic of China: Request to Postpone Antidumping Preliminary Determination,'' dated April 22, 2025.

[4] *Id.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–883]

Lattice Boom Crawler Cranes From Japan: Initiation of Less-Than-Fair-Value Investigation

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

DATES: Applicable April 30, 2025.

FOR FURTHER INFORMATION CONTACT: Thomas Schauer, Office I, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0410.

SUPPLEMENTARY INFORMATION:

The Petition

On April 10, 2025, the U.S. Department of Commerce (Commerce) received an antidumping duty (AD) petition concerning imports of lattice boom crawler cranes from Japan, filed in proper form on behalf of The Manitowoc Company, Inc. (the petitioner), a domestic producer of lattice boom crawler cranes.[1]

Between April 15 and 23, 2025, Commerce requested supplemental information pertaining to certain aspects of the Petition in supplemental questionnaires.[2] On April 18 and 24, 2025, the petitioner filed timely responses to these requests for additional information.[3]

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that imports of lattice boom crawler cranes from Japan are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Act, and that imports of such products are materially injuring, or threatening material injury to, the lattice boom crawler cranes industry in the United States. Consistent with section 732(b)(1) of the Act, the Petition was accompanied by information reasonably available to the petitioner supporting its allegations.

Commerce finds that the petitioner filed the Petition on behalf of the domestic industry, because the petitioner is an interested party, as defined in section 771(9)(C) of the Act. Commerce also finds that the petitioner demonstrated sufficient industry support for the initiation of the requested LTFV investigation.[4]

Period of Investigation (POI)

Because the Petition was filed on April 10, 2025, pursuant to 19 CFR 351.204(b)(1), the period of investigation (POI) for the Japan LTFV investigation is April 1, 2024, through March 31, 2025.

Scope of the Investigation

The products covered by this investigation are lattice boom crawler cranes from Japan. For a full description of the scope of this investigation, *see* the appendix to this notice.

Comments on the Scope of the Investigation

Between April 15 and 28, 2025, Commerce requested information and clarification from the petitioner regarding the proposed scope to ensure that the scope language in the Petition is an accurate reflection of the products for which the domestic industry is

[1] *See* Petitioner's Letter, ''Antidumping Petition,'' dated April 10, 2025 (Petition).

[2] *See* Commerce's Letters, ''Supplemental Questions,'' dated April 15, 2025 (First Supplemental Questionnaire); and ''Third Supplemental Questions,'' dated April 23, 2025 (Third Supplemental Questionnaire); *see also* Memoranda, ''Phone Call with Counsel to the Petitioner,'' dated April 22, 2025 (April 22 Memorandum).

[3] *See* Petitioner's Letters, ''Response to Antidumping Duty Petition Supplemental Questionnaire,'' dated April 18, 2025 (First Petition Supplement); *see also* ''Response to Second and Third Antidumping Duty Petition Supplemental Questionnaires,'' dated April 24, 2025 (Second Petition Supplement).

[4] *See* section on ''Determination of Industry Support for the Petition,'' *infra.*

seeking relief.[5] Between April 18 and 24, 2025, the petitioner provided clarifications and revised the scope.[6] The description of merchandise covered by this investigation, as described in the appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.,* scope).[7] Commerce will consider all scope comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determination. If scope comments include factual information,[8] all such factual information should be limited to public information. To facilitate preparation of its questionnaires, Commerce requests that scope comments be submitted by 5:00 p.m. Eastern Time (ET) on May 20, 2025, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, and should also be limited to public information, must be filed by 5:00 p.m. ET on May 30, 2025, which is 10 calendar days from the initial comment deadline.

Commerce requests that any factual information that parties consider relevant to the scope of this investigation be submitted during that period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party must contact Commerce and request permission to submit the additional information.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.[9] An electronically filed document must be received successfully in its entirety by the time and date it is due.

Comments on Product Characteristics

Commerce is providing interested parties an opportunity to comment on the appropriate physical characteristics of lattice boom crawler cranes to be reported in response to Commerce's AD questionnaires. This information will be used to identify the key physical characteristics of the subject merchandise in order to report the relevant cost of production (COP) accurately, as well as to develop appropriate product comparison criteria.

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

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, all product characteristics comments must be filed by 5:00 p.m. ET on May 20, 2025, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, and should also be limited to public information, must be filed by 5:00 p.m. ET on May 30, 2025, which is 10 calendar days from the initial comment deadline. All comments and submissions to Commerce must be filed electronically using ACCESS, as explained above, on the record of the LTFV investigation.

Determination of Industry Support for the Petition

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) at least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product,[10] they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[11]

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

[5] *See* First Supplemental Questionnaire; *see also* April 22 Memorandum; Third Supplemental Questionnaire; and ''Virtual Meeting with Counsel to the Petitioner,'' dated April 28, 2025.

[6] *See* First Petition Supplement at 1–10; *see also* Second Petition Supplement at 1–6.

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

[8] *See* 19 CFR 351.102(b)(21) (defining ''factual information'').

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

[10] *See* section 771(10) of the Act.

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

(*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of the investigation.[12] Based on our analysis of the information submitted on the record, we have determined that lattice boom crawler cranes, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.[13]

On April 29, 2025, we received an industry support challenge from Link-Belt Cranes (Link-Belt), a U.S. producer and importer of lattice boom crawler cranes.[14] On April 29, 2025, the petitioner responded to the standing challenge from Link-Belt.[15] Based on the information provided in the Petition and in the letter from Link-Belt, the share of total U.S. production of the domestic like product in calendar year 2024 represented by the supporters of the Petition did not account for more than 50 percent of the total production of the domestic like product. Therefore, in accordance with section 732(c)(4)(D) of the Act, because the record contained information regarding each U.S. producer's 2024 production of the domestic like product and position on the Petition, we relied on other information (*i.e.,* actual 2024 production data and the position for each U.S. producer) to determine industry support.[16]

Section 732(c)(4)(B) of the Act states that (i) Commerce ''shall disregard the position of domestic producers who oppose the petition if such producers are related to foreign producers, as defined in section 771(4)(B)(ii), unless such domestic producers demonstrate that their interests as domestic producers would be adversely affected by the imposition of an antidumping duty order''; and (ii) Commerce ''may disregard the position of domestic producers of a domestic like product who are importers of the subject merchandise.'' In addition, 19 CFR 351.203(e)(4) states that the position of a domestic producer that opposes the petition (i) will be disregarded ''if such producer is related to a foreign producer or to a foreign exporter under section 771(4)(B(ii) of the Act, unless such domestic producer demonstrates to the Secretary's satisfaction that its interests as a domestic producer would be adversely affected by the imposition of an antidumping duty order''; and (ii) may be disregarded if the producer ''is an importer of the subject merchandise {or} is related to such an importer, under section 771(4)(B)(ii) of the Act.''

The information on the record indicates that Link-Belt is related to a foreign producer of lattice boom crawler cranes and/or imported subject merchandise from Japan.[17] We have analyzed the information provided by the petitioner and the information provided in the submission from Link-Belt. Based on our analysis, we have determined that it is appropriate to disregard Link-Belt's opposition to the Petition pursuant to section 732(c)(4)(B) of the Act. When Link-Belt's opposition to the Petition is disregarded, the industry support requirements of section 732(c)(4)(A) of the Act are satisfied.[18]

Based on our analysis and review of the information on the record, we have determined that the petitioner has established industry support for the Petition.[19] The information on the record demonstrates that the domestic producers of lattice boom crawler cranes who support the Petition account for at least 25 percent of the total production of the domestic like product and, once Link-Belt's opposition is disregarded, account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition.[20] Accordingly, Commerce determines that the Petition was filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.

Allegations and Evidence of Material Injury and Causation

The petitioner alleges that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at LTFV. In addition, the petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[21]

The petitioner contends that the industry's injured condition is illustrated by a significant increase in the volume of subject imports; increase in subject market share; lost sales and revenues; underselling and price depression and/or suppression; low capacity utilization; adverse impact on employment variables; and negative impact on financial performance.[22] We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, cumulation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.[23]

Allegations of Sales at LTFV

The following is a description of the allegations of sales at LTFV upon which Commerce based its decision to initiate an LTFV investigation of imports of lattice boom crawler cranes from Japan. The sources of data for the deductions and adjustments relating to U.S. price and normal value (NV) are discussed in greater detail in the Japan AD Initiation Checklist.

U.S. Price

The petitioner based export price (EP) on a transaction-specific average unit value (AUV) (*i.e.,* month-and port-specific AUV) derived from official import statistics and ship manifest data.[24] The petitioner made certain adjustments to U.S. price to calculate a net ex-factory U.S price, where applicable.[25]

Normal Value[26]

The petitioner based NV on home market pricing information it obtained

[12] *See* Petition at Volume I (pages 22–24); *see also* First Petition Supplement at 13–16.

[13] For a discussion of the domestic like product analysis as applied to this case and information regarding industry support, *see* Checklist, ''Antidumping Duty Investigation Initiation Checklist: Lattice Boom Crawler Cranes from Japan,'' dated concurrently with, and hereby adopted by, this notice (Japan AD Initiation Checklist), at Attachment II, Analysis of Industry Support for the Antidumping Duty Petition Covering Lattice Boom Crawler Cranes from Japan (Attachment II). This checklist is on file electronically via ACCESS.

[14] *See* Link-Belt's Letter, ''Link-Belt's Challenge to Petitioner's Standing,'' dated April 29, 2025 (Link-Belt Challenge); *see also* Link-Belt's Letter, ''Entry of Appearance,'' dated April 23, 2025 (Link-Belt EOA).

[15] *See* Petitioner's Letter, ''Manitowoc Response to Link-Belt's Standing Challenge,'' dated April 29, 2025.

[16] For further discussion, *see* Attachment II of the Japan AD Initiation Checklist.

[17] *See* Petition at Volume I (page 6 and Exhibits 2 and 3); *see also* Link-Belt EOA; and Link-Belt Challenge at 3.

[18] For further discussion, *see* Attachment II of the Japan AD Initiation Checklist.

[19] *Id.*

[20] *Id.*

[21] For further discussion, *see* Japan AD Initiation Checklist at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping Duty Petition Covering Lattice Boom Crawler Cranes from Japan.

[22] *Id.*

[23] *Id.*

[24] *See* Japan AD Initiation Checklist.

[25] *Id.*

[26] In accordance with section 773(b)(2) of the Act, for this investigation, Commerce will request information necessary to calculate the constructed

for lattice boom crawler cranes produced in and sold, or offered for sale, in Japan during the POI.[27] The petitioner provided information indicating that the prices for lattice boom crawler cranes sold or offered for sale in Japan was below the COP. Therefore, the petitioner based NV on constructed value (CV).

Normal Value Based on Constructed Value

As noted above, the petitioner provided information indicating the prices for lattice boom crawler cranes sold or offered for sale in Japan were below the COP. Therefore, the petitioner calculated NV based on CV.[28]

Pursuant to section 773(e) of the Act, the petitioner calculated CV as the sum of the cost of manufacturing, selling, general, and administrative (SG&A) expenses, financial expenses, and profit.[29] In calculating the cost of manufacturing, the petitioner relied on its own production experience and input consumption rates for lattice boom crawler cranes, valued using publicly available information applicable to Japan.[30] For calculating SG&A expenses, financial expenses, and profit ratios, the petitioner relied on the fiscal year 2023–2024 financial statements of a producer of identical merchandise domiciled in Japan.[31]

Fair Value Comparison

Based on the data provided by the petitioner, there is reason to believe that imports of lattice boom crawler cranes from Japan are being, or are likely to be, sold in the United States at LTFV. Based on comparisons of EP to NV in accordance with sections 772 and 773 of the Act, the estimated dumping margin for lattice boom crawler cranes from Japan is 157.43 percent.[32]

Initiation of LTFV Investigation

Based upon the examination of the Petition and supplemental responses, we find that they meet the requirements of section 732 of the Act. Therefore, we are initiating an LTFV investigation to determine whether imports of lattice boom crawler cranes from Japan are being, or are likely to be, sold in the United States at LTFV. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 140 days after the date of this initiation.

Respondent Selection

In the Petition, the petitioner identified two companies in Japan as producers and/or exporters of lattice boom crawler cranes.[33] Following standard practice in LTFV investigations involving market economy countries, Commerce would normally select respondents based on U.S. Customs and Border Protection (CBP) entry data for imports under the appropriate Harmonized Tariff Schedule of the United States (HTSUS) subheading(s) listed in the ''Scope of the Investigation'' in the Appendix. However, for this investigation, the main HTSUS subheadings under which the subject merchandise would enter (8426.49.0010 and 8426.49.0090) are basket categories under which non-subject merchandise may also enter. Therefore, instead of relying on CBP entry data in selecting respondents, we intend to issue quantity and value (Q&V) questionnaires to each potential respondent for which there is complete address information on the record.

Commerce will also post the Q&V questionnaires along with filing instructions on Commerce's website at *https://www.trade.gov/ec-adcvd-case-announcements.* Exporters/producers of lattice boom crawler cranes from Japan that do not receive Q&V questionnaires may still submit a response to the Q&V questionnaire and can obtain a copy of the Q&V questionnaire from Commerce's website. Responses to the Q&V questionnaire must be submitted by the relevant producers/exporters no later than 5:00 p.m. on May 14, 2025, which is two weeks from the signature date of this notice. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the deadline noted above.

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

Distribution of Copies of the Petition

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petition has been provided to the government of Japan via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petition to each exporter named in the Petition, as provided under 19 CFR 351.203(c)(2).

ITC Notification

Commerce will notify the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of lattice boom crawler cranes from Japan are materially injuring, or threatening material injury to, a U.S. industry.[34] A negative ITC determination will result in the investigation being terminated.[35] Otherwise, this LTFV investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted [36] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[37] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in this investigation.

Particular Market Situation Allegation

Section 773(e) of the Act addresses the concept of particular market situation (PMS) for purposes of CV,

value (CV) and COP to determine whether there are reasonable grounds to believe or suspect that sales of the foreign like product have been made at prices that represent less than the COP of the product.

[27] *See* Japan AD Initiation Checklist.

[28] *Id.*

[29] *Id.*

[30] *Id.*

[31] *Id.*

[32] *Id.*

[33] *See* Petition at Volume I (page 15); *see also* Second Supplement at 1.

[34] *See* section 733(a) of the Act.

[35] *Id.*

[36] *See* 19 CFR 351.301(b).

[37] *See* 19 CFR 351.301(b)(2).

stating that ''if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology.'' When an interested party submits a PMS allegation pursuant to section 773(e) of the Act (*i.e.,* a cost-based PMS allegation), the submission must be filed in accordance with the requirements of 19 CFR 351.416(b), and Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a cost-based PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act, nor 19 CFR 351.301(c)(2)(v), sets a deadline for the submission of cost-based PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a cost-based PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of a respondent's initial section D questionnaire response.

We note that a PMS allegation filed pursuant to sections 773(a)(1)(B)(ii)(III) or 773(a)(1)(C)(iii) of the Act (*i.e.,* a sales-based PMS allegation) must be filed within 10 days of submission of a respondent's initial section B questionnaire response, in accordance with 19 CFR 351.301(c)(2)(i) and 19 CFR 351.404(c)(2).

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301, or as otherwise specified by Commerce.[38] For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, standalone submission; under limited circumstances we will grant untimely filed requests for the extension of time limits, where we determine, based on 19 CFR 351.302, that extraordinary circumstances exist. Parties should review Commerce's regulations concerning the extension of time limits and the *Time Limits Final Rule* prior to submitting factual information in this investigation.[39]

Certification Requirements

Any party submitting factual information in an AD or countervailing duty proceeding must certify to the accuracy and completeness of that information.[40] Parties must use the certification formats provided in 19 CFR 351.303(g).[41] Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. Parties wishing to participate in this investigation should ensure that they meet the requirements of 19 CFR 351.103(d) (*e.g.,* by filing the required letter of appearance). Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[42]

This notice is issued and published pursuant to sections 732(c)(2) and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: April 30, 2025.

Christopher Abbott,

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

Appendix

Scope of the Investigation

The merchandise covered by this investigation consists of lattice boom crawler cranes, and lattice boom crawler crane assemblies. Lattice boom crawler cranes combine the assemblies defined below, among other components, including a lower carriage assembly fitted with tank-link crawler tracks, an upper carriage housing the operator cab, engine, and hydraulics, and a boom made of steel pipe welded together in a distinctive lattice pattern. The scope of this investigation covers lattice boom crawler cranes and lattice boom crawler crane assemblies, whether assembled or unassembled, and whether or not the lattice boom crawler crane contains any additional features that provide for functions beyond the primary lifting function. All lattice boom crawler cranes are included in the scope regardless of maximum lift capacity, lattice boom length, jib configuration, or other added features.

Subject merchandise includes, but is not limited to, the following lattice boom crawler crane assemblies which can be imported in isolation or combined in different configurations at the time of import:

- Lattice boom assemblies and pieces thereof. Lattice boom assemblies are formed of interlocking sections of welded high-strength steel pipe, that form the lifting attachment of the crane. A lattice boom is formed by welding main chords together with lacing pipes typically arranged in a ''W'' or ''V'' pattern. Lattice boom assemblies consist of a boom butt (also known as a boom bottom or boom base), which attaches to the upper carriage assembly, and a boom head (also known as a boom tip or boom hat), which forms the other end of the boom structure. In between the boom butt and boom head, boom inserts of various lengths can be inserted to reach the desired boom height and load bearing capability. Lattice boom assemblies may be imported with boom butt, boom tip, and boom inserts together, but boom butt, boom tip, and boom inserts imported alone are also covered by the scope.
- Lower carriage assembly. The lower carriage assembly (also may be referred to as a carbody or lower works) is constructed with high-strength steel components and forms the base of the crawler crane. The lower carriage assembly typically includes various motors, drive mechanisms, and hydraulics. The lower carriage assembly may also include a set of counterweights to provide backward stability for the assembled crane. The lower carriage typically has a circular center that is connected to the upper carriage assembly with a bearing. The lower and upper carriage assemblies may or may not be connected by a bearing at the time of importation. Steel arms extend from the center of the lower carriage and connect to

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

[39] *See* 19 CFR 351.302; *see also, e.g., Time Limits Final Rule.*

[40] *See* section 782(b) of the Act.

[41] *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*). Additional information regarding the *Final Rule* is available at *https://access.trade.gov/Resources/filing/index.html.*

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

the front and rear of the crawler assemblies that are positioned on both sides of the lower carriage assembly. The lower carriage assembly may also contain a hydraulic system that allows for the extension and retraction of the crawler assemblies to create a wider base. A lower carriage assembly may be imported with or without crawler assemblies.

- Crawler assembly. Each lattice boom crawler crane contains at least two crawler assemblies, which are continuous tracks that provide mobility and distribute the crane's weight evenly across the ground. The tracks of a lattice boom crawler crane consist of steel track shoes, which are interlocking steel plates that form the tread of the tracks and make direct contact with the ground, a track chain, which is a continuous loop of interconnected steel links, and a crawler body and track rollers, which support the track shoes and track chain. Typically, drive motors mounted on the lower carriage assembly connect to crawler-mounted drive sprockets, which engage the track chain and allow the LBCC to move forward and backward.
- Upper carriage assembly. The upper carriage assembly, also known as the upper works, typically includes the operator's cab, hydraulic systems, engine, boom hoist, mast, and a turntable base with swing drive mechanism that connects to the lower carriage assembly and allows the upper carriage to pivot on the lower carriage assembly. The upper and lower carriage assemblies may or may not be connected by a bearing at the time of importation. The upper carriage assembly may also include a separate counterweight tray and counterweights, which allow the crane to maintain balance while lifting heavy loads, as well as a gantry, which helps lift the boom and counterweights during installation, although the counterweight tray, counterweights, and gantry are not required to be attached for the upper carriage assembly to be a subject assembly. The boom butt may or may not be attached to the upper carriage assembly at the time of entry.
- Hoisting assembly. The hoisting assembly, housed within the upper carriage assembly and lattice boom assembly, powers the lifting and lowering of loads and typically consists of a hoisting line of high strength steel cable, a hoist motor, hoist brakes, hoisting drums, and a hook block formed from steel sheaves, which helps distribute the load on the hoisting line and increases lifting capacity. The main hoisting line typically runs from the hoist drums, housed in the upper carriage assembly, up through the lattice boom (which may or may not house additional hoist drums) and hook block.
- Jib assemblies. Jib assemblies are optional components that can be added to the top end of the boom to provide the crane with greater reach. Similar to lattice boom assemblies, jib assemblies typically consist of interlocking sections of welded steel pipe, arranged in a ''V'' or ''W'' lattice pattern. Jib assemblies can consist of either fixed jib, which extends from the main lattice boom at a fixed angle, or a luffing jib, which can be raised or lowered by the operator through a separate set of controls.

Importation of any of these assemblies, whether assembled or unassembled, constitutes unfinished lattice boom crawler cranes for purposes of this investigation. Inclusion of other components not identified as comprising the finished or unfinished lattice boom crawler cranes and lattice boom crawler crane assemblies do not remove the products from the scope.

Processing of lattice boom crawler cranes and lattice boom crawler crane assemblies such as welding, joining, bolting, painting, coating, finishing, or assembly, either in the country of manufacture of the in-scope product or in a third country does not remove the product from the scope. Lattice boom crawler cranes and lattice boom crawler crane assemblies subject to this investigation include those that are produced in the subject country whether assembled with other components in the subject country or in a third country. Processing or completion of finished and unfinished lattice boom crawler cranes and the covered lattice boom crawler crane assemblies either in the subject country or in a third country does not remove the product from the scope.

Lattice boom crawler cranes subject to this investigation are typically classifiable under subheadings 8426.49.0010 and 8426.49.0090 of the Harmonized Tariff Schedule of the United States (HTSUS). Lattice boom crawler crane assemblies may also be classified under subheadings 8426.49.0010 or 8426.49.0090, or may be classified under subheadings 8431.49.1090, 8431.49.1060, or 8425.19.0000 of the HTSUS. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

[FR Doc. 2025–07897 Filed 5–6–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–475–841]

Forged Steel Fluid End Blocks From Italy: Preliminary Results of Countervailing Duty Administrative Review; 2023

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily finds that countervailable subsidies were provided to producers and exporters of forged steel fluid end blocks (fluid end blocks) from Italy, during the period of review (POR) January 1, 2023, through December 31, 2023. Interested parties are invited to comment on these preliminary results.

DATES: Applicable May 7, 2025.

FOR FURTHER INFORMATION CONTACT: Stefan Smith or Theodore Pearson, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4342 or (202) 482–2631, respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 21, 2021, Commerce published in the **Federal Register** the countervailing duty order on fluid end blocks from Italy.[1] On March 5, 2024, Commerce published in the **Federal Register** the notice of initiation of an administrative review of the *Order.*[2] On April 23, 2024, Commerce selected Lucchini Mame Forge S.p.A. (Lucchini), and Metalcam S.p.A. (Metalcam) for individual examination as the mandatory respondents in this administrative review.[3] On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.[4] On September 30, 2024, Commerce extended the deadline for the preliminary results of this review until February 6, 2025.[5] On December 9, 2024, Commerce tolled the certain administrative deadlines by an additional 90 days.[6] The deadline for the preliminary results is now May 7, 2025.

For a complete description of the events that followed the initiation of this administrative review, *see* the Preliminary Decision Memorandum.[7] A list of topics discussed in the Preliminary Decision Memorandum is included in the Appendix to this notice. The Preliminary Decision Memorandum

[1] *See Forged Steel Fluid End Blocks from the People's Republic of China, the Federal Republic of Germany, India, and Italy: Countervailing Duty Orders, and Amended Final Affirmative Countervailing Duty Determination for the People's Republic of China,* 86 FR 7535 (January 29, 2021) (*Order*); *see also Forged Steel Fluid End Blocks from the People's Republic of China, the Federal Republic of Germany, India, and Italy: Correction to Countervailing Duty Orders,* 86 FR 10244 (February 19, 2021).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 89 FR 15827 (March 5, 2024).

[3] *See* Memorandum, ''Respondent Selection Memorandum,'' dated April 23, 2024.

[4] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,'' dated July 22, 2024.

[5] *See* Memorandum, ''Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review,'' dated September 30, 2024.

[6] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,'' dated December 9, 2024.

[7] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Administrative Review of the Countervailing Duty Order on Forged Steel Fluid End Blocks from Italy; 2023,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Order

The merchandise covered by the *Order* is fluid end blocks from Italy. For a complete description of the scope of the *Order, see* the Preliminary Decision Memorandum.[8]

Methodology

Commerce is conducting this administrative review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each subsidy program found countervailable, we preliminarily find that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[9] For a full description of the methodology underlying our conclusions, including our reliance, in part, on adverse facts available (AFA) pursuant to sections 776(a) and (b) of the Act, *see* the Preliminary Determination Memorandum.

Rate for Non-Selected Companies Under Review

There are two companies, Cogne Acciai Speciali S.p.A. (CAS) and Forge Monchieri S.p.A. (Forge Monchieri) for which a review was requested, which had reviewable entries, and which were not selected as mandatory respondents or found to be cross-owned with a mandatory respondent. For these companies, because the rates calculated for the mandatory respondents, Lucchini and Metalcam, were above *de minimis* and not based entirely on facts available, we are applying to the non-selected companies the weighted average of the subsidy rates calculated for Lucchini and Metalcam, based on the publicly-ranged sales data submitted by Lucchini and Metalcam. This methodology is consistent with our practice for establishing an all-others rate pursuant to section 705(c)(5)(A) of the Act.[10]

Preliminary Results of Review

Commerce preliminary determines that the following net countervailable subsidy rates exist for the period January 1, 2023, through December 31, 2023:

Company	Subsidy rate (percent *ad valorem*)
Lucchini Mame Forge S.p.A.[11]	15.33
Metalcam S.p.A.[12]	8.22
Review-Specific Average Rate Applicable to the Following Companies	
Cogne Acciai Speciali S.p.A	14.05
Forge Monchieri S.p.A	14.05

Disclosure

We intend to disclose the calculations performed for these preliminary results to interested parties within five days of the public announcement or, if there is no public announcement, within five days after publication of this notice.[13]

Public Comment

Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs to Commerce no later than 21 days after the date of publication of these preliminary results of review.[14] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[15] Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[16]

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this review, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[17] Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the public executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[18]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. An electronically filed hearing request must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.

[8] *Id.*

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

[10] *See* Memorandum, ''Calculation of Non-Selected Companies Rate,'' dated concurrently with, and hereby adopted by, this notice; *see also* Preliminary Decision Memorandum.

[11] Commerce preliminary finds the following companies to be cross-owned with Lucchini: Lucchini RS S.p.A.; Lucchini Industries Srl; and Bicomet S.p.A.

[12] Commerce preliminary finds the following companies to be cross-owned with Metalcam: Adamello Meccanica S.r.l.; and B.S. S.r.l.

[13] *See* 19 CFR 351.224(b).

[14] *See* 19 CFR 351.309(c)(1)(ii).

[15] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

[16] *See* 19 351.309(c)(2) and (d)(2).

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

[18] *See APO and Service Final Rule.*

Final Results of Review

Unless extended, we intend to issue the final results of this administrative review, which will include the results of our analysis of the issues raised in the case briefs, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Assessment Rates

In accordance with section 751(a)(2)(C) of the Act and 19 CFR 351.221(b)(4)(i), we preliminarily determined subsidy rates in the amounts shown above for the producers/exporters shown above. Upon completion of the administrative review, consistent with section 751(a)(1) of the Act and 19 CFR 351.212(b)(2), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review.

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

Cash Deposit Requirements

In accordance with section 751(a)(2)(C) of the Act, Commerce also intends upon publication of the final results, to instruct CBP to collect cash deposits of the estimated countervailing duties in the amounts calculated in the final results of this review for the respective companies listed above with regard to shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. If the rate calculated in the final results is zero or *de minimis,* no cash deposit will be required on shipments of the subject merchandise entered or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

For all non-reviewed firms, CBP will continue to collect cash deposits of estimated countervailing duties at the all-others rate or the most recent company-specific rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Interested Parties

These preliminary results of review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: April 29, 2025.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2025–07927 Filed 5–6–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–016]

Certain Passenger Vehicle and Light Truck Tires 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 the exporters of passenger vehicle and light truck tires (passenger tires) from the People's Republic of China (China) listed in the ''Final Results of Review'' section below, sold subject merchandise at less than normal value during the period of review (POR), August 1, 2022, through July 31, 2023. Further, we also determine that certain companies under review had no shipments of subject merchandise to the United States during the POR.

DATES: Applicable May 7, 2025.

FOR FURTHER INFORMATION CONTACT: Lilit Astvatsatrian, AD/CVD Operations, Office IX, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6412.

SUPPLEMENTARY INFORMATION:

Background

On September 11, 2024, we published the *Preliminary Results* and invited interested parties to comment.[1] On December 9, 2024, Commerce tolled certain deadlines in this administrative proceeding by 90 days.[2] On April 2, 2025, Commerce extended the deadline of the final results of this administrative review to April 30, 2025, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(h)(2).[3] For details regarding the events that occurred since the *Preliminary Results, see* the Issues and Decision Memorandum.[4]

Scope of the Order [5]

The products covered by this *Order* are certain passenger vehicle and light truck tires from China. For a complete description of the scope of the *Order, see* the Issues and Decision Memorandum.

Analysis of Comments Received

We addressed all the issues raised in the case and rebuttal briefs in the Issues and Decision Memorandum. A list of the issues that parties raised is provided in Appendix I of this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

[1] *See Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review; 2022–2023,* 89 FR 73628 (September 11, 2024) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,'' dated December 9, 2024.

[3] *See* Memorandum, ''Extension of Deadline for Final Results of 2022–2023 Antidumping Duty Administrative Review,'' dated April 2, 2025.

[4] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review of Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China and Final Determination of No Shipments; 2022–2023,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[5] *See Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China: Amended Final Affirmative Antidumping Duty Determination and Antidumping Duty Order; and Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order,* 80 FR 47902 (August 10, 2015) (*Order*).

Changes Since the Preliminary Results

Based on comments received from interested parties regarding the *Preliminary Results,* we have made certain changes to the margin calculations for Zhaoqing Junhong Co., Ltd (Junhong). For a discussion of these changes, *see* the Issues and Decision Memorandum.

Final Determination of No Shipments

In the *Preliminary Results,* we determined that the following companies did not have shipments of subject merchandise during the POR: (1) Prinx Chengshan (Shandong) Tire Company Ltd.; (2) Shandong Qilun Rubber Co., Ltd; (3) Shandong Changfeng Tyres Co., Ltd.; (4) Qingdao Nexen Tire Corporation; and (5) Shandong Transtone Tyre Co., Ltd.[6] We continue to find that each of the above-listed companies had no shipments of subject merchandise during the POR and we will issue appropriate liquidation instructions consistent with our ''automatic assessment'' clarification for these final results.[7]

Separate Rates

In the *Preliminary Results,* we found that Shandong Hongsheng Rubber Technology Co., Ltd. (Shandong Hongsheng) and Shandong Haohua Tire Co., Ltd. (Shandong Haohua) did not establish their eligibility for a separate rate.[8] Moreover, we determined that seven other companies under review did not establish their eligibility for a separate rate because they failed to provide either a separate rate application, a separate rate certification, or a no-shipment certification (if they were already eligible for a separate rate).[9] As such, we preliminarily determined that Shandong Hongsheng, Shandong Haohua, and these seven other companies are part of the China-wide entity. No party filed comments on these determinations in the *Preliminary Results.* Therefore, for the final results, we continue to find that these nine companies are part of the China-wide entity. *See* Appendix II for a list of these nine companies.

In the *Preliminary Results,* we determined that: (1) Junhong; (2) Jiangsu General Science Technology Co., Ltd. (Jiangsu General); (3) Qingdao Transamerica Tire Industrial Co., Ltd. (Qingdao Transamerica); and (4) Winrun Tyre Co., Ltd. (Winrun) demonstrated their eligibility for a separate rate in this review.[10] No party filed comments on these determinations in the *Preliminary Results.* Therefore, we made no changes to our preliminary separate rate findings regarding them, and we continue to find that Junhong, Jiangsu General, Qingdao Transamerica, and Winrun have demonstrated their eligibility for a separate rate in this review.

Finally, we also stated in the *Preliminary Results* that we intended to request further information regarding whether Shandong Linglong Tyre Co., Ltd. (Shandong Linglong) had reviewable entries during the POR.[11] On December 11, 2024, we released additional CBP entry data related to Shandong Linglong and provided interested parties an opportunity to comment.[12] On December 18, 2024, we received comments from the petitioner,[13] stating that Commerce should not rescind the administrative review of Shandong Linglong.[14] Based on information Shandong Linglong provided in its separate rate application, in its comments on our intent to rescind memorandum,[15] the additional CBP entry data, and the petitioner's comments, we determine that Shandong Linglong had reviewable entries during the POR and is subject to this administrative review. Moreover, we find that Shandong Linglong has demonstrated its eligibility for a separate rate in this review.[16]

The China-Wide Entity

Commerce's policy regarding conditional review of the China-wide entity applies to this administrative review.[17] Under this policy, the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the China-wide entity, the entity is not under review, and the entity's rate (*i.e.,* 76.46 percent) [18] is not subject to change.

Rate for Non-Selected Separate Rate Companies

The Act and Commerce's regulations do not address what rate to apply to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when calculating the rate for non-selected companies that are not examined individually in an administrative review. Section 735(c)(5)(A) of the Act states that the all-others rate should be calculated by averaging the weighted-average dumping margins for individually examined respondents, excluding rates that are zero, *de minimis,* or based entirely on facts available. When the rates for individually examined companies are all zero, *de minimis,* or based entirely on facts available, section 735(c)(5)(B) of the Act provides that Commerce may use ''any reasonable method'' to establish the all-others rate. For these final results, we determined a dumping margin for the separate rate respondents using the calculate rate for the mandatory respondent, Junhong, which is not zero, *de minimis,* or based entirely on facts available.

Final Results of Review

Commerce determines that the following estimated weighted-average dumping margins exist for the period August 1, 2022, through July 31, 2023:

Exporter	Weighted-average dumping margin (percent)
Jiangsu General Science Technology Co., Ltd	67.87
Qingdao Transamerica Tire Industrial Co., Ltd	67.87
Shandong Linglong Tyre Co., Ltd	67.87
Winrun Tyre Co., Ltd	67.87
Zhaoqing Junhong Co., Ltd	67.87

Disclosure

Commerce intends to disclose the calculations performed in connection with these final results to interested parties within five days of any public

[6] *See Preliminary Results,* 89 FR at 73631.

[7] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011) (*Non-Market Economy Assessment Notice*).

[8] *See Preliminary Results* PDM at 10.

[9] *Id.* at 11.

[10] *Id.* at 10.

[11] *Id.,* 89 FR at 73629.

[12] *See* Memorandum, ''U.S. Customs Entries,'' dated December 11, 2024.

[13] The petitioner is the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO, CLC.

[14] *See* Petitioner's Letter, ''Petitioner's Comments on Shandong Linglong's Entries,'' dated December 18, 2024.

[15] *See* Shandong Linglong's Letter, ''Separate Rate Application,'' dated November 21, 2023; *see also* Shandong Linglong's Letter, ''Shandong Linglong Comments on the Department's Notice of Intent to Rescind,'' dated February 5, 2024.

[16] *See* Issues and Decision Memorandum at 5. We note that we did not receive any comments on Shandong Linglong's separate rate application.

[17] *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).

[18] *See Order,* 80 FR at 47904.

announcement or, if there is no public announcement, within five days after the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. 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).

Pursuant to 19 CFR 351.212(b)(1), because Junhong reported the entered value for its U.S. sales, we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those sales. Where either a respondent's weighted-average dumping margin is zero or *de minimis,* within the meaning of 19 CFR 351.106(c)(1) of the Act, or an importer-specific rate is zero or *de minimis,* we will instruct CBP to liquidate appropriate entries without regard to antidumping duties.

Pursuant to Commerce's assessment practice,[19] for entries that were not reported in the U.S. data submitted by Junhong, we will instruct to CBP to liquidate such entries at the China-wide rate (*i.e.,* 76.46 percent).[20] Additionally, where Commerce determined that an exporter under review had no shipments of subject merchandise to the United States during the POR, any suspended entries of subject merchandise that entered under that exporter's CBP case number during the POR will be liquidated at the weighted-average dumping margin assigned to the China-wide entity.

For respondents not individually examined in this administrative review that qualified for a separate rate, the assessment rate will be equal to the dumping margin calculated for Junhong. Finally, for the companies listed in Appendix II found to be part of the China-wide entity, we will instruct CBP to liquidate all entries of subject merchandise during the POR exported by these companies at the China-wide assessment rate of 76.46 percent.

Cash Deposit Requirements

The following cash deposit requirements will be effective for shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date for the final results of review, as provided for by section 751(a)(2)(C) of the Act: (1) for Junhong and the other exporters listed above that have a separate rate, the cash deposit rate will be the rate established in the final results of review (except, if the rate is zero or *de minimis,* then a cash deposit rate of zero will be established for that company); (2) for previously investigated or reviewed exporters not listed in the table above that have separate rates, the cash deposit rate will continue to be the existing exporter-specific rate published for the most recently-completed segment of this proceeding; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the China-wide entity (*i.e.,* 76.46 percent); and (4) for all exporters of subject merchandise which are not located in China and have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter(s) that supplied that non-China exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

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

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

Notification to Interested Parties

We are issuing these final results of administrative review and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(h)(1) 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.

Appendix I

List of Topics Discussed in the Issues and Decision Memorandum

Appendix II

Companies Found To Be Part of the China-Wide Entity

1. Kinforest Tyre Co., Ltd.
2. Qingdao Fullrun Tyre Tech Corp., Ltd.
3. Qingdao Powerich Tyre Co., Ltd.
4. Qingdao Vitour United Corp.
5. Shandong Haohua Tire Co., Ltd.
6. Shandong Hongsheng Rubber Technology Co., Ltd.
7. Shandong Wanda Boto Tyre Co., Ltd.
8. Tianjin Wanda Tyre Group Co., Ltd.
9. Zhongce Rubber Group Company, Ltd.

[FR Doc. 2025–07926 Filed 5–6–25; 8:45 am]

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[19] *See Non-Market Economy Assessment Notice,* 76 FR at 65694, for a full discussion of this practice.

[20] *See Order,* 80 FR at 47906.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–856]

Certain Corrosion-Resistant Steel Products From Taiwan: Final Results of the Antidumping Duty Administrative Review; 2022–2023

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that certain corrosion-resistant steel

products (CORE) from Taiwan are being sold in the United States at less than normal value during the period of review (POR), July 1, 2022, through June 30, 2023.

DATES: Applicable May 7, 2025.

FOR FURTHER INFORMATION CONTACT: Deborah Cohen or Anjali Mehindiratta, 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) 482–4521 or (202) 482–9127, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 4, 2024, Commerce published the *Preliminary Results* in the **Federal Register**.[1] On September 23, 2024, we received a case brief regarding the *Preliminary Results* from mandatory respondent, Prosperity Tieh Enterprise Co., Ltd. (Prosperity).[2] On September 30, 2024, we received a rebuttal brief from Cleveland-Cliffs Inc. (the petitioner).[3] On December 9, 2024, Commerce tolled the deadline for this administrative review by 90 days.[4] On March 28, 2025, Commerce extended the deadline for issuing the final results by an additional 30 days, to May 2, 2025, pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act).[5] For a complete description of the events that followed the *Preliminary Results, see* the Issues and Decision Memorandum.[6]

Scope of the Order [7]

The products covered by this *Order* are certain flat-rolled steel products, either clad, plated, or coated with corrosion-resistant metals. The full description of the scope of the *Order* is contained in the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs are addressed in the Issues and Decision Memorandum. A list of the issues that parties raised and to which we responded in the Issues and Decision Memorandum is attached as the appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties regarding the *Preliminary Results,* we made certain changes to the preliminary margin calculation for mandatory respondent, Prosperity.[8] Though we did not receive comment on the *Preliminary Results* with respect to the preliminary margin calculated for the other mandatory respondent subject to individual review, Sheng Yu Steel Co., Ltd. (SYSCO), we updated the margin calculation for SYSCO to incorporate an updated sales database requested of SYSCO in the post-preliminary stage of this review.[9] However, the incorporation of revised sales data from SYSCO into the preliminary margin calculation resulted in no change to the preliminary margin calculated for it.[10]

Rate for Non-Examined Companies

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

For the final results of this administrative review, we calculated a dumping margin of zero percent for SYSCO and 0.99 percent for Prosperity. Thus, we assign to the non-selected company, Great Grandeul Steel Company Limited (Samoa), a weighted-average dumping margin of 0.99 percent, based on the rate calculated for Prosperity, the only rate that is not zero, *de minimis,* or based entirely on facts otherwise available.

Final Results of Review

Commerce determines that the following estimated weighted-average dumping margins exist for the period July 1, 2022, through June 30, 2023:

Exporter/producer	Weighted-average dumping margin (percent)
Sheng Yu Steel Co., Ltd	0.00
Prosperity Tieh Enterprise Co., Ltd	0.99
Great Grandeul Steel Company Limited (Samoa)	0.99

Disclosure

Commerce intends to disclose the calculations performed in connection with these final results to interested parties within five days of the date of publication of this notice, in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b)(1), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. The final results of this review shall be the basis for the assessment of antidumping

[1] *See Certain Corrosion Resistant Steel Products from Taiwan: Preliminary Results and Recission, In Part, of Antidumping Duty Administrative Review; 2022–2023,* 89 FR 71878 (September 4, 2024) (*Preliminary Results),* and accompanying Preliminary Decision Memorandum.

[2] *See* Prosperity's Letter, ''Prosperity Tieh's Case Brief,'' dated September 23, 2024. (Prosperity's Case Brief).

[3] *See* Petitioner's Letter, ''Petitioners' Rebuttal Brief,'' dated September 30, 2024 (Petitioners' Case Brief).

[4] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,'' dated December 9, 2024, and filed to the record on March 25, 2025.

[5] *See* Memorandum, ''Certain Corrosion-Resistant Steel Products from Taiwan: Extension of Deadline for Final Results of Antidumping Duty Administrative Review,'' dated March 28, 2025.

[6] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review: Certain Corrosion-Resistant Steel Products from Taiwan; 2022–2023,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[7] *See Certain Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea and Taiwan: Amended Final Affirmative Antidumping Determination for India and Taiwan, and Antidumping Duty Orders,* 81 FR 48390 (July 25, 2016) (*Order*).

[8] For a full description of these changes, *see* the Issues and Decision Memorandum; *see also* Memorandum, ''Final Results Margin Calculation for Prosperity Tieh Enterprise Co., Ltd.,'' dated concurrently with this notice.

[9] *See* Memorandum, ''SYSCO's Analysis Memorandum for the Final Results of the Certain Corrosion-Resistant Steel Products from Taiwan Antidumping Duty Administrative Review; 2022–2023,'' dated concurrently with this notice.

[10] *Id.*

duties on entries of merchandise covered by this review and for future deposits of estimated duties, where applicable.[11]

Pursuant to 19 CFR 351.212(b)(1), we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for each importer's examined sales and the total entered value reported for those sales. Where the respondent did not report entered value, we calculated a per-unit assessment rate for each importer by dividing the total amount of dumping calculated for the examined sales made to that importer by the total quantity associated with those sales. To determine whether an importer-specific, per-unit assessment rate is *de minimis,* in accordance with 19 CFR 351.106(c)(2), we also calculated an importer-specific *ad valorem* ratio based on estimated entered values. Where either the respondent's weighted-average dumping margin is zero or *de minimis,* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For entries of subject merchandise during the POR produced by the respondents for which they did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate entries not reviewed at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[12] For the company which was not selected for individual examination, we will instruct CBP to assess antidumping duties at an *ad valorem* assessment rate equal to the dumping margin identified for Prosperity Tieh (*i.e.,* the only rate calculated in this review which is not zero, *de minimis,* or based entirely on facts available), in the ''Final Results of Review'' section, above.

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).

[11] *See* section 751(a)(2)(C) of the Act.

[12] *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on, or after, the publication date of the final results of review, as provided for by section 751(a)(2)(C) of the Act: (1) the cash deposit rates for the companies identified above in the ''Final Results of Review'' section will be equal to the company-specific weighted-average dumping margin established in the final results of this administrative review; (2) for merchandise exported by producers or exporters not covered in this review but covered in a prior completed segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the producer has been covered in a prior complete segment of this proceeding, then the cash deposit rate will be the rate established for the most recent period for the producer of the merchandise; (4) the cash deposit rate for all other manufacturers or exporters will continue to be 11.04 percent,[13] the all-others rate from the *Third Amended Final Determination.* These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also 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 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 duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order

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

[13] *See Corrosion-Resistant Steel Products from Taiwan: Notice of Third Amended Final Determination of Sales at Less Than Fair Value Pursuant to Court Decision and Partial Exclusion From Antidumping Duty Order,* 88 FR 58245 (August 25, 2023) (*Third Amended Final Determination*).

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(l) and 777(i)(l) of the Act, 19 CFR 351.221(b)(5).

Dated: May 1, 2025.

Christopher Abbott,

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

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2025–07962 Filed 5–6–25; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE891]

South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of a public meeting.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a meeting of the Scientific and Statistical Committee (SSC) on May 28, 2025. See **SUPPLEMENTARY INFORMATION**.

DATES: The SSC meeting will be held via webinar from 8:30 a.m. until 5 p.m., EDT on May 28, 2025.

ADDRESSES: The meeting will be held via webinar.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571–

4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net.*

SUPPLEMENTARY INFORMATION: The meeting is open to the public via webinar as it occurs. Webinar registration is required. Information regarding webinar registration is available from the Council's website at: *https://safmc.net/scientific-and-statistical-committee-meeting/.* The meeting agenda, briefing book materials, and online comment form will be posted to the Council's website two weeks prior to the meeting. Written comment on SSC agenda topics is to be distributed to the Committee through the Council office, similar to all other briefing materials. For this meeting, the deadline for submission of written comment is 5 p.m. EDT May 28, 2025.

The meeting agenda includes a review of the Southeast Data, Assessment, and Review (SEDAR) 92: Atlantic Blueline Tilefish Stock Assessment, the SEDAR 76 Update: South Atlantic Black Sea Bass catch level projections, and the terms of reference for the 2026 gag grouper stock assessment. The SSC will receive an update on the SEDAR process changes and conduct other business as needed. The SSC will provide guidance to staff and make recommendations for Council consideration.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 5 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: May 2, 2025.

Rey Israel Marquez,

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

[FR Doc. 2025–07969 Filed 5–6–25; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE900]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice of availability.

SUMMARY: Notice is hereby given that the Washington Department of Fish and Wildlife (WDFW) and Oregon Department of Fish and Wildlife (ODFW) have provided Hatchery and Genetic Management Plans (HGMPs) pursuant to the protective regulations promulgated for Pacific salmon and steelhead under the Endangered Species Act (ESA). The HGMPs include the Big Creek Chum, Washougal winter steelhead (Skamania stock), Grays River Tule conservation, and the Abernathy Tule conservation programs. This document serves to notify the public of the availability of these HGMPs for comment prior to a decision by NMFS on whether to approve the proposed hatchery programs.

DATES: Comments must be received at the appropriate address (see **ADDRESSES**) no later than 5:00 p.m. Pacific time on June 6, 2025. Comments received after this date may not be considered.

ADDRESSES: Written responses to the addendum should be addressed to the NMFS Sustainable Fisheries Division, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232. Comments may be submitted by email. The mailbox address for providing email comments is: *Hatcheries.Public.Comment@noaa.gov.* Include in the subject line of the email comment the following identifier: Comments on Big Creek Chum, Washougal winter steelhead (Skamania stock), Grays River Tule conservation, and the Abernathy Tule conservation programs.

FOR FURTHER INFORMATION CONTACT: Natasha Preston at (503) 320–4997 or by email at *natasha.preston@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The HGMPs submitted by WDFW and ODFW include the Big Creek Chum, Washougal winter steelhead (Skamania stock), Grays River Tule conservation, and the Abernathy Tule conservation programs. The HGMPs were submitted to NMFS for review under ESA Limit 5 of the 4(d) Rule. The HGMPs describe broodstock collection, incubation, rearing, release, and monitoring and evaluation.

The Big Creek chum program was submitted by ODFW. It has a prior 4(d) authorization of producing 300k chum salmon. This HGMP is proposing a new goal of releasing 1,690,000 chum salmon. WDFW submitted the three conservation hatchery programs (Washougal winter steelhead, Grays River Tule, and Abernathy Tule), as part of the updated Mitchell Act Endangered Species Act (ESA) Section 7(a)(2) Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat (EFH) Consultation (2024). All HGMPs are designed to aid in conserving their populations across the Evolutionary Significant Unit and/or Distinct Population Segment range. The programs use adaptive management procedures and the best available science to reduce adverse genetic effects and lessen competition and predation impacts typically associated with salmon and steelhead hatchery programs.

Prior to approving an HGMP under limit 5 of the 4(d) Rule, NMFS must publish notification announcing the availability of the HGMP for public review and comment.

Authority: 16 U.S.C. 1531 *et seq.;* 16 U.S.C. 742a *et seq.*

Dated: April 30, 2025.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2025–07912 Filed 5–6–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE863]

Fisheries of the Gulf of America; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 87 Review Workshop for Gulf brown, pink, and white shrimp.

SUMMARY: The SEDAR 87 assessment process of Gulf brown, pink, and white shrimp will consist of a Data Workshop, and a series of assessment webinars, and a Review Workshop. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 87 Review Workshop will be held from 1 p.m. on June 23, 2025, until 1 p.m. on June 27, 2025. The established times may be adjusted as necessary to accommodate the timely completion of discussion relevant to the assessment process. Such adjustments may result in the meeting being extended from or completed prior to the time established by this notice.

ADDRESSES:

Meeting address: The SEDAR 87 Review Workshop will be held at the Gulf Council Office, 4107 West Spruce Street, Suite 200, Tampa, FL 33607; phone: (888) 833–1844.

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; (843) 571–4366; email: *Julie.neer@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data/Assessment Workshop, and (2) a series of webinars. The product of the Data/Assessment Workshop is a report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses, and describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. Participants for SEDAR Workshops are appointed by the Gulf, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and State and Federal agencies.

The items of discussion in the Review Workshop are as follows:

Participants will evaluate the data and assessment reports, as specified in the Terms of Reference for the workshop and determine if they are scientifically sound.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: May 1, 2025.

Rey Israel Marquez,

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

[FR Doc. 2025–07895 Filed 5–6–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE847]

Endangered and Threatened Species; Take of Abalone

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

ACTION: Notice of receipt of application to renew one scientific research and enhancement permit; request for comments.

SUMMARY: Notice is hereby given that NMFS has received a request to renew an existing scientific research and enhancement permit for white abalone. The proposed work is intended to increase knowledge of species listed under the Endangered Species Act (ESA) and to help guide management, conservation, and recovery efforts. The application may be viewed online at: *https://apps.nmfs.noaa.gov/preview/preview_open_for_comment.cfm.*

DATES: Comments or requests for a public hearing on the application must be received at the provided email address (see **ADDRESSES**) on or before June 6, 2025.

ADDRESSES: All written comments on the application should be submitted by email to *nmfs.wcr-apps@noaa.gov.* Please include the permit number (18116–2R) in the subject line of the email.

Anyone requesting a hearing on the application listed in this notice should set out the specific reasons why a hearing on the application would be appropriate, submitted by email to *nmfs.wcr-apps@noaa.gov.* Such hearings are held at the discretion of the Assistant Administrator for Fisheries, NMFS.

FOR FURTHER INFORMATION CONTACT: Susan Wang, Long Beach, CA (email: *Susan.Wang@noaa.gov;* phone: (562) 980–4199). Permit application instructions are available from the address above, or online at *https://apps.nmfs.noaa.gov.*

SUPPLEMENTARY INFORMATION:

Species Covered in This Notice

The following listed species are covered in this notice:

Endangered white abalone (*Haliotis sorenseni*).

Authority

Scientific research and enhancement permits are issued in accordance with section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 *et seq.*) and regulations governing listed fish and wildlife permits (50 CFR parts 222–226). NMFS issues permits based on findings that such permits: (1) are applied for in good faith; (2) if granted and exercised, would not operate to the disadvantage of the listed species that are the subject of the permit; and (3) are consistent with the purposes and policy of section 2 of the ESA. The authority to take listed species is subject to conditions set forth in the permits.

Application Received

Permit 18116–2R

The NMFS West Coast Region (WCR) has requested to renew a research and enhancement permit that currently authorizes a field outplanting program for white abalone. The permit allows the NMFS WCR and approved partners to outplant captive-bred larval, juvenile, and adult white abalone from captive facilities to various subtidal field sites along the southern California coast and to monitor white abalone at these sites over time. The requested permit renewal would allow these activities to continue for an additional 5 years.

The purpose of the proposed research and enhancement activities is to develop an effective strategy for recovering white abalone throughout the species' range. The permit renewal would allow researchers to continue outplanting efforts and optimizing methods (including life stages, outplant densities, selection of outplant sites) to maximize the growth and survival of outplanted abalone. The proposed work would benefit the listed species by increasing the numbers of white abalone in the wild to create self-sustaining populations in locations where white abalone are close to or at local extinction.

Activities would include field outplanting of white abalone at the larval, juvenile, and adult stages, as well as post-outplant monitoring to assess

the survival, distribution, growth, and health of outplanted abalone. Captive-reared larval abalone would be outplanted using polyvinyl chloride (PVC) larval pump modules into plankton net ''tents'' designed to retain larvae until settlement. Captive-bred juveniles and small adults would be outplanted using semi-protected, non-permanent cages to provide temporary shelter and initial protection from predators. Captive-bred adults would be hand-placed in aggregations. All outplanting would be conducted within the Southern California Bight and would use white abalone maintained and collected under Enhancement Permit 14344–3R, issued under section 10(a)(1)(A) of the ESA to the University of California, Davis—Bodega Marine Laboratory. Growth, survival, genetics, health, and habitat quality would be monitored at regular intervals following outplanting. Post-outplant monitoring would primarily consist of observing, counting, and measuring the abalone, and collecting tissue and fecal samples using non-lethal methods. The researchers do not intend to kill any white abalone, but some may die as an inadvertent result of the research and enhancement activities. Dead and obviously unhealthy abalone as well as empty shells may be collected for further analysis and for use in research, education, and outreach.

This notice is provided pursuant to section 10(c) of the ESA. NMFS will evaluate the application, associated documents, and comments submitted to determine whether the application meets the requirements of section 10(a) of the ESA and Federal regulations. The final permit decision will not be made until after the end of the 30-day comment period. NMFS will publish notice of its final action in the **Federal Register**.

Dated: April 30, 2025.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2025–07903 Filed 5–6–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Army, U.S. Army Corps of Engineers

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Scoping Period Extension for the Notice of Intent To Prepare a Supplemental Environmental Impact Statement (SEIS) for the Columbia River System Operations

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DOD; Bureau of Reclamation, U.S. Department of the Interior.

ACTION: Notice of intent; extension of comment period.

SUMMARY: The U.S. Army Corps of Engineers and Bureau of Reclamation (co-lead agencies) are further extending the scoping period and re-scheduling public meetings for the notice of intent entitled, ''Notice of Intent to Prepare a Supplemental Environmental Impact Statement (SEIS) for the Columbia River System Operations,'' published in the **Federal Register** on December 18, 2024. The revised scoping period will end on August 15, 2025. Information on the public meetings is provided under the **SUPPLEMENTARY INFORMATION** section of this Notice.

DATES: The co-lead agencies invite Federal and State agencies, Native American Tribes, local governments, and the public to submit scoping comments relevant to the supplemental National Environmental Policy Act (NEPA) process no later than August 15, 2025. Information also will be provided at public meetings. Information on the public meetings is provided under the **SUPPLEMENTARY INFORMATION** section of this Notice.

ADDRESSES: Written comments, requests to be placed on the project mailing list, and requests for information may be mailed by letter to U.S. Army Corps of Engineers Northwestern Division Attn: CRSO SEIS, P.O. Box 2870, Portland, OR 97208–2870; or by email to *columbiariver@usace.army.mil.* All comment letters will be available via the project website at *https://www.nwd.usace.army.mil/columbiariver/.* All comments and materials received, including names and addresses, will become part of the administrative record and may be released to the public. Interested parties should not submit confidential business or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Tim Fleeger, Columbia River Basin Policy and Environmental Coordinator, Northwestern Division, U.S. Army Corps of Engineers 1 (800) 290–5033 or email *columbiariver@usace.army.mil.* Additional information can be found at the project website: *https://www.nwd.usace.army.mil/columbiariver/.*

SUPPLEMENTARY INFORMATION: The scoping period for the notice of intent published in the **Federal Register** on December 18, 2024 (89 FR 102869) was originally extended to May 9, 2025, but is now extended to August 15, 2025. The co-lead agencies invite all affected federal, state, and local agencies, affected Tribes, other interested parties, and the general public to participate in the NEPA process during development of the SEIS. Three (3) virtual public scoping meetings will be held prior to the end of the public scoping period. The specific dates, times, and meeting information will be published on the project website: *https://www.nwd.usace.army.mil/columbiariver/.* Additional public meetings will be scheduled after release of the draft SEIS.

Jeffrey D. Hall,

Colonel, Corps of Engineers, Deputy Division Commander.

Roland Springer,

Acting Regional Director, Columbia-Pacific Northwest Region, Bureau of Reclamation.

[FR Doc. 2025–07920 Filed 5–6–25; 8:45 am]

BILLING CODE 3720–58–P

DENALI COMMISSION

Denali Commission Fiscal Year 2026 Draft Work Plan

AGENCY: Denali Commission.

ACTION: Notice.

SUMMARY: The Denali Commission (Commission) is an independent Federal agency based on an innovative Federal-State partnership designed to provide critical utilities, infrastructure and support for economic development and training in Alaska by delivering Federal services in the most cost-effective manner possible. The Commission is required to develop an annual work plan for future spending which will be published in the **Federal Register**, providing an opportunity for a 30-day period of public review and written comment. This **Federal Register** notice serves to announce the 30-day opportunity for public comment on the Denali Commission Draft Work Plan for Federal Fiscal Year 2026 (FY 2026).

DATES: Comments and related material to be received by June 16, 2025.

ADDRESSES: Submit comments to the Denali Commission, Attention: Anne Stanislowski, 550 W 7th Avenue, Suite 1230, Anchorage, AK 99501.

FOR FURTHER INFORMATION CONTACT: Anne Stanislowski, Denali Commission, 550 W 7th Avenue, Suite 1230, Anchorage, AK 99501. Telephone: (907) 271–1414. Email: *astanislowski@denali.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Denali Commission's mission is to partner with Tribal, Federal, State, and local governments and collaborate with all Alaskans to improve the effectiveness and efficiency of government services, to build and ensure the operation and maintenance of Alaska's basic infrastructure, and to develop a well-trained labor force employed in a diversified and sustainable economy.

By creating the Commission, Congress mandated that all parties involved partner together to find new and innovative solutions to the unique infrastructure and economic development challenges in America's most remote communities. Pursuant to the Denali Commission Act, the Commission determines its own basic operating principles and funding criteria on an annual Federal fiscal year (October 1 to September 30) basis. The Commission outlines these priorities and funding recommendations in an annual work plan. The FY 2026 Work Plan was developed in the following manner.

- A workgroup comprised of Denali Commissioners and Commission staff developed a preliminary draft work plan.
- The preliminary draft work plan was published on *Denali.gov* for review by the public in advance of public testimony.
- A public hearing was held to record public comments and recommendations on the preliminary draft work plan.
- Written comments on the preliminary draft work plan were also accepted.
- All public hearing comments and written comments were provided to Commissioners for their review and consideration.
- Commissioners discussed the preliminary draft work plan in a public meeting and then voted on the work plan during the meeting.
- The Commissioners forwarded their recommended work plan to the Federal Co-Chair, who then prepared the draft work plan for publication in the **Federal Register** providing a 30-day period for public review and written comment. During this time, the draft work plan will also be disseminated to Commission program partners including, but not limited to, the Bureau of Indian Affairs (BIA), the Economic Development Administration (EDA), Department of Agriculture—Rural Utilities Service (USDA/RUS), and the State of Alaska.
- At the conclusion of the **Federal Register** public comment period Commission staff provides the Federal Co-Chair with a summary of public comments and recommendations, if any, on the draft work plan.
- If no revisions are made to the draft, the Federal Co-Chair provides notice of approval of the work plan to the Commissioners, and forwards the work plan to the Secretary of Commerce for approval; or, if there are revisions the Federal Co-Chair provides notice of modifications to the Commissioners for their consideration and approval, and upon receipt of approval from Commissioners, forwards the work plan to the Secretary of Commerce for approval.
- The Secretary of Commerce approves the work plan.
- The Federal Co-Chair then approves grants and contracts based upon the approved work plan.

FY 2026 Appropriations Summary

The Commission has historically received Federal funding from several sources. The three primary sources at this time include the Energy & Water Appropriation Bill (''base'' or ''discretionary'' funds), transfers from the Department of Transportation and an annual allocation from the Trans-Alaska Pipeline Liability (TAPL) fund. The proposed FY 2026 Work Plan assumes the Commission will receive $17,000,000 of base funds and a $3,500,000 TAPL allocation based on discussions with the Office of Management and Budget (OMB). The total base funding shown in the Work Plan also includes an amount typically available from project closeouts and other de-obligations that occur in any given year. Absent any new specific direction or limitations provided by Congress in the current Energy & Water Appropriations Bill, these funding sources are governed by the following general principles, either by statute or by language in the Work Plan itself:

- Funds from the Energy & Water Appropriation are eligible for use in all programs.
- TAPL funds can only be used for bulk fuel related projects and activities.
- Appropriated funds may be reduced due to Congressional action, rescissions by OMB, and other Federal agency actions.
- All Energy & Water and TAPL investment amounts identified in the work plan, are ''up to'' amounts, and may be reassigned to other programs included in the current year work plan, if they are not fully expended in a program component area or a specific project.
- Energy & Water and TAPL funds set aside for administrative expenses that subsequently become available, may be used for program activities included in the current year work plan.

DENALI COMMISSION FY2026 FUNDING SUMMARY

Source	Available for program activities
Energy & Water Funds:	
FY 2026 Energy & Water Appropriation [1]	$17,000,000
Subtotal	17,000,000
TAPL Funds:	
FY 2026 Annual Allocation	3,500,000
Grand Total	20,500,000

Notes:

[1] If the final appropriation is less than $17 million the Federal Co-Chair shall reduce investments to balance the FY 2026 Work Plan.

	Base	TAPL	Total
Energy Reliability and Security:			
Diesel Power Plants, Interties, Distribution, Emerging Technologies, Maintenance & Improvements, Technical Assistance, Training, Generation and End-Use Efficiency Improvements, and Energy Audits	$6,000,000		$6,000,000
Subtotal	6,000,000		6,000,000
Bulk Fuel Safety and Security:			
New/Refurbished Facilities, Maintenance and Improvement Projects, and Training		$3,500,000	3,500,000
Subtotal	0	3,500,000	3,500,000
Critical Infrastructure Needs:			
Construction Projects, Repair and Maintenance, and Protection of Public Infrastructure, including but not limited to Community Facilities such as Housing, Health, and Safety	5,500,000		5,500,000
Subtotal	5,500,000		5,500,000
Job Training and Other Rural Development:			
Workforce and Economic Development, Communications, Cybersecurity, Cold Weather and Technology Innovation	3,000,000		3,000,000
Subtotal	3,000,000		3,000,000
Water Sanitation:			
Public Water and Wastewater, Solid Waste	1,500,000		1,500,000
Subtotal	1,500,000		1,500,000
Transportation:			
Surface Transportation	200,000		
Waterfront Improvements	800,000		
Subtotal	1,000,000		
Totals	17,000,000	3,500,000	20,500,000

Note: In the past several fiscal years Congress appropriated Transportation funds for Surface and Waterfront Improvements. The Commission does not anticipate this appropriation will continue in FY 2026, however, if Congress does appropriate these funds in FY 2026 then those funds will be added to the Transportation program.

John Whittington,

General Counsel.

[FR Doc. 2025–07896 Filed 5–6–25; 8:45 am]

BILLING CODE 3300–01–P

DEPARTMENT OF EDUCATION

Request for Nominations; National Advisory Committee on Institutional Quality, and Integrity

AGENCY: Department of Education, National Advisory Committee on Institutional Quality, and Integrity (NACIQI).

ACTION: Request for nominations for appointment to serve on the National Advisory Committee on Institutional Quality and Integrity (NACIQI).

SUMMARY: Secretary of Education, Linda McMahon, is seeking nomination(s) for appointments to fill at least six upcoming vacancies on the NACIQI. One of the six must be a student who, at the time of the appointment, is attending an institution of higher education. The terms of service for these vacancies would begin October 1, 2025, and expire on September 30, 2031.

DATES: Nominations must be received no later than June 6, 2025.

ADDRESSES: You may submit nomination(s), including attachments, via email to: *naciqinominations@ed.gov* (please specify in the email subject line ''NACIQI Nomination'' or ''NACIQI Student Nomination'').

FOR FURTHER INFORMATION CONTACT: For questions, please contact George Alan Smith, Designated Federal Official, U.S. Department of Education, Telephone: (202) 453–7757, Email: *george.alan.smith@ed.gov.*

SUPPLEMENTARY INFORMATION:

NACIQI's Statutory Authority and Function

The NACIQI is established under section 114 of the Higher Education Act (HEA). The NACIQI meets at least twice a year and advises the Secretary of Education with respect to: the establishment and enforcement of the standards of accrediting agencies or associations under subpart 2 of part H of Title IV, HEA; the recognition of specific accrediting agencies or associations; the preparation and publication of the list of nationally recognized accrediting agencies and associations; the eligibility and certification process for institutions of higher education under Title IV of the HEA, together with recommendations for improvements in such process; the relationship between (1) accreditation of institutions of higher education and the certification and eligibility of such institutions, and (2) State licensing responsibilities with respect to such institutions; and other advisory functions relating to accreditation and institutional eligibility that the Secretary may prescribe by regulation.

NACIQI is composed of 18 members, of which: six members shall be appointed by the Secretary of Education; six members shall be appointed by the Speaker of the U.S. House of Representatives, three of whom shall be appointed on the recommendation of the majority leader of the U.S. House of Representatives and three of whom shall be appointed on the recommendation of the minority leader of the U.S. House of Representatives; and six members shall be appointed by the President Pro Tempore of the U.S. Senate, three of whom shall be appointed on the recommendation of the majority leader of the U.S. Senate and three of whom shall be appointed on the recommendation of the minority leader of the U.S. Senate. Per 20 U.S.C. 1011d, at least one member of the Committee must be a student who, at the time of appointment by the Secretary of Education, is attending an institution of higher education.

Members are appointed: (A) on the basis of the individuals' experience, integrity, impartiality, and good judgment; (B) from among individuals who are representatives of, or knowledgeable concerning, education and training beyond secondary education, representing all sectors and types of institutions of higher education; and (C) on the basis of the individuals' technical qualifications, professional standing, and demonstrated knowledge in the fields of accreditation and administration in higher education.

Per the authorizing legislation for NACIQI, the term of office of each member of the Committee shall be for six years, except for vacancies. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of such term. A vacancy on the Committee shall be filled in the same manner as the original appointment was made not later than 90 days after the vacancy occurs. If a vacancy occurs in a position to be filled by the Secretary of Education, the Secretary shall publish a **Federal Register** notice soliciting nominations for the position not later than 30 days after being notified of the vacancy. Members of the Committee will serve as Special Government Employees (SGEs), as defined in 18 U.S.C. 202(a). As SGEs, members are selected for their individual experience, integrity, impartiality, and good judgment.

Nomination Process: Interested persons, stakeholders, or organizations may nominate a qualified individual(s). To nominate an individual(s) or self-nominate for appointment to serve on the NACIQI, please submit via the email address *naciqinominations@ed.gov* the following information to the U.S. Department of Education:

(1) A cover letter addressed to the Secretary of Education as follows: Honorable Linda McMahon, Secretary of Education, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202. In the letter, please note your reason(s) for submitting the nomination; (2) A copy of the nominee's current resume/cv; and (3) Contact information for the nominee (name, address, contact phone number, and email address).

In addition, the cover letter must include a statement affirming that the nominee (if you are nominating someone other than yourself) has agreed to be nominated and is willing to serve on the NACIQI if appointed by the Secretary of Education.

For questions, please contact George Alan Smith, Designated Federal Official, U.S. Department of Education, Telephone: (202) 453–7757, Email: *george.alan.smith@ed.gov.*

Electronic Access to this Document: The official version of this document is published in the **Federal Register**. Free internet access to the official version of this notice in the **Federal Register** and the applicable 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 the 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 may also 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.

James Bergeron,

Acting Under Secretary (Delegated the authority to perform the functions and duties of the Assistant Secretary for Postsecondary Education).

[FR Doc. 2025–07916 Filed 5–6–25; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Withdrawal of Notice Inviting Applications (NIA) and Cancellation of the Competition for the Native Hawaiian Career and Technical Education Program (NHCTEP)

AGENCY: Office of Career, Technical, and Adult Education, Department of Education.

ACTION: Notice; withdrawal.

SUMMARY: The Department of Education (Department) withdraws the NIA for fiscal year (FY) 2025 for NHCTEP Grants.

DATES: The NIA published in the **Federal Register** on January 8, 2025 (90 FR 1462), is withdrawn and the competition cancelled as of May 7, 2025.

FOR FURTHER INFORMATION CONTACT: Patti Beltram, Ed.D., U.S. Department of Education, 400 Maryland Avenue SW, Room 4A115, Washington, DC 20202. Telephone: (202) 987–1370. Email: *NHCTEP@ed.gov.*

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION: On January 8, 2025, the Department published an NIA for the NHCTEP program in the **Federal Register**. The Department is withdrawing this NIA as part of a comprehensive review of recently published FY 2025 NIAs. This reevaluation seeks to ensure that all priorities and requirements for the Department's FY 2025 competitions align with the objectives established by the Trump Administration while fostering consistency across all grant programs. Additionally, the Department is dedicated to optimizing the impact of our grant competitions on students and families, as well as enhancing the economic effectiveness of Federal education funding. The Department will dedicate available funds to support current NHCTEP grantee activities authorized under this program.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this notice and the NIA in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site, you can view this document, as well as all other Department documents published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

You may also access Department documents published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Nicholas Moore,

Deputy Assistant Secretary and Acting Assistant Secretary for Career, Technical, and Adult Education.

[FR Doc. 2025–07958 Filed 5–6–25; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Withdrawal of Notice Inviting Applications (NIA) and Cancellation of the Competition for the Native American Career and Technical Education Program (NACTEP)

AGENCY: Office of Career, Technical, and Adult Education, Department of Education.

ACTION: Notice; withdrawal.

SUMMARY: The Department of Education (Department) withdraws the NIA for fiscal year (FY) 2025 for NACTEP Grants.

DATES: The NIA published in the **Federal Register** on January 7, 2025 (90 FR 1106), is withdrawn and the competition cancelled as of May 7, 2025.

FOR FURTHER INFORMATION CONTACT: Patti Beltram, Ed.D., U.S. Department of Education, 400 Maryland Avenue SW, Room 4A115, Washington, DC 20202. Telephone: (202) 987–1370. Email: *NACTEP@ed.gov.*

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION: On January 7, 2025, the Department published an NIA for the NACTEP program in the **Federal Register**. The Department is withdrawing this NIA as part of a comprehensive review of recently published FY 2025 NIAs. This reevaluation seeks to ensure that all priorities and requirements for the Department's FY 2025 competitions align with the objectives established by the Trump Administration while fostering consistency across all grant programs. Additionally, the Department is dedicated to optimizing the impact of our grant competitions on students and families, as well as enhancing the economic effectiveness of Federal education funding. The Department will dedicate available funds to support current NACTEP grantee activities authorized under this program.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this notice and the NIA in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site, you can view this document, as well as all other Department documents published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

You may also access Department documents published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Nicholas Moore,

Deputy Assistant Secretary and Acting Assistant Secretary for Career, Technical, and Adult Education.

[FR Doc. 2025–07957 Filed 5–6–25; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[Docket Nos. 18–70–LNG, 22–167–LNG]

Change in Control: Mexico Pacific Limited LLC

AGENCY: Office of Fossil Energy and Carbon Management, Department of Energy.

ACTION: Notice of change in control.

SUMMARY: The Office of Fossil Energy and Carbon Management (FECM) of the Department of Energy (DOE) gives notice of receipt of a Change in Control Notice filed by Mexico Pacific Limited LLC (MPL) on March 6, 2025 (Notice), as supplemented on March 21, 2025 (Supplement). The Notice describes a change in MPL's upstream ownership. The Notice and Supplement were filed under the Natural Gas Act.

DATES: Protests, motions to intervene, or notices of intervention, as applicable, and written comments are to be filed as detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, May 22, 2025.

ADDRESSES:

Electronic Filing by email (Strongly encouraged): fergas@hq.doe.gov.

Postal Mail, Hand Delivery, or Private Delivery Services (e.g., FedEx, UPS, etc.): U.S. Department of Energy (FE–34), Office of Regulation, Analysis, and Engagement, Office of Fossil Energy and Carbon Management, Forrestal Building, Room 3E–056, 1000 Independence Avenue SW, Washington, DC 20585.

Due to potential delays in DOE's receipt and processing of mail sent through the U.S. Postal Service, we encourage respondents to submit filings electronically to ensure timely receipt.

FOR FURTHER INFORMATION CONTACT:

Jennifer Wade or Peri Ulrey, U.S. Department of Energy (FE–34) Office of Regulation, Analysis, and Engagement, Office of Resource Sustainability, Office of Fossil Energy and Carbon Management, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–4749 or (202) 586–7893, *jennifer.wade@hq.doe.gov* or *peri.ulrey@hq.doe.gov*.

Kavita Vaidyanathan, U.S. Department of Energy (GC–76), Office of the Assistant General Counsel for Energy Delivery and Resilience, Forrestal Building, Room 6D–033, 1000 Independence Avenue SW, Washington, DC 20585, (240) 780–1691, *kavita.vaidyanathan@hq.doe.gov*.

SUPPLEMENTARY INFORMATION:

Summary of Change in Control

MPL states that, by means of a transaction that closed effective as of February 3, 2025 (First Transaction), and a second transaction that closed effective as of March 3, 2025 (Second Transaction), its upstream ownership structure has changed. MPL states that the purpose of these transactions was to secure additional sources of new capital as it positions the MPL Project for a final investment decision. According to MPL, prior to the First Transaction, MPL's upstream controlling member Quantum LNG Holdings, LLC, a Delaware limited liability company and an affiliate of Quantum Energy Partners (Quantum), increased its controlling membership interests in MPL from approximately 38.2% to 90.16% as a result of making all capital contributions required to further support the development of the MPL Project from October 2021 through late 2024. MPL states that the ownership interests of all other prior members became diluted each time Quantum made a new contribution but did not, however, result in a change in control of MPL, since Quantum had acquired control of MPL as of September 30, 2021.

As relevant here, MPL states that, under the First Transaction, Kronos Polo, L.P., a Texas limited partnership, entered into an amended and restated limited liability agreement reflecting its acquisition of 100 percent ownership and majority control of MPL. MPL adds following that acquisition, under the agreement, MPL remained the DOE Authorization Holder.

Subsequently, under the Second Transaction, MPL's ownership changed again whereby Mexico Pacific Holdings, L.P., a Delaware limited partnership, entered into a second amended and restated limited liability company agreement acquiring 100 percent controlling membership interest and voting control of MPL. According to MPL, Quantum and the former membership interest owners no longer own any equity in MPL but retain material non-equity economic interests in the MPL project. Under the agreement, MPL remains the export Authorization Holder.

Charts illustrating the ownership structure of MPL before and after the Transactions are attached to the Notice as Exhibit A and Supplement as Attachment. Additional details can be found in the Notice and Supplement posted on the DOE website at: *https://www.energy.gov/sites/default/files/2025-03/2025.03.05%20MXP%20Change%20in%20Control%20Filing.pdf*; and *https://www.energy.gov/sites/default/files/2025-03/2025.03.21%20Supplement%20to%20MXP%20Change%20in%20Control%20Filing_Kronos%20CIC.pdf*.

DOE Evaluation

DOE will review the Notice and Supplement in accordance with its Procedures for Changes in Control Affecting Applications and Authorizations to Import or Export Natural Gas (CIC Procedures).[1] Consistent with the CIC Procedures, this notice addresses MPL's existing authorization to export liquefied natural gas (LNG) to countries with which the United States has not entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas and with which trade is not prohibited by United States law or policy (non-FTA countries), granted in DOE/FE Order No. 4312, as amended.[2] If no interested person protests the change in control and DOE takes no action on its own motion, the proposed change in control will be deemed granted 30 days after publication in the **Federal Register**. If one or more protests are submitted, DOE will review any motions to intervene, protests, and answers, and will issue a determination as to whether the proposed change in control has been demonstrated to render the underlying authorizations inconsistent with the public interest.

Public Comment Procedures

Interested persons will be provided 15 days from the date of publication of this notice in the **Federal Register** to move to intervene, protest, and answer MPL's Notice and Supplement.[3] Protests, motions to intervene, notices of intervention, and written comments are invited in response to this notice only as to the change in control described in the Notice and Supplement. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by DOE's regulations in 10 CFR part 590, including the service requirements.

Filings may be submitted using one of the following methods:

(1) Submitting the filing electronically at *fergas@hq.doe.gov*;

(2) Mailing the filing to the Office of Regulation, Analysis, and Engagement at the address listed in the **ADDRESSES** section; or

(3) Hand delivering the filing to the Office of Regulation, Analysis, and Engagement at the address listed in the **ADDRESSES** section.

For administrative efficiency, DOE prefers filings to be filed electronically. All filings must include a reference to ''Docket Nos. 18–70–LNG, et al.'' or ''Mexico Pacific Limited LLC Change in Control'' in the title line.

For electronic submissions: Please include all related documents and attachments (*e.g.,* exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner.

The Notice, Supplement, and any filed protests, motions to intervene, notices of intervention, and comments will be available electronically on the DOE website at *www.energy.gov/fecm/regulation.*

Signed in Washington, DC, on May 2, 2025.

Amy Sweeney,

Director, Office of Regulation, Analysis, and Engagement, Office of Resource Sustainability.

[FR Doc. 2025–07939 Filed 5–6–25; 8:45 am]

BILLING CODE 6450–01–P

[1] 79 FR 65541 (Nov. 5, 2014).

[2] MPL's Notice and Supplement also applies to: (1) MPL's existing authorizations to export LNG to FTA countries in Docket Nos. 18–70–LNG and 22–167–LNG, and (2) MPL's pending application to export LNG to non-FTA countries in Docket No. 22–167–LNG. DOE will respond to those portions of the Notice and Supplement separately pursuant to the CIC Procedures, 79 FR 65542.

[3] Intervention, if granted, would constitute intervention only in the change in control portion of these proceedings, as described herein.

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Portsmouth

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an in-person meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Portsmouth. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Tuesday, June 17, 2025; 6–8 p.m. EDT.

ADDRESSES: The Ohio State University, Endeavor Center, 1862 Shyville Road, Room 165, Piketon, Ohio 45661.

FOR FURTHER INFORMATION CONTACT: Greg Simonton, Federal Coordinator, by Friday, June 13, 2025, Phone: (740) 897–3737 or Email: *greg.simonton@pppo.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to provide advice and recommendations concerning the following EM site-specific issues: clean-up activities and environmental restoration; waste and nuclear materials management and disposition; excess facilities; future land use and long-term stewardship. The Board may also be asked to provide advice and recommendations on other EM program components. The Board also provides an avenue to fulfill public participation requirements outlined in the National Environmental Policy Act (NEPA), the Comprehensive Environmental Response, Compensation, and Liability Act (CERLA), the Resource Conservation and Recovery Act (RCRA), Federal Facility Agreements, Consent Orders, Consent Decrees and Settlement Agreements.

Tentative Agenda: (agenda topics are subject to change; please contact Greg Simonton for the most current agenda).

- Presentation to the Board
- Administrative Activities
- Public Comments

Public Participation: The meeting is open to the public and public comment can be given orally or in writing. Fifteen minutes are allocated during the meeting for public comment and those wishing to make oral comment will be given a minimum of two minutes to speak. Written comments received at least two working days prior to the meeting will be provided to the members and included in the meeting minutes. Written comments received

within two working days after the meeting will be included in the minutes. For additional information on public comment and to submit written comment, please contact Greg Simonton. The EM SSAB, Portsmouth, welcomes the attendance of the public at its meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Greg Simonton at least seven days in advance of the meeting.

Meeting Conduct: The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Questioning of board members or presenters by the public is not permitted.

Minutes: Minutes will be available at the following website: *https://www.energy.gov/pppo/ports-ssab/listings/meeting-materials.*

Signing Authority: This document of the Department of Energy was signed on May 1, 2025, by David Borak, Committee Management Officer, 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 May 1, 2025.

Jennifer Hartzell,

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

[FR Doc. 2025–07894 Filed 5–6–25; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: U.S. Department of Energy.

ACTION: Notice of request for comments.

SUMMARY: The Department of Energy (DOE), pursuant to the Paperwork Reduction Act of 1995, intends to extend for three years, an information collection request with the Office of Management and Budget (OMB).

DATES: Comments regarding this proposed information collection must be received on or before July 7, 2025. If you anticipate any difficulty in submitting comments within that period, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section as soon as possible.

ADDRESSES: Written comments may be sent to Mr. Mark Smith, Office of Energy Efficiency and Renewable Energy (EE–3V), U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585–0121, (202)–287–5151, or by email at *Mark.Smith@ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Mark Smith, Office of Energy Efficiency and Renewable Energy (EE–3V), U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585–0121, (202)–287–5151 or by email at *Mark.Smith@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

Comments are invited on: (a) Whether the extended collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

This information collection request contains:

(1) *OMB No.:* 1910–5101;

(2) *Information Collection Request Titled:* Annual Alternative Fuel Vehicle Acquisition Report for State Government and Alternative Fuel Provider Fleets;

(3) *Type of Review:* Extension;

(4) *Purpose:* The information is required so that DOE can determine whether alternative fuel provider and State government fleets are in compliance with the alternative fuel vehicle acquisition mandates of sections 501 and 507(o) of the Energy Policy Act of 1992, as amended (EPAct), whether such fleets should be allocated credits under section 508 of EPAct are in compliance with the applicable requirements. The information collection instrument is completed online, via password protected web page; for review purposes the same instrument is available online at *https://epact.energy.gov/docs/reporting-spreadsheet.xls.*

(5) *Annual Estimated Number of Respondents:* 303;

(6) *Annual Estimated Number of Total Responses:* 319;

(7) *Annual Estimated Number of Burden Hours:* 2,215;

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $179,083.

Statutory Authority: 42 U.S.C. 13251 *et seq.,* 13257(o), 13258.

Signing Authority: This document of the Department of Energy was signed on April 30, 2025, by Lou Hrkman, Principal Deputy Assistant Secretary Office of Energy Efficiency and Renewable Energy, 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 May 2, 2025.

Treena V. Garrett,

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

[FR Doc. 2025–07925 Filed 5–6–25; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15055–001]

Northern States Power Company; Notice of Intent To Prepare an Environmental Assessment

On August 18, 2023, Northern States Power Company filed an original license application for the Gile Flowage Storage Reservoir Project No. 15055. The project is located on the West Fork of the Montreal River in Iron County, Wisconsin.

In accordance with the Commission's regulations, on October 10, 2024, Commission staff issued a notice that the project was ready for environmental analysis (REA notice). Based on the information in the record, including comments filed on the REA notice, staff does not anticipate that licensing the project would constitute a major federal action significantly affecting the quality of the human environment. Therefore, staff intends to prepare an environmental assessment (EA) on the application to license the project.[1]

[1] For tracking purposes under the National Environmental Policy Act, the unique identification

The EA will be issued and circulated for review by all interested parties. All comments filed on the EA will be analyzed by staff and considered in the Commission's final licensing decision.

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.*

The application will be processed according to the following schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Commission issues EA.	December 23, 2025.

Any questions regarding this notice may be directed to Nicholas Ettema by telephone at (312) 596–4447 or by email at *nicholas.ettema@ferc.gov.*

Dated: May 1, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–07949 Filed 5–6–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 11730–029]

Black River Limited Partnership; Notice of Application for Non-Capacity Amendment of License Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-capacity Amendment of License.

b. *Project No:* 11730–029.

c. *Date Filed:* October 4, 2024.[1]

d. *Applicant:* Black River Limited Partnership (licensee).

e. *Name of Project:* Alverno Hydroelectric Project.

f. *Location:* The project is located on the Black River in Cheboygan County, Michigan, and does not occupy federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Tiffany Heon, A–121 Strachan St., Port Hope, ON, Canada L1A 1J1, (647) 220–4476, *tiffanyheon@hotmail.com* and Jason Bush, 226379 North Croghan Road, Natural Bridge, NY 13665, (315) 408–1599, *jason@energen-renewables.com.*

i. *FERC Contact:* Jeremy Jessup, (202) 502–6779, *Jeremy.Jessup@ferc.gov.*

j. *Cooperating Agencies:* With this notice, the Commission is inviting federal, state, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues affected by the proposal, that wish to cooperate in the preparation of any environmental document, if applicable, to follow the instructions for filing such requests described in item k below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. *Deadline for filing comments, motions to intervene, and protests:* June 2, 2025.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include the docket number P–11730–029. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

l. *Description of Request:* The licensee proposes to amend the operating requirements of the project pursuant to Article 404 of the license to be consistent with an amended water quality certification issued by the Michigan Department of Environment, Great Lakes, and Energy on January 4, 2023, and to address an ongoing compliance proceeding at the project. The licensee proposes to operate the project in run-of-river mode with a target reservoir operating level of 611.8+/− 0.5 feet NGVD. The licensee filed a revised Gaging and Flow Compliance Plan to accommodate the proposed changes to Article 404 and requests to revise the language of Article 405 of the license consistent with the revisions to Article 404 and the revised plan. The licensee also filed a request to extend the license term of the project by 10 years which would change the license expiration date from December 4, 2041 to December 4, 2051. The licensee requests the extension to alleviate the cost burden incurred in recent years to address issues related to applying terms of the license and water quality certification. There is no ground-disturbing activities associated with the licensee's proposal.

m. *Locations of the Application:* This filing may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and

number for documents relating to this environmental review is EAXX–019–20–000–1746004712.

[1] The October 4, 2024 filing supersedes filing supersedes December 7, 2021, March 24, 2023, August 4, 2023, and January 19, 2024 filings.

Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

q. The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations 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: May 1, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–07948 Filed 5–6–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4349–033]

EONY Generation Limited, Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 4349.

c. *Date Filed:* April 26, 2024.

d. *Applicant:* EONY Generation Limited (EONY).

e. *Name of Project:* Moose River Hydroelectric Project.

f. *Location:* On the Moose River in Lewis County, New York.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Rodney Foster, Manager, Maintenance and Asset Management, EONY Generation Limited, 2711 Hunt Club Road, P.O. Box 8700, Ottawa, Ontario, Canada K1G 3S4; telephone at (613) 225–0418, extension 7056; email at *rodfoster@energyottawa.com*.

i. *FERC Contact:* Kelly Wolcott, Project Coordinator, Great Lakes Branch, Division of Hydropower Licensing; telephone at (202) 502–6480; email at *kelly.wolcott@ferc.gov*.

j. *Deadline for filing motions to intervene and protests, comments, recommendations, terms and conditions, and prescriptions:* 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice. The Commission strongly encourages electronic filing. Please file motions to intervene and protests, comments, recommendations, terms and conditions, and prescriptions using the Commission's eFiling system at *https://ferconline.ferc.gov/FERCOnline.aspx*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *https://ferconline.ferc.gov/QuickComment.aspx*. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. All filings must clearly identify the project name and docket number on the first page: Moose River Hydroelectric Project (P–4349–033).

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing and is now ready for environmental analysis.

l. *Project Description:* The project includes a 454.6-foot-long dam that consists of: (1) a 88.3-foot-long southern section that includes: (a) a 28.3-foot-long non-overflow section; (b) a 7-foot-long non-overflow section with a 3-foot-long sluice gate; (c) a 32-foot-long intake structure with a 3-foot-long debris sluice gate and a 15-foot-long slide gate equipped with a trashrack with 2-inch clear bar spacing; and (d) a 21-foot-long section with a 10-foot-long stoplog gate; and (2) a 366.3-foot-long northern section that includes a 240-foot-long spillway with a crest elevation of 1,024.6 feet National Geodetic Vertical Datum of 1929 (NGVD 29) and a 58-foot-long, 0.5-foot-high notch.

The dam creates an impoundment that has a surface area of 21 acres at 1,024.6 feet NGVD 29. From the impoundment, water flows through the intake structure to an approximately 4,925-foot-long tunnel with a surge chamber, and then to a 93-foot-long penstock. The penstock conveys water to a 56.7-foot-long, 45-foot-wide powerhouse that contains a 12.6-megawatt Kaplan turbine-generator. Water is discharged from the turbine to an approximately 82.5-foot-long tailrace. From the impoundment, water also flows through the sluice gate and stoplog gate to a 120-foot-long excavated rock channel that discharges into the Moose River. The project creates an approximately 6,200-foot-long bypassed reach of the Moose River. The project also includes a 138.3-foot-long dike south of the project dam.

Project recreation facilities include: (1) a picnic area, an interpretive display,

and a 900-foot-long interpretive trail through the historic Agers Mill Complex, collectively referred to as the Agers Falls Recreation Area, located on the south bank of the bypassed reach, approximately 400 feet downstream of the dam; (2) a 1-mile-long trail on the south bank of the bypassed reach, referred to as the Moose River Trail; (3) a 230-foot-long boat portage trail from a hand-carry boat access site on the north side of the dam to a hand-carry boat access site approximately 300 feet downstream of the dam; and (4) a hand-carry boat launch located on the south shoreline of the impoundment, approximately 850 feet upstream of the dam.

Electricity generated at the project is transmitted to the electric grid via a 540-foot-long, 13.8-kilovolt (kV) generator lead line and a switchyard that includes a 13.8/115-kV step-up transformer approximately 450 feet southeast of the powerhouse.

The minimum and maximum hydraulic capacities of the powerhouse are 200 and 1,300 cubic feet per second (cfs), respectively. The average annual energy production of the project from 2016 through 2022, was 51,350 megawatt-hours.

EONY proposes to remove approximately 15.9 acres of land from the project boundary, including land adjacent to the impoundment shoreline and bypassed reach. The proposed changes would decrease the amount of land and water enclosed by the project boundary from 184.3 to 168.4 acres.

EONY proposes to continue operating the project in a run-of-river mode and maintaining the same impoundment elevations as under the current license, including an elevation of 1,024.6 feet NGVD 29 during non-winter months and an elevation of 1,023.8 to 1,024.1 feet during winter months. EONY also proposes to: (1) release a year-round minimum bypassed reach flow of 80 cubic feet per second (cfs) or inflow, whichever is less, instead of 60 cfs under the current license; (2) implement an Impoundment Drawdown and Cofferdam Plan, Invasive Species Management Plan, and Bat and Eagle Protection Plan filed in the license application; (3) continue to maintain project recreation facilities and the interpretive display and trail through the historic Agers Mill Complex; (4) install directional signage at a non-project hand-carry boat take-out site along the Moose River; (5) continue to provide up to 20 whitewater flow releases per year between April 1 and October 1, with up to 4 of the 20 releases scheduled between June 1 and September 30; (6) continue generator ramping during whitewater release days as under the current license; (7) consult with the New York State Historic Preservation Officer (New York SHPO) on the need for any surveys or protection measures prior to implementing any land-disturbing activities in the project boundary; and (8) to protect previously unidentified cultural resources that are discovered during any construction, stop construction and consult with the New York SHPO to determine the need for any surveys or protection measures.

m. A copy of the application can be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document (*i.e.,* P–4349). For assistance, please contact FERC Online Support (see item j above).

n. Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

All filings must (1) bear in all capital letters the title ''PROTEST,'' ''MOTION TO INTERVENE,'' ''COMMENTS,'' ''REPLY COMMENTS,'' ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

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*.

You may also register online at *https://ferconline.ferc.gov/FERCOnline.aspx* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, please contact FERC Online Support (see item j above).

o. The applicant must file no later than 60 days following the date of issuance of this notice: (1) a copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

p. *Procedural schedule:* The application will be processed according to the following schedule. Revisions to the schedule will be made as appropriate.

Milestone—Target Date

Filing of Motions to Intervene, Protests, Comments, Recommendations, Terms and Conditions, and, Prescriptions—June 2025

Filing of Reply Comments—August 2025;

q. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.

Dated: May 1, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–07954 Filed 5–6–25; 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: EC25–81–000.

Applicants: PECO Energy Company, Calpine Mid Merit, LLC.

Description: Joint Application for Authorization Under Section 203 of the

Federal Power Act of Calpine Mid Merit, LLC, et al.

Filed Date: 4/25/25.

Accession Number: 20250425–5287.

Comment Date: 5 p.m. ET 5/16/25.

Docket Numbers: EC25–82–000.

Applicants: Catalina Solar Lessee, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act of Catalina Solar Lessee, LLC.

Filed Date: 4/25/25.

Accession Number: 20250425–5290.

Comment Date: 5 p.m. ET 5/16/25.

Docket Numbers: EC25–83–000.

Applicants: NextEra Energy Resources, LLC, New Wave Energy, LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of NextEra Energy Resources, LLC, et al.

Filed Date: 4/30/25.

Accession Number: 20250430–5671.

Comment Date: 5 p.m. ET 5/21/25.

Docket Numbers: EC25–84–000.

Applicants: Oregon Clean Energy, LLC, Indiana Michigan Power Company, AEP Oregon, LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Oregon Clean Energy, LLC, et al.

Filed Date: 4/30/25.

Accession Number: 20250430–5674.

Comment Date: 5 p.m. ET 6/30/25.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER19–842–004; ER24–134–003.

Applicants: Three Rivers District Energy, LLC, Energy Center Paxton LLC.

Description: Notice of Change in Status of Energy Center Paxton LLC, et al.

Filed Date: 4/25/25.

Accession Number: 20250425–5288.

Comment Date: 5 p.m. ET 5/16/25.

Docket Numbers: ER21–1755–013; ER23–1642–010; ER24–280–003; ER14–2500–021.

Applicants: Newark Energy Center, LLC, Hartree-Meadowlands Newark, LLC, Stored Solar J&WE, LLC, Hartree Partners, LP.

Description: Notice of Change in Status of Hartree Partners, LP, et al.

Filed Date: 4/30/25.

Accession Number: 20250430–5634.

Comment Date: 5 p.m. ET 5/21/25.

Docket Numbers: ER24–72–002; ER24–1276–003; ER24–1277–001.

Applicants: Aron Energy Prepay 36 LLC, Aron Energy Prepay 35 LLC, Aron Energy Prepay 29 LLC.

Description: Notice of Non-Material Change in Status of Aron Energy Prepay 29 LLC, et al.

Filed Date: 4/30/25.

Accession Number: 20250430–5639.

Comment Date: 5 p.m. ET 5/21/25.

Docket Numbers: ER24–762–003; ER25–1415–001.

Applicants: Lighthouse Arthur Kill, LLC, Elevate Renewables F7, LLC.

Description: Notice of Non-Material Change in Status of Elevate Renewables F7, LLC, et al.

Filed Date: 4/29/25.

Accession Number: 20250429–5368.

Comment Date: 5 p.m. ET 5/20/25.

Docket Numbers: ER24–2250–003.

Applicants: Aron Energy Prepay 42 LLC.

Description: Notice of Non-Material Change in Status of Aron Energy Prepay 42 LLC.

Filed Date: 4/30/25.

Accession Number: 20250430–5640.

Comment Date: 5 p.m. ET 5/21/25.

Docket Numbers: ER24–2560–001.

Applicants: Energy Prepay I, LLC.

Description: Notice of Change in Status of Energy Prepay I, LLC.

Filed Date: 4/29/25.

Accession Number: 20250429–5370.

Comment Date: 5 p.m. ET 5/20/25.

Docket Numbers: ER25–1176–002.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Tariff Amendment: 2025–04–30_SA 4439 Deficiency Resp ATC-Copper Country Power Sub Orig FSA (J1814) to be effective 4/6/2025.

Filed Date: 4/30/25.

Accession Number: 20250430–5495.

Comment Date: 5 p.m. ET 5/21/25.

Docket Numbers: ER25–2085–000.

Applicants: Otter Tail Power Company.

Description: Request for Approval of Transmission Rate Incentives of Otter Tail Power Company.

Filed Date: 4/29/25.

Accession Number: 20250429–5338.

Comment Date: 5 p.m. ET 5/20/25.

Docket Numbers: ER25–2104–000.

Applicants: Wheelabrator Baltimore, L.P.

Description: Compliance filing: Notice of Non-Material Change in Status and Revised Market-Based Rate Tariff to be effective 5/1/2025.

Filed Date: 4/30/25.

Accession Number: 20250430–5449.

Comment Date: 5 p.m. ET 5/21/25.

Docket Numbers: ER25–2111–000.

Applicants: Wheelabrator Falls Inc.

Description: Compliance filing: Notice of Non-Material Change in Status and Revised Market-Based Rate Tariff to be effective 5/1/2025.

Filed Date: 4/30/25.

Accession Number: 20250430–5416.

Comment Date: 5 p.m. ET 5/21/25.

Docket Numbers: ER25–2112–000.

Applicants: Wheelabrator Millbury Inc.

Description: Compliance filing: Notice of Non-Material Change in Status and Revised Market-Based Rate Tariff to be effective 5/1/2025.

Filed Date: 4/30/25.

Accession Number: 20250430–5421.

Comment Date: 5 p.m. ET 5/21/25.

Docket Numbers: ER25–2113–000.

Applicants: Wheelabrator North Andover Inc.

Description: Compliance filing: Notice of Non-Material Change in Status and Revised Market-Based Rate Tariff to be effective 5/1/2025.

Filed Date: 4/30/25.

Accession Number: 20250430–5424.

Comment Date: 5 p.m. ET 5/21/25.

Docket Numbers: ER25–2114–000.

Applicants: Wheelabrator Portsmouth Inc.

Description: Compliance filing: Notice of Non-Material Change in Status and Revised Market-Based Rate Tariff to be effective 5/1/2025.

Filed Date: 4/30/25.

Accession Number: 20250430–5427.

Comment Date: 5 p.m. ET 5/21/25.

Docket Numbers: ER25–2115–000.

Applicants: Wheelabrator Saugus Inc.

Description: Compliance filing: Notice of Non-Material Change in Status and Revised Market-Based Rate Tariff to be effective 5/1/2025.

Filed Date: 4/30/25.

Accession Number: 20250430–5428.

Comment Date: 5 p.m. ET 5/21/25.

Docket Numbers: ER25–2116–000.

Applicants: Wheelabrator Westchester, L.P.

Description: Compliance filing: Notice of Non-Material Change in Status and Revised Market-Based Rate Tariff to be effective 5/1/2025.

Filed Date: 4/30/25.

Accession Number: 20250430–5432.

Comment Date: 5 p.m. ET 5/21/25.

Docket Numbers: ER25–2117–000.

Applicants: Pacific Gas and Electric Company.

Description: § 205(d) Rate Filing: WDT SA 275: City and County of San Francisco Q1 2025 Filing to be effective 3/31/2025.

Filed Date: 4/30/25.

Accession Number: 20250430–5439.

Comment Date: 5 p.m. ET 5/21/25.

Docket Numbers: ER25–2118–000.

Applicants: Bolt Energy Marketing, LLC.

Description: § 205(d) Rate Filing: Notice of Change in Circumstances and

Market-Based Rate Tariff Revisions to be effective 5/1/2025.

Filed Date: 4/30/25.

Accession Number: 20250430–5455.

Comment Date: 5 p.m. ET 5/21/25.

Docket Numbers: ER25–2119–000.

Applicants: Columbia Energy LLC.

Description: § 205(d) Rate Filing: Notice of Change in Circumstances and Market-Based Rate Tariff Revisions to be effective 5/1/2025.

Filed Date: 4/30/25.

Accession Number: 20250430–5459.

Comment Date: 5 p.m. ET 5/21/25.

Docket Numbers: ER25–2120–000.

Applicants: Enerwise Global Technologies, LLC.

Description: § 205(d) Rate Filing: Notice of Change in Circumstances and Market-Based Rate Tariff Revisions to be effective 5/1/2025.

Filed Date: 4/30/25.

Accession Number: 20250430–5462.

Comment Date: 5 p.m. ET 5/21/25.

Docket Numbers: ER25–2121–000.

Applicants: LS Power Marketing, LLC.

Description: § 205(d) Rate Filing: Notice of Change in Circumstances and Market-Based Rate Tariff Revisions to be effective 5/1/2025.

Filed Date: 4/30/25.

Accession Number: 20250430–5464.

Comment Date: 5 p.m. ET 5/21/25.

Docket Numbers: ER25–2122–000.

Applicants: REV Energy Marketing, LLC.

Description: § 205(d) Rate Filing: Notice of Change in Circumstances and Market-Based Rate Tariff Revisions to be effective 5/1/2025.

Filed Date: 4/30/25.

Accession Number: 20250430–5475.

Comment Date: 5 p.m. ET 5/21/25.

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: May 1, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–07955 Filed 5–6–25; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP25–89–000, CP25–90–000]

Northwest Pipeline, LLC, Portland General Electric Company, B–R Pipeline, LLC, KB Pipeline Company; Notice of Schedule for the Preparation of an Environmental Assessment for the Kelso-Beaver Reliability Project

On February 27, 2025, Northwest Pipeline, LLC (Northwest) filed an application in Docket Nos. CP25–89–000 and CP25–90–000 requesting a Certificate of Public Convenience and Necessity pursuant to section 7(c) of the Natural Gas Act to acquire, construct, and operate certain natural gas pipeline facilities in Cowlitz County, Washington. The proposed project is known as the Kelso-Beaver Reliability Project (Project), and it would create 52,400 dekatherms per day (Dth/d) of westbound capacity from Northwest's system to the State of Oregon-regulated North Mist Storage facility (North Mist Project) and 131,000 Dth/d of eastbound capacity from the North Mist Project to Northwest's system on a pipeline Northwest proposes to purchase from Portland General Electric Company, KB Pipeline Company, and B–R Pipeline, LLC. [1]

On March 13, 2025, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing Federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a Federal authorization within 90 days of the date of issuance of the Commission staff's environmental document for the Project.

This notice identifies Commission staff's intention to prepare an environmental assessment (EA) for the Project and the planned schedule for the completion of the environmental review.[2] The EA will be issued for a 30-day comment period.

Schedule for Environmental Review

Issuance of EA—August 22, 2025

90-day Federal Authorization Decision Deadline [3]—November 20, 2025

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Project Description

The Project would consist of the following facilities:

- one new KB Compressor Station in Cowlitz County, Washington, consisting of one 5,500-horsepower electric-motor driven compressor unit and appurtenances; and
- modification of the existing KB Meter Station and existing aboveground facilities in Cowlitz County, Washington.

Background

On April 17, 2025, the Commission issued a ''Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Kelso-Beaver Reliability Project and Notice of Public Scoping Session'' (Notice of Scoping). The Notice of Scoping was sent to affected landowners; Federal, State, and local government agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. To date, the Commission has received comments from one landowner, three trade groups, and three firms that are customers of Northwest Pipeline, LLC. The primary issues raised by the commenters are the safety of the Project with respect to the region's geologic hazards, and support

[1] Portland General Electric Company, KB Pipeline Company, and B–R Pipeline, LLC also filed to abandon the KB Pipeline to Northwest in Docket No. CP25–90–000.

[2] For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1746011608.

[3] The Commission's deadline applies to the decisions of other Federal agencies, and State agencies acting under federally delegated authority, that are responsible for Federal authorizations, permits, and other approvals necessary for proposed projects under the Natural Gas Act. Per 18 CFR 157.22(a), the Commission's deadline for other agency's decisions applies unless a schedule is otherwise established by Federal law.

of the Project's potential benefits on the region's energy reliability. All substantive comments will be addressed in the EA.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This service provides automatic notification of filings made to subscribed dockets, document summaries, and direct links to the documents. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC website (*www.ferc.gov*). Using the ''eLibrary'' link, select ''General Search'' from the eLibrary menu, enter the selected date range and ''Docket Number'' excluding the last three digits (*i.e.,* CP25–89 or CP25–90), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: May 1, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–07951 Filed 5–6–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR25–49–000.
Applicants: Delta North Louisiana Gas Company, LLC.
Description: § 284.123 Rate Filing: Delta North Louisiana SOC to be effective 4/1/2025.
Filed Date: 4/30/25.
Accession Number: 20250430–5260.
Comment Date: 5 p.m. ET 5/21/25.

Docket Numbers: RP25–864–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate Agreements Update (Sempra May 2025) to be effective 5/1/2025.
Filed Date: 4/30/25.
Accession Number: 20250430–5278.
Comment Date: 5 p.m. ET 5/12/25.

Docket Numbers: RP25–865–000.
Applicants: Rockies Express Pipeline LLC.
Description: § 4(d) Rate Filing: REX 2025–04–30 Negotiated Rate Agreements to be effective 5/1/2025.
Filed Date: 4/30/25.
Accession Number: 20250430–5294.
Comment Date: 5 p.m. ET 5/12/25.

Docket Numbers: RP25–866–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated Rates—Various Releases eff 5–1–25 to be effective 5/1/2025.
Filed Date: 4/30/25.
Accession Number: 20250430–5300.
Comment Date: 5 p.m. ET 5/12/25.

Docket Numbers: RP25–867–000.
Applicants: Ruby Pipeline, L.L.C.
Description: § 4(d) Rate Filing: RP 2025–04–30 FL&U and EPC Rate Adjustment to be effective 6/1/2025.
Filed Date: 4/30/25.
Accession Number: 20250430–5307.
Comment Date: 5 p.m. ET 5/12/25.

Docket Numbers: RP25–868–000.
Applicants: Sierrita Gas Pipeline LLC.
Description: § 4(d) Rate Filing: 2025 Apr Quarterly FL&U Filing to be effective 6/1/2025.
Filed Date: 4/30/25.
Accession Number: 20250430–5435.
Comment Date: 5 p.m. ET 5/12/25.

Docket Numbers: RP25–869–000.
Applicants: Alliance Pipeline L.P.
Description: Annual Operational Purchases and Sales Report of Alliance Pipeline L.P.
Filed Date: 4/30/25.
Accession Number: 20250430–5379.
Comment Date: 5 p.m. ET 5/12/25.

Docket Numbers: RP25–870–000.
Applicants: Wyoming Interstate Company, L.L.C.
Description: § 4(d) Rate Filing: Wyoming Interstate Company, L.L.C. submits tariff filing per 154.403(d)(2): Fuel_LU Quarterly Update Filing Eff June 2025 to be effective 6/1/2025.
Filed Date: 4/30/25.
Accession Number: 20250430–5400.
Comment Date: 5 p.m. ET 5/12/25.

Docket Numbers: RP25–871–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: El Paso Natural Gas Company, L.L.C. submits tariff filing per 154.601: Negotiated Rate Agreement Update (SoCal May-July 2025) to be effective 5/1/2025.
Filed Date: 4/30/25.
Accession Number: 20250430–5406.
Comment Date: 5 p.m. ET 5/12/25.

Docket Numbers: RP25–872–000.
Applicants: ANR Pipeline Company.
Description: § 4(d) Rate Filing: Cashout Surcharge 2025 to be effective 6/1/2025.
Filed Date: 4/30/25.
Accession Number: 20250430–5446.
Comment Date: 5 p.m. ET 5/12/25.

Docket Numbers: RP25–873–000.
Applicants: Southeast Supply Header, LLC.
Description: § 4(d) Rate Filing: 2025 SESH TUP/SBA Annual Filing to be effective 6/1/2025.
Filed Date: 5/1/25.
Accession Number: 20250501–5009.
Comment Date: 5 p.m. ET 5/13/25.

Docket Numbers: RP25–874–000.
Applicants: Gulf Run Transmission, LLC.
Description: § 4(d) Rate Filing: Transporter's Use Filing—Effective 6–1–2025 to be effective 6/1/2025.
Filed Date: 5/1/25.
Accession Number: 20250501–5057.
Comment Date: 5 p.m. ET 5/13/25.

Docket Numbers: RP25–875–000.
Applicants: Gulf Run Transmission, LLC.
Description: Compliance filing: System Balancing Adjustment filed on 5–1–2025 to be effective N/A.
Filed Date: 5/1/25.
Accession Number: 20250501–5060.
Comment Date: 5 p.m. ET 5/13/25.

Docket Numbers: RP25–876–000.
Applicants: Gulf Run Transmission, LLC.
Description: Compliance filing: Operational Purchases and Sales of Gas Report Filed on 5–1–2025 to be effective N/A.
Filed Date: 5/1/25.
Accession Number: 20250501–5061.
Comment Date: 5 p.m. ET 5/13/25.

Docket Numbers: RP25–877–000.
Applicants: Northern Border Pipeline Company.
Description: Compliance filing: 2025 Company Use Gas Adjustment Annual Report to be effective N/A.

Filed Date: 5/1/25.
Accession Number: 20250501–5109.
Comment Date: 5 p.m. ET 5/13/25.
Docket Numbers: RP25–878–000.
Applicants: Eastern Gas Transmission and Storage, Inc.
Description: § 4(d) Rate Filing: EGTS—25.05.01 Nonconforming Agreements to be effective 6/1/2025.
Filed Date: 5/1/25.
Accession Number: 20250501–5114.
Comment Date: 5 p.m. ET 5/13/25.
Docket Numbers: RP25–879–000.
Applicants: Rover Pipeline LLC.
Description: § 4(d) Rate Filing: Summary of Negotiated Rate Capacity Release Agreements 5–1–2025 to be effective 5/1/2025.
Filed Date: 5/1/25.
Accession Number: 20250501–5140.
Comment Date: 5 p.m. ET 5/13/25.
Docket Numbers: RP25–880–000.
Applicants: Columbia Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated Rate Citadel Energy 317287 Eff 5.1.2025 to be effective 5/1/2025.
Filed Date: 5/1/25.
Accession Number: 20250501–5150.
Comment Date: 5 p.m. ET 5/13/25.
Docket Numbers: RP25–881–000.
Applicants: Tennessee Gas Pipeline Company, L.L.C.
Description: § 4(d) Rate Filing: Revised Curtailment Tariff Language to be effective 6/1/2025.
Filed Date: 5/1/25.
Accession Number: 20250501–5174.
Comment Date: 5 p.m. ET 5/13/25.

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.

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Dated: May 1, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–07947 Filed 5–6–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER25–1989–000.
Applicants: Great Bend Solar, LLC.
Description: Errata to 04/17/2025, Great Bend Solar, LLC, tariff filing.
Filed Date: 5/1/25.
Accession Number: 20250501–5191.
Comment Date: 5 p.m. ET 5/22/25.
Docket Numbers: ER25–2123–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Black Start Service Base Formula Rate and Capital Cost Recovery Rate to be effective 7/1/2025.
Filed Date: 4/30/25.
Accession Number: 20250430–5491.
Comment Date: 5 p.m. ET 5/21/25.
Docket Numbers: ER25–2124–000.
Applicants: Entergy Louisiana, LLC.
Description: § 205(d) Rate Filing: ELL–NEEM (Concordia) WDS Agreement to be effective 4/1/2025.
Filed Date: 4/30/25.
Accession Number: 20250430–5537.
Comment Date: 5 p.m. ET 5/21/25.
Docket Numbers: ER25–2125–000.
Applicants: Entergy Louisiana, LLC.
Description: § 205(d) Rate Filing: ELL–NEEM (Pt. Coupee) WDS Agreement to be effective 4/1/2025.
Filed Date: 4/30/25.
Accession Number: 20250430–5540.
Comment Date: 5 p.m. ET 5/21/25.
Docket Numbers: ER25–2126–000.
Applicants: Entergy Louisiana, LLC.
Description: § 205(d) Rate Filing: ELL–1803 WDS Agreement to be effective 4/1/2025.
Filed Date: 4/30/25.
Accession Number: 20250430–5545.
Comment Date: 5 p.m. ET 5/21/25.
Docket Numbers: ER25–2127–000.
Applicants: KODA Energy, LLC.
Description: § 205(d) Rate Filing: Koda Energy MBR Filing to be effective 5/1/2025.
Filed Date: 5/1/25.
Accession Number: 20250501–5000.
Comment Date: 5 p.m. ET 5/22/25.
Docket Numbers: ER25–2128–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 4180R1 Breckinridge Energy Storage Surplus Inter GIA to be effective 6/30/2025.
Filed Date: 5/1/25.
Accession Number: 20250501–5001.
Comment Date: 5 p.m. ET 5/22/25.
Docket Numbers: ER25–2129–000.
Applicants: Commonwealth Edison Company.
Description: § 205(d) Rate Filing: ComEd submits Amendment to Attachment H–13A to be effective 5/1/2023.
Filed Date: 5/1/25.
Accession Number: 20250501–5092.
Comment Date: 5 p.m. ET 5/22/25.
Docket Numbers: ER25–2130–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to Service Agreement No. 7337; Project Identifier No. AF2–238 to be effective 7/1/2025.
Filed Date: 5/1/25.
Accession Number: 20250501–5110.
Comment Date: 5 p.m. ET 5/22/25.
Docket Numbers: ER25–2131–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: NSA, Original Service Agreement No. 7671; Queue No. AF1–254 to be effective 7/1/2025.
Filed Date: 5/1/25.
Accession Number: 20250501–5118.
Comment Date: 5 p.m. ET 5/22/25.
Docket Numbers: ER25–2132–000.
Applicants: Entergy Arkansas, LLC, Entergy Louisiana, LLC, Entergy Mississippi, LLC, Entergy New Orleans, LLC, Entergy Texas, Inc.
Description: Post-Retirement Benefits Other than Pensions for 2024 Calendar Year of Entergy Arkansas, LLC, et al.
Filed Date: 5/1/25.
Accession Number: 20250501–5154.
Comment Date: 5 p.m. ET 5/22/25.
Docket Numbers: ER25–2133–000.
Applicants: Midcontinent Independent System Operator, Inc., Union Electric Company.
Description: § 205(d) Rate Filing: Union Electric Company submits tariff filing per 35.13(a)(2)(iii: 2025–05–01_Union Electric dba Ameren Missouri Revision to Depreciation Rates to be effective 6/1/2025.

Filed Date: 5/1/25.
Accession Number: 20250501–5144.
Comment Date: 5 p.m. ET 5/22/25.
Docket Numbers: ER25–2134–000.
Applicants: Entergy Arkansas, LLC, Entergy Louisiana, LLC, Entergy Mississippi, LLC, Entergy New Orleans, LLC, Entergy Texas, Inc.
Description: Annual Informational Filing regarding Prepaid Pension Cost and Accrued Pension Cost of Entergy Arkansas, LLC, et al.
Filed Date: 5/1/25.
Accession Number: 20250501–5157.
Comment Date: 5 p.m. ET 5/22/25.
Docket Numbers: ER25–2135–000.
Applicants: System Energy Resources, Inc.
Description: Annual Informational Filing regarding Prepaid Pension Cost and Accrued Pension Cost of System Energy Resources, Inc.
Filed Date: 5/1/25.
Accession Number: 20250501–5165.
Comment Date: 5 p.m. ET 5/22/25.
Docket Numbers: ER25–2136–000.
Applicants: Oklahoma Gas and Electric Company, Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Oklahoma Gas and Electric Company submits tariff filing per 35.13(a)(2)(iii: Revisions to Formula Rate Template for Oklahoma Gas & Electric Company to be effective 7/1/2025.
Filed Date: 5/1/25.
Accession Number: 20250501–5168.
Comment Date: 5 p.m. ET 5/22/25.
Docket Numbers: ER25–2138–000.
Applicants: Engelhart CTP Energy Marketing, LLC.
Description: Tariff Amendment: MBR Cancellation of Trailstone Energy (Engelhart Energy) to be effective 1/29/2025.
Filed Date: 5/1/25.
Accession Number: 20250501–5239.
Comment Date: 5 p.m. ET 5/22/25.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES25–46–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of Tri-State Generation and Transmission Association, Inc.
Filed Date: 4/29/25.
Accession Number: 20250429–5376.
Comment Date: 5 p.m. ET 5/20/25.
Docket Numbers: ES25–47–000.
Applicants: Golden Spread Electric Cooperative.
Description: Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of Golden Spread Electric Cooperative, Inc.
Filed Date: 5/1/25.
Accession Number: 20250501–5189.
Comment Date: 5 p.m. ET 5/22/25.

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: *https://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community 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: May 1, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–07953 Filed 5–6–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15230–002]

Pike Island Hydropower Corporation; Notice of Revised Comment Period for Soliciting Motions To Intervene and Protests

On January 16, 2025, the Commission issued a ''Notice of Application Accepted for Filing and Soliciting Motions to Intervene and Protests'' (Notice) for the Pike Island Hydroelectric Project (P–15230). The Notice set a deadline of 60 days for filing motions to intervene and protests. Pursuant to 18 CFR 4.32(d)(2), Commission staff submitted the Notice to a local newspaper for publication. Subsequently, Commission staff was notified by the newspaper that the Notice was not published due to a system error. Therefore, the deadline for filing motions to intervene and protests is extended to 60 days from the issuance of this notice, or June 30, 2025. The January 16, 2025, Notice provides additional information on the project and on the process for filing motions to intervene and protests. It can be reviewed at: *https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20250116-3027&optimized=false.*

Questions should be directed to Colleen Corballis, Project Coordinator, Midwest Branch, Division of Hydropower Licensing; telephone at (202) 502–8598; email at *colleen.corballis@ferc.gov.*

Dated: May 2, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–07956 Filed 5–6–25; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2025–0067; FRL–12475–02–OCSPP]

Certain New Chemicals; Receipt and Status Information for February 2025

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of receipt and request for comment.

SUMMARY: This document announces the Agency's receipt of new chemical submissions under the Toxic Substances Control Act (TSCA), including information about the receipt of a Premanufacture notice (PMN), Significant New Use Notice (SNUN), Microbial Commercial Activity Notice (MCAN), and an amendment to a previously submitted notice; test information; a biotechnology exemption application; an application for a test marketing exemption (TME); and a notice of commencement of manufacture (defined by statute to include import) (NOC) for a new chemical substance. This document also provides a periodic status report on the new chemical substances that are currently under EPA review or have recently concluded review. EPA is hereby providing notice of receipt of this information, as required by TSCA,

and an opportunity to comment. This document covers the period from 2/1/2025 to 2/25/2025.

DATES: Comments must be received on or before June 6, 2025.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2025–0067 and the specific case number provided in this document for the chemical substance related to your comment, online at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information: Jim Rahai, Project Management and Operations Division (MC 7407M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–8593; email address: *rahai.jim@epa.gov*.

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

This action provides information that is directed to the public in general.

B. What is the Agency's authority for taking this action?

EPA is publishing this document in the **Federal Register** as required by sections 5 of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 *et seq.,* and corresponding EPA regulations.

Under TSCA, a chemical substance may be either an ''existing'' chemical substance or a ''new'' chemical substance, see *https://www.epa.gov/chemicals-under-tsca.* Any chemical substance that is not on EPA's TSCA Inventory of Chemical Substances (TSCA Inventory) is classified as a ''new chemical substance,'' while a chemical substance that is listed on the TSCA Inventory is classified as an ''existing chemical substance.'' See TSCA section 3(2) and (11). For more information about the TSCA Inventory, see *https://www.epa.gov/inventory*.

Any person who intends to manufacture (including import) a new chemical substance for a non-exempt commercial purpose, or to manufacture or process a chemical substance in a non-exempt manner for a use that EPA has determined is a significant new use, is required by TSCA section 5 to provide EPA with a PMN, MCAN, or SNUN, as appropriate, before initiating the activity. EPA will review the notice, make a risk determination on the new chemical substance or significant new use, and take appropriate action as described in TSCA section 5(a)(3).

TSCA section 5(h)(1) authorizes EPA to allow persons, upon application and under appropriate restrictions, to manufacture a new chemical substance, or manufacture or process a chemical substance subject to a significant new use rule (SNUR) issued under TSCA section 5(a)(2), for ''test marketing'' purposes, upon a showing that the manufacture, processing, distribution in commerce, use, and disposal of the chemical substances will not present an unreasonable risk of injury to health or the environment. This is referred to as a test marketing exemption, or TME.

Premanufacture notification procedures for review of certain new microbial products of biotechnology are established in 40 CFR part 725. These pertain to MCANs and biotechnology exemptions, including TSCA experimental release applications (TERAs), TMEs for microorganisms, and Tier I and Tier II exemptions.

C. What action is the Agency taking?

This document provides notice of receipt and status reports for the covered period and certain submissions under TSCA section 5 and provides an opportunity to comment on this information. The Agency is providing information about the receipt of PMNs, SNUNs, MCANs, and an amendment to a previously submitted notice; test information; biotechnology exemption applications under 40 CFR part 725; TME applications; NOCs for new chemical substances; and a periodic status report on chemical substances that are currently under EPA review or have recently concluded review.

D. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit CBI to EPA through *https://www.regulations.gov* or email. If you wish to include CBI in your comment, please follow the instructions at *https://www.epa.gov/dockets/commenting-epa-dockets#rules* and clearly mark the information that you claim to be CBI. In addition to one complete version of the comment that includes CBI, a copy of the comment without CBI must be submitted for inclusion in the public docket. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR parts 2 and 703.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *https://www.epa.gov/dockets/commenting-epa-dockets*.

II. Background

A. What information is being provided in this document?

The tables in this document provide the following information on the TSCA section 5 submissions received by EPA during this period and determined to be complete consistent with 40 CFR 720.70(a).

- *Case number.* The EPA number assigned to the TSCA section 5 submissions. Please note that a case number may be listed more than once in the table when the submission involves a subsequent amendment.
- *Chemical substance.* Name of the chemical substance, or generic name if the specific name is claimed as CBI.
- *Manufacturer.* Name of the submitting manufacturer, to the extent that such information is not subject to a CBI claim. The term ''manufacturer'' is defined by statute to include importer.
- *Use(s).* Potential uses identified by the manufacturer.
- *Received.* Date received by EPA.
- *Commencement.* Date of commencement provided by the submitter in the NOC.
- *Test information.* For test information received, the type of test information submitted to EPA based on the attachment type and subtype data selected by the submitter.

B. What do the acronyms mean that are used in the tables?

As used in each of the tables, the following explanations apply:

- (S) indicates that the information in the table is the specific information provided by the submitter.
- (G) indicates that the information in the table is generic information because the specific information provided by the submitter was claimed as CBI.

C. How can I access other information about TSCA section 5 submissions?

EPA provides information on its website about cases reviewed under TSCA section 5, including the PMNs, SNUNs, MCANs, and exemption

applications received; the date of receipt; the final EPA determination on the submission; and the effective date of EPA's determination. See *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/status-pre-manufacture-notices*. In addition, information EPA receives about chemical substances under TSCA, including non-CBI new chemical submissions, can be accessed in ChemView at *https://chemview.epa.gov/chemview*.

III. Receipt Reports

Table 1 provides non-CBI information for the PMNs, SNUNs and MCANs received by EPA during this period that have passed an initial screening and determined to be complete consistent with 40 CFR 720.70(a).

TABLE 1—PMN/SNUN/MCANS RECEIVED AND UNDER REVIEW

Case No.	Received date	Manufacturer	Use(s)	Chemical substance
J–25–0002	01/31/2025	Greenlight Biociences, Inc.	(G) To produce DNA for use in internal manufacturing.	(G) Strain of Escherichia coli modified with genetically stable, plasmid-borne DNA for the production of plasmid-borne DNA.
J–25–0003	02/21/2025	Greenlight Biociences, Inc.	(G) To produce an enzyme for use in internal manufacturing.	(G) Strain of Escherichia coli modified with genetically stable, plasmid-borne DNA for the production of an enzyme.
J–25–0003	02/26/2025	Greenlight Biociences, Inc.	(G) To produce an enzyme for use in internal manufacturing.	(G) Strain of Escherichia coli modified with genetically stable, plasmid-borne DNA for the production of an enzyme.
J–25–0006	01/31/2025	CBI	(G) Chemical Production	(G) Chromosomally modified Saccharomyces cerevisiae.
J–25–0006	02/10/2025	CBI	(G) Chemical Production	(G) Chromosomally modified Saccharomyces cerevisiae.
J–25–0007	01/31/2025	CBI	(G) Chemical Production	(G) Chromosomally modified Saccharomyces cerevisiae.
J–25–0007	02/10/2025	CBI	(G) Chemical Production	(G) Chromosomally modified Saccharomyces cerevisiae.
J–25–0008	01/31/2025	CBI	(G) Chemical Production	(G) Chromosomally modified Saccharomyces cerevisiae.
J–25–0008	02/10/2025	CBI	(G) Chemical Production	(G) Chromosomally modified Saccharomyces cerevisiae.
J–25–0009	01/31/2025	CBI	(G) Chemical Production	(G) Chromosomally modified Saccharomyces cerevisiae.
J–25–0009	02/10/2025	CBI	(G) Chemical Production	(G) Chromosomally modified Saccharomyces cerevisiae.
J–25–0010	01/31/2025	CBI	(G) Chemical Production	(G) Chromosomally modified Saccharomyces cerevisiae.
J–25–0010	02/10/2025	CBI	(G) Chemical Production	(G) Chromosomally modified Saccharomyces cerevisiae.
P–22–0149	02/12/2025	Colonial Chemical, Inc.	(S) All-purpose hard surface cleaner; Low foam floor scrubber; Spray Metal Cleaning Concentrate.	(S) Hexanoic acid, 3,5,5-trimethyl-, sodium salt (1:1).
P–24–0027	01/30/2025	Mikros Biochem	(S) Surfactant	(S) Fatty acids, C8–14, 2,3-diesters with rel-(2R, 3S)-2,3,4-trihydroxybutyl Beta-D-mannopyranoside acetate.
P–24–0082	02/12/2025	CBI	(G) Additive used in 3D printing ink formulations.	(S) 2-Propenoic acid, 3-bromo-2,2-bis(bromomethyl)propyl ester.
P–25–0015	02/10/2025	CBI	(G) Additive in paving applications	(G) Modified tall oil fatty acid polyamine condensate.
P–25–0018	02/07/2025	CBI	(G) Paint coating	(S) Graphene platelets.
P–25–0027	02/07/2025	Elemental Advanced Materials, Inc.	(S) The CNOs produced do not require any further treatment for its application on concrete, resins, batteries, paints, asphalt, polyurethanes, etc. Additionally, the CNOs are ready to be combined with other nanostructures to create 2nd generation Li-Ion batteries and antimicrobial materials or composites.	(S) Graphene, Carbon Nano-Onions.
P–25–0029	02/05/2025	CBI	(G) Functional additive in composite; precursor for high-value nanomaterials.	(S) Graphene Oxide.
P–25–0030	02/05/2025	CBI	(G) Precursor for high-value nanomaterials; Functional additive in composite..	(S) Graphene Oxide.
P–25–0035	01/30/2025	W. R. Grace & Co.—Conn.	(G) Used as component in polyethylene production.	(G) Transition metal, carbomonocyclic alkyl-substituted, dialkyl.
P–25–0055	02/06/2025	Motiva Enterprises, LLC.	(G) Additive used in industrial and commercial applications.	(G) Hydrocarbon, processed.

TABLE 1—PMN/SNUN/MCANS RECEIVED AND UNDER REVIEW—Continued

Case No.	Received date	Manufacturer	Use(s)	Chemical substance
P–25–0064	02/10/2025	CBI	(G) Contained use for microlithography for electronic device manufacturing.	(G) Dibenz thiophenium, 5-phenyl-, salt with fluoroheterosubstitutedalkyl heterosubstitutedhalo substitutedaromatichydro carboncarboxylate (1:1), polymer with 3-ethenylphenol and alkyl cycloalkyl 2-methyl-2-propenoate.
P–25–0066	02/14/2025	CBI	(G) An ingredient used in the manufacture of photoresist.	(G) Sulfonium, bis (dihalo carbomonocycle) carbomonocycle-, salt with dihalo-sulfoalkyl [(alkenylcarbomonocycle)substituted] trisubstituted benzoate, polymer with alkenylcarbomonocycle and alkylcarbomonocycle alkyl alkenoate.
P–25–0067	02/14/2025	CBI	(G) An ingredient used in the manufacture of photoresist.	(G) Sulfonium, bis (dihalo carbomonocycle) carbomonocycle-, salt with trihalobenzoate.
SN–23–0024	01/30/2025	CBI	(G) Component in batteries	(S) Phosphoric acid, iron (2+) lithium salt (1:1:1).
SN–25–0006	02/06/2025	CBI	(S) Substance for use in the manufacture of battery cathodes.	(S) Phosphoric acid, iron (2+) lithium salt (1:1:1).

Table 2 provides non-CBI information on the NOCs received by EPA during this period that have passed an initial screening and determined to be complete:

TABLE 2—NOCS RECEIVED AND UNDER REVIEW

Case No.	Received date	Commencement date	Chemical substance
P–19–0150	02/04/2025	01/22/2025	(G) Iron, complexes with ethylenediamine-4-hydroxycarbomonocycle hetero-acid-2-oxoacetic acid reaction products, sodium salts.
P–20–0101	02/03/2025	01/10/2025	(G) Alkanoic acid, hydroxy-(hydroxyalkyl)-alkyl-, polymer with alpha-[(hydroxyalkyl)alkyl]-omega-alkoxypoly(oxyalkanediyl), (haloalkyl)oxiane polymer (alkylalkylidene)bis[hydroxy-carbomonocycle] alkenoate and isocyanatealkyl-carbomonocycle, hydroxyalkyl acrylate-blocked.
P–21–0215	02/07/2025	02/05/2025	(S) Pyridinium, 3-carboxy-1-methyl-, inner salt.
P–22–0095	02/19/2025	10/14/2024	(G) Glycolipids, sophorose-contg., yeast-fermented, from glycerides and carbohydrates.
P–22–0116	02/26/2025	02/25/2025	(G) Carbopolycycle octa-alkene, alkenylaryloxy-.
P–22–0151	02/19/2025	02/19/2025	(G) Glycolipids, sophorose-contg., yeast-fermented, from glycerides and carbohydrates.
P–23–0015	02/19/2025	01/24/2025	(G) Amines, polyalkylenepoly, (disubstitutedcarboxy) derivs., alkali metal salts.
P–23–0173	02/10/2025	01/22/2025	(G) Cellulose, alkoxyalkyl ether, alkali metal salt.
P–24–0036	02/11/2025	02/04/2025	(G) Poly(oxy-alkylene), -alkenyl--hydroxy-.

Table 3 provides non-CBI information on the test information that has been received by EPA during this time period:

TABLE 3—TEST INFORMATION RECEIVED AND DETERMINED TO BE COMPLETE

Case No.	Received date	Type of test information	Chemical substance
P–18–0413	02/07/2025	Acute Earthworm OECD 207; Chronic Earthworm study OECD 222; Reproductive study OECD 443; Range finding study.	(G) Haloalkyl alkanoate.

IV. Status Reports

Information about the TSCA section 5 PMNs, SNUNs, MCANs, and exemption applications received, including the date of receipt, the status of EPA's review, the final EPA determination, and the effective date of EPA's determination, is available online at: *https://www.epa.gov/new-chemicals-under-toxic-substances-control-act-tsca/pre-manufacture-notices.*

Authority: 15 U.S.C. 2601 *et seq.*

Dated: May 1, 2025.

Mary Elissa Reaves,

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 2025–07941 Filed 5–6–25; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0754; FR ID 292858]

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 Number: 3060–0754.

Title: FCC Form 2100, Application for Media Bureau Audio and Video Service Authorization, Schedule H.

Form Number: FCC Form 2100, Schedule H.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for profit entities.

Number of Respondents: 1,767 respondents; 1,767 responses.

Estimated Time per Response: 10 hours.

Frequency of Response: Recordkeeping requirement: Annual reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this collection of information is contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended.

Total Annual Burden: 17,670 hours.

Total Annual Cost: $1,060,200.

Needs and Uses: Commercial full-power and Class A television broadcast stations are required to file FCC Form 2100, Schedule H (formerly FCC Form 398) (Children's Television Programming Report) within 30 days after the end of each calendar year. FCC Form 2100, Schedule H is a standardized form that: (a) Provides a consistent format for reporting the children's educational television programming aired by licensees to meet their obligation under the Children's Television Act of 1990 (CTA), and (b) facilitates efforts by the public and the FCC to monitor compliance with the CTA.

Commercial full-power and Class A television stations are required to complete FCC Form 2100, Schedule H within 30 days after the end of each calendar year and file the form with the Commission. The Commission places the form in the station's online public inspection file maintained on the Commission's database (*www.fcc.gov*). Stations use FCC Form 2100, Schedule H to report, among other things, the Core Programming (*i.e.,* children's educational and informational programming) the station aired the previous calendar year. FCC Form 2100, Schedule H also includes a ''Preemption Report'' that must be completed for each Core Program that was preempted during the year. This ''Preemption Report'' requests information on the reason for the preemption, the date of each preemption, the reason for the preemption and, if the program was rescheduled, the date and time the program was re-aired.

On July 10, 2019, the Commission adopted a Report and Order in MB Docket Nos. 18–202 and 17–105, FCC 19–67, In the Matter of Children's Television Programming Rules; Modernization of Media Regulation Initiative, which modernizes the children's television programming rules in light of changes to the media landscape that have occurred since the rules were first adopted. Among other revisions, the Report and Order revises the children's television programming rules to expand the Core Programming hours to 6:00 a.m. to 10:00 p.m.; modify the safe harbor processing guidelines for determining compliance with the children's programming rules; require that broadcast stations air the substantial majority of their Core Programming on their primary program streams, but permit broadcast stations to air up to 13 hours per quarter of regularly scheduled weekly programming on a multicast stream; eliminate the additional processing guideline applicable to stations that multicast; and modify the rules governing preemption of Core Programming. In addition, the Report and Order revises the children's television programming reporting requirements by requiring that Children's Television Programming Reports (FCC Form 2100, Schedule H) be filed on an annual rather than quarterly basis, within 30 days after the end of the calendar year; eliminating the requirements that the reports include information describing the educational and informational purpose of each Core Program aired during the current reporting period and each Core Program that the licensee expects to air during the next reporting period; eliminating the requirement to identify the program guide publishers who were sent information regarding the licensee's Core Programs; and streamlining the form by eliminating certain fields. The Report and Order also eliminates the requirement to publicize the Children's Television Programming Reports. The Report and Order directs the Media Bureau to make modifications to FCC Form 2100, Schedule H as needed to conform the form with the revisions to the children's programming rules, including the changes to the processing guidelines and preemption policies.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2025–07898 Filed 5–6–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

[Docket No. AS25–04]

Appraisal Subcommittee; Notice of Meeting

AGENCY: Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

ACTION: Notice of special closed meeting.

Description: In accordance with section 1104(b) of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, codified at 12 U.S.C. 3333(b), notice is hereby given that the Appraisal Subcommittee (ASC) will meet for a Special Closed Meeting on this date.

Location: Virtual meeting via MS Teams.

Date: May 7, 2025.

Time: 2:00 p.m. ET.

Matters To Be Considered

1. State Compliance Reviews

The ASC will convene a Special Closed Meeting to discuss State Compliance Reviews pursuant to section 1104(b) of Title XI (12 U.S.C. 3333(b)).

Loretta Schuster,

Management & Program Analyst.

[FR Doc. 2025–07930 Filed 5–6–25; 8:45 am]

BILLING CODE 6700–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–1836–N]

Medicare Program; Public Meeting for New Revisions to the Healthcare Common Procedure Coding System (HCPCS) Coding

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: This notice announces the first Healthcare Common Procedure Coding System (HCPCS) public meeting of 2025 to discuss the Centers for Medicare & Medicaid Services preliminary coding, Medicare benefit category, and Medicare payment determinations, if applicable, for new revisions to the HCPCS Level II code set for non-drug and non-biological items and services, as well as how to register for the meeting.

DATES:

Primary date: Monday, June 2, 2025, 9 a.m. to 5 p.m. Eastern Time (ET).

Overflow date: Tuesday, June 3, 2025, 9 a.m. to 5 p.m. ET (virtual only).

ADDRESSES: The HCPCS Level II public meeting will be a hybrid event held:

- *In-person:* The Centers for Medicare and Medicaid Services (CMS), 7500 Security Boulevard, Baltimore, MD 21244.
- *Virtual:* Live stream via Zoom (link will be posted on the HCPCS Level II website).

FOR FURTHER INFORMATION CONTACT: Sundus Ashar, (410) 786–0750, *Sundus.ashar1@cms.hhs.gov,* or *HCPCS@cms.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On December 21, 2000, Congress enacted the Medicare, Medicaid, and State Children's Health Insurance Program (SCHIP) Benefits Improvement and Protection Act of 2000 (BIPA) (Pub. L. 106–554). Section 531(b) of BIPA mandated that the Secretary establish procedures that permit public consultation for coding and payment determinations for new durable medical equipment (DME) under Medicare Part B of title XVIII of the Social Security Act (the Act). In the November 23, 2001 **Federal Register** (66 FR 58743), we published a notice providing information regarding the establishment of the annual public meeting process for DME.

In 2020, we implemented changes to our HCPCS Level II coding procedures, including the establishment of quarterly coding cycles for drugs and biological products and biannual coding cycles for non-drug and non-biological items and services.

In the December 28, 2021 **Federal Register** (86 FR 73860), we published a final rule that established procedures for making Medicare benefit category and payment determinations for new items and services that are DME, prosthetic devices, orthotics and prosthetics, therapeutic shoes and inserts, surgical dressings, or splints, casts, and other devices used for reductions of fractures and dislocations under Medicare Part B.

II. Public Meeting Agendas

The list of topics for discussion, which will become available in the upcoming weeks at *https://www.cms.gov/Medicare/Coding/MedHCPCSGenInfo/HCPCSPublicMeetings,* identify the Centers for Medicare & Medicaid Services (CMS) preliminary coding, Medicare benefit category, and Medicare payment determinations, if applicable. In establishing the public meeting agendas, CMS may group multiple, related code applications under the same agenda item. While both days will have virtual access via Zoom, the public meeting agenda order will be based on prioritizing speakers who attend in person first, followed by agenda items whose speakers are all attending virtually. While the list of topics will already be made available, the public meeting agenda order will become available on the CMS website sometime shortly after the speaker registration deadline. We will only be discussing those topics listed on the CMS website.

Overflow Procedures

If all of the agenda items are not addressed on June 2, 2025, CMS will hold a virtual-only session on June 3, 2025 at 9 a.m. ET. We will proceed in the order of the HCPCS public meeting agenda, only discussing those that were not addressed, until complete. We will not go back and discuss any prior agenda items. Original registration will apply to the overflow date. The link to the live stream of the public meeting will be posted in the Guidelines for Participation in HCPCS Public Meetings document on the CMS website.

III. Participation Categories

Every speaker must declare at the beginning of their presentation during the meeting, as well as in their written summary, whether they have any financial involvement with the applicant and manufacturer, if different, of the item that is the subject of the HCPCS Level II application, or with any competitors of that manufacturer with respect to the item. This includes any payment, salary, remuneration, or benefit provided to the speaker by the applicant, manufacturer, or any such competitors.

A. Primary Speakers

Each applicant that submitted a HCPCS Level II code application that will be discussed at the public meeting is permitted to designate a primary speaker. Fifteen minutes is the total time interval for a primary speaker per agenda item. Any unused time from the primary speaker will be forfeited and cannot be delegated to another speaker. Primary speakers must register as a speaker and submit any supporting PowerPoint presentation by the stated deadline. CMS will accept PowerPoint presentations (maximum of 10 slides in PowerPoint presentation format, not PDF) that are emailed to *HCPCS@cms.hhs.gov* by the stated deadline. We will not play videos, transitions, or animations during the public meeting session and request the speakers exclude these materials from their PowerPoint presentation and instead submit any relevant video or animation materials along with the written comments. We request that speakers ensure the presentation does not include any inappropriate or confidential content before submission. Due to the timeframe needed for the

planning and coordination of the HCPCS public meetings, materials that are not submitted appropriately and in accordance with this deadline cannot be accommodated.

B. 5-Minute Speakers

Any individual related to the public meeting agenda item, including but not limited to an employee, competitor, insurer, public consumer, or other interested party, may register as a 5 minute speaker by the stated deadline. Depending on the availability of time, CMS may limit the number of 5-minute speakers; however, we will ensure an array of interested parties are represented if registered by the stated deadline. We will not accept any other written materials, outside of the written comments, from a 5-minute speaker (that is, 5-minutes speakers are not allowed to present a PowerPoint presentation).

C. All Other Attendees

All individuals who plan to attend the public meetings to listen and do not plan to speak may access the public meeting using the live stream link posted on the HCPCS Level II website. Alternatively, attendees can register online by the stated deadline and attend the public meeting in-person at CMS.

Individuals who require special assistance must register and request special assistance services by the stated deadline in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

IV. Registration Requirements

The registration instructions for the HCPCS public meeting will be posted in the Guidelines for Participation in HCPCS Public Meetings document on the CMS website. All individuals who plan to speak (15 or 5 minutes) at the public meeting or attend the meeting in person must register by 5 p.m. ET on May 14, 2025. The following information must be provided when registering by the stated deadline:

- Name;
- Company name (if applicable);
- Email address;
- Topic item and application number (for speakers only);
- Whether the registrant will be attending in person or virtually;
- Whether the registrant is a foreign national (for in-person attendees only);
- Any special assistance requests;
- Whether the registrant is a primary speaker or a 5-minute speaker for an agenda item; and
- Whether the primary speaker will use a PowerPoint presentation.

V. In-Person Information

All in-person attendees should monitor the website at *https://www.cms.gov/Medicare/Coding/MedHCPCSGenInfo/HCPCSPublicMeetings* for additional information about accessing the building, as information is subject to change. Only registered attendees with a valid government-issued photo ID that meets the Real ID standards may enter the building. For reference, visit *https://www.dhs.gov/real-id.* All foreign national attendees must identify themselves at the time of registration, as additional documentation may be required.

Vehicle screening is conducted and all persons in the vehicle must present a valid ID. Visitors may only enter from Security Boulevard, using the far-right entrance lane to the campus. Parking on campus is increasingly limited and visitors are not guaranteed a parking space with registration. Visitors are encouraged to consider alternate means of arrival, such as public transportation, taxi, or other ride-share arrangements. Visitors will be required to go through x-ray screening similar to screening at a United States airport, or alternate arrangements as instructed and permitted by security. A cafeteria is available at CMS.

VI. Written Comments

The primary and 5-minute speaker(s) must email a brief, written summary (one paragraph) of their comments and conclusions. Written comments from anyone, including the primary and 5-minute speaker(s), will only be accepted when emailed to: *HCPCS@cms.hhs.gov* before 5 p.m. ET on June 4, 2025.

VII. Additional Information

All participants should regularly check the CMS website for updates and final agenda information at *https://www.cms.gov/Medicare/Coding/MedHCPCSGenInfo/HCPCSPublicMeetings.*

The HCPCS section of the CMS website also includes details regarding the public meeting process for new revisions to the HCPCS Level II code set, including guidelines for an effective presentation. The HCPCS section of the CMS website also contains a document titled ''HCPCS Level II Coding Procedures (PDF),'' which is a description of the HCPCS Level II coding process, including a detailed explanation of the procedures CMS uses to make HCPCS Level II coding determinations.

When CMS refers to a HCPCS code or HCPCS Level II coding application above, CMS may also be referring to circumstances when a HCPCS code has already been issued, but a Medicare benefit category and/or payment has not been determined. CMS is working diligently to address Medicare benefit category and payment determinations for new items and services that may be DME, prosthetic devices, orthotics and prosthetics, therapeutic shoes and inserts, surgical dressings, or splints, casts, and other devices used for reductions of fractures and dislocations under Medicare Part B.

This hybrid format ensures maximum accessibility while maintaining the integrity of the HCPCS public meeting process. However, we are exploring the possibility of moving towards in-person only public meetings in the future.

VIII. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping, or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Signing Authority

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Mehmet Oz, having reviewed and approved this document, authorizes Chyana Woodyard, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Chyana Woodyard,

Federal Register Liaison, Centers for Medicare & Medicaid Services.

[FR Doc. 2025–07943 Filed 5–2–25; 4:15 pm]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Council on Drug Abuse.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial

property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council on Drug Abuse.

Date: May 28, 2025.

Closed: 12:00 p.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Meeting Format: Virtual Meeting.

Place: National Institutes of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892.

Contact Person: Susan R.B. Weiss, Ph.D., Director, Division of Extramural Research, Office of the Director, National Institute on Drug Abuse, NIH, Three White Flint North, RM 09D08, 11601 Landsdown Street, Bethesda, MD 20852, 301–443–6480, *sweiss@nida.nih.gov.*

Contact Person: Gillian Acca, Ph.D., Health Scientist Administrator, Division of Extramural Research, Office of Extramural Policy, National Institute on Drug Abuse, NIH, Three White Flint North, RM 09C70, 11601 Landsdown Street, Bethesda, MD 20852, 301–827–5863, *gillian.acca@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: May 2, 2025.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–07942 Filed 5–6–25; 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; Clinical Neuroimmunology and Brain Tumors 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: Aleksey G. Kazantsev, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5201, Bethesda, MD 20817, 301–435–1042, *aleksey.kazantsev@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; BRAIN Initiative: Preclinical Proof of Concept for Novel Recording and Modulation Technologies in the Human CNS.

Date: June 6, 2025.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Lai Yee Leung, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1011D, Bethesda, MD 20892, (301) 827–8106, *leungl2@csr.nih.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Pathophysiology of Eye Disease—1 Study Section.

Date: June 9–10, 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: Afia Sultana, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4189, Bethesda, MD 20892, (301) 827–7083, *sultanaa@mail.nih.gov.*

Name of Committee: Risk, Prevention and Health Behavior Integrated Review Group; Clinical Management in General Care Settings Study Section.

Date: June 9–10, 2025.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Jessica Campbell Chambers, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496–5693, *jessica.chambers@nih.gov.*

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Cardiovascular and Respiratory Diseases Study Section.

Date: June 9–10, 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: Raquel L. Velazquez-kronen, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Bethesda, MD 20892, (513) 301–9047, *velazquezrl@csr.nih.gov.*

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Pathophysiology of Obesity and Metabolic Disease Study Section.

Date: June 9–10, 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: Elaine Sierra-Rivera, Ph.D., IRG Chief, EMNR IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6182, MSC 7892, Bethesda, MD 20892, (301) 435–2514, *riverase@csr.nih.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Brain Injury and Neurovascular Pathologies Study Section.

Date: June 9–10, 2025.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Alexander Yakovlev, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5206, MSC 7846, Bethesda, MD 20892, 301–435–1254, *yakovleva@csr.nih.gov.*

Name of Committee: Applied Immunology and Disease Control Integrated Review Group; Interspecies Microbial Interactions and Infectious Study Section.

Date: June 9–10, 2025.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Irene Ramos lopez, Scientific Review Officer, The Center for Scientific Review, The National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–4891, *irene.ramoslopez@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: May 2, 2025.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–07944 Filed 5–6–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[25XD4523WS; DS62200000; DWSN00000.000000; DP.62206; OMB Control Number 1090–0009]

Agency Information Collection Activities; Donor Certification Form

AGENCY: Office of Financial Management, Office of the Secretary, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of Financial Management, Office of the Secretary, Department of the Interior, propose to renew an information collection.

DATES: Interested persons are invited to submit comments. To ensure your comments are considered, we must receive your comments on or before July 7, 2025.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to Joshua Kamp, Office of Financial Management, 1849 C St. NW, MS 2557 MIB, Washington, DC 20240; or by email to *Joshua_Kamp@ios.doi.gov.* Please reference Office of Management and Budget (OMB) Control Number 1090–0009 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Joshua Kamp, Office of Financial Management, 1849 C St. NW, MS 2557 MIB, Washington, DC 20240; or by email to *Joshua_Kamp@ios.doi.gov* or by telephone at 202–208–4610. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.,* and 5 CFR 1320.8(d)(1), all information collections require prior approval. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

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

Abstract: This notice identifies an information collection that the Office of Financial Management has submitted to OMB for approval to allow the Department and its bureaus and offices to continue collecting information from prospective donors relative to their relationships with the Department. The Department and its bureaus and offices have gift acceptance authorities. In support of its many donation authorities and the increasing numbers of donations, the Department's policy is to ask those proposing to donate gifts valued at $25,000 or more to provide information regarding their relationships with the Department. This policy ensures that the acceptance of a gift does not create legal or ethical issues for the donors and the Department donees. A form is used to collect information relevant to the acceptability of the proposed donation in conformance with the Department's donations policy. Prospective donors complete the form, certify the information on it, and submit the form to the Department donee for review. The donor's certification of any interactions with the Department gives the staff vetting the proposed donation basic information to be verified, resulting in a more efficient and timely donation review process.

Title of Collection: Donor Certification Form.

OMB Control Number: 1090–0009.

Form Number: DI–3680.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals/households, businesses, not-for-profit institutions, Tribal governments.

Total Estimated Number of Annual Respondents: 250.

Total Estimated Number of Annual Responses: 250.

Estimated Completion Time per Response: 20 minutes.

Total Estimated Number of Annual Burden Hours: 83 hours.

Respondent's Obligation: Voluntary.

Frequency of Collection: Once per prospective donor per fiscal year.

Total Estimated Annual Nonhour Burden Cost: None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Tonya R. Johnson-Simmons,

Deputy Chief Financial Officer.

[FR Doc. 2025–07892 Filed 5–6–25; 8:45 am]

BILLING CODE 4334–32–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1382]

Certain Electronic Computing Devices and Components Thereof; Notice of a Commission Determination To Review a Final Initial Determination Finding No Violation of Section 337; Request for Written Submissions on the Issues Under Review and on Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (''Commission'') has determined to review in its entirety a final initial determination (''ID'') of the presiding administrative law judge (''ALJ''), finding no violation of section 337. The Commission requests written submissions from the parties on the issues under review and submissions from the parties, interested government agencies, and other interested persons on the issues of remedy, the public interest, and bonding, under the schedule set forth below.

FOR FURTHER INFORMATION CONTACT: Benjamin S. Richards, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–5453. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation based on a complaint filed on behalf of Lenovo (United States) Inc. of Morrisville, North Carolina (''Lenovo''). 88 FR 88110 (Dec. 20, 2023). The complaint, as amended and supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain electronic computing devices and components thereof by reason of infringement of claims 1, 3, 5, 7, 9, 11, 13, and 15 of U.S. Patent No. 7,760,189 (''the '189 patent''); claims 1–21 of U.S. Patent No. 7,792,066 (''the '066 patent''); claims 1–11 of U.S. Patent No. 8,687,354 (''the '354 patent''); and claims 1–18 of U.S. Patent No. 10,952,203 (''the '203 patent''). *Id.* The complaint further alleges that a domestic industry exists. *Id.* The Commission's notice of investigation named as respondents ASUSTeK Computer Inc., of Taipei, Taiwan and ASUS Computer International of Fremont, CA (''ASUS''). *Id.* at 88111. The Office of Unfair Import Investigations is not participating in the investigation. *Id.*

The ALJ held a claim construction hearing on May 16, 2024, and issued a claim construction order on July 15, 2024. Order No. 32 (July 15, 2024).

The following claims were terminated from the investigation at Lenovo's request: all asserted claims of the '189 patent; claims 6, 8–15, and 19–21 of the '066 patent; claims 2, 3, 8 and 10 of the '354 patent; and claims 1–7, 9–16, and 18 of the '203 patent.

The ALJ conducted an evidentiary hearing from September 16, 2024, through September 20, 2024. Lenovo and ASUS filed initial post-hearing briefs on October 4, 2024, and filed post-hearing reply briefs on October 18, 2024.

On February 7, 2025, the ALJ issued her final ID on violation of section 337. Lenovo and ASUS filed petitions for review of that ID on February 21, 2025, and filed replies to each others' petitions on March 3, 2025.

On April 9, 2025, the Commission extended the date by which it must determine whether to review the final ID to May 1, 2025.

Having reviewed the record of the investigation, including the final ID, the parties' submissions to the ALJ, and the parties' petitions and responses thereto, the Commission has determined to review the ID in its entirety.

In connection with its review, the Commission requests responses to the following questions. The parties are requested to brief their positions with reference to the applicable law and the existing evidentiary record.

1. Lenovo's petition for review of the ID states that ''the UL BW field of a trigger frame references the frequencies that were allocated in the beacon frame for EDCA transmissions.'' Lenovo Pet. at 12. How, if at all, is referencing a set of frequencies different from indicating them as required by claims 1 and 17 of the '203 patent?

2. The ID found that the enhanced distributed channel access (EDCA) protocol is a contention-based protocol. ID at 67. Explain whether, in the context of EDCA, a set of resource blocks for a data transmission can be assigned to a device before that device has won a contention for resources.

3. Explain the temporal relationship between when a device receives an orthogonal frequency division multiple access (OFDMA) trigger frame and when that device will contend for EDCA resources.

4. Concerning claims 1 and 17 of the '203 patent, the ID found that multiple resource assignment indications could be received and that the subsequent transmitting steps could therefore correspond to different resource assignment indications. ID at 38–39. Identify any evidence intrinsic to the '203 patent that supports that construction. Include in your answer any portion of the specification that teaches an embodiment that receives multiple resource assignment indications before performing the transmitting steps. Also include any portion of the specification foreclosing the use of multiple resource assignment indications before performing the transmitting steps.

5. *Finjan LLC* v. *SonicWall, Inc.,* 84 F.4th 963 (Fed. Cir. 2023), discusses the interplay between the rule that the definite articles ''a'' and ''an'' are typically not limited to singular meanings and method claims that require the same component to satisfy multiple claim limitations. 84 F.4th at 973–975. Explain whether the ID's finding that two different resource assignment indications could be used for each of the transmitting steps is consistent with *Finjan* and the precedents discussed therein. Include in your explanation whether *Finjan* supports or detracts from the ID's invalidity findings for the '203 patent.

6. During prosecution of the '066 patent, after the examiner provided applicants with the Neves et al. (US PGPUB 2002/0032855 Al) reference, the examiner clarified: ''Therefore, some sort of handshaking is taking place; however, the handshaking is not occurring during the claimed 'receiving of a predetermined frame.' In other words, a pre-authentication/handshaking procedure occurs prior to the transmission of the predetermined frame from the access point.'' JX–6 at 667–668. In response, the applicants distinguished the invention by stating that ''the wireless receiver of new claim 27 does *not present any frame to the access point* to prove authorization or otherwise 'handshake' with the access point. Instead, each of the beacon and predetermined frames and magic packets are received by the receiver *without the wireless receiver*

transmitting a wireless frame to the wireless access point to handshake with the wireless access point.'' JX–6 at 702 (emphasis in original). Explain why this statement does or does not amount to a clear and unmistakable disclaimer of claim scope covering a wireless receiver that handshakes with a wireless access point prior to a main power supply being ''not on.''

7. Claim 1 of the '354 patent includes the limitation: ''wherein the second wing of the inhibitor stopper engages the second notch to prevent the second hinge member from rotating when the first hinge member rotates from zero degrees to 180 degrees.'' Identify all embodiments in the specification that disclose this limitation. Also identify any portions of the prosecution history that discuss the meaning of this limitation.

8. Identify any portion of the evidence intrinsic to the '354 patent that specifically addresses whether the limitation quoted above in question 11 requires the rotation of the second hinge member to be prevented in both clockwise and anti-clockwise directions or instead prevented in one direction or the other.

9. Figure 3C shows an exemplary embodiment of the invention of the '354 patent in which the housings of the invention are in an intermediate state between 0 degrees (closed) and 180 degrees (open). Do you agree that the lower hinge member depicted in Figure 3C is prevented from rotating anti-clockwise by the lower wing of the inhibitor stopper contacting the notch in the lower hinge member and the right side of the upper wing of the inhibitor stopper contacting the surface of the upper hinge member? Do you agree that the lower hinge member in Figure 3C is not prevented from clockwise rotation by the wings of the inhibitor stopper because the inhibitor stopper is free to rotate anti-clockwise as the lower hinge member rotates clockwise? If you disagree with either statement, explain why.

10. When opening a notebook PC, such as the one described in the '354 patent at 4:17–55, from 0 to 180 degrees, would the second hinge member move in both directions if the inhibitor stopper were absent?

11. The ID cited testimony for the proposition that ''the wings and notches [of the accused product] only engage when closing the device, not when opening the device.'' ID at 165 (citing Tr. (Singhose) at 315:17–316:9). Do you agree that the wings and notches of the accused product engage each other when closing the accused device but not when opening the accused device? Cite the evidence that supports your position.

The parties are invited to brief only the discrete issues requested above. The parties are not to brief other issues on review, which are adequately presented in the parties' existing filings.

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: The parties to the investigation are requested to file written submissions on the issues identified in this notice. 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. Such submissions should address the recommended determination by the ALJ on remedy and bonding.

In its initial submission, Complainant is also requested to identify the remedy sought and to submit proposed remedial orders for the Commission's consideration. Complainant is 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. All initial written submissions, from the parties and/or third parties/interested government agencies, and proposed remedial orders from the parties must be filed no later than close of business on May 15, 2025. All reply submissions must be filed no later than the close of business on May 22, 2025. Opening submissions from the parties are limited to 100 pages. Reply submissions from the parties are limited to 75 pages. All submission from third parties and/or interested government agencies are limited to 10 pages. 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–1382) 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 vote for this determination took place on May 1, 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: May 1, 2025.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2025–07917 Filed 5–6–25; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Edmund Ayoub Jr., M.D.; Decision and Order

On November 4, 2024, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Edmund Ayoub Jr., M.D., of Palm Springs, California (Registrant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 1, at 1, 4. The OSC proposed the revocation of Registrant's Certificate of Registration No. FA0321036, alleging that Registrant's registration should be revoked because Registrant is ''currently without authority to prescribe, administer, dispense, or otherwise handle controlled substances in the State of California, the state in which [he is] registered with DEA.'' *Id.* at 2 (citing 21 U.S.C. 824(a)(3)).

The OSC notified Registrant of his right to file a written request for hearing, and that if he failed to file such a request, he would be deemed to have waived his right to a hearing and be in default. *Id.* at 2–3 (citing 21 CFR 1301.43). Here, Registrant did not request a hearing. RFAA, at 3.[1] ''A default, unless excused, shall be deemed to constitute a waiver of the registrant's/applicant's right to a hearing and an admission of the factual allegations of the [OSC].'' 21 CFR 1301.43(e).

Further, ''[i]n the event that a registrant . . . is deemed to be in default . . . DEA may then file a request for final agency action with the Administrator, along with a record to support its request. In such circumstances, the Administrator may enter a default final order pursuant to [21 CFR] 1316.67.'' *Id.* 1301.43(f)(1). Here, the Government has requested final agency action based on Registrant's default pursuant to 21 CFR 1301.43(a), (c), (f), 1301.46. RFAA, at 1; *see also* 21 CFR 1316.67.

Findings of Fact

The Agency finds that, in light of Registrant's default, the factual allegations in the OSC are admitted. According to the OSC, on March 17, 2023, the Medical Board of California issued a Cease Practice Order that prohibited Registrant from practicing medicine in California. RFAAX 1, at 2. According to California online records, of which the Agency takes official notice,[2] Registrant's California medical license has a primary status of ''Delinquent'' with no practice permitted. California DCA License Search, *https://search.dca.ca.gov* (last visited date of signature of this Order). Accordingly, the Agency finds that Registrant is not licensed to practice medicine in California, the state in which he is registered with DEA.[3]

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under 21 U.S.C. 823 ''upon a finding that the registrant . . . has had his State license or registration suspended . . . [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.'' With respect to a practitioner, DEA has also long held that the possession of authority to dispense controlled substances under the laws of the state in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *Gonzales* v. *Oregon,* 546 U.S. 243, 270 (2006) (''The Attorney General can register a physician to dispense controlled substances 'if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.' . . . The very definition of a 'practitioner' eligible to prescribe includes physicians 'licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he practices' to dispense controlled substances. § 802(21).''). The Agency has applied these principles consistently. *See, e.g., James L. Hooper, M.D.,* 76 FR 71371, 71372 (2011), *pet. for rev. denied,* 481 F. App'x 826 (4th

[1] Based on the Government's submissions in its RFAA dated January 29, 2025, the Agency finds that service of the OSC on Registrant was adequate. The included declaration from a DEA Diversion Investigator (DI) indicates that on November 6, 2024, the DI attempted to email a copy of the OSC to Registrant's registered email address, but the email was returned as undeliverable. RFAAX 2, at 2. On November 15, 2024, the DI attempted to serve Registrant the OSC at his ''mail to'' address and left a copy of the OSC at that location. *Id.* On November 21, 2024, the DI mailed a copy of the OSC via certified mail to Registrant's ''mail to'' address, but the mailing was returned as ''return to Sender, not deliverable as addressed, unable to forward.'' *Id.* Finally, on November 27, 2024, the DI mailed a copy of the OSC to Registrant's ''mail to'' address via First-Class mail. *Id.* Here, the Agency finds that the DI's efforts to serve Registrant were '' 'reasonably calculated, under all the circumstances, to apprise [Registrant] of the pendency of the action.' '' *Jones* v. *Flowers,* 547 U.S. 220, 226 (2006) (quoting *Mullane* v. *Central Hanover Bank & Trust Co.,* 339 U.S. 306, 314 (1950)). Therefore, due process notice requirements have been satisfied.

[2] Under the Administrative Procedure Act, an agency ''may take official notice of facts at any stage in a proceeding—even in the final decision.'' United States Department of Justice, Attorney General's Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979).

[3] Pursuant to 5 U.S.C. 556(e), ''[w]hen an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.'' The material fact here is that Registrant, as of the date of this decision, is not licensed to practice medicine in California. Accordingly, Registrant may dispute the Agency's finding by filing a properly supported motion for reconsideration of findings of fact within fifteen calendar days of the date of this Order. Any such motion and response shall be filed and served by email to the other party and to the DEA Office of the Administrator, Drug Enforcement Administration at *dea.addo.attorneys@dea.gov.*

Cir. 2012); *Frederick Marsh Blanton, M.D.,* 43 FR 27616, 27617 (1978).[4]

According to California statute, ''dispense'' means ''to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, furnishing, packaging, labeling, or compounding necessary to prepare the substance for that delivery.'' Cal. Health & Safety Code sec. 11010 (West 2024). Further, a ''practitioner'' means a person ''licensed, registered, or otherwise permitted, to distribute, dispense, conduct research with respect to, or administer, a controlled substance in the course of professional practice or research in [the] state.'' *Id.* at sec. 11026(c).

Here, the undisputed evidence in the record is that Registrant currently lacks authority to practice medicine in California. As discussed above, a physician must be a licensed practitioner to dispense a controlled substance in California. Thus, because Registrant currently lacks authority to practice medicine in California and, therefore, is not currently authorized to handle controlled substances in California, Registrant is not eligible to maintain a DEA registration. Accordingly, the Agency will order that Registrant's DEA registration be revoked.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby revoke DEA Certificate of Registration No. FA0321036 issued to Edmund Ayoub Jr., M.D. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(g)(1), I hereby deny any pending applications of Edmund Ayoub Jr., M.D., to renew or modify this registration, as well as any other pending application of Edmund Ayoub Jr., M.D., for additional registration in California. This Order is effective June 6, 2025.

Signing Authority

This document of the Drug Enforcement Administration was signed on March 13, 2025, by Acting Administrator Derek Maltz. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2025–07935 Filed 5–6–25; 8:45 am]

BILLING CODE 4410–09–P

[4] This rule derives from the text of two provisions of the Controlled Substances Act (CSA). First, Congress defined the term ''practitioner'' to mean ''a physician . . . or other person licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . . , to distribute, dispense, . . . [or] administer . . . a controlled substance in the course of professional practice.'' 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that ''[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(g)(1). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the CSA, DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the state in which he practices. *See, e.g., James L. Hooper, M.D.,* 76 FR at 71371–72; *Sheran Arden Yeates, M.D.,* 71 FR 39130, 39131 (2006); *Dominick A. Ricci, M.D.,* 58 FR 51104, 51105 (1993); *Bobby Watts, M.D.,* 53 FR 11919, 11920 (1988); *Frederick Marsh Blanton, M.D.,* 43 FR at 27617.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Margaret Dennis, D.M.D.; Default Decision and Order

I. Introduction

On October 31, 2024, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause and Immediate Suspension of Registration (OSC/ISO) to Margaret Dennis, D.M.D., of Jacksonville, FL (Registrant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 1, at 1. The OSC/ISO informed Registrant of the immediate suspension of her DEA Certificate of Registration, No. BD1443732, pursuant to 21 U.S.C. 824(d), alleging that Registrant's continued registration constitutes '' 'an imminent danger to the public health or safety.' '' *Id.* (quoting 21 U.S.C. 824(d)). The OSC/ISO also proposed the revocation of Registrant's registration, alleging that Registrant's continued registration is inconsistent with the public interest. *Id.* (citing 21 U.S.C. 823(g)(1), 824(a)(4)).

The OSC/ISO alleged that between at least January of 2013 until at least July of 2024, Registrant issued numerous prescriptions for controlled substances to at least four patients despite, among other things: (1) failing to establish a proper medical justification for prescribing; (2) prescribing outside the scope of her practice; and (3) failing to appropriately address red flags of abuse or diversion. *Id.* The OSC/ISO alleged that Registrant's noted prescribing practices were in violation of the Controlled Substances Act's (CSA's) implementing regulations and Florida state law. *Id.* at 2–3.[1]

The OSC/ISO notified Registrant of her right to file with DEA a written request for a hearing and an answer, and that if she failed to file such a request, she would be deemed to have waived her right to a hearing and be in default. RFAAX 1, at 7–8 (citing 21 CFR 1301.43). Here, Registrant did not request a hearing. RFAA, at 1.[2] ''A default, unless excused, shall be deemed to constitute a waiver of the registrant's/applicant's right to a hearing and an admission of the factual allegations of the [OSC].'' 21 CFR 1301.43(e); *see also* RFAAX 1, at 8 (providing notice to Registrant).

Further, ''[i]n the event that a registrant . . . is deemed to be in default . . . DEA may then file a request for final agency action with the Administrator, along with a record to support its request. In such circumstances, the Administrator may enter a default final order pursuant to [21 CFR] 1316.67.'' *Id.* § 1301.43(f)(1). Here, the Government has requested final agency action based on Registrant's default pursuant to 21 CFR 1301.43(c), (f), 1301.46. RFAA, at 1; *see also* 21 CFR 1316.67.

II. Applicable Law

As the Supreme Court stated in *Gonzales* v. *Raich,* ''the main objectives

[1] The Agency need not adjudicate the criminal violations alleged in the instant OSC/ISO. *Ruan* v. *United States,* 597 U.S. 450 (2022) (decided in the context of criminal proceedings).

[2] Based on the Government's submissions in its RFAA dated December 12, 2024, the Agency finds that service of the OSC/ISO on Registrant was adequate. According to the included Declaration from a DEA Diversion Investigator (DI), on November 1, 2024, after attempting to serve Registrant at Registrant's registered location, the DI ''reached out [to Registrant's] counsel and confirmed representation of [Registrant] for purposes of any administrative proceedings.'' RFAAX 2, at 1. On the same date, following the confirmation of representation, the DI emailed Registrant's counsel a copy of the OSC/ISO and copied Registrant on the email. *Id.* Here, the Agency finds that Registrant was successfully served the OSC/ISO by email and that the DI's efforts to serve Registrant by other means were '' 'reasonably calculated, under all the circumstances, to apprise [Registrant] of the pendency of the action.' '' *Jones* v. *Flowers,* 547 U.S. 220, 226 (2006) (quoting *Mullane* v. *Central Hanover Bank & Trust Co.,* 339 U.S. 306, 314 (1950)); *see also Mohammed S. Aljanaby, M.D.,* 82 FR 34552, 34552 (2017) (finding that service by email satisfies due process where the email is not returned as undeliverable and other methods have been unsuccessful).

of the CSA were to conquer drug abuse and to control the legitimate and illegitimate traffic in controlled substances. . . . To effectuate these goals, Congress devised a closed regulatory system making it unlawful to . . . dispense[ ] or possess any controlled substance except in a manner authorized by the CSA.'' 545 U.S. 1, at 12–13 (2005). In maintaining this closed regulatory system, ''[t]he CSA and its implementing regulations set forth strict requirements regarding registration, . . . drug security, and recordkeeping.'' *Id.* at 14.

Here, the OSC/ISO's allegations concern the CSA's ''strict requirements regarding registration . . . and recordkeeping'' and, therefore, go to the heart of the CSA's ''closed regulatory system'' specifically designed ''to conquer drug abuse and to control the legitimate and illegitimate traffic in controlled substances.'' *Id.*

A. Improper Prescribing (21 CFR 1306.04(a); Fla. Stat. Secs. 456.44, 466.028; Fla. Admin. Code Ann. r. 64B8–9.003)

The OSC/ISO alleges that for over ten years, Registrant ''issued multiple controlled substance prescriptions to patients without undertaking actions typical of medical professionals, such as conducting and documenting a complete medical history, properly assessing the needs of individuals for controlled substances, and monitoring patient medication compliance.'' RFAAX 1, at 4. According to CSA regulations, a prescription for a controlled substance is proper only if ''issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice.'' 21 CFR 1306.04(a).

Moreover, Florida law requires a practitioner to, among other things: (1) prescribe controlled substances only after conducting a complete medical history and physical examination; (2) document the presence of one or more recognized medical indications for the use of a controlled substance; (3) create a written treatment plan with goals and objectives; (4) discuss the risks and benefits of the use of controlled substances with the patient; (5) see the patient at regular intervals and conduct periodic reviews of the effectiveness of the treatment; (6) assess patient risk for aberrant drug-related behavior, continue to monitor that risk on an ongoing basis, and provided special attention to patients at risk for abusing their medication; and (7) maintain accurate, current, and complete records that are accessible and readily available for review. Fla. Stat. sec. 456.44.

Florida law also provides a list of acts that constitute grounds for disciplinary action against dentists and other dental practitioners, including, among others: ''(p) [p]rescribing . . . any controlled substance, other than in the course of the professional practice of the dentist . . . without regard to his or her intent''; ''(r) [p]rescribing, procuring, ordering, dispensing, administering, supplying, selling, or giving any drug which is a Schedule II amphetamine . . . ''; ''(x) [b]eing guilty of incompetence or negligence by . . . the undertaking of diagnosis and treatment for which the dentist is not qualified by training or experience . . . ''; and ''(y) [p]racticing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that she or he is not competent to perform.'' *Id.* sec. 466.028.

Finally, Florida law requires that medical records, among other things, must have ''sufficient detail to clearly demonstrate why the course of treatment was undertaken'' and must ''contain sufficient information to identify the patient, support the diagnosis, justify the treatment and document the course and results of treatment accurately.'' Fla. Admin. Code Ann. R. 64B8–9.003.

III. Findings of Fact

The Agency finds that, in light of Registrant's default, the factual allegations in the OSC/ISO are deemed admitted.

A. Prescribing to D.B.

Registrant admits that between June 1, 2021, and July 1, 2024, Registrant issued to D.B. prescriptions for controlled substances including dextroamphetamine-amphetamine (a Schedule II stimulant), hydromorphone (a Schedule II opioid), and alprazolam (a Schedule IV benzodiazepine). RFAAX 1, at 4. Registrant admits that she failed to establish a proper medical justification for prescribing dextroamphetamine-amphetamine to D.B., specifically, because Registrant issued the prescriptions without any diagnostic workup, rationale, or treatment plan. *Id.* Additionally, Registrant admits that under Florida prescribing regulations, Registrant's prescribing of dextroamphetamine-amphetamine was outside the scope of dental practice and facial pain management. *Id.*

Registrant admits that she prescribed D.B. increasingly high daily dosages of hydromorphone, as high as 237 MME, without proper medical indication, rationale, or evidence of improvement in pain and function. *Id.* Registrant further admits that she failed to document justification for prescribing opioids and benzodiazepines concurrently. *Id.* Finally, Registrant admits that Registrant failed to properly monitor D.B.'s medication compliance and failed to appropriately address red flags of abuse or diversion that D.B. presented.[3] *Id.*

Registrant admits and the Agency finds substantial record evidence that the above-referenced controlled substance prescriptions issued to D.B. were issued outside the usual course of professional practice and not for a legitimate medical purpose. *Id.* at 4–5. The Agency further finds substantial record evidence that the prescribing of amphetamine-dextroamphetamine to D.B. was outside the scope of Registrant's practice.

B. Prescribing to D.G.

Registrant admits that between December 9, 2019, and January 13, 2022, Registrant issued to D.G. prescriptions for controlled substances including oxycodone (a Schedule II opioid), morphine (a Schedule II opioid), and alprazolam. *Id.* at 5. Registrant admits that she failed to establish a proper medical justification for prescribing benzodiazepines to D.G., specifically, because Registrant issued the prescriptions with no pertinent medical workup. *Id.*

Registrant admits that she failed to maintain adequate medical records for her treatment of D.G.; specifically, seven years of medical charts were missing from D.G.'s records. *Id.* Registrant also admits that Registrant failed to document justification for prescribing opioids and benzodiazepines concurrently. *Id.* Finally, Registrant admits that Registrant failed to properly monitor D.G.'s medication compliance and failed to appropriately address red flags of abuse or diversion that D.G. presented.[4] *Id.*

Registrant admits and the Agency finds substantial record evidence that the above-referenced controlled substance prescriptions issued to D.G. were issued outside the usual course of

[3] For example, D.B. has a history of prior management with Suboxone, but Registrant issued the controlled substance prescriptions to D.B. without any diagnostic workup pertaining to chemical dependency or substance abuse and without performing any toxicology screening. *Id.*

[4] For example, Registrant admits that she failed to address D.G.'s history of substance abuse and chemical dependency diagnosis, such as by performing toxicology screening. *Id.* Registrant also admits that Registrant did not attempt to obtain medical records pertaining to D.G.'s chemical dependency diagnosis or inpatient treatment. *Id.*

professional practice and not for a legitimate medical purpose. *Id.*

C. Prescribing to M.G.

Registrant is deemed to have admitted that between October 11, 2018, and February 22, 2019, Registrant issued to M.G. prescriptions for controlled substances including oxycodone, tramadol (a Schedule IV opioid), morphine sulfate (a Schedule II opioid), methadone (a Schedule II opioid), and carisoprodol (a Schedule IV muscle relaxant). *Id.*

Registrant also admits that she prescribed M.G. increasingly high daily dosages of multiple controlled substances without rationale supporting the medical necessity or evidence of improvement in pain and function. *Id.* Specifically, Registrant admits that Registrant prescribed Patient M.G. oxycodone, tramadol, morphine sulfate, methadone, and carisoprodol on multiple occasions, increasing Patient M.G.'s daily dosage from 45 MME to 270 MME without supporting medical necessity. *Id.* Finally, Registrant admits that she failed to properly monitor Patient M.G.'s medication compliance.[5] *Id.* at 5.

Registrant admits and the Agency finds substantial record evidence that the above-referenced controlled substance prescriptions issued to M.G. were issued outside the usual course of professional practice and not for a legitimate medical purpose. *Id.* at 6.

D. Prescribing to I.R.

Registrant is deemed to have admitted that between December 19, 2019, and June 13, 2024, Registrant issued to I.R. prescriptions for controlled substances including oxycodone, methadone, diazepam (a Schedule IV benzodiazepine), and alprazolam. *Id.* Further, Registrant admits that over a four-day period between August and September 2021, Registrant prescribed multiple high dosage controlled substances to I.R. with a MME as high as 1,935. *Id.* These prescriptions were issued without proper medical justification and with no evidence of improvement in pain and function. *Id.*

Registrant also admits that she failed to maintain adequate medical records for the treatment of I.R., specifically, by lacking the documentation that appropriately accounted for the initiation of controlled substance prescriptions and their subsequent dosage increases over the years. *Id.* Moreover, Registrant admits that she failed to request pertinent and recent medical records regarding treatment I.R. disclosed that he/she received elsewhere. *Id.*

Registrant admits that she failed to document justification for prescribing opioids and benzodiazepines concurrently. *Id.* Finally, Registrant admits that she failed to properly monitor I.R.'s medication compliance and failed to appropriately address red flags of abuse or diversion that I.R. presented.[6] *Id.*

Registrant admits and the Agency finds substantial record evidence that the above-referenced controlled substance prescriptions issued to I.R. were issued outside the usual course of professional practice and not for a legitimate medical purpose. *Id.* at 6.

E. Expert Review

DEA retained an independent medical expert to review, among other materials, information regarding all of the above-noted controlled substance prescriptions as well as Registrant's patient files for D.B., D.G., M.G., and I.R. *Id.* at 7. DEA's medical expert concluded that all of the above-noted controlled substance prescriptions violated minimal medical standards applicable to Registrant's practice of medicine in Florida. *Id.* Further, DEA's medical expert concluded that Registrant's misconduct put D.B., D.G., M.G., and I.R. at risk for abuse, addiction, overdose, and death. *Id.*

IV. Discussion

A. The Controlled Substances Act's Public Interest Factors

Pursuant to the CSA, ''[a] registration . . . to . . . distribute[ ] or dispense a controlled substance . . . may be suspended or revoked by the Attorney General upon a finding that the registrant . . . has committed such acts as would render his registration under . . . [21 U.S.C. 823] inconsistent with the public interest as determined by such section.'' 21 U.S.C. 824(a)(4). In the case of a ''practitioner,'' Congress directed the Attorney General to consider five factors in making the public interest determination. 21 U.S.C. 823(g)(1)(A–E).[7]

The five factors are considered in the disjunctive. *Gonzales* v. *Oregon,* 546 U.S. 243, 292–93 (2006) (Scalia, J., dissenting) (''It is well established that these factors are to be considered in the disjunctive,'' citing *In re Arora,* 60 FR 4447, 4448 (1995)); *Robert A. Leslie, M.D.,* 68 FR 15227, 15230 (2003). Each factor is weighed on a case-by-case basis. *Morall* v. *Drug Enf't Admin.,* 412 F.3d 165, 173–74 (D.C. Cir. 2005). Any one factor, or combination of factors, may be decisive. *Penick Corp.* v. *Drug Enf't Admin.,* 491 F.3d 483, 490 (D.C. Cir. 2007); *Morall,* 412 F.3d. at 185 n.2; *David H. Gillis, M.D.,* 58 FR 37507, 37508 (1993).

According to Agency decisions, the Agency ''may rely on any one or a combination of factors and may give each factor the weight [it] deems appropriate in determining whether'' to revoke a registration. *Id.; see also Jones Total Health Care Pharmacy, LLC* v. *Drug Enf't Admin.,* 881 F.3d 823, 830 (11th Cir. 2018) (citing *Akhtar-Zaidi* v. *Drug Enf't Admin.,* 841 F.3d 707, 711 (6th Cir. 2016)); *MacKay* v. *Drug Enf't Admin.,* 664 F.3d 808, 816 (10th Cir. 2011); *Volkman* v. *U. S. Drug Enf't Admin.,* 567 F.3d 215, 222 (6th Cir. 2009); *Hoxie* v. *Drug Enf't Admin.,* 419 F.3d 477, 482 (6th Cir. 2005).

Moreover, while the Agency is required to consider each of the factors, it ''need not make explicit findings as to each one.'' *MacKay,* 664 F.3d at 816 (quoting *Volkman,* 567 F.3d at 222); *see also Hoxie,* 419 F.3d at 482. ''In short, . . . the Agency is not required to mechanically count up the factors and determine how many favor the Government and how many favor the registrant. Rather, it is an inquiry which focuses on protecting the public interest; what matters is the seriousness of the registrant's misconduct.'' *Jayam Krishna-Iyer, M.D.,* 74 FR 459, 462 (2009). Accordingly, as the Tenth Circuit has recognized, findings under a single factor can support the revocation of a registration. *MacKay,* 664 F.3d at 821.

[5] For example, Registrant admits that she did not pursue a chemical dependency diagnosis inquiry, did not discuss potential substance abuse issues with M.G., and did not perform any toxicology screening. *Id.* at 6.

[6] Specifically, Registrant admits that she prescribed controlled substances, and increased the dosages at I.R.'s request, without performing or entertaining toxicology screening. *Id.* Registrant admits that this occurred despite numerous and repeated red flags, including, but not limited to: I.R. obtaining narcotics from '' 'other sources' ''; '' 'an increased use of Valium' ''; an admission from I.R. that I.R. '' 'used to search out moms' meds' ''; I.R.'s '' 'doub[ling] up [controlled substances] to have a good day' ''; a report of suicidal gesturing; admitted cocaine use; and other ''inconsistent and alarming patient statements.'' *Id.*

[7] The five factors of 21 U.S.C. 823(g)(1)(A–E) are:

(A) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(B) The [registrant's] experience in dispensing, or conducting research with respect to controlled substances.

(C) The [registrant's] conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(D) Compliance with applicable State, Federal, or local laws relating to controlled substances.

(E) Such other conduct which may threaten the public health and safety.

In this matter, while all of the 21 U.S.C. 823(g)(1) factors have been considered, the Agency finds that the Government's evidence in support of its *prima facie* public interest revocation case regarding Registrant's violations of the CSA's implementing regulations is confined to Factors B and D. RFAAX 1, at 4. Moreover, the Government has the burden of proof in this proceeding. 5 U.S.C.A. 556(d); 21 CFR 1301.44.

B. Factors B and/or D—Registrant's Registration Is Inconsistent With the Public Interest

Evidence is considered under Public Interest Factors B and D when it reflects compliance or non-compliance with federal and local laws related to controlled substances and experience dispensing controlled substances. 21 U.S.C. 823(g)(1)(B) and (D); *see also Kareem Hubbard, M.D.,* 87 FR 21156, 21162 (2022). Here, as the Agency finds above, Registrant is deemed to admit and the Agency finds that for over ten years, Registrant issued numerous prescriptions for controlled substances to at least four patients without, among other things, having proper medical justification, resolving red flags of abuse or diversion, or maintaining proper medical records. *Supra* Section III. The Agency further finds that each of the above-reference prescriptions were outside the usual course of professional practice and not for a legitimate medical purpose. *Supra* Section III; *see also* RFAAX 1, at 4–7. The Agency further finds substantial record evidence that the prescribing of amphetamine-dextroamphetamine to D.B. was outside the scope of Registrant's practice. *Supra* Section III.A.

As such, the Agency finds substantial record evidence that the Registrant violated 21 CFR 1306.04(a), Fla. Stat. secs. 456.44, 466.028, and Fla. Admin. Code Ann. r. 64B8–9.003. After weighing Factors B and D, the Agency further finds that Registrant's continued registration is outside the public interest. 21 U.S.C. 823(g)(1). Accordingly, the Agency finds that the Government established a *prima facie* case, that Registrant did not rebut that *prima facie* case, and that there is substantial record evidence supporting the revocation of Registrant's registration. 21 U.S.C. 823(g)(1).

V. Sanction

Here, the Government has met its *prima facie* burden of showing that Registrant's continued registration is inconsistent with the public interest due to her numerous violations pertaining to her controlled substance prescribing. Accordingly, the burden shifts to Registrant to show why she can be entrusted with a registration. *Morall,* 412 F.3d. at 174; *Jones Total Health Care Pharmacy, LLC* v. *Drug Enf't Admin.,* 881 F.3d 823, 830 (11th Cir. 2018); *Garrett Howard Smith, M.D.,* 83 FR 18882, 18904 (2018); *supra* sections III and IV.

The issue of trust is necessarily a fact-dependent determination based on the circumstances presented by the individual registrant. *Jeffrey Stein, M.D.,* 84 FR 46968, 46972 (2019); *see also Jones Total Health Care Pharmacy,* 881 F.3d at 833. Moreover, as past performance is the best predictor of future performance, DEA Administrators have required that a registrant who has committed acts inconsistent with the public interest must accept responsibility for those acts and demonstrate that he will not engage in future misconduct. *Jones Total Health Care Pharmacy,* 881 F.3d at 833; *ALRA Labs, Inc.* v. *Drug Enf't Admin.,* 54 F.3d 450, 452 (7th Cir. 1995). A registrant's acceptance of responsibility must be unequivocal. *Jones Total Health Care Pharmacy,* 881 F.3d at 830–31. In addition, a registrant's candor during the investigation and hearing has been an important factor in determining acceptance of responsibility and the appropriate sanction. *Id.* Further, the Agency has found that the egregiousness and extent of the misconduct are significant factors in determining the appropriate sanction. *Id.* at 834 & n.4. The Agency has also considered the need to deter similar acts by the registrant and by the community of registrants. *Jeffrey Stein, M.D.,* 84 FR at 46972–73.

Here, Registrant did not request a hearing and did not otherwise avail herself of the opportunity to refute the Government's case. As such, there is no record evidence that Registrant takes responsibility, let alone unequivocal responsibility, for the founded violations, meaning, among other things, that it is not reasonable to believe that Registrant's future controlled substance-related actions will comply with legal requirements. Accordingly, Registrant did not convince the Agency that she can be entrusted with a registration.

Further, the interests of specific and general deterrence weigh in favor of revocation. Given the foundational nature of Registrant's violations, a sanction less than revocation would send a message to the existing and prospective registrant community that compliance with the law is not a condition precedent to maintaining a registration.

In sum, Registrant has not offered any evidence on the record that rebuts the Government's case for revocation of her registration, and Registrant has not demonstrated that she can be entrusted with the responsibility of registration. Accordingly, the Agency will order the revocation of Respondent's registration.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a) and 21 U.S.C. 823(g)(1), I hereby revoke DEA Certificate of Registration No. BD1443732 issued to Margaret Dennis, D.M.D. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a) and 21 U.S.C. 823(g)(1), I hereby deny any pending applications of Margaret Dennis, D.M.D., to renew or modify this registration, as well as any other pending application of Margaret Dennis, D.M.D., for additional registration in Florida. This Order is effective June 6, 2025.

Signing Authority

This document of the Drug Enforcement Administration was signed on May 1, 2025, by Acting Administrator Derek Maltz. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 25–1]

Peter Dashkoff, M.D.; Decision and Order

I. Introduction

On September 9, 2024, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause and Immediate Suspension of Registration (OSC/ISO) to Peter Dashkoff, M.D., of Yuma, Arizona (Respondent). OSC/ISO, at 1. The OSC/

ISO informed Respondent of the immediate suspension of his DEA Certificate of Registration (Registration) No. FD3660304, alleging that Respondent's continued registration constitutes '' 'an imminent danger to the public health or safety.' '' *Id.* (quoting 21 U.S.C. 824(d)). The OSC/ISO also proposed the revocation of Respondent's registration, alleging that Respondent's continued registration is inconsistent with the public interest. *Id.* at 1 (citing 21 U.S.C. 823(g)(1), 824(a)(4)).[1]

Specifically, the Government alleges that on June 26, 2024, Respondent issued four[2] controlled substance prescriptions after he was prohibited from engaging in the practice of medicine in the State of Arizona. *Id.* at 3. The OSC/ISO alleged that these prescriptions were issued outside the usual course of professional practice and violated federal and state law. *Id.* at 2–3 (citing 21 U.S.C. 1306.04(a), Ariz. Rev. Stat. Ann. secs. 36–2522(A), 32–3227(F) & (G)).

Respondent requested a hearing, which was held before DEA Administrative Law Judge (ALJ) Teresa Wallbaum, who on January 16, 2025, issued her Recommended Rulings, Findings of Fact, Conclusions of Law, and Decision of the ALJ (RD). The RD recommended that Respondent's registration be suspended for six months. RD, at 20. Both the Government and Respondent filed timely Exceptions to the RD.[3]

Having reviewed the entire record, the Agency adopts and hereby incorporates by reference the ALJ's credibility findings,[4] findings of fact, and conclusions of law, and clarifies and expands upon portions thereof herein. However, the Agency has determined that revocation is the appropriate sanction based on Respondent's tenuous acceptance of responsibility and the Agency's interest in deterring similar acts on the part of other registrants.

II. Applicable Law

As already discussed, the OSC/ISO alleges that Respondent violated multiple provisions of the Controlled Substances Act (CSA) and its implementing regulations. As the Supreme Court stated in *Gonzales* v. *Raich,* ''the main objectives of the CSA were to conquer drug abuse and to control the legitimate and illegitimate traffic in controlled substances. . . . To effectuate these goals, Congress devised a closed regulatory system making it unlawful to . . . dispense[ ] or possess any controlled substance except in a manner authorized by the CSA.'' 545 U.S. 1, at 12–13 (2005). In maintaining this closed regulatory system, ''[t]he CSA and its implementing regulations set forth strict requirements regarding registration, . . . drug security, and recordkeeping.'' *Id.* at 14.

The OSC/ISO's allegations concern the CSA's ''statutory and regulatory provisions . . . mandating . . . compliance with . . . prescription requirements'' and, therefore, go to the heart of the CSA's ''closed regulatory system'' specifically designed ''to conquer drug abuse and to control the legitimate and illegitimate traffic in controlled substances,'' and ''to prevent the diversion of drugs from legitimate to illicit channels.'' *Id.* at 12–14, 27.

The Allegation That Respondent Issued Prescriptions Outside the Usual Course of Professional Practice

According to the CSA's implementing regulations, a lawful prescription for controlled substances is one that is ''issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice.'' 21 CFR 1306.04(a); *see Gonzales* v. *Oregon,* 546 U.S. 243, 274 (2006); *United States* v. *Hayes,* 595 F.2d 258 (5th Cir. 1979), *rehearing den.,* 598 F.2d 620 (5th Cir. 1979), *cert. denied,* 444 U.S. 866 (1979); OSC/ISO, at 2. Under the CSA, ''[a] physician who engages in the unauthorized practice of medicine is not a 'practitioner acting in the usual course of professional practice.' '' *United Prescription Servs., Inc.,* 72 FR 50397, 50407 (2007) (citing 21 CFR 1306.04(a)); *see also Gonzales* v. *Oregon,* 546 U.S. at 270 (''The very definition of a 'practitioner' eligible to prescribe includes physicians 'licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he practices' to dispense controlled substances. § 802(21).''); OSC/ISO, at 2. Moreover, it is unlawful for an individual who is not licensed to practice medicine in a state to issue a prescription for a controlled substance. *United Prescription Servs., Inc.,* 72 FR at 50407 (citing 21 CFR 1306.03(a)(1)).[5]

In order to lawfully prescribe a controlled substance in Arizona, a person ''must first . . . [o]btain and possess a current license or permit as a medical practitioner . . . .'' Ariz. Rev. Stat. Ann. sec. 36–2522(A)(1); *see also* OSC/ISO, at 1. An individual who is not ''licensed and authorized by law to use and prescribe drugs'' is not a ''medical practitioner.'' Ariz. Rev. Stat. Ann. sec. 32–1901. Arizona defines the ''unauthorized practice of a health profession'' as ''engag[ing] in the practice of a health profession without having the licensure or certification required to practice in that health profession in this state.'' Ariz. Rev. Stat. Ann. sec. 32–3227 (G); OSC/ISO, at 2.

III. Findings of Fact

The Allegation That Respondent Issued Prescriptions Outside the Usual Course of Professional Practice

Respondent is a medical doctor in the state of Arizona. RD, at 2. On April 2024, Respondent entered into a first Interim Consent Agreement with the Arizona Medical Board (Board), which required Respondent to comply with certain terms in order to continue practicing medicine in the State of Arizona. GX 3; *see also* Tr. at 57–58; RD, at 6. Respondent failed to comply with these terms, and shortly thereafter, the Board of Arizona offered him a second Interim Consent Agreement, which prohibited him ''from engaging in the practice of medicine in the State of Arizona . . . .'' GX 4; *see also* RD, at 6–7. Respondent's counsel received a copy of the second Interim Consent Agreement on June 21, 2024, and Respondent testified that he learned on June 24, 2024, that he would be restricted from practicing medicine if he and the Board's Executive signed the Interim Consent Agreement. Tr. 70; *see also* RD, at 6–7. By its own terms, the Interim Consent Agreement would become effective ''on the date signed by the Board's Executive Director.'' GX 4; *see also* RD, at 4.

Respondent signed the second Interim Consent Agreement on June 26, 2024,

[1] The OSC/ISO also alleged that, pursuant to 21 U.S.C. 824(a)(3), Respondent did not have state authority to handle controlled substances. OSC/ISO, at 1. However, on December 12, 2024, the Government filed a Motion for Dismissal of Allegation that Respondent Lacks State Authority when it learned that Respondent regained his state authority subsequent to the filing of the OSC/ISO. Recommended Decision (RD), 2; ALJ Exhibit (ALJX) 26. Based on this evidence, the Administrative Law Judge (ALJ) found that the OSC/ISO allegation regarding loss state authority was ''NOT SUSTAINED.'' Recommended Rulings, Findings of Fact, Conclusions of Law, and Decision of the Administrative Law Judge (RD), at 10 (emphasis in original).

[2] The OSC/ISO alleged that Respondent issued at least five controlled substance prescriptions. OSC/ISO, at 3. However, during the administrative hearing, the Government's Diversion Investigator testified that only four prescriptions were filled after 4:48 p.m. Tr. 38; *see also* RD, at 4. Additionally, the Government only submitted evidence of four prescriptions that were issued after Respondent lost his state authority. *See* RD, at 4.

[3] Exceptions are addressed in the Sanction section. *See infra* Section III, n.8.

[4] The Agency adopts the ALJ's summary of the witnesses' testimonies as well as the ALJ's assessment with respect to each of the witnesses' credibility. RD, at 5–6.

[5] The Agency need not adjudicate the criminal violations alleged in the instant OSC. *Ruan* v. *United States,* 597 U.S. 450 (2022) (decided in the context of criminal proceedings).

and emailed the signed agreement to the Board at 3:49 p.m. (MST). GX 13; *see also* RD, at 6–7. Thereafter, the Board's Executive Director signed the agreement and emailed the fully-executed version to Respondent at 4:48 p.m. (MST). GX 14; Tr. 84; *see also* RD, at 4. The Agency finds substantial record evidence that Respondent's authority to prescribe controlled substances in Arizona lapsed on January 26, 2024, at 4:48 p.m. RD, at 4.

The Agency finds substantial record evidence that after Respondent's state authority lapsed, Respondent issued four prescriptions for controlled substances: (1) a prescription for lorazepam (a schedule IV benzodiazepine), issued to Patient R.B. at 5:53 p.m.; (2) a prescription for morphine (a schedule II opioid), issued to Patient R.B. at 5:53 p.m.; (3) a prescription for morphine, issued to Patient D.H. at 5:53 p.m.; and (4) a prescription for lorazepam, issued to Patient B.T. at 6:23 p.m. GX 6, 11; *see also* RD, at 4. At the hearing, Respondent acknowledged that his state authority had lapsed when he wrote these prescriptions. *See* Transcript (Tr.) at 84; RD, at 10–11; *see also* Respondent's Post-Hearing Brief, at 1–2.[6]

Accordingly, the Agency finds substantial record evidence that Respondent issued four prescriptions for controlled substances without possessing the requisite state authority to prescribe controlled substances in the State of Arizona.

IV. Discussion

A. The Five Public Interest Factors

Under Section 304 of the CSA, ''[a] registration . . . to . . . distribute[ ] or dispense a controlled substance . . . may be suspended or revoked by the Attorney General upon a finding that the registrant . . . has committed such acts as would render his registration under . . . [21 U.S.C. 823] inconsistent with the public interest as determined by such section.'' 21 U.S.C. 824(a)(4). In the case of a ''practitioner,'' Congress directed the Attorney General to consider five factors in making the public interest determination. 21 U.S.C. 823(g)(1)(A–E).[7] The five factors are considered in the disjunctive. *Gonzales* v. *Oregon,* 546 U.S. 243, 292–93 (2006) (Scalia, J., dissenting) (''It is well established that these factors are to be considered in the disjunctive,'' citing *In re Arora,* 60 FR 4447, 4448 (1995)); *Robert A. Leslie, M.D.,* 68 FR 15227, 15230 (2003). Each factor is weighed on a case-by-case basis. *Morall* v. *Drug Enf't Admin.,* 412 F.3d 165, 173–74 (D.C. Cir. 2005). Any one factor, or combination of factors, may be decisive. *Penick Corp.* v. *Drug Enf't Admin.,* 491 F.3d 483, 490 (D.C. Cir. 2007); *Morall,* 412 F.3d. at 185 n.2; *David H. Gillis, M.D.,* 58 FR 37507, 37508 (1993).

In this matter, while all of the 21 U.S.C. 823(g)(1) factors have been considered, the Agency finds that the Government's evidence in support of its *prima facie* case is confined to Factors B and D. *See* RD, at 11. Moreover, the Government has the burden of proof in this proceeding. 21 CFR 1301.44. The Agency agrees with the ALJ and finds that the Government's evidence satisfies its *prima facie* burden of showing that Respondent's registration would be ''inconsistent with the public interest.'' 21 U.S.C. 823(g)(1); RD, at 11.

B. Allegation That Respondent's Registration Is Inconsistent With the Public Interest

Factors B and/or D—Respondent Experience in Dispensing Controlled Substances and Compliance With Applicable Laws Related to Controlled Substances

Evidence is considered under Public Interest Factors B and D when it reflects compliance or non-compliance with federal and local laws related to controlled substances and experience dispensing controlled substances. 21 U.S.C. 823(g)(1)(B) and (D); *see also Kareem Hubbard, M.D.,* 87 FR 21156, 21162 (2022). Here, as found above, the Agency agrees with the ALJ and finds that substantial record evidence that Respondent issued four prescriptions for controlled substances without possessing the requisite state authority to prescribe controlled substances in the State of Arizona in violation of Ariz. Rev. Stat. Ann. secs. 36–2522(A). Accordingly, the Agency finds substantial record evidence that these prescriptions were issued outside the usual course of professional practice and violated federal and state laws, namely 21 CFR 1306.4(a), and Ariz. Rev. Stat. Ann. secs. 36–2522(A).

The Agency finds that Factors B and D weigh in favor of revocation of Respondent's registration and that Respondent's continued registration would be inconsistent with the public interest in balancing the factors of 21 U.S.C. 823(g)(1). Accordingly, the Agency finds that the Government established a *prima facie* case, that Respondent did not rebut that *prima facie* case, and that there is substantial record evidence supporting the revocation of Respondent's registration. 21 U.S.C. 823(g)(1).

III. Sanction

Where, as here, the Government has met its *prima facie* burden of Respondent's registration is inconsistent with the public interest due to its numerous violations pertaining to controlled substances, the burden shifts to Respondent to show why he can be entrusted with a registration. *Jones Total Health Care Pharmacy.,* 881 F.3d 823, 830 (11th Cir. 2018); *Morall,* 412 F.3d at 174; *Garrett Howard Smith, M.D.,* 83 FR 18882, 18904 (2018). The issue of trust is necessarily a fact-dependent determination based on the circumstances presented by the individual respondent. *Jeffrey Stein, M.D.,* 84 FR 46968, 46972 (2019); *see also Jones Total Health Care Pharmacy,* 881 F.3d at 833. Moreover, as past performance is the best predictor of future performance, DEA Administrators have required that a registrant who has committed acts inconsistent with the public interest must accept responsibility for those acts and demonstrate that it will not engage in future misconduct. *Jones Total Health Care Pharmacy,* 881 F.3d at 833; *ALRA Labs, Inc.* v. *Drug Enf't Admin.,* 54 F.3d 450, 452 (7th Cir. 1995). A registrant's acceptance of responsibility must be unequivocal. *Jones Total Health Care Pharmacy,* 881 F.3d at 830–31. In addition, a registrant's candor during the investigation and hearing has been an important factor in determining acceptance of responsibility and the appropriate sanction. *Id.* Further, the Agency has found that the egregiousness and extent of the misconduct are significant factors in determining the appropriate sanction. *Id.* at 834 & n.4. The Agency has also considered the need to deter similar acts by the

[6] Under the Proposed Findings of Fact, Respondent admitted that he ''entered into an Interim Consent Agreement for Practice Restriction . . . with the Arizona Medical Board.'' Respondent's Post-Hearing Brief, at 1. Respondent also indicated that ''[t]he Interim Consent Agreement for Practice Restriction became effective on the date it was signed by the Arizona Medical Board's Executive Director, which was June 26, 2024.'' *Id.* at 2. Moreover, Respondent admitted that he issued four prescriptions after 4:48 p.m., (specifically between 5:53 p.m. and 6:23 p.m.). *Id.,* at 2.

[7] The five factors of 21 U.S.C. 823(g)(1)(A–E) are:

(A) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(B) The [registrant's] experience in dispensing, or conducting research with respect to controlled substances.

(C) The [registrant's] conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(D) Compliance with applicable State, Federal, or local laws relating to controlled substances.

(E) Such other conduct which may threaten the public health and safety.

respondent and by the community of registrants. *Jeffrey Stein, M.D.,* 84 FR at 46972–73.

A. Acceptance of Responsibility

The Agency agrees with the ALJ that there is substantial record evidence that Respondent failed to unequivocally accept responsibility for his misconduct. RD, at 15. When given several opportunities to accept responsibility at the hearing, Respondent failed to precisely articulate what he did wrong. *See* Respondent's Post-Hearing Brief, at 5; Tr. 77; RD, at 13. For example, Respondent did not acknowledge that he engaged in unprofessional conduct by violating the consent agreement; instead, he testified that he ''was too busy to check [his] email.'' Tr. 88; *see also* RD, at 13–14. Respondent also testified that if given another chance to correct his misconduct, the only adjustment he would have made was to check his email before issuing the prescriptions. Tr. 77; *see also* RD, at 15. Furthermore, in response to the ALJ's question as to why he neglected to check his email prior to prescribing the controlled substances, Respondent answered that he was working to complete his medical duties, such as ''documentation and . . . communicating with [his] nursing staff.'' Tr. 87; *see also* RD, at 15. Significantly, Respondent never admitted that he violated the CSA by prescribing two Schedule II opioids and two Schedule IV benzodiazepine after he had signed the agreement. *See* RD, at 16–19.

Moreover, when the ALJ asked about his commitment to prevent future diversion of controlled substances, Respondent failed to offer concrete solutions, such as ensuring that he would transition his medical duties prior to losing his state authority. Tr. at 79–80; *see* RD, 12–15. Instead, Respondent detracted from his acceptance of responsibility by focusing his testimony on when, technically, he lost authority to prescribe medication. He testified that he ''knew that the restriction took effect not when [he] signed [the agreement] but when the executive director of the Medical Board signed it.'' Tr. 87; *see* RD, at 13. Respondent also attempted to excuse his misconduct by highlighting the shortage of medical professionals in his community and implying that he had no choice but to issue the prescriptions. Tr. 81–82; *see also* RD, at 15

Respondent's attempts at the hearing to minimize, justify, and excuse his misconduct detract from his acceptance of responsibility and show that he lacked an understanding of the gravity of his misconduct. *See* Tr. 77; RD, at 12–14.[8] *See Jones Total Health Care Pharmacy, LLC,* 881 F.3d at 833 (finding that ''it was reasonable for the agency to conclude that [respondent's] failure to clearly acknowledge even unintentional misconduct demonstrated lack of understanding of her legal obligations'').

Regarding these matters, there is no record evidence that Respondent takes responsibility, let alone unequivocal responsibility, for the founded violations. Accordingly, Respondent did not convince the Agency that he would comply with the legal requirements of the CSA in the future or that he can be entrusted with a registration.

B. Deterrence and Egregiousness

In addition to unequivocally accepting responsibility, the Agency considers both specific and general deterrence when determining an appropriate sanction. *Daniel A. Glick,* 80 FR 74800, 74810 (2015). In this case, the Agency agrees with the ALJ and finds substantial evidence that ''it must impose a sanction on Respondent to impress upon him that he cannot be negligent in such important matters.'' RD, at 19. Respondent was aware that he had signed a legal agreement that restricted his medical practice but failed to adhere to the terms of the agreement. *Id.,* at 19.

The Agency further agrees with the ALJ that the interests of general deterrence compel a similar result. RD, at 18. As the ALJ states, ''this tribunal must craft a sanction that sends a message to all registrants that the Agency takes such conduct seriously.'' *Id.,* at 18. If the Agency permitted Respondent to retain his registration, it would signal that registrants may be negligent or inattentive to contractual terms and laws that restrict their medical practice, even when those rules are crucial to preventing the abuse and diversion of dangerous controlled substances.[9] Prescribing controlled substances without state authority is an

[8] Respondent filed an Exception to the RD and emphasized that he ''accepted responsibility for his actions and explained what actions he should have taken.'' Respondent's Exception to the Recommended Decision of the Administrative Law, at 2 (citing to Tr. 77). Respondent argued that the ALJ misconstrued his explanations of his misconduct as undermining his acceptance of responsibility, when in fact they were meant to provide context for the tribunal in interpreting his actions. *Id.* The Agency agrees with the ALJ's analysis of Respondent's testimony and agrees that Respondent made many statements that undermined his acceptance of responsibility. The Agency ''has long considered statements that are aimed at minimizing the egregiousness of its conduct to weigh against a finding of acceptance of full responsibility.'' *Medical Pharmacy,* 86 FR 72030, 72054 (2021); s*ee also Michael A. White* v. *Drug Enf't Admin.,* 626 F. App'x 493, 496–97 (5th Cir. 2015). Moreover, the Agency has long noted that ''the degree of acceptance of responsibility that is required does not hinge on the respondent uttering 'magic words' of repentance, but rather on whether the respondent has credibly and candidly demonstrated that he will not repeat the same behavior and endanger the public in a manner that instills confidence in the Administrator.'' *Jeffrey Stein, M.D.,* 84 FR 46968, 46973 (2019). Here, Respondent has not met his burden.

[9] The ALJ concluded that Respondent's conduct was egregious, but found that this was an ''unusual case, with narrow facts.'' RD, at 16. Because Respondent issued the prescriptions within ninety minutes of the practice restriction, the ALJ suspended Respondent's registration for six months instead of revoking his registration. *Id.,* at 19.

In his Post-Hearing Brief, Respondent argued, in part, that his misconduct was not egregious because it was not intentional. Respondent's Post-Hearing Brief, at 7 (citing *Paul J. Caragine,* 63 FR 51592, 51602 (1998). But in *Caragine,* the Agency was clear that misconduct need not be intentional to revoke a registrant's registration: ''[j]ust because misconduct is unintentional, innocent or devoid of improper motivation, does not preclude revocation or denial.'' *Id.* at 51601. Indeed, the Agency emphasized that ''[c]areless or negligent handling of controlled substances create the opportunity for diversion and could justify revocation or denial.'' *Id.; see also* RD, at 17 (''Agency precedent has consistently held that even unintentional misconduct can nonetheless create a substantial risk of diversion and be egregious.'') (citing *Paul J. Caragine, Jr.,* 63 FR at 51601) (other citations omitted).

The Government argued in its Exceptions that ''the overall egregiousness of Respondent's conduct'' warrants a revocation. Government's Exception to the RD, at 3. Here, they argue, Respondent violated the CSA and committed an act of diversion when he unlawfully prescribed controlled substances without state authority. *See* 21 CFR 1306.04(a).

In general, the Agency believes that prescribing controlled substances without state authority is an egregious act. However, the Agency is not required to find that a registrant's misconduct is egregious before revoking a registration where, as here, the registrant has failed to accept responsibility. *Cf. Jones Total Health Care Pharmacy,* 881 F.3d at 833 (rejecting respondent's argument that its conduct was not egregious enough to warrant a sanction of revocation and highlighting the Agency's historical focus on acceptance of responsibility: ''The DEA decisions Petitioners rely on are distinguishable because, in each of the decisions, the agency found that the registrant had rebutted the government's case by, among other things, admitting fault or expressing remorse. . . . Petitioners . . . do not cite any decision in which the DEA has continued a registration despite finding that the registrant did not fully accept responsibility''); *MacKay* v. *Drug Enf't Admin.,* 664 F.3d 808, 822 (10th Cir. 2011) (finding that ''because [the respondent] ha[d] not accepted responsibility for his conduct, revocation of his registration [was] entirely consistent with DEA policy''); *Jeffery J. Becker, D.D.S.,* 77 FR 72387, 72408 (2012) (''Agency precedent has firmly placed acknowledgement of guilt and acceptance of responsibility as conditions precedent to merit the granting or continuation of status as a registrant.''); *Jayam Krishna-Iyer, M.D.,* 74 FR 459, 464 (2009) (''even where the Agency's proof establishes that a practitioner has committed only a few acts of diversion, this Agency will not grant or continue the practitioner's registration unless he accepts responsibility for his misconduct''). Here, Respondent's failure to unequivocally accept responsibility demonstrated that the Agency cannot trust him to responsibly handle controlled substances.

egregious violation of the CSA and an act of diversion.

In sum, Respondent has not offered sufficient credible evidence on the record to rebut the Government's case for revocation, and Respondent has not demonstrated that he can be entrusted with the responsibility of registration. Accordingly, the Agency will order that Respondent's registration be revoked.

Order

Pursuant to 28 CFR. 0.100(b) and the authority vested in me by 21 U.S.C. 824(a) and 21 U.S.C. 823(g)(1), I hereby revoke DEA Certificate of Registration No. FD 3660304 issued to Peter Dashkoff, M.D. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a) and 21 U.S.C. 823(g)(1), I hereby deny any pending applications of Peter Dashkoff, M.D., to renew or modify this registration, as well as any other pending application of Peter Dashkoff, M.D., for additional registration in the state of Arizona. This Order is effective June 6, 2025.

Signing Authority

This document of the Drug Enforcement Administration was signed on May 1, 2025, by Acting Administrator Derek Maltz. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2025–07933 Filed 5–6–25; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Mohan Kaza, M.D.; Default Decision and Order

I. Introduction

On July 26, 2024, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause and Immediate Suspension of Registration (OSC/ISO) to Mohan Kaza, M.D., of Troy, MI (Respondent). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 1, at 1. The OSC/ISO informed Respondent of the immediate suspension of his DEA Certificate of Registration, Control No. FK8011063, pursuant to 21 U.S.C. 824(d), alleging that Respondent's continued registration constitutes '' 'an imminent danger to the public health or safety.' '' *Id.* (quoting 21 U.S.C. 824(d)). The OSC/ISO also proposed the revocation of Respondent's registration, alleging that Respondent's continued registration is inconsistent with the public interest. *Id.* (citing 21 U.S.C. 823(g)(1), 824(a)(4)).

The OSC/ISO alleged that from January 17, 2024, through April 17, 2024, Respondent improperly issued Schedule II controlled substance prescriptions to two individuals who were acting in an undercover capacity, in violation of the Controlled Substances Act's (CSA's) implementing regulations and Michigan state law.[1] *Id.* at 1–2. Specifically, the OSC/ISO alleged that Respondent: (1) issued these prescriptions without conducting any assessment or examination; (2) issued these prescriptions without addressing signs of diversion; (3) coached the undercover individuals to provide false medical histories; and (4) charged increased fees for examination appointments when prescribing stronger dosages of the controlled substances. *Id.* at 2.[2]

The OSC/ISO notified Respondent of his right to file with DEA a written request for hearing and an answer, and that if he failed to file such a request, he would be deemed to have waived his right to a hearing and be in default. RFAAX 1, at 6 (citing 21 CFR 1301.43). On August 26, 2024, Respondent filed a Request for Hearing and Request for Extension of Time to File Answer; Respondent's request was granted giving him until 2:00 p.m. on September 10, 2024, to file an Answer. *See* RFAAX 3–4.[3] On September 11, 2024, the Government filed a Motion to Terminate Proceedings, and Respondent was given until September 18, 2024, to respond. *See* RFAAX 5–6. On September 18, 2024, Respondent filed a Motion to Withdraw Request for Hearing and Request for Extension of Time to File Answer. *See* RFAAX 7. On the same date, following Respondent's motion, Administrative Law Judge Paul E. Soeffing issued an Order Terminating Proceedings. *See* RFAAX 8.

''A default, unless excused, shall be deemed to constitute a waiver of the registrant's/applicant's right to a hearing and an admission of the factual allegations of the [OSC].'' 21 CFR 1301.43(e); *see also* RFAAX 1, at 6 (providing notice to Respondent). Further, ''[i]n the event that a registrant . . . is deemed to be in default . . . DEA may then file a request for final agency action with the Administrator, along with a record to support its request. In such circumstances, the Administrator may enter a default final order pursuant to [21 CFR] 1316.67.'' *Id.* § 1301.43(f)(1). Here, the Government has requested final agency action based on Respondent's default pursuant to 21 CFR 1301.43(c), (f), 1301.46. RFAA, at 1; *see also* 21 CFR 1316.67.

II. Applicable Law

A. The Alleged Statutory and Regulatory Violations

As discussed above, the OSC/ISO alleges that Respondent violated provisions of the Controlled Substances Act (CSA) and its implementing regulations. As the Supreme Court stated in *Gonzales* v. *Raich,* ''the main objectives of the CSA were to conquer drug abuse and to control the legitimate and illegitimate traffic in controlled substances. . . . To effectuate these goals, Congress devised a closed regulatory system making it unlawful to . . . dispense[ ] or possess any controlled substance except in a manner authorized by the CSA.'' 545 U.S. 1, at 12–13 (2005). In maintaining this closed regulatory system, ''[t]he CSA and its implementing regulations set forth strict requirements regarding registration, . . . drug security, and recordkeeping.'' *Id.* at 14.

Here, the OSC/ISO's allegations concern the CSA's ''strict requirements regarding registration . . . drug security, and recordkeeping'' and, therefore, go to the heart of the CSA's ''closed regulatory system'' specifically designed

[1] The OSC/ISO cites to: (1) Mich. Comp. Laws sec. 333.7401(1) (''a practitioner . . . shall not . . . prescribe . . . a controlled substance for other than legitimate and professionally recognized therapeutic or scientific purposes or outside the scope of practice of the practitioner''); (2) Mich. Comp. Laws sec. 333.7333 (defines good faith in prescribing a controlled substance as prescribing ''in the regular course of professional treatment to or for an individual who is under treatment by the practitioner for a pathology or condition other than that individual's physical or psychological dependence on or addition to a controlled substance''); and (3) Mich. Comp. Laws sec. 333.7405(1)(a) (states that a licensed practitioner shall not ''distribute, prescribe, or dispense a controlled substance in violation of section 7333''). *Id.* at 2.

[2] The Agency need not adjudicate the criminal violations alleged in the instant OSC/ISO. *Ruan* v. *United States,* 597 U.S. 450 (2022) (decided in the context of criminal proceedings).

[3] Based on the Government's submissions in its RFAA October 28, 2024, the Agency finds that service of the OSC/ISO on Registrant was adequate. According to the included Declaration from a DEA Diversion Investigator, Registrant was personally served with the OSC/ISO on July 31, 2024. RFAAX 2, at 2.

''to conquer drug abuse and to control the legitimate and illegitimate traffic in controlled substances.'' *Id.*

B. Improper Prescribing (21 CFR 1306.04(a); Mich. Comp. Laws Secs. 333.7333, 333.7401(1), 333.7405(1)(a))

The OSC/ISO alleges that Respondent improperly issued controlled substance prescriptions to two patients who were acting in an undercover capacity. RFAAX 1, at 1. According to CSA regulations, a prescription for a controlled substance is proper only if ''issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice.'' 21 CFR 1306.04(a).

As for Michigan state law, ''a practitioner . . . shall not . . . prescribe . . . a controlled substance for other than legitimate and professionally recognized therapeutic or scientific purposes or outside the scope of practice of the practitioner.'' Mich. Comp. Laws sec. 333.7401(1). Further, Michigan state law defines good faith in prescribing a controlled substance as prescribing ''in the regular course of professional treatment to or for an individual who is under treatment by the practitioner for a pathology or condition other than that individual's physical or psychological dependence on or addition to a controlled substance.'' *Id.* sec. 333.7333.[4]

III. Findings of Fact

The Agency finds that, in light of Respondent's default, the factual allegations in the OSC/ISO are deemed to be admitted.

A. Undercover Patient 1 (UC1)

Respondent admits that on or about January 17, 2024, Respondent prescribed 15 mg of amphetamine aspartate (a Schedule II stimulant) to UC1 without conducting an adequate medical assessment or properly addressing red flags of diversion. RFAAX 1, at 3. Specifically, Respondent admits that Respondent issued the prescription to UC1 after UC1 stated that he/she had been acquiring controlled substance stimulants from acquaintances through illegitimate means. *Id.* Further, Respondent admits that, for fear of being audited, Respondent provided UC1 with answers to his/her medical history in order to reach a diagnosis, rendering the diagnosis illegitimate. *Id.*

Respondent admitted that on or about February 13, 2024, Respondent prescribed 20 mg of amphetamine dextroamphetamine (a Schedule II stimulant) to UC1 outside of the usual course of professional practice and not for a legitimate medical purpose. *Id.* at 4. On this same date, Respondent dispensed to UC1 a 30 mg amphetamine tablet without a prescription and with no medical justification. *Id.*

Respondent admits that on or about March 20, 2024, Respondent increased the dosage of UC1's amphetamine aspartate prescription to 30 mg at UC1's request and without medical necessity. *Id.* On the same date, Respondent told UC1 that the dosage increase would require UC1 to pay a higher cash amount for the office visit. *Id.* Respondent further admits that on or about April 17, 2024, Respondent issued UC1 a prescription for amphetamine dextroamphetamine 30 mg without conducting any assessment or examination. *Id.*

Accordingly, the Agency finds substantial record evidence that the five controlled substances prescriptions that Respondent issued or dispensed to UC1 were issued outside the usual course of professional practice and not for a legitimate medical purpose. RFAAX 1, at 3–4.

B. Undercover Patient 2 (UC2)

Respondent admits that on or about March 20, 2024, Respondent issued a prescription for 15 mg of amphetamine dextroamphetamine to UC2 without conducting an adequate medical assessment or establishing a diagnosis to justify the use of controlled substances. RFAAX 1, at 4. Respondent further admits that when UC2 appeared to struggle with responses to his/her medical history, Respondent advised UC2 to look up responses on the internet in order to give the illusion of a proper examination and diagnosis, rendering the diagnosis illegitimate. *Id.* Respondent also gave UC2 permission to change the responses to his/her medical history based on what he/she found on the internet. *Id.* at 5.

Respondent admits that on or about April 17, 2024, at the request of UC2, Respondent increased the quantity of the amphetamine dextroamphetamine 15 mg tablets from 30 tablets to 60 tablets without medical justification or necessity. *Id.* On this same date, Respondent told UC2 that the dosage increase would require an increased cash payment amount for the office visit. *Id.*

Accordingly, the Agency finds substantial record evidence that both of the controlled substances prescriptions that Respondent issued to UC2 were issued outside the usual course of professional practice and not for a legitimate medical purpose. RFAAX 1, at 3–5.

IV. Discussion

A. The Controlled Substances Act's Public Interest Factors

Pursuant to the CSA, ''[a] registration . . . to . . . distribute[ ] or dispense a controlled substance . . . may be suspended or revoked by the Attorney General upon a finding that the registrant . . . has committed such acts as would render his registration under . . . [21 U.S.C. 823] inconsistent with the public interest as determined by such section.'' 21 U.S.C. 824(a)(4). In the case of a ''practitioner,'' Congress directed the Attorney General to consider five factors in making the public interest determination. 21 U.S.C. 823(g)(1)(A–E).[5]

The five factors are considered in the disjunctive. *Gonzales* v. *Oregon,* 546 U.S. 243, 292–93 (2006) (Scalia, J., dissenting) (''It is well established that these factors are to be considered in the disjunctive,'' citing *In re Arora,* 60 FR 4,447, 4,448 (1995)); *Robert A. Leslie, M.D.,* 68 FR 15,227, 15,230 (2003). Each factor is weighed on a case-by-case basis. *Morall* v. *Drug Enf't Admin.,* 412 F.3d 165, 173–74 (D.C. Cir. 2005). Any one factor, or combination of factors, may be decisive. *Penick Corp.* v. *Drug Enf't Admin.,* 491 F.3d 483, 490 (D.C. Cir. 2007); *Morall,* 412 F.3d. at 185 n.2; *David H. Gillis, M.D.,* 58 FR 37507, 37508 (1993).

According to Agency decisions, the Agency ''may rely on any one or a combination of factors and may give each factor the weight [it] deems appropriate in determining whether'' to revoke a registration. *Id.; see also Jones Total Health Care Pharmacy, LLC* v. *Drug Enf't Admin.,* 881 F.3d 823, 830 (11th Cir. 2018) (citing *Akhtar-Zaidi* v. *Drug Enf't Admin.,* 841 F.3d 707, 711 (6th Cir. 2016)); *MacKay* v. *Drug Enf't Admin.,* 664 F.3d 808, 816 (10th Cir. 2011); *Volkman* v. *U.S. Drug Enf't Admin.,* 567 F.3d 215, 222 (6th Cir. 2009); *Hoxie* v. *Drug Enf't Admin.,* 419 F.3d 477, 482 (6th Cir. 2005).

[4] Michigan state law also states that a licensed practitioner shall not ''distribute, prescribe, or dispense a controlled substance in violation of section 7333.'' *Id.* sec. 333.7405(1)(a).

[5] The five factors of 21 U.S.C. 823(g)(1)(A–E) are:

(A) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(B) The [registrant's] experience in dispensing, or conducting research with respect to controlled substances.

(C) The [registrant's] conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(D) Compliance with applicable State, Federal, or local laws relating to controlled substances.

(E) Such other conduct which may threaten the public health and safety.

Moreover, while the Agency is required to consider each of the factors, it ''need not make explicit findings as to each one.'' *MacKay,* 664 F.3d at 816 (quoting *Volkman,* 567 F.3d at 222); *see also Hoxie,* 419 F.3d at 482. ''In short, . . . the Agency is not required to mechanically count up the factors and determine how many favor the Government and how many favor the registrant. Rather, it is an inquiry which focuses on protecting the public interest; what matters is the seriousness of the registrant's misconduct.'' *Jayam Krishna-Iyer, M.D.,* 74 FR 459, 462 (2009). Accordingly, as the Tenth Circuit has recognized, findings under a single factor can support the revocation of a registration. *MacKay,* 664 F.3d at 821.

In this matter, while all of the 21 U.S.C. 823(g)(1) factors have been considered, the Agency finds that the Government's evidence in support of its *prima facie* public interest revocation case regarding Respondent's violations of the CSA's implementing regulations is confined to Factors B and D. RFAAX 1, at 3. Moreover, the Government has the burden of proof in this proceeding. 5 U.S.C.A. 556(d); 21 CFR 1301.44.

B. Factors B and/or D—Applicant's Registration Is Inconsistent With the Public Interest

Evidence is considered under Public Interest Factors B and D when it reflects compliance or non-compliance with federal and local laws related to controlled substances and experience dispensing controlled substances. 21 U.S.C. 823(g)(1)(B) and (D); *see also Kareem Hubbard, M.D.,* 87 FR 21156, 21162 (2022). Here, as found above, Respondent admits and the Agency finds substantial record evidence that Respondent issued 7 controlled substance prescriptions to two undercover individuals that were issued outside the usual course of professional practice and not for a legitimate medical purpose. RFAAX 1, at 3–5. Further, Respondent is deemed to admit that his ''conduct in issuing prescriptions for cash to the undercover [individuals], completely betrayed any semblance of legitimate medical treatment.'' *Id.* at 3 (internal citations omitted).

As such, the Agency finds substantial record evidence that the Respondent violated 21 CFR 1306.04 and Mich. Comp. Laws secs. 333.7401(1) and 333.7405(1)(a). After weighing Factors B and D, the Agency further finds that Respondent's continued registration is outside the public interest. 21 U.S.C. 823(g)(1). Accordingly, the Agency finds that the Government established a *prima facie* case, that Applicant did not rebut that *prima facie* case, and that there is substantial record evidence supporting the revocation of Respondent's registration. 21 U.S.C. 823(g)(1).

V. Sanction

Here, the Government has met its *prima facie* burden of showing that Respondent's continued registration is inconsistent with the public interest due to his numerous violations pertaining to his controlled substance prescribing. Accordingly, the burden shifts to Respondent to show why he can be entrusted with a registration. *Morall,* 412 F.3d. at 174; *Jones Total Health Care Pharmacy, LLC* v. *Drug Enf't Admin.,* 881 F.3d 823, 830 (11th Cir. 2018); *Garrett Howard Smith, M.D.,* 83 FR 18882, 18904 (2018); *supra* sections III and IV.

The issue of trust is necessarily a fact-dependent determination based on the circumstances presented by the individual registrant. *Jeffrey Stein, M.D.,* 84 FR 46968, 46972 (2019); *see also Jones Total Health Care Pharmacy,* 881 F.3d at 833. Moreover, as past performance is the best predictor of future performance, DEA Administrators have required that a registrant who has committed acts inconsistent with the public interest must accept responsibility for those acts and demonstrate that he will not engage in future misconduct. *Jones Total Health Care Pharmacy,* 881 F.3d at 833; *ALRA Labs, Inc.* v. *Drug Enf't Admin.,* 54 F.3d 450, 452 (7th Cir. 1995). A registrant's acceptance of responsibility must be unequivocal. *Jones Total Health Care Pharmacy,* 881 F.3d at 830–31. In addition, a registrant's candor during the investigation and hearing has been an important factor in determining acceptance of responsibility and the appropriate sanction. *Id.* Further, the Agency has found that the egregiousness and extent of the misconduct are significant factors in determining the appropriate sanction. *Id.* at 834 & n.4. The Agency has also considered the need to deter similar acts by the registrant and by the community of registrants. *Jeffrey Stein, M.D.,* 84 FR at 46972–73.

Here, although Respondent initially requested a hearing, he ultimately withdrew his hearing request, and did not otherwise avail himself of the opportunity to refute the Government's case. As such, there is no record evidence that Respondent takes responsibility, let alone unequivocal responsibility, for the founded violations, meaning, among other things, that it is not reasonable to believe that Respondent's future controlled substance-related actions will comply with legal requirements. Accordingly, Respondent did not convince the Agency that he can be entrusted with a registration.

Further, the interests of specific and general deterrence weigh in favor of revocation. Given the foundational nature of Respondent's violations, a sanction less than revocation would send a message to the existing and prospective registrant community that compliance with the law is not a condition precedent to maintaining a registration.

In sum, Respondent has not offered any evidence on the record that rebuts the Government's case for revocation of his registration, and Respondent has not demonstrated that he can be entrusted with the responsibility of registration. Accordingly, the Agency will order the revocation of Respondent's registration.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a) and 21 U.S.C. 823(g)(1), I hereby revoke DEA Certificate of Registration No. FK8011063 issued to Mohan Kaza, M.D. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a) and 21 U.S.C. 823(g)(1), I hereby deny any pending applications of Mohan Kaza, M.D., to renew or modify this registration, as well as any other pending application of Mohan Kaza, M.D., for additional registration in Michigan. This Order is effective June 6, 2025.

Signing Authority

This document of the Drug Enforcement Administration was signed on April 24, 2025, by Acting Administrator Derek Maltz. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2025–07936 Filed 5–6–25; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; State Training Provider Eligibility Collection

ACTION: Notice.

SUMMARY: The Department of Labor's (DOL), Employment and Training Administration (ETA) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, ''State Training Provider Eligibility Collection.'' This comment request is part of continuing DOL's efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by July 7, 2025.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free by contacting Harlan Harrell by telephone at 202–693–5127 (this is not a toll-free number) or by email at *Harrell.Harlan.C@dol.gov.* For persons with a hearing or speech disability who need assistance to use the telephone system, please dial 711 to access telecommunications relay services.

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Office of Workforce Investment, 200 Constitution Avenue NW, Room N–4209, Washington, DC 20210; by email: *Harrell.Harlan.C@dol.gov;* or by Fax at 202–693–3817.

FOR FURTHER INFORMATION CONTACT: Harlan Harrell by telephone 202–693–5127 (this is not a toll-free number) or by email at *Harrell.Harlan.C@dol.gov.*

SUPPLEMENTARY INFORMATION: DOL, as part of its continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the OMB for final approval. This program helps to ensure 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 can be properly assessed.

This ICR collects the required information for State Training Provider Eligibility Collection. At a minimum, the information to be collected enables the state to comply with section 122 of the Workforce Innovation and Opportunity Act (WIOA) and its implementing regulations under 20 CFR part 680.

In June 2016, OMB approved the ICR under OMB Control Number 1205–0523. This ICR allows the DOL to collect information from states pertaining to Eligible Training Provider List and to retain that data. OMB granted approval for the ICR through October of 2022, and again through December of 2025. WIOA Section 122 authorizes this information collection.

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 it is approved by OMB under the PRA 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.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1205–0523.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including 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.

Agency: DOL–ETA.

Type of Review: Extension without changes.

Title of Collection: State Training Provider Eligibility Collection.

Form: N/A.

OMB Control Number: 1205–0523.

Affected Public: State governments.

Estimated Number of Respondents: 12,337.

Frequency: Annually.

Total Estimated Annual Responses: 12,337.

Estimated Average Time per Response: 6 hours.

Estimated Total Annual Burden Hours: 8,912 hours.

Total Estimated Annual Other Cost Burden: $0.

Authority: 44 U.S.C. 3506(c)(2)(A).

Susan Frazier,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2025–07971 Filed 5–6–25; 8:45 am]

BILLING CODE 4510–FN–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[NASA Document Number: 25–012; NASA Docket Number: NASA–2025–0003]

Information Collection: Astronaut's System for Tracking and Requesting Appearances (ASTRA)

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice 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–2025–0003.

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

This collection of information supports the National Aeronautics and Space Act of 1958, as amended, to enable NASA astronaut appearances before a variety of groups to inform the general public about the U.S. space program. Typically, presentations are made to high schools and universities, community organizations, businesses and associations, or military organizations. In order to reach as many people as possible, NASA offers three options to choose from in requesting an astronaut appearance:

(1) An in person astronaut appearance whereby the astronaut travels to the appearance location.

(2) A virtual appearance utilizing virtual telecommunications tools to connect an astronaut via video conference with your organization.

(3) A recorded greeting arranged in advance to be used during a specified event.

The NASA Astronaut Appearance Office (AAO) located at the Lyndon B. Johnson Space Center (JSC) in Houston, Texas is responsible for vetting, processing, and coordinating logistics for Astronaut appearances. This information will be used by the NASA AAO and Legal and HR personnel in the vetting, coordinating, scheduling and authorization processes to work with requestors to facilitate the appearance logistics. Records of appearances, including the information associated with the requestor and points of contact are maintained by the AAO for a minimum of five (5) years.

II. Methods of Collection

Electronic.

III. Data

Title: ASTRA Official Appearance Request.

OMB Number: 2700–0189.

Type of Review: Renewal.

Affected Public: Individuals.

Estimated Annual Number of Activities: 1,600.

Estimated Number of Respondents per Activity: 1.

Annual Responses: 1,600.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 267 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. 2025–07913 Filed 5–6–25; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Arts Advisory Panel Meetings

AGENCY: National Endowment for the Arts.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the Federal Advisory Committee Act, as amended, notice is hereby given that four meetings of the Arts Advisory Panel to the National Council on the Arts will be held by teleconference or videoconference.

DATES: See the **SUPPLEMENTARY INFORMATION** section for individual meeting times and dates. All meetings are Eastern time and ending times are approximate:

ADDRESSES: National Endowment for the Arts, Constitution Center, 400 7th St. SW, Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Further information with reference to these meetings can be obtained from David Travis, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506; *travisd@arts.gov,* or call 202–682–5001.

SUPPLEMENTARY INFORMATION: The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chair of March 11, 2022, these sessions will be closed to the public pursuant to 5 U.S.C. 10.

The Upcoming Meetings Are

Japan-US Friendship Commission Creative Artist Fellowship (review of applications): This meeting will be closed.

Date and time: June 10, 2025; 10:00 a.m. to 4:00 p.m.

Local Arts Agencies (review of applications): This meeting will be closed.

Date and time: June 17, 2025; 1:00 p.m. to 3:00 p.m.

Local Arts Agencies (review of applications): This meeting will be closed.

Date and time: June 18, 2025; 1:00 p.m. to 3:00 p.m.

Local Arts Agencies (review of applications): This meeting will be closed.

Date and time: June 18, 2025; 3:30 p.m. to 5:30 p.m.

Dated: May 1, 2025.

David Travis,

Specialist, National Endowment for the Arts.

[FR Doc. 2025–07901 Filed 5–6–25; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings

The National Science Board (NSB) hereby gives notice of the scheduling of meetings for the transaction of National Science Board business pursuant to the National Science Foundation Act and the Government in the Sunshine Act.

TIME AND DATE: Wednesday, May 7, 2025, from 12:10 p.m.–5:00 p.m. Eastern.

PLACE: The meetings will be held by videoconference through NSF headquarters, 2415 Eisenhower Avenue, Alexandria, VA 22314. The open session of the meeting will be webcast live on the NSB YouTube channel.

May 7, 2025: *https://www.youtube.com/watch?v=I1PE8xRJ3MM.*

STATUS: Some of the sessions will be open and others will be closed to the public. See the full description below.

MATTERS TO BE CONSIDERED:

Wednesday, May 7, 2025

Plenary Board Meeting

Executive Closed Session: 12:10 p.m.–1:30 p.m.

- Acting Chair's Opening Remarks about the agenda
- Approval of closed Executive Plenary Closed minutes—February 2025
- NSF Director Transition and Recommendations
- Board Priorities and Efficiencies
- Executive Committee Election

Lunch Break: 1:30 p.m.–2:15 p.m.

Plenary Board Meeting

Closed session: 2:15 p.m.–2:50 p.m.

- Acting Chair's Opening Remarks about the agenda
- Approval of Plenary Closed minutes—February 2025
- Reports
  - Business Taskforce
  - Merit Review Commission Update
  - Committee on Oversight, Committee on Strategy, and Committee on Awards & Facilities

Break: 2:50 p.m.–3:00 p.m.

Plenary Board Meeting

Open session: 3:00 p.m.–3:30 p.m.

- Acting Chair's Opening Remarks
  - Acknowledgements
  - NSF's 75th anniversary
  - MRX Update
  - Activities Report
- Indicators 2026 Update
- NSF Fellows Partnership Opportunity

Break: 3:30 p.m.–4:00 p.m.

Open Session Resumes: 4:00 p.m.–5:00 p.m.

- Science for Security—The Race with China Jimmy Goodrich, RAND Corporation

Plenary Board Meeting Adjourns: 5:00 p.m. Eastern

PORTIONS OPEN TO THE PUBLIC:

Wednesday, May 7, 2025

3:00 p.m.–3:30 p.m. Plenary NSB
4:00 p.m.–5:00 p.m. Plenary NSB

PORTIONS CLOSED TO THE PUBLIC:

Wednesday, May 7, 2025

12:10 p.m.–1:30 p.m. Executive Plenary NSB
2:15 p.m.–2:50 p.m. Plenary NSB

Members of the public are advised that the *NSB provides some flexibility around start and end times.* A session may be allowed to run over by as much as 15 minutes if the Chair decides the extra time is warranted. The next session will start no later than 15 minutes after the noticed start time. If a session ends early, the next meeting may start up to 15 minutes earlier than the noticed start time. Sessions will not vary from the times noticed by more than 15 minutes.

CONTACT PERSON FOR MORE INFORMATION: The NSB Office contact is Christopher Blair, *cblair@nsf.gov,* 703–292–7000. The NSB Public Affairs contact is Nadine Lymn, *nlymn@nsf.gov,* 703–292–2490. Please refer to the NSB website for additional information: *https://www.nsf.gov/nsb.*

Christopher Blair,

Executive Assistant to the National Science Board Office.

[FR Doc. 2025–08017 Filed 5–5–25; 11:15 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–613; NRC–2024–0078]

US SFR Owner, LLC.; Kemmerer Power Station, Unit 1; Environmental Assessment and Finding of No Significant Impact

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) staff is making a finding of no significant impact (FONSI) for a proposed issuance of an exemption in response to a February 28, 2025 request, as supplemented by letters dated April 7, and April 29, 2025, for the proposed Kemmerer Power Station Unit 1 (Kemmerer 1) facility. Specifically, TerraPower, LLC (TerraPower), on behalf of its wholly-owned subsidiary US SFR Owner, LLC (USO), requested an exemption that would modify a portion of the definition of construction applicable to the prohibition on construction of production and utilization facilities without an NRC license for the proposed Kemmerer 1. If granted, this exemption would allow the driving of piles, subsurface preparation, placement of backfill, concrete, or permanent retaining walls within an excavation, installation of foundations, or in-place assembly, erection, fabrication or testing, which are for structures, systems, and components (SSCs) classified as non-safety-related with no special treatment (NST) the failure of which could cause a reactor scram or actuation of a safety-related system that are located on the proposed Kemmerer 1 energy island prior to receipt of a construction permit (CP) and without a limited work authorization. The NRC staff is issuing a final Environmental Assessment (EA) and FONSI associated with the proposed exemption request.

DATES: The EA and FONSI referenced in this document are available on May 7, 2025.

ADDRESSES: Please refer to Docket ID NRC–2024–0078 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–2024–0078. 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: Mallecia Sutton, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0673; email: *Mallecia.Sutton@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

By letter dated March 28, 2024, TerraPower, LLC (TerraPower), on behalf of its wholly-owned subsidiary

US SFR Owner, LLC (USO), submitted a construction permit (CP) application, including an environmental report to the NRC staff for a reactor facility pursuant to part 50 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Domestic Licensing of Production and Utilization Facilities,'' and section 103 of the Atomic Energy Act of 1954, as amended. The proposed facility, referred to as Kemmerer Power Station Unit 1 (Kemmerer 1), if approved, would be built in Lincoln County, Wyoming and utilize TerraPower and General Electric-Hitachi Natrium sodium fast reactor technology. Supplements to the application were submitted on May 2, 2024, and May 9, 2024. On May 21, 2024, the NRC staff accepted the CP application for docketing (89 FR 47997). This CP application is undergoing a separate review by the NRC staff. As part of that review, the NRC is preparing a detailed review of the environmental impact associated with the CP application, which proposes to construct a non-light water Natrium reactor for Kemmerer 1, in an environmental impact statement.

By letter dated September 9, 2024, TerraPower submitted, on behalf of USO, an exemption request for the proposed Kemmerer 1. The requested exemptions were from the definitions of construction in 10 CFR 50.10(a), ''Definitions,'' and 10 CFR 51.4, ''Definitions,'' and would have excluded all non-safety-related with no special treatment (NST) structures, systems, and components (SSCs) located on the energy island (EI) from the scope of construction as defined in these regulations. By letter dated February 28, 2025, TerraPower submitted, on behalf of USO, a new request that superseded the September 9, 2024 request and requested an exemption with a more limited scope. TerraPower, on behalf of USO, supplemented this request with letters dated April 7, and April 29, 2025. In particular, the supplement dated April 29, 2025, withdrew the requested exemption from 10 CFR 51.4.

As modified by the superseding exemption request and subsequent supplements, the NRC is considering issuance of an exemption that would modify the definition of construction in 10 CFR 50.10(a)(1)(iv) from ''SSCs whose failure could cause a reactor scram or actuation of a safety-related system'' to ''SSCs whose failure could cause a reactor scram or actuation of a safety-related system, excluding Natrium EI SSCs classified as non-safety-related with no special treatment (NST).'' This specific exemption would allow USO to proceed with the driving of piles, subsurface preparation, placement of backfill, concrete, or permanent retaining walls within an excavation, installation of foundations, or the in-place assembly, erection, fabrication, or testing of SSCs classified as NST the failure of which could cause the reactor to scram or actuation of a safety-related system that are located on the proposed energy island (EI) without a limited work authorization while the NRC staff continues its review of the Kemmerer 1 CP application. If the NRC determines that approval of the exemption request is appropriate, the exemption would be issued to USO for the proposed Kemmerer 1.

In accordance with 10 CFR 51.21, the NRC has prepared an EA that analyzes the environmental effects of the proposed action. Based on the results of the EA and in accordance with 10 CFR 51.31(a), the NRC has prepared a FONSI for the proposed exemption. Consistent with 10 CFR 51.33, ''Draft finding of no significant impact; distribution,'' the NRC staff did not prepare a draft finding of no significant impact in this instance.

II. Environmental Assessment

Description of the Proposed Action

The proposed action would modify the definition of construction in 10 CFR 50.10(a)(1)(iv) from ''SSCs whose failure could cause a reactor scram or actuation of a safety-related system'' to ''SSCs whose failure could cause a reactor scram or actuation of a safety-related system, excluding Natrium EI SSCs classified as non-safety-related with no special treatment (NST).'' This specific exemption would allow USO to proceed with the driving of piles, subsurface preparation, placement of backfill, concrete, or permanent retaining walls within an excavation, installation of foundations, or the in-place assembly, erection, fabrication, or testing of SSCs classified as NST the failure of which could cause the reactor to scram or actuation of a safety-related system that are located on the proposed EI without a limited work authorization while the NRC staff continues its review of the Kemmerer 1 CP application.

Separate from this EA, the NRC staff is evaluating the proposed action against the relevant exemption criteria in 10 CFR 50.12, ''Specific exemptions.'' The results of this review will be documented in a separate **Federal Register** notice. The NRC staff's review will determine whether the criteria in 10 CFR 50.12 are met. Further, the NRC staff is separately reviewing the submitted CP application and the environmental effects associated with approval, if appropriate, of the CP application. Issuing this exemption, if appropriate, would not constitute a commitment by the NRC to issue a CP for Kemmerer 1. If approved, USO would install the SSCs assuming the risk that its CP application may later be denied.

Need for the Proposed Action

Issuance of the exemption would allow USO to begin the driving of piles, subsurface preparation, placement of backfill, concrete, or permanent retaining walls within an excavation, installation of foundations, or the in-place assembly, erection, fabrication, or testing of SSCs classified as NST the failure of which could cause the reactor to scram or actuation of a safety-related system that are located on the proposed EI without a limited work authorization while the NRC staff continues its review of the Kemmerer 1 CP application. As that work falls under the definition of construction in 10 CFR 50.10(a), without this exemption, 10 CFR 50.10(c) would prohibit USO from performing that work under until the NRC staff issued it a CP or a limited work authorization, should that be appropriate.

TerraPower, on behalf of USO, has indicated that if this work is delayed until issuance of the CP, it would result in substantial schedule delays for the proposed Kemmerer 1. TerraPower, on behalf of USO, also stated that, although the exact costs of delayed operation of Kemmerer 1 would depend on a number of uncertain factors, they are expected to be substantial.

Environmental Impacts of the Proposed Action

In February 2025, the Department of Energy (DOE) Office of Clean Energy Demonstrations issued DOE/EA–2264, ''Final Environmental Assessment Kemmerer Power Station Unit 1 Preliminary Activities Kemmerer, Lincoln County, Wyoming,'' [1] for the proposed action of authorizing the expenditure of Federal funding to conduct preliminary activities for the proposed Kemmerer 1. According to the DOE EA, the proposed action addresses preliminary activities that would occur prior to the NRC issuance of a CP for the Kemmerer 1 site. These preliminary activities are described in section 2.1, ''Proposed Action,'' of the DOE EA and include, among other things, the following:

- Earthwork activities, including site clearing and grubbing to remove the top layer of topsoil and organic material and

[1] *https://www.energy.gov/sites/default/files/2025-02/final-ea-fonsi-appendices-2264-terrapower-kemmerer-unit-1-2024-10_1.pdf.*

store it in a stockpile area for possible use as backfill.

- Dewatering activities, including establishing temporary dewatering systems to maintain dry working conditions for preliminary activities.
- Excavation and backfill activities, including the importation and placement of common and structural backfill, general excavation of the site, general backfill, development of spoil and laydown areas, placement of common fill, and construction of stormwater management ponds.
- Supporting infrastructure activities, including construction of buildings, temporary utilities, plant roads and parking, walkways, and storm drainage. Preliminary activities include the erection of buildings on the EI. Section 2.1.4.4, ''Buildings on the Energy Island,'' of the DOE EA states ''[t]hese activities would consist of excavation and backfill of the foundations, installation of mud mats, formwork, rebar and embeds, and placement of concrete. Embedded pipes and electrical conduit and grounding would be installed during foundation construction. Steel and superstructure would be installed after completion of the foundations.''

The DOE EA determined that the environmental impacts of these activities on ecological resources; cultural resources; hydrology; socioeconomics; geological resources; and infrastructure, traffic, and transportation are minor. Based on this conclusion, DOE issued a finding of no significant impact.[2] Although the DOE EA stated that it was considering activities that would occur before the NRC's issuance of the construction permit, it captured certain activities which require NRC authorization. Issuance of this exemption would allow the construction of buildings on the EI, which as described in section 2.1.4.4 of the DOE EA, was included in the activities DOE considered. This includes the subsurface preparation, placement of backfill, and concrete, within an excavation, installation of foundations, and the in-place assembly or erection or fabrication of buildings classified as NST the failure of which could result in a reactor scram or actuation of a safety-related system located on the proposed Kemmerer 1 EI. The NRC staff reviewed the analysis in the DOE EA and determined that, because it already considered work that this exemption would approve, despite the different proposed actions, the DOE EA bounds those aspects of the work. Therefore, the NRC incorporates the DOE EA by reference into this EA.

The NRC staff then considered the work that was not covered by the DOE EA. This work consists of the in-place assembly, erection, fabrication or testing of SSCs, apart from the buildings, classified as NST that are located within buildings on the proposed EI the failure of which could cause the reactor to scram or actuation of a safety-related system. As an initial matter, neither TerraPower nor USO are licensed to possess or use radiological materials. Since the proposed action does not involve operating the facility and there are no radiological materials on site, it would result in no significant changes in the types or amounts of radiological effluents that may be released offsite.

Further, the work authorized by this exemption would occur in the same area of the site as the work considered by the DOE EA. Thus, the environment in that area will have already been disturbed by the pre-construction work the DOE EA considered, which is not part of the NRC proposed action, and by the work requiring NRC authorization but that the DOE EA considered. Some of the work encompassed by the NRC proposed action is not considered by the DOE EA, but the staff finds is similar in nature to work considered by the DOE EA. To the extent that the nature of the work is similar to the work considered in the DOE EA, the NRC staff determined that the effects determination from the DOE EA would bound this work. With regard to the work not considered by the DOE EA which is dissimilar to work the DOE EA considered (*e.g.* the installation of an SSC within a building as opposed to the construction of the building), the NRC staff determined that this work would not involve any ground disturbing activities. Further, any impacts from hydrologic alteration of groundwater or surface water during the authorized activities would be short-term and minor because the major hydrological impacts would be expected during the conduct of earthwork, dewatering, excavation and backfill, and supporting infrastructure activities analyzed in the DOE EA, not the installation components within buildings. Therefore, due to the nature of the work and the fact that the area would be previously disturbed by the work considered in the DOE EA, the NRC staff finds the effects on the environment by the work that would be authorized by this exemption, if approved, bounded by the analysis in the DOE EA and, therefore, minor.

In conclusion, the NRC staff has determined that the impacts of the proposed exemption on the environment would be minor. Finally, the NRC staff notes that although the DOE EA sometimes describes what it analyzed using different words than the NRC typically uses, its analysis captured the resource areas that the NRC usually considers in its EAs. Therefore, there are no significant non-radiologic environmental impacts associated with the proposed action.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the NRC staff considered denial of the proposed action (*i.e.,* the ''no-action'' alternative). If the NRC were to deny the exemption request, USO would not be allowed to perform the activities covered by this exemption before the CP is issued, if appropriate. TerraPower, on behalf of USO, has already submitted a CP application for the proposed Kemmerer 1 facility. Should the NRC staff approve the CP, this work would still occur, just later in the future.

Alternative Use of Resources

There are no unresolved conflicts concerning alternative uses of available resources under the proposed action.

Agencies and Persons Consulted

The NRC staff did not enter into consultation with any Federal agency or with the State of Wyoming regarding the environmental impact of the proposed action. The NRC and DOE have a Memorandum of Understanding (MOU) related to implementation of the National Environmental Policy Act (NEPA) for reactor demonstration projects, including the proposed Kemmerer 1. Although the MOU lays out certain roles and responsibilities for NRC and DOE, it also acknowledges that circumstances may arise where both agencies would be better served by a different form of coordination and notes that it does not preclude such arrangements. In this instance, DOE has already consulted with relevant entities. As discussed in this notice, the NRC staff determined that the effects considered in the DOE EA bound the effects of this proposed action. The NRC staff independently reviewed the DOE's consultation of Federal and state agencies for the proposed action. Based on that review and the determination that the DOE EA bounds this proposed action, the NRC staff determined there was no need for additional consultation. Therefore, the NRC staff relied on the consultation activities conducted by DOE documented in its EA, which it

[2] *https://www.energy.gov/sites/default/files/2025-02/final-ea-fonsi-2264-terrapower-kemmerer-unit-1-2024-10_0.pdf.*

incorporated by reference earlier in this EA.

III. Finding of No Significant Impact

TerraPower, on behalf of USO, has requested an exemption that, if granted, would modify the definition of construction in 10 CFR 50.10(a)(1)(iv) to allow USO to proceed with the driving of piles, subsurface preparation, placement of backfill, concrete, or permanent retaining walls within an excavation, installation of foundations, or the in-place assembly, erection, fabrication, or testing of NST SSCs the failure of which could cause a reactor scram or actuation of a safety-related system that are located on the proposed EI without a limited work authorization while the NRC staff continues its review of the Kemmerer 1 CP application. The proposed action would not have significant adverse radiological or non-radiological impacts. This FONSI incorporates by reference the EA in Section II of this notice. Based on the EA, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

IV. Availability of Documents

The documents identified in the following table are available to interested persons through ADAMS, as indicated.

Document description	ADAMS Accession No.
Submittal of the Construction Permit Application for the Natrium Reactor Plant, Kemmerer Power Staton Unit 1, dated March 28, 2024.	ML24088A059 (package).
Supplement to Construction Permit Application for the Natrium Reactor Plant, Kemmerer Power Staton Unit 1 Regarding Agreement between US SFR Owner, LLC and TerraPower, LLC, dated May 2, 2024.	ML24123A242.
Supplement to Construction Permit Application for the Natrium Reactor Plant, Kemmerer Power Staton Unit 1 Regarding Fitness-for-Duty and Security Clarifying Information, dated May 2, 2024.	ML24123A243.
Supplement to Construction Permit Application for the Natrium Reactor Plant, Kemmerer Power Staton Unit 1 Regarding Materials of Construction Clarifying Information, dated May 9, 2024.	ML24130A181.
Acceptance for Docketing of Kemmerer Power Station Unit 1 Construction Permit Application by US SFR Owner, LLC, dated May 21, 2024.	ML24135A109.
Exemption Request Associated with Construction of the Natrium Energy Island dated, September 9, 2024	ML24253A023.
Exemption Request and Application of Topical Report NATD–LIC–RPRT–0001–A for Construction of the Natrium Energy Island at Kemmerer Unit 1, dated February 28, 2025.	ML25059A093.
Supplement to Exemption Request and Application of Topical Report NATD–LIC–RPRT–0001–A for Construction of the Natrium Energy Island at Kemmerer Unit 1, dated April 7, 2025.	ML25097A132.
Withdrawal of Exemption Request from 10 CFR 51.4 Definition of Construction for Construction of the Natrium Energy Island at Kemmerer Unit 1, dated April 29, 2025.	ML25119A205.

Dated: May 2, 2025.

For the Nuclear Regulatory Commission.

Jeremy Bowen,

Director, Division of Advanced Reactors and Non-power Production and Utilization Facilities, Office of Nuclear Reactor Regulation.

[FR Doc. 2025–07960 Filed 5–6–25; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. C2025–7; Order No. 8827]

Complaint

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is appointing a presiding officer to set a procedural schedule and conduct limited discovery for the purpose of determining disputed issues of fact related to the classification of the Copper Beech apartment complex as a dormitory. This document takes certain administrative steps.

ADDRESSES: Documents can be accessed electronically through the Commission's website at *https://www.prc.gov.*

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background

This complaint stems from a dispute between the Postal Service and Complainants regarding mail delivery at the Copper Beech apartment complex, which Complainants own. Complainants assert five causes of action in their Second Amended Complaint. Specifically, Count I alleges that the Postal Service unduly discriminated against them by treating Copper Beech differently, for mail delivery purposes, than other similarly situated buildings. Counts II and IV allege that the Postal Service violated its own regulations. Count III asserts that the Postal Service violated 39 U.S.C. 401(2) by establishing regulations that conflict with their duties under title 39. Count V alleges that the Postal Service violated 39 U.S.C. 3661(b) by making a nationwide change in the nature of postal services without first receiving an advisory opinion from the Commission.

Pursuant to 39 U.S.C. 3662(b), the Commission concludes that Complainants have raised sufficient issues of material law and fact as to Count I, portions of Count III, and Count V. The Commission shall hold Counts II and IV in abeyance pending a decision by the D.C. Circuit regarding Commission jurisdiction over 39 U.S.C. 401(2) claims. The Commission shall dismiss the portions of Count III that allege violations of 39 U.S.C. 403(a) and (b).

The Commission appoints a presiding officer to preside over the conduct of the proceedings, including but not limited to scheduling, discovery, potential hearings, and briefing in this matter. The Commission finds good cause to waive the appointment of an officer of the Commission designated to represent the interests of the general public in this proceeding as required by 39 CFR 3022.30(c) because the violations alleged in the Complaint pertain to a specific subset of the general public, or otherwise solely to Complainants, who are represented by counsel.

II. Ordering Paragraphs

It is ordered:

1. The Commission finds that the Amended Complaint of Copper Beech Townhome Communities Twenty One, LLC and Copper Beech Townhome Communities Thirty Six, LLC, filed February 5, 2025, raises material issues of law and fact.

2. The United States Postal Service Motion to Dismiss the February 5, 2025, Amended Complaint, filed February 25, 2025, is denied except for the portions

of the Third Cause of Action that allege violations of 39 U.S.C. 403(a) and (b), which shall be dismissed.

3. Pursuant to 39 CFR 3010.106, the Commission appoints Joseph K. Press as presiding officer in this proceeding.

4. Counts II and IV—pertaining to whether the Postal Service has violated its own regulations—shall be held in abeyance pending a decision by the D.C. Circuit regarding Commission jurisdiction over 39 U.S.C. 401(2) claims.

5. The Secretary shall arrange for publication of this Order, or abstract thereof, in the **Federal Register**.

By the Commission.

Jennie L. Jbara,

Primary Certifying Official.

[FR Doc. 2025–07922 Filed 5–6–25; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. K2025–965; MC2025–1344 and K2025–1344]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* May 9, 2025.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *https://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*https://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. *See* 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

1. *Docket No(s).:* K2025–965; *Filing Title:* USPS Request Concerning Amendment One to Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1178 and Material Under Seal; *Filing Acceptance Date:* May 1, 2025; *Filing Authority:* 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative:* Maxine Bradley; *Comments Due:* May 9, 2025.

2. *Docket No(s).:* MC2025–1344 and K2025–1344; *Filing Title:* USPS Request to Add Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 68 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* May 1, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Maxine Bradley; *Comments Due:* May 9, 2025.

III. Summary Proceeding(s)

None. *See* Section II for public proceedings.

This Notice will be published in the **Federal Register**.

Jennie L. Jbara,

Primary Certifying Official.

[FR Doc. 2025–07952 Filed 5–6–25; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102964; File No. SR–IEX–2025–06]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend IEX's Fee Schedule To Establish a Supplemental Market Quality Program

May 1, 2025.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act''),[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on April 28, 2025, the Investors Exchange LLC (''IEX'' 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

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Pursuant to the provisions of Section 19(b)(1) under the Act,[4] and Rule 19b–4 thereunder,[5] the Exchange is filing with the Commission a proposed rule change to amend the Exchange's fee schedule applicable to Members [6] (the ''Fee Schedule'' [7]) pursuant to IEX Rule 15.110(a) and (c) to establish an Supplemental Market Quality Program, which is designed to improve displayed liquidity and promote order flow to the Exchange by offering a financial incentive for Members to enter displayed orders or quotes priced at the NBBO on the Exchange in certain securities designated by the Exchange. Changes to the Fee Schedule pursuant to this proposal are effective upon filing,[8] and will be operative on May 1, 2025.

The text of the proposed rule change is available at the Exchange's website at *https://www.iexexchange.io/resources/regulation/rule-filings,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to modify its Fee Schedule, pursuant to IEX Rule 15.110(a) and (c), to establish a Supplemental Market Quality Program (''SMQ'' or the ''Program''). The Program is intended to increase displayed liquidity and promote order flow to the Exchange by offering a financial incentive for Members to enter displayed orders or quotes (*i.e.,* displayed trading interest) priced at the NBBO [9] on the Exchange in certain securities designated by the Exchange. As discussed below, the SMQ is designed to reward Members that make a significant contribution to market quality by providing liquidity at the NBBO in a select group of securities for a significant portion of the day.

The Program is designed to incentivize the posting of displayed trading interest in securities that IEX determines have a relatively lower volume of displayed trading interest priced at the NBBO on the Exchange compared to other securities. By analyzing displayed order volume and time at the NBBO data, the Exchange has identified certain securities for which it seeks to improve these metrics (the ''SMQ Securities'') through incentive payments.

IEX will publish the list of SMQ Securities on its website (on the Fee Schedule), and prior to the start of each month, the Exchange will reevaluate and, as applicable, update its list of SMQ Securities. Any updates to the list of SMQ Securities will be published on IEX's Fee Schedule at least one day prior to the start of the month. IEX believes that the incentives created by the SMQ are likely to increase quoting in these symbols, thereby providing improved trading conditions for all market participants through narrower spreads and increased depth of liquidity available at the NBBO in the SMQ Securities.

To qualify for the SMQ, a Member must enter displayed trading interest (*i.e.,* at least one displayed order or quote of at least one round lot size [10]) at either the NBB, the NBO, or the NBBO, for at least 40% of time during regular trading hours in at least 50 of the SMQ Securities on average per day during the month (the ''Percent Time at NBBO'' requirement). On a daily basis, the Exchange will calculate the number of SMQ Securities for which each Member's Percent Time at NBBO was at least 40% (''SMQ Qualifying Activity''). At the end of the month, the Exchange will calculate the monthly average of the Member's SMQ Qualifying Activity. If a Member has SMQ Qualifying Activity in at least 50 of the SMQ Securities during the month, the Exchange will pay the Member the ''SMQ Incentive Fee'' of $125 per SMQ Security for which the Member satisfied the SMQ requirements.[11]

The following example illustrates how the SMQ will work:

Example

Assume that in a particular month, IEX has designated 150 securities as SMQ Securities. There are 21 trading days in that month, and on eleven of those days Member A's Percent Time at NBBO is at least 40% for 100 of the SMQ securities. On the other ten trading days, Member A's Percent Time at NBBO is at least 40% for 50 of the SMQ securities. At the end of the month, IEX calculates the number of SMQ Securities which Member A has at least 40 Percent Time at NBBO to be 76 [12] SMQ Securities. IEX provides a lump sum payment of $9,500 to Member A ($125 times 76 SMQ Securities) (the ''SMQ Payment''). In that same month, Member B's monthly average Percent Time at NBBO is at least 40% for 60 SMQ Securities for eleven trading days. On the other ten trading days, Member B's Percent Time at NBBO is at least 40% for 30 SMQ Securities. At the end of the month, IEX calculates Member B's SMQ Qualifying Activity to average out to 46 SMQ Securities.[13] Because Member B's SMQ Qualifying Activity was in less than 50 SMQ Securities, Member B does not receive any lump sum payment pursuant to the Program.

As proposed, the Percent Time at NBBO calculation will exclude days with system disruptions that last for more than 60 minutes and days with scheduled early closes when determining the numerator and the denominator. An Exchange system disruption may occur, for example, where a certain group of securities traded on the Exchange is unavailable for trading due to an Exchange system issue. Similarly, the Exchange may be able to perform certain functions with respect to accepting and processing orders, but may have a failure to another significant process, such as routing to other market centers, that would lead Members that rely on such process to avoid utilizing the Exchange until the Exchange's entire system was operational. The Exchange believes that these types of Exchange system

[4] 15 U.S.C. 78s(b)(1).

[5] 17 CFR 240.19b–4.

[6] *See* IEX Rule 1.160(s).

[7] *See* Investors Exchange Fee Schedule, available at *https://www.iexexchange.io/resources/trading/fee-schedule.*

[8] 15 U.S.C. 78s(b)(3)(A)(ii).

[9] *See* IEX Rule 1.160(u).

[10] *See* IEX Rule 11.180(a).

[11] SMQ Payments will be made for all qualified securities if Member had SMQ Qualifying Activity in at least 50 SMQ Securities during the month.

[12] As set forth in the proposed changes to the Fee Schedule, the Exchange will calculate the SMQ Qualifying Activity by taking the average of the number of SMQ Securities for which the Member's Percent Time at NBBO was at least 40% and round that number to the nearest whole number. Thus, 76.19 SMQ Securities is rounded to 76.

[13] 45.71 is rounded to 46.

disruptions could preclude Members from participating on the Exchange to the extent that they might have otherwise participated on such days, and thus, the Exchange believes it is appropriate to exclude such days when determining a Member's Percent Time at NBBO to avoid penalizing Members that might otherwise have met the SMQ requirements. For similar reasons, the Exchange believes it is appropriate to exclude trading days with scheduled early closes, because the shorter trading days are likely to result in a lower daily quoting activity for each Member. The Exchange notes that excluding system disruption days and trading days with scheduled early closes is consistent with the methodologies used by other exchanges that offer incentive payments for quoting activity on the Exchange.[14]

Additionally, as proposed, the Exchange will exclude from its calculations of Percent Time at NBBO for each SMQ Security any portion of regular trading hours when the SMQ Security is subject to a trading halt or Limit Up-Limit Down pause.[15] If an SMQ Security were subject to a trading halt on IEX, Members would be unable to provide displayed trading interest in that security until it resumes trading, and thus not excluding the halted time from the Percent Time at NBBO would be unfair to Members trying to provide displayed trading interest in the SMQ Security. Thus, IEX proposes only to calculate the Percentage Time at NBBO for each SMQ Security during times when trading in the security is not halted. For example, if an SMQ Security was halted for 30 minutes during one trading day, and a Member provided displayed trading interest in that security at the NBBO for 2.4 hours of that trading day, the Member's Percent Time at NBBO for that day would be 40%, because 2.4 hours is 40% of 6 hours.[16]

The Exchange will allow Members to aggregate their Percent Time at NBBO with other Members with which they are affiliated,[17] if Members provide prior notice to the Exchange. As proposed, to the extent that two or more affiliated companies maintain separate memberships with the Exchange and can demonstrate their affiliation by showing they control, are controlled by, or are under common control with each other, the Exchange would permit such Members to aggregate their Percent Time at NBBO. Members will be responsible for having proper internal documentation in their books and records substantiating that the two or more Members seeking to aggregate their Percent Time at NBBO are affiliates of one another. IEX notes that this grouping of Member affiliates is consistent with how IEX allows Member affiliates to group their trading activity to qualify for IEX's Displayed Liquidity Adding Rebate Tiers.

The SMQ will be open to all Members and will not impose any two-sided quotation obligations on any Member seeking to qualify for the SMQ. Accordingly, the SMQ is designed to attract liquidity from any firm that is willing to provide liquidity at the NBB or NBO in SMQ Securities. The Exchange is proposing to provide Members an opportunity to earn an SMQ Payment as a means of recognizing the value of market participants that consistently enter displayed trading interest at the NBBO in the SMQ Securities. Through the Program, the Exchange seeks to provide enhanced liquidity for all market participants through more displayed trading interest, narrower bid-ask spreads, and increased depth of liquidity in the SMQ Securities.

The Exchange notes that the proposed Supplemental Market Quality Program is similar to the Enhanced Market Quality Program offered by Nasdaq BX,[18] which also pays a fixed sum to Members that quote exchange-specified securities at the NBBO for at least a minimum percentage time of the day.[19] The proposed SMQ is also similar to the ''Market Quality'' program offered by MIAX PEARL.[20] In particular, the process by which the Exchange proposes to select SMQ Securities mirrors the process applied by MIAX PEARL in selecting securities to be ''Market Quality Securities.'' [21] Finally, the Exchange notes that its proposed SMQ is also similar to recently discontinued quote revenue sharing program of Nasdaq PSX.[22]

2. Statutory Basis

IEX believes that the proposed rule change is consistent with the provisions of Section 6(b) [23] of the Act in general, and furthers the objectives of Sections 6(b)(4) [24] of the Act, in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. The Exchange believes that the proposed fee change is reasonable, fair and equitable, and non-discriminatory.

The Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive. IEX has concluded that, in the context of current regulatory requirements governing access fees and rebates, it is able to more effectively compete with other exchanges for order flow by offering Members an additional incentive for posting displayed liquidity on the Exchange in symbols that have a relatively lower volume of displayed orders priced at the NBBO on the Exchange compared to other securities. Based upon informal discussions with market participants, IEX believes that Members and other market participants may be more willing to send displayed trading interest to IEX if the proposed fee change is adopted.

Accordingly, IEX has designed the proposed change to further incentivize Members to send displayed quotes at the NBBO in lower displayed volume symbols. IEX believes that an increase in displayed liquidity and order flow to the Exchange will, in turn, improve the quality of the IEX market and increase its attractiveness to existing and prospective participants. In addition,

[14] *See* Securities Exchange Act Release No. 94929 (May 17, 2022), 87 FR 31269 (May 23, 2022) (SR–PEARL–2022–21) (filing establishing a Market Quality program similar to this proposal).

[15] *See, e.g.,* IEX Rules 11.271 and 11.280.

[16] If IEX did not exclude the time a security is halted from its calculation of Percent Time at NBBO, in this example the Member's Percent Time at NBBO would be 37% (2.4 hours divided by the full 6.5 hour trading day), and the Member's trading activity in that security for that day would not count towards its SMQ Qualifying Activity.

[17] As defined in Rule 12b–2 under the Act, 17 CFR 240.12b–2.

[18] *See* Nasdaq BX Equities VII Section 118(g).

[19] Nasdaq BX's Enhanced Market Quality Program (''EMQP'') sets different percentage thresholds depending upon if the security is quoted on Tape A or B (and does not Tape C securities). The EMQP also increases its incentive fees based upon the number of securities quoted at the NBBO for at least the threshold percentage of market hours. *Id.* These differences between the proposed SMQ and the EMQP reflect different pricing approaches of different exchanges, but the core functionality of the two programs is substantially similar.

[20] *See supra* note 14. While MIAX PEARL uses quoting at the NBBO in the ''Market Quality Securities'' as a means of qualifying for certain rebate tiers (and not to pay a flat sum to qualifying Members like IEX proposes), the Market Quality program is like IEX's proposed SMQ in that it provides financial incentives to Members based upon increased quoting in a subset of securities specified by the exchange. *Id.*

[21] MIAX PEARL uses the same methodology of analyzing volume statistics and time at the NBBO to determine which securities to include in its list of Market Quality Securities. *See supra* note 14.

[22] *See* Securities Exchange Act Release No. 34–100060 (May 3, 2024), 89 FR 39668 (May 9, 2024) (SR–Phlx–2024–18) (Establishing the quote revenue sharing program) and Securities Exchange Act Release No. 34–102844 (April 11, 2025), 90 FR 16226 (April 17, 2025) (SR–Phlx–2025–19) (terminating the program because it ''no longer provides a growth incentive that is aligned with the Exchange's needs'').

[23] 15 U.S.C. 78f.

[24] 15 U.S.C. 78f(b)(4).

the proposal is equitable and not unfairly discriminatory as the proposal would equitably allocate SMQ Payments among Members by paying Members based on their total quoting activity in SMQ Securities in any given month.

As noted in the Purpose section, the Exchange believes the proposed incentive payments in the Supplemental Market Quality Program will incentivize Members to direct additional displayed liquidity-providing orders to the Exchange in SMQ Securities, thereby promoting price discovery and market quality in the SMQ Securities and more generally on the Exchange, and, further, that the resulting increased displayed liquidity and narrower spreads will benefit all investors by deepening the Exchange's liquidity pool, supporting the quality of price discovery, enhancing quoting competition across all exchanges, and promoting market transparency.

As discussed above, the Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive. Within that context, the proposed incentive payments are designed to attract more displayed trading interest to the Exchange. The proposed SMQ is comparable to the MQ Tiers of MIAX PEARL and the Enhanced Market Quality Program of Nasdaq BX, and thus IEX does not believe that the proposal raises any new or novel issues not already considered by the Commission in the context of other exchanges' fees.[25]

Finally, to the extent this proposed fee change is successful in incentivizing the entry and execution of displayed trading interest on IEX, such greater liquidity will benefit all market participants by increasing price discovery and price formation as well as market quality and execution opportunities.

B. Self-Regulatory Organization's Statement on Burden on Competition

IEX does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange operates in a highly competitive market in which market participants can readily favor competing venues if fee schedules at other venues are viewed as more favorable. Consequently, the Exchange believes that the degree to which IEX fees could impose any burden on competition is extremely limited and does not believe that such fees would burden competition between Members or competing venues. Moreover, as noted in the Statutory Basis section, the Exchange does not believe that the proposed changes raise any new or novel issues not already considered by the Commission.

The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because, while different Members may qualify for different amounts of SMQ Payments, these payments are not based on the type of Member entering the displayed trading interest, but rather on the amount of displayed trading interest each Member submits to the Exchange. Further, the proposed fee changes are intended to incentivize market participants to bring increased order flow to the Exchange, which benefits all market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[26] and paragraph (f) of Rule 19b–4[27] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–IEX–2025–06 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–IEX–2025–06. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–IEX–2025–06 and should be submitted on or before May 28, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–07906 Filed 5–6–25; 8:45 am]

BILLING CODE 8011–01–P

[25] *See supra* notes 14 and 18.

[26] 15 U.S.C. 78s(b)(3)(A).

[27] 17 CFR 240.19b–4(f).

[28] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102966; File No. SR–CBOE–2025–031]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Functionality Relating to the Processing of Auction Responses

May 1, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 29, 2025, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes increase the maximum auction response processing time for non-FLEX SPX options to 1000 milliseconds (including the length of the auction response period) until December 31, 2025. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange currently offers a variety of auction mechanisms which provide price improvement opportunities for eligible orders. Particularly, the Exchange offers the following auction mechanisms: Complex Order Auction (''COA''),[5] Step Up Mechanism (''SUM''),[6] Automated Improvement Mechanism (''AIM''),[7] Complex AIM (''C–AIM''),[8] Solicitation Auction Mechanism (''SAM''),[9] and Complex SAM (''C–SAM'').[10] The Exchange notes that eligible orders (''auctioned orders'') are electronically exposed for an Exchange-determined period (collectively referred to herein as ''auction response period'') in accordance with the applicable Exchange Rule, during which time Users may submit responses (collectively referred to herein as ''auction responses'' or ''auction response messages'') to an auction message.

In June 2023, in order to provide responses to these auctions with increased opportunities to participate in the auction, even during periods of high message traffic, and thus potentially provide customers with additional opportunities for price improvement, the Exchange adopted new functionality that applies across all of its auction mechanisms to increase the likelihood that timely submitted auction responses may participate in the applicable auction, even during periods of high message traffic.[11] Under this functionality, at the time an auction response period ends, the System continues to process its inbound queue for any messages that were received by the System before the end of the auction period (including auction responses) for up to an Exchange-determined period of time, not to exceed 100 milliseconds (which the Exchange may determine on a class-by-class basis which would apply to all auction mechanisms and which would be announced with reasonable advanced notice via Exchange Notice).[12] That is, any auction responses that were in the queue before the conclusion of the auction (as identified by the Network Interface Card (''NIC'') timestamp on the message) would be processed as long as the Exchange-determined time on a class-by-class basis (not to exceed 100 milliseconds) is not exceeded. Only auction responses received prior to the execution of the applicable auction are eligible to be processed for that auction. The applicable auction will execute once all messages, including auction responses, received before the end time of the auction response period have been processed or the Exchange-determined maximum time limit of up to 100 milliseconds has elapsed, whichever occurs first. This continuation of processing the queue for an additional amount of time for messages that were received before the end of the auction allows for auction responses that would otherwise have been canceled due to the conclusion of the auction response period to still have an opportunity to participate in the auction.

The Exchange proposes to increase the permissible maximum length of this Exchange-determined time period with respect to S&P 500 Index options (''SPX options'').[13] Specifically, the Exchange proposes to amend Rule 5.25(c) to provide that with respect to SPX options, this Exchange-determined period of time for this continuation of auction response processing plus the length of the auction response or exposure period, as applicable,[14] may not exceed 1000 milliseconds (which the Exchange will continue to announce with reasonable advance notice via Exchange Notice).[15] For example, Rule

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Rule 21.20(d).

[6] *See* Rule 21.18.

[7] *See* Rule 21.19.

[8] *See* Rule 21.22.

[9] *See* Rule 21.21.

[10] *See* Rule 21.23.

[11] *See* Rule 5.25(c); *see also* Securities Exchange Act Release No. 97738 (June 15, 2023), 88 FR 40878 (June 22, 2023) (SR–CBOE–2022–051). This functionality applies to COA, SUM, AIM, SAM, C–AIM, C–SAM, FLEX Auction Process, FLEX AIM, and FLEX SAM.

[12] The auction response processing time is currently set to 100 milliseconds for all classes. *See* Cboe Exchange Notice C2024111903, *available at https://www.cboe.com/notices/content/?id=51420.*

[13] The Exchange currently lists SPX options on a group basis pursuant to Rule 4.13(f), with a.m.-settled SPX options trading under symbol SPX and p.m.-settled SPX options trading under symbol SPXW. Pursuant to Rule 1.5(c), the proposed rule change would apply to both groups.

[14] Current lengths of auction response and exposure periods are available at cboe_options_product_configurations.xlsx. The COA and AIM/C–AIM auction response periods are currently set to 500 milliseconds for SPX options (other auctions are not currently activated for SPX).

[15] The proposed rule change also deletes the second reference to the maximum auction response processing time, as it is redundant, and makes other nonsubstantive changes to the sentence structure of the rule text to accommodate the proposed change.

5.37(c)(3) permits the Exchange to determine the length of the AIM auction period, which may be no less than 100 milliseconds and no more than three seconds (*i.e.,* 3000 milliseconds).[16] Currently, the Exchange has set the length of the AIM auction period as 500 milliseconds for SPX options; therefore, as proposed, the length of the auction response processing time may be no longer than 500 milliseconds. If, for example, the Exchange reduced the length of the AIM auction period for SPX options to 100 milliseconds, the length of the auction response processing time may be no longer than 900 milliseconds. The Exchange believes the proposed maximum amount of additional time for processing will result in more auction responses being executed in auctions for SPX options, particularly in times of high message traffic as has occurred in recent weeks.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[17] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[18] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[19] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change will remove impediments to a free and open market, as it will allow the Exchange's System to potentially process more, if not all, timely submitted auction responses for SPX options auctions, particularly in times of volatility and high message traffic. This may provide further opportunities for auctioned SPX option orders to receive price improvement, which ultimately benefits investors. In particular, the Exchange believes the proposed rule change will continue to appropriately balance providing investors with timely processing of their SPX options quote and order messages and providing investors who submit SPX orders that are auctioned with additional liquidity. Indeed, the proposed rule change may allow more investors additional opportunities to receive price improvement through an auction mechanism for their SPX orders. Additionally, because the proposed functionality may provide liquidity providers that submit auction responses with additional execution opportunities in auctions, the Exchange believes they may be further encouraged to submit more auction responses, which may contribute to a deeper, more liquid auction process that provides investors with additional price improvement opportunities for their SPX orders. The Exchange believes the proposal will continue to allow the Exchange to set each SPX auction response period or exposure time to an amount of time that provides Trading Permit Holders submitting responses with sufficient time to respond to, compete for, and provide price improvement for orders, but also continues to provide auctioned orders with improved execution opportunities and minimal impact on market and execution risk.

The Exchange believes the proposed rule change will result in increased execution opportunities for liquidity providers that submit auction responses and enhance the potential for price improvement for SPX orders submitted to each mechanism to the benefit of investors and public interest. The proposed rule change will permit the Exchange, with respect to SPX options, to set a longer time period in which the System may process auction responses the System receives before the end of an auction response or exposure period (as identified by each auction response message's NIC timestamp). The Exchange believes the proposed increase in maximum time will increase the possibility that timely submitted auction responses are processed by the Exchange and have an opportunity for execution in the applicable auction mechanism, even if there is a deep pending message queue. The Exchange believes the proposed maximum amount of additional time for processing will permit the Exchange to respond to times of high message traffic. Given recent volatility in the market, the Exchange has experienced significant increases in SPX volumes and message traffic, given those options may assist investors in achieving broad market protection in times of volatility. As a result, the Exchange has observed deeper pending message queues, resulting in an increased number of auction responses that were received and timestamped before the conclusion of the auction or exposure period but not processed as part of the execution at the conclusion of an auction. Based on these observations, the Exchange believes the proposed maximum time for SPX options will significantly increase the number of timely received auction responses that may execute against an auction order.[20]

While the proposed increase is significant, the Exchange notes that the combined maximum length of the auction response or exposure period plus the auction response processing period is the same length as the longest maximum permissible auction response or exposure period for the applicable auctions.[21] Therefore, the Commission has already determined that letting a price improvement auction occur for up to 3,000 milliseconds was (at that time) consistent with the Act (which would permit the combined maximum auction response period plus maximum auction response processing time to be 3,100

Additionally, the Exchange proposes that this increase in processing time will be in place until December 31, 2025. The Exchange may submit additional rule filings in the future to extend this timeframe or make the change permanent.

[16] The proposed rule change does not lengthen the auction response or exposure period itself but rather increases the length of time after that period ends that the System may continue processing auction responses that were received before the end of that period.

[17] 15 U.S.C. 78f(b).

[18] 15 U.S.C. 78f(b)(5).

[19] *Id.*

[20] The Exchange has undertaken various steps to improve the performance (including to reduce latency) of the matching engine on which SPX trades. For example, the Exchange recently made hardware and software upgrades. *See https://www.cboe.com/notices/content/?id=53830.* The Exchange continues to evaluate other potential means that may improve performance and reduce latency for SPX options. The sunset period will permit the Exchange to evaluate whether a longer auction response processing time will continue to be appropriate in times of high volatility.

[21] *See* Rules 5.33(d)(3), 5.37(c)(3), and 5.38(c)(3) (which permits the Exchange to set the length of the COA, AIM, and C–AIM, respectively, auction response periods up to three seconds). The maximum auction response or exposure period for SUM, SAM, and C–SAM is one second (*see* Rule 5.35(b)(1), 5.39(c)(3), and 5.40(c)(3)), which would make the maximum length of the auction response processing period two seconds (note these auctions are not activated for SPX options). Given the much longer length of FLEX auctions, which may last three seconds to five minutes (*see* Rules 5.72(c)(1)(F), 5.73(c)(3), and 5.74(c)(3)), the Exchange believes an increase in auction response processing is unnecessary, which is why the Exchange proposes to exclude FLEX SPX options from the proposal. Current lengths of auction response and exposure periods are available at cboe_options_product_configurations.xlsx.

milliseconds for those auctions). The proposed maximum timeframe is well below this amount of time. Given that the current length of the auctions applicable to SPX options is 500 milliseconds, the proposed rule change would increase the total maximum processing time (auction response period plus response processing) by 400 milliseconds. The proposed rule change provides the Exchange with flexibility to increase the number of auction responses for SPX options that can participate in an auction without increasing the length of an auction (and may permit the Exchange to reduce the length of an auction). While the Exchange may increase the length of auction response periods to accommodate more auction responses, the Exchange believes shifting some of the already permissible auction response or exposure period time to the auction response processing time that may occur after the conclusion of the auction response or exposure period better addresses the issue of missed auction responses. Particularly, the Exchange believes the proposed rule change will accommodate more auction responses while also mitigating some of the market risk that may accompany a longer auction period by setting the length of an auction response period to a timeframe that both allows an adequate amount of time for Trading Permit Holders to respond to an auction message and provides the auctioned order with fast executions.

Additionally, the Exchange understands some Trading Permit Holders choose to submit auction responses towards the end of an auction response period to better ensure the response is at a price that the market participant is willing to trade given the market at the time the auction response period concludes. This is particularly true during times of higher volatility, as have recently occurred, which times also result in higher message traffic and thus makes it more likely these auction responses will not participate in the auction. As such, extending the auction response period in each auction would not itself prevent auction responses from continuing to miss the auction notwithstanding being timely submitted. Therefore, the Exchange believes extending the auction response processing time is preferable to extending the auction response or exposure period, which the Exchange believes would not prevent auction responses from continuing to miss the auction notwithstanding being timely submitted.

The Exchange believes the proposed increase in maximum auction response processing time for SPX options will provide an adequate amount of time to provide pending auction responses with execution opportunities in times of high message traffic and will continue to have a de minimis impact on other message traffic. Even in times of high message traffic, auction responses continue to represent a small percentage of volume on the Exchange. Auction responses account for a small fraction of message traffic submitted to the Exchange. The Exchange believes the processing of such a small amount of message traffic, even after the conclusion of an auction response period, would therefore continue to have de minimis, if any, impact on the processing of non-auction response messages waiting in the queue, even if that processing occurs over a longer timeframe. The Exchange also notes that all messages are currently processed one at a time by the System. Therefore, the System still needs to ''process'' all pending auction responses, regardless of whether that processing involves canceling the pending auction response because it wasn't processed in time to participate in the auction or actually processing the response to participate in the auction. Either way, the non-auction response messages will still have to wait for processing of any pending responses ahead of it, regardless of the length of the auction response processing time. Further, updates to prices in the market will still be processed in the same order, and thus executions of the responses at the end of the buffer will not trade through the market at that time. The Exchange notes the proposed rule change makes no changes to how the auction response processing functionality will work (or how any auctions work). Additionally, all message traffic (including auction responses) will continue to be processed in time-priority. Therefore, the Exchange believes any impact of processing additional auction responses for inclusion in an auction rather than cancelling those responses will have minimal impact on message traffic behind them.

The Exchange continues to believe in the vast majority of cases, the additional time needed after the conclusion of an auction response period, if any, to process all pending auction responses will be shorter than the proposed maximum. This is a further benefit of being able to increase the length of the auction response processing time rather than the length of an auction response period. Unlike an auction response period, which must run in its entirety, the auction response processing is adaptable. For example, if the System is ''caught up'' and processes all auction responses received prior to the completion of a 100 millisecond auction response period within 50 milliseconds after the end of the auction period, the total processing time would be 150 milliseconds. The System only uses the portion of the auction response processing time it needs to process responses with timestamps prior to the end of the auction period (and uses no part of that time if unnecessary to do so). To the extent the Exchange determines a lesser amount of time would be sufficient for SPX options, the Exchange could implement an additional amount of time for processing auction responses that is less than the combined time of 1,000 milliseconds, which time would be announced with reasonable advance notice to market participants via Exchange Notice.[22] Additionally, in practice, the Exchange generally discusses with market participants potential changes to the length of auction response or exposure periods and to the auction response processing timer (in which discussions the Exchange is currently engaged). Further, given the advanced notice that will be provided of any change, market participants may contact the Exchange to discuss any proposed changes.

The markets have experienced high volatility and market volatility in recent weeks, which has resulted in increased market traffic, particularly in SPX. The Exchange has observed during these higher market traffic times an increase in the number of auction responses not being able to participate in auctions, notwithstanding being timely submitted within the auction response period. The Exchange believes permitting an increased auction response processing time would better provide market participants with additional opportunities for price improvements with very little, if any, impact to non-auction response message traffic, thereby removing impediments to a free and open market and ultimately protecting and benefiting investors. Additionally, because the proposed rule change may provide liquidity providers that submit auction responses with additional execution opportunities in auctions, the Exchange believes they

[22] The Exchange generally gives notice one to two weeks in advance of implementation for changes such as this; however, shorter notice may be provided if the Exchange believes it is necessary to maintain fair and orderly markets. The Exchange notes several customers have requested a longer auction response period and has engaged in discussions regarding potential changes to the length of the response period.

may be further encouraged to submit more auction responses, which may contribute to a deeper, more liquid auction process that provides investors with additional price improvement opportunities.

Given the current maximum auction response processing time, investors may miss out on opportunities to receive price improvement through the Exchange's auction mechanisms, even if such responses were timely submitted but not processed due to the System being otherwise occupied processing messages in queue ahead of it. The Exchange therefore believes its proposal will make it more likely that the System processes timely submitted auction responses and includes them in applicable auctions during periods of high message traffic, thus providing them with more opportunities to execute against auctioned orders.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed changes will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act, as the proposed rule change would apply equally to all Trading Permit Holders that submit auction responses in SPX options. The Exchange believes it is appropriate to limit the proposed rule change to SPX options to address significantly higher message traffic within that class, particularly in times of volatility given they may assist investors in achieving broad market protection in such times. Additionally, as noted above, the Exchange believes the proposed increase in the maximum auction response processing time will have little to no impact on non-auction response message traffic and continues to be designed to prevent trade-throughs given all messages, including market price updates, will continue to be processed in time priority. The Exchange does not believe the proposed rule change will impose any burden on inter-market competition that is not necessary or appropriate in furtherance of the purposes of the Act, as the proposed change affects how the System processes auction responses that may only participate in auctions that occur on the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[23] and subparagraph (f)(6) of Rule 19b–4 thereunder.[24]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii), the Commission may designate a shorter time if such action is consistent with protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing to address to the ''market volatility in recent weeks, which has resulted in increased message traffic, particularly in SPX options.'' During those periods the Exchange observed ''an increase in the number of auction responses not being able to participate in auctions for SPX orders.'' The Exchange requests waiver of the operative delay to permit it ''to increase the auction response processing time as soon as possible to address this higher market traffic, which will benefit investors as the System will potentially process more, if not all, timely submitted auction responses, thereby provide further opportunities for auctioned orders to receive price improvement.'' Further, the Exchange states that ''the sunset period will permit the Exchange to evaluate the length of the auction response period as it considers other changes to improve performance of the SPX options matching engine.'' For those reasons, the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission designates the proposed rule change to be operative upon filing.[25]

At any time within 60 days of the filing of this proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CBOE–2025–031 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CBOE–2025–031. 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

[23] 15 U.S.C. 78s(b)(3)(A)(iii).

[24] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[25] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CBOE–2025–031 and should be submitted on or before May 28, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–07908 Filed 5–6–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35564; File No. 812–15483]

Ares Capital Corporation, et al.

May 1, 2025.

AGENCY: Securities and Exchange Commission (''Commission'' or ''SEC'').

ACTION: Notice.

Notice of application for an order under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the ''Act'') and rule 17d–1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d–1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain business development companies (''BDCs'') and closed-end management investment companies to co-invest in portfolio companies with each other and with certain affiliated investment entities.

APPLICANTS: Ares Capital Corporation, Ares Strategic Income Fund, Ares Capital Management LLC, CION Ares Diversified Credit Fund, Ares Private Markets Fund, Ares Core Infrastructure Fund, Ares Dynamic Credit Allocation Fund, Inc., CION Ares Management LLC, Ares Capital Management II LLC, Ivy Hill Asset Management L.P., Senior Direct Lending Program, LLC, and certain of their affiliated entities as described in Appendix A to the application.

FILING DATES: The application was filed on July 12, 2023, and amended on February 7, 2024, August 30, 2024, February 20, 2025, April 4, 2025, April 17, 2025 and April 30, 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 at *Secretarys-Office@sec.gov*.

ADDRESSES: The Commission: *Secretarys-Office@sec.gov*. Applicants: Michael J Arougheti and Naseem Sagati Aghili, Ares Management Corporation, 1800 Avenue of the Stars, Suite 1400, Los Angeles, CA 90067; Nicole M. Runyan, *nicole.runyan@kirkland.com*.

FOR FURTHER INFORMATION CONTACT: Adam Large, Senior Special Counsel, Deepak T. Pai, Senior Counsel, or Daniele Marchesani, Assistant Chief Counsel, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' sixth amended application, filed April 30, 2025, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field, on the SEC's EDGAR system.

The SEC's EDGAR system may be searched at *https://www.sec.gov/edgar/searchedgar/companysearch.html.* You may also call the SEC's Office of Investor Education and Advocacy at (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–07902 Filed 5–6–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102980; File No. 4–698]

Order Granting Temporary Conditional Exemptive Relief, Pursuant to Section 36 of the Securities Exchange Act of 1934 and Rule 608(e) of Regulation NMS Under the Exchange Act, Relating to Granularity of Timestamps Specified in Section 6.8(b) and Section 3 of Appendix D of the National Market System Plan Governing the Consolidated Audit Trail

May 2, 2025.

I. Introduction

By letter dated March 24, 2025, Consolidated Audit Trail, LLC (''CAT LLC'') on behalf of BOX Exchange LLC, Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Cboe C2 Exchange, Inc., Cboe Exchange, Inc., Financial Industry Regulatory Authority, Inc. (''FINRA''), Investors Exchange LLC, Long-Term Stock Exchange, Inc., MEMX LLC, Miami International Securities Exchange LLC, MIAX Emerald, LLC, MIAX PEARL, LLC, MIAX Sapphire, LLC, Nasdaq BX, Inc., Nasdaq GEMX, LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, Nasdaq PHLX LLC, The NASDAQ Stock Market LLC, New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago, Inc. and NYSE National, Inc. (collectively, the ''Participants'') to the National Market System Plan Governing the Consolidated Audit Trail (''CAT NMS Plan''),[1] requested that the Securities and Exchange Commission (''Commission'' or ''SEC'') provide exemptive relief to the Participants, pursuant to its authority under Section 36 of the Securities Exchange Act of 1934 (''Exchange Act'')[2] and Rule 608(e) of Regulation NMS under the Exchange Act, from the timestamp granularity requirements of Section 6.8(b) and

[26] 17 CFR 200.30–3(a)(12).

[1] The CAT NMS Plan was approved by the Commission, as modified, on November 15, 2016. *See* Securities Exchange Act Release No. 79318, 81 FR 84696 (Nov. 23, 2016) (''CAT NMS Plan Approval Order'').

[2] 15 U.S.C. 78mm(a)(1).

Section 3 of Appendix D of the CAT NMS Plan.[3]

Section 36 of the Exchange Act grants the Commission the authority, with certain limitations, to ''conditionally or unconditionally exempt any person, security, or transaction . . . from any provision or provisions of [the Exchange Act] or of any rule or regulation thereunder, to the extent that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors.'' [4] Under Rule 608(e) of Regulation NMS, the Commission may ''exempt from [Rule 608], either unconditionally or on specified terms and conditions, any self-regulatory organization, member thereof, or specified security, if the Commission determines that such exemption is consistent with the public interest, the protection of investors, the maintenance of fair and orderly markets and the removal of impediments to, and perfection of the mechanism of, a national market system.'' [5]

For the reasons set forth below, this Order grants the Participants' request for a temporary exemption from Section 6.8(b) and Section 3 of Appendix D of the CAT NMS Plan as set forth in the March 24, 2025 Exemption Request, subject to certain conditions.

II. Description

The CAT NMS Plan sets forth certain requirements regarding the granularity of timestamps accepted by the CAT system. Specifically, Section 6.8(b) of the CAT NMS Plan states ''[e]ach Participant shall, and through its Compliance Rule shall require its Industry Members to, report information required by SEC Rule 613 and this Agreement to the Central Repository in milliseconds,'' but that ''[t]o the extent that any Participant's order handling or execution systems utilize timestamps in increments finer than the minimum required in this Agreement, such Participant shall utilize such finer increment when reporting CAT Data to the Central Repository so that all Reportable Events reported to the Central Repository can be adequately sequenced.'' [6] Section 6.8(b) further states that ''each Participant shall, through its Compliance Rule: (i) require that, to the extent that its Industry Members utilize timestamps in increments finer than the minimum required in this Agreement in their order handling or execution systems, such Industry Members shall utilize such finer increment when reporting CAT Data to the Central Repository.'' [7] In addition, Section 3 of Appendix D of the CAT NMS Plan states that the Central Repository must be able to ''[a]ccept time stamps on order events handled electronically to the finest level of granularity captured by CAT Reporters.''

Section 6.8(c) of the CAT NMS Plan imposes further requirements on Participants regarding analysis of timestamp granularity. Specifically, Section 6.8(c) of the CAT NMS Plan requires the Chief Compliance Officer to, ''[i]n conjunction with Participants' and other appropriate Industry Member advisory groups,'' ''annually evaluate and make a recommendation to the Operating Committee as to whether industry standards have evolved such that: . . . (ii) the required time stamp in Section 6.8(b) should be in finer increments.''

On April 8, 2020, the Commission granted the Participants conditional exemptive relief, for five years (until April 8, 2025) and subject to certain conditions, pursuant to Section 36 of the Exchange Act and Rule 608(e) of Regulation NMS under the Exchange Act, relating to the granularity of timestamps specified in Section 6.8(b) and Section 3 of Appendix D of the CAT NMS Plan.[8] The April 2020 Exemptive Relief Order, as conditions for relief and consistent with the request from the Participants,[9] required both Participants and Industry Members (through Compliance Rules) to truncate timestamps in increments more granular than nanoseconds to nanoseconds for submission to the CAT, and additionally required the Central Repository to accept timestamps on order events handled electronically to a nanosecond granularity.[10]

III. Request for Relief

In the March 24, 2025 Exemption Request, CAT LLC, on behalf of the Participants, requests that the Commission temporarily exempt the Participants from the requirement in Section 6.8(b) of the CAT NMS Plan that Participants reporting CAT Data to the Central Repository utilize timestamps finer than nanoseconds to the extent that the Participant's order handling or execution systems utilize timestamps in increments finer than nanoseconds. In addition, the Participants request that the Commission temporarily exempt the Participants from the requirement in Section 6.8(b) of the CAT NMS Plan for each Participant, through its Compliance Rule, to require that, to the extent that its Industry Members utilize timestamps in increments finer than nanoseconds in their order handling or execution systems, such Industry Members utilize such finer increment when reporting CAT Data to the Central Repository. Lastly, the Participants request that the Commission temporarily exempt the Participants from the requirement in Section 3 of Appendix D of the CAT NMS Plan for the Central Repository to be able to accept timestamps on order events handled electronically to the finest level of granularity captured by CAT Reporters. CAT LLC states that the relief granted by the April 2020 Exemptive Relief Order expires on April 8, 2025, and CAT LLC believes that this exemptive relief should be extended for an additional five-year period from the date that the Commission grants the exemptive relief.

Consistent with the April 2020 Exemptive Relief Order, CAT LLC specifies three conditions to the exemption.[11] The first condition requires any Participant that captures timestamps in increments more granular than nanoseconds to truncate the timestamp after the nanosecond level for submission to CAT, and not round up or down in such circumstances.[12] The second condition requires the Participants, through their Compliance Rules, to continue to require Industry Members that capture timestamps in increments more granular than nanoseconds to truncate the timestamps, after the nanosecond level for submission to CAT, and not round

[3] *See* letter from Brandon Becker, CAT NMS Plan Operating Committee Chair, to Vanessa Countryman, Secretary, Commission, dated March 24, 2025 (the ''March 24, 2025 Exemption Request''). Unless otherwise noted, capitalized terms are used as defined in the CAT NMS Plan.

[4] 15 U.S.C. 78mm(a)(1).

[5] 17 CFR 242.608(e).

[6] Notwithstanding other requirements of Section 6.8(b), the CAT NMS Plan provides that Participants and Industry Members are permitted to record and report Manual Order Events and the time of allocation on Allocation Reports in increments up to and including one second. *See* CAT NMS Plan Section 6.8(b).

[7] The CAT NMS Plan defines ''Compliance Rule'' to mean, ''with respect to a Participant, the rule(s) promulgated by such Participant as contemplated by Section 3.11.'' *See* CAT NMS Plan Section 1.1.

[8] *See* Securities Exchange Act Release No. 88608 (Apr. 8, 2020), 85 FR 20743 (Apr. 14, 2020) (''April 2020 Exemptive Relief Order'').

[9] *See* letter from Mike Simon, CAT NMS Plan Operating Committee Chair, to Vanessa Countryman, Secretary, Commission, dated February 3, 2020, *available at: https://www.catnmsplan.com/sites/default/files/2020-03/Simon-to-Countryman-Timestamp-Granularity-and-Relationship-IDs-%28Final%202.3.20%29.pdf.*

[10] *See* April 2020 Exemptive Relief Order, *supra* note 8, at 20744–45.

[11] *See* March 24, 2025 Exemption Request, *supra* note 3, at 3–4.

[12] *See* March 24, 2025 Exemption Request, *supra* note 3, at 3.

up or down in such circumstances.[13] The third condition requires the Central Repository to accept timestamps on order events handled electronically to a nanosecond granularity.[14]

The Participants state that they continue to believe that the cost of providing the ability to utilize timestamps in the CAT in a finer granularity than nanoseconds outweighs the benefits.[15] The Participants state that, based on discussions with the Plan Processor, that Participants understand that expanding the capture of timestamp granularity to picoseconds by the Plan Processor would take at least six to nine months at an estimated cost of approximately $900,000 to $1,100,000, and that this effort would include technical specification and database modifications, modifying query tools to support querying and sequencing at a picosecond granularity.[16] The Participants also state that they continue to understand that exchanges currently utilize timestamps only to the nanosecond and do not utilize timestamps to picoseconds or to finer increments.[17]

In addition, the Participants state that CAT Reportable Events can be adequately sequenced in the CAT without requiring timestamps in a finer granularity than nanoseconds, and that the requested relief would serve to preserve the reliability and accuracy of the data reported to the Central Repository.[18] The Participants state that the CAT NMS Plan separately requires Industry Members to synchronize their clocks to within 50 milliseconds of the time maintained by the National Institute of Standards and Technology (''NIST'').[19] Because of this standard, the Participants state that any two separate clocks can vary by 100 milliseconds; therefore, requiring timestamps in finer granularity than nanoseconds would not improve the ability to sequence events with any reasonable degree of reliability or otherwise enhance regulatory use versus the status quo.[20]

IV. Discussion

The Commission has carefully considered the information provided by the Participants in support of the Participants' exemption request from Section 6.8(b) and Section 3 of Appendix D of the CAT NMS Plan with respect to timestamp granularity, as well as a comment letter received in support of the Participants' exemption request.[21] Based on the information provided by the Participants in the March 24, 2025 Exemption Request, the Commission believes that the exemptive relief would provide cost savings and avoid immediate build time for the Plan Processor while not negatively impacting the ability of regulators to use CAT. As stated above, the Participants state that it would take at least six to nine months and approximately $900,000 to $1,100,000 to modify the Plan Processor to accept picosecond timestamps. The Participants state that, as described above, Section 6.8(c) of the CAT NMS Plan will require annual review of timestamp granularity.[22]

The Commission has previously stated that regulators need sufficiently granular timestamps to sequence events across orders and within order lifecycles, and that a lack of uniform and granular timestamps can limit the ability of regulators to sequence events accurately and link data with information from other data sources.[23] The Participants state that they continue to understand that exchanges currently utilize timestamps only to the nanosecond and do not utilize timestamps to picoseconds or to finer increments, and Participants state that the CAT NMS Plan requires Industry Members to synchronize their clocks to within 50 milliseconds of the time maintained by NIST.[24] Nanoseconds are smaller than milliseconds or microseconds and so the Participants' proposal would result in the collection of information that is at least as granular as existing data sources. The Participants also state that they believe that CAT Reportable Events can be adequately sequenced in the CAT without requiring timestamps in a finer granularity than nanoseconds, and the Participants believe that the requested relief would serve to preserve the reliability and accuracy of the data reported to the Central Repository.[25]

The proposed approach described in the March 24, 2025 Exemption Request would require both Participants and Industry Members to truncate timestamps in increments more granular than nanoseconds to nanoseconds for submission to the CAT, and the Central Repository will be required to accept timestamps on order events handled electronically to a nanosecond granularity. Based on the foregoing, the Commission believes that, pursuant to Section 36 of the Exchange Act, this exemption is appropriate in the public interest and consistent with the protection of investors, and that pursuant to Rule 608(e), this exemption is consistent with the public interest, the protection of investors, the maintenance of fair and orderly markets and the removal of impediments to, and the perfection of a national market system to exempt the SROs from Section 6.8(b) and Section 3 of Appendix D of the CAT NMS Plan with respect to timestamp granularity for a period of five years.

Accordingly, *it is hereby ordered,* pursuant to Section 36(a)(1) of the Exchange Act,[26] and Rule 608(e) of the Exchange Act [27] and with respect to the

[13] Participants would require that electronic timestamps submitted by Participants and Industry Members be truncated by Participants and Industry Members if they capture timestamps in increments more granular than nanoseconds, stating that rounding a timestamp would suggest an event occurred later or earlier than it actually occurred, while truncation treats all timestamps as if they were provided with the same level of granularity. *See* March 24, 2025 Exemption Request, *supra* note 3, at 3–4.

[14] *See* March 24, 2025 Exemption Request, *supra* note 3, at 4.

[15] The Participants state that as part of the part of the annual evaluation required pursuant to Section 6.8(c) of the CAT NMS Plan, the Chief Compliance Officer has conducted an annual analysis of timestamp granularity since the adoption of the April 2020 Exemptive Relief Order. To date, the Chief Compliance Officer has concluded that accepting timestamps in granularity up to nanoseconds is consistent with industry practices and provides adequate granularity for regulator use. *See* March 24, 2025 Exemption Request, *supra* note 3, at 4–5.

[16] *See* March 24, 2025 Exemption Request, *supra* note 3, at 2, 4.

[17] *See* March 24, 2025 Exemption Request, *supra* note 3, at 4.

[18] *See* March 24, 2025 Exemption Request, *supra* note 3, at 4.

[19] *See* March 24, 2025 Exemption Request, *supra* note 3, at 4 n.12 (citing CAT NMS Plan Section 6.8(a)(ii)).

[20] *See* March 24, 2025 Exemption Request, *supra* note 3, at 4.

[21] *See* Letter from Howard Meyerson, Managing Director, Financial Information Forum, dated March 28, 2025 (''March FIF Letter''), *available at: https://www.sec.gov/comments/4-698/4698-585555-1689862.pdf.*

[22] In the March 24, 2025 Exemption Request, the Participants state that an analysis of the timestamp granularity would continue to be required as part of the annual evaluation required to be performed by the Chief Compliance Officer pursuant to Section 6.8(c) of the CAT NMS Plan. If the Operating Committee determines that this analysis concludes that the benefit of the CAT Reporters reporting, and the Central Repository providing the ability to accept, timestamps in finer granularity than nanoseconds outweighs the burdens, then the timestamp exemption could be terminated or be revised to reflect more granular timestamps than nanoseconds in accordance with the analysis. *See* March 24, 2025 Exemption Request, *supra* note 3, at 5 n.14.

[23] *See* CAT NMS Plan Approval Order, *supra* note 1, at 84808–09, 84813.

[24] *See* March 24, 2025 Exemption Request, *supra* note 3, at 4. *See also* March FIF Letter, *supra* note 23, at 2 (stating that 50 milliseconds is 50 million times greater than a nanosecond). The commenter also states that the CAT NMS Plan requires clock synchronization by the CAT Plan Participants to within 100 microseconds, which is 100,000 times greater than a nanosecond. *Id.*

[25] *See* March 24, 2025 Exemption Request, *supra* note 3, at 4.

[26] 15 U.S.C. 78mm(a)(1).

[27] 17 CFR 242.608(e).

proposed approaches specifically described above, that the Participants are granted a five-year exemption from the timestamp granularity requirement set forth in Section 6.8(b) and Section 3 of Appendix D of the CAT NMS Plan, subject to the conditions described above.

By the Commission.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–07967 Filed 5–6–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102965; File No. SR–CboeEDGA–2025–010]

Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Update Its Fee Schedule To Provide a Discount on Fees Assessed to Qualifying Academic Purchasers for Purchases of Ad Hoc Historical U.S. Equity Short Volume and Trades Reports

May 1, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 23, 2025, Cboe EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to update its Fee Schedule to provide a discount on fees assessed to qualifying academic purchasers for purchases ad hoc historical U.S. Equity Short Volume and Trades Reports. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/edga/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to update its Fee Schedule to provide a discount on fees assessed to qualifying academic purchasers for purchases ad hoc historical U.S. Equity Short Volume and Trades Reports (''Short Volume Reports'').

By way of background, the Short Volume Report is an end-of-day report that summarizes certain equity trading activity on the Exchange, including trade date,[3] total volume,[4] short volume,[5] and sell short exempt volume,[6] by symbol.[7] The Short Volume Report also includes an end-of-month report that provides a record of all short sale transactions for the month, including trade date and time (in microseconds),[8] trade size,[9] trade price,[10] and type of short sale execution,[11] by symbol and exchange.[12] The Short Volume Report is a completely voluntary product, in that the Exchange is not required by any rule or regulation to make this data available and that potential customers may purchase it on an ad-hoc basis only if they voluntarily choose to do so.

Cboe LiveVol, LLC (''LiveVol''), a wholly owned subsidiary of the Exchange's parent company, Cboe Global Markets, Inc., makes the Short Volume Report available for purchase to Users on the LiveVol DataShop website (*datashop.cboe.com*). Both the end-of-day report and end-of-month report are included in the cost of the Short Volume Report and are available for purchase by both Members as well as non-Members on an annual or monthly [13] basis. The monthly fee is $750 per Internal Distributor [14] and $1,250 per External Distributor.[15] Additionally, the Exchange offers historical reports containing both the end-of-day volume and end-of-month trading activity. The fee per month of historical data is $500. The Short Volume Report provided on a historical basis is only for display use redistribution (*e.g.,* the data may be provided on the User's platform). Therefore, Users of the historical data may not charge separately for data included in the Short Volume Report or incorporate such data into their product. The Exchange notes that the Short Volume Report is subject to direct competition from other exchanges, as

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] ''Trade date'' is the date of trading activity in yyyy-mm-dd format.

[4] ''Total volume'' is the total number of shares transacted.

[5] ''Short volume'' is the total number of shares sold short.

[6] ''Short exempt volume'' is the total number of shares sold short classified as exempt.

[7] ''Symbol'' refers to the Cboe formatted symbol in which the trading activity occurred. *See https://cdn.cboe.com/resources/membership/US_Symbology_Reference.pdf.*

[8] ''Trade date and time'' is the date and time of trading activity in yyyy-mm-dd hh:mm:ss.000000 ET format.

[9] ''Trade size'' is the number of shares transacted.

[10] ''Trade price'' is the price at which shares were transacted.

[11] ''Short type'' is a data field that will indicate whether the transaction was a short sale or short sale exempt transaction. A short sale transaction is a transaction in which a seller sells a security which the seller does not own, or the seller has borrowed for its own account (*see* 17 CFR 242.200). A short sale exempt transaction is a short sale transaction that is exempt from the short sale price test restrictions of Regulation SHO Rule 201 (*see* 17 CFR 242.201(c)).

[12] ''Exchange'' is the market identifier (Z = BZX, Y = BYX, X = EDGX, A = EDGA).

[13] The monthly fees for the Report are assessed on a rolling period based on the original subscription date. For example, if a User subscribes to the Report on October 24, 2023, the monthly fee will cover the period of October 24, 2023, through November 23, 2023. If the User cancels its subscription prior to November 23, 2023, and no refund is issued, the User will continue to receive both the end-of-day and end-of-month components of the Report for the subscription period.

[14] An Internal Distributor of an Exchange Market Data product is a Distributor that receives the Exchange Market Data product and then distributes that data to one or more Users within the Distributor's own entity. *See* Cboe EDGA U.S. Equities Exchange Fee Schedule.

[15] An External Distributor of an Exchange Market Data product is a Distributor that receives the Exchange Market Data product and then distributes that data to a third party or one or more Users outside the Distributor's own entity. *See* Cboe EDGA U.S. Equities Exchange Fee Schedule.

other exchanges offer similar products for a fee.[16]

The Exchange proposes to provide a pricing incentive program in which qualifying academic purchasers may purchase the historical reports for the greater fee of (i) a 50% discount off of their total purchase of historical Short Volume Reports or (ii) $500. For example, if a qualifying academic purchaser purchases a month and a half of data, for a total cost of $750 before the discount (for what would be a discounted price of $375), they will be charged the greater fee of $500.[17] The Exchange believes that academic institutions provide a valuable service for the Exchange in studying and promoting the equities market. Though academic institutions and researchers have a need for granular equities data sets, they do not trade upon the data for which they subscribe. The Exchange believes the proposed reduced fees for qualifying academic purchasers of historical Short Volume Reports will encourage and promote academic studies of its market data by academic institutions. In order to qualify for the academic pricing, an academic purchaser must be (1) an accredited academic institution, (2) that will use the data in independent academic research, academic journals and other publications, teaching and classroom use, or for other bona fide educational purposes (*i.e.* academic use). Furthermore, use of the data must be limited to faculty and students of the accredited academic institution, and any commercial or profit-seeking usage is excluded. Academic pricing will not be provided to any purchaser whose research is funded by a securities industry participant. The Exchange will have the discretion to review and approve such qualifying academic purchasers who submit a brief application in accordance with existing LiveVol subscriber policies and request additional information when it deems necessary.

The Exchange notes that other exchanges currently offer academic discounts for similar data feeds.[18] The Exchange recognizes the high value of academic research and educational instruction and publications, and believes that the proposed academic discount for historical Short Volume Reports will encourage the promotion academic research of the equities industry, which will serve to benefit all market participants while also opening up a new potential user base among students. Finally, the Exchange notes that academic purchases for historical Short Volume Reports are educational in use and purpose, and not vocational.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[19] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [20] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [21] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[22] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities.

In adopting Regulation NMS, the Commission granted self-regulatory organizations (''SROs'') and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes that the proposed fee changes will further broaden the availability of U.S. equity market data to investors consistent with the principles of Regulation NMS. The Exchange believes the dissemination of historical short volume data via historical Short Volume Reports benefits investors through increased transparency and may promote better informed trading, as well as research and studies of the equities industry. Nevertheless, the Exchange notes that such data is not necessary for trading and as noted above, is entirely optional. Moreover, several other exchanges offer a similar data product which offer the same type of data content through similar reports.[23]

The Exchange operates in a highly competitive environment. Indeed, there are currently 16 registered equities exchanges that trade equities. Based on publicly available information, no single equities exchange has more than 14% of the equity market share.[24] The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Particularly, 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.'' [25] Making similar data products available to market participants fosters competition in the marketplace, and constrains the ability of exchanges to charge supercompetitive fees. In the event that a market participant views one exchange's data product as more attractive than the competition, that

[16] *See* the Nasdaq Fee Schedule, Equity 7, Section 152. *See also,* the TAQ Group Short Sales (Monthly File) and Short Volume product, offered by the New York Stock Exchange LLC (''NYSE'') and affiliated equity markets (the ''NYSE Group'') at NYSE Exchange Proprietary Market Data | TAQ NYSE Group Short Sales.

[17] The Exchange proposes to amend its fee schedule to include this example for clarity as well.

[18] *See* Securities Exchange Act Release No. 67955 (October 1, 2012) 77 FR 61037 (October 5, 2012) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt Reduced Fees for Historical ISE Open/Close Trade Profile Intraday Market Data Offering) (SR–ISE–2012–76); Securities and Exchange Act Release 34–60654 (September 11, 2009) 74 FR 47848 (September 17, 2009) (Notice of Filing of Proposed Rule Change Relating to Historical ISE Open/Close Trade Profile Fees) (SR–ISE–2009–64); Securities Exchange Act Release No. 53770 (May 8, 2006) 71 FR 27762 (May 12, 2006) (Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto To Establish an Annual Administrative Fee for Market Data Distributors That Are Recipients of Nasdaq Proprietary Data Products) (SR–NASD–2006–030); Securities Exchange Act Release No. 85817 (April 25, 2019) 84 FR 21863 (May 5, 2019) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule To Adopt Reduced Subscription Fees for Academics for the Sale of Historical Cboe Open-Close Volume Data) (SR–CBOE–2019–026).

[19] 15 U.S.C. 78f(b).

[20] 15 U.S.C. 78f(b)(5).

[21] *Id.*

[22] 15 U.S.C. 78f(b)(4).

[23] *See supra* note 17 [sic].

[24] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (April 21, 2025), available at *https://www.cboe.com/us/equities/market_statistics/.*

[25] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

market participant can, and often does, switch between similar products. The proposed fees are a result of the competitive environment of the U.S. equities industry as the Exchange seeks to adopt fees to attract purchasers of historical Short Volume Reports.

The Exchange believes that the discount for qualifying academic purchasers for the historical Short Volume Reports is reasonable because academic institutions are not able to monetize access to the data as they do not trade on the data set. The Exchange believes the proposed discount will allow for more academic institutions to purchase the historical Short Volume Reports, and, as a result, promote research and studies of the equities industry to the benefit of all market participants. The Exchange believes that the proposed discount is equitable and not unfairly discriminatory because it will apply equally to all academic institutions that submit an application and meet the accredited academic institution and academic use criteria. As stated above, qualified academic purchasers will subscribe to the data set for educational use and purposes and are not permitted to use the data for commercial or monetizing purposes, nor can they qualify if they are funded by an industry participant. As a result, the Exchange believes the proposed discount is equitable and not unfairly discriminatory because it maintains equal treatment for all industry participants or other subscribers that use the data for vocational, commercial or other for-profit purposes.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange operates in a highly competitive environment in which the Exchange must continually adjust its fees to remain competitive. Because competitors are free to modify their own fees in response, including the adoption of similar discounts to those fees, the Exchange believes that the degree to which fee changes (including discounts and rebates) in this market may impose any burden on competition is extremely limited. As discussed above, the Exchange's historical Short Volume Reports offering is subject to direct competition from several other options exchanges that offer similar data products. Moreover, purchase of historical Short Volume Reports is optional. It is designed to help investors understand underlying market trends to improve the quality of investment decisions, but is not necessary to execute a trade.

The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed rule change will apply to all qualifying academic purchasers uniformly. While the proposed fee reduction applies only to qualifying academic purchasers, academic institutions' research and publications as a result of access to historical market data benefits all market participants. The Exchange also does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act as other options exchanges currently offer similar historical data to academic institutions at a discounted price.[26] Offering a discount for qualifying academic institutions that purchase the Exchange's historical Short Volume Reports may make that data more attractive to such academic institutions and further increase competition with exchanges that offer similar historical data products.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[27] and paragraph (f) of Rule 19b–4[28] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

[26] *See supra* note 19 [sic].

[27] 15 U.S.C. 78s(b)(3)(A).

[28] 17 CFR 240.19b–4(f).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CboeEDGA–2025–010 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeEDGA–2025–010. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeEDGA–2025–010 and should be submitted on or before May 28, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–07907 Filed 5–6–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35565; 812–15717]

Virtus Global Credit Opportunities Fund and Virtus Investment Advisers, LLC

May 2, 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, under sections 6(c) and 23(c) of the Act for an exemption from rule 23c–3 under 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 and to impose asset-based distribution and/or service fees and early withdrawal charges.

APPLICANTS: Virtus Global Credit Opportunities Fund and Virtus Investment Advisers, LLC.

FILING DATES: The application was filed on March 7, 2025, and amended on April 14, 2025 and April 30, 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: Kathryn L. Santoro, Esq., Virtus Global Credit Opportunities Fund, *kate.santoro@virtus.com,* with copies to Mark Perlow, Esq., Dechert LLP, *Mark.Perlow@dechert.com,* and Stephanie Capistron, Esq., Dechert LLP, *Stephanie.Capistron@dechert.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 April 30, 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. 2025–07946 Filed 5–6–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102968; File No. SR–CboeBZX–2025–060]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Update Its Fee Schedule To Provide a Discount on Fees Assessed to Qualifying Academic Purchasers for Purchases of Ad Hoc Historical U.S. Equity Short Volume and Trades Reports

May 1, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 23, 2025, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to update its Fee Schedule to provide a discount on fees assessed to qualifying academic purchasers for purchases ad hoc historical U.S. Equity Short Volume and Trades Reports. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/BZX/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to update its Fee Schedule to provide a discount on fees assessed to qualifying academic purchasers for purchases ad hoc historical U.S. Equity Short Volume and Trades Reports (''Short Volume Reports'').

By way of background, the Short Volume Report is an end-of-day report that summarizes certain equity trading activity on the Exchange, including trade date,[3] total volume,[4] short volume,[5] and sell short exempt

[29] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] ''Trade date'' is the date of trading activity in yyyy–mm–dd format.

[4] ''Total volume'' is the total number of shares transacted.

[5] ''Short volume'' is the total number of shares sold short.

volume,[6] by symbol.[7] The Short Volume Report also includes an end-of-month report that provides a record of all short sale transactions for the month, including trade date and time (in microseconds),[8] trade size,[9] trade price,[10] and type of short sale execution,[11] by symbol and exchange.[12] The Short Volume Report is a completely voluntary product, in that the Exchange is not required by any rule or regulation to make this data available and that potential customers may purchase it on an ad-hoc basis only if they voluntarily choose to do so.

Cboe LiveVol, LLC (''LiveVol''), a wholly owned subsidiary of the Exchange's parent company, Cboe Global Markets, Inc., makes the Short Volume Report available for purchase to Users on the LiveVol DataShop website (*datashop.cboe.com*). Both the end-of-day report and end-of-month report are included in the cost of the Short Volume Report and are available for purchase by both Members as well as non-Members on an annual or monthly [13] basis. The monthly fee is $750 per Internal Distributor [14] and $1,250 per External Distributor.[15]

Additionally, the Exchange offers historical reports containing both the end-of-day volume and end-of-month trading activity. The fee per month of historical data is $500. The Short Volume Report provided on a historical basis is only for display use redistribution (*e.g.,* the data may be provided on the User's platform). Therefore, Users of the historical data may not charge separately for data included in the Short Volume Report or incorporate such data into their product. The Exchange notes that the Short Volume Report is subject to direct competition from other exchanges, as other exchanges offer similar products for a fee.[16]

The Exchange proposes to provide a pricing incentive program in which qualifying academic purchasers may purchase the historical reports for the greater fee of (i) a 50% discount off of their total purchase of historical Short Volume Reports or (ii) $500. For example, if a qualifying academic purchaser purchases a month and a half of data, for a total cost of $750 before the discount (for what would be a discounted price of $375), they will be charged the greater fee of $500.[17] The Exchange believes that academic institutions provide a valuable service for the Exchange in studying and promoting the equities market. Though academic institutions and researchers have a need for granular equities data sets, they do not trade upon the data for which they subscribe. The Exchange believes the proposed reduced fees for qualifying academic purchasers of historical Short Volume Reports will encourage and promote academic studies of its market data by academic institutions. In order to qualify for the academic pricing, an academic purchaser must be (1) an accredited academic institution, (2) that will use the data in independent academic research, academic journals and other publications, teaching and classroom use, or for other bona fide educational purposes (*i.e.* academic use). Furthermore, use of the data must be limited to faculty and students of the accredited academic institution, and any commercial or profit-seeking usage is excluded. Academic pricing will not be provided to any purchaser whose research is funded by a securities industry participant. The Exchange will have the discretion to review and approve such qualifying academic purchasers who submit a brief application in accordance with existing LiveVol subscriber policies and request additional information when it deems necessary.

The Exchange notes that other exchanges currently offer academic discounts for similar data feeds.[18] The Exchange recognizes the high value of academic research and educational instruction and publications, and believes that the proposed academic discount for historical Short Volume Reports will encourage the promotion academic research of the equities industry, which will serve to benefit all market participants while also opening up a new potential user base among students. Finally, the Exchange notes that academic purchases for historical Short Volume Reports are educational in use and purpose, and not vocational.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[19] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [20] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and

[6] ''Short exempt volume'' is the total number of shares sold short classified as exempt.

[7] ''Symbol'' refers to the Cboe formatted symbol in which the trading activity occurred. *See https://cdn.cboe.com/resources/membership/US_Symbology_Reference.pdf.*

[8] ''Trade date and time'' is the date and time of trading activity in yyyy–mm–dd hh:mm:ss.000000 ET format.

[9] ''Trade size'' is the number of shares transacted.

[10] ''Trade price'' is the price at which shares were transacted.

[11] ''Short type'' is a data field that will indicate whether the transaction was a short sale or short sale exempt transaction. A short sale transaction is a transaction in which a seller sells a security which the seller does not own, or the seller has borrowed for its own account (*see* 17 CFR 242.200). A short sale exempt transaction is a short sale transaction that is exempt from the short sale price test restrictions of Regulation SHO Rule 201 (*see* 17 CFR 242.201(c)).

[12] ''Exchange'' is the market identifier (Z = BZX, Y = BYX, X = EDGX, A = EDGA).

[13] The monthly fees for the Report are assessed on a rolling period based on the original subscription date. For example, if a User subscribes to the Report on October 24, 2023, the monthly fee will cover the period of October 24, 2023, through November 23, 2023. If the User cancels its subscription prior to November 23, 2023, and no refund is issued, the User will continue to receive both the end-of-day and end-of-month components of the Report for the subscription period.

[14] An Internal Distributor of an Exchange Market Data product is a Distributor that receives the Exchange Market Data product and then distributes that data to one or more Users within the Distributor's own entity. *See* Cboe BZX U.S. Equities Exchange Fee Schedule.

[15] An External Distributor of an Exchange Market Data product is a Distributor that receives the Exchange Market Data product and then distributes that data to a third party or one or more Users outside the Distributor's own entity. *See* Cboe BZX U.S. Equities Exchange Fee Schedule.

[16] *See* the Nasdaq Fee Schedule, Equity 7, Section 152. *See also,* the TAQ Group Short Sales (Monthly File) and Short Volume product, offered by the New York Stock Exchange LLC (''NYSE'') and affiliated equity markets (the ''NYSE Group'') at NYSE Exchange Proprietary Market Data | TAQ NYSE Group Short Sales.

[17] The Exchange proposes to amend its fee schedule to include this example for clarity as well.

[18] *See* Securities Exchange Act Release No. 67955 (October 1, 2012) 77 FR 61037 (October 5, 2012) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt Reduced Fees for Historical ISE Open/Close Trade Profile Intraday Market Data Offering) (SR–ISE–2012–76); Securities and Exchange Act Release 34–60654 (September 11, 2009) 74 FR 47848 (September 17, 2009) (Notice of Filing of Proposed Rule Change Relating to Historical ISE Open/Close Trade Profile Fees) (SR–ISE–2009–64); Securities Exchange Act Release No. 53770 (May 8, 2006) 71 FR 27762 (May 12, 2006) (Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto To Establish an Annual Administrative Fee for Market Data Distributors That Are Recipients of Nasdaq Proprietary Data Products) (SR–NASD–2006–030); Securities Exchange Act Release No. 85817 (April 25, 2019) 84 FR 21863(May 5, 2019) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule To Adopt Reduced Subscription Fees for Academics for the Sale of Historical Cboe Open-Close Volume Data) (SR–CBOE–2019–026).

[19] 15 U.S.C. 78f(b).

[20] 15 U.S.C. 78f(b)(5).

open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[21] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[22] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities.

In adopting Regulation NMS, the Commission granted self-regulatory organizations (''SROs'') and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes that the proposed fee changes will further broaden the availability of U.S. equity market data to investors consistent with the principles of Regulation NMS. The Exchange believes the dissemination of historical short volume data via historical Short Volume Reports benefits investors through increased transparency and may promote better informed trading, as well as research and studies of the equities industry. Nevertheless, the Exchange notes that such data is not necessary for trading and as noted above, is entirely optional. Moreover, several other exchanges offer a similar data product which offer the same type of data content through similar reports.[23]

The Exchange operates in a highly competitive environment. Indeed, there are currently 16 registered equities exchanges that trade equities. Based on publicly available information, no single equities exchange has more than 14% of the equity market share.[24] The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Particularly, 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.''[25] Making similar data products available to market participants fosters competition in the marketplace, and constrains the ability of exchanges to charge supercompetitive fees. In the event that a market participant views one exchange's data product as more attractive than the competition, that market participant can, and often does, switch between similar products. The proposed fees are a result of the competitive environment of the U.S. equities industry as the Exchange seeks to adopt fees to attract purchasers of historical Short Volume Reports.

The Exchange believes that the discount for qualifying academic purchasers for the historical Short Volume Reports is reasonable because academic institutions are not able to monetize access to the data as they do not trade on the data set. The Exchange believes the proposed discount will allow for more academic institutions to purchase the historical Short Volume Reports, and, as a result, promote research and studies of the equities industry to the benefit of all market participants. The Exchange believes that the proposed discount is equitable and not unfairly discriminatory because it will apply equally to all academic institutions that submit an application and meet the accredited academic institution and academic use criteria. As stated above, qualified academic purchasers will subscribe to the data set for educational use and purposes and are not permitted to use the data for commercial or monetizing purposes, nor can they qualify if they are funded by an industry participant. As a result, the Exchange believes the proposed discount is equitable and not unfairly discriminatory because it maintains equal treatment for all industry participants or other subscribers that use the data for vocational, commercial or other for-profit purposes.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange operates in a highly competitive environment in which the Exchange must continually adjust its fees to remain competitive. Because competitors are free to modify their own fees in response, including the adoption of similar discounts to those fees, the Exchange believes that the degree to which fee changes (including discounts and rebates) in this market may impose any burden on competition is extremely limited. As discussed above, the Exchange's historical Short Volume Reports offering is subject to direct competition from several other options exchanges that offer similar data products. Moreover, purchase of historical Short Volume Reports is optional. It is designed to help investors understand underlying market trends to improve the quality of investment decisions, but is not necessary to execute a trade.

The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed rule change will apply to all qualifying academic purchasers uniformly. While the proposed fee reduction applies only to qualifying academic purchasers, academic institutions' research and publications as a result of access to historical market data benefits all market participants. The Exchange also does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act as other options exchanges currently offer similar historical data to academic institutions at a discounted price.[26] Offering a discount for qualifying academic institutions that purchase the Exchange's historical Short Volume Reports may make that data more attractive to such academic institutions and further increase competition with exchanges that offer similar historical data products.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[27] and paragraph (f) of Rule

[21] *Id.*

[22] 15 U.S.C. 78f(b)(4).

[23] *See supra* note 17 [sic].

[24] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (April 21, 2025), available at *https://www.cboe.com/us/equities/market_statistics/*.

[25] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[26] *See supra* note 19 [sic].

[27] 15 U.S.C. 78s(b)(3)(A).

19b–4 [28] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CboeBZX–2025–060 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeBZX–2025–060. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeBZX–2025–060 and should be submitted on or before May 28, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–07910 Filed 5–6–25; 8:45 am]

BILLING CODE 8011–01–P

[28] 17 CFR 240.19b–4(f).

[29] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102967; File No. SR–CboeBYX–2025–009]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Update Its Fee Schedule To Provide a Discount on Fees Assessed to Qualifying Academic Purchasers for Purchases of Ad Hoc Historical U.S. Equity Short Volume and Trades Reports

May 1, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 23, 2025, Cboe BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to update its Fee Schedule to provide a discount on fees assessed to qualifying academic purchasers for purchases ad hoc historical U.S. Equity Short Volume and Trades Reports. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/BYX/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to update its Fee Schedule to provide a discount on fees assessed to qualifying academic purchasers for purchases ad hoc historical U.S. Equity Short Volume and Trades Reports (''Short Volume Reports'').

By way of background, the Short Volume Report is an end-of-day report that summarizes certain equity trading activity on the Exchange, including trade date,[3] total volume,[4] short volume,[5] and sell short exempt volume,[6] by symbol.[7] The Short Volume Report also includes an end-of-month report that provides a record of all short sale transactions for the month, including trade date and time (in microseconds),[8] trade size,[9] trade price,[10] and type of short sale

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] ''Trade date'' is the date of trading activity in yyyy–mm–dd format.

[4] ''Total volume'' is the total number of shares transacted.

[5] ''Short volume'' is the total number of shares sold short.

[6] ''Short exempt volume'' is the total number of shares sold short classified as exempt.

[7] ''Symbol'' refers to the Cboe formatted symbol in which the trading activity occurred. *See https://cdn.cboe.com/resources/membership/US_Symbology_Reference.pdf.*

[8] ''Trade date and time'' is the date and time of trading activity in yyyy–mm–dd hh:mm:ss.000000 ET format.

[9] ''Trade size'' is the number of shares transacted.

[10] ''Trade price'' is the price at which shares were transacted.

execution,[11] by symbol and exchange.[12] The Short Volume Report is a completely voluntary product, in that the Exchange is not required by any rule or regulation to make this data available and that potential customers may purchase it on an ad-hoc basis only if they voluntarily choose to do so.

Cboe LiveVol, LLC (''LiveVol''), a wholly owned subsidiary of the Exchange's parent company, Cboe Global Markets, Inc., makes the Short Volume Report available for purchase to Users on the LiveVol DataShop website (*datashop.cboe.com*). Both the end-of-day report and end-of-month report are included in the cost of the Short Volume Report and are available for purchase by both Members as well as non-Members on an annual or monthly [13] basis. The monthly fee is $750 per Internal Distributor [14] and $1,250 per External Distributor.[15] Additionally, the Exchange offers historical reports containing both the end-of-day volume and end-of-month trading activity. The fee per month of historical data is $500. The Short Volume Report provided on a historical basis is only for display use redistribution (*e.g.,* the data may be provided on the User's platform). Therefore, Users of the historical data may not charge separately for data included in the Short Volume Report or incorporate such data into their product. The Exchange notes that the Short Volume Report is subject to direct competition from other exchanges, as other exchanges offer similar products for a fee.[16]

The Exchange proposes to provide a pricing incentive program in which qualifying academic purchasers may purchase the historical reports for the greater fee of (i) a 50% discount off of their total purchase of historical Short Volume Reports or (ii) $500. For example, if a qualifying academic purchaser purchases a month and a half of data, for a total cost of $750 before the discount (for what would be a discounted price of $375), they will be charged the greater fee of $500.[17] The Exchange believes that academic institutions provide a valuable service for the Exchange in studying and promoting the equities market. Though academic institutions and researchers have a need for granular equities data sets, they do not trade upon the data for which they subscribe. The Exchange believes the proposed reduced fees for qualifying academic purchasers of historical Short Volume Reports will encourage and promote academic studies of its market data by academic institutions. In order to qualify for the academic pricing, an academic purchaser must be (1) an accredited academic institution, (2) that will use the data in independent academic research, academic journals and other publications, teaching and classroom use, or for other bona fide educational purposes (*i.e.* academic use). Furthermore, use of the data must be limited to faculty and students of the accredited academic institution, and any commercial or profit-seeking usage is excluded. Academic pricing will not be provided to any purchaser whose research is funded by a securities industry participant. The Exchange will have the discretion to review and approve such qualifying academic purchasers who submit a brief application in accordance with existing LiveVol subscriber policies and request additional information when it deems necessary.

The Exchange notes that other exchanges currently offer academic discounts for similar data feeds.[18] The Exchange recognizes the high value of academic research and educational instruction and publications, and believes that the proposed academic discount for historical Short Volume Reports will encourage the promotion academic research of the equities industry, which will serve to benefit all market participants while also opening up a new potential user base among students. Finally, the Exchange notes that academic purchases for historical Short Volume Reports are educational in use and purpose, and not vocational.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[19] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [20] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [21] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[22] which requires that Exchange rules provide for the equitable allocation of reasonable

[11] ''Short type'' is a data field that will indicate whether the transaction was a short sale or short sale exempt transaction. A short sale transaction is a transaction in which a seller sells a security which the seller does not own, or the seller has borrowed for its own account (*see* 17 CFR 242.200). A short sale exempt transaction is a short sale transaction that is exempt from the short sale price test restrictions of Regulation SHO Rule 201 (*see* 17 CFR 242.201(c)).

[12] ''Exchange'' is the market identifier (Z = BZX, Y = BYX, X = EDGX, A = EDGA).

[13] The monthly fees for the Report are assessed on a rolling period based on the original subscription date. For example, if a User subscribes to the Report on October 24, 2023, the monthly fee will cover the period of October 24, 2023, through November 23, 2023. If the User cancels its subscription prior to November 23, 2023, and no refund is issued, the User will continue to receive both the end-of-day and end-of-month components of the Report for the subscription period.

[14] An Internal Distributor of an Exchange Market Data product is a Distributor that receives the Exchange Market Data product and then distributes that data to one or more Users within the Distributor's own entity. *See* Cboe BYX U.S. Equities Exchange Fee Schedule.

[15] An External Distributor of an Exchange Market Data product is a Distributor that receives the Exchange Market Data product and then distributes that data to a third party or one or more Users outside the Distributor's own entity. *See* Cboe BYX U.S. Equities Exchange Fee Schedule.

[16] *See* the Nasdaq Fee Schedule, Equity 7, Section 152. *See also,* the TAQ Group Short Sales (Monthly File) and Short Volume product, offered by the New York Stock Exchange LLC (''NYSE'') and affiliated equity markets (the ''NYSE Group'') at NYSE Exchange Proprietary Market Data | TAQ NYSE Group Short Sales.

[17] The Exchange proposes to amend its fee schedule to include this example for clarity as well.

[18] *See* Securities Exchange Act Release No. 67955 (October 1, 2012) 77 FR 61037 (October 5, 2012) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt Reduced Fees for Historical ISE Open/Close Trade Profile Intraday Market Data Offering) (SR–ISE–2012–76); Securities and Exchange Act Release 34–60654 (September 11, 2009) 74 FR 47848 (September 17, 2009) (Notice of Filing of Proposed Rule Change Relating to Historical ISE Open/Close Trade Profile Fees) (SR–ISE–2009–64); Securities Exchange Act Release No. 53770 (May 8, 2006) 71 FR 27762 (May 12, 2006) (Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto To Establish an Annual Administrative Fee for Market Data Distributors That Are Recipients of Nasdaq Proprietary Data Products) (SR–NASD–2006–030); Securities Exchange Act Release No. 85817 (April 25, 2019) 84 FR 21863(May 5, 2019) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule To Adopt Reduced Subscription Fees for Academics for the Sale of Historical Cboe Open-Close Volume Data) (SR–CBOE–2019–026).

[19] 15 U.S.C. 78f(b).

[20] 15 U.S.C. 78f(b)(5).

[21] *Id.*

[22] 15 U.S.C. 78f(b)(4).

dues, fees, and other charges among its Members and other persons using its facilities.

In adopting Regulation NMS, the Commission granted self-regulatory organizations (''SROs'') and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes that the proposed fee changes will further broaden the availability of U.S. equity market data to investors consistent with the principles of Regulation NMS. The Exchange believes the dissemination of historical short volume data via historical Short Volume Reports benefits investors through increased transparency and may promote better informed trading, as well as research and studies of the equities industry. Nevertheless, the Exchange notes that such data is not necessary for trading and as noted above, is entirely optional. Moreover, several other exchanges offer a similar data product which offer the same type of data content through similar reports.[23]

The Exchange operates in a highly competitive environment. Indeed, there are currently 16 registered equities exchanges that trade equities. Based on publicly available information, no single equities exchange has more than 14% of the equity market share.[24] The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Particularly, 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.'' [25] Making similar data products available to market participants fosters competition in the marketplace, and constrains the ability of exchanges to charge supercompetitive fees. In the event that a market participant views one exchange's data product as more attractive than the competition, that market participant can, and often does, switch between similar products. The proposed fees are a result of the competitive environment of the U.S. equities industry as the Exchange seeks to adopt fees to attract purchasers of historical Short Volume Reports.

The Exchange believes that the discount for qualifying academic purchasers for the historical Short Volume Reports is reasonable because academic institutions are not able to monetize access to the data as they do not trade on the data set. The Exchange believes the proposed discount will allow for more academic institutions to purchase the historical Short Volume Reports, and, as a result, promote research and studies of the equities industry to the benefit of all market participants. The Exchange believes that the proposed discount is equitable and not unfairly discriminatory because it will apply equally to all academic institutions that submit an application and meet the accredited academic institution and academic use criteria. As stated above, qualified academic purchasers will subscribe to the data set for educational use and purposes and are not permitted to use the data for commercial or monetizing purposes, nor can they qualify if they are funded by an industry participant. As a result, the Exchange believes the proposed discount is equitable and not unfairly discriminatory because it maintains equal treatment for all industry participants or other subscribers that use the data for vocational, commercial or other for-profit purposes.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange operates in a highly competitive environment in which the Exchange must continually adjust its fees to remain competitive. Because competitors are free to modify their own fees in response, including the adoption of similar discounts to those fees, the Exchange believes that the degree to which fee changes (including discounts and rebates) in this market may impose any burden on competition is extremely limited. As discussed above, the Exchange's historical Short Volume Reports offering is subject to direct competition from several other options exchanges that offer similar data products. Moreover, purchase of historical Short Volume Reports is optional. It is designed to help investors understand underlying market trends to improve the quality of investment decisions, but is not necessary to execute a trade.

The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed rule change will apply to all qualifying academic purchasers uniformly. While the proposed fee reduction applies only to qualifying academic purchasers, academic institutions' research and publications as a result of access to historical market data benefits all market participants. The Exchange also does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act as other options exchanges currently offer similar historical data to academic institutions at a discounted price.[26] Offering a discount for qualifying academic institutions that purchase the Exchange's historical Short Volume Reports may make that data more attractive to such academic institutions and further increase competition with exchanges that offer similar historical data products.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [27] and paragraph (f) of Rule 19b–4 [28] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

[23] *See supra* note 17 [sic].

[24] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (April 21, 2025), available at *https://www.cboe.com/us/equities/market_statistics/*.

[25] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[26] *See supra* note 19 [sic].

[27] 15 U.S.C. 78s(b)(3)(A).

[28] 17 CFR 240.19b–4(f).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CboeBYX–2025–009 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeBYX–2025–009. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeBYX–2025–009 and should be submitted on or before May 28, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–07909 Filed 5–6–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102962; File No. SR–OCC–2025–005]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Proposed Rule Change, as Modified by Partial Amendment No. 1, by The Options Clearing Corporation Concerning Modifications to OCC's Recovery and Orderly Wind-Down Plan (''RWD Plan'' or ''Plan'') To Align With the Recently Adopted SEC RWD Rule

May 1, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 17, 2025, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by OCC. On April 28, 2025, OCC filed Partial Amendment No. 1 to the proposed rule change to make certain changes to the narrative description of the filing as well as the exhibits provided by OCC.[3] The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Partial Amendment No. 1 (hereafter ''the proposed rule change''), from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

This proposed rule change would make modifications to OCC's Recovery and Orderly Wind-Down Plan (''RWD Plan'' or ''Plan'') in an effort to achieve compliance with the Commission's recently adopted content requirements[4] for recovery and orderly wind-down plans (''RWPs'') of covered clearing agencies[5] (''CCAs'') that became effective on January 17, 2025. CCAs, like OCC, must file with the Commission any proposed rule changes no later than April 17, 2025, and any proposed rule changes must be effective by December 15, 2025.

In addition to the proposed modifications that OCC believes are necessary to comply with the recently adopted content requirements for RWPs of CCAs, OCC is also including proposed modifications to its RWD Plan that reflect changes identified during OCC's annual review process. The proposed changes related to the Commission's adoption of content requirements for RWPs and the proposed changes identified during OCC's annual review process are differentiated throughout this filing and described in further detail below.

The proposed changes to OCC's RWD Plan are contained in confidential Exhibit 5 [sic] to SR–OCC–2025–005. Material proposed to be added is marked by underlining and material proposed to be deleted is marked with strikethrough text to File No. SR–OCC–2025–005. All terms with initial capitalization that are not otherwise defined herein have the same meaning as set forth in the OCC By-Laws and Rules.[6]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

As the sole clearing agency for standardized equity options listed on national securities exchanges registered

[29] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Partial Amendment No. 1 corrects an error in OCC's original narrative description of the proposed rule change. The amendment also modified the Exhibit 5 to File No. SR–OCC–2025–005 to accurately mark the proposed changes against the currently effective RWD Plan and makes conforming changes to the narrative description of the proposed rule change.

[4] *See* Securities Exchange Act Release No. 101446 (Oct. 25, 2024), 89 FR 91000 (Nov. 18, 2024) (File No. S7–10–23) (''SEC Adopting Release''), *https://www.govinfo.gov/content/pkg/FR-2024-11-18/pdf/2024-25570.pdf*.

[5] The term ''covered clearing agency'' is defined in Exchange Act Rule 17Ad–22(a) to mean ''a registered clearing agency that provides the services of a central counterparty or central securities depository.'' 17 CFR 240.17Ad–22(a).

[6] OCC's By-Laws and Rules can be found on OCC's public website: *https://www.theocc.com/Company-Information/Documents-and-Archives/By-Laws-and-Rules.*

with the Commission, and with respect to OCC's clearance and settlement of futures and stock loan transactions, OCC is subject to regulations that impose requirements on OCC to maintain policies and procedures that comprehensively manage the risks borne by OCC as a central counterparty. This includes the management of risks such as legal, credit, operational, general business and liquidity risks. One such regulation OCC is subject to is Rule 17Ad–22(e)(3)(ii),[7] which requires CCAs to include plans for the recovery and orderly wind-down of a CCA necessitated by credit losses, liquidity shortfalls, losses from general business risk or any other losses. In accordance with this rule, OCC formalized and updated its RWD Plan on August 23, 2018 [8] to promote effective risk management and to help ensure OCC remains resilient under normal market conditions and in periods of market stress.

OCC's existing RWD Plan describes OCC's ability to continue to provide its critical services in the event of severe financial and/or operational stress. It also describes OCC's approach to a wind-down in the unlikely event that it experiences a severe stress that causes it to exhaust its available tools and resources. In addition to the RWD Plan, OCC also maintains a separate document, the ''RWD Plan Supporting Information,'' that provides background and context for parties that are reviewing the RWD Plan or utilizing it as part of an actual recovery or wind-down. The RWD Plan Supporting Information does not constitute a stated policy, practice, or interpretation of OCC and is, by its nature, prone to change.[9]

Recently, the Commission adopted new requirements applicable to CCAs (the ''SEC RWD Rule'') that supplement existing Rule 17Ad–22(e)(3)(ii), and establish specific elements required in RWPs. The SEC RWD Rule is found in 17 CFR 240.17ad–26 (''Rule 17Ad–26'') and helps to ensure that a CCA's planning for recovery and orderly wind-down is effective and can promote financial stability in periods of market stress. The SEC RWD Rule requires, among other things, that RWPs:

(i) Identify and describe their core payment, clearing, and settlement services and address how the CCA would continue to provide such core services in the event of a recovery and during an orderly wind-down, including the (a) identification of the staffing roles necessary to support such core services, and (b) analysis of how such staffing roles necessary to support such core services would continue in the event of a recovery and during an orderly wind-down.[10]

(ii) Identify and describe any service providers for core services, specifying which core services each service provider supports, and (ii) address how the CCA would ensure that service providers for core services would continue to perform in the event of a recovery and during an orderly wind-down, including consideration of its written agreements with such service providers and whether the obligations under those written agreements are subject to alteration or termination as a result of initiation of the recovery and orderly wind-down plan.[11]

(iii) Identify and describe scenarios that may potentially prevent the CCA from being able to provide its core services identified in Rule 17Ad–26(a)(1) as a going concern, including (a) uncovered credit losses, (b) uncovered liquidity shortfalls, and (c) general business losses.[12]

(iv) Identify and describe (a) criteria that could trigger the CCA's implementation of the recovery and orderly wind-down plans and (b) the process that the CCA uses to monitor and determine whether the criteria have been met, including the governance arrangements applicable to such process.[13]

(v) Identify and describe the rules, policies, procedures and any other tools or resources on which the CCA could rely in a recovery or orderly wind-down, and address how the rules, policies, procedures and any other tools or resources identified would ensure timely implementation of the RWP.[14]

(vi) Require the covered clearing agency to inform the Commission as soon as practicable when the CCA is considering implementing a recovery or orderly wind-down.[15]

(vii) Include procedures for testing the CCA's ability to implement the RWPs at least every 12 months, including by (a) requiring the CCA's participants and, when practicable, other stakeholders to participate in the testing of its plans; (b) requiring that such testing would be in addition to testing pursuant to paragraph (e)(13) of 17 CFR 240.17ad–22; (c) providing for reporting the results of the testing to the CCA's board of directors and senior management; and (d) specifying the procedures for, as appropriate, amending the plans to address the results of such testing.[16]

(viii) Include procedures requiring review and approval of the plans by the board of directors of the CCA at least every 12 months or following material changes to the CCA's operations that would significantly affect the viability or execution of the plans, with such review informed, as appropriate, by the CCA's testing of the plans.[17]

OCC believes that its current RWD Plan incorporates several of the content requirements above. OCC's RWD Plan already identifies its critical services provided to market participants and considers the impact that any interruption to a particular service may have on OCC's participants. In addition, OCC's RWD Plan identifies four hypothetical stress scenarios that could threaten OCC's viability as a going concern and provides a description for how OCC would respond in each scenario. OCC's RWD Plan describes the criterion that could trigger the implementation of a recovery or wind-down and identifies its enhanced risk management and recovery tools upon which OCC relies in times of extreme stress. Furthermore, OCC already maintains written procedures for testing the implementation of the Plan and review of the Plan by the Board.

However, to implement a compliant approach with those requirements for which OCC believes changes will be necessary, OCC is proposing to revise its RWD Plan such that the proposed changes: (i) address how OCC would continue to provide its core services in the event of a recovery and during a wind-down through the identification of staffing roles necessary to support OCC's core services and an analysis of how such staffing roles would continue in the event of a recovery or during a wind-down; (ii) identify a subset of OCC's service providers that are necessary to ensure the continued delivery of core services throughout a recovery or wind-down and address the continued performance of such service providers in the event of recovery or during a wind-down; (iii) describe OCC's process used to monitor the criteria that could trigger implementation of a recovery or wind-down; (iv) describe OCC's responsibility to notify the Commission when OCC is considering the implementation of a

[7] 17 CFR 240.17ad–22(e)(3)(ii).

[8] *See* Securities Exchange Act Release No. 83918 (Aug. 23, 2018), 83 FR 44091 (Aug. 29, 2018) (SR–OCC–2017–021).

[9] OCC has included a draft of the RWD Plan Supporting Information as confidential Exhibit 3 [sic] to SR–OCC–2025–005.

[10] 17 CFR 240.17ad–26(a)(1).

[11] 17 CFR 240.17ad–26(a)(2).

[12] 17 CFR 240.17ad–26(a)(3).

[13] 17 CFR 240.17ad–26(a)(4).

[14] 17 CFR 240.17ad–26(a)(5), (6).

[15] 17 CFR 240.17ad–26(a)(7).

[16] 17 CFR 240.17ad–26(a)(8).

[17] 17 CFR 240.17ad–26(a)(9).

recovery or wind-down; and (v) describe OCC's approach for testing its ability to implement the RWD Plan at least every 12 months, including the involvement of other stakeholders participating in the test. OCC also plans to revise its RWD Plan to replace, when necessary, the term ''critical'' services with ''core'' services to improve clarity and consistency with SEC Rule 17Ad–25(i),[18] which concerns the governance of service providers for core services. OCC believes that the proposed changes described above will allow OCC to appropriately comply with the SEC RWD Rule by including the proposed provisions in the RWD Plan.

1. Purpose

The purpose of this proposed rule change by OCC is to modify its RWD Plan to implement changes that are designed to comply with the content requirements in the SEC RWD Rule.[19] The Commission clarifies in its Adopting Release that by establishing requirements related to core services and service providers, the identification of scenarios, triggers, and tools for recovery and orderly wind-down, and robust processes for implementation, notification, testing and board review and approval, new Rule 17Ad–26 helps ensure that CCAs can successfully plan for and navigate highly stressed or extreme market conditions, where events may occur or conditions deteriorate rapidly.[20] In addition, the SEC RWD Rule promotes three important objectives: (i) bolstering the existing RWPs at CCAs, (ii) codifying some existing RWP elements to ensure that these elements remain in the plans over time; and (iii) establishing that the RWP of any new CCA would contain each of the elements specified in the SEC RWD Rule.[21] The purpose of the proposed changes to OCC's RWD Plan is to support these objectives to reduce systemic risk, better prepare for and respond to extreme stress, and ultimately increase OCC's resiliency.

In addition to the proposed changes that OCC believes are necessary to comply with the SEC RWD Rule, OCC also proposes a series of changes to the RWD Plan that were identified during OCC's annual review process. While the proposed changes to OCC's RWD Plan are described in further detail below, thematically, they consist of the following:

i. *Proposed changes to OCC's RWD Plan identified to achieve compliance with the SEC RWD Rule:*

- Revisions to Chapter 3 of the RWD Plan to address how OCC would continue to provide its core services in the event of a recovery or wind-down by identifying OCC's key staffing roles necessary to support such core services in the event of a recovery or wind-down.
- Revisions to Chapter 3 of the RWD Plan to include the identified subset of OCC's service providers that are necessary to ensure the continued delivery of OCC's core services in the event of a recovery or wind-down. These revisions include relocating a portion of this information from the RWD Supporting Information into the RWD Plan.
- Revisions to Chapter 4 of the RWD Plan to describe OCC's process for monitoring the criteria that could trigger OCC's implementation of the RWD Plan.
- Revisions to Chapter 4 and Chapter 5 of the RWD Plan to provide specific requirements for OCC to inform the Commission as soon as practicable when OCC is considering implementing a recovery or a wind-down.
- Revisions to Chapter 5 of the RWD Plan to include an analysis of how OCC's key staffing roles would continue in the event of a recovery or wind-down.
- Revisions to Chapter 6 of the RWD Plan to clarify OCC's process for testing the RWD Plan, including the involvement of other stakeholders participating in the test, and the roles and responsibilities for reviewing the testing results.
- General revisions to the RWD Plan to achieve compliance with the SEC RWD Rule include: (i) replacing the term ''critical'' with ''core'' when referencing OCC's ''core services,'' (ii) updating sections throughout Chapter 2 and 3 that address OCC's interconnectedness with third-parties to incorporate descriptions for OCC's identified subset of service providers for core services, and (iii) replacing reference to OCC's list of ''Tier 1 Vendors'' or ''vendors'' with OCC's list of ''service providers for core services'' since OCC has modified its existing Tier 1 Vendor list to align with the requirements in the SEC RWD Rule as it relates to service providers for core services.[22]

ii. *Proposed changes to OCC's RWD Plan identified during OCC's annual review process:*

- Revisions to Chapter 2 of the RWD Plan to update the role descriptions of OCC's Management to align with OCC's existing organizational structure, and to provide clarity around OCC's Bank Credit Facility.
- Revisions to Chapter 3 of the RWD Plan to update OCC's support functions and department ratings to align with OCC's existing organizational structure.
- Revisions to Chapter 4 of the RWD Plan to incorporate updated information based on recent changes to OCC's Capital Management Policy, approved by the Commission in SR–OCC–2024–012,[23] and to incorporate information related to OCC's enhanced risk management and recovery tools in the event of a non-default or operational loss.
- Revisions to Chapter 7 of the RWD Plan to provide additional clarification and granularity on OCC's detailed stress scenarios.
- General revisions to the RWD Plan identified during OCC's annual review process include:
  - replacing the term ''Executive Chairman'' with ''Chairman,'' and ''Chief Legal Officer and General Counsel'' with ''General Counsel and Corporate Secretary'' to align with OCC's existing organizational structure;
  - updating the description of ''liquidity loss'' under OCC's recovery trigger to align with OCC's current business practices;
  - updating OCC's internal list of critical support functions to remove ''External Relations'' as an identified critical support function to reflect OCC's current organizational structure;
  - eliminating outdated information such as the previous location of OCC's facility that no longer exists;
  - updating the name of OCC's working group to reflect the combination of two pre-existing working groups;
  - updating the name of OCC's procedures to reflect current titling;
  - updating the title of Scenario 4 referenced in Section 1.3 and 4.4.4 from ''General Business and Operational Risk'' to ''Default and General Business Risk'' to remain consistent with the existing title in Section 7.1.4;
  - updating all referenced data points to reflect current information including: (a) the number of personnel in each identified critical support function described in Chapter 3, (b) the maximum number of reductions in personnel that each support function can absorb without compromising

[18] 17 CFR 240.17ad–25(i).

[19] 17 CFR 240.17ad–26.

[20] SEC Adopting Release, *see supra* note 3, at 91016.

[21] *See* Release No. 97516 (May 17, 2023), 88 FR 34708, 34709 (May 30, 2023) (''RWP Proposing Release''), *https://www.govinfo.gov/content/pkg/FR-2023-05-30/pdf/2023-10889.pdf.*

[22] 17 CFR 240.17ad–26(a)(2).

[23] *See* Securities Exchange Act Release No. 101151 (Sept. 24, 2024), 89 FR 79668 (Sept. 30, 2024) (SR–OCC–2024–012).

OCC's ability to provide its core services during a liquidation, as described in Chapter 5, and (c) the dollar amounts referenced in the four hypothetical stress scenarios in Chapter 7; and

- formatting and grammatical changes, such as capitalizing defined terms, deleting unnecessary or redundant language, updating section numbering as necessary, and conforming references to relevant SEC Rules.

Proposed Changes

A summary description of the proposed changes to the RWD Plan to achieve compliance with the SEC RWD Rule is provided in Section 1. A separate summary description of the proposed changes to the RWD Plan identified during OCC's annual review process is provided in Section 2.

1. Proposed Changes in Effort To Achieve Compliance With SEC RWD Rule

Chapter 3: Core Services and Critical Support Functions

Chapter 3 of the RWD Plan identifies OCC's (i) ''Critical Services,'' as (i) clearing and settlement services and (ii) pricing and valuation services, which if discontinued, could have a systemic impact on the financial system. Chapter 3 of the RWD Plan also identifies OCC's ''Critical Support Functions,'' as functions within OCC that must continue in some capacity for OCC to be able to continue providing its Critical Services. Throughout OCC's RWD Plan and specifically detailed in Chapter 3, OCC's proposed changes would replace the term ''Critical Services'' with ''Core Services'' as it relates to OCC's core payment, clearance, and settlement services. OCC believes this proposed change would align with the SEC RWD Rule [24] and improve clarity and consistency with terminology in other rules, such as Rule 17Ad–25(i),[25] which concerns the governance of ''service providers for core services.'' OCC's proposed change, as it relates to the replacement of ''Critical Services'' with ''Core Services'' is also detailed in footnote 1 of Chapter 1 and provides that SEC Rule 17Ad–26(a)(1) replaces ''critical'' with ''core'' when referencing payment, clearing, and settlement services to improve clarity and consistency with terminology in other SEC rules. The proposed footnote also provides that this replacement of the descriptive term ''critical'' with ''core'' does not affect OCC's identification of those services, and past guidance related to ''critical'' services will be used in the same manner and only referred to as ''critical'' when quoted or paraphrased from external sources. To further improve clarity and consistency with SEC Rule 17Ad–26(a)(1) [26] as it relates to the replacement of ''Critical Services'' with ''Core Services,'' OCC's proposed changes also update the first sentence of Section 1.2 in Chapter 1 of the Plan. Currently, the Plan states that CPSS–IOSCO and FSB have provided guidance on the identification of Critical Services. OCC's proposed changes provide that OCC has identified its core payment, clearing, and settlement services based on CPSS–IOSCO and FSB guidance on the identification of Critical Servies. For grammatical accuracy, OCC's proposed changes also remove the language ''have provided'' to align with the proposed updates in the sentence.

The SEC RWD Rule requires that OCC's RWD Plan identify staffing roles necessary to support OCC's core services and provide an analysis of how such staffing roles would continue in the event of a recovery or wind-down.[27] To support this requirement, OCC's proposed changes to Chapter 3 include the addition of a new section titled ''Key Staffing Roles.'' Within this section, OCC's proposed changes identify the individual key staffing roles, listed under their respective support functions, that are necessary for OCC to continue providing its core services in the event of a recovery or wind-down. OCC's proposed changes include key staffing roles under the Business Operations, Corporate, Corporate Finance, Financial Risk Management, and Information Technology functions. OCC's proposed changes provide that while each of the roles listed is necessary to support OCC's core services in the event of recovery or wind-down, one employee may be able to fulfill the responsibilities of more than one role. Additional proposed changes are described in Chapter 5 of the RWD Plan that include the analysis of such key staffing roles necessary to support OCC's core services and how those roles would continue in the event of a recovery or during a wind-down.

The SEC RWD Rule requires OCC's RWD Plan to identify and describe any service provider for core services, specify which core services each service provider supports, and address how OCC would ensure that such service provider for core services would continue to perform in the event of a recovery or during a wind-down.[28] OCC's proposed changes to Chapter 3 include the addition of a new section titled ''Service Providers for Core Services,'' which incorporates information that was moved from the RWD Supporting Information into the RWD Plan. Under this new section, OCC's proposed changes provide that OCC has identified the service providers that support core services and upon which OCC relies to provide those core services. OCC's proposed changes also provide that OCC's Board is responsible for oversight of service providers that provide core services for OCC, including the review of risk assessments for current vendors and approving terms for new vendors that will provide core services for OCC. More specifically, OCC's proposed changes (i) revise OCC's Tier 1 Vendor List in the RWD Supporting Information to align with OCC's identified subset of service providers for core services, and (ii) relocate this information from the RWD Supporting Information into the RWD Plan. OCC's proposed changes in this section also describe the subset of OCC's service providers that support OCC's core services and specify which core services that each service provider supports. OCC's proposed changes depict this information in a table that outlines the type of service provider, including: (i) vendors, (ii) financial market utilities, (iii) banks, (iv) liquidity providers, and (v) liquidation agents. OCC's proposed changes also identify the third-party name, describe OCC's relationship with that third-party, and describe which core service, either (i) clearance and settlement services or (ii) pricing and valuation services, that the third-party supports. OCC's proposed changes also clarify in a footnote that OCC maintains multiple relationships with some of the services providers in the provided list. OCC's proposed changes also state that additional information related to OCC's service providers for core services, as well as a more extensive list of service providers supporting OCC, is available and may be obtained from OCC's Third-Party Risk Management Department upon request. As a result of this proposed change described in Chapter 3, OCC also proposes to update information in Chapter 2 under the second paragraph of the section titled ''Interconnections with Vendors.'' OCC's proposed changes provide, in part, that OCC maintains a more extensive list of service providers supporting OCC, and that the list of those additional vendors may be obtained from OCC's Third-Party Risk

[24] 17 CFR 240.17ad–26(a)(1).

[25] 17 CFR 240.17ad–25(i).

[26] 17 CFR 240.17ad–26(a)(1).

[27] *Id.*

[28] 17 CFR 240.17ad–26(a)(2).

Management department upon request. OCC proposes to eliminate the reference to Tier 1 Vendors as OCC no longer categorizes vendors in such a way. Additionally, while the list of OCC's identified service providers for core services will remain relatively consistent, the list of additional vendors supporting OCC is dynamic. To eliminate the risk that the information related to the additional vendors becomes inaccurate or outdated if maintained in the RWD Supporting Information document, OCC believes it is necessary to include that the list can be obtained by OCC's Third-Party Risk Management department upon request, and eliminate the reference that states ''the list of additional vendors needed to support recovery and wind-down is also included in the RWD Plan Supporting Information.''

To more closely align with the SEC RWD Rule [29] that requires OCC to address how it would ensure service providers for core services would continue to perform in the event of a recovery and during a wind-down, OCC's proposed changes to the Plan modify section 5.4, ''Key Agreements to be Maintained,'' and relocate that section from Chapter 5 into Section 3.8 of Chapter 3. Within this new section in Chapter 3, OCC's Plan provides that OCC's critical interconnections are essential to the continued provision of OCC's core services and that it is imperative that these relationships are maintained during the execution of the Plan. OCC's proposed changes eliminate the reference that these relationships are imperative to be maintained only during ''the execution of the WDP,'' and provide that it is imperative these relationships are maintained during ''a recovery or wind-down'' to more closely align with the SEC RWD Rule.[30] OCC's Plan also provides that OCC has adopted a Material Agreements Policy that is designed to identify and periodically review agreements with exchanges and service providers for core services. OCC's proposed changes provide that a list of key agreements is available upon request as indicated in the RWD Plan Supporting Information. To provide a more concise description of OCC's Material Agreements Policy, OCC's proposed changes eliminate the provision that the agreements are necessary to facilitate OCC's core services (clearing and settlement services and pricing and valuation services), including the agreement establishing the critical interconnections set forth in Section 2.8 and Section 3.7, and replace that provision with proposed changes that provide the agreements are with exchanges and service providers for core services. OCC's existing Plan provides that none of the agreements contains a ''material adverse change'' clause that would permit the counterparty to terminate the agreement and discontinue the provision of services in the event the Plan is implemented. To align more closely with the SEC RWD Rule [31] that requires OCC to address how it would ensure the service provider for core services would continue to perform in the event of a recovery or during a wind-down, OCC's proposed changes modify this language to clarify that the absence of a material adverse change clause, which results in the counterparty not being permitted to terminate the agreement and discontinue the provision of services, is applicable ''in the event of a recovery or during a wind-down.'' OCC's existing Plan provides that the Legal Department will review the agreements listed in the RWD Plan Supporting Information to ensure that no renewals or expirations of such agreements will occur during the expected duration of the Plan. Finally, OCC's proposed changes provide minor clarifying edits to this section, including (i) adding the word ''key'' before agreements, (ii) modifying the language from the provision that provides OCC's Legal Department will ''ensure that no renewals or expirations of such agreements will occur'' to OCC's Legal Department will ''determine whether any renewals or expirations of such agreements will occur,'' and (iii) adding language that the Legal Department will ''counsel the business accordingly'' after such review.

OCC believes that relocating the ''Key Agreements to be Maintained'' section from Chapter 5, which focuses solely on wind-downs, into Chapter 3 that outlines OCC's service provider for core services, more closely aligns with the contents in the SEC RWD Rule that requires OCC to ensure services provided for core services would continue to perform in the event of a recovery or during a wind-down.

Chapter 4: Recovery Plan

Chapter 4 of the RWD Plan constitutes OCC's Recovery Plan. The purpose of the Recovery Plan is to provide succinct information about OCC's Enhanced Risk Management and Recovery Tools, as defined in the RWD Plan, and to demonstrate the ways in which OCC's risk management tools, Enhanced Risk Management and Recovery Tools, as well as other available resources, can be applied in stylized hypothetical scenarios considering extreme stress events that could be sufficient to threaten OCC's viability as a going concern.

The SEC RWD Rule requires that the RWD Plan identify and describe the process that OCC uses to monitor and determine whether the criteria have been met.[32] To align with this requirement, OCC's proposed changes to Chapter 4 add a new section titled ''Trigger Monitoring,'' which describes OCC's approach used to determine how the critera that could trigger the implementation of the RWD Plan has been met and OCC's process to monitor that criteria. OCC's proposed changes provide that OCC's trigger monitoring is performed through several processes at OCC. OCC's proposed changes provide that OCC's Default Management Policy and underlying procedures are used in monitoring the resources of the default waterfall, including the Clearing Fund deposits of non-defaulting members which encapsulate the Credit Loss trigger. OCC's proposed changes also provide that as part of the Clearing Fund Methodology Policy and underlying procedures, the Financial Risk Management team is responsible for monitoring the Liquidity Loss trigger through daily monitoring and reporting of the Clearing Member payment obligations and forecasted liquidity demands. In addition, OCC's proposed changes also provide that OCC's Technology Operations Policy and underlying procedures govern the monitoring of OCC systems and applications for the Operational Disruption trigger. OCC's proposed changes provide that OCC's IT staff are responsible for server, network, storage, application, mainframe, and cloud asset monitoring for OCC systems. OCC's proposed changes describe that through OCC's Capital Management Policy and underlying procedures, the Corporate Finance team monitors and reports on the capital levels of the company and regulatory compliance for capital requirements, and these metrics are the tenets of OCC's General Business Loss trigger. Finally, OCC's proposed changes also provide that through the underlying procedures mentioned above, the support function lead or delegate is responsible for notifying the Crisis

[29] *Id.*

[30] *Id.*

[31] *Id.*

[32] 17 CFR 240.17ad–26(a)(4). The SEC RWD Rule also requires identification and description of the criteria that could trigger implementation of OCC's recovery plan; however, OCC believes that the current text of the RWD Plan is sufficient to address this requirement without amendment.

Management Team of a breach of any of the Recovery Triggers.

Chapter 4 of the RWD Plan describes that the General Counsel and Corporate Secretary is responsible for notifying regulators, including the Commission, of the occurrence of a Recovery Trigger Event. The SEC RWD Rule requires that OCC inform the Commission as soon as practicable when OCC is considering implementing a recovery or orderly wind-down.[33] To promote clarity and align with this requirement, OCC's proposed changes include the specific language that the General Counsel and Corporate Secretary be responsible for notifying the SEC, the Federal Reserve Bank, and the CFTC (and the FDIC, to the extent applicable) ''as soon as practicable when OCC is considering the implementation of a recovery.''

Chapter 5: Wind-Down Plan

Chapter 5 of the RWD Plan constitutes OCC's wind-down plan, which establishes the objectives for a resolution process where OCC seeks to continuously deliver its core services, even though its viability as a going concern is threatened, and to provide a menu of actions that OCC's Management, Board and Stockholder Exchanges can consider to effectuate this resolution process. Chapter 5 of the Plan also provides a discussion on the maximum number of reductions in OCC staff that each support function could absorb without compromising OCC's ability to provide its core services during a liquidation. The SEC RWD Rule requires that RWP's provide an analysis of how key staffing roles necessary to support OCC's core services would continue in the event of a recovery or wind-down.[34] To support this requirement, OCC's proposed changes to Chapter 5 under the ''Targeted Reduction in Force'' section describe that while staff reductions are an attempt to limit OCC's expenses, Management's primary responsibility is retaining key staffing roles, identified in Chapter 3, such that OCC is able to continue providing core services. OCC's proposed changes provide that OCC's Management may need to offer additional compensation to retain key staff while simultaneously reducing other staff during a wind-down. Furthermore, OCC's proposed changes describe that OCC makes appropriate adjustments to its staffing estimate for resolution cost to account for retention bonuses.

Similar to OCC's proposed changes in Chapter 4 regarding OCC's notification requirements to the Commission during a recovery, OCC's proposed changes to Chapter 5 under the Exhibit titled ''WDP Trigger Event'' also clarify OCC's responsibility to inform the Commission as soon as practicable when OCC is considering implementing a wind-down. Specifically, OCC's proposed changes provide, in part, that as soon as practicable when the Board is considering the decision to enact a wind-down, OCC must immediately inform OCC's regulators. OCC believes this proposed change aligns with the requirements in the SEC RWD Rule as it relates to informing the Commission when a CCA is considering implementing a recovery or orderly wind-down.[35]

Chapter 6: RWD Plan Governance

Chapter 6 of OCC's RWD Plan details the governance of OCC's RWD Plan, including the governance structure for approval of the Plan and maintenance of the Plan on an on-going basis. The SEC RWD Rule requires that RWPs include procedures for testing the CCA's ability to implement the RWPs at least every 12 months, including by (a) requiring the CCA's participants and, when practicable, other stakeholders to participate in the testing of its plans; (b) requiring that such testing would be in addition to testing pursuant to paragraph (e)(13) of 17 CFR 240.17ad–22; (c) providing for reporting the results of the testing to the CCA's board of directors and senior management; and (d) specifying the procedures for, as appropriate, amending the plans to address the results of such testing.[36] To align with this requirement, OCC's proposed changes to Chapter 6 provide that the governance structure includes the development and execution of annual testing of OCC's ability to implement its RWD Plan, including the involvement of OCC's participants and, when practicable, other stakeholders, with results of the testing reported to OCC's Board. OCC's proposed changes also provide that testing of OCC's RWD Plan is governed by its Risk Management Framework and Default Management Policy, including underlying procedures. OCC's proposed changes also outline the roles and responsibilities for the RWD Plan, including (i) OCC's Management Committee review the RWD Plan testing results, (ii) the Working Group develop, draft and validate the RWD Plan and annual testing plan, participate in testing of the Plan, and incorporate into the RWD Plan any lessons learned from workshops or testing, and (iii) the Working Group Chair or Delegate be responsible for the coordination and facilitation of the RWD Plan testing and execution. OCC believes these proposed changes align with the testing requirements in the SEC RWD Rule.[37]

The SEC RWD Rule also requires that RWPs include procedures requiring review and approval of the plans by the board of directors at least every 12 months or following material changes to the CCA's operations that would significantly affect the viability or execution of the plans, with such review informed, as appropriate, by the CCA's testing of the plans.[38] Chapter 6 of the Plan already outlines that at least once every 12 months, the Risk Committee will review, and if appropriate, recommend approval of the RWD Plan to the Board. OCC's proposed changes add language to this section that provides ''including any revisions informed by testing results,'' to more closely align with the requirements in the SEC RWD Rule.[39]

General revisions to the RWD Plan to address OCC's interconnectedness with third-parties in effort to achieve compliance with the SEC RWD Rule.

Chapter 2 of the RWD Plan addresses, in part, OCC's interconnections, both financial and operational, with various third-parties. To align with the identified subset of OCC's service providers for core services described in Chapter 3, OCC's proposed changes to Chapter 2 identify ''escrow banks'' and ''liquidation agents'' in the bulleted list and in the sub-sections under the section titled ''External Interconnectedness'' and provide descriptions for these interconnections. Specifically, OCC's proposed changes add a new section titled ''Interconnections with Escrow Banks'' and provide that OCC has financial and operational interconnections with escrow banks, and that OCC's Escrow Deposit Program allows a customer of an OCC Clearing Member to use cash deposited with the Escrow Bank as supporting collateral backing Escrow Deposits. OCC's proposed changes provide that each customer must enter into a Tri-Party Agreement with the Bank and OCC in order to use cash. As it relates to interconnections with liquidation agents, OCC's proposed changes add a new section titled ''Interconnections with Liquidation Agents'' and provide that OCC has financial and operational interconnections with liquidation agents

[33] 17 CFR 240.17ad–26(a)(7).

[34] 17 CFR 240.17ad–26(a)(1).

[35] 17 CFR 240.17ad–26(a)(7).

[36] 17 CFR 240.17ad–26(a)(8).

[37] *Id.*

[38] 17 CFR 240.17ad–26(a)(9).

[39] *Id.*

and that liquidation agents may be charged with the duty of winding up the affairs of a defaulting Clearing Member. OCC's proposed changes provide that OCC has several risk management tools available to re-establish a matched book after a Clearing Member default. Furthermore, OCC's proposed changes provide that one of the tools that can be used by OCC to re-establish a matched book includes open market transactions executed by OCC's liquidation agent (*i.e.,* liquidation of the defaulter's portfolio). Because OCC's list of service providers for core services was relocated from the RWD Supporting Information into the RWD Plan, OCC's proposed changes throughout Chapter 2 also clarify that a list of the interconnections with each identified third-party is contained in OCC's service providers for core services section of the RWD Plan.

As it relates to interconnections discussed in Chapter 3, OCC's proposed changes to the section titled ''Shared Critical External Interconnections'' identify escrow banks and liquidation agents as critical external interconnections that OCC relies upon to conduct its core services. Although Clearing Members and exchanges are critical external interconnections for OCC, OCC does not view such a membership relationship or exchange relationship to mean that they are service providers to OCC. Therefore, OCC's proposed changes eliminate reference that exchanges are necessary for OCC to maintain the provision of its core services. Additionally, OCC's proposed changes eliminate reference that Clearing Members are necessary to ensure the provision of OCC's core services. Within this provision, OCC's proposed changes include escrow banks as a necessary category to ensure the provision of OCC's core services. OCC's proposed changes also eliminate the provision ''but each OCC interconnection with a particular Clearing Member, settlement bank, or custodian bank relationship is not necessarily critical to OCC's provision of Critical Services, given the number of institutions within each category upon which OCC relies'' as this language is not consistent with OCC's service providers for core services list and the SEC RWD Rule requiring the identification of such service providers.[40]

[40] 17 CFR 240.17ad–26(a)(2).

2. Proposed Changes Identified During OCC's Annual Review Process

Chapter 1: Executive Summary

Under Section 1.7, ''WDP Trigger Event,'' OCC proposes a minor edit to update an incorrect statement. OCC's proposed change provides that OCC has identified a single trigger event based on a determination that recovery efforts have ''not'' been, or are unlikely to be, successful in returning OCC to viability as a going concern that—if occurring during OCC's recovery efforts—would signal initiation of the WDP. OCC's proposed addition of the word ''not'' in this sentence promotes clarity and consistency with the explanation of OCC's Trigger Event. OCC also proposes a minor formatting change which includes the relocation of the header ''Exhibit 1–2: WDP Trigger Event'' from below the WDP Trigger description box to above the description box. This change is intended solely to promote clarity for the reader.

Chapter 2: OCC Overview

Chapter 2 of the RWD Plan provides a detailed description of OCC's business and the necessary context for the discussion and analysis of OCC's core services in Chapter 3, as well as the context for the discussion and analysis of OCC's resolution process in Chapter 5. OCC's proposed changes to Chapter 2 identified during OCC's annual review process modify the section on OCC's Management structure to reflect OCC's existing organizational structure. For example, OCC's proposed changes update the role descriptions of OCC's Management based on current information at OCC, including oversight responsibility of a specific role and the organizational reporting structure for that position. To include a complete and accurate overview of OCC's current Management Committee members, OCC's proposed changes relocate the ''Chief External Relations Officer'' description and add the ''Chief Clearing and Settlement Services Officer'' description to Exhibit 2–3. OCC's proposed changes provide that the Chief Clearing and Settlement Services Officer is responsible for the oversight of the Business Operations department, which includes Collateral Services, Market Operations, Corporate Actions, and Participant Services and Solutions. OCC's proposed changes relocate the description of the ''Chief External Relations Officer'' to reflect OCC's current organizational structure that no longer requires the Chief External Relations Officer to report to the Executive Chairman. In addition, because OCC's Corporate Communications support function was moved from the External Relations Department into the Human Resources Department, OCC's proposed changes update the description of the ''Chief External Relations Officer'' to remove the language that provides the Chief External Relations Officer is also responsible for the oversight of the Corporate Communications department, which is responsible for developing and delivering all external communication for OCC and key internal communication to OCC employees. Under the ''Governance Structure'' section in Chapter 2, OCC's proposed changes clarify that OCC's Board is responsible for review of disciplinary hearings in addition to appeals. This proposed change was included to reflect the current responsibility of OCC's Board. In the section of Chapter 2 titled ''Facilities,'' OCC's proposed changes eliminate the Jersey City Business Center as a referenced facility that houses OCC's personnel, since that location is no longer in existence. OCC's proposed changes also update specific language in the section titled ''Service Level Agreement'' to provide that Service Level Agreements (''SLAs'') record a common understanding about services, priorities, responsibilities, data protection, guarantees, and warranties between OCC and ''certain'' vendors, rather than ''the'' vendors. This proposed change is aimed to limit ambiguity with reference to vendors impacted by SLAs. To remain consistent with OCC's transition to a non-executive chairman governance structure, OCC's proposed changes eliminate certain provisions under the ''Management Structure'' section of Chapter 2. Specifically, OCC's proposed changes eliminate the provisions that state ''OCC's Executive Chairman serves as the Chairman of OCC's Board. The Executive Chairman is responsible for certain aspects of the OCC's business.'' These proposed changes align with OCC's existing governance structure which does not maintain an executive chairman position.

OCC's proposed changes to the ''Bank Credit Facility'' section in Chapter 2 aim to eliminate the risk of potential inaccuracy within the Plan by removing the specific reference to numerical data points that are currently outdated and have the possibility to change in the future. Specifically, OCC's proposed changes eliminate the reference that the largest commitment under the Bank Credit Facility by any single bank affiliated with a Clearing Member is typically less than $150 million or 7.5% of total Bank Credit Facility

commitments. OCC's proposed changes add the provision that provides that within the facility, the amount of the commitment of each bank is capped to limit the risk posed by any single bank counterparty. These proposed changes are intended to capture the general concept of the Bank Credit Facility rather than reference specific numerical data that has potential to change in the future. OCC believes these proposed changes will help to promote accuracy within the Plan. Furthermore, OCC's existing Plan suggests that collateral available to be pledged to the Bank Credit Facility is limited, in part, to S&P equities. To reflect updated information, OCC's proposed changes remove ''S&P'' before equities because the list of eligible collateral was expanded beyond just the components of the S&P 500.

Finally, OCC's proposed changes to Chapter 2 also include minor formatting and grammatical changes, such as changing ''the'' to ''a'', eliminating unnecessary words, and capitalizing defined terms such as ''Repo Facility'' and ''Clearing Member.'' Such changes are proposed solely for internal consistency and grammatical accuracy and would not define new terms or make any changes to the meaning of the language in Chapter 2.

Chapter 3: Core Services and Critical Support Functions

OCC's primary changes to Chapter 3 that were identified during OCC's annual review process include proposed updates to OCC's support functions and department ratings to align with OCC's existing organizational structure. For example, OCC's proposed changes reflect that OCC's Exams and Litigation support function, which was previously under the Legal Department, was modified such that the Exams support function was moved from the Legal Department and into the Compliance Department. OCC's proposed changes also reflect that OCC's Business Continuity support function was relocated from the Security Services Department into the Business Operations Department. Additionally, OCC's proposed changes reflect that the Corporate Communications support function was moved from the External Relations Department into the Human Resources Department. OCC's proposed changes update the names of the support functions and departments to align with OCC's current organizational structure and add new support functions or eliminate those support functions no longer in existence. Overall, OCC's proposed changes to Exhibit 3–3 reflect updates to align with OCC's existing organizational structure based on changes that occurred from an administrative perspective to OCC's departments. Furthermore, to incorporate those updates in department structure to Exhibit 3–3, OCC's proposed changes also include related updates to the department ratings based on relocation or renaming of the support function or department.

Based on changes within OCC's department structure, OCC's proposed changes to Chapter 3 also specify that the External Relations Department is no longer identified as a Critical Support Function, because the Corporate Communications team has been moved from the External Relationship Department into the Human Resources Department. Based on this change, OCC's proposed changes provide that the External Relations Department is no longer deemed a ''Critical Support Function.'' To reflect this, OCC's proposed changes update the title of Exhibit 3–3 to remove the term ''Critical'' in the heading. Prior to Exhibit 3–3, OCC's proposed changes in Section 3.4 provide that ''all but one support function are critical to the provision of OCC's Core Services identified above.'' OCC's proposed changes also specify that eleven of the twelve identified support functions are necessary to deliver OCC's core services, and the External Relations Department is not included in those twelve.

Lastly, general proposed changes to Chapter 3 that were identified during OCC's annual review process include (i) updating the number of personnel employed under each Critical Support Function in Exhibit 3–4 and the description of IT Systems to reflect current data, (ii) removing the bullet point list of Critical Support Functions listed above Exhibit 3–3 to eliminate redundancy of information because this list is already provided earlier in Chapter 3, (iii) removing the word ''subpart'' in the description of Exhibit 3–2 description to reflect accurate information, (iv) updating the name of OCC's ''Agreement Review Policy'' to ''Material Agreements Policy'' to reflect the current name of the Policy, and (v) editing text for grammatical or formatting purposes. The grammatical and formatting changes are proposed solely for internal consistency and grammatical accuracy and would not define new terms or make any changes to the meaning of the language in Chapter 3.

Chapter 4: Recovery Plan

OCC's proposed changes to Chapter 4 of the RWD Plan identified during OCC's annual review process include updates to the Plan based on changes approved by the Commission to OCC's Capital Management Policy in SR–OCC–2024–012.[41] To promote clarity throughout the Plan, OCC's proposed changes abbreviate the phrase ''Liquid Net Assets Funded by Equity greater than 110% of the Target Capital Requirement'' to ''Excess LNAFBE.'' In addition, OCC's proposed changes replace reference to ''Equity'' with ''Liquid Net Assets Funded by Equity'' to align with the updates in the Capital Management Policy.[42] OCC's proposed changes define OCC's Minimum Corporate Contribution as ''the minimum level of OCC funds maintained exclusively to cover credit losses or liquidity shortfalls and is determined by the Board from time to time'' to align with the definition in OCC's Capital Management Policy.[43]

OCC's proposed changes to Chapter 4 of the Plan also update the section titled ''Inventory of Enhanced Risk Management Tools'' to provide information on how OCC's enhanced risk management tools, specifically Excess LNAFBE and EDCP Unvested Balance, would be utilized in the event of a non-default or operational loss. Currently, this section only describes how OCC's enhanced risk management tools would be utilized in the event of a default loss. OCC uses a different methodology in the event of a non-default loss, so OCC's proposed changes clarify how Excess LNAFBE and EDCP Unvested Balance would be used in the event of a non-default loss vs. a default loss. Specifically, OCC's proposed changes provide that in the event of an operational loss, OCC would first contribute Excess LNAFBE, and if capital remains below defined levels, will next contribute the EDCP Unvested Balance. OCC's proposed changes provide that after use of the Excess LNAFBE and EDCP Unvested Balance, OCC would next charge an Operational Loss Fee in equal share to each Clearing Member. OCC's proposed changes provide that in the event of a deficiency due to default, OCC would utilize its Minimum Corporate Contribution and Excess LNAFBE in advance of charging a loss or deficiency proportionately to the Clearing Fund deposits of non-defaulting Clearing Members. OCC's Plan explains that after use of the Minimum Corporate Contribution and Excess LNAFBE, OCC would next pay for a loss out of the Clearing Fund and the EDCP Unvested Balance charged on a proportionate basis against the sum of the EDCP Unvested Balance and all

[41] *See supra,* note 22.

[42] *Id.*

[43] *Id.*

other Clearing Members' required contributions as calculated at the time. To more closely align with OCC Rule 1006(b),[44] OCC's proposed changes update the previous provision by eliminating the phrase ''pay for a loss out of the Clearing Fund'' and replace that with ''pay for any deficiency from the Clearing Fund.'' To further clarify OCC's tools in the event of default loss vs. a non-default loss in the section titled ''Implementation, Time Frame and Key Risks,'' OCC's proposed changes provide that in the event of an operational loss, contribution of Excess LNAFBE and Unvested EDCP are not subject to heightened governance or further Board approval.

OCC's proposed changes to Chapter 4 include updates to the section titled ''Clearing Fee Change.'' Under the sub-section titled ''Implementation, Time Frame and Key Risks,'' OCC proposes to edit the first paragraph to remain consistent with OCC's existing Capital Management Policy.[45] OCC's current Plan references, in part, that implementation [of a clearing fee change] would more likely happen ''if Shareholders' Equity fell below 110% but remained above 90% of OCC's Target Capital Requirement.'' Because this information is outdated, OCC proposes to eliminate it and replace it with language that provides ''based upon the thresholds in OCC's Capital Management Policy.'' OCC believes that providing a more general reference to OCC's Capital Management Policy, rather than stating specific numerical details, eliminates the risk of having inaccurate information in the Plan.

OCC's proposed changes to Chapter 4 also include updates to the section titled ''Minimum Clearing Fund Cash Contribution'' and the section titled ''Borrowing Against Clearing Fund.'' OCC's proposed changes to the ''Minimum Clearing Fund Cash Contribution'' section, to more closely align with Rule 1002(a)(i),[46] include the word ''minimum'' before the terms ''cash Clearing Fund'' in the specific provision that explains any such temporary increase in the minimum cash Clearing Fund requirement must be reviewed by the Risk Committee as soon as practicable, and in any event within 20 days of the decision to increase. Under the ''Borrowing Against the Clearing Fund'' section, OCC's proposed changes eliminate the outdated provision that ''In order for OCC to borrow under 1006(f), it must first determine that it is unable to borrow or otherwise obtain such funds on acceptable terms on an unsecured basis.'' This provision no longer exists in OCC's rules, and therefore does not apply. Under the ''Implementation, Time Frame and Key Risks'' section, OCC proposes to clarify the implementation time frame for borrowing against the Clearing Fund. To align more closely with OCC Rule 1006(h),[47] OCC's proposed changes eliminate the reference that describes ''Clearing Fund cash being increased the following banking day by 5:30 p.m. Central Time.'' Specifically, OCC's proposed changes provide that the time frame for implementing this tool should be no more than several hours, and the Clearing Fund would not require replenishment by Clearing Members unless and until the borrowing is deemed to be a charge, at which point cash would be increased by the first Settlement Time following notification to the Clearing Member of such deficiency or such later time as provided by OCC.

Exhibit 4–1 in OCC's RWD Plan illustrates the alignment of OCC's Recovery Tools to the risk exposures identified in the CPMI–IOSCO 2014 Recovery Report. The exhibit currently depicts OCC's enhanced risk management and recovery tools, and the risk exposures identified in the event of a default loss. OCC's proposed changes to the section in Chapter 4 titled ''Minimum Corporate Contribution, Excess LNAFBE, and EDCP Unvested Balance'' clarify how OCC's enhanced risk management tools, specifically Excess LNAFBE and EDCP Unvested Balance, would be utilized in the event of a non-default loss, in addition to a default loss. Therefore, OCC's proposed changes update Exhibit 4–1 to align the tools with the associated risk exposure in the event of a non-default loss. To reflect this, OCC's proposed changes add a check mark under legal risk, general business risk and operational risk. Additional proposed changes to Exhibit 4–1 include replacing the general reference of OCC's ''Replenishment Plan'' as an enhanced risk management and recovery tool with a more specific reference to OCC's ''Operational Loss Fee.'' OCC's Replenishment Plan includes the use of excess LNAFBE, EDCP Unvested Balance and Operational Loss Fee. Because OCC breaks down the Replenishment Plan into separate categories for Excess LNAFBE and EDCP Unvested Balance in the existing table, to remain consistent with this approach, OCC's proposed changes replace ''Replenishment Plan'' with ''Operational Loss Fee.''

OCC's proposed changes provide additional clarification in the section in Chapter 4 titled ''Credit Risk Due to Bank or Commodities or Securities Clearing Organization Failure.'' OCC's proposed changes include reference to a Repo Bank Facility, in addition to a Bank Credit Facility, as another available resource to OCC when utilizing its authority to borrow against the Clearing Fund. OCC's proposed changes to this section also provide that to address counterparty credit risk, OCC will utilize its authority to borrow against the Clearing Fund (by transferring cash or pledging the borrowed collateral to the Bank Credit Facility or the Repo Facilities) in order to make settlements for the day. OCC's proposed changes include the additional information ''by transferring cash'' to provide a more complete and accurate description of OCC's ability to borrow against the Clearing Fund. OCC's proposed changes to this section aim to clarify that the Bank Credit Facility is not the only means of borrowing against the Clearing Fund, rather OCC can borrow the cash or the government securities in the Clearing Fund, and the government securities can be converted to cash by either the Bank Credit Facility or the Repo Facilities.

OCC's proposed changes to the section in Chapter 4 titled ''Recovery Trigger Events,'' which are also reflected in Exhibit 1–1, modify the description of ''liquidity loss'' under OCC's recovery triggers to limit ambiguity in the description. OCC's existing description of ''liquidity loss'' provides that it is a significant depletion of liquidity resources such that OCC may not be able to address foreseeable liquidity shortfalls to avoid unwinding, revoking, or delaying the same-day settlement of payment obligations. OCC's proposed changes to this description eliminate the term ''may'' and describe ''liquidity loss'' to be a significant depletion of liquidity resources such that OCC ''forecasts that current available liquidity resources will'' not be able to address foreseeable liquidity shortfalls to avoid unwinding, revoking, or delaying the same-day settlement of payment obligations. This proposed change is intended to promote clarity by using a more quantitative measure in determining the result of how OCC constitutes a liquidity loss.

OCC's proposed changes to Chapter 4 also update the title of Scenario 4 from ''General Business and Operational Risks'' to ''Default and General Business Risks'' to remain consistent with the

[44] *See supra,* note 5.

[45] *See supra,* note 22.

[46] *See supra,* note 5.

[47] *See supra,* note 5.

existing title of Scenario 4 in the Appendix in Chapter 7. Within Scenario 4, OCC's proposed changes provide accurate reference to the OCC departments that have identified the universe of relevant operational and general business risks. These proposed changes include the elimination of the Business Development Department and the addition of the Financial Risk Management and Security Services Departments. OCC's proposed changes to Scenario 4 also aim to replicate the structure of the other stress scenario descriptions in the RWD Plan to align with the characteristics of the ''Detailed Stress Scenario 4'' in Appendix A. Specifically, OCC proposes to replace the generic description of general business risks and operational risks with a description of the steps OCC would consider in the event of a member default followed by a cyber event. Similar to the other scenario descriptions in the RWD Plan, OCC's proposed changes provide more details on the specific scenario and the OCC tools that could be used in this type of scenario. Specifically, OCC's proposed changes provide that the management of a Clearing Member default would follow the same path shown in Scenario 1, including the creation of a close-out action plan, an auction, and use of the resources in the loss allocation waterfall described above and set forth in both Rule 1006(b) and OCC's Default Management Policy. OCC's proposed changes provide that the scenario continues with an operational loss from a cybersecurity event, which triggers OCC's use of its Replenishment Plan as described in its Capital Management Policy. OCC's proposed changes describe OCC's tools in this scenario including Excess LNAFBE, Clearing Fee Change, EDCP Unvested Balance, and Operational Loss Fee. OCC's proposed changes also provide that as this scenario incorporates both a credit, default component and an operational, non-default component, it demonstrates the use of both tools that are unique to and tools that span, default and non-default losses. The purpose of shifting the scenario to focus on a default followed by a cyber event is to align with the Detailed Stress Scenario 4, outlined in Chapter 7, and to align with the format of the other scenarios in Section 4.4. OCC believes the proposed change provides a more precise explanation of the tools that would be utilized, the description of such tools, and the steps that OCC would take if the hypothetical scenario were to occur.

Additional proposed changes to Chapter 4 identified during OCC's annual review process include: (i) updating inaccurate references to OCC's procedures by removing the reference to ''Bank On-boarding and Off-boarding Procedure'' and replacing it with reference to ''Settlement Bank Failure Procedure'' as shown in the ''Borrowing Against the Clearing Fund'' section; (ii) updating the section titled ''Assessment Powers for the Pre-Funded Clearing Fund'' and ''Assessment Powers Beyond the Pre-Funded Clearing Fund'' to reflect accurate information within OCC's procedures as it relates to implementation, time frame and key risks. Specifically, OCC's proposed changes in these sections provide that Market Risk and Default Management would calculate the proportional assessment amounts, and Legal would prepare a notice of Clearing Fund Assessments and a public notice which is distributed to Member Services to be posted. Currently, these sections provide that Market and Default Management prepares a draft Notice of Clearing Fund Assessments and a public notice for review by Legal; and that following the review, Legal notifies Member Services that the Notice of Clearing Fund Assessments and public notice may be posted.

Finally, OCC's proposed changes to Chapter 4 include grammatical and other non-substantive edits to language to provide clarity and consistency throughout the document.

Chapter 5: Wind-Down Plan

OCC's proposed changes to Chapter 5 of the RWD Plan identified during OCC's annual review process include updates to the exhibit titled ''Summary of Targeted Reductions in Force'' to modify the number of full-time employees, and the number of those employees to be retained and released, to reflect current data. OCC's proposed changes also update the comments within each summary of each support function to reflect current roles and responsibilities of the support function to be retained. OCC's proposed changes to Chapter 5 also update outdated information in the sectioned titled ''Termination of Stock Loan Programs.'' OCC's proposed changes provide that given the nature of the cessation of OCC's Stock Loan Programs and the potential for temporary disruption to Stock Loan participants, it is imperative that the termination of the programs is timely and appropriately communicated to the regulators and to Clearing Members. OCC's proposed changes eliminate the inaccurate reference to an increase in the size of OCC's Clearing Fund.

Minor, non-substantive updates to Chapter 5 identified during the annual review process include updating grammatical and formatting language. Specifically, within the section titled ''Merger Transaction,'' OCC's proposed changes replace ''the'' with ''a'' to reflect that for purposes of the WDP, a ''Merger Transaction'' means a merger or consolidation of OCC with another entity, with OCC as a surviving entity. This change provides clarity that OCC may not be the sole surviving entity in this situation.

Chapter 7: Appendix

OCC's proposed changes to Chapter 7 of the RWD Plan identified during OCC's annual review process include modifications to OCC's four detailed hypothetical scenarios to: (i) update referenced numbers throughout all detailed scenarios to reflect current data, and (ii) provide more granular information as it relates assumptions and details within the scenarios to make each scenario more realistic.

As described in each hypothetical stress scenario 1 through 4, OCC's existing Plan provides that due to the extremity of the scenario and potential for negative market wide effects, the Business Continuity team is contacted to advise the Crisis Management Coordinator to determine if further actions are required with the CMT Plan. OCC's proposed changes to stress scenarios 1 through 4 add the language ''including a decision for regulatory notification'' to this provision to provide an example of what specific further action would be taken within the scenarios. Other proposed changes within each stress scenario include (i) updating ''CMT Leader'' to ''Crisis Management Coordinator'' to reflect the accurate name of the title of the role at OCC, (ii) deleting information that OCC believes is no longer relevant in the scenario, (iii) relocating existing information within the scenario to promote clarity in timeline, and (iv) including clarifying language to reduce ambiguity in scenario assumptions. A more detailed description of the proposed changes to the scenarios are described below.

Proposed Changes to Scenario 1:

In hypothetical stress scenario 1, OCC proposes to update the scenario such that the first draw after the Clearing Member default would be a borrowing from the Clearing Fund, rather than a proportionate charge to the Clearing Fund and unvested EDCP Balance. OCC believes this proposed modification represents a more realistic approach to how OCC would address the hypothetical scenario. Because OCC

typically would approach this scenario in a similar way to how it approaches its firm-wide default test, where OCC first addresses the liquidity aspect in a Clearing Member default and whether a borrowing from the Clearing Fund is necessary, OCC believes it is more realistic to align the scenario with how OCC currently manages defaults during its annual firm-wide default test. To account for this proposed change, OCC proposes to update information described in day 1 of the scenario. Specifically, under the fifth bullet point in day 1 of OCC's existing Plan, it describes that the composition of the $5.3 billion of Clearing Fund assets used by OCC to be: (i) $1.0 billion of Clearing Member A's cash contribution to the Clearing Fund; and (ii) $4.3 billion, of cash contributions to the Clearing Fund from non-defaulting Clearing Members, which is a proportionate charge to the Clearing Fund and unvested EDCP Balance. OCC's proposed changes modify this statement to update the numbers to reflect current data and eliminate the provision that states ''which is a proportionate charge to the Clearing Fund and unvested EDCP Balance.'' To reflect this update, OCC's proposed changes provide that the $6.5 billion of cash contributions to the Clearing Fund from non-defaulting Clearing Members is ''a borrowing from the Clearing Fund.'' As a result, OCC's proposed changes would also remove the discussion in day 1 of notifying members of a deficiency because the initial draw is a borrowing rather than a proportionate charge. Therefore, OCC proposes to eliminate the provision that provides ''OCC notifies all non-defaulting Clearing Members of a $5.3 billion deficiency in the Clearing Fund resulting from a proportionate charge, thereby requiring all non-defaulting Clearing members to replenish the $5.3 billion deficiency by 8 a.m. Central Time on Day 2 in accordance with Rule 1006(h)(A).''

Under day 2 of scenario 1, OCC's proposed changes eliminate two provisions that OCC believes are no longer applicable in the event of a realistic scenario. Specifically, OCC's proposed changes eliminate the provision that states ''All non-defaulting Clearing Members satisfy their assessment obligations by 8A.M. Central Time, restoring Clearing Fund to $13.3 billion of which $9.3 billion is in cash.'' OCC's proposed changes also eliminate the provision that provides ''Accordingly, after the $5.3 billion replenishment on Day 2, OCC's remaining replenishment power for the cooling-off period is $18.1 billion.'' OCC also proposes to relocate information from day 1 to day 2 to reflect the proposed change regarding the initial draw as a borrowing, rather than a proportionate charge, from the Clearing Fund. Specifically, OCC's proposed changes relocate from day 1 to day 2 the provision that states ''As a result of the Clearing Fund being used during the Default Management Process, a 15-day rolling cooling-off period in accordance with Rule 1006(h)(B) commences; during this time, Clearing Members are not liable for more than 200% of their individual total Clearing Fund contributions required as of the cooling-off period trigger event.'' OCC also proposes to incorporate new information to provide additional clarity in the scenario, including the provision that states ''OCC determines the previous $8.3 billion outstanding borrowing to be an actual loss to the Clearing Fund.'' Throughout days 3 through 18 of scenario 1, OCC's proposed changes update the referenced numbers within the scenario to reflect current data and eliminate various provisions that OCC believes are no longer relevant to the scenario. Because OCC's proposed changes establish the initial draw to be a borrowing from the Clearing Fund on day 1, and the charge to commence on day 2, as a result, the 15-day cooling off period would also start on day 2. Therefore, OCC's proposed changes extend the scenario to last 22 days, instead of 21 days, because a cooling off period can extend up to 20 days from the initial charge to the Clearing Fund.

Proposed Changes to Scenario 2:

In hypothetical stress scenario 2, OCC's proposed changes provide that (1) OCC receives an ''all clear'' message from NSCC, and (2) other services that Bank A provides to OCC are not impacted. These proposed changes provide additional information to promote clarity within the scenario. OCC's proposed changes also provide language within the assumption that ''more than'' 25 Clearing Members settle through Bank A. This proposed change provides flexibility on the number of Clearing Members in the scenario. Currently, OCC's Plan provides that Clearing members are able to receive wire funds to back up settlement banks. To clarify that OCC assumes the normal flow of business such that settlement banks are operating normally related to debit/credit functionality, OCC proposes to update this sentence to provide that Clearing Members are able to ''send and'' receive wire funds to ''and from'' back up settlement banks. These proposed changes are intended to capture the assumption that functionality between the settlement bank and Clearing Member is operating without issue. Furthermore, OCC's proposed changes to Scenario 2 provide clarity around the notification process. On day 1 of scenario 2, OCC's proposed changes specify that Collateral Services, rather than a general reference to OCC, becomes aware of the disruption through internal monitoring of settlement instructions and external notification. OCC's proposed changes also provide that Collateral Services informs Financial Risk Management (''FRM'') and Treasury that Bank A is experiencing an operational disruption. OCC's proposed changes eliminate the provision that notification is provided specifically to Market Risk Default Management when unable to meet the 10:00 a.m. Central Time operational settlement time. The purpose of this proposed change is to expand the notification to several groups within the department, not just Market Risk Default Management. OCC's proposed changes also provide that at 10:00 a.m., rather than 10:45 a.m., Bank A informs OCC that there is no ETA on a resolution and that this could be a prolonged outage. OCC's proposed changes also provide that formal notification is provided to FRM when Bank A is unable to meet the 10:00 a.m. Central Time operational settlement time, and then notification is provided to the Default Management email distribution list. Because OCC's proposed changes add a specific provision on formal notification to FRM and the Default Management Group, OCC's proposed changes eliminate the reference that MRDM ''escalates the incident to the FRM Default Management Email Group.'' To add clarity and promote a more realistic approach to the scenario, OCC's proposed changes provide that the ED, MRDM or delegate recommends to the Office of the CEO (''OCEO'') to have members enact alternative settlement procedures and extend settlement via Rule 505 ''based on the information provided by Bank A as well as the large number of first that settle at Bank A.'' To add additional detail, additionally OCC's proposed changes provide that ''alternative settlement processing is highly manual and time consuming.'' Finally, OCC's proposed changes to scenario 2 add clarifying information that provides ''due to the large number of Clearing Members settling through Bank A and the extensive manual payment instructions that go along with enacting alternative settlement, the OCEO authorizes extension of settlement until the close of Fedwire.'' Although this outcome has always been

expected with respect to this scenario in the Plan, OCC believes it is necessary to specify this information in writing to provide the reader with more detail and context for the utilization of the Plan.

Proposed Changes to Scenario 3:

In hypothetical stress scenario 3, OCC's proposed changes promote clarity within the scenario to provide for a more realistic approach. Under the ''Enhanced Risk Management and Recovery Tools'' section of scenario 3, OCC's existing Plan describes that depending upon the issue, OCC and DTC Management collaborate on selecting the appropriate enhanced risk management and/or recovery tool. For additional context in this bullet point, OCC proposes to add the provision that provides ''This may include using OCC's Clearing Fund under Rule 1006.'' This proposed change is intended to promote additional clarity for the reader and provide context in an example of what may be an appropriate tool in this situation. OCC's proposed changes in scenario 3 also relocate information to earlier in the scenario, including the provision that provides ''DTC confirms they are experiencing an outage and are working on the problem.'' Additionally, OCC's proposed changes also relocate the provision that states ''DTC has no ETA on resolution and does not expect to be resolved by the end of the processing day'' to earlier in the scenario to also promote a more realistic approach to the scenario. OCC proposes deleting ''As the end of the day is nearing'' from this relocated text because it is relocated to earlier in the scenario. OCC's existing Plan provides that Collateral Servies notifies EquiLend that new and in-flight stock loan trades may not be cleared. OCC proposes to replace the text ''that new and in-flight stock loan trades may not be cleared'' with ''on the status of transactions with DTC'' to promote clarity within the scenario.

OCC's proposed changes add new information in the scenario that provides if Clearing Members question OCC about the validity of existing collateral, Business Operations will communicate that Clearing Members' existing collateral, that has been accepted by DTC, is still recognized by OCC as reflected in OCC's clearing system. OCC replaces ''Member Services/Collateral Services'' and ''Member Services'' with ''Business Operations'' to reflect the current responsibility of the department. OCC proposes to incorporate this change to provide clarity that in a realistic scenario, OCC would not proactively reach out to Clearing Members validating the existence of their collateral. However, only if Clearing Members contact OCC and question the validity of their collateral, then OCC would provide a response. To account for this change, OCC's proposed changes also remove the language within the scenario that provides ''they also communicate that Clearing Members' existing collateral that has been accepted by DTC is still recognized by OCC as reflected in OCC's clearing system.'' OCC's proposed changes include a provision within scenario 3 that provides OCC is unable to enter Stock Loan Re-Purchase Adjustments as those adjustments are entered directly into the DTC system, and that Business Operations works with DTC to communicate the adjustments, and DTC makes the appropriate updates internally. This additional information supports a more realistic scenario approach. Finally, OCC's proposed changes remove information that OCC believes is no longer relevant to the scenario, including the provision that provides ''Market Operations notifies DTC and NSCC that OCC's processing must begin and kicks off finalization by 9 p.m. Central Time as an ETA for DTC back online has not been received.''

Proposed Changes to Scenario 4:

In hypothetical stress scenario 4, OCC's proposed changes to the scenario, at a high-level, aim to make the scenario more realistic by including more detail including the total size of default to be $145 million. OCC's proposed changes provide that after receiving a recommendation to borrow $145 million from an Executive Director in Default Management and approval to borrow the cash from the Clearing Fund from OCEO, Treasury transfers $145 million in cash from the OCC Clearing Fund account at the Federal Reserve Bank to BMO. OCC's proposed changes provide that funds are deposited into an OCC liquidating settlement account in the name of the defaulting clearing member to pay start of day settlements. In addition to updating the relevant numbers in the scenario to account for accurate data, OCC's proposed changes incorporate additional detail into the scenario. OCC's proposed changes update an existing provision to provide ''OCC returns the $70 million to the Clearing Fund account at the Federal Reserve Bank.'' Later in the scenario, OCC's existing Plan provides that the auction winning bidder takes possession of the defaulting Clearing Member's position. OCC proposes to include additional information in this provision by adding ''and $75 million is returned to Clearing Fund account at the Federal Reserve Bank to fully repay the borrowing. Lastly, OCC proposes to add the provision that OCC files a $60 million insurance claim less a $10 million retention to cover $50 million of the $90 million loss, and meanwhile, OCC exercises the $75 million working capital line of credit as needed for liquidity purposes. The remaining proposed revisions to stress scenario 4 provide additional granularity within the scenario to promote clarification and provide a more realistic approach to the scenario. The additional granularity is proposed solely to give the reader more detail and context without making any changes to the scenario or tools that OCC would apply in Scenario 4. Finally, OCC's proposed changes remove information that OCC believes is no longer relevant to the scenario.

General revisions to the RWD Plan identified during OCC's annual review process.

OCC's proposed changes throughout the RWD Plan replace the term ''Executive Chairman'' with ''Chairman'' and ''Chief Legal Officer and General Counsel'' with ''General Counsel'' to align with changes to OCC's existing organizational structure and descriptions of roles. OCC's proposed changes also update the name of OCC's Working Group from the ''Recovery and Wind-Down Working Group'' or ''RWD Plan Working Group'' to the ''Default and Recovery Working Group'' to reflect the combination of two prior working groups: the Recovery and Wind-Down Working Group (also referred to as the RWD Plan Working Group) and the Default Management Working Group.[48] OCC's proposed changes also update the reference from ''Head of Default Management'' to ''Executive Director, Market Risk and Default Management'' (''ED, MRDM'') to reflect accurate to role titles. Lastly, OCC's proposed changes eliminate the reference in Chapter 6 to OCC's ''recovery and resolution plan,'' and replace it with OCC's ''RWD Plan.'' This change is intended to promote consistency and align with the titling of the Plan referenced in OCC's existing Board Charter.

2. Statutory Basis

OCC believes the proposed rule change is consistent with Section 17A of the Exchange Act[49] and Rule 17Ad–22(e)(3)(ii)[50] thereunder. Section 17A(b)(3)(F) of the Act[51] requires,

[48] Because the two pre-existing working groups contained multiple points of overlap, OCC combined the pre-existing working groups to eliminate redundancy, ensure clarity in responsibilities and streamline the function.

[49] 15 U.S.C. 78q–1.

[50] 17 CFR 240.17ad–22(e)(3)(ii).

[51] 15 U.S.C. 78q–1(b)(3)(F).

among other things, that the rules of a clearing agency be designed, in general, to protect investors and the public interest. OCC believes that the proposed rule change is consistent with this requirement because the proposed changes are designed to, as a whole, modify OCC's existing RWD Plan to provide for effective recovery and orderly wind-down. OCC's proposed modifications, among other things: (i) identify OCC's core services to be maintained in a recovery or wind-down, which include OCC's pricing and valuation services and clearing and settlement functions, and the related staffing roles that would support those functions including those within the Business Operations, Corporate, Financial Risk Management and Information Technology support functions as described in the proposed Plan; (ii) identify OCC's service providers for core services, which include vendors, financial market utilities, banks, liquidity providers, and liquidation agents, and address how OCC would ensure that such service providers would continue in a recovery or wind-down through reliance on the absence of a ''material adverse change'' clause or similar provision (''MAC Clauses'') in each key agreement with such service provider that would permit the counterparty to terminate the agreement and discontinue the provision of services in the event of a recovery or during a wind-down; (iii) clarify OCC's process used to monitor and determine whether the criteria that could trigger implementation of a recovery or wind-down have been met through identifying responsibilities of the Financial Risk Management, IT, and Corporate Finance teams at OCC; and (iv) clarify OCC's process for testing the RWD Plan annually, including the involvement of other stakeholders participating in the test, and the roles and responsibilities of OCC's Management, Working Group, and Working Group Delegate or Chair in reviewing the testing results, and incorporating lessons learned from testing into the Plan. OCC believes these proposed modifications would help OCC anticipate, better prepare for and respond to times of extreme market stress or other events that could lead to a recovery or wind-down. Additionally, OCC believes these proposed modifications enhance OCC's ability to preserve its financial stability by proactively identifying mechanisms to ensure the continuity of OCC's core services and the continuation of the staffing roles to support those core services in times of a recovery or during a wind-down. This, in turn, would limit disruption not only to OCC and its Clearing Members, but to other market participants and the broader U.S. financial system. OCC believes the proposed changes to its RWD Plan provide OCC with the tools to effectively address a variety of potential risks, thereby improving OCC's ability to ultimately maintain market and public confidence during a time of unprecedented stress.

For these reasons, OCC believes the proposed changes to its RWD Plan are reasonably designed to protect investors and the public interest, in accordance with Section 17A(b)(3)(F) of the Act.[52]

Rule 17Ad-22(e)(3)(ii)[53] requires OCC to establish, implement, maintain and enforce written policies and procedures reasonably designed to include plans for the recovery and orderly wind-down of the covered clearing agency necessitated by credit losses, liquidity shortfalls, losses from general business risk, or any other losses.[54] As described above, OCC's RWD Plan outlines OCC's plans to recover from, or wind-down its operations as a result of severe stress brought about by credit losses, liquidity shortfalls, losses from general business risk or other losses, including losses from operational disruption. The proposed modifications to OCC's RWD Plan evaluate, among other things, how OCC would continue to provide its core services during a recovery or wind-down and analyze, from a staffing perspective, how staffing roles necessary to support OCC's core services would continue in a recovery or during a wind-down. Additionally, the proposed modifications identify the subset of OCC's service providers necessary to ensure the continued delivery of its core services throughout a recovery or wind-down. Further, the proposed changes explain OCC's process for testing the Plan and the roles and responsibilities for reviewing the testing results. These proposed updates enhance OCC's existing RWD Plan and codify its existing elements to ensure that those elements remain in the Plan over time. For those reasons, OCC believes that the proposal is consistent with Rule 17Ad–22(e)(3)(ii).

Lastly, OCC believes the proposed changes identified during its annual review process are also consistent with Rule 17Ad–22(e)(3)(ii).[55] These changes, among other things, update the Plan so that the role descriptions of OCC's Management, the support functions, and department ratings all align with OCC's existing organizational structure. The proposed changes also incorporate information related to OCC's enhanced risk management and recovery tools in the event of a non-default loss. Furthermore, OCC's proposed changes provide additional clarification and granularity in each of OCC's detailed stress scenarios. These proposed changes seek to streamline the scenarios by updating data points to reflect current information, eliminating provisions that OCC believes are no longer relevant, and including new provisions that promote a more realistic approach to each scenario. OCC believes the proposed changes identified during its annual review process improve the accuracy of the Plan by incorporating the most up to date information within the Plan so that OCC can reasonably anticipate and prepare for the possibility of a recovery or wind-down. In this regard, OCC believes its proposed rule change is consistent with Rule 17Ad–22(e)(3)(ii).[56]

(B) Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act[57] requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. OCC does not believe that the proposed rule changes to modify OCC's RWD Plan would impact or impose any burden on competition.[58] The proposed modifications to OCC's RWD Plan, which must be formally filed by April 17, 2025, and effective by December 15, 2025, would promote OCC's compliance with the SEC RWD Rule. The proposed changes to OCC's RWD Plan are designed to clearly articulate the newly established requirements of the SEC RWD Rule including, but not limited to: (i) the elements related to planning, including the identification and use of scenarios, triggers, tools, staffing, and service providers for core services, (ii) the timing and implementation of RWPs and (iii) the testing and board approval of RWPs. The proposed changes to OCC's RWD Plan also aim to, among other things, reduce potential losses for its participants and limit market disruptions by addressing how OCC's core services would continue in the event of a recovery and during a wind-down and identifying which staffing roles would deploy the RWP and supervise its implementation. Overall,

[52] *Id.*

[53] 17 CFR 240.17ad–22(e)(3)(ii).

[54] 17 CFR 240.17ad–22(e)(3)(ii).

[55] *Id.*

[56] *Id.*

[57] 15 U.S.C. 78q–1(b)(3)(I).

[58] 15 U.S.C. 78q–1(b)(3)(I).

the proposed changes are designed to promote OCC's effective planning for a recovery or orderly wind-down by including forward-looking analyses in OCC's RWD Plan to reduce the occurrence of abrupt or unanticipated market disruptions.

For the foregoing reasons, OCC believes that the proposed changes are in the public interest, would be consistent with the requirements of the Act applicable to clearing agencies, and would not impact or impose a burden on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were not and are not intended to be solicited with respect to the proposed change and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the selfregulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

The proposal shall not take effect until all regulatory actions required with respect to the proposal are completed.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–OCC–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 20549–1090.

All submissions should refer to file number SR–OCC–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 (*http://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 such filing also will be available for inspection and copying at the principal office of OCC and on OCC's website at *https://www.theocc.com/Company-Information/Documents-and-Archives/By-Laws-and-Rules*.

Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection.

All submissions should refer to file number SR–OCC–2025–005 and should be submitted on or before May 28, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[59]

Sherry R. Haywood,

Asistant Secretary.

[FR Doc. 2025–07905 Filed 5–6–25; 8:45 am]

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[59] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102961; File No. SR–IEX–2025–05]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify the Circumstances Under Which Post Only Orders May Remove Liquidity on Entry

May 1, 2025.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on April 23, 2025, the Investors Exchange LLC (''IEX'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Pursuant to the provisions of Section 19(b)(1) under the Act,[4] and Rule 19b–4 thereunder,[5] the Exchange is filing with the Commission a proposed rule change to modify its Post Only order type so that it would only execute upon entry if it would receive price improvement (as measured against the less aggressive of the order's limit price or the contra-side Protected Quotation [6]) of at least $0.01. The Exchange has designated this proposed rule change as ''non-controversial'' under Section 19(b)(3)(A) of the Act [7] and provided the Commission with the notice required by Rule 19b–4(f)(6) thereunder.[8]

The text of the proposed rule change is available at the Exchange's website at *https://www.iexexchange.io/resources/regulation/rule-filings,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of

[1] 15 U.S.C. 78s(b)(1).
[2] 15 U.S.C. 78a.
[3] 17 CFR 240.19b–4.
[4] 15 U.S.C. 78s(b)(1).
[5] 17 CFR 240.19b–4.
[6] *See* IEX Rule 1.160(bb).
[7] 15 U.S.C. 78s(b)(3)(A).
[8] 17 CFR 240.19b–4.

and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend IEX Rule 11.190(b)(20) to modify its Post Only order type so that it would only execute upon entry if it would receive price improvement (as measured against the less aggressive of the order's limit price or the contra-side Protected Quotation) of at least $0.01. IEX makes this proposal to further encourage the posting of displayed liquidity on the Exchange.

IEX's Post Only parameter instruction will post a displayable, non-routable order priced at or above $1.00 per share.[9] Upon entry, a Post Only order will not remove contra-side liquidity from the Order Book [10] except in two specific circumstances: (i) if the value of such execution when removing liquidity equals or exceeds the value of such execution if the order instead posted to the IEX Order Book and subsequently provided liquidity, including the applicable fees charged or rebates provided (the ''Sum of Fees'' [11]), or (2) if the incoming Post Only order would lock a resting non-displayed order that includes the Trade Now [12] instruction, in which case the resting order converts into an executable order that removes the displayed liquidity adding Post Only order.

IEX proposes to replace the Sum of Fees calculation with an alternative approach to assessing whether to match an incoming Post Only order with a resting contra-side order notwithstanding the Member's [13] use of a Post Only order. Currently, the Sum of Fees calculation determines at the time of a potential execution whether the Sum of Fees when removing liquidity equals or exceeds the value of such execution if the order instead posted to the IEX Order Book and subsequently provided liquidity. The Exchange compares the price improvement of the potential execution (*i.e.,* available execution price to trade on entry versus the limit price of the order) to the difference between the sum of the fees charged for such execution and the rebate that would be provided if the order posted to the IEX Order Book and subsequently provided liquidity.[14]

To determine at the time of the potential execution whether the value of such execution when removing liquidity equals or exceeds the value of such execution if the order instead posted to the IEX Order Book and subsequently provided liquidity, the Exchange uses the highest possible rebate paid and highest possible fee charged for such executions on the Exchange.[15] Under IEX's current Fee Schedule,[16] the Sum of Fees for a Post Only order that matches with a resting non-displayed order will be $0.0032 (assuming the Member receives a rebate of $0.0022, which is the highest rebate offered by IEX, and pays a $0.0010 fee for the liquidity removing order), which means that any Post Only order that would receive at least $0.005 price improvement (*e.g.,* if the spread is one cent wide and the Post Only order matches with a resting Midpoint Peg [17] order) will execute on entry instead of posting to the Order Book.

IEX believes that providing greater determinism in when a Post Only order will remove liquidity on entry will enhance the utility of such orders to Members. Specifically, Post Only orders are used by Members seeking to add displayed liquidity on the Exchange in order to receive a rebate, unless the economics of the order taking liquidity on entry is preferable from a fee perspective. IEX believes its proposal to replace the current Sum of Fees approach with an approach that requires an incoming order to receive price improvement of at least $0.01 for it to remove liquidity on entry will cause more Post Only orders to not remove liquidity on entry and instead add displayed liquidity to the Order Book, which would further incentivize the use of Post Only orders by Members who are seeking to add displayed liquidity to the Exchange.

Therefore, IEX proposes to replace its Sum of Fees calculation with an explicit and higher minimum price improvement requirement, such that an incoming Post Only order will only remove contra-side liquidity if the order would receive price improvement (as measured against the less aggressive of the order's limit price or the contra-side Protected Quotation) of at least $0.01. The following examples illustrate how the System will determine whether to execute a Post Only order on entry:

Example 1:

- Market for security XYZ is $10.10 × $10.20.
- IEX has a displayed offer to sell 100 shares of XYZ for $10.20 (''Order A'').
- IEX receives a Post Only order to buy 100 shares of XYZ with a limit price of $10.22 (''Order B'').
- The System determines that the contra-side Protected Quotation of $10.20 is less aggressive than Order B's limit price of $10.22.
- The System uses the less aggressive price to determine how much price improvement Order B would receive if it removed liquidity on entry; in this case, if Order B removed Order A at $10.20, Order B would receive $0.00 of price improvement. Because $0.00 is less than $0.01, the System will not allow Order B to execute, and it will book at $10.19 (pursuant to IEX's display price sliding rules).[18]

Example 2:

- Market for security XYZ is $10.10 × $10.20.
- IEX has a non-displayed Midpoint Peg offer to sell 100 shares of XYZ for $10.15 (''Order A'').
- IEX receives a Post Only order to buy 100 shares of XYZ with a limit price of $10.22 (''Order B'').
- The System determines that the contra-side Protected Quotation of $10.20 is less aggressive than Order B's limit price of $10.22.
- The System uses the less aggressive price to determine how much price improvement Order B would receive if it removed liquidity on entry; in this case, if Order B removed Order A at $10.15, Order B would receive $0.05 of price improvement. Because $0.05 is greater than $0.01, the System will allow Order B to execute on entry.

As described above, a Post Only order currently can execute on entry if it receives $0.005 of price improvement (*e.g.,* for stocks with a spread of one cent if there is a resting Midpoint Peg order). As proposed, a Post Only order for a security with a one-cent spread would not match with a resting Midpoint Peg order on entry, because the price improvement of $0.005 is less than $0.01. Thus, many Post Only orders that currently execute on entry would instead post to the Order Book and add displayed liquidity (unless they receive price improvement as measured against the less aggressive of the order's limit price or the contra-side Protected

[9] *See* IEX Rule 11.190(b)(20).

[10] *See* IEX Rule 1.160(p).

[11] *See* IEX Rule 11.190(b)(20)(B).

[12] *See* IEX Rule 11.190(b)(21).

[13] *See* IEX Rule 1.160(s).

[14] *See* IEX Rule 11.190(b)(20)(B).

[15] *Id.*

[16] *See https://www.iexexchange.io/resources/trading/fee-schedule.*

[17] *See* IEX Rule 11.190(b)(9).

[18] *See* IEX Rule 11.190(h)(1)(A).

Quotation of at least $0.01). IEX notes that requiring a minimum of $0.01 price improvement to allow a Post Only order to execute on entry is identical to how Nasdaq handles incoming post only orders,[19] and is consistent with the rules of NYSE Arca, which will execute an incoming post only order if it receives price improvement of at least one MPV,[20] which for securities priced at or above $1.00 is equal to $0.01.[21] Additionally, IEX understands that all other exchanges that compare the price improvement of executing a post only order on entry to the sum of fees for that execution are in effect also requiring the price improvement to be at least $0.01, because their sum of fees (calculated as the highest possible rebate and take fee) always exceed $0.005. Thus, prior to this rule change proposal, IEX was unique in allowing a Post Only order to execute on entry with only $0.005 of price improvement.[22] Therefore, the Exchange does not believe that this proposal raises any new or novel issues not already considered by the Commission.

The Exchange will announce the implementation date of the proposed changes by Trader Alert at least ten days in advance of such implementation date and within 90 days of effectiveness of this proposed rule change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[23] in general, and furthers the objectives of Section 6(b)(5),[24] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Specifically, the Exchange believes that the proposed rule change is consistent with the protection of investors and the public interest, because it is designed to encourage Members to add displayed liquidity on the Exchange. As noted in the Purpose section, providing an explicit and higher price improvement requirement of at least $0.01 for a Post Only order to remove liquidity on entry would provide more determinism for Members seeking to add liquidity to the Exchange. This in turn is designed to encourage the posting of more displayed liquidity on the Exchange, and to the extent that such an incentive is successful in increasing the overall liquidity pool available at IEX, all market participants, including takers of liquidity, will benefit. Thus, IEX believes this proposal supports the purposes of the Act 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 further believes that the proposed change 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 allowing a Post Only order to remove liquidity on entry only when it would receive price improvement (as measured against the less aggressive of the order's limit price or the contra-side Protected Quotation) of at least $0.01 would promote higher-quality executions and greater determinism for Members submitting Post Only orders, thereby encouraging increased order flow to the Exchange and enhanced trading opportunities for all market participants. Finally, the Exchange notes that considering the economic benefit of an execution is not a novel concept and believes that this proposed change would remove impediments to, and perfect the mechanism of, a free and open market and a national market system by providing Members with greater price improvement and greater certainty as to when an incoming Post Only order would execute on entry, as well as by promoting competition among equity exchanges.

In addition, as noted in the Purpose section, IEX's proposal to replace its Sum of Fees calculation with a more deterministic price improvement requirement is identical to functionality already available on both NYSE Arca and Nasdaq.[25] And because of the fees and rebates charged by other exchanges, their sum of fees calculations effectively require a minimum $0.01 price improvement for a post only order to execute on entry.[26] Thus, IEX does not believe that the proposed change raises any new or novel material issues that have not already been considered by the Commission in connection with existing order types offered by other national securities exchanges, which supports the purposes of the Act 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.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the proposal is designed to enhance IEX's competitiveness with other markets by further incentivizing the posting of displayed liquidity on the Exchange. As noted above, the Exchange believes the proposed rule change would generally align order handling on IEX with trading functionality on other equity exchanges and thus would promote competition among exchanges by offering member organizations similar functionality and order handling options to those available on other exchanges. The Exchange also believes that, to the extent the proposed change would increase opportunities for the posting of displayed orders to IEX's Order Book, the proposed change would promote competition by making the Exchange a more attractive venue for order flow and enhance market quality for all market participants. Moreover, competing exchanges have and can continue to adopt the same functionality contained in this proposal, subject to the SEC rule change process, as discussed in the Purpose and section.

The Exchange also does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. All Members are eligible to submit Post Only orders. Moreover, the proposal would provide potential benefits to all Members, as discussed in the Statutory Basis section, to the extent that allowing Post Only

[19] *See* Nasdaq Rule 4702(b)(2)(A).

[20] *See* NYSE Arca Rules 7.31–E(d)(3)(E)(i) and 7.31–E(e)(2)(A).

[21] *See* IEX Rule 11.210(a)(1).

[22] For example, Cboe BZX will execute a ''BZX Post Only Order'' on entry if the price improvement exceeds the ''highest possible rebate paid and highest possible fee charged for such execution.'' *See* BZX Rule 11.9(c)(6). Generally, because BZX's highest possible liquidity adding rebate is $0.0032 and highest possible take fee is $0.0030, the order's price improvement must exceed $0.0062 for it to execute on entry. Thus, the price improvement must be at least $0.01 for BZX to execute a post only order on entry.

[23] 15 U.S.C. 78f(b).

[24] 15 U.S.C. 78f(b)(5).

[25] *See supra* notes 19 and 20.

[26] *See supra* note 22.

orders incentivizes the provision of more displayed liquidity on IEX.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [27] and Rule 19b–4(f)(6) [28] thereunder. Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [29] and Rule 19b–4(f)(6) [30] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) [31] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[32] the Commission may designate a shorter time if such action is consistent with protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that it may promptly change its rule to conform to how other exchanges treat Post Only orders on entry. The Exchange states in its filing that the proposal will provide Members more determinism and certainty as to the circumstances in which a Post Only order will execute on entry by eliminating the potential for such orders to execute upon entry on IEX for less than $0.01 of price improvement. The Exchange further states above that the proposal is ''designed to encourage the posting of more displayed liquidity on the Exchange, and to the extent that such an incentive is successful in increasing the overall liquidity pool available at IEX, all market participants, including takers of liquidity, will benefit.'' Accordingly, the Commission believes that the Exchange's proposal does not raise any new or novel issues. Therefore, the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission designates the proposed rule change to be operative upon filing.[33]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–IEX–2025–05 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–IEX–2025–05. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–IEX–2025–05 and should be submitted on or before May 28, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[34]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–07904 Filed 5–6–25; 8:45 am]

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[27] 15 U.S.C. 78(b)(3)(A).

[28] 17 CFR 240.19b–4(f)(6).

[29] 15 U.S.C. 78s(b)(3)(A).

[30] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[31] 17 CFR 240.19b–4(f)(6).

[32] 17 CFR 240.19b–4(f)(6)(iii).

[33] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[34] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102969; File No. SR–ICC–2025–001]

Self-Regulatory Organizations; ICE Clear Credit LLC; Order Approving Proposed Rule Change Relating to ICC's Risk Parameter Setting and Review Policy and the Risk Management Model Description

May 1, 2025.

I. Introduction

On March 12, 2025, ICE Clear Credit LLC (''ICC''), 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 revise its Risk Parameter Setting and Review Policy (''RPSRP'') and its Risk Management Model Description (''RMMD'') (''Proposed Rule Change''). The Proposed Rule Change was published for comment in the **Federal Register** on March 20, 2025.[3] The

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 102679 (Mar. 14, 2025), 90 FR 13223 (Mar. 20, 2025) (File No. SR–ICC–2025–001) (''Notice'').

Commission has not received any comments on the Proposed Rule Change. For the reasons discussed below, the Commission is approving the Proposed Rule Change.

II. Description of the Proposed Rule Change

ICC is registered with the Commission as a clearing agency for the purpose of clearing CDS contracts.[4] As a clearing agency, one of ICC's functions is to manage risks inherent to the clearance and settlement of securities transactions. To help manage these risks, ICC requires Clearing Participants to post initial margin and guaranty fund payments. The RMMD describes ICC's quantitative risk models and the associated methods and techniques used to help ICC determine its initial margin and guaranty fund requirements.[5] The calculations described in the RMMD use certain parameters.[6] In the RPSRP, ICC describes how it sets and reviews these parameters, including how it performs sensitivity analysis related to certain parameter settings.[7]

ICC proposes changes to both the RPSRP and the RMMD to better document its risk management methodology and processes.[8] ICC's proposed changes fall into four categories. First, ICC proposes changes to the RPSRP to update the risk management mean absolute deviation (''MAD'') parameters for CDS single name risk factors (''RFs'') daily rather than monthly.[9] Second, ICC proposes to enhance calibration details and documentation related to the anti-procyclical condition (''APC'') measure for CDS index options in the RPSRP and the RMMD. Third, ICC proposes to update the calculation of the risk factor level maximum loss (''MaxLoss'') in the RMMD. Fourth, ICC proposes minor corrections, clarifications, and additions in both the RPSRP and the RMMD.

1. Daily Updates to the Risk Management MAD Parameters

The RPSRP contains details related to parameters considered in calculating the integrated spread response (''ISR''). The ISR is a risk model component that captures the credit spread and recovery rate fluctuations and is computed by creating profit/loss distributions from a set of jointly simulated hypothetical credit spread and recovery rate scenarios.[10] This component helps ICC to determine the riskiness of instrument positions in various hypothetical contexts.[11] One of the ISR parameters is the risk management MAD.[12]

Currently, risk management MADs are updated at different times depending on whether the risk management MADs are for indexes or single names. The index RF level risk management MADs are automatically updated daily in the risk management system.[13] On the other hand, the single-name RF level risk management MADs are reviewed and analyzed prior to implementing any single-name RF level parameter updates into the risk management system and at least monthly.[14]

ICC's proposal would change the RPSRP to automatically update the single-name RF level risk management MADs daily rather than at least monthly.[15] To effect this change, ICC proposes editing language in Section 1.7.1 of the RPSRP, which states that index RF level risk management MADs are automatically updated daily in the RM system, to note that single name RF level risk management MADs are automatically updated daily too.[16] For the same reason, the proposal would also delete text in this section indicating that the single name RF level risk management MADs are reviewed and analyzed (at least monthly) prior to implementing any single name RF level parameter updates into the risk management system.[17]

ICC proposes automatic daily updates for single name RF level risk management MADs because these risk factors benefit from daily updates.[18] Specifically, market responses for single name RFs are sensitive to rapidly changing single name risk factor-specific market conditions.[19] Automatic updates allow ICC to timely capture significant MAD changes and minimize the cumulative effect of MAD changes between two parameter updates, thereby reducing the level of procyclicality.[20] Currently, Section 1.7.1 of the RPSRP indicates that automatic updates to the risk management MADs are more suitable for index RFs than single-name RFs. Because automatic updates are suitable for risk management MADs for both single names and indexes, ICC proposes deleting the suitability comparison.[21] The Proposed Rule Change would instead indicate that single-name RFs also exhibit a dynamic market response to rapidly changing single-name RF-specific market conditions, suitable for and benefitting from automatic RM MAD updates, consistent with the above described rationale for implementing automatic daily updates for single name RF level risk management MADs.

2. APC Measure for CDS Index Options

The Proposed Rule Change would also add more detail to the RPSRP's and RMMD's discussion of anti-procyclicality (''APC'') parameters related to the ISR. Procyclicality, in part, refers to the potential for an increase in margin or guaranty fund requirements during periods of economic stress to exacerbate financial distress. ICC has adopted APC parameters to help mitigate procyclicality in the ISR.[22] These parameters function by considering instrument price changes during extreme market events.[23]

ICC proposes to add text to Section 1.7.3 of the RPSRP related to the APC parameter for the ISR. Specifically, ICC proposes adding calibration details describing how the APC measure accounts for asynchronous hedging risk through use of asynchronous scenarios. Asynchronous scenarios correspond to the dislocation of the underlying CDS index versus CDS index option hedges in the event of a liquidation auction.[24] One example of where this could occur is when the CDS index options sub-portfolio is auctioned at a different time from the underlying CDS index sub-portfolio.[25] In line with this definition, the added calibration details would note that, for options instruments, the asynchronous scenarios are constructed such that options prices are not consistent with the CDS index price levels.[26] ICC proposes these changes to increase the clarity of, and provide additional detail for, ICC's description of its parameter setting methodology, in line with recommendations from an

[4] Capitalized terms not otherwise defined herein have the meanings assigned to them in ICC's Clearing Rules, RPSRP, or the RMMD, as applicable.

[5] Notice, 90 FR at 13224.

[6] *Id.* at 13223.

[7] *Id.* Some parameters addressed in the RPSRP are used in contexts other than calculating initial margin or guaranty fund requirements. Additionally, some parameters addressed in the RPSRP are used in calculations described in the ICC Risk Management Framework. *Id.*

[8] *Id.*

[9] As described in the RMMD, ICC considers every CDS index, sub-index, or single name to be a separate risk factor.

[10] *Id.* at 13223 n.3.

[11] *Id.* at 13224 n.7.

[12] *Id.* at 13223.

[13] *Id.*

[14] *Id.*

[15] *Id.*

[16] *Id.*

[17] *Id.*

[18] *Id.*

[19] *Id.* at 13223 n.5.

[20] *Id.* at 13225.

[21] *Id.* at 13223.

[22] *Id.* at 13224.

[23] *Id.*

[24] Notice, 90 FR at 13224 n.8.

[25] *Id.*

[26] ICC also proposes adding calibration details to better describe certain aspects of its asynchronous scenarios.

independent validation report.[27] To account for the added detail to Section 1.7.3, ICC proposes amending a table that describes the parameters used in ICC's risk model. ICC proposes adding to this table a reference to this asynchronous parameter, which will be described as the ''underlying price dislocation factors for options extreme asynchronous price scenarios'' in a table containing ICC's core risk model parameters.[28]

ICC also proposes changes to Section VII.5.3 of the RMMD, similar to the changes to the RPSRP described above, to address independent validation report recommendations.[29] The Proposed Rule Change would add text describing synchronous and asynchronous hedging risk for index options as they relate to equations already included in the RMMD.[30] The Proposed Rule Change would also add text describing the different calculations that ICC performs for synchronous and asynchronous scenarios, and where to find information related to the index RF-specific price dislocation factor in the index option context. The Proposed Rule Change would also add calibration details related to the mechanics of ICC's use of asynchronous scenarios in the index option context.

ICC's proposal would also revise Section VII.5.3 of the RMMD to make changes to how it determines the underlying price dislocation factors used in asynchronous scenarios for index options. Currently, the underlying price dislocation factors for asynchronous scenarios in the index option context are set to a specific value in the RMMD. The Proposed Rule Change would determine these underlying price dislocation factors by considering a ratio between peak price decreases or increases. ICC proposes these changes to potentially improve the accuracy of the underlying price dislocation factors by using a potentially shifting estimate, rather than a static number.[31]

3. Risk Factor Level MaxLoss

ICC proposes changes to Section III.2 of the RMMD to make the CDS index and CDS single name MaxLoss boundary condition more stable and conservative.[32] This boundary condition consists of the sum of all applicable RF level maximum loss quantities. ICC considers this maximum loss when calculating the final initial margin requirement for a particular portfolio. ICC determines this maximum loss separately for CDS index positions and CDS single name positions.

With respect to CDS index positions, ICC currently considers (i) the loss responses of a portfolio's CDS index positions alone and (ii) the loss responses of a portfolio's CDS index positions and CDS index option positions combined. The Proposed Rule Change would eliminate the components of the MaxLoss boundary conditions that consider the loss responses of a portfolio's CDS index positions alone. Instead, ICC would consider the loss responses of a portfolio's CDS index positions and CDS index option positions combined, as associated with extreme price moves.[33] Considering loss responses associated with extreme price moves for a portfolio's CDS index and CDS index option positions combined could potentially lead to larger losses for these sub-portfolios, which would make the MaxLoss boundary condition more conservative.[34]

With respect to single name positions, when determining the MaxLoss boundary condition, there is no CDS single-name option for ICC to consider.[35] Accordingly, ICC does not propose any changes related to considering options, as with CDS index positions. However, ICC proposes to incorporate the extreme price moves described above. Currently, ICC considers only the liability associated with defaulting net protection buyers and sellers for a given single name. ICC proposes considering portfolio responses to extreme price moves alongside this existing liability. Similar to the changes to CDS index positions described above, ICC is making this change to make the MaxLoss boundary condition for single names more conservative as well.[36]

4. Minor Corrections, Clarifications, and Additions

Finally, the Proposed Rule Change would also make minor corrections, clarifications, and additions to the RPSRP and RMMD. Currently, Section 1.7.1 of the RPSRP indicates that ICC estimates and reviews the univariate single name ISR parameters and their assumptions at least on a monthly basis. ICC proposes to remove the reference to single names so that this provision indicates that ICC estimates and reviews the univariate ISR parameters and their assumptions at least monthly. Given that ICC's reviews encompass both single name and index ISR parameters, it is unnecessary to specify single names here.[37]

Section 1.7.1 of the RPSRP also currently indicates that, on a monthly basis, ICC's Risk department presents to, and reviews with, the ICC Risk Working Group the performed analysis (meaning the estimation and review of the univariate ISR parameters and their assumptions), and any proposed parameter updates. ICC's proposal would add language indicating that ICC's Risk department presents any ''additional'' proposed parameter updates, rather than just any proposed parameter updates, to the ICC Risk Working Group. ICC proposes this change to clarify that ICC's Risk department presents to and reviews with the ICC Risk Working Group not only the automatic parameter updates described in the RPSRP, but also any proposed parameter updates beyond the automatic parameter updates.[38]

ICC's proposal would also create a revision history in the RMMD and adjust the revision history in the RPSRP. The addition of a revision history in the RMMD and the edits to the RPSRP revision history would capture the proposed changes described above.

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act requires the Commission to approve a proposed rule change of a self-regulatory organization if it finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the organization.[39] Under the Commission's Rules of Practice, the ''burden to demonstrate that a proposed rule change is consistent with the Exchange Act and the rules and regulations issued thereunder . . . is on

[27] Notice, 90 FR at 13224.

[28] *Id.* This table also includes additional columns describing information including the review approach, review frequency, reviewer, type, and name for the core risk model parameters.

[29] Notice, 90 FR at 13224.

[30] Synchronous hedging risk stress scenarios correspond to the preservation of the underlying CDS index versus CDS index option hedges in the event of a liquidation auction. Here index option prices would directly reflect the observed underlying index levels. *Id.* at 13224 n.8.

[31] *Id.* at 13224–25.

[32] *Id.* at 13224.

[33] ICC would continue to consider loss responses accounting for the liability associated with the defaulting net protection buyers and sellers for the combined index and index option positions.

[34] Notice, 90 FR at 13224.

[35] ICC currently clears options on certain CDS indices only. *See https://www.ice.com/credit-derivatives/options.*

[36] Notice, 90 FR at 13224.

[37] *Id.* at 13223.

[38] *Id.* at 13223–24.

[39] 15 U.S.C. 78s(b)(2)(C).

the self-regulatory organization ['SRO'] that proposed the rule change.'' [40]

The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding,[41] and any failure of an SRO to provide this information may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Exchange Act and the applicable rules and regulations.[42] Moreover, ''unquestioning reliance'' on an SRO's representations in a proposed rule change is not sufficient to justify Commission approval of a proposed rule change.[43]

After carefully considering the Proposed Rule Change, the Commission finds that the Proposed Rule Change is consistent with Section 17A(b)(3)(F) of the Act [44] and Rule 17Ad–22(e)(6)(i) [45] thereunder, as described in detail below.

A. Consistency With Section 17A(b)(3)(F) of the Act

Under Section 17A(b)(3)(F) of the Act, ICC's rules, among other things, must be ''designed to promote the prompt and accurate clearance and settlement of securities transactions and . . . assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible . . . .'' [46] Based on a review of the record, and for the reasons discussed below, ICC's proposed rule change is consistent with Section 17A(b)(3)(F).

ICC proposes several changes that mitigate procyclicality. The Proposed Rule Change would automatically update the risk management mean absolute deviation parameters for CDS single name risk factors daily rather than monthly. These automatic daily updates allow ICC to timely capture significant MAD changes and minimize the cumulative effect of MAD changes between two parameter updates, thereby reducing the level of procyclicality.[47]

ICC's proposal would also enhance calibration details and documentation related to the anti-procyclical condition measure for CDS index options. Specifically, ICC proposes to add details and descriptions regarding how ICC addresses asynchronous and synchronous scenarios in its APC measures. ICC also proposes adjusting how it determines underlying price dislocation factors used in asynchronous scenarios for index options to consider a ratio between peak price decreases and increases rather than using a specific value. By more completely addressing these asynchronous and synchronous scenarios—particularly the asynchronous scenarios—and adjusting the method of determining underlying price dislocation factors, ICC strengthens its APC parameters.

The Proposed Rule Change would also update the calculation of the risk factor level MaxLoss. Specifically, ICC would make the CDS index and CDS single name MaxLoss boundary condition more stable and conservative by adjusting these conditions to consider sub-portfolio loss responses associated with extreme price moves and, in some cases, eliminating the need to consider index-only portfolio loss responses. These changes make the MaxLoss boundary conditions more conservative because they potentially may lead to larger losses for sub-portfolios.[48]

Reducing the level of procyclicality helps to ensure that ICC collects initial margin sufficient to cover its credit exposures to its Clearing Participants without adding financial stress. This supports Clearing Participants' ability to satisfy margin requirements, and therefore ICC's ability to continue operating as a central counterparty with the financial resources necessary to promptly and accurately clear and settle CDS transactions and safeguard securities and funds. Thus, these proposed changes are consistent with Section 17A(b)(3)(F) of the Act.[49]

ICC also proposes changes to correct, clarify, and add to the RPSRP and RMMD. ICC's proposal would clarify that the ICC Risk department's estimates and reviews of univariate ISR parameters and their assumptions encompass both single name and index ISR parameters. The Proposed Rule Change would also add language indicating that the ICC Risk Department presents to and reviews with the ICC Risk Working Group not only the automatic parameter updates described in the RPSRP but also any proposed parameter updates beyond the automatic parameter updates. These proposed changes clarify what ICC personnel are presenting and reviewing in certain situations, helping to ensure that all relevant information is presented and reviewed as required. This helps to ensure that individuals and groups at ICC are appropriately informed, which enhances their ability to make decisions that allow ICC to promptly and accurately clear and settle CDS transactions and safeguard securities and funds.

Accordingly, the Proposed Rule Change is consistent with the requirements of Section 17A(b)(3)(F) of the Act.[50]

B. Consistency With Rule 17Ad–22(e)(6)(i)

Rule 17Ad–22(e)(6)(i) requires ICC to ''establish, implement, maintain and enforce written policies and procedures reasonably designed to . . . cover, if the covered clearing agency provides central counterparty services, its credit exposures to its participants by establishing a risk-based margin system that, at a minimum considers, and produces margin levels commensurate with, the risks and particular attributes of each relevant product, portfolio, and market . . . .'' [51] Based on a review of the record, and for the reasons discussed below, ICC's proposed rule change is consistent with Rule 17Ad–22(e)(6)(i).

Among other things, in establishing policies and procedures for margin, a covered clearing agency generally should consider whether its margin model, to the extent practicable and prudent, limits the need for destabilizing, procyclical changes.[52] ICC's proposed changes make its initial margin requirements less procyclical. For example, by requiring automatic updates of the risk management MAD parameters for CDS single name risk factors daily rather than monthly, ICC would timely capture significant MAD changes and minimize the cumulative effect of MAD changes between two parameter updates, thereby reducing procyclicality.[53] By more completely describing the APC measure for index options and changing the price dislocation factor from a static number to a ratio, ICC strengthens its APC measure and better addresses procyclicality in its ISR and ultimately

[40] Rule 700(b)(3), Commission Rules of Practice, 17 CFR 201.700(b)(3).

[41] *Id.*

[42] *Id.*

[43] *Susquehanna Int'l Group, LLP* v. *Securities and Exchange Commission,* 866 F.3d 442, 447 (D.C. Cir. 2017).

[44] 15 U.S.C. 78q–1(b)(3)(F).

[45] 17 CFR 240.17Ad–22(e)(6)(i).

[46] 15 U.S.C. 78q–1(b)(3)(F).

[47] Notice, 90 FR at 13225.

[48] Notice, 90 at 13224.

[49] 15 U.S.C. 78q–1(b)(3)(F).

[50] 15 U.S.C. 78q–1(b)(3)(F).

[51] 17 CFR 240.17Ad–22(e)(6)(i).

[52] Standards for Covered Clearing Agencies, Exchange Act Release No. 78961 (Sept 28, 2016), 81 FR 70786, 70819 (Oct 13, 2016) (S7–03–14).

[53] Notice, 90 FR at 13225.

its margin calculations.[54] By adjusting the CDS index and CDS single name MaxLoss boundary conditions to consider sub-portfolio loss responses associated with extreme price moves and, in some cases, eliminating the need to consider index-only portfolio loss responses, ICC makes its MaxLoss boundary conditions more conservative. This allows ICC to better avoid uneconomical portfolio level initial margin requirements.[55] Because these proposed changes work to minimize procyclicality, their establishment is reasonably designed to establish a risk-based margin system that covers ICC's credit exposures to its participants and considers, and produces, margin levels commensurate with, the risks and particular attributes of each relevant product, portfolio, and market.

Accordingly, the Proposed Rule Change is consistent with the requirements of Rule 17Ad–22(e)(6)(i).[56]

IV. Conclusion

On the basis of the foregoing, the Commission finds that the Proposed Rule Change is consistent with the requirements of the Act, and in particular, Section 17A(b)(3)(F) of the Act[57] and Rule 17Ad–22(e)(6)(i).[58]

It is therefore ordered pursuant to Section 19(b)(2) of the Act that the proposed rule change (SR–ICC–2025–001) be, and hereby is, approved.[59]

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[60]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–07911 Filed 5–6–25; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[License No. 30002169]

Source Capital Credit Opportunities V, L.P.; Conflicts of Interest Exemption

Notice is hereby given that Source Capital Credit Opportunities V, L.P., 3060 Peachtree Road, Suite 1830, Atlanta, GA 30305, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the ''Act''), in connection with the financing of a small business concern, has sought an exemption under Section 312 of the Act and 13 CFR 107.730, Financings which Constitute Conflicts of Interest of the Code of Federal Regulations. Source Capital Credit Opportunities V, L.P. is seeking a prior written exemption from US Small Business Administration (''SBA'') for a proposed financing to Property Rate LLC, 1855 W Katella Avenue #100, Orange, CA 92867.

The financing is brought within the purview of 13 CFR 107.730(a) of the Regulations because Property Rate LLC is an Associate of Source Capital Credit Opportunities V, L.P. because Associate Source Capital Credit Opportunities IV, L.P. owns a greater than ten percent interest in Property Rate LLC, therefore this transaction is considered *Financings which constitute conflicts of interest,* requiring SBA's prior written exemption.

Notice is hereby given that any interested person may submit written comments on this transaction within fifteen days of the date of this publication to the Associate Administrator, Office of Investment and Innovation, U.S. Small Business Administration, 409 Third Street SW, Washington, DC 20416.

Paul Salgado,

Director, Investment Portfolio Management, Office of Investment and Innovation, U.S. Small Business Administration.

[FR Doc. 2025–07914 Filed 5–6–25; 8:45 am]

BILLING CODE P

DEPARTMENT OF STATE

[Public Notice: 12706; No. 2025–02]

Designation and Determination Pursuant to the Foreign Missions Act

Pursuant to the authority vested in the Secretary of State under the Foreign Missions Act, 22 U.S.C. 4301 et seq (''the Act''), and delegated pursuant to Department of State Delegation of Authority No. 214 of September 20, 1994, I hereby designate all engagements with representatives of and visits to state, local, and municipal governments, educational institutions, and research facilities, including national laboratories and agricultural facilities, in the United States and its territories involving members of the Cuban bilateral mission to the United States as a benefit as defined in 22 U.S.C. 4302(a)(1).

Section 204(b) of the Act (22 U.S.C. 4304(b)) provides that the Secretary of State may require a foreign mission to obtain benefits from or through the Secretary on such terms and conditions as the Secretary may approve. Pursuant to the authority vested in the Secretary of State under Section 204(b) of the Act and delegated pursuant to Department of State Delegation of Authority No. 214 of September 20, 1994, I hereby determine it is reasonably necessary to achieve one or more of the purposes set forth in section 204(b) of the Act to require all Cuban bilateral mission members in the United States, including its representatives temporarily working in the United States, to submit prior notification to the Office of Foreign Missions of all engagements with representatives of or visits to:

1. State, local, and municipal governments in the United States and its territories;

2. Educational institutions in the United States and its territories; and,

3. Research facilities, including national laboratories and agricultural facilities, in the United States and its territories.

This benefit is subject to any modified or additional terms and conditions as may be approved by the Director or Deputy Director of the Office of Foreign Missions.

Dated: April 18, 2025.

Clifton C. Seagroves,

Acting Director, Office of Foreign Missions, Department of State.

[FR Doc. 2025–07965 Filed 5–6–25; 8:45 am]

BILLING CODE 4711–11–P

DEPARTMENT OF STATE

[Public Notice: 12718]

Notice of Charter Renewal for the U.S. Advisory Commission on Public Diplomacy

SUMMARY: The Department of State has renewed the Charter for the U.S. Advisory Commission on Public Diplomacy (ACPD).

FOR FURTHER INFORMATION CONTACT: For further information about the Commission, please contact Sarah E. Arkin, the Commission's Designated Federal Officer and Executive Director, at 202–472–8198; email: *ArkinSE@state.gov.*

SUPPLEMENTARY INFORMATION: The Commission was originally established under Section 604 of the United States Information and Educational Exchange Act of 1948, as amended, and under Section 8 of Reorganization Plan Number 2 of 1977. It was permanently reauthorized pursuant to Section 5604 of the National Defense Authorization Act, Fiscal Year 2022 (Pub. L. 117–81), which amended Section 1134 of the Foreign Affairs Reform and

[54] *Id.* at 13224.

[55] ICC Risk Management Model Description, filed as confidential Exhibit 5B.

[56] 17 CFR 240.17Ad–22(e)(6)(i).

[57] 15 U.S.C. 78q–1(b)(3)(F).

[58] 17 CFR 240.17Ad–22(e)(6)(i).

[59] In approving the proposed rule change, the Commission considered the proposal's impacts on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[60] 17 CFR 200.30–3(a)(12).

Restructuring Act of 1998 (22 U.S.C. 6553). It is operated in accordance with the Federal Advisory Committee Act, 5 U.S.C. 1001 *et seq.* (FACA), to the extent that FACA is not inconsistent with the Commission's authorizing legislation.

The Charter was renewed on April 21, 2025.

Authority: 22 U.S.C. 2651a, 22 U.S.C. 1469, 5 U.S.C. 1001 *et seq.,* and 41 CFR 102–3.150.

Sarah E. Arkin,

Executive Director, U.S. Advisory Commission on Public Diplomacy, Department of State.

[FR Doc. 2025–07966 Filed 5–6–25; 8:45 am]

BILLING CODE 4710–45–P

TENNESSEE VALLEY AUTHORITY

Sunshine Act Meetings

TIME AND DATE: 9:00 a.m. CT on May 8, 2025.

PLACE: Putnam County Convention Center, Cookeville, Tennessee.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Meeting No. 25–02

The TVA Board of Directors will hold a public meeting on May 8 at the Putnam County Convention Center, 6000 Tennessee Avenue, Cookeville, Tennessee. The meeting will be called to order at 9:00 a.m. CT to consider the agenda items listed below.

On May 7, at the Putnam Country Convention Center, the public may comment on any agenda item or subject at a Board-hosted public listening session which begins at 2:00 p.m. CT and will last until 4:00 p.m. Preregistration is required to address the Board.

Agenda

1. Approval of Minutes of the February 13, 2025 Board Meeting
2. Report of the Finance, Rates, and Portfolio Committee
3. Report of the Audit, Risk, and Cybersecurity Committee
4. Report of the People and Governance Committee
5. Report of the External Stakeholders and Regulation Committee
6. Report of the Operations and Nuclear Oversight Committee
7. Information Items
   A. Retention of Executive Search Firm—*Solely Related to Internal Personnel Practices*
   B. CEO Selection Approval
8. Report From President and CEO

CONTACT PERSON FOR MORE INFORMATION: For more information: Please contact Melissa Greene, TVA Media Relations at (865) 632–6000, Knoxville, Tennessee. Anyone who wishes to comment on any of the agenda in writing may send their comments to: TVA Board of Directors, Board Agenda Comments, 400 West Summit Hill Drive, Knoxville, Tennessee 37902.

Dated: May 1, 2025.

Edward C. Meade,

Agency Liaison.

[FR Doc. 2025–08110 Filed 5–5–25; 4:15 pm]

BILLING CODE 8120–08–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Transportation Project in Florida

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for judicial review.

SUMMARY: The FHWA, on behalf of the Florida Department of Transportation (FDOT), is issuing this notice to announce actions taken by FDOT and other Federal agencies that are final agency actions. These actions relate to the proposed State Road (SR) 934/NE 79th Street Project Development and Environment (PD&E) Study (Financial Management Number 449007–1). The project involves the replacement of four prestressed concrete slab bridges to address the structural deficiencies and to maintain emergency evacuation capabilities. The project also involves improvements to existing bicycle and pedestrian facilities and signalization; replacement and optimization of traffic signals; roadway repaving and striping; drainage improvements; and signage.

DATES: By this notice, the FHWA, on behalf of FDOT, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal Agency actions on the listed highway project will be barred unless the claim is filed on or before October 6, 2025. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

ADDRESSES: The Type 2 Categorical Exclusion and additional project documents can be viewed and downloaded from the project website at: *https://www.fdotmiamidade.com/79thstreetbridgespdestudy.html* or by contacting FDOT Office of Environmental Management, 605 Suwannee Street, MS 37, Tallahassee, Florida 32399, during normal business hours are 8 a.m. to 5 p.m. (Eastern Standard Time), Monday through Friday, except State holidays.

FOR FURTHER INFORMATION CONTACT: Katasha Cornwell, Interim Director, Office of Environmental Management, FDOT; telephone (850) 414–5260; email: *Katasha.Cornwell@dot.state.fl.us.*

SUPPLEMENTARY INFORMATION: Effective December 14, 2016, and as subsequently renewed on May 26, 2022, the FHWA assigned, and the FDOT assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that FDOT and other Federal agencies have taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, or approvals for the proposed improvement highway project. The actions by FDOT and other Federal agencies on the project, and the laws under which such actions were taken are described in the Type 2 Categorical Exclusion approved on April 10, 2025, and in other project records for the listed project. The Type 2 Categorical Exclusion and other documents for the listed project are available by contacting FDOT at the address provided above.

The project subject to this notice is:

Project Location: The project limits include Miami-Dade County, Florida, and encompasses parts of the City of Miami and North Bay Village. It spans approximately 0.87 miles along State Road (SR) 934/NE 79th Street, from west of Pelican Harbor Drive to east of Adventure Avenue.

Project Actions: This notice applies to the Type 2 Categorical Exclusion and all other Federal agency licenses, permits, or approvals for the listed project as of the issuance date of this notice including but not limited to the Section 4(f) Resource Programmatic Approval and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321 *et seq.*]; Federal-Aid Highway Act (FAHA) [23 U.S.C. 109 and 23 U.S.C. 128]; 23 CFR part 771.

2. *Air:* Clean Air Act (CAA) [42 U.S.C. 7401–7671(q)], with the exception of project level conformity determinations [42 U.S.C. 7506].

3. *Noise:* Noise Control Act of 1972 [42 U.S.C. 4901–4918]; 23 CFR part 772.

4. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [23 U.S.C. 138 and 49 U.S.C. 303]; 23 CFR part 774; Land and Water Conservation Fund (LWCF) [54 U.S.C. 200302–200310].

5. *Wildlife:* Endangered Species Act (ESA) [16 U.S.C. 1531–1544 and 1536]; Marine Mammal Protection Act [16 U.S.C. 1361–1423h], Anadromous Fish Conservation Act [16 U.S.C. 757(a)–757(f)]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; Migratory Bird Treaty Act (MBTA) [16 U.S.C. 703–712]; Magnuson-Stevenson Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801–1891d], with Essential Fish Habitat requirements [16 U.S.C. 1855(b)(2)].

6. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [54 U.S.C. 3006101 *et seq.*]; Archaeological Resources Protection Act of 1979 (ARPA) [16 U.S.C. 470(aa)–470(II)]; Preservation of Historical and Archaeological Data [54 U.S.C. 312501–312508]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013; 18 U.S.C. 1170].

7. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000d–2000d–1]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

8. *Wetlands and Water Resources:* Clean Water Act (Section 319, Section 401, Section 404) [33 U.S.C. 1251–1387]; Coastal Barriers Resources Act (CBRA) [16 U.S.C. 3501–3510]; Coastal Zone Management Act (CZMA) [16 U.S.C. 1451–1466]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300f–300j–26]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; Wetlands Mitigation, [23 U.S.C. 119(g) and 133(b)(3)]; Flood Disaster Protection Act [42 U.S.C. 4001–4130].

9. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act (RCRA) [42 U.S.C. 6901–6992(k)].

10. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

(Authority: 23 U.S.C. 139(l)(1)).

Issued on: May 2, 2025.

Karen M. Brunelle,

Director, Office of Project Development, Federal Highway Administration.

[FR Doc. 2025–07970 Filed 5–6–25; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Limitation on Claims Against Proposed Public Transportation Projects—Ontario International Airport Connector Project and Draw One Bridge Replacement Project

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice announces final environmental actions taken by the Federal Transit Administration (FTA) regarding two projects: the Ontario International Airport Connector Project, Cities of Rancho Cucamonga and Ontario, San Bernardino County, California; and the Draw One Bridge Replacement Project in Boston, Suffolk County and Cambridge, Middlesex County, Massachusetts. The purpose of this notice is to publicly announce FTA's environmental decisions on the subject projects, and to activate the limitation on any claims that may challenge these final environmental actions.

DATES: A claim seeking judicial review of FTA actions announced herein for the listed public transportation projects will be barred unless the claim is filed on or before October 6, 2025.

FOR FURTHER INFORMATION CONTACT: Kathryn Loster, Assistant Chief Counsel, Office of Chief Counsel, (202) 360–2322, or Saadat Khan, Environmental Protection Specialist, Office of Environmental Policy and Programs, (202) 366–9647. FTA is located at 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FTA has taken final agency actions subject to 23 U.S.C. 139(l) by issuing certain approvals for the public transportation projects listed below. The actions on the projects, as well as the laws under which such actions were taken, are described in the documentation issued in connection with the project to comply with the National Environmental Policy Act (NEPA), and in other documents in the FTA environmental project files for the projects. Interested parties may contact either the project sponsor or the relevant FTA Regional Office for more information. Contact information for FTA's Regional Offices may be found at *https://www.transit.dot.gov.*

This notice applies to all FTA decisions on the listed projects as of the issuance date of this notice and all laws under which such actions were taken, including, but not limited to, NEPA (42 U.S.C. 4321–4375), Section 4(f) requirements (49 U.S.C. 303), Section 106 of the National Historic Preservation Act (54 U.S.C. 306108), Endangered Species Act (16 U.S.C. 1531), Magnuson-Stevens Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 *et seq.*), Clean Water Act (33 U.S.C. 1251), and the Clean Air Act (42 U.S.C. 7401–7671q). This notice does not, however, alter or extend the limitation period for challenges of project decisions subject to previous notices published in the **Federal Register**. The projects actions that are the subject of this notice follow:

1. *Project name and location:* Ontario International Airport (ONT) Connector Project (CA Project), Cities of Rancho Cucamonga and Ontario, San Bernardino County, California.

Project Sponsor: San Bernardino County Transportation Authority (SBCTA).

Project description: The CA Project would construct a 4.2-mile-long transit service tunnel directly connecting the Southern California Regional Rail Authority Cucamonga Metrolink Station in the City of Rancho Cucamonga with ONT in the City of Ontario. The CA Project would provide a direct airport connection from Cucamonga Metrolink Station to support ONT's projected growth. Transit facilities would be constructed, including stations to serve Cucamonga Metrolink Station, ONT Terminals 2 and 4; a maintenance and storage facility to store and maintain vehicles; and an emergency access and ventilation shaft to provide a means of emergency passenger egress and first responder access.

Final agency action: Section 106 No Historic Properties Affected determination, dated December 2, 2024; and Finding of No Significant Impact (FONSI), dated April 10, 2025.

Supporting documentation: The ONT Connector Project Environmental Assessment (EA), dated October 18, 2024. The FONSI, EA and associated documents can be viewed and downloaded from: *https://*

www.gosbcta.com/ontconnector/#ont-docs.

2. *Project name and location:* Draw One Bridge Replacement Project (MA Project), Boston, Suffolk County, and Cambridge, Middlesex County, Massachusetts.

Project Sponsor: Massachusetts Bay Transportation Authority (MBTA).

Project description: The MA Project would involve the replacement of the Draw One Bridge, which carries Amtrak passenger and MBTA commuter rail traffic over the Charles River in the cities of Boston and Cambridge, Massachusetts. The existing two two-track bascule bridge spans would be replaced with three two-track, standalone vertical lift bridge structures within the footprint of the existing bridges. The new bridge structures would carry six tracks, rather than the four on the current crossings. The MA Project would also replace the Boston and Main Railroad (B&MRR) Signal Tower A and modify the Massachusetts Department of Conservation and Recreation-owned North Bank Bridge, which crosses the MBTA right-of-way north of the Draw One Bridge. The MA Project work would also include replacing the existing signal system and switch heaters associated with the Draw One Bridge, and installing a new drainage system.

Final agency action: Section 106 Memorandum of Agreement, dated December 18, 2024; Section 4(f) de minimis, dated January 8, 2025; Draw One Bridge Replacement Project Finding of No Significant Impact (FONSI), dated January 16, 2025.

Supporting documentation: Draw One Bridge Replacement Project, Final Environmental Assessment (Final EA), dated January 16, 2025. The FONSI, EA and supporting documents can be viewed and downloaded from: *https://www.mbta.com/projects/north-station-drawbridge-replacement.*

Authority: 23 U.S.C. 139(l)(1).

Megan Blum,

Deputy Associate Administrator for Planning and Environment.

[FR Doc. 2025–07931 Filed 5–6–25; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2025–0012]

Pipeline Safety: Information Collection Activities

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

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, PHMSA invites public comments on PHMSA's intent to request Office of Management and Budget (OMB) approval to renew two information collection requests that are scheduled to expire this year. PHMSA has reviewed each information collection and considers them vital to maintaining pipeline safety. As such, PHMSA will request renewal from OMB, without change, for the information collections.

DATES: Interested persons are invited to submit comments on or before July 7, 2025.

ADDRESSES: Comments may be submitted in the following ways:

E-Gov Website: http://www.regulations.gov. This site allows the public to submit comments on any **Federal Register** notice issued by any agency.

Fax: 1–202–493–2251.

Mail: Docket Management Facility; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: Room W12–140 on the ground level of DOT, West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9:00 a.m. and 5:00 p.m. ET, Monday through Friday, except Federal holidays.

Instructions: Identify the docket number, PHMSA–2025–0012, at the beginning of your comments. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. You should know that anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). Therefore, you may want to review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000, (65 FR 19477) or visit *http://www.regulations.gov* before submitting any such comments.

Docket: For access to the docket or to read background documents or comments, go to *http://www.regulations.gov* at any time or to Room W12–140 on the ground level of DOT, West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9:00 a.m. and 5:00 p.m. ET, Monday through Friday, except Federal holidays. If you wish to receive confirmation of receipt of your written comments, please include a self-addressed, stamped postcard with the following statement: ''Comments on: PHMSA–2025–0012.'' The Docket Clerk will date stamp the postcard prior to returning it to you via the U.S. mail. Please note that due to delays in the delivery of U.S. mail to Federal offices in Washington, DC, we recommend that persons consider an alternative method (internet, fax, or professional delivery service) of submitting comments to the docket and ensuring their timely receipt at DOT.

Privacy Act Statement: DOT may solicit comments from the public regarding certain general notices. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *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. If your comments responsive to this 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 this notice, it is important that you clearly designate the submitted comments as CBI. Pursuant to 49 CFR 190.343, you may ask PHMSA to give 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 you are submitting is CBI. Unless you are notified otherwise, PHMSA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this notice.

Submissions containing CBI should be sent to Angela Hill, DOT, PHMSA, 1200 New Jersey Avenue SE, PHP–30, Washington, DC 20590–0001. Any commentary PHMSA receives that is not specifically designated as CBI will be placed in the public docket for this matter.

FOR FURTHER INFORMATION CONTACT: Angela Hill by telephone at 202–366–1246 or by email at *Angela.Hill@dot.gov.*

SUPPLEMENTARY INFORMATION: Title 5, Code of Federal Regulations (CFR) section 1320.8(d), requires PHMSA to provide interested members of the public and affected agencies the opportunity to comment on information collection and recordkeeping requests before they are submitted to OMB for approval. This notice identifies two information collection requests that PHMSA will submit to OMB for renewal and requests comment from interested parties.

The following information is provided for each information collection request: (1) Title of the information collection; (2) OMB control number; (3) Current expiration date; (4) Type of request; (5) Abstract of the information collection activity; (6) Description of affected public; (7) Estimate of total annual reporting and recordkeeping burden; and (8) Frequency of collection.

PHMSA will request a three-year term of approval for these information collection activities. PHMSA requests comments on the following information:

1. Title: ''Rupture Mitigation Valve Recordkeeping Requirements''.

OMB Control Number: 2137–0637.

Current Expiration Date: 11/30/2025.

Abstract: Operators who have experienced a rupture or rupture-mitigation valve shut-off are required to complete a post-incident review. The post-incident summary, all investigation and analysis documents used to prepare it, and records of lessons learned must be kept for the life of the pipeline.

Operators must also develop written rupture identification procedures to evaluate and identify whether a notification of potential rupture is an actual rupture event or non-rupture event as soon as practicable. These procedures must, at a minimum, specify the sources of information, operational factors, and other criteria that operator personnel use to evaluate a notification of potential rupture. Operators are also required to maintain certain records if they experience certain circumstances involving their rupture-mitigation valve operations.

Affected Public: Operators of PHMSA-regulated pipelines.

Annual Reporting and Recordkeeping Burden:

Total Annual Responses: 4,213.

Total Annual Burden Hours: 85,724.

Frequency of Collection: On occasion.

2. Title: ''Rupture Mitigation Valve Notification Requirements''.

OMB Control Number: 2137–0638.

Current Expiration Date: 11/30/2025.

Abstract: 49 CFR 192.634 and 49 CFR 195.418 require operators who elect to use alternative equivalent technology to notify the Office of Pipeline Safety at least 90 days in advance of use. An operator choosing this option must include a technical and safety evaluation, including design, construction, and operating procedures for the alternative equivalent technology with the notification.

Operators must notify PHMSA if a rupture-mitigation valve cannot be made operational within 14 days of installation. Operators must also notify PHMSA if a valve cannot be repaired or replaced within 12 months.

An operator may seek exemption from certain regulatory requirements by notifying PHMSA in certain instances. An operator may plan to leave a rupture-mitigation valve open for more than 30 minutes following a rupture identification if the operator demonstrates to PHMSA, that closing a rupture mitigation valve, or alternative equivalent technology, would be detrimental to public safety. Likewise, for hazardous liquid pipeline segments in a non-high consequence area (HCA) or a non-HCA could-affect segment, an operator may request exemption from certain requirements if it can demonstrate to PHMSA that installing an otherwise-required rupture-mitigation valve, or alternative equivalent technology, would be economically, technically, or operationally infeasible.

Affected Public: Operators of PHMSA-regulated pipelines.

Annual Reporting and Recordkeeping Burden:

Total Annual Responses: 598.

Total Annual Burden Hours: 2,378.

Frequency of Collection: On occasion.

Comments are invited on:

(a) The need for the renewal and revision of these collections of information for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(b) The accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued in Washington, DC, under authority delegated in 49 CFR 1.97.

John A. Gale,

Director, Standards and Rulemaking Division.

[FR Doc. 2025–07918 Filed 5–6–25; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Collection Activities; Requesting Comments on Form 5316

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Form 5316, Application for Group or Pooled Trust Ruling.

DATES: Written comments should be received on or before July 7, 2025 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to *pra.comments@irs.gov.* Include OMB Control No. 1545–2166 in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Jason Schoonmaker, (801) 620–2128, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *jason.m.schoonmaker@irs.gov.*

SUPPLEMENTARY INFORMATION: The IRS is currently seeking comments concerning the following information collection tools, reporting, and record-keeping requirements:

Title: Application for Group or Pooled Trust Ruling.

OMB Number: 1545–2166.

Form Number: 5316.

Abstract: Group/pooled trust sponsors file this form to request a determination

letter from the IRS for a determination that the trust is a group trust arrangement as described in Rev. Rul. 81–100, 1981–1 C.B. 326 as modified and clarified by Rev. Rul. 2004–67, 2004–28 I.R.B. 28, as modified by Rev. Rul. 2011–1, 2011–2, I.R.B. 251, and as modified by Rev. Rul. 2014–24, 2014–37 I.R.B. 529.

Current Actions: There is no change to the burden previously approved by OMB. This submission is for renewal purposes.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 200.

Estimated Time per Respondent: 14 hours, 6 minutes.

Estimated Total Annual Burden Hours: 2,820 hours.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 1, 2025.

Jason M. Schoonmaker,

Tax Analyst.

[FR Doc. 2025–07932 Filed 5–6–25; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Mandatory Survey of Foreign-Residents' Holdings of U.S. Securities

AGENCY: Departmental Offices, Department of the Treasury.

ACTION: Notice of reporting requirements.

SUMMARY: By this Notice the Department of the Treasury is informing the public that it is conducting a mandatory survey of foreign-residents' holdings of U.S. securities, including selected money market instruments, as of June 30, 2025. This mandatory survey is conducted under the authority of the International Investment and Trade in Services Survey Act. This Notice constitutes legal notification to all United States persons (defined below) who meet the reporting requirements set forth in this Notice that they must respond to, and comply with, this survey. Additional copies of the reporting forms SHLA (2025) and instructions may be printed from the internet at: *https://home.treasury.gov/data/treasury-international-capital-tic-system-home-page/tic-forms-instructions/forms-shl.*

SUPPLEMENTARY INFORMATION:

Definition: A U.S. person is any individual, branch, partnership, associated group, association, estate, trust, corporation, or other organization (whether or not organized under the laws of any State), and any government (including a foreign government, the United States Government, a State or local government, and any agency, corporation, financial institution, or other entity or instrumentality thereof, including a government-sponsored agency), who resides in the United States or is subject to the jurisdiction of the United States.

Who Must Report: This mandatory survey is conducted under the authority of the International Investment and Trade in Services Survey Act (22 U.S.C. 3101 *et seq.*) and in accordance with 31 CFR 129. The panel for this survey is based primarily on the level of foreign residents' holdings of U.S. securities reported on the June 2024 benchmark survey of foreign residents' holdings of U.S. securities, and on the Aggregate Holdings, Purchases And Sales, And Fair Value Changes Of Long-Term Securities By U.S. And Foreign Residents (TIC SLT) report as of December 2024, and will consist mostly of the largest reporters. Entities required to report will be contacted individually by the Federal Reserve Bank of New York. Entities not contacted by the Federal Reserve Bank of New York have no reporting responsibilities.

What to Report: This report will collect information on foreign resident holdings of U.S. securities, including equities, short-term debt securities (including selected money market instruments), and long-term debt securities.

How to Report: Copies of the survey forms and instructions, which contain complete information on reporting procedures and definitions, may be obtained at the website address given above in the Summary, or by contacting the survey staff of the Federal Reserve Bank of New York at (212) 720–6300 or (646) 720–6300, email: *SHLA.help@ny.frb.org.* The mailing address is: Federal Reserve Bank of New York, Data and Statistics Function, 6th Floor, 33 Liberty Street, New York, NY 10045–0001. Inquiries can also be made to Dwight Wolkow, at (202) 622–1276, or by email: *comments2TIC@treasury.gov.*

When to Report: Data should be submitted to the Federal Reserve Bank of New York, acting as fiscal agent for the Department of the Treasury, by September 2, 2025.

Paperwork Reduction Act Notice: This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 1505–0123. 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 OMB. The estimated average annual burden associated with this collection of information is 486 hours per report for the largest custodians of securities, and 110 hours per report for the largest issuers of securities that have data to report and are not custodians. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Department of the Treasury, Office of International Affairs, Attention Administrator, International Portfolio Investment Data Reporting Systems, Room 1050, Washington, DC 20220, and to OMB, Attention Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503.

Dwight D. Wolkow,

Administrator, International Portfolio Investment Data Reporting Systems.

[FR Doc. 2025–07900 Filed 5–6–25; 8:45 am]

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Part II

Federal Communications Commission

47 CFR Part 9
Wireless E911 Location Accuracy Requirements; Proposed Rule

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 9

[PS Docket No. 07–114; FR ID 290080]

Wireless E911 Location Accuracy Requirements

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (the FCC or Commission) proposes rules to strengthen wireless 911 location accuracy rules and to put more actionable location information in the hands of Public Safety Answering Points (PSAPs) and first responders.

DATES: Comments are due on or before June 6, 2025, and reply comments are due on or before July 7, 2025.

ADDRESSES: You may submit comments, identified by PS Docket No. 07–114, by any of the following methods:

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: *https://www.fcc.gov/ecfs.*
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. All filings must be addressed to the Secretary, Federal Communications Commission.
- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8 a.m. and 4 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.

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

FOR FURTHER INFORMATION CONTACT: Thomas Eng, Engineer, Policy and Licensing Division, Public Safety and Homeland Security Bureau, (202) 418–0019, *Thomas.Eng@fcc.gov,* or Brenda Boykin, Deputy Chief, Policy and Licensing Division, Public Safety and Homeland Security Bureau, (202) 418–2062, *Brenda.Boykin@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Sixth Further Notice of Proposed Rulemaking (*FNPRM*), FCC 25–22, in PS Docket No. 07–114, adopted on March 27, 2025, and released on March 28, 2025. The full text of this document is available at *https://www.fcc.gov/document/fcc-proposes-improvements-wireless-e911-location-accuracy-rules.*

Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998), *https://www.govinfo.gov/content/pkg/FR-1998-05-01/pdf/98-10310.pdf.*

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

Synopsis

Background

In the *FNPRM,* we propose to strengthen our wireless 911 location accuracy rules to put more actionable location information in the hands of Public Safety Answering Points (PSAPs) and first responders. In the *FNPRM,* we propose to focus our approach on making the information available to PSAPs more valuable and directly applicable to incident response. Better location information from the outset of a 911 call translates to time saved during a response, and that time saved translates to lives saved. From the handsets in consumers' hands, to the provider networks and technologies used to derive and deliver location data to the PSAPs, to the equipment and systems used by the PSAPs, our goal is to encourage cooperation and collaboration among all parties involved to achieve the ultimate goal of better location accuracy, delivered as quickly and reliably as possible, to every PSAP nationwide.

In 2015, the Commission adopted comprehensive location accuracy rules requiring CMRS (Commercial Mobile Radio Service) providers to provide either (1) coordinate-based (horizontal and vertical) location information or (2) dispatchable location information, with wireless 911 calls.[1] In the *Fourth Report and Order* and subsequent orders in this proceeding, the Commission established minimum horizontal and vertical accuracy requirements and a timetable for their implementation, and required that technologies used to meet minimum accuracy thresholds be validated by testing in an independent test bed. Since 2015, these requirements have led to significant improvements in the accuracy and actionability of caller location information delivered to PSAPs with wireless 911 calls. However, progress has fallen short in some areas. First, while CMRS providers have tested

[1] *Wireless E911 Location Accuracy Requirements,* PS Docket No. 07–114, Fourth Report and Order, 30 FCC Rcd 1259 (2015), 80 FR 11806 (Mar. 4, 2015) (*Fourth Report and Order*), *corrected by* Erratum (PSHSB Mar. 3, 2015).

z-axis technologies in the test bed and are now using these technologies to deliver z-axis information to PSAPs, experience to date indicates that the z-axis information PSAPs are receiving with individual calls is frequently not actionable due to lack of precision and/or the information being delivered in a format that is not easily usable.[2] Second, issues have arisen about the transparency of the industry test bed process and whether current testing methodologies used to validate z-axis technologies adequately model real-world conditions. Third, while the Commission's rules require CMRS providers to deliver dispatchable location—public safety's preferred solution—whenever technically feasible, the number of wireless 911 calls currently being delivered with dispatchable location is very small compared to the number of calls delivered with coordinate-based location information.[3] While coordinate-based location information remains acceptable when providing dispatchable location is not technically feasible, we seek comment on how industry, handset manufacturers, carriers, and public safety can work collaboratively toward improvement, and how we can continue to increase the amount of dispatchable location being derived and delivered to PSAPs.

To advance the goal of putting more actionable information in the hands of PSAPs and first responders, we seek comment on a number of different proposals. Specifically, in the *FNPRM,* we propose to strengthen our vertical location (z-axis) accuracy requirements and to require CMRS providers to deliver z-axis information to PSAPs in more actionable formats. In addition, we seek comment on mechanisms to increase the number of wireless 911 calls for which the CMRS provider delivers dispatchable location information (*i.e.,* street address plus in-building identification of the caller's office, apartment, or room number), rather than coordinate-based information, to the PSAP.[4] We also seek comment on some additional proposals that we believe would improve location accuracy, such as strengthening the existing testing and compliance framework, revising live call reporting requirements, developing a centralized online complaint portal for location accuracy problems, and improving horizontal (x,y) location accuracy for wireless calls and location accuracy for text-to-911. Finally, we seek comment on whether certain of our legacy wireless location accuracy rules have become outdated and should be eliminated, and we also propose to eliminate certain obsolete information collection requirements associated with our 911 location accuracy rules. We believe the measures proposed in the *FNPRM* will improve the performance of vertical and dispatchable location technologies, provide more actionable information to PSAPs, and reduce emergency response times.[5]

- *Vertical Location.* We propose to strengthen the existing rules with respect to z-axis location by requiring CMRS providers that deploy z-axis technology to deliver z-axis information to PSAPs measured in Height Above Ground Level (AGL), which is likely to be more actionable than the currently required Height Above Ellipsoid (HAE). In addition, we seek comment on requiring CMRS providers to provide floor level estimates.
- *Testing and Compliance Framework.* We propose to strengthen the test bed validation process and require greater transparency and accountability with respect to test results. Specifically, we propose that testing and validation meet the following requirements in order for test results to be considered valid for compliance purposes:
  - We propose to require that validation of a vertical location technology in the industry test bed must demonstrate compliance of that technology with accuracy standards in each morphology. Thus, CMRS providers would not be allowed to base compliance certifications on aggregating or averaging test bed results across morphologies based on live call data or other factors.
  - We propose to provide non-nationwide CMRS providers and major public safety organizations (National Emergency Number Association (NENA), Association of Public-Safety Communications Officials International, Inc. (APCO), and National Association of State 911 Administrators (NASNA)) with expanded access to test bed data and results on request. We further propose to allow NENA, APCO, and NASNA to challenge the validation of particular technologies in the test bed.
- *Dispatchable Location.* We seek comment on mechanisms to increase the number of wireless 911 calls that convey dispatchable location and to ensure that CMRS providers use dispatchable location technologies to their maximum potential as they become available. In that connection, we seek to refresh the record on the current state of dispatchable location solutions and initiatives to develop new and enhanced solutions.
- *Live Call Reports.* We propose to require CMRS providers' live call data reports to include information on the specific technologies used to provide dispatchable location and on the morphologies for live calls providing dispatchable location.
- *Complaint Portal.* We seek comment on requiring CMRS providers to develop a centralized, online complaint portal that PSAPs could use to report location accuracy problems to CMRS providers before seeking FCC enforcement.
- *Horizontal Location Accuracy.* We seek comment on improving horizontal (x,y) location accuracy for wireless 911 calls.

[2] Letter from Jeffrey S. Cohen, Chief Counsel, Association of Public-Safety Communications Officials International, Inc. (APCO), to Marlene Dortch, Secretary, FCC, PS Docket No. 07–114 et al., at 2 (filed Jan. 31, 2024) (APCO Jan. 31, 2024 *Ex Parte*) (''The Commission's rules require wireless carriers to provide a height estimate for 9–1–1 callers expressed as a 'height above ellipsoid' . . . . Few 9–1–1 emergency communications centers (ECCs) have the resources to even explore how to make use of HAE-based vertical information . . . .''); *see also* Letter from Jeffrey S. Cohen, Chief Counsel, APCO, to Marlene Dortch, Secretary, FCC, PS Docket No. 07–114 and WC Docket No. 18–336, at 1 (filed Sept. 6, 2022) (APCO Sept. 6, 2022 *Ex Parte*) (''APCO reiterated that ECCs need actionable location information in the form of dispatchable location as compared to z-axis information provided as a height above ellipsoid.''); Letter from Jeffrey S. Cohen, Chief Counsel, Mark S. Reddish, Senior Counsel, and Alison P. Venable, Government Relations Counsel, APCO, to Marlene Dortch, Secretary, FCC, PS Docket No. 07–114 et al., at 2 (filed May 20, 2024) (APCO May 20, 2024 *Ex Parte*).

[3] APCO Jan. 31, 2024 *Ex Parte* at 2; Letter from Jeffrey S. Cohen, Chief Counsel, APCO, to Marlene Dortch, Secretary, FCC, PS Docket Nos. 07–114, 21–479, and 18–64, at 1 (filed Sept. 22, 2023) (''[T]he Commission [should] explore additional avenues for ensuring that emergency communications centers receive actionable location information in the form of dispatchable location.''); APCO Sept. 6, 2022 *Ex Parte* at 1.

[4] We note that, while seeking comment exploring how dispatchable location can be provided more often, we are not proposing to phase out x/y/z location as a location accuracy option.

[5] APCO states that ''further Commission action is needed to explore ways to (1) improve the transparency and reliability of testing to verify that HAE-based z-axis estimates meet the Commission's +/− 3 meter metric and ensure testing is conducted of currently in use and potential dispatchable location solutions available through carriers' own products and services as well as by third party location solutions providers, (2) make carrier reports more uniform and informative to better understand and compare dispatchable location methods in use, (3) explore the role of mobile device manufacturers and mobile operating system developers in contributing to dispatchable location solutions, and (4) provide more robust and accountable requirements for carriers to deploy methods, several of which are likely feasible today, to provide dispatchable location as soon and as frequently as possible.'' Letter from Jeffrey S. Cohen, Chief Counsel, and Alison P. Venable, Government Relations Counsel, APCO, to Marlene Dortch, Secretary, FCC, PS Docket No. 07–114 et al., at 2 (filed Nov. 1, 2024).

• *Mobile Text.* We seek comment on improving location accuracy for text-to-911 (mobile text).

• *Eliminating Certain Existing Regulations.* We seek comment on whether to eliminate existing E911 Phase II rules, and we also propose to eliminate certain other obsolete or superseded 911 location accuracy rules in 47 CFR 9.10.

In the *Fourth Report and Order,* the Commission adopted comprehensive 911 location accuracy rules that for the first time required CMRS providers to provide vertical as well as horizontal location information with wireless 911 calls. The primary purpose of these rules was to enable PSAPs and first responders to use the information to pinpoint the location of wireless 911 callers inside multi-story buildings, including floor level and, ideally, apartment, office, or room number.[6] In order to focus provision of vertical location in areas with the highest concentration of multi-story buildings, the Commission required nationwide CMRS providers to deploy vertical location capability in each of the top 25 Cellular Market Areas (CMAs) by April 3, 2021, and in each of the top 50 CMAs by April 3, 2023.[7]

The Commission established two alternative ways for CMRS providers to provide this information to PSAPs. The first was to deploy technology that would provide ''dispatchable location'' with wireless 911 calls, which the Commission defined as ''[a] location delivered to the PSAP by the CMRS provider with a 911 call that consists of the street address of the calling party, plus additional information such as suite, apartment or similar information necessary to adequately identify the location of the calling party.'' [8] The Commission envisioned that CMRS providers would develop dispatchable location capability by building a national location database of in-building beacons and hotspots known as the National Emergency Address Database (NEAD).[9]

The second alternative was to deploy z-axis technology that met a Commission-approved accuracy metric. However, the Commission deferred adoption of a z-axis metric pending further testing, directing the nationwide CMRS providers to conduct testing in the industry test bed and submit a proposed z-axis accuracy metric to the Commission for approval by August 2018.[10] Following testing of z-axis technologies in the test bed (Stage Z), in August 2018, CTIA submitted the Stage Z test report and proposed a z-axis accuracy metric to the Commission of plus or minus 5 meters relative to the handset for 80% of calls. Following public comment on the industry proposal,[11] the Commission proposed [12] and in the *Fifth Report and Order* adopted a more stringent metric of plus or minus 3 meters for 80% of calls made from ''z-axis capable'' devices.[13] The Commission also required CMRS providers to deliver z-axis information to PSAPs measured in HAE and to provide floor level information if the CMRS provider had such information available.[14] Finally, the Commission reaffirmed the April 2021 and April 2023 deadlines for meeting these requirements in the top 25 and top 50 CMAs, respectively, as previously established in the *Fourth Report and Order.*[15]

In the companion *Fifth FNPRM,* the Commission sought comment on whether to establish a long-term timeline for migrating to a more stringent z-axis metric than 3 meters, and ultimately whether to require CMRS providers to deliver floor level information in conjunction with wireless indoor 911 calls.[16] The Commission also proposed to expand the options for demonstrating deployment of z-axis or dispatchable location capability.[17] With respect to dispatchable location, the Commission sought comment on alternatives to the NEAD, noting reports that the nationwide CMRS providers were facing challenges in establishing the NEAD.[18] Shortly after release of the *Fifth Report and Order,* the nationwide CMRS providers announced that they had ceased work on the NEAD due to challenges with testing and lack of third-party participation, and that the NEAD would not be available to support dispatchable location.[19]

In the July 2020 *Sixth Report and Order,* the Commission rejected proposals by T-Mobile, Verizon, and AT&T to weaken the 3-meter vertical location accuracy standard or to extend the previously established deadlines for implementing it.[20] The Commission also afforded nationwide CMRS providers the option of meeting the April 2021 and April 2023 deadlines by deploying handset-based z-axis technology that could be used throughout the provider's nationwide footprint.[21] With respect to choosing between coordinate-based and dispatchable location, which had previously been left to the provider's discretion, the Commission adopted a binding preference for dispatchable location by requiring CMRS providers to

[6] *Fourth Report and Order,* 30 FCC Rcd at 1319, paragraph 162 (stating that ''by providing a z-axis metric as a backstop to dispatchable location for identifying floor level of 911 calls from multi-story buildings, we ensure that vertical location accuracy is achieved within the timeframe laid out by the Roadmap'').

[7] *Id.* at 1261–62, paragraph 6; *see also* 47 CFR 9.10(i)(2)(ii)(C), (D). The Commission afforded non-nationwide CMRS providers an additional year to comply with these requirements. *See* 47 CFR 9.10(i)(2)(ii)(F).

[8] *Fourth Report and Order,* 30 FCC Rcd at 1360, Appx. D; *accord* 47 CFR 9.10(i)(1)(i).

[9] *Fourth Report and Order,* 30 FCC Rcd at 1279, paragraph 55. A commitment to build the NEAD was a component of the ''Roadmap'' agreement between the major wireless providers and national public safety organizations that preceded the *Fourth Report and Order. See* Letter from John Wright, APCO, Charles W. McKee, Sprint, Joan Marsh, AT&T, Kathleen O'Brien Ham, T-Mobile, Christy Williams, NENA, and Kathleen Grillo, Verizon, to Marlene H. Dortch, Secretary, FCC, PS Docket No. 07–114 (filed Nov. 18, 2014), Attach. A, ''Roadmap for Improving E911 Location Accuracy,'' *https://www.fcc.gov/ecfs/document/60000983188/1.*

[10] *Fourth Report and Order,* 30 FCC Rcd at 1302–04, paragraphs 112 through 114, 116.

[11] *Public Safety and Homeland Security Bureau Seeks Comment on Vertical (Z-Axis) Accuracy Metric Proposed by the Nationwide Wireless Carriers,* PS Docket No. 07–114, Public Notice, 33 FCC Rcd 8616, 8617 (PSHSB 2018), *https://www.fcc.gov/ecfs/document/0910993124543/1.*

[12] *Wireless E911 Location Accuracy Requirements,* PS Docket No. 07–114, Fourth Further Notice of Proposed Rulemaking, 34 FCC Rcd 1650, 1654, paragraph 11 (2019), 84 FR 13211 (Apr. 4, 2019) (*Fourth FNPRM*).

[13] *Wireless E911 Location Accuracy Requirements,* PS Docket No. 07–114, Fifth Report and Order and Fifth Further Notice of Proposed Rulemaking, 34 FCC Rcd 11592, 11593, 11604–05, paragraphs 2, 24 through 25 (2019), 85 FR 2660 (Jan. 16, 2020) (*Fifth Report and Order*), 85 FR 2683 (Jan. 16, 2020) (*Fifth FNPRM*); *see also* 47 CFR 9.10(i)(2)(ii)(H).

[14] *Fifth Report and Order,* 34 FCC Rcd at 11608, 11610–11, paragraphs 32, 37; *see also* 47 CFR 9.10(i)(2)(ii)(H). HAE is a global standard for vertical location that measures altitude between the wireless device that makes the 911 call and a globally defined (WGS–84) reference ellipsoid. *Fifth Report and Order,* 34 FCC Rcd at 11608, paragraph 32 n.134.

[15] *Fifth Report and Order,* 34 FCC Rcd at 11596, paragraph 9.

[16] *Id.* at 11619, paragraph 61. To continue to improve the z-axis metric, the Commission sought comment on whether enhancements are needed to the vertical location accuracy testing process. *Id.* at 11620, paragraph 65.

[17] *Id.* at 11619, 11622–25, 11632–33, paragraphs 61, 71 through 78, Appx. B.

[18] *Id.* at 11625–26, paragraph 80.

[19] *See* Letter from Thomas C. Power, Secretary, and Thomas K. Sawanobori, Vice President, NEAD, LLC, to Marlene H. Dortch, Secretary, FCC, PS Docket No. 07–114, at 1 (Feb. 14, 2020) (*NEAD Feb. 14 2020 Termination Letter*) (informing the Commission that the NEAD Platform ''has ceased operation and is no longer available to support wireless providers' provision of dispatchable location information'').

[20] *Wireless E911 Location Accuracy Requirements,* PS Docket No. 07–114, Sixth Report and Order and Order on Reconsideration, 35 FCC Rcd 7752 (2020), 85 FR 53234 (Aug. 28, 2020) (*Sixth Report and Order*), *corrected by* Erratum (PSHSB Aug. 28, 2020) and Second Erratum (PSHSB Oct. 29, 2020).

[21] *Sixth Report and Order,* 35 FCC Rcd at 7759, paragraph 18; *see also* 47 CFR 9.10(i)(2)(ii)(I)(*2*).

provide dispatchable location with wireless E911 calls if it is technically feasible and cost effective for them to do so.[22] Finally, the Commission added a requirement for nationwide CMRS providers to deploy z-axis location technology or dispatchable location nationwide by April 2025.[23]

CTIA and APCO filed petitions for reconsideration of the *Sixth Report and Order*.[24] CTIA argued that the COVID–19 pandemic had impeded any ability to validate whether z-axis location solutions could meet the Commission's vertical location accuracy requirements. APCO urged the Commission to require CMRS providers to deliver dispatchable location for a minimum percentage of 911 calls—an alternative that the Commission had previously rejected—rather than tie the Commission's dispatchable location benchmark to the number of address reference points in a location database.[25] In January 2021, the Commission dismissed the petitions as procedurally defective and, as an alternative and independent ground for resolving the issues raised, denied the petitions on the merits.[26] Regarding dispatchable location requirements, the Commission upheld the existing rules but stated that it would monitor progress towards deployable dispatchable location technologies and exercise future oversight if necessary.[27]

Following release of the *Sixth Report and Order,* CTIA informed the Commission that the next round of testing of z-axis location technologies (Stage Zb), originally scheduled to start in September 2020, was being postponed due to the impact of COVID–19 and that testing would not resume until it could be ''safely and effectively accomplished within buildings in the test cities.'' [28] In February 2021, AT&T, T-Mobile, and Verizon sought a waiver of the April 2021 compliance deadline, ''based in part on challenges with testing z-axis solutions due to the COVID–19 pandemic.'' [29] The Enforcement Bureau conducted an inquiry into these providers' compliance with the Commission's vertical location benchmarks. After the investigation was concluded, the Enforcement Bureau entered into consent decrees with all three providers requiring each company to immediately start providing wireless 911 callers' z-axis location information to PSAPs nationwide, to implement a compliance plan that included specific testing, to report periodically on dispatchable location and floor level information technologies, and to pay a $100,000 settlement amount. In addition, the consent decrees gave each company until April 3, 2022, to meet the z-axis requirements that would have been applicable on April 3, 2021.[30] From December 2021 through May 2022, the test bed conducted testing of z-axis technologies in Stage Zb, after which CTIA submitted a summary to the Commission.[31] On June 2, 2022, the three providers certified that they had met the 3-meter metric requirements as of April 3, 2022, as required by the consent decrees.

On November 21, 2024, the Commission's Enforcement Bureau entered into a consent decree with DISH Wireless L.L.C. (DISH) with respect to its obligation to deploy vertical location technology for wireless 911 calls in each of the top 25 CMAs where it launched 5G Voice over New Radio (VoNR) service.[32] In the consent decree, DISH admitted that on January 24, 2023, it launched VoNR service in two top 25 CMAs without deploying vertical location technology and that it subsequently ''continued to launch VoNR service in top 25 CMAs and top 50 CMAs without deploying vertical location technology.'' [33] Under the terms of the consent decree, DISH agreed to pay a civil penalty of $100,000, and the Enforcement Bureau agreed to terminate the investigation of this matter.[34]

Discussion

In the *FNPRM,* we propose to build on recent technological developments and standardization efforts that will enable CMRS providers to convey more actionable vertical location information with wireless 911 calls. Specifically, we propose to require CMRS providers to convey z-axis coordinates in AGL in addition to HAE. We also seek comment on requiring CMRS providers to provide floor level estimates. In addition, we seek comment on potential mechanisms to increase the number of wireless 911 calls that convey dispatchable location (street address, plus additional information to locate the 911 caller) and on collaborative approaches among all parties in the call and location delivery process that might be explored to facilitate an increase in dispatchable location usage. We also propose to strengthen our wireless location accuracy testing, compliance, and reporting requirements. We seek comment on improving location accuracy for mobile texts and on the benefits and costs associated with our

[22] *Sixth Report and Order,* 35 FCC Rcd at 7775–76, paragraphs 51 through 53; *see also* 47 CFR 9.10(i)(2)(ii)(G) (''By January 6, 2022: All CMRS providers shall provide dispatchable location with wireless E911 calls if it is technically feasible for them to do so.'').

[23] *Sixth Report and Order,* 35 FCC Rcd at 7763, paragraph 25.

[24] Petition of CTIA for Reconsideration, PS Docket No. 07–114 (filed Sept. 28, 2020), *https://www.fcc.gov/ecfs/search/search-filings/filing/1092835868478;* Petition of APCO International for Reconsideration, PS Docket No. 07–114 (filed Sept. 23, 2020), *https://www.fcc.gov/ecfs/search/search-filings/filing/109232735502601* (APCO Petition for Reconsideration).

[25] APCO Petition for Reconsideration at 3 (''Rather than basing compliance on the number of reference points in a database, the better approach would be to establish a specific minimum percentage of calls that must be delivered with a dispatchable location.'').

[26] *Wireless E911 Location Accuracy Requirements,* PS Docket No. 07–114, Order on Reconsideration, 36 FCC Rcd 570, 576, 579, paragraphs 16 through 17, 25 (2021), 86 FR 8714 (Feb. 9, 2021) (*Order on Reconsideration*).

[27] *Id.* at 592, paragraph 48; *see Sixth Report and Order,* 35 FCC Rcd at 7782–83, paragraph 71.

[28] Letter from Scott K. Bergmann, Senior Vice President, Regulatory Affairs, and Thomas K. Sawanobori, Senior Vice President & Chief Technology Officer, CTIA, to Marlene H. Dortch, Secretary, FCC, PS Docket No. 07–114, at 3 (filed Aug. 21, 2020); *accord id.* at 1; *see also* Letter from Paul Margie, Counsel for Apple Inc., to Marlene H. Dortch, Secretary, FCC, PS Docket No. 07–114, at 2 (filed Nov. 3, 2020) (stating that due to the pandemic, the z-axis location capabilities of Apple's Hybridized Emergency Location (HELO) vertical location solution ''may not be suitable for external testing prior to the end of Q1 2021'').

[29] Petition of AT&T for Waiver, PS Docket No. 07–114 (filed Feb. 12, 2021), *https://www.fcc.gov/ecfs/document/10212237290677/1;* Petition of T-Mobile for Limited Waiver, PS Docket No. 07–114 (filed Feb. 12, 2021), *https://www.fcc.gov/ecfs/document/1021374367479/1;* Petition of Verizon for Waiver, PS Docket No. 07–114 (filed Feb. 12, 2021), *https://www.fcc.gov/ecfs/document/10213853309676/1* (Verizon Petition for Waiver).

[30] *T-Mobile USA, Inc.,* Order and Consent Decree, 36 FCC Rcd 9074, 9078–80, paragraph 11 (EB 2021), *https://www.fcc.gov/document/fcc-settles-t-mobile-over-911-vertical-location-accuracy-rules; Cellco Partnership d/b/a Verizon Wireless,* Order and Consent Decree, 36 FCC Rcd 9084, 9088–90, paragraph 11 (EB 2021), *https://www.fcc.gov/document/fcc-settles-verizon-over-911-vertical-location-accuracy-rules; AT&T Services, Inc.,* Order and Consent Decree, 36 FCC Rcd 9094, 9098–100, paragraph 11 (EB 2021), *https://www.fcc.gov/document/fcc-settles-att-over-911-vertical-location-accuracy-rules; see also* Press Release, FCC, FCC Secures Life-Saving Commitment from Wireless Carriers to Deliver 911 Vertical Location Information Nationwide within Seven Days (June 3, 2021), *https://www.fcc.gov/document/fcc-secures-911-vertical-location-commitments-wireless-carriers.*

[31] The providers submitted the Stage Zb summary under a request for confidentiality. *See* Letter from Scott K. Bergmann, Senior Vice President of Regulatory Affairs, CTIA et al., to Marlene H. Dortch, Secretary, FCC, PS Docket No. 07–114, at 3, 5 (filed June 2, 2022), *https://www.fcc.gov/ecfs/search/search-filings/filing/10602197662551* (Stage Zb Cover Letter).

[32] *DISH Wireless L.L.C.,* Order and Consent Decree, DA 24–1139, 2024 WL 4880017, at * 1, paragraph 1 (EB Nov. 21, 2024), *https://www.fcc.gov/document/fcc-and-dish-settle-dispatchable-location-investigation-100000.*

[33] *Id.* at * 3, paragraph 4. The consent decree notes that on April 5, 2024, DISH certified that it was in compliance with the Commission's vertical location accuracy requirements in each of the top 50 CMAs where it provided VoNR wireless services. *Id.*

[34] *Id.* at * 4–6, paragraphs 10, 11, 13.

proposals. Finally, we seek comment on whether certain of our legacy wireless location accuracy rules have become outdated and should be eliminated, and we also propose to eliminate certain obsolete information collection requirements associated with our 911 location accuracy rules.

Since the Commission adopted the z-axis location accuracy standard in 2019, wireless location technologies continue to progress. The speed and accuracy of E911 location have improved significantly through integration of device-based hybrid (DBH) location technologies into most mobile handsets. DBH uses ''a combination of technologies and sensors—including satellite GPS [Global Positioning System] and crowd-sourced Wi-Fi measurements—that can supplement wireless providers' existing 9–1–1 network and device-assisted information to produce a higher-accuracy location, particularly indoors.'' Both Google and Apple have developed DBH applications optimized for emergency calls: Google's Android Emergency Location Service (ELS) supports 911 location in most Android devices,[35] and Apple's Hybridized Emergency Location (HELO) supports 911 location in most iOS devices.[36] According to live 911 call data reports submitted by CMRS providers, DBH technology has replaced assisted GPS (A–GPS) as the primary wireless 911 location technology and is used by CMRS providers for approximately 80% of wireless 911 calls.[37]

In another significant development, a NENA working group has drafted consensus requirements and guidelines for operationalizing z-axis information in the PSAP to support the display of 3D location data for E911 and Next Generation 911.[38] Although the NENA requirements document has not yet turned into a formal standard, it can help expedite standards development and provide guidelines for transmission of vertical location information by CMRS providers and other entities in the location information delivery chain. It can also help to provide practical guidance for intake, processing, and display of z-axis information in the PSAP. To illustrate, the NENA requirements document includes guidance on converting altitude to floor levels, generating 3D volumes for buildings at low or no cost, available enterprise services, and consensus standards for operationalizing z-axis information (*e.g.,* configuring Automatic Location Identification (ALI) and provisioning 3D geographic information system (GIS) datasets).[39] *Id.*

As part of our overarching 911 agenda, and in light of increasing standardization, we seek to strengthen our wireless location accuracy rules to provide PSAPs and first responders with actionable information in the live 911 call environment.

A. Improving Actionability of Z-Axis Information

Under the current rules, CMRS providers providing coordinate-based location information to PSAPs with wireless 911 calls must deliver the z-axis component in Height Above Ellipsoid (HAE).[40] In addition, CMRS providers must provide floor level information when it is available.[41] We propose to make the z-axis information delivered to PSAPs and first responders with 911 calls more understandable and actionable by requiring CMRS providers to convert HAE values to Height Above Ground Level (AGL) and to provide both the HAE and AGL values with each call. We seek comment on data sources that can be leveraged to generate floor level information and whether to require CMRS providers to provide a floor level estimate with all calls. We also seek comment on how PSAPs use the vertical location information that is being provided today. Have PSAPs found the information to be useful, and have they observed any limitations in the accuracy of such information? To what extent do PSAPs use NENA 3D location guidelines or other mechanisms to operationalize the information?

1. Converting HAE to AGL

When the Commission mandated use of HAE in the *Fifth Report and Order,* the record reflected general consensus around using HAE as the baseline for measuring vertical location.[42] The Commission also acknowledged that HAE values would need to be translated to other formats to be actionable, but declined to require CMRS providers to perform the translation, concluding that ''translation mechanisms can be developed using HAE as a baseline reference, and that for the time being we should afford industry and public safety flexibility to develop solutions that are cost-effective for both sides.''[43]

Since the *Fifth Report and Order,* there has been significant progress in the development of data sources and translation tools that CMRS providers could use to translate HAE to AGL for the z-axis location of individual wireless 911 calls. As noted above, NENA has developed guidelines for operationalizing z-axis information. NENA suggests that HAE to AGL conversion can be performed by subtracting the terrain height, also expressed with respect to the WGS84 ellipsoid, at the horizontal location corresponding to the HAE. RapidSOS and GeoComm have partnered to convert z-axis information into actionable data, including height above ground and floor level, and 3D visualization of a caller's location in a building. In 2021, FirstNet unveiled z-axis capability using NextNav's Pinnacle vertical positioning service as part of its FirstNet Enhanced Location Services (FirstNet ELS) and provides z-axis data in Height Above Terrain (HAT) to indicate the relative altitude or vertical location of first responders. Digital terrain height information is

[35] Android, *Emergency Location Service, https://www.android.com/safety/emergency-help/emergency-location-service/* (last visited Feb. 4, 2025) (describing ELS as ''a tool available on Android devices that allows first responders to locate emergency callers and texters faster and with greater accuracy, using a combination of GPS, cell, Wi-Fi and sensor data'').

[36] Press Release, Apple, Apple's iOS 12 securely and automatically shares emergency location with 911 (June 18, 2018), *https://www.apple.com/newsroom/2018/06/apple-ios-12-securely-and-automatically-shares-emergency-location-with-911/* (stating that ''Apple launched HELO (Hybridized Emergency Location) in 2015, which estimates a mobile 911 caller's location using cell towers and on-device data sources like GPS and Wi-Fi Access Points'').

[37] Pursuant to Commission rules, CMRS providers collect and report aggregate data on the location technologies used for live 911 calls in six representative test cities. 47 CFR 9.10(i)(3). While the live call data submitted by each provider are confidential, aggregated call data from the three nationwide carriers show that the percentage of 911 calls in which DBH is used has risen from 17% in 2017 to 80% in 2022.

[38] NENA, NENA Requirements for 3D Location Data for E9–1–1 and NG9–1–1 (June 10, 2022), *https://cdn.ymaws.com/www.nena.org/resource/resmgr/standards/nena-req-003.1-2022_3d_gis_w.pdf* (NENA 3D Location Requirements).

[39] *Id.* at 3. NENA's 3D Location Requirements document references the following five objectives.

1. To provide a technical and regulatory background for 3D 9–1–1 locations.

2. To establish uniform language in reference to z-axis within the 9–1–1 community for terms ''altitude,'' ''height,'' and ''elevation'' (as they are currently used interchangeably across specifications).

3. To provide practical guidance for operationalizing 3D location, such as how the Automatic Location Identification (ALI) should be configured and provisioning of 3D GIS datasets (including Digital Elevation Models [DEM] and 3D structures).

4. To provide requirements for future standards development for 3D location, such as how uncertainty should be conveyed for certain civic address elements.

5. To provide baseline requirements for implementations and enhancements.

[40] 47 CFR 9.10(i)(2)(ii)(H).

[41] *Id.*

[42] *Fifth Report and Order,* 34 FCC Rcd at 11608, paragraph 33.

[43] *Id.* at 11611, paragraph 38 (footnote omitted).

typically available at various resolutions and costs. Currently, the U.S. Geological Survey (USGS) provides digital terrain maps at 10m by 10m resolution nationwide at no cost.[44]

Given the availability of HAE-to-AGL translation tools, we propose to require CMRS providers to convert HAE values for individual 911 calls to AGL and to deliver both the HAE and the AGL values to the PSAP. We also propose to require CMRS providers to provide floor level information in addition to z-axis location information, if floor level information is available to them. This proposal is consistent with the existing requirement for providing z-axis information in HAE, which also requires provision of floor level information ''[w]here available to the CMRS provider.'' [45] While we do not propose to require floor level information at this time, we continue to believe that such information will be helpful to PSAPs and that CMRS providers should deliver it to the PSAP if it is available. We seek comment on these proposals.

AGL may be obtained by subtracting the terrain height at any horizontal (x/y) location from the corresponding HAE value, provided that both terrain height and HAE are expressed with respect to the same reference frame.[46] Providing AGL means that PSAPs receive a vertical location measurement relative to ground level for the x/y location of the call, which we tentatively conclude would be more actionable than the raw HAE value alone.[47] Receiving both the HAE and AGL values would enable the PSAP to check the accuracy of the HAE-to-AGL translation. We seek comment on this proposal. Would receiving AGL z-axis information benefit PSAPs and first responders? How much more actionable would the information be than HAE alone? Would it facilitate the ability of first responders to estimate floor level or integrate vertical location information into 3D mapping tools? If AGL is indeed more actionable than HAE, are there any benefits or costs to continuing to provide HAE values as well?

We believe it is reasonable to require CMRS providers to provide AGL as part of the information delivered to PSAPs. In a 2020 *ex parte* filing in this proceeding, NENA noted that ''the future of public safety-grade 3D mapping is surprisingly close and surprisingly feasible.'' [48] At that time, NENA noted that ''[i]t is close enough, in fact, that the Commission could reasonably require CMRS providers to sponsor large-scale, 'entry-level' Above Ground Level (AGL) conversion solutions for public safety. These solutions (presented as supplemental data alongside elevation in Height Above Ellipsoid [HAE]) would be understood by public safety to be a reliable stepping stone to more local, highly accurate vertical data.'' Since then, the availability of terrain databases and HAE-to-AGL translation tools appears to provide a low-cost, scalable mechanism for CMRS providers to translate HAE to AGL. In addition, APCO contends that it is cost prohibitive for most PSAPs to perform the conversion to HAE on their own. We believe that requiring CMRS providers to deliver AGL to PSAPs would be a more efficient and cost-effective approach than placing the translation burden on thousands of individual PSAPs, as industry commenters have advocated. We seek comment on this view. Are the above-mentioned tools and computations viable for use in computing AGL data? To what degree are location technology vendors and GIS providers already performing these computations for 911 calls or capable of doing so? Where in the 911 call flow does conversion from HAE to AGL occur? How is the resulting AGL location information currently being used? What are the costs of such an approach?

We seek comment on the requisite level of Digital Terrain Model (DTM) resolution necessary to accurately convert from HAE to AGL, the means of achieving such resolution, and the associated costs. We also seek comment on how to ensure that AGL measurements provided to PSAPs meet the same or comparable confidence and uncertainty thresholds as the underlying HAE measurements from which they are derived. Because HAE conversion to AGL requires reliable terrain data and an accurate horizontal location fix, it may yield a different uncertainty value than HAE. Would conversion from HAE to AGL introduce any errors in the accuracy of the z-axis information that could impact emergency response and, if so, to what degree? [49] What technical standards are available for providers to determine the level of error, if any, introduced by the HAE to AGL conversion? Would technical standards need to be developed for this purpose? For purposes of determining AGL uncertainty, we propose to apply the Commission's prior determination that 90% is the appropriate confidence value.[50] Assuming a confidence value of at least 90%, how will uncertainty associated with the AGL value be calculated? For example, what uncertainty value will be generated by HAE conversion to AGL using the USGS 10m by 10m terrain data map, and by how much will the uncertainty value differ from the HAE uncertainty value? What uncertainty threshold needs to be achieved for PSAPs to consider an AGL measurement actionable?

With respect to timing, we propose to require nationwide CMRS providers that deploy z-axis technology to deliver z-axis information in AGL within 12 months after the effective date of final rules, and we propose to require non-nationwide CMRS providers to deliver AGL within 24 months. As noted in the discussion above, technical feasibility appears well established, and therefore it appears deployment of this feature within a year of the effective date of our final rules should be reasonable. Based on the available information, we believe that the ability to convert HAE to AGL exists today, that PSAPs can readily receive the data and, as noted by previous commenters, that it would be reasonable to require CMRS providers to

[44] The United States Geological Survey provides a free topological map of the United States at a ⅓ arc-second DEM on its website. United States Geological Survey, *The National Map (TNM) Datasets, https://apps.nationalmap.gov/datasets/* (last visited Feb. 4, 2025). One-third arc-second is equivalent to a resolution of ''approximately 10 meters north/south, but variable east/west due to convergence of meridians with latitude.'' United States Geological Survey, *About 3DEP Products & Services, https://www.usgs.gov/3d-elevation-program/about-3dep-products-services* (last visited Feb. 4, 2025).

[45] *See* 47 CFR 9.10(i)(2)(ii)(H).

[46] NENA 3D Location Requirements at 15, n.6 (''A reference frame, or geodetic datum, is 'an abstract coordinate system with a reference surface (such as sea level) that serves to provide known locations to begin surveys and create maps.' '').

[47] APCO Jan. 31, 2024 *Ex Parte* at 2 (''The Commission's rules require wireless carriers to provide a height estimate for 9–1–1 callers expressed as a 'height above ellipsoid' . . . . Few 9–1–1 emergency communications centers (ECCs) have the resources to even explore how to make use of HAE-based vertical information (assuming this information is indeed accurate), which would require at a minimum substantial costs and resources including detailed building plans.'').

[48] Letter from Daniel Henry, Regulatory Counsel and Director of Government Affairs, NENA, to Marlene Dortch, Secretary, FCC, PS Docket No. 07–114, at 3 (filed Apr. 16, 2020) (NENA Apr. 16, 2020 *Ex Parte*).

[49] *See, e.g.,* NENA 3D Location Requirements at 83–84 (noting also that ''transformations SHOULD only be used for internal processes and the results SHOULD NOT be passed to a downstream entity'').

[50] In the *Fifth Report and Order,* the Commission required CMRS providers to provide vertical confidence and uncertainty data on a per call basis to requesting PSAPs. As with horizontal confidence and uncertainty data, the Commission explained, CMRS providers must report vertical confidence and uncertainty data using a confidence level of 90%, *i.e.,* they must identify the range above and below the estimated z-axis position within which there is a 90% probability of finding the caller's true vertical location. 47 CFR 9.10(j)(1), (4).

provide AGL conversion services.[51] We seek comment on this proposed timeline. Does it provide sufficient time for CMRS providers to develop and deploy the tools they need to provide z-axis information in AGL? Is the timeline sufficient for PSAPs to develop the capability to receive and use information in AGL? If the proposed timeline is not sufficient for either CMRS providers or PSAPs, what would be the appropriate time period and why?

2. Providing Floor Level Estimates

In the *Fifth FNPRM,* the Commission sought comment on whether to require CMRS providers to provide floor level information to PSAPs, either by converting HAE to a precise floor level or determining floor level independently of HAE.[52] In the *Sixth Report and Order,* the Commission deferred action on this issue in light of continued disagreement over the feasibility, costs, and timeframes associated with converting HAE to floor level.[53] We seek to refresh the record on this issue. Has there been progress since the *Sixth Report and Order* in developing mechanisms for calculating floor level, either by converting HAE to floor level or by other means? If PSAPs receive AGL in addition to HAE, could AGL be used to provide a reliable floor level estimate, by either using digital building maps or assuming a uniform building structure and floor spacing (*e.g.,* 3m per floor)? We seek comment on the ability of PSAPs to access digital building maps, which have the potential to provide highly accurate floor level information, depending on resolution, availability, and cost. What is the current availability of digital building maps, what is the cost of obtaining such maps for 911 location purposes, and what mechanisms exist to keep building map information current? Alternatively, using uniform building structure and spacing models to estimate floor level would be considerably less costly than using digital building maps, but also would yield less accurate information. We seek comment on whether such an approach would be sufficient to meet public safety requirements for actionable information.

We also seek comment on the role that third-party vendors play in providing floor level information to PSAPs. As noted above, some third-party vendors are providing precise location information directly to PSAPs, with some claiming to provide AGL and floor level as well as HAE.[54] These vendors use a combination approach of multiple sensors already available in smart devices and the resultant data provided by the handset location vendors, along with crowd sourcing, via the increasing availability of ''mesh like'' networks of data points.[55] To what degree does the information provided to PSAPs by third-party vendors meet their needs for actionable location information, including floor level? Are floor level estimates validated against other information sources to ensure accuracy and, if so, what is the process for doing so? Are cloud services utilized for these capabilities and, if so, to what extent? What proportion of PSAPs currently relies on vendors to convert HAE to AGL or to generate floor level estimates? What is the cost to PSAPs to procure these services? If we required CMRS providers to provide floor level to PSAPs, would this reduce the cost burden on PSAPs?

B. Strengthening the Wireless 911 Location Accuracy Testing and Compliance Framework

In the *Fourth Report and Order,* the Commission required independent testing of all technologies used to meet indoor location accuracy requirements, and directed industry to establish an independently administered test bed for this purpose.[56] The Commission established baseline requirements in order for test results derived from the test bed to be considered valid for compliance purposes.[57] In particular, the Commission specified that the test bed should ''reflect a representative sampling of the different real-world environments in which CMRS providers will be required to deliver indoor location information,'' and required all technologies to be tested in four morphologies: dense urban, urban, suburban, and rural.[58] The Commission further required location technologies to be tested in the same manner that they are deployed on provider networks.[59] The Commission established that CMRS providers could rely on test bed results to create a presumption of compliance with the Commission's location accuracy requirements when tested technologies were used in live 911 calls on the provider's network.[60] However, the Commission did not require CMRS providers to make the details of test results public, relying on the test administrators' certification as sufficient notification that a technology ''meets our key performance indicators.'' [61]

Since the establishment of the test bed, it has been used to test the capabilities of horizontal and vertical location technologies used by CMRS providers. The first testing of vertical location technology in the test bed occurred in Stage Z, conducted in 2018, which provided information that contributed to the Commission's adoption of the ±3-meter accuracy metric.[62] Following adoption of the metric, the test bed conducted further vertical location testing in Stage Za from September 2019 to February 2020, and in Stage Zb from December 2021 to May 2022. Stage Za tested the z-axis performance of Google's Android ELS.[63] In Stage Zb, both ELS and Apple's HELO technologies were tested.[64]

The Stage Zb test results provided the basis for the June 2022 certifications by the three nationwide CMRS providers that as of April 3, 2022, they had achieved compliance with the ±3-meter location accuracy standard as required by the Commission's rules and the 2021

[51] *See, e.g.,* NENA Apr. 16, 2020 *Ex Parte* (indicating that such a requirement might have been feasible as far back as 2020).

[52] *Fifth Report and Order,* 34 FCC Rcd at 11621–22, paragraphs 66 through 69.

[53] *Sixth Report and Order,* 35 FCC Rcd at 7781–83, paragraphs 70 through 71.

[54] *See, e.g.,* GeoComm, *GeoComm and RapidSOS Empower Emergency Communications Centers to Convert Raw Z-axis Location Data into Dispatchable Locations* (Oct. 24, 2023), *https://www.geocomm.com/rapidsos-dispatchable-locations/*. GeoComm notes that this feature is ''[c]urrently available for 9–1–1 calls from Android-based devices.'' *Id.*

[55] *See, e.g.,* Tom Sawanobori, *The Wireless Industry's Commitment to 9–1–1 Location Accuracy* (March 31, 2021), *https://www.ctia.org/news/blog-the-wireless-industrys-commitment-to-9-1-1-location-accuracy* (''Device-based hybrid solutions use a combination of technologies and sensors—including satellite GPS and crowd-sourced Wi-Fi measurements—along with wireless providers' other 9–1–1 network and device information, to produce a higher-accuracy location.'').

[56] *Fourth Report and Order,* 30 FCC Rcd at 1307–09, paragraphs 126 through 132; *see also* 47 CFR 9.10(i)(3)(i).

[57] *Fourth Report and Order,* 30 FCC Rcd at 1307, paragraph 127. Specifically, the Commission stated that ''the test bed must (1) include testing in representative indoor environments; (2) test for certain performance attributes (known as key performance indicators, or KPIs); and (3) require CMRS providers to show that the indoor location technology used for purposes of its compliance testing is the same technology (or technologies) that it is deploying in its network, and is being tested as it will actually be deployed in the network.'' *Id.*

[58] *Id.* at 1307, paragraph 128.

[59] *Id.* at 1308, paragraph 130.

[60] *Id.* at 1313, paragraph 147.

[61] *Id.* at 1308, paragraph 131.

[62] *Fourth FNPRM,* 34 FCC Rcd at 1651–52, 1654, paragraphs 4, 11.

[63] *Sixth Report and Order,* 35 FCC Rcd at 7755–56, paragraph 9; Letter from Thomas K. Sawanobori, Senior Vice President & Chief Technology Officer, CTIA, and Scott K. Bergmann, Senior Vice President, Regulatory Affairs, CTIA, to Marlene H. Dortch, Secretary, FCC, PS Docket No. 07–114 (filed Apr. 29, 2020).

[64] Stage Zb Cover Letter at 1 (reporting that Stage Zb testing validated that DBH z-axis location technology solutions, Google's ELS and Apple's HELO, together achieve ±3-meter accuracy for at least 80% of wireless 911 calls).

consent decrees. However, the underlying test reports and test data were not made public because they were submitted to the Commission subject to a request for confidential treatment to protect proprietary and commercially sensitive information.[65] This is consistent with prior test bed reports, which have similarly been submitted subject to requests for confidentiality.

The purpose of the test bed program is to provide a reliable mechanism for validating the performance of indoor location technologies without the need for each provider to conduct indoor testing in all locations where a technology is actually deployed, which would be impractical and highly burdensome.[66] In establishing the test bed approach, the Commission found it to be ''the most practical and cost-effective method for testing compliance with indoor location accuracy requirements.'' [67] Following the 2015 *Fourth Report and Order,* CTIA and the nationwide CMRS providers worked with APCO, NENA, and other stakeholders to establish the test bed, based on the framework recommended in 2014 by the Communications Security, Reliability, and Interoperability Council (CSRIC), with testing following guidelines developed in 2017 by the Alliance for Telecommunications Industry Solutions' (ATIS) Emergency Services Interconnection Forum (ESIF) and input from other stakeholders.[68] However, in the multiple years since the test bed was established, some public safety organizations have raised questions about whether the test bed and compliance certification process for validating vertical location technologies provides adequate assurance of real-world performance. In addition, parties have advocated for greater transparency in the test bed process and have sought expanded access to test results and underlying test data. As discussed below, we propose to make certain modifications to the wireless location accuracy testing and compliance framework to address these issues.

1. Requiring Validation on a Per-Morphology Basis

As noted above, the nationwide CMRS providers based their compliance certifications on the Stage Zb test results submitted by CTIA. These test results were derived from ''aggregated and anonymized'' data ''to generate z-axis performance metrics for the DBH technology solutions deployed in each of the nationwide wireless providers' networks, consistent with ATIS standards and reporting under the Commission's live 9–1–1 call data rules.'' According to CTIA, ''[t]he results of Stage Zb validate that ELS's and HELO's DBH z-axis location technology solutions together achieve the FCC's ±3-meter accuracy metric for at least 80 percent of wireless 9–1–1 calls.''

In relying on the Stage Zb test data to support their compliance certifications, the nationwide carriers, following the ATIS standards, averaged test results across morphologies based on the percentage of live calls that originated in each morphology.[69] Because live call data show that the preponderance of 911 calls originate from suburban areas, this methodology effectively discounted Stage Zb results for urban and dense urban morphologies, where vertical location technology is most useful. While such aggregation may be allowable under our current rules, it raises questions about whether such aggregated test data accurately reflect the real-world performance of the technologies being tested. Testing of z-axis technologies in the test bed identifies the percentage of test calls in each morphology that generated a location fix of ±3 meters.[70] Live call data, on the other hand, identifies the relative number of live 911 calls in each morphology for which a given z-axis technology was used to provide vertical location.[71] Thus, live call data provides no information regarding the actual performance of z-axis technologies in the live environment, either across morphologies or within any individual morphology.[72]

To address these issues, we propose to modify our rules to require that validation of a technology in the industry test bed must demonstrate compliance of that technology with the 3-meter metric in each morphology. Thus, we would no longer allow CMRS providers to base compliance certifications on aggregating or averaging test bed results across morphologies. By eliminating averaging across morphologies, we would provide greater certainty that vertical location technologies that have been tested in the test bed will provide the requisite accuracy level when used with 911 calls in each of the four morphologies. We also propose to exclude the use of live call data in the validation of vertical location technologies. Live call data does not demonstrate performance, either on a per-technology or a per-morphology basis. In addition, live call data does not distinguish between indoor and outdoor calls, and thus does not provide a basis for determining compliance with indoor vertical location requirements.[73]

[65] Stage Zb Cover Letter at 6 (Attachment redacted). CTIA submitted two Stage Zb reports, one on testing of ELS (Google) and one on testing of HELO (Apple). CTIA requested confidential treatment of both reports to protect information submitted by Google and Apple regarding the ''specifics of ELS's and HELO's respective performance, that is not publicly available and is protected against disclosure in the normal course of business.'' *Id.* In addition, CTIA requested confidentiality for the Stage Zb Test Summary, noting that it contained ''morphology-based 9–1–1 call data information from the nationwide wireless providers (AT&T Mobility, T-Mobile USA, and Verizon) that is proprietary and commercially sensitive and not publicly available.'' *Id.*

[66] *Fifth Report and Order,* 34 FCC Rcd at 11613, paragraph 45.

[67] *Fourth Report and Order,* 30 FCC Rcd at 1305, paragraph 121.

[68] *See, e.g., Fifth Report and Order,* 34 FCC Rcd at 11602–03, paragraph 19 & nn.83–85; CSRIC IV Working Group 1, Final Report: Specification for Indoor Location Accuracy Test Bed (June 2014), *https://transition.fcc.gov/pshs/advisory/csric4/CSRIC_IV_WG-1_Subgroup3_061814.pdf;* Report on Stage Z, 911 Location Technologies Test Bed, LLC, at 3–4, 12–14 (2018), *https://api.ctia.org/wp-content/uploads/2018/08/911-Location-Test-Bed-Stage-Z-Report-Final.pdf;* ATIS, Test Bed and Monitoring Regions Definition and Methodology, ATIS–0500031.v002 (approved Feb. 13, 2017) (*ATIS–0500031.v002*).

[69] CTIA notes that ''[t]he Test Bed performed the Stage Zb testing in accordance with ATIS standards and Commission rules.'' Stage Zb Cover Letter at 4 & n.4 (citing ATIS, Unified X/Y and Z Indoor Test Methodology, ATIS 0500040 (approved Jan. 13, 2020) and 47 CFR 9.10(i)(3)(i)(A) through (D)). ATIS 0500040 states that ''the critical statistics are those obtained for each morphology, aggregated across the various test regions. These per-morphology metrics are subsequently entered into the live call weighting process, as defined in ATIS–0500031.v002 [Ref 1], Clause 8, for regulatory compliance purposes.''

[70] The rules require CMRS providers to ''measure yield separately for each individual indoor location morphology (dense urban, urban, suburban, and rural) in the test bed, and based upon the specific type of location technology that the provider intends to deploy in real-world areas represented by that particular morphology.'' 47 CFR 9.10(i)(3)(i)(D).

[71] *Public Safety and Homeland Security Bureau Provides Guidance to CMRS Providers Regarding Upcoming E911 Indoor Location Accuracy Reporting Requirements,* PS Docket No. 07–114, Public Notice, 32 FCC Rcd 5584–85 (PSHSB 2017) (revising the instruction for entering ''yield'' in live call reports).

[72] We note that in 2000, the Commission's Office of Engineering and Technology and, subsequently in 2012, the third CSRIC (CSRIC III) recognized the possible use of weighting based on 911 call densities as a valid testing input to demonstrate compliance with the overall performance metrics required under the Commission's 911 location accuracy rules. FCC Office of Engineering and Technology, OET Bulletin No. 71, Guidelines for Testing and Verifying the Accuracy of Wireless E911 Location Systems, at 6–7 (Apr. 12, 2000), *https://transition.fcc.gov/oet/info/documents/bulletins/oet71/oet71.pdf;* CSRIC III, Working Group 3, E9–1–1 Location Accuracy, Final Report—Outdoor Location Accuracy, at 12 (Mar. 14, 2012), *https://transition.fcc.gov/bureaus/pshs/advisory/csric3/CSRIC-III-WG3-Final-Report.pdf.*

[73] The 2015 *Fourth Report and Order* stated that live call data, when coupled with test bed performance data for each positioning source

Continued

We seek comment on these proposals. Should the number or percentage of total 911 test calls required for validation of a technology be the same for each morphology? For example, should the number or percentage be lower for a morphology that has fewer tall buildings, such as rural or suburban, while maintaining the same level of confidence (*e.g.,* 90%) in the test results? Are there circumstances where it would be appropriate to allow CMRS providers to average test data across morphologies for compliance purposes? Similarly, are there circumstances where we should allow consideration of live call data or other factors in determining compliance on a per-morphology basis? How should we define a technology for purposes of these requirements? For example, should ELS and HELO be defined as separate technologies? Should CMRS providers be allowed to average or combine the performance of different technologies within a morphology (*e.g.,* ELS and HELO) in support of a compliance showing?[74] Should we allow weighted averaging based on the percentage of handsets equipped with each technology in the provider's subscriber base? Should CMRS providers be allowed to certify their compliance based on an average of the handset distribution of multiple providers? How should non-nationwide CMRS providers that do not conduct their own testing in the test bed use the test bed data to certify their compliance with the proposed testing and validation requirements?[75] Should non-nationwide CMRS providers be allowed to use performance data from the test bed in a different manner from nationwide CMRS providers to certify their compliance with our proposed testing and validation requirements?

We propose to apply these requirements for testing and validation of technologies in the test bed to all testing of new technologies in the test bed once the rules become effective. In addition, we propose that by 24 months after the effective date of the final rules, nationwide CMRS providers must deploy on a nationwide basis either dispatchable location or z-axis technology that has been validated in accordance with the new test bed and validation requirements. We propose that non-nationwide CMRS providers would have an additional 12 months to meet these requirements by deploying either dispatchable location or z-axis technology throughout their network footprint. If we modify testing and validation procedures as proposed, we anticipate that some z-axis technologies that were previously validated in the test bed may have to be re-tested under the new requirements, including the requirement that validation of a technology in the test bed must demonstrate compliance of that technology with the 3-meter metric in each morphology. CMRS providers may also need time to determine how to deploy technologies or combinations of technologies in a way that complies with the revised rules. Are the timeframes we propose for this appropriate? If not, what would be appropriate timeframes to allow for re-testing, certification, and deployment? Is additional testing and standardization necessary to determine whether any revisions to our accuracy benchmarks are required due to these new requirements? If so, how much time is needed to complete such additional testing or modifications to standards? We seek comment on the potential costs of any re-testing. Do most deployed and validated z-axis technologies already meet this proposed per-morphology standard? Should we establish interim milestones as well as final compliance deadlines?

In the *Fourth Report and Order,* the Commission required the test bed administrator to ''make available to [non-nationwide CMRS providers] the same data available to participating CMRS providers and under the same confidentiality requirements.''[76] The Commission noted that the purpose of this requirement was to ''enable such CMRS providers to determine whether to deploy that technology in their own networks'' and to ''obviate[ ] the need for individual testing by those providers.''[77] The test bed administrator has defined procedures and established a fee structure for non-nationwide CMRS providers to follow to obtain access to test results. However, there are no deadlines for providing non-nationwide CMRS providers with access to test data and no explanation of the costs that the fees are intended to recover. In addition, location accuracy test data and the reports generated by the industry test bed are currently subject to confidentiality protections, and we require only summary information to be provided to most third parties.[78] We recognize that some confidentiality protection of test data and reports is appropriate to enable vendors who submit to testing to protect proprietary and competitively sensitive information. However, the restrictions applicable to test bed information have resulted in virtually no information being available to PSAPs or the public.[79] In addition, while APCO and NENA have access to some test bed information as members of the Test Bed's Technical Advisory Committee, and some test reports have been disclosed to APCO, NENA, and NASNA, disclosure is subject to highly restrictive non-disclosure agreements that limit the ability of these organizations to disseminate or take action based on the information.

We seek to promote greater transparency and accountability in the test process by creating a standard process for sharing test bed data and procedures with stakeholders. Specifically, we propose that upon request from a non-nationwide CMRS provider, NENA, APCO, or NASNA, the test bed administrator must provide the requesting party the same data available

method, ''will then determine the degree to which that method can be counted towards the required location accuracy thresholds each time that positioning source method is used.'' *Fourth Report and Order,* 30 FCC Rcd at 1311, paragraph 139. In 2017, ATIS published guidance that enables wireless providers to demonstrate compliance with the Commission's rules and suggests weighting test results based on ''the proportion of live indoor wireless 911 calls in each corresponding morphology'' to come up with a single number for compliance purposes. *ATIS–0500031.v002* at 5.

[74] As noted, CTIA states that ''Stage Zb[ ] test results from the two DBH location technology solutions [HELO and ELS] were aggregated and anonymized to generate z-axis performance metrics for the DBH technology solutions deployed in each of the nationwide wireless providers' networks, consistent with ATIS standards and reporting under the Commission's live 9–1–1 call data rules.'' Stage Zb Cover Letter at 5 (citing ATIS Test Bed Monitoring Regions Definition and Methodology, ATIS 00500031v.002 (Feb. 2017) and 47 CFR 9.10(i)(3)(ii)(C)).

[75] *See infra* for discussion of proposals to increase the transparency of the test bed process for non-nationwide CMRS providers and other stakeholders.

[76] *Fourth Report and Order,* 30 FCC Rcd at 1309, paragraph 132; *see also Wireless E911 Location Accuracy Requirements; The 911 Location Technologies Test Bed, LLC Request for Confidential Treatment,* PS Docket No. 07–114, Order, 35 FCC Rcd 6486, 6488–89, paragraphs 5 through 6 (2020) (*Stage Za Report Confidentiality Order*) (granting confidential treatment of the Stage Za Report, in part because the test results are ''indisputably commercial information'').

[77] *Id.*

[78] *Fourth Report and Order,* 30 FCC Rcd at 1308, paragraph 131 (''[R]aw test results would be made available only to the vendors whose technology was to be tested, to the participating CMRS providers, and to the third-party testing house. In order to protect vendors' proprietary information, only summary data was made available to all other parties. At this time, we will not require CMRS providers to make public the details of test results for technologies that have been certified by the independent test bed administrator.''); *see also Stage Za Report Confidentiality Order,* 35 FCC Rcd at 6486–87, paragraphs 1 through 2.

[79] *See, e.g.,* APCO May 20, 2024 *Ex Parte* at 2 (stating that ''[f]urther Commission action is needed to improve the transparency and reliability of testing to evaluate location technologies and to provide stronger requirements for carriers to deploy methods, several of which are feasible today, to derive dispatchable location'').

to CMRS providers participating in the test bed, including unaggregated test bed results by wireless location technology provider, morphology, and technology, as well as other relevant information sought by the requesting party (such as information on the test bed process, including any significant changes to the test bed process). We propose that this obligation would include providing the requesting party with test bed data, as well as the full report on the test bed results. In addition, we propose that the test bed administrator must make this information available to the requesting party on a timely basis not to exceed 30 days, at no cost, and subject to the same confidentiality requirements as those for the nationwide CMRS providers.

We seek comment on these proposals. Should these entities be required to pay fees to obtain access to test data and, if so, are guidelines or conditions needed to eliminate unnecessary costs? Is 30 days an appropriate limit on the time for responding to a request? We also seek comment on whether the test bed administrator should be required to negotiate a standardized agreement with requesting non-nationwide CMRS providers and public safety entities that would provide for access to test bed information on a timely basis and on reasonable terms. In that connection, we seek comment on what would constitute reasonable terms for such an agreement. We also seek comment on narrowing the scope of confidentiality over the test bed validation process and the extent to which the test bed administrator, CMRS providers, technology providers, or others should be able to claim confidentiality with respect to test results or test bed procedures. Given the critical public importance of providing accurate location with 911 calls, should we create a presumption that test bed reports are to be made public? How can the Commission's rules help the test bed strike a balance between protecting and safeguarding non-public information (*e.g.,* proprietary business information) in ways that promote vendor participation in the test bed, while also promoting greater transparency and accountability for non-nationwide CMRS providers and public safety stakeholders in the test process?

3. Location Testing Challenge Process

The current rules provide a means for PSAPs to resolve real-world performance issues after a tested location technology has been deployed by a CMRS provider. However, our rules do not provide a mechanism for stakeholders to challenge the validation of a technology in the test bed before it is deployed. We propose to amend the rules to provide for greater transparency in the test bed, including a process for challenging the validation of location technologies in the test bed. Specifically, we propose that APCO, NENA, or NASNA may submit to the Commission a challenge to the validation of a particular technology under the test bed provisions in the rules.[80] We also propose that such challenges must be limited to whether the process for validating a particular technology has met the requirements of the rules and that such challenges must be made prior to 60 days after the CMRS provider's certification. Is 60 days after a CMRS provider's certification an appropriate final deadline for submitting such a challenge? Should we require particular information to support a challenge? We seek comment on when to allow such challenges, *e.g.,* while testing is underway, after the test bed administrator has validated a particular technology, after a CMRS provider certifies compliance with the rules, and the proposed scope of such challenges. We also seek comment on whether to allow additional parties besides APCO, NENA, and NASNA (*e.g.,* individual PSAPs) to bring such challenges. In addition, we seek comment on whether the Public Safety and Homeland Security Bureau should address challenges to the test bed validation process to ensure compliance with our rules if the parties cannot resolve the matter, including seeking public comment on contested technology validation. To what extent would Public Safety and Homeland Security Bureau involvement, or the challenge process as a whole, unreasonably delay technology deployments necessary to advance our public safety objectives in this proceeding? Should there be limits, such as time frames, on such a challenge process to expedite it and ease the burden on the parties involved? If so, what should those limits be? Would the existence of a challenge process discourage parties from participating in the test bed process?

C. Increasing the Provision of Dispatchable Location With Wireless 911 Calls

Throughout this proceeding, the Commission has recognized the importance of dispatchable location to public safety, and has sought to encourage the development of dispatchable location solutions that would reliably identify the precise location of in-building wireless 911 callers. In the *Fourth Report and Order,* the Commission noted that as part of the ''Roadmap'' agreement between public safety and the major wireless providers, the wireless industry had committed to build the NEAD, a national database of in-building access points that would be leveraged to support dispatchable location. Although the Commission did not require wireless providers to build or use the NEAD, it modeled its rules so that wireless providers could use the NEAD as a mechanism for complying with wireless location accuracy requirements.[81]

In the *Sixth Report and Order,* following the discontinuance of the NEAD, the Commission modified its rules to encourage the development of alternatives to the NEAD to support dispatchable location. The Commission noted that the record reflected a diverse array of technological approaches that could be used to provide dispatchable location, including reverse geocoding, device contextual information, indoor mapping, 5G home voice products, 911 calls using Voice over Wi-Fi, and DBH.[82] Given the early development of these solutions, however, the Commission declined to adopt minimum percentage thresholds for dispatchable location for 911 calls, finding that such particularized requirements went beyond what was technically feasible and cost-effective at the time.[83] In addition, the Commission declined to specify confidence and uncertainty values when conveying dispatchable location, citing the need for standards work in this area.[84] However, the Commission adopted the requirement that ''[a]ll CMRS providers shall provide dispatchable location with wireless E911 calls if it is technically feasible for them to do so.'' [85] This rule mirrors the dispatchable location requirement that the Commission adopted in the 2019 *Kari's Law/RAY BAUM'S Act Report and Order* for 911 calls originated on non-CMRS platforms, including multi-line telephone systems (MLTS),

[80] *See* 47 CFR 9.10(i)(3)(i) (requirements for ''Indoor location accuracy test bed'').

[81] The Commission's 2015 rules specified that ''[i]n each CMA where dispatchable location is used: nationwide CMRS providers must ensure that the [National Emergency Address Database] is populated with a sufficient number of total dispatchable location reference points to equal 25 percent of the CMA population.'' 47 CFR 20.18(i)(2)(ii)(C)(*1*) (2015 version; also later renumbered to § 9.10); *see Fourth Report and Order,* 30 FCC Rcd at 1361, Appx. A (containing 2015 version of rule).

[82] *Sixth Report and Order,* 35 FCC Rcd at 7773, paragraph 49 & n.139.

[83] *Id.* at 7776, paragraph 53.

[84] *Id.* at 7778, paragraph 61.

[85] 47 CFR 9.10(i)(2)(ii)(G); *Sixth Report and Order,* 35 FCC Rcd at 7792, Appx. A.

interconnected VoIP, Telecommunications Relay Services (TRS), and fixed telephony.[86]

We seek comment on the degree to which the current dispatchable location requirements for CMRS providers have, or have not, been effective in facilitating the development of dispatchable location solutions. According to live call data reported by the nationwide CMRS providers for 2023 and part of 2024, CMRS providers are delivering some live wireless 911 calls with dispatchable location.[87] We seek comment on specific technologies that CMRS providers are using to deliver dispatchable location with these calls. How do CMRS providers validate the street address and other in-building location information delivered with such calls? Do the CMRS providers apply confidence and uncertainty thresholds to ensure against inaccuracies or errors in the validation process? When conveying dispatchable location with wireless 911 calls, do CMRS providers also convey coordinate-based (x/y/z) information and, if so, do they use the geodetic information and confidence and uncertainty data to validate the accuracy of the dispatchable location? When dispatchable location information is available, how often do PSAPs use this information to support emergency response, and how do they use it?

We also seek comment on how to increase the availability and use of dispatchable location for wireless 911 calls. The live call data reported by the nationwide CMRS providers indicate that dispatchable location calls represent only about 0.9%; of total wireless 911 calls.[88] To what extent are these percentages attributable to factors beyond the carriers' control? Given this very low percentage, what steps, if any, are CMRS providers taking to increase their use of dispatchable location? Are there technically feasible solutions that could support provision of dispatchable location for a larger percentage of calls than current levels? Should we require CMRS providers to develop plans and timelines for expanding the use of dispatchable location when 911 calls on their networks originate in indoor environments provisioned with Wi-Fi access points, femtocells, or Internet of Things (IoT) devices, the location of which can be identified and mapped for geolocation purposes? Should we establish benchmarks or timelines for providing dispatchable location with wireless 911 calls? Should we establish benchmarks or timelines only for providing dispatchable location in particular environments that are likely to have such infrastructure that can be identified and mapped for geolocation purposes, *e.g.,* individual residences, multi-story office buildings, apartment buildings, hotels, conference centers, or other environments? If we establish timelines or benchmarks, should we provide additional time for non-nationwide CMRS providers?

We invite commenters to identify incentives for CMRS providers to expedite their efforts to find solutions for generating and conveying dispatchable location for higher percentages of wireless 911 calls. What is the current state of deployment of in-building infrastructure that is or could be programmed with street address and floor level information? Regarding access points, we seek comment on the accuracy of programming access points with street address and floor level. What percentage of wireless traffic is offloaded from CMRS networks to indoor infrastructure, such as Wi-Fi and femtocells, and what percentage of wireless 911 calls on CMRS networks present as Wi-Fi calls? Are there circumstances where the Wi-Fi network could provide dispatchable location information that is more precise and reliable than the location information provided for the call over the cellular network? Do CMRS providers currently use or plan to use location information from indoor infrastructure in combination with geodetic (x/y/z) coordinates? What are the timelines for planned use of in-building infrastructure to provide dispatchable location? In that connection, we seek comment on how combining location technologies and device sensors can supplement CMRS providers' existing 911 network and device-assisted information for generating dispatchable location.

We also seek to refresh the record on the current and future feasibility of leveraging the specific technologies that the *Sixth Report and Order* and other sources have identified as having the potential to support dispatchable location, *e.g.,* reverse geocoding, commercial location-based services (cLBS), Voice over Wi-Fi, and small cells.[89] In the *Sixth Report and Order,* the Commission concluded that it was premature to adopt dispatchable location benchmarks or timelines based on these technologies.[90] Is that still the case? We seek comment on the potential for each of these technologies, individually and in combination with others, to support dispatchable location.

Reverse Geocoding. Reverse geocoding refers to the process of using geodetic information to generate a civic address and other location information such as floor level and room number.[91] We seek comment on whether reverse geocoding represents a technically feasible solution for generating dispatchable location and floor level estimates. Is accurate reverse geocoding widely available and reliable? What data sources are required for reverse geocoding, and how readily available are they? How accurate are these data sources? Has horizontal (x/y) location accuracy achieved sufficient granularity and confidence/uncertainty levels to support reliable reverse geocoding of civic addresses with minimal risk of error? As between the CMRS provider and the PSAP, who should perform these conversions, and why? What are the costs associated with this process for CMRS providers and PSAPs? Who should incur these costs?

Commercial Location-Based Services. As a general matter, commercial location-based services (cLBS) use a variety of techniques to find a wireless 911 caller's location. For example, new technologies based on the IEEE 802.11mc (Wi-Fi Round Trip Time or

[86] *Implementing Kari's Law and Section 506 of RAY BAUM'S Act; Inquiry Concerning 911 Access, Routing, and Location in Enterprise Communications Systems; Amending the Definition of Interconnected VoIP Service in Section 9.3 of the Commission's Rules,* PS Docket Nos. 18–261 and 17–239, GN Docket No. 11–117, Report and Order, 34 FCC Rcd 6607, 6733–34, Appx. A (2019), 84 FR 66716 (Dec. 5, 2019) (*Kari's Law/RAY BAUM'S Act Report and Order*), *corrected by* Erratum, 34 FCC Rcd 11073 (PSHSB 2019), *also corrected by* Second Erratum, 37 FCC Rcd 10274 (PSHSB 2022); 47 CFR 9.16.

[87] Total aggregated dispatchable location call totals from the 2023 and 2024 (partial) quarterly reports submitted by the nationwide CMRS providers amount to 310,542. We note that the individual carrier data are confidential.

[88] The total percentage of live 911 calls with dispatchable location relative to z-axis information from the 2023 and 2024 (partial) quarterly reports submitted by the nationwide CMRS providers is 0.89%.

[89] *See, e.g., Sixth Report and Order,* 35 FCC Rcd at 7773, paragraph 49 & n.139.

[90] *See, e.g., id.* at 7757, 7776, paragraphs 12, 53.

[91] *See, e.g.,* NENA 3D Location Requirements at 12–17. As described by NENA, reverse geocoding matches horizontal (x/y) coordinates to an address database to obtain a civic address, then uses z-axis information (in HAE) to estimate AGL, and then uses AGL to estimate the caller's floor level (FL). NENA explains, ''Geodetic location is fundamental to location in 9–1–1 because it provides a means for representing a position estimate. Devices, often with the cooperation of network elements, can estimate their position. This position estimate is expressed using a standard geodetic reference, as coordinates within the reference. For emergency services to correctly identify the appropriate responding agency and for responders to locate the caller, a high-quality location estimated in 3D space is essential. Geodetic location expressed as standardized coordinates allows 9–1–1 networks and elements inside and outside those networks to exchange and process location information without conversion.'' NENA 3D Location Requirements at 16.

Wi-Fi RTT) standard may enable smartphones to measure the distance to nearby Wi-Fi access points and determine their indoor location without having to connect to the access point. Have CMRS providers been successful at leveraging commercial location-based services for 911 use? Could CMRS providers use such technologies to generate and convey dispatchable location for wireless 911 calls and, if so, under what conditions? Are there commercial benefits from deploying such technologies that would support improved indoor location accuracy?

Voice over Wi-Fi (Wi-Fi Calling). The potential to deliver 911 calls over Wi-Fi has been the subject of continued study since the *Sixth Report and Order.* In 2021, the Public Safety and Homeland Security Bureau submitted a report to Congress on the technical feasibility of using Wi-Fi access points to support 911 calling.[92] In March 2023, CSRIC issued a report on 911 service over Wi-Fi that included discussion of location determination for Wi-Fi 911 calls.[93] The report noted that Wi-Fi caller location continues to be heavily reliant on the user's registered location, which may not identify the caller's actual location at the time of the call. CSRIC noted, however, that ''[t]he broad availability of DBH location technologies combined with the deployment of location-based routing has led to improvements in location information for 911 over Wi-Fi over supporting networks, reducing the reliance upon a user-inputted Registered Location and associated challenges.'' [94]

In light of these developments, we seek comment on the current technical feasibility of CMRS providers using Voice over Wi-Fi (also referred to as VoWi-Fi or Wi-Fi calling) to deliver wireless 911 calls with accurate and reliable dispatchable location. What Wi-Fi 911 calls, if any, do CMRS providers currently deliver to PSAPs with dispatchable location? How is the caller's location validated at the time of the call, particularly if it is not the same as the caller's registered location? Do CMRS providers corroborate Voice over Wi-Fi calls with geodetic information before transmitting to PSAPs? Do CMRS providers transmit geodetic information with such wireless 911 calls and, if so, do they convey confidence and uncertainty data?

Small Cells. CMRS providers already deploy various indoor coverage and network capacity expansion solutions, such as residential femtocells, enterprise microcells, and distributed antenna systems, that can be sources for generating dispatchable location.[95] Because these devices typically are deployed at known locations and have a relatively small coverage footprint, we seek comment on whether associating a caller to a small cell could be used in some environments to derive a dispatchable location for the caller. How widely are small cell [96] solutions available today? Are they used to generate dispatchable location or other location information in support of wireless 911 calls? How is location information provided by the small cell verified? What are the main issues for using these types of solutions to generate dispatchable location? For instance, if a femtocell is moved from its initial location, would the network detect this and require an update to the femtocell location and prompt the end user?

Location Databases. While CMRS providers are no longer pursuing the NEAD, the potential remains for providers to create or rely on other address or location databases to obtain or generate dispatchable location information. We seek comment on whether CMRS providers have created in-house address databases or have access to third-party databases that support 911 caller location. How reliable and accurate are these databases? If the databases contain access point information, how are access point locations verified, both initially and if the access point location changes? Are there any existing standards for creating such databases and validating addresses? Are CMRS providers sharing, or do they intend to share, the information in these databases with each other?

Smart Building/In-building Technologies. We seek comment on whether the evolution and deployment of ''smart building'' technology could lead to dispatchable location information being more readily available. To what degree are buildings equipped with IoT sensors and data-capable devices capable of collecting, storing, and transmitting location-specific data that could be used to support dispatchable location for wireless calls from within the building? Could cloud computing and indoor mapping applications be leveraged to support expansion of smart building capabilities into the public safety realm? Can smart building sensors, devices, and networks be configured in such a way that a mobile device originating a 911 call could interact with them and derive relevant location information? Are there infrastructure requirements to make this a viable approach? What would anticipated incremental costs be? Would hardware or software modification be required to handsets, or would the fact that most wireless sensors are already configured to communicate via Bluetooth and Wi-Fi be a mitigating factor?

5G Networks. We seek comment on whether 5G networks have the potential to deliver more precise location information that could support dispatchable location. Do technology providers envision the ability to leverage on-device capabilities and analytics with 5G capabilities to create a more precise location determination environment? [97] Do these 5G-based

[92] FCC, Report to Congress: Study on Emergency 911 Access to Wi-Fi Access Points and Spectrum for Unlicensed Devices When Mobile Service Is Unavailable (PSHSB Mar. 23, 2021), *https://www.fcc.gov/document/report-congress-911-over-wi-fi* (Report to Congress on Emergency 911 Access to Wi-Fi).

[93] Communications Security, Reliability, and Interoperability Council (CSRIC) VIII, Report on 911 Service Over Wi-Fi at 48–49 (2023), *https://www.fcc.gov/CSRICReports.*

[94] *Id.* at 49.

[95] *See Fourth Report and Order,* 30 FCC Rcd at 1275–76, paragraph 46 (stating that ''the feasibility of dispatchable location is linked to the proliferation of indoor, infrastructure-based technologies, including small cell technology, distributed antenna systems (DAS), Wi-Fi access points, beacons, commercial location-based services (cLBS), institutional and enterprise location systems, and smart building technology''). *See, e.g.,* Verizon Petition for Waiver at 9 (stating that Verizon has begun delivering dispatchable location to PSAPs for 911 calls from certain devices when the information can be determined reliably, including certain 911 calls using Voice over Wi-Fi and indoor Distributed Antenna System (DAS) configurations); AT&T, *AT&T Microcell ® Terms of Service https://www.att.com/legal/terms.microcellterms.html* (last visited Feb. 4, 2025) (''911 calls placed over your MicroCell will be routed to the emergency response center responsible for sending first responders (*i.e.,* police, medical assistance or fire) to your location based on the address you provide in your online registration.'').

[96] The Small Cell Forum has defined a small cell as ''a low-cost radio access point with low radio frequency (RF) power output, footprint and range. It can be deployed indoors or outdoors, and in licensed, shared or unlicensed spectrum.'' Small Cell Forum, *About small cells, https://www.smallcellforum.org/small-cells/* (last visited Feb. 4, 2025). Types of small cells include femtocells, picocells, and microcells—broadly increasing in size from femtocells (the smallest) to microcells (the largest). *See, e.g.,* FCC, Small Wireless Facilities: An Introduction to 5G Infrastructure and the Streamlined Section 106 Review of Small Wireless Facilities at 11 (Sept. 13, 2022), *https://www.fcc.gov/sites/default/files/workshop-09132022-session-3.pdf* (FCC Environmental Compliance Workshop presentation); Press Release, Small Cell Forum, Femto Forum Becomes Small Cell Forum as Femtocell Technology Extends Beyond the Home (Feb. 15, 2012), *https://www.smallcellforum.org/press-releases/femto-forum-becomes-small-cell-forum-femtocell-technology-extends-beyond-home/.*

[97] *See, e.g.,* Letter from Jeffrey S. Cohen, Chief Counsel, APCO International, to Marlene H. Dortch, Continued

improvements include positioning accuracy by combining 5G measurements, Global Navigation Satellite Systems (GNSS), multi-path profiles, sensor inputs, and Artificial Intelligence-assisted RF sensing using Wi-Fi as it currently exists today? We understand that this is heavily dependent on the broader deployment of 5G and on the implementation of updated and advanced capabilities as defined by 3GPP. However, since public statements continue to be made touting these benefits,[98] we believe there is value in discussing what specific capabilities are either already deployed, or anticipated to become available in the near future that support achieving dispatchable location. What is the current state of 5G capabilities on this front? What is the roadmap for the implementation of these advanced capabilities? Even absent the use of Artificial Intelligence, will the deployment of 5G networks result in greater location accuracy, including vertical location?

Other Stakeholders. As noted, we understand that it is critical to foster cooperation and collaboration among multiple stakeholders in the process of generating and delivering 911 calls and actionable location information. Those parties include not only the CMRS providers and PSAPs, but also third parties, including cable and internet service providers (ISPs), original equipment manufacturers (OEMs), and vendors. We seek comment on the role and responsibilities of these third parties in facilitating CMRS providers' compliance with any standards that we may adopt for conveying dispatchable location. In this proceeding, commenters have noted that CMRS providers, cable companies, ISPs, device manufacturers, and operating system providers have a role to play in improving location information for 911 but that challenges to achieving industry coordination remain.[99] What companies own or control these capabilities or systems (*e.g.,* database vendors, equipment manufacturers, Wi-Fi access point aggregators, indoor small cells owners or managers, IoT sensor and data-capable device owners or managers)? To what extent do wireless providers have access or visibility to information sources owned, controlled, or managed by these entities? How would access to such information sources enable CMRS providers to obtain or generate dispatchable location? We seek comment on the extent to which applying standards or requirements to parties other than CMRS providers would increase the availability and use of dispatchable location solutions. Do databases or other information sources owned, maintained, or controlled by service providers and other entities have the capability to support location validation with sufficient reliability to meet public safety requirements for accurately identifying the caller's location? How should we engage or require cable companies, ISPs, OEMs, vendors, or other entities in finding solutions to providing validated street address and floor level information for wireless 911 calls? Do these parties have concerns over authentication protocols, privacy, and security that would need to be addressed? What measures would be needed to help ensure that location data generated by or with the assistance of third parties are transmitted and configured to enable compatibility and interoperability with CMRS providers and the 911 system?

We invite CMRS providers, Apple, and Google to provide a status update on their efforts to improve wireless 911 location accuracy using DBH. As noted above, live call data reports in the six ATIS test cities reflect that DBH is used for 80% of wireless 911 calls. We seek comment on whether there have been developments in DBH since 2022 that might impact the regulatory proposals in the *FNPRM.* Specifically, we seek comment on the status of DBH solutions (*i.e.,* ELS and HELO), whether individually or combined, and whether these technologies are improving dispatchable location. In addition, we seek comment on plans for using DBH and other technologies (*e.g.,* barometric pressure sensors) to help first responders and PSAPs find 911 callers in multi-story buildings.

Confidence and Uncertainty. We seek updated comment on establishing confidence and uncertainty values associated with dispatchable location. In the *Fifth FNPRM,* the Commission sought input on how to account for uncertainty in dispatchable location data for a broad range of emerging solutions, whether we should extend confidence and uncertainty requirements to alternative dispatchable location mechanisms and, if so, what the required confidence and uncertainty percentage should be.[100] In the *Sixth Report and Order,* the Commission deferred consideration of this issue to a future proceeding but encouraged carriers, public safety organizations, and other interested parties to create standards for conveying uncertainty for dispatchable location in a manner that is more useful for first responders.[101] As an interim measure, the Commission revised § 9.10(j)(4) of the rules ''to make explicit that when CMRS providers provide dispatchable location or floor level information in addition to z-axis information, they must provide confidence and uncertainty data for the z-axis location.'' [102] Accordingly, we seek to refresh the record on the state of standards work for conveying confidence and uncertainty values associated with dispatchable location.

D. Live Call Reporting and Enforcement

1. Live Call Data Reports

We propose to modify our live call data reporting rules to require CMRS providers to report the specific technologies they use to provide dispatchable location with live 911 wireless calls and to report these data for each morphology. The reporting template for live call data currently requires providers to identify whether they provide dispatchable location with live 911 calls, but it does not require them to identify the specific technology (or combination of technologies) used to

Secretary, FCC, PS Docket No. 07–114, at 2 (filed July 10, 2020) (''With increasing news of carriers deploying in-home and in-office 5G-based fixed wireless products, the carriers could similarly provide dispatchable location associated with these technologies.'').

[98] *See, e.g.,* Verizon Comments, PS Docket No. 07–114, at 8 (rec. Feb. 21, 2020) (Verizon Comments) (''Verizon already plans to incorporate dispatchable location capabilities into 5G home voice products.'').

[99] *See, e.g.,* Verizon Comments at 2 (''Third party providers of those services and products all have their own business and policy priorities that may not always coincide with one another, or with service providers' E911 compliance demands.''); NCTA Reply, PS Docket No. 07–114, at 10–13 (filed June 18, 2019) (stating that ''customer Wi-Fi access point data is commercially sensitive information, and NCTA's members are troubled by the potential for disclosure or other misuse of their customers' Wi-Fi access point information for competitive purposes''). *See also* Report to Congress on Emergency 911 Access to Wi-Fi at 15, paragraph 35 (noting that ''[t]he record reflects that the complex and competitive nature of today's communications ecosystem impacts 911 service over Wi-Fi access points and spectrum for unlicensed devices,'' and noting that NCTA had stated that '' '[a]ll providers likely would need to agree to support every transmission and compression protocol, or all providers would need to agree on one standard' '').

[100] *Fifth Report and Order,* 34 FCC Rcd at 11625, paragraph 79.

[101] *Sixth Report and Order,* 35 FCC Rcd at 7778, paragraph 61 (''Although several commenters suggest that confidence and uncertainty values could be developed for dispatchable location, the record indicates that no standard currently exists, and additional work is needed to develop a standardized approach. We therefore defer consideration of this issue to a future proceeding. We also encourage carriers, public safety organizations, and other interested parties to create standards for conveying uncertainty for dispatchable location in a manner that is more useful for first responders.'').

[102] *Id.* at 7778, paragraph 62.

provide dispatchable location.[103] We believe that additional information would be helpful in evaluating the deployment of dispatchable location solutions. We propose to revise the rules to require information on the location technology or technologies used for each 911 call providing dispatchable location, such as Wi-Fi calling or femtocells.[104] This would make the reporting for live calls providing dispatchable location consistent with the reporting for live calls conveying geodetic z-axis information.[105] We additionally seek comment on whether we should require CMRS providers to provide data not only for each category of location technology used in live call reports (*e.g.,* DBH) but also for specific technologies within a category (*e.g.,* HELO, ELS). Would such requirements be more burdensome than beneficial? Would the annual reporting requirement discussed below be a more appropriate means of collecting this information? We seek comment on all of these issues.

2. Complaint Portal

Our current rules provide that PSAPs may seek Commission enforcement of location accuracy requirements within their geographic service area, ''but only so long as they have implemented policies that are designed to obtain all location information made available by CMRS providers when initiating and delivering 911 calls to the PSAP.'' [106] In addition, prior to seeking Commission enforcement, ''a PSAP must provide the CMRS provider with [30] days written notice, and the CMRS provider shall have an opportunity to address the issue informally. If the issue has not been addressed to the PSAP's satisfaction within 90 days, the PSAP may seek enforcement relief.'' [107]

While the existing rules provide a mechanism for PSAPs and CMRS providers to resolve 911 location performance issues at the local level, we believe transparency and accountability would be enhanced by establishing a centralized clearinghouse for PSAPs to notify CMRS providers of complaints. The Commission established such a mechanism in the 800 MHz rebanding proceeding, requiring CMRS providers to establish and maintain an online portal for public safety to provide notice of interference complaints.[108] Notification in the 800 MHz portal also initiated the timeline for CMRS providers to address complaints before Commission enforcement action could be initiated.[109] We seek comment on whether we should require CMRS providers to establish a similar centralized, online complaint portal that PSAPs could use to report location accuracy problems to CMRS providers before seeking FCC enforcement. How should such a complaint portal function? For example, upon receipt of a complaint in the portal, should CMRS providers have a time limit for attempting to resolve it (*e.g.,* 90 days, as provided by existing rules)? What would be the costs associated with such a complaint mechanism?

E. Improving Accuracy of Horizontal Location Information

We seek to refresh the record on improving the accuracy of horizontal location accuracy information for wireless 911 calls. In January 2015, the Commission adopted horizontal location accuracy standards for 911 as part of the *Fourth Report and Order.*[110] In particular, the Commission required all CMRS providers to provide (1) dispatchable location, or (2) x/y location within 50 meters, for the following percentages of wireless 911 calls within the following timeframes, measured from the effective date of the rules adopted in the *Fourth Report and Order:*

- Within 2 years: 40 percent of all wireless 911 calls.
- Within 3 years: 50 percent of all wireless 911 calls.
- Within 5 years: 70 percent of all wireless 911 calls.
- Within 6 years: 80 percent of all wireless 911 calls.[111]

The rules allow non-nationwide CMRS providers (regional, small, and rural carriers) to extend the five- and six-year deadlines based on the timing of Voice over Long Term Evolution (VoLTE) deployment in their networks.[112]

The record in this proceeding underscores the importance of accurate and reliable horizontal location information for first responders and in particular the effect that inaccurate horizontal location can have on the accuracy of vertical location information. NENA has commented that vertical location accuracy and floor level estimations would benefit greatly from increased accuracy in the horizontal plane and that the Commission's existing rules for horizontal uncertainty ''could easily place the caller on the right floor but in a building across the street.'' Similarly, the International Association of Fire Chiefs (IAFC) has pointed out that ''[w]hile a ± 50-meter horizontal metric may provide enough information for a PSAP to provide a dispatchable address, it can also lead to responders arriving at an incorrect building location.'' And the Texas 9–1–1 Entities have stated that ''the horizontal and vertical information must work together in order for public safety entities to be able to convert x-, y-, and z-axis information to the floor level of the correct building.'' [113]

It has been a decade since the Commission's horizontal location accuracy rules were adopted, and location technologies have advanced considerably since 2015. We seek comment on what progress has been made since 2015 to develop and deploy

[103] *See Public Safety and Homeland Security Bureau Provides Updated Guidance to CMRS Providers Regarding Reporting of 911 Live Call Data: Revised Template Provides for Reporting of Vertical Location Technology Used in Live 911 Calls,* PS Docket No. 07–114, Public Notice, 36 FCC Rcd 9193, 9195, Appx. (PSHSB 2021) (*Template Public Notice*), *https://www.fcc.gov/document/pshsb-provides-updated-template-911-live-call-data-reports.*

[104] Wi-Fi calling is a voice service that allows users to place and receive calls over a wireless internet connection, as opposed to using a cellular signal. *See* Apple, *Make a call with Wi-Fi Calling* (Dec. 8, 2023), *https://support.apple.com/en-us/HT203032.* A femtocell is a small, low-power cellular base station designed for use in a residence or small business. It connects to an internet service provider's network through broadband and, unlike Wi-Fi calling, operates on licensed frequency bands. In most cases, consumers must purchase a femtocell from their mobile network operator. *See* Hussain Kanchwala, *What Is a Femtocell and What Does It Do?* (Oct. 19, 2023, *https://www.scienceabc.com/innovation/what-are-femtocells.html.*

[105] For example, for live calls delivering z-axis information, the reporting template requires providers to ''enter each position technology or combination of technologies used to determine z-axis coordinates (*e.g.,* DBH, barometric sensor-based technology, etc.).'' *Template Public Notice,* 36 FCC Rcd at 9195, Appx. (setting similar requirement for live calls delivering x/y-axis information).

[106] *See* 47 CFR 9.10(i)(2)(iv).

[107] *See id.*

[108] *See* 800 MHz Interference Notification, *Public Safety 800MHz Interference Notification Site, https://prod.publicsafety800mhzinterference.com/sign-in* (last visited Feb. 4, 2025).

[109] *See* 47 CFR 90.674.

[110] *Fourth Report and Order,* 30 FCC Rcd 1259; 47 CFR 9.10(i)(2)(i).

[111] *Fourth Report and Order,* 30 FCC Rcd at 1261, 1287, 1361, paragraphs 6, 74, Appx. D; 47 CFR 9.10(i)(2)(i).

[112] *Fourth Report and Order,* 30 FCC Rcd at 1261, 1287, 1361, paragraphs 6, 74, Appx. D; 47 CFR 9.10(i)(2)(i).

[113] Texas 9–1–1 Entities Comments, PS Docket No. 07–114, at 6 (rec. Feb. 21, 2020) (emphasis omitted); *see also* NextNav, LLC (NextNav) Comments, PS Docket No. 07–114, at 23 (rec. Feb. 21, 2020) (stating that ''the preexisting requirement for 50 meter horizontal accuracy cannot guarantee that the information provided will always identify the correct building''); Environmental Systems Research Institute, Inc. (Esri) Reply, PS Docket No. 07–114, at 3 (rec. Mar. 20, 2020) (Esri Reply) (discussing the current limits of horizontal accuracy of 50 meters and stating that ''[l]imited horizontal accuracy could not only result in improperly identifying the horizontal location of a caller, but—when coupled with less-than-accurate vertical information—could result in first responders reporting to the wrong building'').

technological solutions that provide more accurate horizontal location information for wireless calls to 911. What percentage of wireless 911 calls provide horizontal location information that is more accurate than the Commission's requirement, and how accurate is the information provided?

What specific technologies are available to provide improved horizontal location accuracy? T-Mobile has noted the potential of DBH technology for providing more accurate horizontal location information. CTIA similarly has noted that device-based solutions such as Google's ELS and Apple's HELO ''continue to emerge, and . . . earlier achieved more granular horizontal location for wireless 9–1–1 calls, particularly indoors.'' What are the capabilities of DBH solutions such as ELS and HELO for improving horizontal location accuracy, and how widely available are these technologies? Are there other technologies besides DBH that could be used for improving horizontal location accuracy, either alone or in combination with DBH? Does the use of non-U.S. satellite signals (*e.g.,* signals from the European Union's Global Navigation Satellite System (GNSS), known as Galileo), in conjunction with the existing 911 system, improve indoor horizontal location accuracy? [114] Does the transition to Next Generation 911 have an impact on indoor horizontal location accuracy and, if so, what is that impact? [115]

If it is technically feasible to strengthen the horizontal location accuracy requirements, what changes do commenters recommend? Is a smaller radius than 50 meters feasible and, if so, what specific radius do commenters support? What percentage of wireless calls should be required to meet this level of accuracy and within what time frame? What testing and validation in the test bed should be required to demonstrate compliance with any new horizontal location accuracy requirements? Would the current testing and validation processes in the test bed need to be modified accordingly and, if so, how? Should there be separate requirements for non-nationwide providers and, if so, what should these requirements be? We also seek comment on the costs and benefits of any suggested changes to the existing horizontal location accuracy requirements. In addition, we seek comment on whether there are any other engineering or other issues that the Commission should consider with regard to improving horizontal location accuracy.

F. Mobile Text Location Accuracy

We seek to refresh the record on improving location accuracy for mobile texts. The Commission's 2014 *Second Report and Order* on text-to-911 required covered text providers, which include CMRS providers, to obtain location information sufficient to route text messages to the appropriate PSAP.[116] However, the Commission did not require text providers to convey additional location information to PSAPs at that time. The Commission also noted the possibility that Short Message Service (SMS) text-to-911 would be an interim solution and that CMRS providers might eventually seek to migrate customers away from SMS.[117]

In the 2019 *Report and Order* implementing Kari's Law and RAY BAUM'S Act, the Commission noted that covered text providers, including CMRS providers, were starting to transition mobile wireless text services from SMS to more robust IP-enabled platforms, such as real-time text (RTT).[118] The Commission noted that these IP-enabled platforms were capable of providing location information with 911 texts using some of the same location methodologies that were used to support IP-based voice services.[119] In addition, the Commission noted the potential to use the DBH location capabilities of mobile handsets (*e.g.,* HELO and ELS) to generate location information, which could then be sent via text to the PSAP.[120]

In the 2019 order, the Commission reasoned that ''as a practical matter, covered text providers are unlikely to be capable of providing dispatchable location for most 911 texts, and . . . the quality of 'best-available' location information provided with 911 texts may vary.'' [121] The Commission concluded that it was premature to adopt dispatchable location requirements for text-to-911 comparable to the requirements applicable to other services covered by the order and, instead, adopted a flexible approach to text-to-911 location.[122] Specifically, the Commission required covered text providers, within two years of the effective date of the rules (*i.e.,* by January 6, 2022), to provide automated dispatchable location if technically feasible and otherwise to provide either end-user manual provision of dispatchable location or enhanced location information, which could be coordinate-based, consisting of the best available location that can be obtained from any available existing technology or combination of technologies at reasonable cost.[123] The Commission noted that this rule did not require covered text providers to retrofit SMS-based text networks or to upgrade legacy mobile handsets that are only SMS-capable.[124]

We seek comment on what progress has been made since 2019 to develop and deploy technological solutions for delivering location with texts to 911. What percentage of 911 texts currently include location information? Does the percentage vary between SMS texts and IP-based texts such as real-time text (RTT)? What specific types of location information are covered text providers delivering to comply with the Commission's rules (*i.e.,* automated

[114] *See, e.g., Wireless E911 Location Accuracy Requirements; AT&T Services, Inc. Request for Authorization and Waiver,* PS Docket No. 07–114, Order, 35 FCC Rcd 8805 (2020).

[115] *See, e.g.,* 47 CFR part 9, subpart J; *Facilitating Implementation of Next Generation 911 Services (NG911); Location-Based Routing for Wireless 911 Calls,* PS Docket Nos. 21–479 and 18–64, Report and Order, FCC 24–78, 2024 WL 3507091 (July 19, 2024), 89 FR 78066 (Oct. 17, 2024), *corrected by* Erratum, 2024 WL 3507091 (Sept. 5, 2024) and Second Erratum, 2024 WL 3507091 (Oct. 1, 2024).

[116] *Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications; Framework for Next Generation 911 Deployment,* PS Docket Nos. 11–153 and 10–255, Second Report and Order and Third Further Notice of Proposed Rulemaking, 29 FCC Rcd 9851, paragraph 10 (2014), 79 FR 55367 (Sept. 16, 2014) (*Text-to-911 Second Report and Order*), 79 FR 55413 (Sept. 16, 2014) (*Text-to-911 Third NPRM*), *corrected by* Erratum (PSHSB Aug. 22, 2014); *see also* 47 CFR 9.10(q)(10)(v).

[117] *Text-to-911 Second Report and Order,* 29 FCC Rcd at 9867–68, paragraph 44; *see also* FCC, *Interim Text to 9–1–1 Working Group: Co-chairs: Brian Daly, AT&T and Gregg Vanderheiden, TRACE* (Sept. 14, 2012), *https://docs.fcc.gov/public/attachments/DOC-316315A1.pdf* (selecting SMS as the default texting solution because it was a standard-based solution and could be rapidly deployed to provide nationwide access to 911 during the transition to NG911).

[118] *Kari's Law/RAY BAUM'S Act Report and Order,* 34 FCC Rcd at 6690, paragraphs 217 through 218.

[119] *Id.* at 6690, paragraph 218; *see also* AT&T Comments, PS Docket Nos. 18–261 and 17–239, at 11 (rec. Dec. 10, 2018) (AT&T KL/RBA Comments) (stating that because real-time text includes a voice component, it can access specific caller location updates—and deliver them to the PSAP); Verizon Comments, PS Docket Nos. 18–261 and 17–239, at 7 (rec. Dec. 10, 2018) (Verizon KL/RBA Comments) (''The transition to IP-enabled LTE networks, and global text telephony (GTT) (*i.e.,* real-time text or RTT) solutions, that leverage VoLTE's E911 capabilities, will most effectively improve location accuracy for text-based communications to PSAPs.'').

[120] *Kari's Law/RAY BAUM'S Act Report and Order,* 34 FCC Rcd at 6690, paragraph 218 (citing Comtech Comments at 6–7; West Safety Comments at 12).

[121] *Kari's Law/RAY BAUM'S Act Report and Order,* 34 FCC Rcd at 6691, paragraph 220.

[122] *Id.* at 6691, paragraph 220.

[123] *Id.* at 6691, paragraph 220; *see also* 47 CFR 9.10(q)(10)(v).

[124] *Kari's Law/RAY BAUM'S Act Report and Order,* 34 FCC Rcd at 6691, paragraph 220.

dispatchable location, end-user manual provision of dispatchable location, or enhanced location information), and what percentage of total texts to 911 do these types of location information represent? How accurate is the location information provided? What are the capabilities of current 4G/5G networks and user devices to provide high-quality location information for text-to-911? Has progress been made since 2019 with respect to using DBH to provide location for 911 texts? Are ELS and HELO providing location information for text-to-911? Does the information provided include z-axis data? Does it include confidence and uncertainty data? Are there technologies other than DBH that could be leveraged for providing location with texts to 911? Are any 911 texts delivered to PSAPs with dispatchable location information as opposed to coordinate-based information?

We seek comment on whether location technology for text-to-911 has progressed to the point that the Commission could reasonably require either dispatchable location or coordinate-based location for 911 texts at accuracy levels comparable to the accuracy required for 911 voice calls. If we determine that such a requirement would be appropriate, when should carriers be required to comply and how should the requirement be enforced? We also seek comment on whether we should continue to distinguish between SMS texts and more advanced IP-based text services. As noted above, CMRS providers argued in the Kari's Law and RAY BAUM'S Act proceeding that requiring dispatchable location capabilities for SMS would require major retrofitting of legacy SMS networks.[125] Is that still the case? Would adopting stronger requirements for location accuracy help to encourage the transition from SMS to next generation texting solutions?

G. Eliminating Outdated Wireless Location Accuracy Rules

As part of our focus on ensuring that our wireless location accuracy rules keep pace with technology, we seek comment on whether certain of our legacy wireless location accuracy rules have become outdated and should be eliminated. Specifically, we believe that many of our original E911 Phase II location rules are no longer necessary because they have been superseded by the comprehensive location accuracy rules that the Commission adopted in 2015. We also propose to eliminate certain obsolete information collection requirements associated with our wireless location accuracy rules, and we invite commenters to identify any other requirements in § 9.10 of the rules that could be eliminated.[126]

The E911 Phase II rules were adopted and revised in a series of Commission orders dating from 1996 to 2010.[127] These rules required CMRS providers to provide horizontal location information for wireless 911 calls in accordance with accuracy thresholds that were tailored to then-current handset- and network-based location technologies optimized for location of outdoor wireless calls. The Commission established an eight-year period for implementing Phase II, ending in 2019, with interim benchmarks.[128] In addition, CMRS providers were only required to provide Phase II location information to PSAPs that requested the information, were capable of receiving and using it, and had a mechanism for recovering the costs associated with it.[129]

In 2014, the Commission initiated a comprehensive overhaul of its wireless location accuracy rules. The Commission noted that consumers were ''increasingly replacing traditional landline telephony with wireless phones, and a majority of wireless calls are now made indoors,'' making it imperative for PSAPs ''to have the ability to accurately identify the location of wireless 911 callers regardless of whether the caller is located indoors or outdoors.'' [130] The Commission also for the first time identified the need for 911 location to include a vertical as well as a horizontal component.[131] In 2015, the Commission adopted the comprehensive rules that remain in effect today, which require both horizontal (x- and y-axis) and vertical (z-axis) location accuracy for wireless 911 calls.[132] These rules make no distinction based on the technology used to provide 911 location, and they apply to both indoor and outdoor calls.[133]

In the *Fourth Report and Order,* the Commission discussed whether the E911 Phase II rules were still needed, noting that the newly adopted location accuracy requirements ''may ultimately moot the issue of whether to replace the current outdoor-based accuracy requirements for [E911] Phase II.'' [134] However, the Commission declined to eliminate the Phase II rules at that time, observing that the last Phase II benchmark would occur in January 2019. Instead, the Commission stated that ''once the last Phase II benchmark has passed, we may revisit the issue of when to sunset date the current Phase II requirements and establish a unitary accuracy standard.'' [135]

Discussion. We believe the location accuracy rules adopted in the *Fourth Report and Order* and refined in subsequent orders have now fully superseded the E911 Phase II rules. The location accuracy thresholds now in

[125] *See id.* at 6690–91, paragraph 219; *see also, e.g.,* AT&T KL/RBA Comments at 11; T-Mobile Reply, PS Docket Nos. 18–261 and 17–239, at 4 (rec. Feb. 8, 2019); Verizon KL/RBA Comments at 7.

[126] *See* 47 CFR 9.10.

[127] *See, e.g., Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems,* CC Docket No. 94–102, RM–8143, Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 18676, 18682–84, paragraph 10 (1996), 61 FR 40348 (Aug. 2, 1996) (*First E911 Report and Order*), 61 FR 40374 (Aug. 2, 1996) (*First E911 FNPRM*); *Wireless E911 Location Accuracy Requirements; E911 Requirements for IP-Enabled Service Providers,* PS Docket No. 07–114, WC Docket No. 05–196, Further Notice of Proposed Rulemaking and Notice of Inquiry, 25 FCC Rcd 18957 (2010), 75 FR 67321 (Nov. 2, 2010).

[128] *See Wireless E911 Location Accuracy Requirements,* PS Docket No. 07–114, Second Report and Order, 25 FCC Rcd 18909, 18947, Appx. C (2010), 75 FR 70604 (Nov. 18, 2010); *see also* 47 CFR 20.18(h)(1)(ii)(C) (2010 version; later renumbered to 47 CFR 9.10) (setting forth benchmark location accuracy standards to be met ''[e]ight years from January 18, 2011''); FCC, Wireless E911 Location Accuracy Requirements, 75 FR 70604 (Nov. 18, 2010) (establishing the January 18, 2011 effective date). Compliance will be measured on a per-county or per-PSAP basis using, at the carrier's election, either (1) network-based accuracy data, (2) blended reporting as provided in 47 CFR 20.18(h)(1)(iv), or (3) handset-based accuracy data as provided in 47 CFR 20.18(h)(1)(v). *See* 47 CFR 20.18(h)(1)(ii)(C)(*1*) through (*3*) (all referenced § 20.18 provisions later renumbered to 47 CFR 9.10); *see also, e.g., Public Safety and Homeland Security Bureau Reminds CMRS Providers Using Network-Based and Handset-Based Location Technologies of the January 18, 2019 Phase II Deadline for Improved Outdoor E911 Location Accuracy,* PS Docket 07–114, Public Notice, 34 FCC Rcd 524 (PSHSB 2019).

[129] *First E911 Report and Order,* 11 FCC Rcd at 18684, paragraph 11; 47 CFR 9.10(m)(1).

[130] *Wireless E911 Location Accuracy Requirements,* PS Docket No. 07–114, Third Further Notice of Proposed Rulemaking, 29 FCC Rcd 2374, 2375, paragraph 1 (2014), 79 FR 17819 (Mar. 28, 2014) (*Third FNPRM*).

[131] *Third FNPRM,* 29 FCC Rcd at 2375–76, paragraph 2.

[132] *See Fourth Report and Order,* 30 FCC Rcd at 1360, Appx. D (codified at former 47 CFR 20.18(i), later renumbered to 47 CFR 9.10(i)).

[133] *See Fourth Report and Order,* 30 FCC Rcd at 1325–26, paragraphs 179 through 181.

[134] *Fourth Report and Order,* 30 FCC Rcd at 1326, paragraph 181. The Commission explained that the E911 Phase II rules provided a set of outdoor-focused location accuracy benchmarks for CMRS providers using either network-based or handset-based location technologies and allowed the network-based CMRS providers to switch to handset-based technologies. *Id.* at 1326, paragraph 180. The Commission also noted that the Phase II rules would serve to maintain regulatory certainty for CMRS providers that were providing service on their legacy systems while they were planning to migrate to VoLTE networks. *Id.* at 1326, paragraph 180.

[135] *Fourth Report and Order,* 30 FCC Rcd at 1326, paragraph 181.

effect are more stringent than the legacy Phase II requirements, and they apply to both indoor and outdoor calls. The new rules also do not distinguish between network-based and handset-based technologies, and they are not conditioned on requests from PSAPs to receive location information. We therefore seek comment on eliminating the E911 Phase II rules specified below.

The Phase II rules are primarily codified in § 9.10(h) of the Commission's rules.[136] We seek comment on whether to delete this subsection in its entirety, or whether there are any portions that should be retained. We also seek comment on whether to streamline or eliminate additional subsections that reference Phase II compliance requirements, including the following:

- Section 9.10(e) of the rules requires licensees to ''provide to the designated Public Safety Answering Point Phase II enhanced 911 service, *i.e.,* the location of all 911 calls by longitude and latitude in conformance with Phase II accuracy requirements'' as defined in paragraph (h).[137]
- Section 9.10(f) provides that licensees who employ a network-based location technology shall provide Phase II 911 enhanced service over a phased timeline subject to certain coverage area or population requirements or PSAP request.[138]
- Section 9.10(g) provides that licensees who employ a handset-based location technology may phase in deployment of Phase II enhanced 911 service subject to certain requirements.[139]
- Section 9.10(l) requires licensees to ''report to the Commission their plans for implementing Phase II enhanced 911 service'' by November 9, 2000, and to ''update these plans within thirty days of the adoption of any change.'' [140]

Would eliminating any of these rules create regulatory gaps? Are there any aspects of the Phase II rules that we should retain, or retain with modifications? For example, should we retain the latency (time to first fix) requirements? [141] Has technology advanced to the point that it significantly reduces latency to less than 30 seconds, as the Commission predicted in 2015? [142] Similarly, should we retain the Phase II requirements for resellers and, if not, should we update the obligations of resellers to provide accurate location information under 47 CFR 9.10(p)(1) and (2)? [143] In addition, if we eliminate the Phase II rules, how would roaming be impacted? We invite commenters to identify any roaming problems that exist today or that may surface if we eliminate the Phase II requirements.[144] Finally, if we eliminate the Phase II rules, what time frame would be appropriate? Is there any reason to phase out these rules over time rather than eliminating them immediately?

We seek comment on whether deletion of the Phase II rules would have any adverse effects on PSAPs or other 911 authorities or cause these entities to incur any costs. We do not believe that eliminating the Phase II rules would require any additional action on the part of PSAPs or require PSAPs to incur any additional costs. We note that most 911 systems continue to use Phase I and Phase II classifications in their processing of calls, and that the vast majority of wireless calls to PSAPs arrive as either WPH1 or WPH2 classes of service.[145] In proposing to eliminate the Phase II rules, we do not intend for these service classifications to become obsolete or for PSAPs to have to purchase updated systems for call routing or handling.[146] Similarly, we do not intend for the elimination of these rules to impose any obligation on a PSAP that is not currently capable of receiving Phase II information to modify or upgrade its call-handling or location capabilities. In this regard, we note that the location accuracy rules adopted in the *Fourth Report and Order* apply regardless of a PSAP's readiness to receive such information or any request from the PSAP. We therefore seek comment on whether to retain or eliminate 47 CFR 9.10(m), which provides a procedure for PSAPs to request Phase I or Phase II E911 service. While the number is small, there are still Phase 0 and Phase I PSAPs in the United States. Do commenters believe that maintaining the conditions for these PSAPs to request E911 service from CMRS providers is still useful? What effect, if any, would eliminating the PSAP request process have on PSAP costs?

In conjunction with the above proposals, we propose to modify the section heading for the location accuracy rules adopted in the *Fourth Report and Order,* codified at 47 CFR 9.10(i).[147] That section is titled ''Indoor location accuracy for 911 and testing requirements,'' although the rules apply to both indoor and outdoor calls to 911. To help clarify the scope of these rules, we propose to remove the word ''indoor'' from the title of this section and headings in § 9.10(i), such as the § 9.10(i)(2) heading. We seek comment on this proposal.

Finally, we propose to eliminate certain obsolete information collection requirements from 47 CFR 9.10(i). Specifically, we propose to delete § 9.10(i)(4)(i) and (ii), which required CMRS providers to submit initial implementation plans and two progress reports regarding their implementation of the 2015 location accuracy rules.[148] Because CMRS providers have completed their fulfillment of these reporting obligations, these requirements are no longer necessary. In addition, we propose to delete information collection requirements pertaining to the National Emergency Address Database (NEAD), which discontinued operation in 2020.[149] Specifically, we propose to delete the NEAD definition in § 9.10(i)(1)(iii) and requirements to submit a privacy and security plan for the NEAD under § 9.10(i)(4)(iii).[150] We seek comment on these proposals.

We tentatively conclude that the regulatory revisions proposed above would make our rules easier ''for the average person or business to understand'' and reduce ''the risk of costs of non-compliance.'' [151] We seek comment on whether any additional provisions in § 9.10 of the Commission's rules should be eliminated, consolidated, or streamlined consistent with the public interest.

[136] 47 CFR 9.10(h).

[137] 47 CFR 9.10(e).

[138] 47 CFR 9.10(f).

[139] 47 CFR 9.10(g).

[140] 47 CFR 9.10(l).

[141] 47 CFR 9.10(h)(3).

[142] *Fourth Report and Order,* 30 FCC Rcd at 1324–25, paragraph 176.

[143] 47 CFR 9.10(p)(1), (2).

[144] *Fourth Report and Order,* 30 FCC Rcd at 1334, paragraph 200 (''We reserve the right to take action in the future, if necessary, to ensure that accurate location information is provided for wireless calls to 911 while roaming.'').

[145] ''WPH1'' refers to wireless Phase I calls, while ''WPH2'' refers to wireless Phase II calls.

[146] For example, we emphasize that we do not anticipate that the elimination or streamlining of Phase II rules and other § 9.10 rules would require any PSAP to purchase, modify, or upgrade technology, software, or equipment, or to make any other changes or expenditures.

[147] These rules were originally codified at 47 CFR 20.18(i) and later renumbered to 47 CFR 9.10(i).

[148] 47 CFR 9.10(i)(4)(i) (initial implementation plan) and (ii) (progress reports).

[149] The Commission has recognized that the NEAD was formally terminated in 2020. *See Sixth Report and Order,* 35 FCC Rcd at 7773, paragraph 49 & n.136 (2020) (citing *NEAD Feb. 14 2020 Termination Letter* at 1).

[150] 47 CFR 9.10(i)(1)(iii) (NEAD definition), (i)(4)(iii) (NEAD privacy and security plan).

[151] *See* Executive Order 14192 of January 31, 2025, *Unleashing Prosperity Through Deregulation,* 90 FR 9065 (Feb. 6, 2025), *https://www.whitehouse.gov/presidential-actions/2025/01/unleashing-prosperity-through-deregulation/* (E.O. 14192).

H. Summary of Benefits and Costs

Analysis. As discussed above, we are proposing or seeking comment on several measures to strengthen our wireless 911 location accuracy rules and seek comment on the cost and feasibility of those measures. The strengthening and enhancing of our existing rules would lead to improved emergency response times through the provision of: (1) more reliable, accurate, and actionable vertical location information for PSAPs; (2) a higher percentage of wireless 911 calls conveying dispatchable location; and (3) increased transparency into the test bed process for the stakeholder community and a stronger 911 location accuracy compliance framework.

Any solution for strengthening wireless 911 location accuracy for voice calls and texts, no matter how effective, must withstand the test of feasibility and functionality relative to cost. We therefore seek comment on whether the implementation of our proposals for calls and texts can improve upon the speeds at which emergency personnel and services relying on the 911 system can reach the caller, with a resulting improvement in the health and safety of the caller and preservation of property, and the magnitude of this presumed benefit.

In the *Fourth Report and Order* in this proceeding, the Commission concluded that the location accuracy rules, including the z-axis and dispatchable location requirements, would improve emergency response times, which, in turn, would improve patient outcomes and save lives.[152] The Commission found that the location accuracy improvements that it adopted had the potential to save approximately 10,120 lives annually and estimated an annual benefit of approximately $92 billion or $291 per wireless subscriber.[153] The Commission characterized this $92 billion as an annual benefit floor value because it expected substantial benefits from the reduction of loss of life and property.[154] The Commission further found that the costs of implementing the available solutions to achieve the indoor wireless location accuracy standards were far less than the $92 billion benefit floor, with the costs further declining as demand grew.[155]

When assessing the benefits of adopting a 3-meter metric, in the *Fifth Report and Order,* the Commission began with the analysis from this proceeding's *Fourth Report and Order.*[156] In the *Fifth Report and Order,* the Commission agreed with comments that the Commission made a conservative assumption in factoring a one-minute reduction in emergency response time and that the Commission underestimated the benefits of providing emergency responders with z-axis information.[157] In addition, the Commission reiterated that the addition of vertical location information—like the further refinement of horizontal location information—plays a major role in achieving the $92 billion benefit floor for improving wireless location accuracy.[158] Due to U.S. Department of Transportation updates for reducing the likelihood of mortality, the Commission estimated this annual benefit floor at $97 billion.[159]

In the *Sixth Report and Order,* the Commission concluded that its previous cost benefit assessment remained valid as applied to CMRS providers continuing their efforts to provide increasingly accurate location information.[160] The Commission received comments indicating that one of its proposals—''the flexibility to cover 80% of tall buildings'' in an area as an alternative for meeting the handset location-accuracy benchmark of 80% of the population of an area—would ''achieve significant public benefits.'' [161] The Commission adopted this flexible deployment option as a part of its rules, and concluded that the ''costs associated with a nationwide handset deployment'' would be minimal and that the Commission did not ''anticipate any changes in our [prior] cost/benefit analysis for nationwide CMRS providers opting for handset-based deployment.'' [162]

We seek information on how the proposed measures would increase this benefit established from the *Sixth Report and Order* and previous items in this proceeding. If predicted benefits have not been realized, do the proposed measures help attain those unrealized benefits? We anticipate improved location information would further reduce first responders' delays associated with locating emergency victims. For example, first responders or dispatchers would have to manually convert an HAE to an AGL in any practical application, so we expect that pre-calculating this number would save time. We also anticipate that strengthening the compliance framework would ensure that CMRS providers comply with the measures in a timely fashion and would help realize these benefits. We seek comment on these judgments. In particular, quantitative information on improvements in emergency response times, adverse health outcomes, or mortality due to additional z-axis information would be especially valuable.

Providing Actionable Information to PSAPs. By having stronger z-axis location rules, we anticipate that actionable information such as floor level reporting would be provided to the PSAPs on a more consistent and reliable basis than it is currently. One way to achieve accurate floor level information may be to have CMRS providers that deploy z-axis technology deliver z-axis information using AGL in addition to HAE as previously discussed. We seek comment on the level of effort and the costs for CMRS providers—both nationwide and non-nationwide—to convert HAE values for individual 911 calls to AGL. We seek comment and information on the costs associated with other data sources and best means available that can be leveraged to generate floor level information.

Strengthening the Wireless 911 Location Accuracy Testing and Compliance Framework. We propose that having a stronger location accuracy testing and compliance framework would increase transparency into the process and accountability for CMRS

[152] *Fourth Report and Order,* 30 FCC Rcd at 1319, paragraph 162.

[153] *Id.* at 1320, paragraph 166. These values are based on a study examining emergency incidents during 2001 in the Salt Lake City area, which found that a decrease in ambulance response times reduced the likelihood of mortality. *Id.* at 1317, paragraph 160. The $9.1 million value referenced in the *Fourth Report and Order* was based on the United States Department of Transportation's (DoT) 2013 memorandum on the value of a statistical life (VSL). *Id.* at 1319, paragraph 163 n.402. DoT presently estimates the VSL at $9.6 million. *See* Memorandum from Molly J. Moran, Acting General Counsel, and Carlos Monje, Assistant Secretary for Transportation Policy, to Secretarial Officers and Modal Administrators, U.S. Department of Transportation, ''Guidance on Treatment of the Economic Value of a Statistical Life (VSL) in U.S. Department of Transportation Analyses'' (Aug. 8, 2016), *https://www.transportation.gov/sites/dot.gov/files/docs/2016%20Revised%20Value%20of%20a%20Statistical%20Life%20Guidance.pdf.* We do not update our benefits calculation for the 2022 VSL increase to $12.5 million because the estimated benefits of today's item are already over fifty times higher than the estimated costs. *See* U.S. Department of Transportation, *Departmental Guidance on Valuation of a Statistical Life in Economic Analysis* (March 23, 2021), *https://www.transportation.gov/office-policy/transportation-policy/revised-departmental-guidance-on-valuation-of-a-statistical-life-in-economic-analysis.*

[154] *Fourth Report and Order,* 30 FCC Rcd at 1319–20, paragraphs 162, 166.

[155] *Id.* at 1322, paragraph 170.

[156] *Fifth Report and Order,* 34 FCC Rcd at 11617, paragraph 55.

[157] *Id.* at 11617–18, paragraph 56.

[158] *Id.* at 11618, paragraph 57.

[159] *Id.*

[160] *Sixth Report and Order,* 35 FCC Rcd at 7783–84, paragraph 72.

[161] *Id.* at 7784, paragraph 73.

[162] *Id.* at 7785, paragraph 74.

providers, leading to increased public confidence, identification of weaknesses and strengths of various approaches, and improved public safety. As discussed herein, we seek comment on the costs associated with the proposed rules to increase transparency in the test bed and providing confidence in the real-world performance of the technologies tested. These proposals include validating performance in the test bed, requiring test bed data access for non-nationwide CMRS providers and NENA, APCO, and NASNA, and increasing transparency into test bed validation procedures. Specifically, we propose:

- Validation of a vertical location technology in the industry test bed must demonstrate compliance of that technology in each morphology and may not be based on CMRS provider live call data. Thus, CMRS providers may not rely on test bed results that have been aggregated or averaged across morphologies or that have been weighted on the basis of live call data;
- Upon receipt of a request from a non-nationwide CMRS provider or certain public safety associations (*i.e.,* APCO, NENA, and NASNA), the test bed must share the following information at no cost and on a timely basis:
  - test bed data and results by wireless location technology provider, morphology, and technology, as well as other relevant information (such as information on the test bed process, including any significant changes to the test bed process);[163] and
- NENA, APCO, or NASNA may file with the Commission a challenge to the validation of a particular technology in the test bed.

We seek comment on the costs associated with provider compliance under this strengthened framework of rules. In particular, we seek comment on the costs associated with CMRS provider compliance as discussed previously.

Increasing Percentage of Wireless 911 Calls with Dispatchable Location. At this stage of refreshing the record without a specific rule proposal, we lack sufficient information to speculate on the costs of any new dispatchable location requirements. Accordingly, the total cost estimates of today's item do not include potential costs of a new dispatchable location requirement. However, we do seek comment on the costs of any potential rules for increased dispatchable location technology deployment on a more certain timeline, should the Commission consider or adopt such a rule in a subsequent proceeding. By increasing the percentage of wireless 911 calls that convey dispatchable location, we anticipate that first responders can achieve faster emergency response times, which would lead to more lives saved.[164] As discussed earlier, we seek comment on the costs associated with reverse geocoding and the costs of implementing that process. In that connection, we seek to refresh the record on dispatchable location technology solutions in light of technological developments and broader standardization in IP-based delivery of 911 traffic. We seek comment on the costs associated with providers increasing the number of wireless 911 calls with dispatchable location from the levels currently being reported. Also, what updated dispatchable location solutions are available to achieve this goal and what are their associated costs? What will be the breakdown of these solutions across providers, and will certain kinds of providers be likely to favor particular implementations? Do the implementations differ in how much and what kinds of labor or materials would be required? Will certain solutions be combined in practice?

Improvements to Horizontal Location Information and Mobile Text Location Accuracy. The total cost estimates in this item do not include potential costs of any new requirements for improving horizontal location accuracy or location accuracy for mobile texts. However, we do seek comment on the costs of any potential rules pertaining to improving horizontal location accuracy or location accuracy for mobile texts should the Commission consider or adopt such a rule or rules in a subsequent proceeding.

Strengthening Reporting Requirements. As reflected in the history of this proceeding, there is ample precedent for the Commission to revive and strengthen the reporting requirements in an effort to increase public trust and provide transparency.[165] We seek comment on the associated costs and level of effort needed by both nationwide and non-nationwide CMRS providers to comply with our proposed requirements, as well as the requirements the Commission seeks comment on but has not proposed. For instance, we seek comment on the costs associated with requiring CMRS providers to establish a centralized, online complaint portal that PSAPs could use to report location accuracy problems to CMRS providers before seeking FCC enforcement.

In addition, we seek comment on the costs associated with requiring CMRS providers to provide more detailed information on dispatchable location technologies in their live call data reports. We also seek comment on whether we should require CMRS providers to provide data not only for each category of location technology used in live call reports (*e.g.,* DBH) but also for specific technologies within a category (*e.g.,* HELO, ELS). What additional costs would be incurred from requiring more detailed and granular information with live call reports? We tentatively conclude the benefits of these changes would be significant. Transparency into what specific dispatchable location technologies are being used by providers will help PSAPs better understand the source of the data being delivered and the confidence they should have in it. We believe this would encourage providers to continue improving their dispatchable location technology solutions, which would lead to higher PSAP confidence in the information and the facilitation of faster emergency response times.

Eliminating Certain Existing Regulations. We seek comment on whether to eliminate existing Phase II rules, and we propose to eliminate certain other obsolete or superseded 911 location accuracy rules in 47 CFR 9.10. Would eliminating these rules make our regulations easier to understand and help simplify compliance issues? Would having fewer obsolete or superseded rules in existence reduce the burden on stakeholders, for example, by making our rules easier for the average person or business to understand and by reducing the risk of costs of non-compliance?[166] Would any additional, unexpected costs be created by the elimination of these rules?

Cost of Implementation. With respect to costs not exceeding their benefits, we seek comment on whether implementation of our proposed measures would result in significant hardware, software, services, GIS,

[163] The Commission already requires CMRS providers to submit aggregate live call data on a quarterly basis to the Commission as well as to NENA, APCO, and NASNA. 47 CFR 9.10(i)(3)(ii)(B); *Fourth Report and Order,* 30 FCC Rcd at 1310, paragraph 135.

[164] *Fifth Report and Order,* 34 FCC Rcd at 11625, paragraph 80 (''We recognize the importance to public safety of obtaining dispatchable location information regarding which 'door to kick in.' ''); *id.* at 11625, paragraph 80 n.275 (stating that APCO refers to dispatchable location as the ''gold standard'').

[165] We look to the already approved assessment of burden hours and costs associated with the reporting requirements for CMRS providers in this proceeding. *See* 47 CFR 9.10(i)(4).

[166] *See* E.O. 14192.

testing, or other costs to nationwide and non-nationwide CMRS and covered text providers, NG911 services providers, or state and local 911 authorities. We seek comment on the amount of those costs and ask commenters to provide sufficiently detailed information to allow accurate cost calculations.

In the absence of a detailed record on costs for the proposed revisions to our rules, we provide estimates below based on previous estimate calculations in the record, and ask commenters to provide information to improve these estimates as necessary. To be conservative in our approach, we seek to provide upper-bound estimates, so that actual costs will be at or below these levels. The December 2023 Voice Telephone Services Report lists 53 ''mobile telephony'' providers in total, so we assume that 53 providers will incur the cost.[167]

We estimate that all of the cost of an HAE to AGL conversion will be labor. To the best of our understanding, the conversion under all methodologies is a purely mathematical procedure with proper elevation data. We believe that free or open-source elevation data are available, so a provider would not need to incur significant costs to acquire the data.[168] New or upgraded equipment or software would not be required. Service providers would incur a labor cost associated with the labor needed to incorporate these data into existing systems, a cost to develop the conversion software, and a cost to deploy the software on the network. In the Supporting Statement of Study Area Boundary Data Reporting in Esri Shapefile Format, the Commission estimated that it takes an average of 26 hours for a data scientist to modify a shapefile.[169] We therefore use a conservative upper bound of the time required for a party to incorporate the new elevation data of twice that amount, or 52 hours. Given that the average wage rate is $56.24/hour for data scientists in the telecommunications industry,[170] with a 45% markup for benefits,[171] we arrive at $81.55 as the hourly compensation rate for a data scientist. As such, we estimate an upper bound for the cost of updating elevation maps to be approximately $0.2 million (≈ $81.55 per hour × 52 hours × 53 providers = $224,751.80). In addition, we understand that the HAE to AGL conversion is relatively simple from a mathematical perspective and so the associated programming will not require a large team. We therefore assume that approximately a month (four forty-hour workweeks) would be an upper bound of the time that a single software developer and a single engineer would need to update software so as to implement the conversion and apply it to service providers' networks. Assuming the average wage of a software developer is $63.75/hour,[172] with a 45% markup for benefits, we arrive at $92.44/hour as the compensation rate for software developers. We estimate the upper bound for the cost of software development would be approximately $0.8 million (≈ $92.44/hour × 4 weeks × 40 hours × 53 providers = $783,891.20). Assuming the average wage of network engineers is $54.95/hour,[173] with a 45% markup for benefits, we arrive at $79.68/hour as the compensation rate for network engineers. We estimate the upper bound for the cost of network engineering would be approximately $0.7 million (≈ $79.68/hour × 4 weeks × 40 hours × 53 providers = $675,686.40). Altogether, we estimate a total cost of the HAE to AGL conversion to be approximately $1.7 million (≈ $0.2 million + $0.8 million + $0.7 million). We seek comment on these cost estimates. In particular, to what extent has progress in the development of data sources and translation tools that CMRS providers could use to translate HAE to AGL decreased the costs of HAE to AGL conversion?

For our proposals strengthening the testing and compliance framework and improving live call reporting and enforcement, we anticipate costs to be primarily labor. These measures would involve changes to the procedures and new releases of associated data, but not substantial changes to the equipment involved. Instead, attorneys and engineers would have to work to adhere to the new compliance framework, and web designers would have to create the location accuracy complaint portal. We anticipate three forty-hour workweeks will be an upper bound to the time to implement required changes based on the Commission's prior estimates for similar requirements.[174] Without a further record, we do not know how many workers are necessary for all tasks, but we think that three teams of five people is sufficient for the necessary legal, engineering, and web design work. Assuming the average wage of an attorney is $104.66/hour,[175] with a 45% markup for benefits, we arrive at $151.76/hour as the compensation rate for attorneys. We estimate the upper bound for the cost of associated legal work would be approximately $4.8 million (≈ $151.76/hour × 5 workers × 40 hours × 3 weeks × 53 providers = $4,825,968.00). Assuming the average wage of industrial

[167] FCC Office of Economics and Analytics, Industry Analysis Division, Voice Telephone Services: Status as of December 31, 2023 at 10, Table 2 (Nov. 8, 2024), *https://www.fcc.gov/voice-telephone-services-report.*

[168] For example, as noted, the United States Geological Survey provides a free topological map of the United States at a ⅓ arc-second DEM on its website. United States Geological Survey, *The National Map (TNM) Datasets, https://apps.nationalmap.gov/datasets/* (last visited Feb. 4, 2025). One-third arc-second is equivalent to a resolution of ''approximately 10 meters north/south, but variable east/west due to convergence of meridians with latitude.'' United States Geological Survey, *About 3DEP Products & Services, https://www.usgs.gov/3d-elevation-program/about-3dep-products-services* (last visited Feb. 4, 2025).

[169] *See* Federal Communications Commission, ''Study Area Boundary Data Reporting in Esri Shapefile Format, DA 12–1777 and DA 13–282,'' Information Collection Request (ICR) Supporting Statement, Office of Management and Budget Control No. 3060–1181, at 5, paragraph 12 (Feb. 15, 2022), *https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202202-3060-009.*

[170] The mean hourly wage for data scientists in the telecommunications industry in May 2023 is $56.24. Bureau of Labor Statistics, *May 2023 National Industry-Specific Occupational Employment and Wage Estimates NAICS 517000—Telecommunications* (April 3, 2024), *https://www.bls.gov/oes/current/naics4_517000.htm* (*BLS Telecommunications Wages*).

[171] According to the Bureau of Labor Statistics, as of September 2023, civilian wages and salaries $32.25/hour and benefits averaged $14.59/hour. Total compensation therefore averaged $32.25 + $14.59, rounded to $46.84. *See* Press Release, Bureau of Labor Statistics, *Employer Costs for Employee Compensation—September 2024* (Dec. 17, 2024), *https://www.bls.gov/news.release/pdf/ecec.pdf.* Using these figures, benefits constitute a markup of $14.59/$32.25~ 45%. We therefore mark up wages by 45% to account for benefits, which results in total hourly compensation of $56.24 × 145% = $81.55.

[172] The mean hourly wage for software developers in the telecommunications industry in May 2023 is $63.75. *See BLS Telecommunications Wages.*

[173] The mean hourly wage for computer network architects in the telecommunications industry in May 2023 is $54.95. *See BLS Telecommunications Wages.* The Bureau of Labor Statistics considers the title ''computer network architect'' to be synonymous with ''network engineer.'' Bureau of Labor Statistics, *Computer Network Architects: What Computer Network Architects Do* (Sept. 12, 2023), *https://www.bls.gov/ooh/computer-and-information-technology/computer-network-architects.htm#tab-2.*

[174] *See* Federal Communications Commission, ''Improving 911 Reliability; Reliability and Continuity of Communications Including Networks, Broadband Technologies,'' Information Collection Request (ICR) Supporting Statement, Office of Management and Budget Control No. 3060–1202, at 10 (Oct. 2023), *https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202309-3060-007* (estimating 562 total employee compliance hours per regulated provider for similar reporting and data collection compliance costs as today's item, compared to today's estimate of 600 total employee compliance hours per regulated provider—three forty-hour weeks, or 120 hours, times five employees per provider).

[175] The mean hourly wage for lawyers in the telecommunications industry in May 2023 is $104.66.

engineers is $52.63/hour,[176] with a 45% markup for benefits, we arrive at $76.31/hour as the compensation rate for industrial engineers. We estimate the upper bound for the cost of associated engineering work would be approximately $2.4 million (≈ $76.31/hour × 5 workers × 40 hours × 3 weeks × 53 providers = $2,426,658.00). Assuming the average wage of web designers is $43.80/hour,[177] with a 45% markup for benefits, we arrive at $63.51/hour as the compensation rate for web designers. We estimate the upper bound for the cost of website development would be approximately $2.0 million (≈ $63.51/hour × 5 workers × 40 hours × 3 weeks × 53 providers = $2,019,618.00). Altogether, we estimate a total cost of strengthening the compliance framework to be approximately $9.2 million (≈ $4.8 million + $2.4 million + $2.0 million).

First-year costs of this item's proposals total to approximately $10.9 million from the initial conversion from HAE to AGL and changing the compliance framework ($1.7 million + $9.2 million). We do not anticipate additional ongoing costs from the HAE to AGL conversion once it is implemented because regular maintenance to a provider's z-axis systems is expected regardless of whether AGL is implemented or not. There may also be additional annual costs with respect to the new compliance framework, live call reporting, and enforcement, but they are also likely to be less than the initial year as work shifts to maintenance of the new framework. Thus, we find treating the first-year costs as an upper bound for all subsequent annual costs to be reasonable. That said, we judge that both the initial and ongoing cost upper bounds will be lower than the billions of dollars of annual benefits from improved emergency response, but seek comment on the reasonableness of these judgments and the associated estimates.

I. Timelines and Minimizing Burdens on CMRS Providers

We seek comment on timelines and minimizing burdens on CMRS providers. The rules we propose to adopt include steps that we believe will help minimize the impact on CMRS providers, including non-nationwide CMRS providers.

Vertical Location. We propose to require nationwide CMRS providers that deploy z-axis technology to make AGL available to PSAPs from any z-axis capable handset within 12 months after the effective date of the final rule. We propose to afford non-nationwide CMRS providers an additional 12 months, *i.e.,* 24 months after the effective date of the final rule, to comply with this requirement. In addition, we seek comment on requiring all CMRS providers to convert AGL to floor level estimates and appropriate timelines for CMRS providers, including non-nationwide CMRS providers.

Test Bed Requirements. We propose to require the test bed to validate location technology on a per-morphology basis and to prohibit test bed reliance on CMRS provider live call data. We also propose that nationwide CMRS providers must deploy on a nationwide basis either dispatchable location or z-axis technology that has been validated in accordance with these proposed requirements within 24 months after the effective date of the final rule. In addition, we propose that non-nationwide CMRS providers would have an additional 12 months to deploy dispatchable location or z-axis technology in compliance with this requirement. Would the proposed deadlines for these requirements have any impact on the existing indoor location accuracy requirements, including upcoming benchmark dates for compliance? [178] If so, should we harmonize these requirements and, if so, how? To increase transparency and minimize burdens on non-nationwide CMRS providers, we propose to require the test bed to provide data to non-nationwide CMRS providers and public safety organizations NENA, APCO, and NASNA at no cost and on a timely basis. We also propose to create an FCC adjudication process for those three public safety organizations to challenge test bed validation of location technology.

Dispatchable Location. We seek comment on mechanisms to increase the number of wireless 911 calls that convey dispatchable location and to ensure that CMRS providers, including non-nationwide CMRS providers, use dispatchable location technologies to their maximum potential as they become available. Consistent with the Commission's approach in this proceeding to existing location accuracy requirements, we seek comment on extending any deadlines with respect to dispatchable location for non-nationwide CMRS providers.[179] For instance, should non-nationwide CMRS providers have additional time based on the timing of their location technology deployments?

Live Call Reports. We propose to require all CMRS providers to report the specific technologies they use to provide dispatchable location with live 911 wireless calls and to report these data for each morphology. We also propose to maintain the current filing timelines, *i.e.,* nationwide CMRS providers must aggregate live 911 call data on a quarterly basis and report that data to APCO, NENA, and NASNA; and non-nationwide CMRS providers must do so on a biannual basis.

Enforcement. We seek comment on requiring all CMRS providers to establish a centralized, online complaint portal that PSAPs could use to report location accuracy problems to CMRS providers before seeking FCC enforcement. In that connection, we seek to reduce burdens on PSAPs in reporting issues with location accuracy. In addition, requiring industry to develop a single interface could lead to standard processes and protocols for response, including initial meetings, testing, and documentation. We seek comment on a reasonable timeline for implementing such a measure.

Eliminating Certain Existing Regulations. We seek comment on whether the existing E911 Phase II wireless location accuracy rules have become outdated and should be eliminated, and we propose to eliminate certain obsolete information collection requirements associated with the wireless location accuracy rules in 47 CFR 9.10. We believe eliminating these particular rules would make our 911 location accuracy regulations easier to understand and would help reduce the risk of costs of noncompliance, thereby helping to reduce the burden on CMRS providers. We seek comment on whether each of these rules should be eliminated immediately or phased out over time, and why.

Procedural Matters

Regulatory Flexibility Act. The Regulatory Flexibility Act of 1980, as amended (RFA),[180] requires that an

[176] The mean hourly wage for industrial engineers (including those in health and safety) in the telecommunications industry in May 2023 is $52.63. *See BLS Telecommunications Wages.*

[177] The mean hourly wage for web developers in the telecommunications industry in May 2023 is $43.80. *See BLS Telecommunications Wages.*

[178] *See, e.g.,* 47 CFR 9.10(i)(2)(ii)(E), (F) (requiring that by April 3, 2025, nationwide CMRS providers must deploy on a nationwide basis either dispatchable location or z-axis technology; non-nationwide CMRS providers have an additional year to comply with this requirement).

[179] *See* 47 CFR 9.10(i)(2)(i)(B), (i)(2)(ii)(F) (providing additional time for non-nationwide CMRS providers to meet certain horizontal and vertical location accuracy benchmarks).

[180] 5 U.S.C. 603. The RFA, 5 U.S.C. 601–612, was amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Public Law 104–121, Title II, 110 Stat. 857 (1996).

agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' [181] Accordingly, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) concerning potential rule and policy changes contained in the *FNPRM.* The IRFA is set forth in this document. The Commission invites the general public, in particular small businesses, to comment on the IRFA. Comments must be filed by the deadlines for comments on the *FNPRM* indicated in the **DATES** section of this document and must have a separate and distinct heading designating them as responses to the IRFA.

Paperwork Reduction Act of 1995 Analysis. The *FNPRM* contains proposed new or modified information collection requirements. Specifically, the proposed requirements in paragraphs (i)(2)(ii)(H) and (N), (i)(3)(i)(F) and (G), and (i)(3)(ii)(A) and (C) of § 9.10 of the Commission's rules contain new or modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, we seek specific comment on how we might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.'' [182]

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

Initial Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Federal Communications Commission (Commission) has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in the *FNPRM.* Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines in the *FNPRM.* The Commission will send a copy of the *FNPRM,* including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the *FNPRM* and IRFA (or summaries thereof) will be published in the **Federal Register**.

A. Need for, and Objectives of, the Proposed Rules

The goal of this proceeding is to strengthen the Commission's wireless location accuracy rules to put more actionable 911 call location information in the hands of Public Safety Answering Points (PSAPs) and first responders. This will help ensure that all Americans using mobile phones—whether calling from urban or rural areas, from indoors or outdoors—have technology that is functionally capable of providing accurate location information to allow users to receive the necessary assistance in times of an emergency. In the *Fourth Report and Order,* released on February 3, 2015, in PS Docket No. 07–114, the Commission adopted requirements for all Commercial Mobile Radio Service (CMRS) providers to improve the accuracy of 911 location information from wireless devices delivered to PSAPs, with benchmark dates for CMRS providers to achieve horizontal or x/y location accuracy milestones. The *Fourth Report and Order* recognized current trends in mobile wireless usage, particularly that more American households are now ''wireless only'' than ever before. The need to expeditiously provide accurate 911 location information is made more pressing with the proliferation of commercial location-based services, and consumer expectations that 911 location will be as accurate or more accurate than commercial applications, and because of the crucial role it can play in protecting life and property.

Commission action in the *Fifth Report and Order,* released on November 25, 2019, adopted a vertical or z-axis location accuracy metric, and required CMRS providers to deliver z-axis information in Height Above Ellipsoid (HAE). In the *Sixth Report and Order,* released on July 17, 2020, the Commission expanded the options for CMRS providers choosing to deploy z-axis technology to meet the April 2021 and April 2023 compliance benchmarks. The Commission also required nationwide CMRS providers to deploy z-axis technology nationwide by April 2025, and required non-nationwide CMRS providers, which are typically small, regional, and rural providers, to do the same throughout their service areas by April 2026. In addition, to make the wireless dispatchable location rules consistent with the Commission's dispatchable location rules for other services adopted pursuant to section 506 of RAY BAUM'S Act, the *Sixth Report and Order* required CMRS providers by January 6, 2022, to provide dispatchable location for wireless 911 calls when it is technically feasible and cost-effective for them to do so. Non-nationwide CMRS providers were given an additional year to meet this benchmark. The *Sixth Report and Order* also included measures allowing CMRS providers flexibility to develop dispatchable location solutions that do not depend on the National Emergency Address Database (NEAD), which had been discontinued. Additionally, the *Sixth Report and Order* addressed implementation issues for dispatchable location solutions that are not based on the NEAD, including (1) privacy and security, and (2) confidence and uncertainty data requirements.

In the *FNPRM,* the Commission proposes to build on recent technological developments and standardization efforts that CMRS providers, and other stakeholders could leverage to convey more actionable information with wireless 911 calls. Specifically, we propose to make z-axis location information more actionable by including requirements for CMRS providers to provide PSAPs z-axis information in Height Above Ground Level (AGL), and we seek comment on requiring CMRS providers to convert AGL to floor level estimates. In addition, the Commission seeks comment on ways to increase the percentage of wireless 911 calls that convey dispatchable location (street address, plus additional information to locate the 911 caller) and requests to refresh the record on the state of technology capable of providing dispatchable location. As part of this goal, we seek comment on how to foster cooperation and collaboration among multiple stakeholders in the process of generating and delivering 911 calls and actionable information—not only the CMRS providers and PSAPs, but also third parties, including cable and internet service providers (ISPs), original equipment manufacturers (OEMs), and vendors.

We also propose to strengthen our wireless location accuracy testing process with proposed rules to improve the test bed validation process and to require more transparency with respect to test bed results. Specifically, we propose to modify our rules to require that testing and validation of vertical location technologies in the industry

[181] 5 U.S.C. 605(b).

[182] 44 U.S.C. 3506(c)(4).

test bed demonstrate compliance of each technology with the 3-meter metric in each morphology, and that validation of a technology in the test bed may not be based on CMRS provider live call data. Thus, we would no longer allow CMRS providers to base compliance certifications on aggregating or averaging test bed results across morphologies, or on live call data. In addition, we propose to provide non-nationwide CMRS providers and certain major public safety organizations (National Emergency Number Association (NENA), Association of Public-Safety Communications Officials International, Inc. (APCO), and National Association of State 911 Administrators (NASNA)) with expanded access to test bed data and results on request. We further propose to allow NENA, APCO, and NASNA to challenge the validation of particular technologies in the test bed.

Improvements to live call data reporting include a proposal to require live call data reports to include information on the specific technologies CMRS providers used to provide dispatchable location. To strengthen the Commission's enforcement of its wireless location accuracy rules, we seek comment on requiring CMRS providers to develop a centralized, online complaint portal that PSAPs could use to report location accuracy problems to CMRS providers before seeking FCC enforcement. In addition, the Commission seeks comment on improving horizontal (x,y) location accuracy for wireless 911 calls. The Commission also seeks to refresh the record on improving location accuracy for mobile texts to 911, and requests comment on the current status of technology solutions for the delivery of location information for texts to 911. Finally, we seek comment on whether our existing Phase II location accuracy rules have become outdated and should be eliminated, and we propose to eliminate certain other obsolete or superseded 911 location accuracy rules in 47 CFR 9.10. We also request comment on the benefits and costs associated with our proposals.

B. Legal Basis

The proposed action is authorized pursuant to sections 1, 2, 4(i), 201, 214, 222, 225, 251(e), 301, 303, 316, and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 201, 214, 222, 225, 251(e), 301, 303, 316, 332; the Wireless Communications and Public Safety Act of 1999, Public Law 106–81, as amended, 47 U.S.C. 615 note, 615, 615a, 615b; and section 106 of the Twenty-First Century Communications and Video Accessibility Act of 2010, Public Law 111–260, 47 U.S.C. 615c.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

Small Businesses, Small Organizations, Small Governmental Jurisdictions. Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe, at the outset, three broad groups of small entities that could be directly affected herein. First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the Small Business Administration's (SBA) Office of Advocacy, in general a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States, which translates to 34.75 million businesses.

Next, the type of small entity described as a ''small organization'' is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' The Internal Revenue Service (IRS) uses a revenue benchmark of $50,000 or less to delineate its annual electronic filing requirements for small exempt organizations. Nationwide, for tax year 2022, there were approximately 530,109 small exempt organizations in the U.S. reporting revenues of $50,000 or less according to the registration and tax data for exempt organizations available from the IRS.

Finally, the small entity described as a ''small governmental jurisdiction'' is defined generally as ''governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.'' U.S. Census Bureau data from the 2022 Census of Governments indicate there were 90,837 local governmental jurisdictions consisting of general purpose governments and special purpose governments in the United States. Of this number, there were 36,845 general purpose governments (county, municipal, and town or township) with populations of less than 50,000 and 11,879 special purpose governments (independent school districts) with enrollment populations of less than 50,000. Accordingly, based on the 2022 U.S. Census of Governments data, we estimate that at least 48,724 entities fall into the category of ''small governmental jurisdictions.''

All Other Telecommunications. This industry is comprised of establishments primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems. Providers of internet services (*e.g.,* dial-up ISPs) or Voice over Internet Protocol (VoIP) services, via client-supplied telecommunications connections are also included in this industry. The SBA small business size standard for this industry classifies firms with annual receipts of $40 million or less as small. U.S. Census Bureau data for 2017 show that there were 1,079 firms in this industry that operated for the entire year. Of those firms, 1,039 had revenue of less than $25 million. Based on this data, the Commission estimates that the majority of ''All Other Telecommunications'' firms can be considered small.

Advanced Wireless Services (AWS)— (1710–1755 MHz and 2110–2155 MHz bands (AWS–1); 1915–1920 MHz, 1995–2000 MHz, 2020–2025 MHz and 2175–2180 MHz bands (AWS–2); 2155–2175 MHz band (AWS–3); 2000–2020 MHz and 2180–2200 MHz (AWS–4)). Spectrum is made available and licensed in these bands for the provision of various wireless communications services. Wireless Telecommunications Carriers (except Satellite) is the closest industry with an SBA small business size standard applicable to these services. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees.

Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

According to Commission data as December 2021, there were approximately 4,472 active AWS licenses. The Commission's small business size standards with respect to AWS involve eligibility for bidding credits and installment payments in the auction of licenses for these services. For the auction of AWS licenses, the Commission defined a ''small business'' as an entity with average annual gross revenues for the preceding three years not exceeding $40 million, and a ''very small business'' as an entity with average annual gross revenues for the preceding three years not exceeding $15 million. Pursuant to these definitions, 57 winning bidders claiming status as small or very small businesses won 215 of 1,087 licenses. In the most recent auction of AWS licenses 15 of 37 bidders qualifying for status as small or very small businesses won licenses.

In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

Wired Telecommunications Carriers. The U.S. Census Bureau defines this industry as establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry. Wired Telecommunications Carriers are also referred to as wireline carriers or fixed local service providers.

The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 4,590 providers that reported they were engaged in the provision of fixed local services. Of these providers, the Commission estimates that 4,146 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

Local Exchange Carriers (LECs). Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to local exchange services. Providers of these services include both incumbent and competitive local exchange service providers. Wired Telecommunications Carriers is the closest industry with an SBA small business size standard. Wired Telecommunications Carriers are also referred to as wireline carriers or fixed local service providers. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 4,590 providers that reported they were fixed local exchange service providers. Of these providers, the Commission estimates that 4,146 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

Competitive Local Exchange Carriers (LECs). Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to local exchange services. Providers of these services include several types of competitive local exchange service providers. Wired Telecommunications Carriers is the closest industry with an SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 3,378 providers that reported they were competitive local exchange service providers. Of these providers, the Commission estimates that 3,230 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

Incumbent Local Exchange Carriers (Incumbent LECs). Neither the Commission nor the SBA have developed a small business size standard specifically for incumbent local exchange carriers. Wired Telecommunications Carriers is the closest industry with an SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms in this industry that operated for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 1,212 providers that reported they were incumbent local exchange service providers. Of these providers, the Commission estimates that 916 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, the Commission estimates that the majority of incumbent local exchange carriers can be considered small entities.

Interexchange Carriers (IXCs). Neither the Commission nor the SBA have developed a small business size standard specifically for Interexchange Carriers. Wired Telecommunications Carriers is the closest industry with an SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on

Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 127 providers that reported they were engaged in the provision of interexchange services. Of these providers, the Commission estimates that 109 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, the Commission estimates that the majority of providers in this industry can be considered small entities.

Local Resellers. Neither the Commission nor the SBA have developed a small business size standard specifically for Local Resellers. Telecommunications Resellers is the closest industry with an SBA small business size standard. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. Mobile virtual network operators (MVNOs) are included in this industry. The SBA small business size standard for Telecommunications Resellers classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that 1,386 firms in this industry provided resale services for the entire year. Of that number, 1,375 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 207 providers that reported they were engaged in the provision of local resale services. Of these providers, the Commission estimates that 202 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

Broadband Personal Communications Service. The broadband personal communications services (PCS) spectrum encompasses services in the 1850–1910 and 1930–1990 MHz bands. The closest industry with an SBA small business size standard applicable to these services is Wireless Telecommunications Carriers (except Satellite). The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

Based on Commission data as of November 2021, there were approximately 5,060 active licenses in the Broadband PCS service. The Commission's small business size standards with respect to Broadband PCS involve eligibility for bidding credits and installment payments in the auction of licenses for these services. In auctions for these licenses, the Commission defined ''small business'' as an entity that, together with its affiliates and controlling interests, has average gross revenues not exceeding $40 million for the preceding three years, and a ''very small business'' as an entity that, together with its affiliates and controlling interests, has had average annual gross revenues not exceeding $15 million for the preceding three years. Winning bidders claiming small business credits won Broadband PCS licenses in C, D, E, and F Blocks.

In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

Narrowband Personal Communications Services. Narrowband Personal Communications Services *(Narrowband PCS)* are PCS services operating in the 901–902 MHz, 930–931 MHz, and 940–941 MHz bands. PCS services are radio communications that encompass mobile and ancillary fixed communication that provide services to individuals and businesses and can be integrated with a variety of competing networks. Wireless Telecommunications Carriers (*except* Satellite) is the closest industry with an SBA small business size standard applicable to these services. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

According to Commission data as of December 2021, there were approximately 4,211 active *Narrowband PCS* licenses. The Commission's small business size standards with respect to *Narrowband PCS* involve eligibility for bidding credits and installment payments in the auction of licenses for these services. For the auction of these licenses, the Commission defined a ''small business'' as an entity that, together with affiliates and controlling interests, has average gross revenues for the three preceding years of not more than $40 million. A ''very small business'' is defined as an entity that, together with affiliates and controlling interests, has average gross revenues for the three preceding years of not more than $15 million. Pursuant to these definitions, 7 winning bidders claiming small and very small bidding credits won approximately 359 licenses. One of the winning bidders claiming a small business status classification in these *Narrowband PCS* license auctions had an active license as of December 2021.

In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

Offshore Radiotelephone Service. This service operates on several UHF television broadcast channels that are not used for television broadcasting in the coastal areas of states bordering the Gulf of America,[183] and is governed by subpart I of part 22 of the Commission's Rules. Wireless Telecommunications Carriers (*except* Satellite) is the closest industry with an SBA small business size standard applicable to this service.

[183] E.O. 14172, 90 FR 8630 (Jan. 31, 2025). The Gulf of America, formerly known as the Gulf of Mexico.

The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small. Additionally, based on Commission data, as of December 2021, there was one licensee with an active license in this service. However, since the Commission does not collect data on the number of employees for this service, at this time we are not able to estimate the number of licensees that would qualify as small under the SBA's small business size standard.

Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing. This industry comprises establishments primarily engaged in manufacturing radio and television broadcast and wireless communications equipment. Examples of products made by these establishments are: transmitting and receiving antennas, cable television equipment, GPS equipment, pagers, cellular phones, mobile communications equipment, and radio and television studio and broadcasting equipment. The SBA small business size standard for this industry classifies businesses having 1,250 employees or less as small. U.S. Census Bureau data for 2017 show that there were 656 firms in this industry that operated for the entire year. Of this number, 624 firms had fewer than 250 employees. Thus, under the SBA size standard, the majority of firms in this industry can be considered small.

Rural Radiotelephone Service. Neither the Commission nor the SBA have developed a small business size standard specifically for small businesses providing Rural Radiotelephone Service. Rural Radiotelephone Service is radio service in which licensees are authorized to offer and provide radio telecommunication services for hire to subscribers in areas where it is not feasible to provide communication services by wire or other means. A significant subset of the Rural Radiotelephone Service is the Basic Exchange Telephone Radio System (BETRS). Wireless Telecommunications Carriers (*except* Satellite), is the closest applicable industry with an SBA small business size standard. The SBA small business size standard for Wireless Telecommunications Carriers (*except* Satellite) classifies firms having 1,500 or fewer employees as small. For this industry, U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated for the entire year. Of this total, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that the majority of Rural Radiotelephone Services firm are small entities. Based on Commission data as of December 27, 2021, there were approximately 119 active licenses in the Rural Radiotelephone Service. The Commission does not collect employment data from these entities holding these licenses and therefore we cannot estimate how many of these entities meet the SBA small business size standard.

Wireless Communications Services. Wireless Communications Services (WCS) can be used for a variety of fixed, mobile, radiolocation, and digital audio broadcasting satellite services. Wireless spectrum is made available and licensed for the provision of wireless communications services in several frequency bands subject to part 27 of the Commission's rules. Wireless Telecommunications Carriers (*except* Satellite) is the closest industry with an SBA small business size standard applicable to these services. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

The Commission's small business size standards with respect to WCS involve eligibility for bidding credits and installment payments in the auction of licenses for the various frequency bands included in WCS. When bidding credits are adopted for the auction of licenses in WCS frequency bands, such credits may be available to several types of small businesses based average gross revenues (small, very small and entrepreneur) pursuant to the competitive bidding rules adopted in conjunction with the requirements for the auction and/or as identified in the designated entities section in part 27 of the Commission's rules for the specific WCS frequency bands.

In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

Wireless Telecommunications Carriers (except Satellite). This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular services, paging services, wireless internet access, and wireless video services. The SBA size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms in this industry that operated for the entire year. Of that number, 2,837 firms employed fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 594 providers that reported they were engaged in the provision of wireless services. Of these providers, the Commission estimates that 511 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

Wireless Telephony. Wireless telephony includes cellular, personal communications services, and specialized mobile radio telephony carriers. The closest applicable industry with an SBA small business size standard is Wireless Telecommunications Carriers (except Satellite). The size standard for this industry under SBA rules is that a business is small if it has 1,500 or fewer employees. For this industry, U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 331 providers that reported they were engaged in the provision of cellular, personal communications services, and specialized mobile radio services. Of these providers, the Commission

estimates that 255 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

700 MHz Guard Band Licensees. The 700 MHz Guard Band encompasses spectrum in 746–747/776–777 MHz and 762–764/792–794 MHz frequency bands. Wireless Telecommunications Carriers (*except* Satellite) is the closest industry with an SBA small business size standard applicable to licenses providing services in these bands. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

According to Commission data as of December 2021, there were approximately 224 active 700 MHz Guard Band licenses. The Commission's small business size standards with respect to 700 MHz Guard Band licensees involve eligibility for bidding credits and installment payments in the auction of licenses. For the auction of these licenses, the Commission defined a ''small business'' as an entity that, together with its affiliates and controlling principals, has average gross revenues not exceeding $40 million for the preceding three years, and a ''very small business'' an entity that, together with its affiliates and controlling principals, has average gross revenues that are not more than $15 million for the preceding three years. Pursuant to these definitions, five winning bidders claiming one of the small business status classifications won 26 licenses, and one winning bidder claiming small business won two licenses. None of the winning bidders claiming a small business status classification in these 700 MHz Guard Band license auctions had an active license as of December 2021.

In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

Lower 700 MHz Band Licenses. The lower 700 MHz band encompasses spectrum in the 698–746 MHz frequency bands. Permissible operations in these bands include flexible fixed, mobile, and broadcast uses, including mobile and other digital new broadcast operation; fixed and mobile wireless commercial services (including frequency division duplex (FDD)- and time division duplex (TDD)-based services); as well as fixed and mobile wireless uses for private, internal radio needs, two-way interactive, cellular, and mobile television broadcasting services. Wireless Telecommunications Carriers (*except* Satellite) is the closest industry with an SBA small business size standard applicable to licenses providing services in these bands. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

According to Commission data as of December 2021, there were approximately 2,824 active Lower 700 MHz Band licenses. The Commission's small business size standards with respect to Lower 700 MHz Band licensees involve eligibility for bidding credits and installment payments in the auction of licenses. For auctions of Lower 700 MHz Band licenses the Commission adopted criteria for three groups of small businesses. A very small business was defined as an entity that, together with its affiliates and controlling interests, has average annual gross revenues not exceeding $15 million for the preceding three years, a small business was defined as an entity that, together with its affiliates and controlling interests, has average gross revenues not exceeding $40 million for the preceding three years, and an entrepreneur was defined as an entity that, together with its affiliates and controlling interests, has average gross revenues not exceeding $3 million for the preceding three years. In auctions for Lower 700 MHz Band licenses seventy-two winning bidders claiming a small business classification won 329 licenses, twenty-six winning bidders claiming a small business classification won 214 licenses, and three winning bidders claiming a small business classification won all five auctioned licenses.

In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

Upper 700 MHz Band Licenses. The upper 700 MHz band encompasses spectrum in the 746–806 MHz bands. Upper 700 MHz D Block licenses are nationwide licenses associated with the 758–763 MHz and 788–793 MHz bands. Permissible operations in these bands include flexible fixed, mobile, and broadcast uses, including mobile and other digital new broadcast operation; fixed and mobile wireless commercial services (including FDD- and TDD-based services); as well as fixed and mobile wireless uses for private, internal radio needs, two-way interactive, cellular, and mobile television broadcasting services. Wireless Telecommunications Carriers (*except* Satellite) is the closest industry with an SBA small business size standard applicable to licenses providing services in these bands. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of that number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

According to Commission data as of December 2021, there were approximately 152 active Upper 700 MHz Band licenses. The Commission's small business size standards with respect to Upper 700 MHz Band licensees involve eligibility for bidding credits and installment payments in the auction of licenses. For the auction of these licenses, the Commission defined a ''small business'' as an entity that, together with its affiliates and

controlling principals, has average gross revenues not exceeding $40 million for the preceding three years, and a ''very small business'' an entity that, together with its affiliates and controlling principals, has average gross revenues that are not more than $15 million for the preceding three years. Pursuant to these definitions, three winning bidders claiming very small business status won five of the twelve available licenses.

In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

Wireless Resellers. Neither the Commission nor the SBA have developed a small business size standard specifically for Wireless Resellers. The closest industry with an SBA small business size standard is Telecommunications Resellers. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications and they do not operate transmission facilities and infrastructure. Mobile virtual network operators (MVNOs) are included in this industry. Under the SBA size standard for this industry, a business is small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that 1,386 firms in this industry provided resale services during that year. Of that number, 1,375 firms operated with fewer than 250 employees. Thus, for this industry under the SBA small business size standard, the majority of providers can be considered small entities.

Semiconductor and Related Device Manufacturing. This industry comprises establishments primarily engaged in manufacturing semiconductors and related solid state devices. Examples of products made by these establishments are integrated circuits, memory chips, microprocessors, diodes, transistors, solar cells and other optoelectronic devices. The SBA small business size standard for this industry classifies entities having 1,250 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 729 firms in this industry that operated for the entire year. Of this total, 673 firms operated with fewer than 250 employees. Thus, under the SBA size standard, the majority of firms in this industry can be considered small.

Telecommunications Relay Service (TRS) Providers. Telecommunications relay services enable individuals who are deaf, hard of hearing, deafblind, or who have a speech disability to communicate by telephone in a manner that is functionally equivalent to using voice communication services. Internet-based TRS connects an individual with a hearing or a speech disability to a TRS communications assistant using an Internet Protocol-enabled device via the internet, rather than the public switched telephone network. Video Relay Service (VRS) one form of internet-based TRS, enables people with hearing or speech disabilities who use sign language to communicate with voice telephone users over a broadband connection using a video communication device. Internet Protocol Captioned Telephone Service (IP CTS) another form of internet-based TRS, permits a person with hearing loss to have a telephone conversation while reading captions of what the other party is saying on an internet-connected device. A third form of internet-based TRS, Internet Protocol Relay Service (IP Relay), permits an individual with a hearing or a speech disability to communicate in text using an Internet Protocol-enabled device via the internet, rather than using a text telephone (TTY) and the public switched telephone network. Providers must be certified by the Commission to provide VRS and IP CTS and to receive compensation from the TRS Fund for TRS provided in accordance with applicable rules. Analog forms of TRS, text telephone (TTY), Speech-to-Speech Relay Service, and Captioned Telephone Service, are provided through state TRS programs, which also must be certified by the Commission.

Neither the Commission nor the SBA have developed a small business size standard specifically for TRS Providers. All Other Telecommunications is the closest industry with an SBA small business size standard. Internet Service Providers (ISPs) and Voice over Internet Protocol (VoIP) services, via client-supplied telecommunications connections are included in this industry. The SBA small business size standard for this industry classifies firms with annual receipts of $35 million or less as small. U.S. Census Bureau data for 2017 show that there were 1,079 firms in this industry that operated for the entire year. Of those firms, 1,039 had revenue of less than $25 million. Based on Commission data there are 14 certified internet-based TRS providers and two analog forms of TRS providers. The Commission however does not compile financial information for these providers. Nevertheless, based on available information, the Commission estimates that most providers in this industry are small entities.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

The proposed rules in the *FNPRM* will impose new or additional reporting, recordkeeping, and other compliance requirements on small and other CMRS providers, if adopted. The changes contained in the proposed rules are necessary and vital to the effective implementation of improved wireless location accuracy, which will reduce emergency response times, improve PSAP dispatch to emergencies, and improve the ability of first responders to respond to emergencies. Based on the continuing public safety need for the Commission and other relevant entities to have information on CMRS provider implementation of wireless location accuracy, the Commission has proposed certain modifications in the *FNPRM.* For example, we propose to revise our live call data reporting rules by requiring CMRS providers to report on the specific technologies they use to provide dispatchable location, such as Wi-Fi calling or femtocells. The *FNPRM* proposals build on recent technological developments and standardization efforts that we believe CMRS providers can leverage to convey to PSAPs more actionable information with wireless 911 calls.

Next we turn to our discussion of compliance costs for reporting and other proposals in the *FNPRM.* As an initial matter the Commission notes that there is an absence of detail in the record on the costs of the proposed rule changes and other matters upon which the Commission seeks comment in the *FNPRM.* Therefore, the Commission used previous estimates and calculations in the record to formulate compliance cost estimates for the proposals in the *FNPRM.* The Commission used the upper bound of these prior estimates to produce an outcome where the actual costs of our

proposals should be at or less than the previous estimates that were used. We estimated that 53 CMRS providers would be subject to the requirements of the *FNPRM* and would incur costs if the proposed rules were adopted, based on the December 2023 Voice Telephone Services Report, which lists a total of 53 ''mobile telephony'' providers. The first year costs for the 53 CMRS providers to implement the proposals we discuss are estimated to be approximately $10.9 million, which we disaggregate and discuss based on the following two categories: HAE to AGL conversion, and strengthening the testing and compliance framework. The Commission does not anticipate that there will be any substantial ongoing costs following the initial implementation, and therefore finds it reasonable to treat the first-year implementation costs as an upper bound for all subsequent annual costs.

The $10.9 million total cost to the 53 CMRS providers as a group consists of the estimated breakout that follows. The HAE to AGL conversion is estimated to be approximately $1.7 million, which includes the approximate costs of labor for data scientists ($224,752), software engineers ($783,891), and network engineers ($675,686). To strengthen the compliance framework the estimated total cost of approximately $9.2 million by all CMRS providers encompasses labor costs for attorneys ($4,825,968), industrial engineers ($2,426,658), and web designers ($2,019,618). The Commission seeks comment on costs including but not limited to our estimates, assumptions, calculations, and costs we did not consider and/or include that are relevant to the costs for small and other CMRS providers to implement the proposals in this proceeding. The Commission anticipates that the initial and ongoing cost upper bounds that we have estimated will be less than the $97 billion annual benefit of the improved emergency response we cite in the *Fifth Report and Order* for improving wireless location accuracy, and we seek comment in the *FNPRM* on whether it is reasonable for us to hypothesize that the benefit of the proposals in the *FNPRM* will be a certain increased percentage of the $97 billion annual benefit.

E. Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

The RFA requires an agency to describe any significant, specifically small business, alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for such small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.

Applying the proposed requirements will promote 911 service and emergency response to the benefit of all small or other governmental jurisdictions, businesses, equipment manufacturers, and business associations by providing greater confidence in 911 location accuracy and providing more actionable information to PSAPs. To accommodate the unique circumstances facing small entities, including non-nationwide CMRS providers, the rules we propose to adopt include the steps and alterative discussed below that we believe will help minimize the impact on such entities.

Vertical Location. The Commission proposes to require non-nationwide CMRS providers to make AGL available to PSAPs from any z-axis capable handset within 24 months after the effective date of the final rule. This would afford non-nationwide CMRS providers an additional 12 months beyond the 12 months for nationwide CMRS providers to comply with this proposed requirement. In addition, we seek comment on requiring all CMRS providers to convert AGL to floor level estimates, and appropriate compliance timelines for non-nationwide CMRS providers. Once AGL information is available, floor level estimation can be accomplished using digital building maps or assuming a uniform building structure and floor spacing. If the Commission were to use a structure and spacing approach, we inquire whether this approach would meet the needs of public safety, and whether there would be any critical concerns to public safety or industry. Alternatively, in our consideration of using digital building maps which could provide more accurate floor information, we inquire about the associated costs for this approach since building maps vary in resolution, availability, and cost.

Test Bed and Compliance Requirements. The proposed rule modifications to the test bed requirements in the *FNPRM* are intended to increase transparency, promote competitive neutrality, and engender greater public confidence that test bed performance results reflect real-world location accuracy performance. Specifically, we propose to modify our rules to require that validation of a vertical location technology in the industry test bed must demonstrate compliance of that technology in each morphology, and may not be based on CMRS provider live call data. Thus, CMRS providers would not be allowed to base compliance certifications on aggregating or averaging test bed results across morphologies. In connection with this requirement, we seek comment on how small or non-nationwide CMRS providers that do not participate in the test bed should use the existing performance data to certify their compliance with the FCC requirements. We also propose to require nationwide CMRS providers to comply with this requirement within 24 months after the effective date of the final rule, and we propose to afford non-nationwide CMRS providers an additional 12 months (for a total of 36 months after the effective date of the final rule) to comply. In addition, we propose to provide non-nationwide CMRS providers, and major public safety organizations (NENA, APCO, and NASNA) expanded access to test bed data and results on request. We further propose to allow NENA, APCO, and NASNA to challenge the validation of particular technologies in the test bed. We seek comment on these proposals. In addition, we seek comment on making test bed data presumptively public information, and expressly requiring test bed test procedures and reports to be made public, which we believe will further reduce burdens for non-nationwide CMRS providers.

Dispatchable Location. The Commission seeks comment on how to increase the availability and use of dispatchable location for wireless 911 calls by small and other CMRS providers. The *FNPRM* asks what steps, if any, CMRS providers are taking to increase their use of dispatchable location, and whether there are technically feasible solutions that could support provision of dispatchable location for a larger percentage of calls than current levels. In addition, the *FNPRM* seeks comment on collaborative approaches among all parties in the call and location delivery process (*e.g.,* CMRS providers, PSAPs, cable companies, ISPs, OEMs, and vendors) that might be explored to facilitate an increase in dispatchable location usage. Further, the *FNPRM* considers and asks whether we should require CMRS providers to develop plans and timelines for expanding the use of

dispatchable location when 911 calls on their networks originate in indoor environments provisioned with Wi-Fi access points, femtocells, or IoT devices, the location of which can be identified and mapped for geolocation purposes. The *FNPRM* also considers and asks whether the Commission should establish benchmarks and timelines for providing dispatchable location with wireless 911 calls originating in particular environments that are likely to have such infrastructure in place, *e.g.,* individual residences, multi-story office buildings, apartment buildings, hotels, conference centers, or other environments. Consistent with the Commission's approach in this proceeding relative to horizontal location accuracy requirements, we seek comment on allowing non-nationwide CMRS providers to extend the deadlines based on the timing of their location technology deployments.

The Commission also considers and seeks comment on whether we should establish benchmarks or timelines for providing dispatchable location with wireless 911 calls. In addition, we seek comment on the current technical feasibility of CMRS providers using Voice over Wi-Fi (also referred to as VoWi-Fi or Wi-Fi calling) to deliver wireless 911 calls with accurate and reliable dispatchable location. We considered alternatives involving location database information, and seek comment on whether and to what extent CMRS providers and parties other than wireless carriers that are involved in the 911 call flow should support the provision of dispatchable location.

Live Call Reports. To realize more robust live call data reporting, the Commission proposes to require small and other CMRS providers to report more granular data on position methods. Expanding on our discussion in section D above, CMRS providers would be required to provide specific information on dispatchable location technologies they use to obtain, generate, and deliver dispatchable location with live 911 wireless calls. This proposed requirement is consistent with the information small and other CMRS providers are currently required to submit to the Commission for live calls transmitting geodetic information, and therefore the Commission does not expect this rule change to impose a significant burden for small entities. We also propose to maintain the biannual reporting structure for non-nationwide CMRS providers for live call data, and therefore we do not impose any additional burdens since we do not propose to modify reporting intervals.

Enforcement. Similar to the 800 MHz interference complaint portal, the Commission is considering establishing a centralized, online complaint portal that PSAPs could use to report location accuracy problems to CMRS providers before seeking FCC enforcement. We seek comment on requiring small and other CMRS providers to establish such a portal. The Commission believes that using such a portal could reduce burdens on PSAPs and CMRS providers associated with reporting, and resolving issues with location accuracy. In addition, requiring the industry to collaboratively develop a single reporting interface should lead to standard processes and protocols for response, including initial meetings, testing, and documentation, which should further reduce the administrative burdens for small and other CMRS providers when dealing with location accuracy complaints.

Mobile Text Location Accuracy. In the *FNPRM,* the Commission seeks to refresh the record on how location accuracy for mobile texts can be improved, and on the current status of technical solutions for the delivery of location information with text messages to 911. While we inquire about ways to improve location quality and availability of SMS texts to 911, at this time the Commission does not propose any requirements for location-based routing for SMS texts to 911. Instead, we consider alternatives and raise for discussion issues such as whether dispatchable location or enhanced location accuracy comparable to the level of accuracy required for voice services should be required given the current state of the technology for text-to-911, and whether the transition to next generation texting solutions can be encouraged by adopting stronger location accuracy requirements.

Horizontal Location Information Accuracy. In the *FNPRM,* the Commission seeks to refresh the record on whether the requirements pertaining to the accuracy of 911 horizontal location information should be revised, and on the current status of horizontal location technology. While we inquire about horizontal location, at this time the Commission does not propose any new requirements for the accuracy of 911 horizontal location information.

Eliminating Certain Existing Regulations. The Commission seeks comment on whether the existing E911 Phase II wireless location accuracy rules in § 9.10 of the Commission's rules have become outdated and should be eliminated, and also proposes to eliminate certain obsolete information collection requirements associated with the wireless location accuracy rules. We believe eliminating these particular rules would make our 911 location accuracy regulations easier to understand, and reduce the risk of costs of noncompliance, thereby reducing administrative and economic burdens for small and other CMRS providers. We seek comment on whether each of these rules should be eliminated immediately or, alternatively, phased out over time. The Commission does not anticipate that elimination of these rules should add any costs or additional burdens for small and other CMRS providers. We seek comment on whether there are any additional provisions in § 9.10 of the Commission's rules for which streamlining, consolidating, or eliminating would serve the public interest.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

None.

Ordering Clauses

Accordingly, *it is ordered,* pursuant to sections 1, 2, 4(i), 201, 214, 222, 225, 251(e), 301, 303, 316, and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 201, 214, 222, 225, 251(e), 301, 303, 316, 332; the Wireless Communications and Public Safety Act of 1999, Public Law 106–81, as amended, 47 U.S.C. 615 note, 615, 615a, 615b; and section 106 of the Twenty-First Century Communications and Video Accessibility Act of 2010, Public Law 111–260, 47 U.S.C. 615c, that the *Sixth Further Notice of Proposed Rulemaking* is adopted.

It is further ordered that, pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments on the *Sixth Further Notice of Proposed Rulemaking* on or before 30 days after publication in the **Federal Register**, and reply comments on or before 60 days after publication in the **Federal Register**.

It is further ordered that the Commission's Office of the Secretary *shall send* a copy of the *Sixth Further Notice of Proposed Rulemaking,* including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 9

Communications, Communications common carriers, Communications equipment, Internet, Radio, Reporting and recordkeeping requirements, Satellites, Security measures, Telecommunications, Telephone.

Federal Communications Commission

Katura Jackson,

Federal Register Liaison Officer.

Proposed Rules

For the reasons discussed in this document, the Federal Communications Commission proposes to amend 47 CFR part 9 as follows:

PART 9—911 REQUIREMENTS

■ 1. The authority citation for part 9 continues to read as follows:

Authority: 47 U.S.C. 151–154, 152(a), 155(c), 157, 160, 201, 202, 208, 210, 214, 218, 219, 222, 225, 251(e), 255, 301, 302, 303, 307, 308, 309, 310, 316, 319, 332, 403, 405, 605, 610, 615, 615 note, 615a, 615b, 615c, 615a–1, 616, 620, 621, 623, 623 note, 721, and 1471, and Section 902 of Title IX, Division FF, Pub. L. 116–260, 134 Stat. 1182, unless otherwise noted.

■ 2. Amend § 9.10 by:
■ a. Revising the heading of paragraph (i);
■ b. Removing and reserving paragraph (i)(1)(iii);
■ c. Revising the introductory text of paragraph (i)(2) and paragraph (i)(2)(ii)(H);
■ d. Adding paragraphs (i)(2)(ii)(N), (i)(2)(iii)(D), and (i)(3)(i)(E) through (G);
■ e. Revising paragraphs (i)(3)(ii)(A) and (C);
■ f. Removing and reserving paragraphs (i)(4)(i) through (iii); and
■ g. Adding paragraph (i)(5).

The revisions and additions read as follows:

§ 9.10 911 Service.

* * * * *

(i) *Location accuracy for 911 and testing requirements*—

* * * * *

(2) *Location accuracy standards.* CMRS providers subject to this section shall meet the following requirements:

* * * * *

(ii) * * *

(H) CMRS providers that deploy z-axis technology must do so consistent with the following z-axis accuracy metric: Within 3 meters above or below (plus or minus 3 meters) the handset for 80% of wireless E911 calls made from the z-axis capable device. CMRS providers must deliver z-axis information in Height Above Ellipsoid (HAE). Where available to the CMRS provider, floor level information must be provided in addition to z-axis location information. CMRS providers also must deliver z-axis information in the format identified in paragraph (i)(2)(ii)(H)(*1*) or (*2*) of this section, as applicable.

(*1*) Beginning on [DATE TWELVE MONTHS AFTER THE EFFECTIVE DATE OF THE FINAL RULE], nationwide CMRS providers that deploy z-axis technology must do so consistent with the z-axis accuracy metric in this paragraph (i)(2)(ii)(H) and must deliver z-axis information for individual 911 calls in Height Above Ground Level (AGL), as well as in Height Above Ellipsoid (HAE), to the PSAP. AGL may be obtained by subtracting the terrain height at any horizontal (x/y) location from the corresponding HAE value, provided that both terrain height and HAE are expressed with respect to the same reference frame.

(*2*) Beginning on [DATE TWENTY-FOUR MONTHS AFTER THE EFFECTIVE DATE OF THE FINAL RULE], non-nationwide CMRS providers that deploy z-axis technology must do so consistent with the z-axis accuracy metric in this paragraph (i)(2)(ii)(H) and must deliver z-axis information for individual 911 calls in Height Above Ground Level (AGL), as well as in Height Above Ellipsoid (HAE), to the PSAP. AGL may be obtained by subtracting the terrain height at any horizontal (x/y) location from the corresponding HAE value, provided that both terrain height and HAE are expressed with respect to the same reference frame.

* * * * *

(N) By [DATE TWENTY-FOUR MONTHS AFTER THE EFFECTIVE DATE OF THE FINAL RULE], nationwide CMRS providers shall deploy on a nationwide basis either dispatchable location or z-axis technology that has been validated in accordance with the requirements of paragraph (i)(3)(i)(E) of this section. By [DATE THIRTY-SIX MONTHS AFTER THE EFFECTIVE DATE OF THE FINAL RULE], non-nationwide CMRS providers shall deploy throughout their network footprint either dispatchable location or z-axis technology that has been validated in accordance with the requirements of paragraph (i)(3)(i)(E) of this section.

(iii) * * *

(D) A CMRS provider certifying its compliance with the benchmark dates specified in paragraph (i)(2)(ii)(N) of this section may not rely on test bed results that have been aggregated or averaged across morphologies or that have been weighted on the basis of live call data.

* * * * *

(3) * * *

(i) * * *

(E) For purposes of complying with the benchmark dates specified in paragraph (i)(2)(ii)(N) of this section, validation of a technology in the test bed must demonstrate compliance of that technology in each morphology and may not be based on CMRS provider live call data.

(F) Upon request from a non-nationwide CMRS provider, the National Emergency Number Association, the Association of Public-Safety Communications Officials International, Inc., or the National Association of State 911 Administrators, the test bed administrator shall:

(*1*) Provide any requesting party the same data available to CMRS providers participating in the test bed, including unaggregated test bed results by wireless location technology provider, morphology, and technology, as well as other relevant information (such as information on the test bed process, including any significant changes to the test bed process) sought by the requesting party. This obligation includes providing the requesting party the test bed data, as well as the full report on the test bed results; and

(*2*) Make this information available to any requesting party on a timely basis not to exceed 30 days, at no cost, and subject to the same confidentiality requirements as those for the nationwide CMRS providers.

(G) The National Emergency Number Association, the Association of Public-Safety Communications Officials International, Inc., or the National Association of State 911 Administrators may submit to the Commission a challenge to the validation of a particular technology under the test bed provisions described in this paragraph (i)(3)(i). Challenges must be limited to whether the process for validating a particular technology has met the requirements of this paragraph (i)(3)(i) and must be made prior to sixty (60) days after the CMRS provider's certification of compliance pursuant to paragraph (i)(2)(iii) of this section.

(ii) * * *

(A) CMRS providers subject to this section shall identify and collect information regarding the location technology or technologies used for each 911 call in the reporting area during the calling period, including the location technology or technologies used for each 911 call providing dispatchable location with the call (*e.g.,* Wi-Fi calling or femtocells).

* * * * *

(C) CMRS providers subject to this section shall also provide quarterly live call data on a more granular basis that allows evaluation of the performance of individual location technologies, including dispatchable location technologies, within different

morphologies (*e.g.,* dense urban, urban, suburban, rural). To the extent available, live call data for all CMRS providers shall delineate based on a per technology basis accumulated and so identified for:

(*1*) Each of the ATIS ESIF morphologies;

(*2*) On a reasonable community level basis; or

(*3*) By census block. This more granular data will be used for evaluation and not for compliance purposes.

* * * * *

(5) *Compliance dates.* Paragraphs (i)(2)(ii)(H) and (N), (i)(3)(i)(F) and (G), and (i)(3)(ii)(A) and (C) of this section may contain information collection and recordkeeping requirements. Compliance with paragraphs (i)(2)(ii)(H) and (N), (i)(3)(i)(F) and (G), and (i)(3)(ii)(A) and (C) will not be required until this paragraph (i)(5) is removed or contains a compliance date.

* * * * *

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Part III

The President

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Presidential Documents

Title 3—

The President

Proclamation 10927 of May 1, 2025

National Fallen Firefighters Memorial Weekend, 2025

By the President of the United States of America

A Proclamation

Day and night, firefighters are on the front lines, rushing into danger and risking their lives to protect fellow citizens. Tragically, not every hero makes it home. The National Fallen Firefighters Memorial Weekend, held in Emmitsburg, Maryland, commemorates the volunteer and professional firefighters who, over the past year, have sacrificed their lives in the line of duty.

Thousands will gather to honor the lives and legacies of the fallen, to support the Fire Hero Families, to grieve and share memories, and to strengthen bonds between those who uniquely understand both the enduring pride and the profound loss of their loved ones. Across the country, brave men and women demonstrate heroism each day, willingly placing themselves in harm's way for the benefit of others. We are indebted to every American who chooses this noble profession—this solemn calling—in spite of the inherent risks.

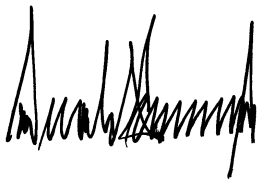
There are pivotal moments in American history in which the awe-inspiring bravery and professionalism of firefighters stand forever imprinted on our memory. On September 11, 2001, firefighters rushed into the smoke and flames of the twin towers following the horrific terrorist attacks. In January of this year, firefighters worked tirelessly to contain the fury of the deadly and destructive wildfires that raged through southern California. These phenomenal efforts make us proud and grateful for those who stand in the gap for our safety.

One firefighter will forever hold a profound place in my life—Corey Comperatore, who lost his life shielding his family from the barrage of assassin's bullets that pierced the air during my rally last July in Butler, Pennsylvania. His bravery and selflessness on that fateful day exemplify the dedication and courage that define America's cadre of firefighters.

The First Lady and I are grateful for the devotion of all who serve their communities and our country in this extraordinary way. Firefighters often enter our lives only when something has gone catastrophically wrong, yet they stand ready every day to protect our people and communities. This National Fallen Firefighters Memorial Weekend, we remember the American patriots who gave their lives in service to others, and pray for the courageous families who carry on in their absence.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 3 through May 4, 2025, as National Fallen Firefighters Memorial Weekend. On Sunday, May 4, 2025, in accordance with Public Law 107–51, the flag of the United States will be flown at half-staff at all Federal office buildings in honor of the National Fallen Firefighters Memorial Service.

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



[FR Doc. 2025–08130
Filed 5–6–25; 11:15 am]
Billing code 3395–F4–P

Presidential Documents

Proclamation 10928 of May 1, 2025

Loyalty Day and Law Day, U.S.A., 2025

By the President of the United States of America

A Proclamation

The rule of law is the capstone of our constitutional order and the crown jewel of the American way of life. Beginning with the ratification of the Constitution, people and nations near and far have looked to the United States as a guiding light of liberty and justice. As our Nation commemorates Law Day, U.S.A., and Loyalty Day, we reaffirm our loyalty to the Constitution, and we renew our pledge to preserve and protect our glorious inheritance of fairness, equality, and freedom against all threats, foreign and domestic.

For centuries, the world has revered America for its devotion to the timeless principle of equal justice under the law. Tragically, in recent years, our constitutional heritage faced an existential threat from a political class that abandoned justice in favor of political retribution. Under the previous administration, Federal law enforcement agencies outrageously allowed violent criminals to roam our streets with impunity while targeting parents, churchgoers, political opponents, and ordinary citizens. This weaponization of our Government is a threat to our sovereignty and is antithetical to our Nation's most sacred principles, reminiscent of evil communist regimes.

This erosion of the American justice system ended the moment I took the oath of office. Under my leadership, our Federal law enforcement agencies are again being guided by the cornerstone American principles of fairness and impartiality—and the constitutional rights of every American citizen are being swiftly restored.

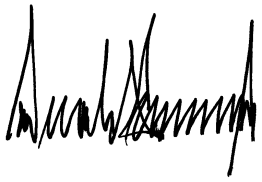
As we continue the work to restore justice in our courtrooms, order on our streets, and respect for our laws, we solemnly remember the more than 100 million victims of communism in the 20th century whose lives were viciously taken, and we stand in solidarity with the innumerable people across the world currently under captivity by communist leaders.

First proclaimed by President Dwight D. Eisenhower in 1955, Loyalty Day was inaugurated to directly counter commemorations of May Day—which was frequently celebrated by communist groups—and to serve as a beacon of hope to all those still blighted by the horrors and injustices of communism and tyranny. To this day, America is a living reminder that the precepts of our Nation's Founding will always transcend the evils wrought by communism and dictatorship. As President Ronald Reagan famously remarked in his 1989 Farewell Address, our Nation stands before the entire world as a ''tall, proud city built on rocks stronger than oceans, wind-swept, God-blessed, and teeming with people of all kinds living in harmony and peace.''

For nearly 250 years, the United States had proudly carried forth a grand tradition of legal and political thought stretching back to the earliest days of Western civilization. Today, we acknowledge that our commitment to the constitutional rule of law is our pride, our glory, and an enduring source of American greatness. We recognize that love of country requires loyalty to country—and that a Nation without the free and impartial rule of law is not a Nation at all. Above all, we vow to usher in a new era of justice, integrity, and honor in our culture, in our courtrooms, and in our halls of Government.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim May 1, 2025, as Loyalty Day, and in accordance with Public Law 87–20, as amended, as Law Day, U.S.A. I call on all Americans to observe this day by reflecting upon the importance of the rule of law in our Nation and displaying the flag of the United States in support of this national observance, as well as by learning more about the proud history of our Nation. I urge all Government officials to display the flag of the United States on all Government buildings and grounds on this day.

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



[FR Doc. 2025–08131
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Billing code 3395–F4–P

Presidential Documents

Proclamation 10929 of May 1, 2025

National Day of Prayer, 2025

By the President of the United States of America

A Proclamation

From the earliest days of our Nation's journey, America has been guided by the grace of Almighty God. Beginning with the opening prayer at the First Continental Congress in 1774, our faith has perpetually stood as the summit of our strength, the source of our unity, and the fount of our greatness. This National Day of Prayer, we thank God for His endless blessings—and we ask Him to grant us fortitude, wisdom, and a renewed spirit of justice as we continue the work to save our country and restore our national promise.

Across every chapter of our grand American story—from General George Washington's humble prayer at Valley Forge to Reverend Billy Graham's legendary rallies in the heart of Manhattan to the somber National Prayer Service in the wake of the September 11, 2001 attacks, our greatest leaders have always recognized the necessity of faith, prayer, and devotion to God. As President Washington famously stated in his seminal Farewell Address, ''Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports.''

For these reasons, my Administration is fighting to defend America's long-standing legacy of prayer, faith, and trust in God. As President, I proudly established Task Forces to eradicate religious bias by combatting anti-Semitic, anti-Christian, and additional forms of anti-religious bias. They are charged with the mandate to identify and eliminate all anti-religious policies, practices, and conduct in executive departments and agencies. In addition, I established the White House Faith Office in order to strengthen our families and to protect our religious freedom. I will never waver in safeguarding the right to religious liberty and protecting God in our public square.

Nine months ago on July 13, 2024, my faith took on new meaning. An assassin's bullet came within a quarter of an inch of ending my life. In that instant, as Secret Service crowded around and knocked me to the ground, I felt what seemed to be the supernatural hand of God. I believe that God spared my life for a reason—to save our country and restore America to greatness. It serves as a sacred reminder of our Creator's infinite goodness, guidance, and grace.

Through America's victories and defeats, triumphs and setbacks, and periods of peace and times of war, the divine force of prayer has unfailingly sustained our people, our culture, and our beloved Nation. It was faith that guided our ancestors across turbulent waters to Plymouth Rock. It was faith that inspired our Founding Fathers to put in writing those immortal words, ''All men are created equal.'' It is faith that freed our Nation from the clutches of tyranny nearly 250 years ago, and it is faith that has rescued our freedom from forces of evil time and time again.

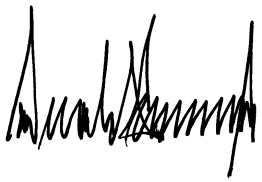
This National Day of Prayer, we recognize that the true strength of the American spirit has always been found in churches, chapels, pews, parishes and synagogues, and the hearts and souls of our citizens of faith. Today and every day, we bow our heads in prayer to thank God for His countless gifts and to ask for His divine protection. Above all, we acknowledge that

prayer is the foundation of our past, the guiding hand of our present, and the light of our future.

In 1988, the Congress, by Public Law 100–307, as amended, called on the President to issue each year a proclamation designating the first Thursday in May as a National Day of Prayer, ''on which the people of the United States may turn to God in prayer and meditation at churches, in groups, and as individuals.''

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim May 1, 2025, as a National Day of Prayer. I encourage all Americans to observe this day, reflecting on the blessings our Nation has received and the importance of prayer, with appropriate programs, ceremonies, and activities in their houses of worship, communities, and places of work, schools, and homes.

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



[FR Doc. 2025–08132
Filed 5–6–25; 11:15 am]
Billing code 3395–F4–P

Presidential Documents

Executive Order 14290 of May 1, 2025

Ending Taxpayer Subsidization of Biased Media

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

Section 1. *Purpose.* National Public Radio (NPR) and the Public Broadcasting Service (PBS) receive taxpayer funds through the Corporation for Public Broadcasting (CPB). Unlike in 1967, when the CPB was established, today the media landscape is filled with abundant, diverse, and innovative news options. Government funding of news media in this environment is not only outdated and unnecessary but corrosive to the appearance of journalistic independence.

At the very least, Americans have the right to expect that if their tax dollars fund public broadcasting at all, they fund only fair, accurate, unbiased, and nonpartisan news coverage. No media outlet has a constitutional right to taxpayer subsidies, and the Government is entitled to determine which categories of activities to subsidize. The CPB's governing statute reflects principles of impartiality: the CPB may not ''contribute to or otherwise support any political party.'' 47 U.S.C. 396(f)(3); *see also id.* 396(e)(2).

The CPB fails to abide by these principles to the extent it subsidizes NPR and PBS. Which viewpoints NPR and PBS promote does not matter. What does matter is that neither entity presents a fair, accurate, or unbiased portrayal of current events to taxpaying citizens.

I therefore instruct the CPB Board of Directors (CPB Board) and all executive departments and agencies (agencies) to cease Federal funding for NPR and PBS.

Sec. 2. *Instructions to the Corporation for Public Broadcasting.* (a) The CPB Board shall cease direct funding to NPR and PBS, consistent with my Administration's policy to ensure that Federal funding does not support biased and partisan news coverage. The CPB Board shall cancel existing direct funding to the maximum extent allowed by law and shall decline to provide future funding.

(b) The CPB Board shall cease indirect funding to NPR and PBS, including by ensuring that licensees and permittees of public radio and television stations, as well as any other recipients of CPB funds, do not use Federal funds for NPR and PBS. To effectuate this directive, the CPB Board shall, before June 30, 2025, revise the 2025 Television Community Service Grants General Provisions and Eligibility Criteria and the 2025 Radio Community Service Grants General Provisions and Eligibility Criteria to prohibit direct or indirect funding of NPR and PBS. To the extent permitted by the 2024 Television Community Service Grants General Provisions and Eligibility Criteria, the 2024 Radio Community Service Grants General Provisions and Eligibility Criteria, and applicable law, the CPB Board shall also prohibit parties subject to these provisions from funding NPR or PBS after the date of this order. In addition, the CPB Board shall take all other necessary steps to minimize or eliminate its indirect funding of NPR and PBS.

Sec. 3. *Instructions to Other Agencies.* (a) The heads of all agencies shall identify and terminate, to the maximum extent consistent with applicable law, any direct or indirect funding of NPR and PBS.

(b) After taking the actions specified in subsection (a) of this section, the heads of all agencies shall identify any remaining grants, contracts,

or other funding instruments entered into with NPR or PBS and shall determine whether NPR and PBS are in compliance with the terms of those instruments. In the event of a finding of noncompliance, the head of the relevant agency shall take appropriate steps under the terms of the instrument.

(c) The Secretary of Health and Human Services shall determine whether ''the Public Broadcasting Service and National Public Radio (or any successor organization)'' are complying with the statutory mandate that ''no person shall be subjected to discrimination in employment . . . on the grounds of race, color, religion, national origin, or sex.'' 47 U.S.C. 397(15), 398(b). In the event of a finding of noncompliance, the Secretary of Health and Human Services shall take appropriate corrective action.

Sec. 4. *Severability.* If any provision of this order, or the application of any provision to any agency, person, or circumstance, is held to be invalid, the remainder of this order and the application of its provisions to any other agencies, persons, or circumstances shall not be affected thereby.

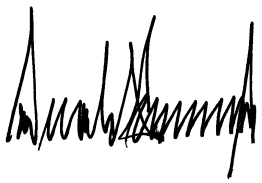
Sec. 5. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

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

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

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

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



THE WHITE HOUSE,
May 1, 2025.

[FR Doc. 2025–08133
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Presidential Documents

Executive Order 14291 of May 1, 2025

Establishment of the Religious Liberty Commission

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

Section 1. *Purpose and Policy.* It shall be the policy of the executive branch to vigorously enforce the historic and robust protections for religious liberty enshrined in Federal law. The Founders envisioned a Nation in which religious voices and views are integral to a vibrant public square and human flourishing and in which religious people and institutions are free to practice their faith without fear of discrimination or hostility from the Government. Indeed, the roots of religious liberty stretch back to the early settlers who fled religious persecution in Europe, seeking a new world where they could choose, follow, and practice their faith without interference from the Government. The principle of religious liberty was enshrined in American law with the First Amendment to the Constitution in 1791. Since that time, the Constitution has protected the fundamental right to religious liberty as Americans' first freedom.

During my first term, I issued Executive Order 13798 of May 4, 2017 (Promoting Free Speech and Religious Liberty). Pursuant to that order, the Attorney General issued a memorandum for all executive departments and agencies (agencies) titled ''Federal Law Protections for Religious Liberty'' on October 6, 2017. The Supreme Court has also continued to vindicate the Founders' commitment to religious liberty, including by giving effect to the principle that religious voices should be welcomed on an equal basis in the public square.

In recent years, some Federal, State, and local policies have threatened America's unique and beautiful tradition of religious liberty. These policies attempt to infringe upon longstanding conscience protections, prevent parents from sending their children to religious schools, threaten loss of funding or denial of non-profit tax status for faith-based entities, and single out religious groups and institutions for exclusion from governmental programs. Some opponents of religious liberty would remove religion entirely from public life. Others characterize religious liberty as inconsistent with civil rights, despite religions' vital roles in the abolition of slavery; the passage of Federal civil rights laws; and the provision of indispensable social, educational, and health services.

President Ronald Reagan reminded us that ''freedom is never more than one generation away from extinction.'' Americans need to be reacquainted with our Nation's superb experiment in religious freedom in order to preserve it against emerging threats. Therefore, the Federal Government will promote citizens' pride in our foundational history, identify emerging threats to religious liberty, uphold Federal laws that protect all citizens' full participation in a pluralistic democracy, and protect the free exercise of religion.

Sec. 2. *Establishment of the Religious Liberty Commission.* (a) There is hereby established the Religious Liberty Commission (Commission).

(b) The Commission shall function as follows:

(i) The Commission shall be composed of up to 14 members appointed by the President. Members of the Commission shall include individuals chosen to serve as educated representatives of various sectors of society, including the private sector, employers, educational institutions, religious communities, and States, to offer diverse perspectives on how the Federal

Government can defend religious liberty for all Americans. The President shall designate a Chairman and Vice Chairman from among the members. The Commission shall also include the following ex officio members or such senior officials as those members may designate:

(A) the Attorney General;

(B) the Secretary of Housing and Urban Development; and

(C) the Assistant to the President for Domestic Policy.

(ii) Members appointed to the Commission shall serve one term ending on July 4, 2026, which marks the 250th anniversary of American Independence. If the term of the Commission is extended by the President beyond July 4, 2026, members shall be eligible for reappointment for a 2-year term. Members may continue to serve after the expiration of their terms until the appointment of a successor.

(iii) The Commission shall produce a comprehensive report on the foundations of religious liberty in America, the impact of religious liberty on American society, current threats to domestic religious liberty, strategies to preserve and enhance religious liberty protections for future generations, and programs to increase awareness of and celebrate America's peaceful religious pluralism. Specific topics to be considered by the Commission under these categories shall include the following areas: the First Amendment rights of pastors, religious leaders, houses of worship, faith-based institutions, and religious speakers; attacks across America on houses of worship of many religions; debanking of religious entities; the First Amendment rights of teachers, students, military chaplains, service members, employers, and employees; conscience protections in the health care field and concerning vaccine mandates; parents' authority to direct the care, upbringing, and education of their children, including the right to choose a religious education; permitting time for voluntary prayer and religious instruction at public schools; Government displays with religious imagery; and the right of all Americans to freely exercise their faith without fear or Government censorship or retaliation.

(iv) The Commission shall advise the White House Faith Office and the Domestic Policy Council on religious liberty policies of the United States. Specific activities of the Commission shall include, to the extent permitted by law, recommending steps to secure domestic religious liberty by executive or legislative actions as well as identifying opportunities for the White House Faith Office to partner with the Ambassador at Large for International Religious Freedom to further the cause of religious liberty around the world.

(v) Members of the Commission shall serve without any compensation for their work on the Commission. Members of the Commission, while engaged in the work of the Commission, may be allowed travel expenses, including per diem in lieu of subsistence, to the extent permitted by law for persons serving intermittently in Government service (5 U.S.C. 5701–5707), consistent with the availability of funds.

(vi) To advise members of the Commission:

(A) An Advisory Board of Religious Leaders shall be designated by the President and shall consist of not more than 15 members. The Advisory Board of Religious Leaders shall be a subcomponent of the Commission and report to the Chairman of the Commission;

(B) An Advisory Board of Lay Leaders from religious congregations shall be designated by the President and shall consist of not more than 15 members. The Advisory Board of Lay Leaders shall be a subcomponent of the Commission and report to the Chairman of the Commission; and

(C) An Advisory Board of Legal Experts shall be designated by the President and shall consist of the Attorney General, or the Attorney General's designee, and not more than 10 attorneys. The Advisory Board

of Legal Experts shall be a subcomponent of the Commission and report to the Chairman of the Commission.

(vii) The Commission shall terminate on July 4, 2026, which marks the 250th anniversary of American Independence, unless extended by the President.

(viii) The Department of Justice shall provide such funding and administrative and technical support as the Commission may require, to the extent permitted by law and as authorized by existing appropriations.

(ix) Insofar as the Federal Advisory Committee Act (chapter 10 of title 5, United States Code) may apply to the Commission or any of its Advisory Boards, any functions of the President under that Act, except for those in sections 1005 and 1013 of that Act, shall be performed by the Attorney General, in accordance with the guidelines and procedures established by the Administrator of General Services.

Sec. 3. *Severability.* If any provision of this order, or the application of any provision to any agency, person, or circumstance, is held to be invalid, the remainder of this order and the application of its provisions to any other agencies, persons, or circumstances shall not be affected thereby.

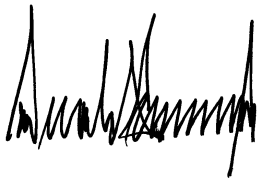
Sec. 4. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

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

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

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

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



THE WHITE HOUSE,
May 1, 2025.

[FR Doc. 2025–08134
Filed 5–6–25; 11:15 am]
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Wednesday, May 7, 2025

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LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

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