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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

[Doc. No. AMS-CN-25-0027]

RIN 0581-AE39

Tobacco Grading and Inspections Services—Rescission of Regulations Establishing Tobacco Price Support Provisions

Correction

In rule document 2025-09552, appearing on pages 22843 through 22845 in the issue of Friday, May 30, 2025, make the following correction:

On page 22843, in the **DATES** section, in the second line, “June 30, 2025” should read “July 29, 2025”.

[FR Doc. C1-2025-09552 Filed 6-2-25; 8:45 am]

BILLING CODE 0099-10-P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1222

[Doc. No. AMS-SC-25-0035]

Paper and Paper-Based Packaging Promotion, Research and Information Order; Continuance Referendum and Moratorium on Assessment Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notification of referendum and moratorium on assessment collection.

SUMMARY: This document directs that a referendum be conducted among eligible domestic manufacturers and importers of paper and paper-based packaging to determine whether they favor continuance of the Agricultural Marketing Service’s (AMS) regulations regarding a national paper and paper-based packaging research and promotion program. AMS is also

announcing an immediate moratorium on the collection of assessments under the program.

DATES: This referendum will be conducted by express mail and electronic ballot from July 14, 2025, through July 25, 2025. Ballots delivered to AMS via express mail or electronic ballot must show proof of delivery by no later than 11:59 p.m. Eastern Time on July 25, 2025. Eligible persons will receive a ballot through mail and may cast a ballot through express mail or electronic ballot. Each person who is an eligible domestic manufacturer or importer at the time of the referendum and during the representative period from January 1, 2024, through December 31, 2024, shall be entitled to cast a ballot in the referendum.

ADDRESSES: Copies of the Paper and Paper-Based Packaging Promotion, Research and Information Order may be obtained from: Referendum Agent, Market Development Division, Specialty Crops Program (SCP), AMS, USDA, 1400 Independence Avenue SW, Room 1406-S, Stop 0244, Washington, DC 20250-0244, telephone: (202) 720-8085 or contact George Webster at (202) 365-4172 or via electronic mail: George.Webster@usda.gov.

FOR FURTHER INFORMATION CONTACT:

George Webster, Marketing Specialist, Market Development Division, SCP, AMS, USDA, 1400 Independence Avenue SW, Room 1406-S, Stop 0244, Washington, DC 20250-0244; telephone: (202) 365-4172 or via electronic mail: George.Webster@usda.gov.

SUPPLEMENTARY INFORMATION: Pursuant to the Commodity Promotion, Research, and Information Act of 1996 (7 U.S.C. 7411-7425) (Act), it is hereby directed that a referendum be conducted to ascertain whether continuance of the Paper and Paper-Based Packaging Promotion, Research and Information Order (Order) (7 CFR part 1222) is favored by a majority of eligible domestic manufacturers and importers of paper and paper-based packaging covered under the program. Until results of the referendum are ascertained, a moratorium on the collection of assessments from domestic manufacturers and importers under the Order is announced effective immediately in order to effectuate the purposes of the Act. The Order is authorized under the Act.

The representative period for establishing voter eligibility for the referendum shall be the period from January 1, 2024, through December 31, 2024. Persons who are currently domestic manufacturers and have domestically manufactured 100,000 short tons or more of paper and paper-based packaging, and persons who are currently importers and have imported 100,000 short tons or more of paper and paper-based packaging, during the representative period are eligible to vote in the referendum. Persons who received an exemption from assessments pursuant to § 1222.53 for the entire representative period are ineligible to vote. The U.S. Department of Agriculture (USDA) will provide the option for electronic balloting. The referendum will be conducted by express mail and electronic ballot from July 14, 2025, through July 25, 2025. Further details will be provided in the ballot instructions.

Section 518 of the Act (7 U.S.C. 7411-7425) authorizes continuance referenda. Under § 1222.81(b) of the Order, USDA must conduct a referendum no later than seven years after the program became effective and every seven years thereafter; at the request of the Board established in this Order; at the request of 10 percent or more of the number of persons eligible to vote in a referendum as set forth under the Order; or at any time as determined by the Secretary to determine if persons subject to assessment favor continuance of the program. In January 2025, USDA received a petition requesting a referendum, which was signed by more than the required 10 percent of eligible entities. This request initiated this referendum process. Effective immediately, there will be a moratorium on the collection of assessments while USDA conducts the continuance referendum, per the request of the Paper and Packaging Board and in order to effectuate the purposes of the Act.

USDA would continue the Order if it is favored by a majority of domestic manufacturers and importers of paper and paper-based packaging voting in the referendum who also represent a majority of the volume of paper and paper-based packaging represented in the referendum and who, during the representative time period, have been engaged in the manufacturing or importation of paper and paper-based

packaging. If continuance of the Order is favored, USDA would also lift the moratorium on assessment collection. If, as a result of the referendum, the Secretary determines that the Order is not approved, USDA will comply with the termination procedures at 7 CFR 1222.82.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the referendum ballot has been approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0093. It has been estimated that approximately 40 entities will be eligible to vote in the referendum. It will take an average of 15 minutes for each voter to read the voting instructions and complete the referendum ballot.

Referendum Order

George Webster, Marketing Specialist, and Kelly Robertson, Acting Branch Chief, Mid-Atlantic Region Branch, Market Development Division, SCP, AMS, USDA, Stop 0244, Room 1406–S, 1400 Independence Avenue SW, Washington, DC 20250–0244, are designated as the referendum agents to conduct this referendum. The referendum procedures at 7 CFR 1222.100 through 1222.108, which were issued pursuant to the Act, shall be used to conduct the referendum.

The referendum agents will express mail ballots and voting instructions, including how to vote electronically, to all known, eligible domestic manufacturers and importers prior to the first day of the voting period. Any eligible domestic manufacturer or importer who does not receive a ballot should contact a referendum agent no later than three days before the end of the voting period. Ballots delivered via express mail or electronic ballot must show proof of delivery by no later than 11:59 p.m. Eastern Time on July 25, 2025.

List of Subjects in 7 CFR Part 1222

Administrative practice and procedure, Advertising, Consumer information, Marketing agreements, Paper and paper-based-packaging promotion, Reporting and recordkeeping requirements.

(Authority: 7 U.S.C. 7411–7425; 7 U.S.C. 7401)

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2025–10053 Filed 6–2–25; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

13 CFR Parts 107, 120, 142 and 146

RIN 3245–AI01

Civil Monetary Penalties Inflation Adjustments

AGENCY: U.S. Small Business Administration.

ACTION: Final rule.

SUMMARY: The Small Business Administration (SBA) is amending its regulations to adjust for inflation the amount of certain civil monetary penalties that are within the jurisdiction of the agency. These adjustments comply with the requirement in the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, to make annual adjustments to the penalties.

DATES: This rule is effective June 3, 2025.

FOR FURTHER INFORMATION CONTACT: Arlene Embrey, 202–205–6976 or at arlene.embrey@sba.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On November 2, 2015, the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the 2015 Inflation Adjustment Act), Public Law 114–74, 129 Stat. 584, was enacted. This act amended the Federal Civil Penalties Inflation Adjustment Act of 1990, Public Law 101–410, 104 Stat. 890 (the 1990 Inflation Adjustment Act), to improve the effectiveness of civil monetary penalties and to maintain their deterrent effect. The 2015 Inflation Adjustment Act required agencies to issue a final rule by August 1, 2016, to adjust the level of civil monetary penalties with an initial “catch-up” adjustment and to annually adjust these monetary penalties for inflation by January 15 of each subsequent year.

Based on the definition of a “civil monetary penalty” in the 1990 Inflation Adjustment Act, agencies are to make adjustments only to the civil penalties that (i) are for a specific monetary amount as provided by federal law or have a maximum amount provided for by Federal law; (ii) are assessed or enforced by an agency; and (iii) are enforced or assessed in an administrative proceeding or a civil action in the Federal courts. Therefore, penalties that are stated as a percentage of an indeterminate amount or as a function of a violation (penalties that encompass actual damages incurred) are not to be adjusted.

SBA published in the **Federal Register** an interim final rule with its initial adjustments to the civil monetary penalties, including an initial “catch-up” adjustment, on May 19, 2016 (81 FR 31489), with an effective date of August 1, 2016. SBA published its first annual adjustments to the monetary penalties on February 9, 2017 (82 FR 9967), with an immediate effective date. SBA published its subsequent annual adjustments for 2018 on February 21, 2018 (83 FR 7361), for 2019 on April 1, 2019 (84 FR 12059), for 2020 on March 10, 2020 (85 FR 13725), for 2021 on September 24, 2021 (86 FR 52955), for 2022 on May 11, 2022 (87 FR 28756), for 2023 on August 1, 2023 (88 FR 50003), and for 2024 on June 5, 2024 (89 FR 48132) all with immediate effective dates. This rule will establish the adjusted penalty amounts for 2025 with an immediate effective date upon publication.

On December 17, 2024, the Office of Management and Budget (OMB) published its annual guidance memorandum for 2025 civil monetary penalties inflation adjustments (M–24–02, Implementation of Penalty Inflation Adjustments for 2025 pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015). The memorandum provides the formula for calculating the annual adjustments based on the Consumer Price Index for all Urban Consumers (CPI–U) for the month of October preceding the adjustment, and specifically on the change between the October CPI–U preceding the date of adjustment and the prior year’s CPI–U. Based on this methodology, the 2025 civil monetary penalty inflation adjustment factor is 1.02598 (October 2024 CPI–U (315.664)/October 2023 CPI–U (307.671)). The annual adjustment amounts identified in this rule were obtained by applying this multiplier of 1.02598 to those penalty amounts that were published in SBA’s 2024 adjustments to civil monetary penalties at 89 FR 48132 (June 5, 2024).

II. Civil Money Penalties Adjusted by This Rule

This rule adjusts civil monetary penalties authorized by the Small Business Act, the Small Business Investment Act of 1958 (SBI Act), the Program Fraud Civil Remedies Act, and the Byrd Amendment to the Federal Regulation of Lobbying Act. These penalties and the implementing regulations are discussed below.

1. 13 CFR 107.665—Civil Penalties

SBA licenses, regulates, and provides financial assistance to financial entities

called small business investment companies (SBICs). Pursuant to section 315 of the SBI Act, 15 U.S.C. 687g, SBA may impose a penalty on any SBIC for each day that it fails to comply with SBA's regulations or directives governing the filing of regular or special reports. The penalty for non-compliance is incorporated in § 107.665 of the SBIC program regulations.

This rule amends § 107.665 to adjust the current civil penalty from \$324 to \$332 per day of failure to file. The current civil penalty of \$324 was multiplied by the multiplier of 1.02598 to reach a product of \$332, rounded to the nearest dollar.

2. 13 CFR 120.465—Civil Penalty for Late Submission of Required Reports

According to the regulations at § 120.465, any SBA Supervised Lender, as defined in 13 CFR 120.10, that violates a regulation or written directive issued by the SBA Administrator regarding the filing of any regular or special report is subject to the civil penalty amount stated in § 120.465(b) for each day the company fails to file the report, unless the SBA Supervised Lender can show that there is reasonable cause for its failure to file. This penalty is authorized by section 23(j)(1) of the Small Business Act, 15 U.S.C. 650(j)(1).

This rule amends § 120.465(b) to adjust the current civil penalty to \$8,267 per day of failure to file from \$8,058 per day of failure to file. The current civil penalty of \$8,058 was multiplied by the multiplier of 1.02598 to reach a product of \$8,267, rounded to the nearest dollar.

3. 13 CFR 120.1500—Types of Formal Enforcement Actions—SBA Lenders

According to the regulations at § 120.1500(b), SBA may assess a civil monetary penalty against a 7(a) Lender. In determining whether to assess a civil monetary penalty and, if so, in what amount, SBA may consider: the gravity (e.g., severity and frequency) of the violation; the history of previous violations; the financial resources and good faith of the 7(a) Lender; and any other matters as justice may require. This penalty is authorized by the Small Business Act, 15 U.S.C. 657t(e)(2)(B).

This rule amends § 120.1500(b)(2) to adjust the current civil penalty from \$298,887 to \$306,652. The current civil penalty of \$298,887 was multiplied by the multiplier of 1.02598 to reach a product of \$306,652, rounded to the nearest dollar.

4. 13 CFR 142.1—Overview of Regulations

SBA has promulgated regulations at 13 CFR part 142 to implement the civil penalties authorized by the Program Fraud Civil Remedies Act of 1986 (PFCRA), 31 U.S.C. 3801–3812. Under the current regulation at 13 CFR 142.1(b), a person who submits, or causes to be submitted, a false claim or a false statement to SBA is subject to a civil penalty of not more than \$13,946 for each statement or claim.

This rule amends § 142.1(b) to adjust the current civil penalty from \$13,946 to \$14,308. The adjusted civil penalty amount was calculated by multiplying the current civil penalty of \$13,946 by the multiplier of 1.02598 to reach a product of \$14,308, rounded to the nearest dollar.

5. 13 CFR 146.400—Penalties

SBA's regulations at 13 CFR part 146 govern lobbying activities by recipients of federal financial assistance. These regulations implement the authority in 31 U.S.C. 1352 and impose penalties on any recipient that fails to comply with certain requirements in the part. Specifically, under § 146.400(a) and (b), penalties may be imposed on those who make prohibited expenditures or fail to file the required disclosure forms or to amend such forms, if necessary.

This rule amends § 146.400(a) and (b) to adjust the current civil penalty amounts to “not less than \$25,132 and not more than \$251,322.” The current civil penalty amounts of \$24,496 and \$244,958 were multiplied by the multiplier of 1.02598 to reach a product of \$25,132 and \$251,322, respectively, rounded to the nearest dollar.

This rule also amends § 146.400(e) to adjust the civil penalty that may be imposed for a first-time violation of § 146.400(a) and (b) to \$25,132 and to adjust the civil penalty that may be imposed for second and subsequent offenses to “not less than \$25,132 and not more than \$251,322.” The current civil penalty amounts of \$24,496 and \$244,958 were multiplied by the multiplier of 1.02598 to reach a product of \$25,132 and \$251,322, respectively, rounded to the nearest dollar.

Compliance With Executive Orders 12866, 12988, 13132, and the Administrative Procedure Act (5 U.S.C. 553), the Congressional Review Act (5 U.S.C. 801–808), the Paperwork Reduction Act (44 U.S.C. Ch. 35), and the Regulatory Flexibility Act (5 U.S.C. 601–612)

Executive Order 12866

The Office of Management and Budget has determined that this final rule is not a significant regulatory action under Executive Order 12866.

Executive Order 12988

This action meets applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden. The action does not have retroactive or preemptive effect.

Executive Order 13132

For the purpose of Executive Order 13132, SBA determined that the rule will not have 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. Therefore, this final rule has no federalism implications warranting preparation of a federalism assessment.

The Administrative Procedure Act (APA)

The APA requires agencies generally to provide notice and an opportunity for public comment before adopting a rule unless the agency for good cause finds that notice and comment are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b). The APA also requires agencies to allow at least 30-days after publication for a final rule to become effective “except as otherwise provided by the agency for good cause found and published with the rule.” 5 U.S.C. 553(d). For the following reasons prior public notice, an opportunity for public comment, and a delayed effective date are not required for this rule. The 2015 Inflation Adjustment Act directs agencies to adjust their civil penalties annually notwithstanding section 553 of the APA. 28 U.S.C. 2461 note, sec. 4(b)(2).

This exemption from the notice and comment, and delayed effective date requirements of the APA, in effect provides SBA with the good cause justification to promulgate this as a final rule that will become effective immediately on the date it is published in the **Federal Register**. Additionally, the 2015 Inflation Adjustment Act

provides a non-discretionary cost-of-living formula for making the annual adjustment to the civil monetary penalties; SBA merely performs the ministerial task of calculating the amount of the adjustments. Therefore, even without the statutory exemption from the APA, notice and comment would be unnecessary.

The Congressional Review Act (CRA)

The Office of Management and Budget determined that this rule is not a major rule under 5 U.S.C. 804(2).

Paperwork Reduction Act

SBA has determined that this rule does not impose additional reporting or recordkeeping requirements.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires agencies to consider the effect of their regulatory actions on small entities, including small non-profit businesses, and small local governments. Pursuant to the RFA, when an agency issues a rule, the agency must prepare an analysis that describes whether the impact of the rule will have a significant economic impact on a substantial number of such small entities. However, the RFA requires such analysis only where notice and comment rulemaking is required. As stated above, SBA has express statutory authority to issue this rule without regard to the notice and comment requirement of the APA. Since notice and comment is not required before this rule is issued, SBA is not required to prepare a regulatory analysis.

List of Subjects

13 CFR Part 107

Investment companies, Loan programs—business, Reporting and recordkeeping requirements, Small businesses.

13 CFR Part 120

Loan programs—business, Reporting and recordkeeping requirements, Small businesses.

13 CFR Part 142

Administrative practice and procedure, Claims, Fraud, Penalties.

13 CFR Part 146

Government contracts, Grant programs, Loan programs, Lobbying, Penalties, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, SBA amends 13 CFR parts 107, 120, 142, and 146 as follows:

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

- 1. The authority citation for part 107 continues to read as follows:

Authority: 15 U.S.C. 662, 681–687, 687b–h, 687k–m.

§ 107.665 [Amended]

- 2. In § 107.665, remove “\$324” and add in its place “\$332”.

PART 120—BUSINESS LOANS

- 3. The authority citation for part 120 continues to read as follows:

Authority: 15 U.S.C. 634(b) (6), (b) (7), (b) (14), (h), and note, 636(a), (h) and (m), 650, 687(f), 696(3) and (7), and 697(a) and (e); sec. 521, Pub. L. 114–113, 129 Stat. 2242; sec. 328(a), Pub. L. 116–260, 134 Stat. 1182.

§ 120.465 [Amended]

- 4. In § 120.465, amend paragraph (b) by removing “\$8,058” and adding in its place “\$8,267”.

§ 120.1500 [Amended]

- 5. In § 120.1500, amend paragraph (b)(2) by removing “298,887” and adding in its place “306,652”.

PART 142—PROGRAM FRAUD CIVIL REMEDIES ACT REGULATIONS

- 6. The authority citation for part 142 continues to read as follows:

Authority: 15 U.S.C. 634(b); 31 U.S.C. 3803(g)(2).

§ 142.1 [Amended]

- 7. In § 142.1, amend paragraph (b) by removing “\$13,946” and adding in its place “\$14,308”.

PART 146—NEW RESTRICTIONS ON LOBBYING

- 8. The authority citation for part 146 continues to read as follows:

Authority: 31 U.S.C. 1352 and 15 U.S.C. 634(b)(6).

§ 146.400 [Amended]

- 9. In § 146.400, remove “\$24,496” and “\$244,958” wherever they appear and add in their places “\$25,132” and “\$251,322”, respectively.

Kelly Loeffler,
Administrator.

[FR Doc. 2025–09833 Filed 6–2–25; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 13, 91 Subpart K (Part 91K), 119, 121, 125, 133, 135, 137, 141, 142, 145, and 147

[Docket No. FAA 2025–0928]

Changes to Application for Certification Process

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Procedural update; notification of availability.

SUMMARY: This action announces the implementation of an update to the process for an applicant to withdraw, or for the FAA to deny, an application for certification to better address the expectations of applicants and the FAA with respect to certification timelines. The change supports the FAA’s mission and the Certification Services Oversight Process (CSOP) by enhancing engagement with air carrier, air operator, or air agency certification applicants and further streamlining the certification process. This update is intended to reduce wait times and better utilize FAA resources for processing complete applications from prepared applicants, thus increasing efficiency in accomplishing the certification process. **DATES:** [DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Mark Trudeau, Section Manager, Office of Safety Standards (AFS–330), Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; (202) 267–1675.

SUPPLEMENTARY INFORMATION: As set forth in Title 49 of the United States Code (49 U.S.C.), the Administrator of the Federal Aviation Administration (Administrator) may issue air carrier, air operating, and air agency certificates. An application for a certificate must be under oath when the Administrator requires; and be in the form, contain information, and be filed and served in the way the Administrator prescribes.¹ Only when the FAA receives a complete application in a manner prescribed by the Administrator shall the entity be considered an applicant.² The FAA’s certification offices have, in recent years, experienced significant backlog and resource constraints related to the timing and delay in responsiveness by

¹ 49 U.S.C. 44702.

² 14 CFR 91.1014, 119.35, 125.21, 133.15, 137.15, 141.13, 142.11, 145.51, 147.5

applicants for various types of FAA certification. The notice described in the paragraph that follows provides updated guidance to inspectors to ensure all certifications continue proceeding in a timely fashion.

On May 23, 2025, the FAA published updated policy on processing air carrier, air operating, and air agency applications for certification. As provided in the revised policy, the FAA will no longer accept applications that are incomplete or not submitted in a form or manner acceptable to the Administrator. In addition, an applicant may withdraw its application at any point during the certification process and the FAA may terminate a certification in which the applicant does not proceed with certification requirements. The updated policy is found in Notice 8900.735: Disposition of Incomplete or Insufficient Air Operator and Air Agency Certification Applications.

Issued in Washington, DC, on May 23, 2025.

Hugh J. Thomas,

Acting Deputy Executive Director, Flight Standards Service.

[FR Doc. 2025–10001 Filed 6–2–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–0005; Project Identifier AD–2024–00646–T; Amendment 39–23051; AD 2025–11–05]

RIN 2120–AA64

Airworthiness Directives; the Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain The Boeing Company Model 787–8, 787–9, and 787–10 airplanes. This AD was prompted by reports of multiple supplier notices of escapement (NOEs) indicating that seat track splice fittings were possibly manufactured with an incorrect titanium alloy material. This AD requires an inspection of seat track splice fittings to determine the material and applicable on-condition actions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 8, 2025.

The Director of the Federal Register approved the incorporation by reference

of a certain publication listed in this AD as of July 8, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2025–0005; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for 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 Boeing material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110 SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website myboeingfleet.com.

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2025–0005.

FOR FURTHER INFORMATION CONTACT:

Joseph Hodgkin, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3962; email: Joseph.J.Hodgkin@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 787–8, 787–9, and 787–10 airplanes. The NPRM was published in the **Federal Register** on January 17, 2025 (90 FR 5756). The NPRM was prompted by reports of multiple supplier NOEs indicating that seat track splice fittings were possibly manufactured with an incorrect titanium alloy material. In the NPRM, the FAA proposed to require an inspection of seat track splice fittings to determine the material and applicable on-condition actions. The FAA is issuing this AD to address seat track splice fittings manufactured with an incorrect titanium alloy material. The unsafe condition, if not addressed, could result in failure of the seat track splice fittings, and could result in serious injury to seated occupants as a result of adverse effects on emergency

egress and structural capability to react to emergency landing loads.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from four anonymous commenters who supported the NPRM without change.

The FAA received additional comments from three commenters, including Boeing, Air New Zealand, and the Foundation for Aviation Safety. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request for Clarification of Root Cause

The Foundation for Aviation Safety requested an explanation of the root cause of the use of the incorrect titanium alloy material, asked how its use was discovered and why the original process wasn't effective in identifying use of the incorrect material, and clarification on the preventive measures to keep this from happening again.

The FAA provides the following clarification. Boeing and the FAA have received reports of multiple supplier NOEs indicating that seat track splice fittings were possibly manufactured with an incorrect titanium alloy material. The FAA has determined the actions specified in this AD must be done to address the unsafe condition. The root cause of the use of the incorrect titanium alloy material is still under investigation. The FAA is working with Boeing to address the root cause. No change to this AD is necessary as a result of this comment.

Request To Add Exception

Boeing and Air New Zealand requested an exception be added to the proposed AD to allow use of collars having part number (P/N) BACC30BS10K for tasks 17 and 18 of Boeing Alert Requirements Bulletin B787–81205–SB530086–00 RB, Issue 001, dated October 18, 2024. Air New Zealand stated tasks 17 and 18 of Boeing Alert Requirements Bulletin B787–81205–SB530086–00 RB, Issue 001, dated October 18, 2024, and Boeing Alert Service Bulletin B787–81205–SB530086–00, Issue 001, dated October 18, 2024, use collars having P/N BACC30BS10S. Air New Zealand further pointed out that table 18 of paragraph 3.A., Kits/Parts, of Boeing Alert Service Bulletin B787–81205–SB530086–00, Issue 001, dated October 18, 2024, lists collars having P/N BACC30BS10K for tasks 17 and 18. Boeing confirmed that both collars are

structurally and functionally equivalent at these locations.

The FAA agrees with this request for the reasons provided. Paragraph (h) of the proposed AD has been reidentified as paragraph (h)(1) in this AD and paragraph (h)(2) has been added to this AD to provide the exception to allow P/ N BACC30BS10K.

Conclusion

The FAA reviewed the relevant data, considered any comments received, 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, and any other changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin B787–81205–SB530086–00 RB, Issue 001, dated October 18, 2024. This material specifies procedures for an X-ray fluorescence spectrometer inspection or a high frequency eddy current inspection of seat track splice fittings to

determine the material and applicable on-condition actions. On-condition actions include replacing affected seat track splice fittings with new seat track splice fittings at affected locations. 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.

Costs of Compliance

The FAA estimates that this AD affects 37 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	16 work-hours × \$85 per hour = \$1,360	\$0	\$1,360	\$50,320

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

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

number of aircraft that might need this replacement:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement	Up to 20 work-hours × \$85 per hour = \$1,700.	Up to \$4,140	Up to \$5,840 (per location, up to 20 locations per airplane).

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

- For the reasons discussed above, I certify that this AD:
- (1) Is not a “significant regulatory action” under Executive Order 12866,
 - (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 adding the following new airworthiness directive:

2025–11–05 The Boeing Company:
Amendment 39–23051; Docket No. FAA–2025–0005; Project Identifier AD–2024–00646–T.

(a) Effective Date

This airworthiness directive (AD) is effective July 8, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 787–8, 787–9, and 787–10 airplanes, certificated in any category, as identified in Boeing Alert Requirements Bulletin B787–81205–SB530086–00 RB, Issue 001, dated October 18, 2024.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by reports of multiple supplier notices of escapement (NOEs) indicating that seat track splice fittings were possibly manufactured with an incorrect titanium alloy material. The unsafe condition, if not addressed, could result in failure of the seat track splice fittings, and could result in serious injury to seated occupants as a result of adverse effects on emergency egress and structural capability to react to emergency landing loads.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the "Compliance" paragraph of Boeing Alert Requirements Bulletin B787-81205-SB530086-00 RB, Issue 001, dated October 18, 2024, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin B787-81205-SB530086-00 RB, Issue 001, dated October 18, 2024.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin B787-81205-SB530086-00, Issue 001, dated October 18, 2024, which is referred to in Boeing Alert Requirements Bulletin B787-81205-SB530086-00 RB, Issue 001, dated October 18, 2024.

(h) Exceptions to Requirements Bulletin Specifications

(1) Where the Compliance Time column of the table in the "Compliance" paragraph of Boeing Alert Requirements Bulletin B787-81205-SB530086-00 RB, Issue 001, dated October 18, 2024, refers to the Issue 001 date of Requirements Bulletin B787-81205-SB530086-00 RB, this AD requires using the effective date of this AD.

(2) Where table 1 of task 17 and task 18 of Boeing Alert Requirements Bulletin B787-81205-SB530086-00 RB, Issue 001, dated October 18, 2024, specifies collars having a part number (P/N) of "BACC30BS10S", this AD requires replacing that text with "BACC30BS10S or BACC30BS10K".

(i) Alternative Methods of Compliance (AMOCs)

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

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

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

(j) Related Information

(1) For more information about this AD, contact Joseph Hodgin, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206-231-3962; email: Joseph.J.Hodgin@faa.gov.

(2) Material identified in this AD that is not incorporated by reference is available at the address specified in paragraph (k)(3) of this AD.

(k) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin B787-81205-SB530086-00 RB, Issue 001, dated October 18, 2024.

(ii) [Reserved]

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

(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 21, 2025.

Peter A. White,

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

[FR Doc. 2025-10061 Filed 6-2-25; 8:45 am]

BILLING CODE 4910-13-P

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

[Docket No. FAA-2024-2663; Project Identifier MCAI-2023-00200-R; Amendment 39-23036; AD 2025-10-02]

RIN 2120-AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus Helicopters Model EC225LP helicopters. This AD was prompted by the identification of missing electrical bonding on a certain part-numbered additional and optional search light (search light). This AD requires installing an electrical bonding braid modification. 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 July 8, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 8, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at regulations.gov under Docket No. FAA-2024-2663; 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 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 the EASA 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 Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA,

call (817) 222-5110. It is also available at *regulations.gov* under Docket No. FAA-2024-2663.

FOR FURTHER INFORMATION CONTACT: Kurt Ladendorf, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222-5254; email: *Kurt.D.Ladendorf@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Helicopters Model EC225LP helicopters. The NPRM published in the **Federal Register** on December 23, 2024 (89 FR 104465). The NPRM was prompted by EASA AD 2023-0030, dated February 2, 2023 (EASA AD 2023-0030) (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 missing electrical bonding was identified on a certain part-numbered search light installed on some Model EC 225 LP helicopters. The MCAI further states that the location where the search light is installed is an area that could get struck by lightning, which, in case of a lightning strike, could lead to potential total loss of electrical distribution, with loss of electrically supplied systems, and subsequent reduced control of the helicopter.

In the NPRM, the FAA proposed to require installing an electrical bonding braid modification and prohibit installing that part-numbered search light unless the modification is done. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA-2024-2663.

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, and any other changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2023-0030 requires installing an electrical bonding braid modification for a certain part-numbered search light under the sponson. EASA AD 2023-0030 also prohibits installing that part-numbered search light from being installed unless its requirements are met.

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 the MCAI

The MCAI allows a +10% tolerance to the calendar compliance time to install the electrical bonding braid modification, whereas this AD does not allow that tolerance. If the insulation resistance value is 8 or more ohms as a result of the continuity test that is specified in the material referenced in EASA AD 2023-0030, this AD requires accomplishing corrective action in accordance with a method approved by the FAA, EASA, or Airbus Helicopters' EASA Design Organization Approval, whereas the MCAI and the material referenced in the MCAI are not specific about the continuity test.

Costs of Compliance

The FAA estimates that this AD affects 9 helicopters of U.S. registry. Labor rates are estimated at \$85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

Installing an electrical bonding braid modification takes 14 work-hours and parts cost \$16,370 for an estimated cost of \$17,560 per helicopter and up to \$158,040 for the U.S. fleet.

Performing a continuity test takes a minimal amount of time for a nominal cost. Depending on the results, corrective action could vary significantly from helicopter to helicopter. The FAA has no data to determine the costs to accomplish the corrective action.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I,

section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

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

Regulatory Findings

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

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

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (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 adding the following new airworthiness directive:

2025–10–02 Airbus Helicopters:
Amendment 39–23036; Docket No. FAA–2024–2663; Project Identifier MCAI–2023–00200–R.

(a) Effective Date

This airworthiness directive (AD) is effective July 8, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Helicopters Model EC225LP helicopters, certificated in any category, as identified in European Union Aviation Safety Agency AD 2023–0030, dated February 2, 2023 (EASA AD 2023–0030).

(d) Subject

Joint Aircraft System Component (JASC) Code: 1420, electrical connectors; and 2497, electrical power system wiring.

(e) Unsafe Condition

This AD was prompted by the identification of missing electrical bonding on additional and optional search lights. The FAA is issuing this AD to prevent a lightning current evacuating to the aircraft structure. In the event of a lightning strike, the unsafe condition, if not addressed, could result in potential total loss of electrical distribution, with loss of electrically supplied systems, and subsequent reduced 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, EASA AD 2023–0030.

Note 1 to paragraph (g): Appendix 4 of Airbus Helicopters Alert Service Bulletin No. EC225–33A018, dated December 15, 2023, which is referenced in EASA AD 2023–0030, identifies helicopter configurations (right-hand column of the table) by helicopter serial number (left-hand column of the table).

(h) Exceptions to EASA AD 2023–0030

(1) Where EASA AD 2023–0030 requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(2) Where EASA AD 2023–0030 refers to its effective date, this AD requires using the effective date of this AD.

(3) Where Note 1 of EASA AD 2023–0030 specifies that a tolerance of +10% may be applied to the calendar compliance time specified in paragraph (1) of EASA AD 2023–0030, this AD does not allow that tolerance.

(4) Where the material referenced in EASA AD 2023–0030 specifies discarding parts, this AD requires removing those parts from service.

(5) This AD requires replacing text as specified in paragraphs (h)(5)(i) through (v) of this AD.

(i) Where the material referenced in EASA AD 2023–0030 specifies to “do the electrical

bonding”, this AD requires replacing that text with “install the electrical bonding braid”.

(ii) Where the material referenced in EASA AD 2023–0030 specifies to “bond the labels ‘741VN’ and ‘742VN’ of the set of labels (8) as close as possible from the equipment (SECTION A–A and B–B)”, this AD requires replacing that text with “apply labels ‘741VN’ and ‘742VN’ of the set of labels (8) directly adjacent to the grounding point as depicted in Figure 6, Section A–A and Section B–B”.

(iii) Where the material referenced in EASA AD 2023–0030 specifies to “remove and keep” this AD requires replacing that text with “remove”.

(iv) Where the material referenced in EASA AD 2023–0030 specifies to “locate the hole (A) in accordance to the position”, this AD requires replacing that text with “determine the position of hole (A) in Figure 4, Detail B”.

(v) Where the material referenced in EASA AD 2023–0030 specifies to paint strip the hole on “the both face”, this AD requires replacing that text with “each side”.

(6) Where the material referenced in EASA AD 2023–0030 specifies to do a continuity test, if the insulation resistance value is 8 or more ohms as a result of the continuity test, this AD requires, before further flight, accomplishing corrective action in accordance with a method approved by the Manager, International Validation Branch, FAA; or EASA; or Airbus Helicopters’ EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(7) This AD does not adopt the “Remarks” section of EASA AD 2023–0030.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2023–0030 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) 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 (k)(1) 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.

(k) Related Information

(1) For more information about this AD, contact Kurt Ladendorf, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222–5254; email: Kurt.D.Ladendorf@faa.gov.

(2) For Airbus Helicopters material identified in this AD that is not incorporated by reference, contact Airbus Helicopters, 2701 North Forum Drive, Grand Prairie, TX

75052; phone: (972) 641–0000 or (800) 232–0323; fax: (972) 641–3775; website: airbus.com/en/products-services/helicopters/hcare-services/airbusworld.

(l) 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 2023–0030, dated February 2, 2023.

(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 Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on May 20, 2025.

Steven W. Thompson,

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

[FR Doc. 2025–10032 Filed 6–2–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–0012; Project Identifier AD–2024–00219–T; Amendment 39–23047; AD 2025–11–01]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain The Boeing Company Model 757–200, –200CB, and –300 series airplanes. This AD was prompted by a report of cracking found in new locations at a certain body station (STA) during frame segment replacement repairs, including in the web at the K-hole between certain stringers, in the outer chord above the

lower hinge intercostal, and in the inner chord and web between certain stringers. This AD requires an inspection or records check for the presence of approved or local repairs, repetitive eddy current inspections for cracking, and applicable on-condition actions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 8, 2025.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of July 8, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA-2025-0012; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for 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 Boeing material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110 SK57, Seal Beach, CA 90740-5600; telephone 562-797-1717; website *myboeingfleet.com*.

- For the Aviation Partners Boeing material identified in this AD, contact Aviation Partners Boeing, 555 Andover Park West, Suite 200, Tukwila, WA 98188; telephone 206-830-7699; fax 206-767-0535; email *leng@aviationpartners.com*; website *aviationpartnersboeing.com*.

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available at *regulations.gov* under Docket No. FAA-2025-0012.

FOR FURTHER INFORMATION CONTACT: Wayne Ha, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 562-627-5238; email: *wayne.ha@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 757-200, -200CB, and -300 series airplanes. The NPRM was

published in the **Federal Register** on January 31, 2025 (90 FR 8690). The NPRM was prompted by a report of cracking found in new locations at STA 1640 during frame segment replacement repairs, including in the web at the K-hole between stringers S-9 and S-10, in the outer chord above the lower hinge intercostal, and in the inner chord and web between stringers S-10 and S-19. In the NPRM, the FAA proposed to require an inspection or records check for the presence of approved or local repairs, repetitive eddy current inspections for cracking, and applicable on-condition actions. The FAA is issuing this AD to address undetected cracks in the fuselage frame at STA 1640, which could affect a principal structural element's ability to sustain limit load. The unsafe condition, if not addressed, could result in reduced structural integrity of the airplane.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from United Airlines and four individuals who supported the NPRM without change.

The FAA received additional comments from Aviation Partners Boeing (APB), FedEx, and an anonymous commenter. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Revise Address for APB

APB requested a revision to the mailing address identified in paragraph (k)(4) of the proposed AD. APB noted that the address identified in that paragraph is not current and provided an address that is current with the reissuance of supplemental type certificate (STC) ST01518SE, dated April 20, 2024.

The FAA agrees to revise the address and has revised the **ADDRESSES** section and paragraph (k)(4) of this AD with the current address.

Request To Add an Exception To Address Frame Segment Replacement Repairs

FedEx requested an exception be added to paragraph (h) of the proposed AD to address frame segment replacement repairs that meet certain criteria and are FAA-approved in accordance with FAA Form 8100-9 or 8110-3. FedEx reasoned that if existing frame segment replacement repairs are approved as alternative methods of compliance (AMOCs) to other ADs, then those AMOCs should be extended to this proposed AD. FedEx stated that if

the FAA does not include the suggested exception, then operators would need to apply for AMOCs for existing frame segment replacement repairs.

The FAA disagrees with the request to add this exception to paragraph (h) of this AD. The frame segment replacement repairs specified by FedEx are not identified in the Boeing Alerts Requirements Bulletin 757-53A0123 RB, dated March 13, 2024, and would need to be reviewed through the AMOC process specified in paragraph (i) of this AD. Although existing frame segment replacement repairs might be approved as AMOCs to other ADs, the repairs have not been reviewed to determine if they also address the unsafe condition identified in this AD. No change has been made to this AD in this regard.

Request To Explain Scope of Proposed AD

An individual commenter asked why the proposed AD was not already in effect and stated that the proposed rule should apply to every airline company.

The FAA agrees to clarify. In accordance with 14 CFR 39.5, the FAA issues an AD when an unsafe condition exists or is likely to develop in other products of the same type design. An AD will apply to products (aircraft, aircraft engines, propellers, and appliances) that either has or is likely to develop the unsafe condition. 14 CFR 39.7 specifies that once an AD is issued, no person may operate a product to which the AD applies except in accordance with the requirements of that AD. This AD was not previously issued because this safety issue was only recently found in service. Once the safety issue was reported, the FAA initiated the rulemaking process after performing an analysis of the findings and determining that an unsafe condition exists. The analysis led to the determination that this AD is applicable only to Model 757-200, -200CB, and -300 series airplanes. Thus, only operators of these affected models are required to comply with this AD.

Conclusion

The FAA reviewed the relevant data, considered any comments received, 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, and any other changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin 757–53A0123 RB, dated March 13, 2024. This material specifies procedures for an inspection or records check for the presence of approved repairs at STA 1640 frame between stringers S–9 and S–19, left and right sides, or local repairs at specified locations at STA 1640; repetitive eddy current inspections for cracking of the STA 1640 frame inner chord, web and outer chord at specified locations; and applicable on-condition actions. On-

condition actions include contacting Boeing for repair.

The FAA also reviewed Aviation Partners Boeing Alert Service Bulletin AP757–53–006, dated May 7, 2024. This material specifies procedures for an inspection or records check for the presence of approved repairs at STA 1640 frame between stringers S–9 and S–19, left and right sides, or local repairs at specified locations at STA 1640; repetitive eddy current inspections for cracking of the STA 1640 frame inner chord, web and outer chord at specified locations; and applicable on-condition actions. On-

condition actions include contacting Boeing for repair.

These documents are distinct since they apply to different airplane configurations. 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.

Costs of Compliance

The FAA estimates that this AD affects 481 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection for presence of repairs.	69 work-hours × \$85 per hour = \$5,865.	None	\$5,865	\$2,821,065.
Eddy current inspections ...	Up to 74 work-hours × \$85 per hour = \$6,290 per inspection cycle.	None	Up to \$6,290 per inspection cycle.	Up to \$3,025,490 per inspection cycle.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (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 adding the following new airworthiness directive:

2025–11–01 The Boeing Company:
Amendment 39–23047; Docket No. FAA–2025–0012; Project Identifier AD–2024–00219–T.

(a) Effective Date

This airworthiness directive (AD) is effective July 8, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 757–200, –200CB, and –300 series airplanes, certificated in any category, as identified in Boeing Alert Requirements Bulletin 757–53A0123 RB, dated March 13, 2024.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by a report of cracking found in new locations at body station (STA) 1640 during frame segment replacement repairs, including in the web at the K-hole between stringers S–9 and S–10, in the outer chord above the lower hinge intercostal, and in the inner chord and web between stringers S–10 and S–19. The FAA is issuing this AD to address undetected cracks in the fuselage frame at STA 1640, which could affect a principal structural element's ability to sustain limit load. The unsafe condition, if not addressed, could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Required Actions

(1) For all airplanes except those identified in paragraph (g)(2) of this AD: Except as specified by paragraph (h) of this AD: At the applicable times specified in the “Compliance” paragraph of Boeing Alert Requirements Bulletin 757–53A0123 RB, dated March 13, 2024, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 757–53A0123 RB, dated March 13, 2024.

Note 1 to paragraph (g)(1): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 757–53A0123, dated March 13, 2024, which is referred to in Boeing Alert Requirements Bulletin 757–53A0123 RB, dated March 13, 2024.

(2) For airplanes identified in Aviation Partners Boeing Alert Service Bulletin AP757–53–006, dated May 7, 2024: Except as specified in paragraph (h) of this AD, at the applicable times specified in paragraph 1.E., “Compliance,” of Aviation Partners Boeing Alert Service Bulletin AP757–53–006, dated May 7, 2024, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 757–53A0123 RB, dated March 13, 2024.

(h) Exceptions to Requirements Bulletin Specifications

(1) Where the Compliance Time columns of the tables in the “Compliance” paragraph of Boeing Alert Requirements Bulletin 757–53A0123 RB, dated March 13, 2024, refer to the original issue date of Requirements Bulletin 757–53A0123 RB, this AD requires using the effective date of this AD.

(2) Where Boeing Alert Requirements Bulletin 757–53A0123 RB, dated March 13, 2024, specifies contacting Boeing for repair instructions or for alternative inspections: This AD requires doing the repair, or doing the alternative inspections and applicable on-condition actions, using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(3) Where the Compliance Time columns of the tables in the “Compliance” paragraph of Aviation Partners Boeing Alert Service Bulletin AP757–53–006, dated May 7, 2024, refer to the original issue date of Requirements Bulletin 757–53A0123 RB, this AD requires using the effective date of this AD.

(4) Where Aviation Partners Boeing Alert Service Bulletin AP757–53–006, dated May 7, 2024, specifies contacting Boeing for repair instructions or for alternative inspections: This AD requires doing the repair, or doing the alternative inspections and applicable on-condition actions, using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

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

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair,

modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, AIR–520, Continued Operational Safety Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(j) Related Information

(1) For more information about this AD, contact Wayne Ha, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 562–627–5238; email: wayne.ha@faa.gov.

(2) Material identified in this AD that is not incorporated by reference is available at the address specified in paragraph (k)(3) of this AD.

(k) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin 757–53A0123 RB, dated March 13, 2024.

(ii) Aviation Partners Boeing Alert Service Bulletin AP757–53–006, dated May 7, 2024.

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

(4) For the Aviation Partners Boeing material identified in this AD, contact Aviation Partners Boeing, 555 Andover Park West, Suite 200, Tukwila, WA 98188; telephone 206–830–7699; fax 206–767–0535; email leng@aviationpartners.com; website aviationpartnersboeing.com.

(5) 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.

(6) 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 19, 2025.

Peter A. White,

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

[FR Doc. 2025–10060 Filed 6–2–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–0015; Project Identifier AD–2024–00615–E; Amendment 39–23049; AD 2025–11–03]

RIN 2120–AA64

Airworthiness Directives; General Electric Company Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain General Electric Company (GE) Model GENx–1B64, GENx–1B64/P1, GENx–1B64/P2, GENx–1B67, GENx–1B67/P1, GENx–1B67/P2, GENx–1B70, GENx–1B70/75/P1, GENx–1B70/75/P2, GENx–1B70/P1, GENx–1B70/P2, GENx–1B70C/P1, GENx–1B70C/P2, GENx–1B74/75/P1, GENx–1B74/75/P2, GENx–1B76/P2, GENx–1B76A/P2, and GENx–2B67/P engines. This AD was prompted by a manufacturer’s investigation that revealed certain high-pressure turbine (HPT) stage 1 and HPT stage 2 disks were manufactured from powder metal material suspected to contain iron inclusion. This AD requires replacement of affected HPT stage 1 and HPT stage 2 disks with parts eligible for installation. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 8, 2025.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of July 8, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at regulations.gov under Docket No. FAA–2025–0015; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for 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 GE material identified in this AD, contact GE, 1 Neumann Way, Cincinnati, OH 45215; phone: (513) 552–3272; email: aviation.fleetsupport@ge.com; website: ge.com.

- You may view this material at the FAA, Airworthiness Products Section,

Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222-5110. It is also available at *regulations.gov* under Docket No. FAA-2025-0015.

FOR FURTHER INFORMATION CONTACT:

Alexei Marqueen, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (781) 238-7178; email: *alexei.t.marqueen@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain GE Model GENx-1B64, GENx-1B64/P1, GENx-1B64/P2, GENx-1B67, GENx-1B67/P1, GENx-1B67/P2, GENx-1B70, GENx-1B70/75/P1, GENx-1B70/75/P2, GENx-1B70/P1, GENx-1B70/P2, GENx-1B70C/P1, GENx-1B70C/P2, GENx-1B74/75/P1, GENx-1B74/75/P2, GENx-1B76/P2, GENx-1B76A/P2, and GENx-2B67/P engines. The NPRM was published in the **Federal Register** on January 31, 2025 (90 FR 8687). The NPRM was prompted by a manufacturer's investigation that revealed the detection of iron inclusion in turbine disks manufactured from the same powder metal material used to manufacture certain HPT stage 1 and HPT stage 2 disks for the above-referenced engines. Further investigation by the manufacturer revealed that the iron inclusion is attributed to deficiencies in the manufacturing process and may cause reduced material properties and a lower fatigue life capability, which may result in premature fracture and uncontained failure. The manufacturer also informed the FAA that additional risk assessments determined that there were no failed events associated with the discovery of this iron inclusion material; however, concluded that replacement of the affected HPT stage 1 and HPT stage 2 disks is necessary to prevent any future failed events. In the NPRM, the FAA proposed to require replacement of affected HPT stage 1 and HPT stage 2 disks with parts eligible for installation. The FAA is issuing this AD to address the unsafe condition on these products.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from six commenters. The commenters were the

Air Line Pilots Association, International (ALPA), The Boeing Company (Boeing), Cathay Pacific Airways, Thai Airways, United Airlines, and an individual commenter. ALPA and Boeing supported the NPRM without change. The following presents the comments received from Cathay Pacific Airways, Thai Airways, United Airlines, and the individual commenter and the FAA's response.

Request To Clarify Reinstallation of Affected Part

Cathay Pacific Airways requested that the FAA clarify whether the affected part may be reinstalled after being removed from an engine if the part has not reached the cyclic removal threshold identified in GE GENx-1B Service Bulletin 72-0542 R00, dated April 15, 2024 (GE GENx-1B SB 72-0542 R00) and GE GENx-2B SB 72-0471 R00, dated April 15, 2024 (GE GENx-2B Service Bulletin 72-0471 R00).

The FAA agrees to clarify. Because the compliance time of this final rule is at a certain number of cycles or at the next piece part exposure after the effective date of the AD, whichever occurs first, the affected part must be removed from service and is not eligible to be re-installed during piece part exposure. The FAA did not change this AD as a result of this comment.

Request To Clarify Affected Engines

Thai Airways noted that GE Model GENx-1b engines with engine serial numbers 958136, 958164, and 958949 are not affected by GE GENx-1B SB 72-0542 R00.

The FAA clarifies that the applicability for this AD is not designated by engine serial number, but it is designated by specific part numbers and serial numbers of affected parts. The FAA did not change this AD as a result of this comment.

Request To Update Proposed AD Requirements

United Airlines requested that the FAA update the language in the "Proposed AD Requirements in This NPRM" paragraph of the proposed AD to the following: "Depending on the part numbers and serial numbers of the affected HPT stage 1 disks and HPT stage 2 disks, this NPRM proposes to require these actions to be accomplished at the next piece-part exposure after the effective date of this proposed AD or before the affected HPT stage 1 disks and HPT stage 2 disks reach the cyclic removal threshold of up to 10,100 cycles since new, whichever occurs first."

The FAA agrees with the content in the requested language. However, this section is not included in the final rule. Therefore, the FAA did not change this AD as a result of this comment.

Request for New Part Design Details

An individual commenter requested that the FAA provide information on what material the new HPT stage 1 and HPT stage 2 disks that are eligible for installation will be composed of, how long these parts will take to deteriorate, and how these new parts will be tested to assure they will be more viable than the affected HPT stage 1 and HPT stage 2 disks.

The FAA clarifies that the design of the HPT stage 1 and HPT stage 2 disks is unchanged by this AD. The iron inclusions are a result of a deficiency in the manufacturing process, which has since been addressed by the manufacturer. The FAA did not change this AD as a result of this comment.

Conclusion

The FAA reviewed the relevant data, considered any comments received, 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. None of the changes will increase the economic burden on any operator.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed GE GENx-1B SB 72-0542 R00. The FAA also reviewed GE GENx-2B SB 72-0471 R00. This material specifies the affected part numbers, serial numbers, and cyclic removal thresholds for the HPT stage 1 and HPT stage 2 disks. 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.

Costs of Compliance

The FAA estimates that this AD affects one engine installed on an airplane of U.S. registry. The FAA estimates that no engines installed on airplanes of U.S. registry require replacement of the HPT stage 2 disk.

The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace HPT stage 1 disk	8 work-hours × \$85 per hour = \$680	\$757,416 (prorated)	\$758,096	\$758,096
Replace HPT stage 2 disk	8 work-hours × \$85 per hour = \$680	\$278,101 (prorated)	278,781	0

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (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 adding the following new airworthiness directive:

2025–11–03 General Electric Company:

Amendment 39–23049; Docket No. FAA–2025–0015; Project Identifier AD–2024–00615–E.

(a) Effective Date

This airworthiness directive (AD) is effective July 8, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to General Electric Company Model GENx–1B64, GENx–1B64/P1, GENx–1B64/P2, GENx–1B67, GENx–1B67/P1, GENx–1B67/P2, GENx–1B70, GENx–1B70/P1, GENx–1B70/P2, GENx–1B70C/P1, GENx–1B70C/P2, GENx–1B74/P1, GENx–1B74/P2, GENx–1B76/P2, GENx–1B76A/P2, and GENx–2B67/P engines with at least one of the following installed:

- (1) High Pressure Turbine (HPT) stage 1 disk having part number (P/N) 2383M83G03 and a serial number (S/N) listed in Table 1 of GE GENx–1B Service Bulletin 72–0542 R00, dated April 15, 2024 (GE GENx–1B SB 72–0542 R00);
- (2) HPT stage 2 disk having P/N 2300M84P02 and a S/N listed in Table 2 of GE GENx–1B SB 72–0542 R00;
- (3) HPT stage 1 disk having P/N 2383M83G03 and a S/N listed in Table 1 of GE GENx–2B Service Bulletin 72–0471 R00, dated April 15, 2024 (GE GENx–2B SB 72–0471 R00); or
- (4) HPT stage 2 disk having P/N 2300M84P02 and a S/N listed in Table 2 of GE GENx–2B SB 72–0471 R00.

(d) Subject

Joint Aircraft System Component (JASC) Code 7250, Turbine Section.

(e) Unsafe Condition

This AD was prompted by a manufacturer investigation that revealed certain HPT stage 1 disks and HPT stage 2 disks were manufactured from powder metal material suspected to contain iron inclusion. The FAA is issuing this AD to prevent premature fracture and uncontained failure. The unsafe condition, if not addressed, could result in

uncontained debris release, damage to the engine, and damage to the airplane.

(f) Compliance

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

(g) Required Actions

At the applicable time specified in paragraphs (g)(1) through (4) of this AD, remove each affected HPT stage 1 disk and HPT stage 2 disk from service and replace with a part eligible for installation.

(1) For engines identified in paragraph (c)(1) of this AD, at the next piece-part exposure after the effective date of this AD or before the affected HPT stage 1 disk exceeds the cyclic removal threshold listed in Table 1 of GE GENx–1B SB 72–0542 R00, whichever occurs first.

(2) For engines identified in paragraph (c)(2) of this AD, at the next piece-part exposure after the effective date of this AD or before the affected HPT stage 2 disk exceeds the cyclic removal threshold listed in Table 2 of GE GENx–1B SB 72–0542 R00, whichever occurs first.

(3) For engines identified in paragraph (c)(3) of this AD, at the next piece-part exposure after the effective date of this AD or before the affected HPT stage 1 disk exceeds the cyclic removal threshold listed in Table 1 of GE GENx–2B SB 72–0471 R00, whichever occurs first.

(4) For engines identified in paragraph (c)(4) of this AD, at the next piece-part exposure after the effective date of this AD or before the affected HPT stage 2 disk exceeds the cyclic removal threshold listed in Table 2 of GE GENx–2B SB 72–0471 R00, whichever occurs first.

(h) Definitions

For the purpose of this AD:

(1) A "part eligible for installation" is any HPT stage 1 disk or HPT stage 2 disk with a P/N and S/N that is not listed in Table 1 or Table 2 of either GENx–1B SB 72–0542 R00 or GENx–2B SB 72–0471 R00.

(2) A "piece-part exposure" is when the affected HPT stage 1 disk or HPT stage 2 disk is removed from the engine.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, AIR–520 Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of AIR–520 Continued Operational Safety Branch, send it to the attention of the person identified in

paragraph (j) of this AD and email to: AMOC@faa.gov.

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

(j) Additional Information

For more information about this AD, contact Alexei Marqueen, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (781) 238-7178; email: alexei.t.marqueen@faa.gov.

(k) Material Incorporated by Reference

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

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

(i) GE GENx-1B Service Bulletin (SB) 72-0542 R00, dated April 15, 2024.

(ii) GE GENx-2B SB 72-0471 R00, dated April 15, 2024.

(3) For GE material identified in this AD, contact General Electric Company, 1 Neumann Way, Cincinnati, OH 45215; phone: (513) 552-3272; email: aviation.fleetsupport@ge.com; website: ge.com.

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

(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 21, 2025.

Peter A. White,

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

[FR Doc. 2025-10024 Filed 6-2-25; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2024-1984; Airspace Docket No. 24-ASO-25]

RIN 2120-AA66

Amendment of Class D and Class E Airspace; Goldsboro, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace extending upward from 700 feet above the surface for Goldsboro,

NC, to accommodate a new instrument approach procedure that has been designed for Wayne Memorial Hospital Inc. Heliport, Goldsboro, NC. Additionally, this action brings the Goldsboro Class D and Class E airspace into compliance with FAA orders through administrative changes. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at this airport.

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

ADDRESSES: A copy of the notice of proposed rulemaking (NPRM), all comments received, this final rule, and all background material may be viewed online at www.regulations.gov using the FAA Docket number. Electronic retrieval help and guidelines are available on the website. It is available 24 hours a day, 365 days a year. FAA Order JO 7400.11J, Airspace Designations, and Reporting Points, as well as subsequent amendments, can be viewed online at www.faa.gov/air_traffic/publications/. For further information, you may also contact the Rules and Regulations Group, Policy Directorate, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; Telephone: (202) 267-8783.

FOR FURTHER INFORMATION CONTACT: Rachel Cruz, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone: (404) 305-5571.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published a notice of proposed rulemaking for Docket No. FAA-2024-1984 in the **Federal Register** (89 FR 94629; November 29, 2024), proposing to amend Class E airspace extending upward from 700 feet above the surface for Wayne Memorial Hospital Inc. Heliport, Goldsboro, NC. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Incorporation by Reference

Class E airspace designations are published in paragraphs 5000 and 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11J, dated July 31, 2024, and effective September 15, 2024. These amendments will be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11J, which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is publicly available as listed in the **ADDRESSES** section of this document.

The Rule

This amendment to 14 CFR part 71 modifies Class E airspace extending upward from 700 feet above the surface for Goldsboro, NC, by increasing the airspace within a 6-mile radius of Wayne Memorial Hospital Inc. Heliport, Goldsboro, NC. Additionally, this removes the city associated with the airports in the airspace legal description header and updates Wayne Executive Jetport, NC, and Mount Olive Municipal Airport, NC, to comply with changes to FAA Order JO 7400.2R, Procedures for Handling Airspace Matters. Also, this action would replace the terms Airport/Facility Directory with Chart Supplement in the Class D description. Controlled airspace is necessary for the safety and management of IFR operations in the area.

Differences From the NPRM

The FAA published a notice of proposed rulemaking for Docket No. 2024-1984 in the **Federal Register** (89 FR 94629; November 29, 2024), proposing to amend Class E airspace extending upward from 700 feet above the surface for Wayne Memorial Hospital Inc. Heliport, Goldsboro, NC. This amendment to 14 CFR part 71 amends the NPRM to include an administrative update to the legal description of Seymour Johnson AFB.

After the NPRM was issued, Executive Order 14172, Restoring Names that Honor American Greatness, was issued, which mandates a return to the term “Notice to Airmen”. As such, this action no longer proposes the replacement of the terms Notice to Airmen with Notice to Air Missions. This amendment also updates the coordinates of Wayne Memorial Hospital Inc. Heliport, Goldsboro, NC, to lat. 35°23′58″ N, long. 77°57′15″ W, as updated coordinates have become available since the publishing of the NPRM. Because these are administrative changes that impose no additional requirements on users of the airspace, the FAA has determined that good cause exists to proceed with this action without recirculating the NPRM for public comment.

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

ASO NC D Goldsboro, NC [Amended]

Seymour Johnson AFB, NC

(Lat. 35°20′22″ N, long. 77°57′38″ W)

That airspace extending upward from the surface to and including 2,600 feet MSL within a 5.7-mile radius of Seymour Johnson AFB. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Chart Supplement.

* * * * *

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

* * * * *

ASO NC E5 Goldsboro, NC [Amended]

Seymour Johnson, AFB, NC

(Lat. 35°20′22″ N, long. 77°57′38″ W)

Seymour Johnson TACAN

(Lat. 35°20′07″ N, long. 77°58′17″ W)

Wayne Executive Jetport, NC

(Lat. 35°27′38″ N, long. 77°57′54″ W)

Mount Olive Municipal Airport, NC

(Lat. 35°13′17″ N, long. 78°02′19″ W)

Wayne Memorial Hospital Inc. Heliport, NC

(Lat. 35°23′58″ N, long. 77°57′15″ W)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Seymour Johnson, AFB, and within 2.5 miles each side of the Seymour Johnson TACAN 265° radial extending from the 6.6-mile radius to 12 miles west of the TACAN, and within a 5-mile radius of Wayne Executive Jetport, and within a 6.5-mile radius of Mount Olive Municipal Airport, and within a 6-mile radius of Wayne Memorial Hospital Inc. Heliport.

* * * * *

Issued in College Park, Georgia, on May 28, 2025.

Patrick Young,

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

[FR Doc. 2025–09959 Filed 6–2–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2025–0107; Airspace Docket No. 25–ASO–1]

RIN 2120–AA66

Amendment of Class D Airspace; Jupiter, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class D airspace extending upward from the surface to and including 2,500 feet MSL within a 4.5-mile radius of William P. Gwinn Airport, beginning at the 205° bearing from the airport clockwise to the 145° bearing, thence to the beginning point. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at this airport.

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

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

FAA Order JO 7400.11J, Airspace Designations, and Reporting Points, as well as subsequent amendments, can be viewed online at www.faa.gov/air-traffic/publications/. For further information, you may also contact the Rules and Regulations Group, Policy Directorate, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Rachel Cruz, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; telephone: (404) 305–5571.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator.

Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend Class D airspace in Jupiter, FL for the safety and management of instrument flight rules (IFR) operations in the area.

History

The FAA published a notice of proposed rulemaking for Docket No. FAA–2025–0107 in the **Federal Register** (90 FR 13571; March 25, 2025), proposing to amend Class D in Jupiter, FL. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One comment was received, which was substantively unrelated to the airspace action. No response is provided.

Incorporation by Reference

Class D airspace designations are published in paragraph 5000 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11J, dated July 31, 2024, and effective September 15, 2024. These amendments will be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11J is publicly available as listed in the **ADDRESSES** section of this document.

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

The Rule

This amendment to 14 CFR part 71 modifies Class D airspace extending upward from the surface to and including 2,500 feet MSL within a 4.5-mile radius of William P. Gwinn Airport in Jupiter, FL, beginning at the 205° bearing from the airport clockwise to the 145° bearing, thence to the beginning point. Controlled airspace is necessary for the safety and management of IFR operations in the area.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

ASO NC D Jupiter, FL [Amended]

William P. Gwinn Airport, FL
(Lat. 26°54'29" N, long. 80°19'42" W)

That airspace extending upward from the surface to and including 2,500 feet MSL

within a 4.5-mile radius of William P. Gwinn Airport beginning at the 205° bearing from the airport clockwise to the 145° bearing, thence to the beginning point. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Chart Supplement.

* * * * *

Issued in College Park, Georgia, on May 27, 2025

Andree C. Davis,

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

[FR Doc. 2025–09998 Filed 6–2–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–1245]

Schedules of Controlled Substances: Placement of 2-Methyl AP–237 in Schedule I; Correction

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Correcting amendment.

SUMMARY: On March 15, 2024, the Drug Enforcement Administration published a final order placing 1-(2-methyl-4-(3-phenylprop-2-en-1-yl)piperazin-1-yl)butan-1-one (commonly known as 2-methyl AP–237), including its optical and geometric isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation, in schedule I of the Controlled Substances Act. The effective date of that final order was 30 days after publication in the **Federal Register**. Before the effective date, DEA published another final order that made the instructions for 2-methyl AP–237 in the March 15 final order invalid. This document corrects that error, adding 2-methyl AP–237 and its drug code 9664 for regulatory purposes.

DATES: This correcting amendment is effective June 3, 2025, and applicable beginning April 15, 2024.

FOR FURTHER INFORMATION CONTACT: Dr. Terrence L. Boos, Drug and Chemical Evaluation Section, Diversion Control Division, Drug Enforcement Administration; Telephone: (571) 362–3249.

SUPPLEMENTARY INFORMATION: The placement of 2-methyl AP–237 under

schedule I was effective on April 15, 2024, thirty days after the publication of the final order.¹ During the 30-day period between the publication of the final order and effective date, DEA issued another final order scheduling three nitazene substances—etodesnitazene, N-pyrrolidino etonitazene, and protonitazene—into schedule I as of the date of the publication of the final order.² The publication of the three nitazene substances final order and the effective date of that final order predated the effective date of the 2-methyl AP-237 final order. Consequently, the amended paragraphs in 21 CFR part 1308 regarding 2-methyl AP-237 were

incorrect. Nonetheless, the final order correctly placed 2-methyl AP-237 under 21 CFR 1308.11(b). Therefore, the placement of 2-methyl AP-237 under schedule I has been effective as of April 15, 2024, despite the technical errors in the paragraph of 21 CFR part 1308 in the final order.³

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

For the reasons set out above, DEA corrects 21 CFR part 1308 with the following correcting amendment:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), 956(b), unless otherwise noted.

■ 2. In § 1308.11:

■ a. Redesignate paragraphs (b)(62) through (109) as paragraphs (b)(63) through (110); and

■ b. Add a new paragraph (b)(62).

The addition reads as follows:

§ 1308.11 Schedule I.

* * * * *

(b) * * *

	*	*	*	*	*	*	*
(62) 2-Methyl AP-237 (1-(2-methyl-4-(3-phenylprop-2-en-1-yl)piperazin-1-yl)butan-1-one)							9664
	*	*	*	*	*	*	*

Signing Authority

This document of the Drug Enforcement Administration was signed on May 27, 2025, by Acting Administrator Robert J. Murphy. 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. 2025-09989 Filed 6-2-25; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 450

[Docket No. FHWA-2024-0008]

RIN 2125-AF98

Statewide and Nonmetropolitan Planning; Metropolitan Transportation Planning

AGENCY: Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT).

ACTION: Termination of rulemaking.

SUMMARY: FHWA terminates its rulemaking titled “Statewide and Nonmetropolitan Planning; Metropolitan Transportation Planning,” which would have proposed updates to its transportation planning regulations. FHWA will proceed to formally terminate the rule from FHWA’s upcoming Spring 2025 Unified Agenda of Regulatory and Deregulatory Actions (“Unified Agenda”).

DATES: June 3, 2025.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Petty, Office of Planning, (202) 366-6654, Kenneth.Petty@dot.gov; or Mr. Lev Gabrilovich, Office of the Chief Counsel, (202) 366-3813, Lev.Gabrilovich@dot.gov, Federal Highway Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 8 a.m. to

4:30 p.m., Eastern Time (E.T.), Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

This document may be viewed online through the Federal eRulemaking portal at www.regulations.gov using the docket number listed above. The website is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded by accessing the Office of the Federal Register’s website at: www.federalregister.gov.

Background

FHWA had initiated a rulemaking titled “Statewide and Nonmetropolitan Planning; Metropolitan Transportation Planning,” under Regulation Identifier Number (RIN) 2125-AF98, to update the regulations pertaining to FHWA’s transportation planning requirements in title 23, Code of Federal Regulations, part 450. This rulemaking project was listed on FHWA’s Unified Agenda, however no notice of proposed rulemaking was published in the **Federal Register**.

Consistent with President Trump’s commitment to ending unlawful, unnecessary, and onerous regulations, FHWA is reviewing its existing regulations and ongoing regulatory activities for alignment with law and Administration priorities. FHWA is withdrawing this rulemaking activity

¹ Schedules of Controlled Substances: Placement of 2-Methyl AP-237 in Schedule I, 89 FR 18793 (Mar. 15, 2024).

² Schedules of Controlled Substances: Placement of Etodesnitazene, N-Pyrrolidino Etonitazene, and Protonitazene in Schedule I, 89 FR 25514 (Apr. 11, 2024).

³ Cf. Schedules of Controlled Substances: Placement of Buprenorphine in Schedule I; Correction, 88 FR 46073 (July 19, 2023).

because further rulemaking action does not align with Agency needs, priorities, and objectives. FHWA continues to consider the best means of addressing some or all of the issues surrounding its transportation planning regulations and the scope of any Agency actions FHWA concludes may be necessary to address these issues.

In addition, all Agencies participate in the semi-annual Unified Agenda, which provides a summary description of the rulemaking actions that each Agency is considering or reviewing. Agencies' agendas are posted on the public website of the Office of Information and Regulatory Affairs, and portions are published in the **Federal Register** in the spring and fall of each year. The Unified Agenda is often used as a tool to solicit interest and participation from stakeholders. Termination of this rulemaking will allow FHWA to better align its entries on the Department's Unified Agenda with the Agency's needs, priorities, and objectives.

Accordingly, for these independently sufficient reasons, FHWA is terminating the rulemaking associated with RIN 2125–AF98. By terminating the rulemaking, FHWA is indicating that it no longer considers this rulemaking to be pending. Should the FHWA decide at a future date to initiate the same or similar rulemaking, FHWA will initiate a new rulemaking under a new RIN, consistent with the requirements of the Administrative Procedure Act, title 5, United States Code, 553.

Gloria M. Shepherd,
Executive Director, Federal Highway Administration.

[FR Doc. 2025–09886 Filed 6–2–25; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 490

RIN 2125–AF95

National Performance Management Measures for Assessing Bridge Condition

AGENCY: Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT).

ACTION: Termination of rulemaking.

SUMMARY: FHWA terminates its rulemaking on National Performance Management Measures for Assessing Bridge Condition. FHWA will proceed to formally withdraw the rule from

FHWA's upcoming Spring 2025 Unified Agenda of Regulatory and Deregulatory Actions ("Unified Agenda").

DATES: June 3, 2025.

FOR FURTHER INFORMATION CONTACT: Ms. Alexis Kuklenski, Office of Infrastructure, (202) 689–9229, alexis.kuklenski@dot.gov; or Ms. Dawn Horan, Office of the Chief Counsel, (202) 366–9615, dawn.m.horan@dot.gov, Federal Highway Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 8:00 a.m. to 4:30 p.m., E.T., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

This document may be viewed online through the Federal eRulemaking portal at www.regulations.gov. The website is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded by accessing the Office of the Federal Register's website at www.federalregister.gov.

Background

FHWA had initiated a rulemaking titled "National Performance Management Measures for Assessing Bridge Condition" RIN 2125–AF95, to address data collection and reporting inconsistencies between the title 23, Code of Federal Regulations (CFR), part 490 subparts A and D and the updated 23 CFR part 650 subpart C National Bridge Inspection Standards and its incorporated references. These inconsistencies will now be addressed as part of the "National Performance Management Measures" RIN 2125–AG06 rulemaking effort. This rulemaking project was listed on FHWA's Unified Agenda, however no Notice of Proposed Rulemaking was published in the **Federal Register**.

All Agencies participate in the semi-annual Unified Agenda, which provides a summary description of the regulatory actions that each Agency is considering or reviewing. Agencies' agendas are posted on the public website of the Office of Information and Regulatory Affairs, and portions are published in the **Federal Register** in the spring and fall of each year. The Unified Agenda is often used as a tool to solicit interest and participation from stakeholders. Withdrawal of this rulemaking activity will allow FHWA to better align its entries on the Department's Unified Agenda with the Agency's needs, priorities, and objectives. Accordingly,

FHWA is terminating the rulemaking associated with RIN 2125–AF95.

Gloria M. Shepherd,
Executive Director, Federal Highway Administration.

[FR Doc. 2025–09893 Filed 6–2–25; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 723, 724, 845, and 846

RIN 1029–AC87

[Docket ID: OSM 2025–0001; S1D1S
SS08011000 SX064A000 256S180110;
S2D2SSS08011000 SX064A00 25XS501520]

Civil Monetary Penalty Inflation Adjustments

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSMRE) adjusts for inflation its civil monetary penalties assessed under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) and its implementing regulations. OSMRE takes this regulatory action pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act), which further amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (1990 Act), and Office of Management and Budget guidance.

DATES: Effective June 3, 2025.

FOR FURTHER INFORMATION CONTACT: Khalia A. Green, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW, Mail Stop 4558, Washington, DC 20240; Telephone (202) 208–2823. Email: kgreen@osmre.gov.

SUPPLEMENTARY INFORMATION:

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I. Background

A. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015

Section 518 of SMCRA, 30 U.S.C. 1268, authorizes the Secretary of the Interior to assess civil monetary penalties (CMPs) for violations of SMCRA. The Federal regulations implementing the CMP provisions of section 518 are located in 30 CFR parts 723, 724, 845, and 846. The Department of the Interior, through the Office of Surface Mining Reclamation and Enforcement (OSMRE), is adjusting CMPs in six sections: 30 CFR 723.14, 723.15, 724.14, 845.14, 845.15, and 846.14.

On November 2, 2015, the President signed the 2015 Act into law (Sec. 701 of Pub. L. 114–74). The 2015 Act, which further amended the 1990 Act (Pub. L. 101–410), requires Federal agencies to promulgate rules to adjust the level of CMPs to account for inflation. The 2015 Act requires agencies to publish annual inflation adjustments. These adjustments are aimed at maintaining the deterrent effect of civil penalties and furthering the policy goals of the statutes that authorize the penalties.

B. Calculation of Adjustments

The Office of Management and Budget (OMB) issued guidance on the 2025 annual adjustments for inflation. See OMB Memorandum for the Heads of Executive Departments and Agencies (M–25–02), *Implementation of Penalty Inflation Adjustments for 2025, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015*, December 17, 2024, (OMB Memorandum). The OMB Memorandum notes that the 1990 Act defines “civil monetary penalty” as “any penalty, fine, or other sanction that . . . is for a specific monetary amount as provided by Federal law; or . . . has a maximum amount provided for by Federal law; and . . . is assessed or enforced by an agency pursuant to Federal law; and . . . is assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts. . . .” *Id.* at 2–3. It further instructs that agencies “are to adjust ‘the maximum civil

monetary penalty or the range of minimum and maximum civil monetary penalties, as applicable, for each civil monetary penalty by the cost-of-living adjustment.’” *Id.* at 3.

The 1990 Act, as amended by the 2015 Act, and the OMB Memorandum specify that the annual inflation adjustments are based on the percent change between the Consumer Price Index for all Urban Consumers (the CPI–U) published by the Department of Labor for the month of October in the year of the previous adjustment and the October CPI–U for the preceding year. The recent OMB Memorandum specified that the cost-of-living adjustment multiplier for 2025, not seasonally adjusted, is 1.02598. *Id.* at 2.

OSMRE used this guidance to identify applicable CMPs and calculate the required inflation adjustments. The 1990 Act, as amended by the 2015 Act, specifies that any resulting increases in CMPs must be rounded to the nearest multiple of one dollar and that the increased CMPs apply only to CMP assessments that occur after the date that the increases take effect.

Generally, OSMRE assigns points to a violation as described in 30 CFR 723.13 and 845.13. The CMP owed is based on the number of points received, ranging from 1 point to 70 points. For example, under the existing regulations in 30 CFR 845.14, a violation totaling 70 points would amount to a \$20,457 CMP. To adjust this amount, OSMRE multiplied \$20,457 by the 2025 inflation factor of 1.02598, resulting in a raw adjusted amount of \$20,988.47. Because the 2015 Act requires rounding any increase in the CMP amount to the nearest dollar, in this case a violation of 70 points would amount to a new CMP of \$20,988. Pursuant to the 2015 Act, the increases in this Final Rule apply to CMPs assessed after the date the increases take effect, even if the associated violation predates the applicable increase.

There are no points associated with 30 CFR 723.15(b), 724.14(b), 845.15(b), and 846.14(b) because those regulatory provisions do not set forth numbers of points, only dollar amounts.

C. Effect of the Rule in Federal Program States and on Indian Lands

OSMRE directly regulates surface coal mining and reclamation operations within a State or on Indian lands if the State or Tribe does not obtain its own approved program pursuant to sections 503 or 710(j) of SMCRA, 30 U.S.C. 1253 or 1300(j). The increases in CMPs contained in this rule will apply to the following Federal program States: Arizona, California, Georgia, Idaho,

Massachusetts, Michigan, North Carolina, Oregon, Rhode Island, South Dakota, Tennessee, and Washington. The Federal programs for those States appear at 30 CFR parts 903, 905, 910, 912, 921, 922, 933, 937, 939, 941, 942, and 947, respectively. Under 30 CFR 750.18, the increases in CMPs also apply to Indian lands under the Federal program for Indian lands.

D. Effect of the Rule on Approved State Programs

As a result of litigation, State regulatory programs are not required to mirror all of the penalty provisions of the Federal regulations implementing SMCRA. See *In re Permanent Surface Mining Regul. Litig.*, No. 79–1144, 1980 U.S. Dist. LEXIS 17722, at *21–23 (D.D.C. Feb. 26, 1980); 1980 U.S. Dist. LEXIS 17660, at *87–88 (D.D.C. May 16, 1980). Thus, this rule has no effect on CMPs in States with SMCRA primacy.

II. Procedural Matters

A. Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order (E.O.) 12866, as reaffirmed by E.O. 13563, provides that the Office of Information and Regulatory Affairs (OIRA) within OMB will review all significant rules. OIRA has determined that agency regulations exclusively implementing the annual inflation adjustments and that are consistent with OMB Memorandum M–23–05, such as this rule, are not significant. Because this final rule exclusively implements the annual inflation adjustments, is consistent with the OMB Memorandum, and will have an annual impact of less than \$100 million, it is not significant under E.O. 12866.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires an agency to prepare a regulatory flexibility analysis for all rules unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The RFA applies only to rules for which an agency is required to first publish a proposed rule. See 5 U.S.C. 603(a) and 604(a). The 2015 Act requires agencies to adjust civil penalties annually for inflation “notwithstanding section 553 [of the Administrative Procedure Act].” Thus, no proposed rule will be published, and the RFA does not apply to this rulemaking.

C. Congressional Review Act

This rule is not a major rule under 5 U.S.C. 804(2), the Congressional Review Act. This rule:

(a) Will not have an annual effect on the economy of \$100 million or more.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

(c) Will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises.

D. Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or Tribal governments, or the private sector, of more than \$100 million per year. The rule does not have a significant or unique effect on State, local, or Tribal governments, or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

E. Takings (Executive Order 12630)

This rule does not effect a taking of private property or otherwise have takings implications under E.O. 12630. A takings implication assessment is not required.

F. Federalism (Executive Order 13132)

Under the criteria in section 1 of E.O. 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. A federalism summary impact statement is not required.

G. Civil Justice Reform (Executive Order 12988)

This rule complies with the requirements of E.O. 12988. Specifically, this rule:

(a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

(b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

H. Consultation With Indian Tribes (Executive Order 13175 and Departmental Policy)

The Department of the Interior strives to strengthen its government-to-government relationship with Tribes through a commitment to consultation with Tribes and recognition of their right to self-governance and Tribal sovereignty. OSMRE has evaluated this rule under the Department's

consultation policy, under Departmental Manual part 512, chapters 4, 5, 6, and 7 and under the criteria in E.O. 13175 and has determined that it has no substantial direct effects on Federally recognized Tribes or Alaska Native Claims Settlement Act (ANCSA) Corporations, and that consultation under the Department's Tribal and ANCSA consultation policies is not required.

I. Paperwork Reduction Act

This rule does not contain information collection requirements, and a submission to OMB under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) is not required. OSMRE 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.

J. National Environmental Policy Act

This rule does not constitute a major Federal action under the National Environmental Policy Act of 1969 (NEPA) because of the non-discretionary nature of the civil penalty adjustment as required by law (*see* 40 CFR 1508.1(w)(2)(vii)). The 2015 Act requires OSMRE to annually adjust the amounts of its civil penalties to account for inflation as measured by the Department of Labor's Consumer Price Index. Accordingly, OSMRE has no discretion in the execution of the civil penalty adjustments reflected in this final rule. Because this rule is not a major Federal action, it is therefore not subject to the requirements of NEPA. Even if this were a discretionary action subject to NEPA, which it is not, a detailed statement under NEPA would nevertheless not be required because, as a regulation of an administrative nature, this rule would otherwise be covered by a categorical exclusion (*see* 43 CFR 46.210(i)). OSMRE has determined that the rule does not implicate any of the extraordinary circumstances listed in 43 CFR 46.215 that would prevent reliance on the categorical exclusion. Therefore, a detailed statement under NEPA is not required.

K. Effects on Energy Supply, Distribution, and Use (Executive Order 13211)

This rule is not a significant energy action under the definition in E.O. 13211. A Statement of Energy Effects is not required.

L. Administrative Procedure Act

OSMRE is issuing this final rule without prior public notice or opportunity for public comment. The

2015 Act requires agencies to publish adjusted penalties annually. Under the 2015 Act, "the notice and comment process the [Administrative Procedure Act] generally requires—*i.e.*, notice, an opportunity for comment, and a delay in effective date—is not required for agencies to issue regulations implementing the annual adjustment[s]" required by the 2015 Act. *See* OMB Memorandum, M–25–02, at 4.

List of Subjects

30 CFR Part 723

Administrative practice and procedure, Penalties, Surface mining, Underground mining.

30 CFR Part 724

Administrative practice and procedure, Penalties, Surface mining, Underground mining.

30 CFR Part 845

Administrative practice and procedure, Law enforcement, Penalties, Reporting and recordkeeping requirements, Surface mining, Underground mining.

30 CFR Part 846

Administrative practice and procedure, Penalties, Surface mining, Underground mining.

Delegation of Signing Authority

The action taken herein is pursuant to an existing delegation of authority.

Adam G. Suess,

Acting Assistant Secretary, Land and Minerals Management.

For the reasons given in the preamble, the Department of the Interior amends 30 CFR parts 723, 724, 845, and 846 as set forth below:

PART 723—CIVIL PENALTIES

■ 1. The authority citation for part 723 continues to read as follows:

Authority: 28 U.S.C. 2461, 30 U.S.C. 1201 *et seq.*, and 31 U.S.C. 3701.

■ 2. In § 723.14, revise table 1 to read as follows:

§ 723.14 Determination of amount of penalty.

* * * * *

TABLE 1 TO § 723.14

Points	Dollars
1	84
2	168
3	252
4	335
5	421
6	504

TABLE 1 TO § 723.14—Continued

Points	Dollars
7	588
8	668
9	755
10	840
11	922
12	1,008
13	1,089
14	1,175
15	1,262
16	1,343
17	1,427
18	1,513
19	1,595
20	1,679
21	1,765
22	1,848
23	1,931
24	2,014
25	2,098
26	2,519
27	2,938
28	3,356
29	3,619
30	4,197
31	4,616
32	5,038
33	5,457
34	5,878
35	6,296
36	6,717
37	7,137
38	7,556
39	7,975
40	8,395
41	8,817
42	9,236
43	9,652
44	10,074
45	10,494
46	10,914
47	11,333
48	11,755
49	12,172
50	12,592
51	13,010
52	13,433
53	13,853
54	14,273
55	14,694
56	15,113
57	15,530
58	15,950
59	16,372
60	16,790
61	17,210
62	17,629
63	18,050
64	18,470
65	18,888
66	19,310
67	19,730
68	20,147
69	20,568
70	20,988

■ 3. In § 723.15, revise the introductory text of paragraph (b) to read as follows:

§ 723.15 Assessment of separate violations for each day.

* * * * *

(b) In addition to the civil penalty provided for in paragraph (a) of this section, whenever a violation contained in a notice of violation or cessation order has not been abated within the abatement period set in the notice or order or as subsequently extended pursuant to section 521(a) of the Act, 30 U.S.C. 1271(a), a civil penalty of not less than \$3,148 will be assessed for each day during which such failure to abate continues, except that:

* * * * *

PART 724—INDIVIDUAL CIVIL PENALTIES

■ 4. The authority citation for part 724 continues to read as follows:

Authority: 28 U.S.C. 2461, 30 U.S.C. 1201 *et seq.*, and 31 U.S.C. 3701.

■ 5. In § 724.14, revise the first sentence of paragraph (b) to read as follows:

§ 724.14 Amount of individual civil penalty.

* * * * *

(b) The penalty will not exceed \$20,988 for each violation. * * *

PART 845—CIVIL PENALTIES

■ 6. The authority citation for part 845 continues to read as follows:

Authority: 28 U.S.C. 2461, 30 U.S.C. 1201 *et seq.*, 31 U.S.C. 3701, Pub. L. 100–202, and Pub. L. 100–446.

■ 7. In § 845.14, revise table 1 to read as follows:

§ 845.14 Determination of amount of penalty.

* * * * *

TABLE 1 TO § 845.14

Points	Dollars
1	84
2	168
3	252
4	335
5	421
6	504
7	588
8	668
9	755
10	840
11	922
12	1,008
13	1,089
14	1,175
15	1,262
16	1,343
17	1,427
18	1,513
19	1,595
20	1,679
21	1,765
22	1,848
23	1,931
24	2,014

TABLE 1 TO § 845.14—Continued

Points	Dollars
25	2,098
26	2,519
27	2,938
28	3,356
29	3,619
30	4,197
31	4,616
32	5,038
33	5,457
34	5,878
35	6,296
36	6,717
37	7,137
38	7,556
39	7,975
40	8,395
41	8,817
42	9,236
43	9,652
44	10,074
45	10,494
46	10,914
47	11,333
48	11,755
49	12,172
50	12,592
51	13,010
52	13,433
53	13,853
54	14,273
55	14,694
56	15,113
57	15,530
58	15,950
59	16,372
60	16,790
61	17,210
62	17,629
63	18,050
64	18,470
65	18,888
66	19,310
67	19,730
68	20,147
69	20,568
70	20,988

■ 8. In § 845.15, revise the introductory text of paragraph (b) to read as follows:

§ 845.15 Assessment of separate violations for each day.

* * * * *

(b) In addition to the civil penalty provided for in paragraph (a) of this section, whenever a violation contained in a notice of violation or cessation order has not been abated within the abatement period set in the notice or order or as subsequently extended pursuant to section 521(a) of the Act, 30 U.S.C. 1271(a), a civil penalty of not less than \$3,148 will be assessed for each day during which such failure to abate continues, except that:

* * * * *

PART 846—INDIVIDUAL CIVIL PENALTIES

■ 9. The authority citation for part 846 continues to read as follows:

Authority: 28 U.S.C. 2461, 30 U.S.C. 1201 *et seq.*, and 31 U.S.C. 3701.

■ 10. In § 846.14, revise the first sentence of paragraph (b) to read as follows:

§ 846.14 Amount of individual civil penalty.

* * * * *

(b) The penalty will not exceed \$20,988 for each violation. * * *

[FR Doc. 2025–10064 Filed 6–2–25; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 165**

[Docket No. USCG–2025–0287]

Safety Zone; Southern California Annual Firework Events for the San Diego Captain of the Port Zone

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zones for the Big Bay Boom Fourth of July Fireworks on the waters of San Diego Bay, CA on Friday, July 4, 2025. The safety zones are necessary to provide for the safety of the participants, spectators, official vessels of the event, and general users of the waterway. Our regulation for the Southern California Annual Firework Events for the San Diego Captain of the Port Zone identifies the regulated area for this event. During the enforcement period, no spectator shall anchor, block, loiter, nor impede the transit of participants or official patrol vessels in the regulated area unless cleared to do so by or through an official patrol vessel.

DATES: The regulations in 33 CFR 165.1123 will be enforced from 8 p.m. until 10 p.m. on July 4, 2025, for the locations described in Item No. 5 in Table 1 to § 165.1123.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Lieutenant Shelley Turner, Waterways Management, U.S. Coast Guard Sector San Diego, CA; telephone 619–278–7656, email MarineEventsSD@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone

regulations in Southern California Annual Firework Events for the San Diego Captain of the Port Zone, 33 CFR 165.1123, for the Big Bay Boom Fourth of July Fireworks regulated area from 8 p.m. until 10 p.m. on July 4, 2025. This action is being taken to provide for the safety of life on navigable waterways during the fireworks event. Item No. 5 in Table 1 to § 165.1123 identifies the regulated area for the Big Bay Boom Fourth of July Fireworks event which encompasses multiple portions of San Diego Bay. Spectator vessels may safely transit outside the regulated area but may not anchor, block, loiter, or impede the transit of participants or official patrol vessels. The Coast Guard may be assisted by other Federal, State, or Local law enforcement agencies in enforcing this regulation.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners, marine information broadcasts, and local advertising by the event sponsor.

If the Captain of the Port or his designated representative determines that the regulated area need not be enforced for the full duration stated on this document, he or she may use a Broadcast Notice to Mariners or other communications coordinated with the event sponsor to grant general permission to enter the regulated area.

P.C. Dill,

Captain, U.S. Coast Guard, Captain of the Port San Diego.

[FR Doc. 2025–10003 Filed 6–2–25; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[EPA–R09–OAR–2024–0472; FRL–12322–02–R9]

Clean Data Determination and Approval of Base Year Emissions Inventory; California; Los Angeles–South Coast Air Basin; 189(d) Plan for the 2006 24-Hour PM_{2.5} NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is making a clean data determination (CDD) for the Los Angeles–South Coast Air Basin (“South Coast”) air quality planning area in California based on our determination that the area is attaining the 2006 24-

hour fine particulate matter (PM_{2.5}) national ambient air quality standards (NAAQS). As a result of this CDD, certain Clean Air Act (CAA) requirements that have applied to California will be suspended for so long as the area continues to meet the 2006 24-hour PM_{2.5} NAAQS. The EPA is also approving a revision to California’s state implementation plan (SIP) consisting of the 2018 base year emissions inventory for the South Coast PM_{2.5} nonattainment area, submitted by the California Air Resources Board (CARB) on December 29, 2020.

DATES: his rule is effective July 3, 2025.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2024–0472. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT:

Ashley Graham, EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105; phone: (415) 972–3877; email: graham.ashleyr@epa.gov.

SUPPLEMENTARY INFORMATION:

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

Table of Contents

- I. Summary of the Proposed Action
- II. Public Comment
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- IV. Statutory and Executive Order Reviews

I. Summary of Proposed Action

On November 25, 2024, the EPA proposed to determine, based on the most recent three years (2021–2023) of complete (or otherwise validated), quality-assured, and certified data meeting the requirements of 40 CFR part 50, appendix N, that the South Coast PM_{2.5} nonattainment area attained the

2006 24-hour PM_{2.5} NAAQS.^{1 2} In conjunction with and based on our proposed determination that the South Coast area had attained and was currently attaining the 2006 24-hour PM_{2.5} NAAQS, and in accordance with 40 CFR 51.1015, the EPA proposed to issue a CDD for the South Coast PM_{2.5} nonattainment area for those NAAQS.

The EPA's proposal explained that if we were to finalize the proposal, the requirements for the area to submit an attainment demonstration, reasonable further progress plan, quantitative milestones and quantitative milestone reports, contingency measures, and any other SIP revisions related to attainment of the 2006 24-hour PM_{2.5} NAAQS would be suspended so long as the area continues to meet the standards. Our proposal noted that California had already submitted an attainment plan titled "Final South Coast Air Basin Attainment Plan for 2006 24-hour PM_{2.5} Standard" ("South Coast PM_{2.5} Plan")³ to address these requirements and that the EPA would evaluate and act on the remaining SIP elements in the submitted plan through subsequent rulemakings, as appropriate.⁴ We also explained that a CDD does not constitute a redesignation to attainment, and that the South Coast PM_{2.5} nonattainment area will remain designated nonattainment for the 2006 24-hour PM_{2.5} NAAQS until such time as the EPA determines, pursuant to sections 107 and 175A of the CAA, that the South Coast PM_{2.5} nonattainment area meets the CAA requirements for redesignation to attainment, including an approved maintenance plan showing that the area will continue to meet the standards for 10 years.⁵

Finally, as authorized in CAA section 110(k)(3), we proposed to approve the base year emissions inventory in the South Coast PM_{2.5} Plan as meeting the requirements of CAA section 172(c)(3) and 40 CFR 51.1008(c)(1) based on our evaluation and finding that the inventory fulfills all relevant requirements.

Please see our November 25, 2024 proposed rulemaking⁶ for additional

background and a detailed explanation of the rationale for our proposed action.

II. Public Comment

The public comment period on the proposed rulemaking opened on November 25, 2024,⁷ the date of its publication in the **Federal Register**, and closed on December 26, 2024. We did not receive any public comments on our proposal.

III. Final Action

Preliminary data available in the EPA's Air Quality System (AQS) for 2024 (January through December) indicate that the area continues to show concentrations consistent with attainment of the 2006 24-hour PM_{2.5} NAAQS.⁸ Thus, for the reasons discussed in detail in the proposed rulemaking and summarized herein, the EPA is taking final action to determine, based on the most recent three years (2021–2023) of complete (or otherwise validated), quality-assured, and certified data meeting the requirements of 40 CFR part 50, appendix N, that the South Coast PM_{2.5} nonattainment area has attained the 2006 24-hour PM_{2.5} NAAQS.

Based on our determination that the South Coast area has attained and is currently attaining the 2006 24-hour PM_{2.5} NAAQS, in accordance with 40 CFR 51.1015, the EPA is issuing a CDD for the South Coast PM_{2.5} nonattainment area for the 2006 24-hour PM_{2.5} NAAQS. Consequently, the requirements for this area to submit any remaining attainment-related SIP revisions will be suspended for so long as the area continues to attain those NAAQS. These attainment-related SIP revisions include the attainment demonstration, reasonable further progress plan, quantitative milestones and quantitative milestone reports, contingency measures, and any other SIP revisions related to the attainment of the 2006 24-hour PM_{2.5} NAAQS. As discussed in our proposal, on December 29, 2020, California submitted a SIP revision to address these requirements. The EPA intends to evaluate and act on the remaining SIP elements in this submission through subsequent rulemakings, as appropriate.

This CDD does not constitute a redesignation to attainment. The South Coast PM_{2.5} nonattainment area will remain designated nonattainment for the 2006 24-hour PM_{2.5} NAAQS until such time that the EPA determines, pursuant to sections 107 and 175A of

the CAA, that the South Coast PM_{2.5} nonattainment area meets the CAA requirements for redesignation to attainment, including an approved maintenance plan showing that the area will continue to meet the standards for 10 years.

We are also finalizing approval of the South Coast PM_{2.5} Plan's 2018 base year emissions inventory as meeting the requirements of CAA section 172(c)(3) and 40 CFR 51.1008(c)(1). As authorized in section 110(k)(3) of the Act, the EPA is approving the submitted base year emissions inventory based on our determination that it fulfills all relevant requirements.

IV. Statutory and Executive Order Reviews

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

Additional information about these statutes and Executive orders can be found at <https://www.epa.gov/laws-regulations/laws-and-executive-orders>.

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is not an Executive Order 14192 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA. This action finds that the South Coast PM_{2.5} nonattainment area is attaining the 2006 24-hour PM_{2.5} NAAQS and approves the base year emissions inventory in the South Coast PM_{2.5} Plan. Thus, this action does not impose additional requirements beyond those imposed by state law.

¹ 89 FR 92873 (November 25, 2024).

² The EPA also evaluated preliminary data available in the EPA's Air Quality System (AQS) for 2024 (January through June). These data indicated that the South Coast area continued to show concentrations below the level of the 2006 24-hour PM_{2.5} NAAQS. Id. at 92877.

³ Letter dated December 28, 2020, from Richard W. Corey, Executive Officer, CARB, to John W. Busterud, Regional Administrator, EPA Region 9, with enclosures (submitted electronically December 29, 2020).

⁴ 89 FR 92873, 92880 (November 25, 2024).

⁵ Id.

⁶ 89 FR 92873 (November 25, 2024).

⁷ Id.

⁸ EPA, AQS Design Value Report (AMP480), Report Request ID: 2277348, April 1, 2025.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities beyond those imposed by state law.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action does not impose additional requirements beyond those imposed by state law. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, will result from this action.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have 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.

G. Executive Order 13175: Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175, because the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction, and it will not impose substantial direct costs on tribal governments or preempt tribal law. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive order. Therefore, this action is not subject to Executive Order 13045 because it merely finalizes a CDD and approval of a base year emissions inventory as meeting Federal requirements. Furthermore, the EPA’s Policy on Children’s Health does not apply to this action.

I. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

Section 12(d) of the NTTAA directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. The EPA believes that this action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with the CAA.

K. Congressional Review Act (CRA)

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

L. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 4, 2025. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Ammonia, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: May 21, 2025.

Joshua F. W. Cook,

Regional Administrator, Region IX.

For the reasons stated in the preamble, the Environmental Protection Agency amends part 52, chapter I, title 40 of the Code of Federal Regulations as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraph (c)(627) to read as follows:

§ 52.220 Identification of plan—in part.

* * * * *

(c) * * *

(627) The following plan was submitted on December 29, 2020, by the Governor’s designee as an attachment to a letter dated December 28, 2020.

(i) [Reserved]

(ii) *Additional materials.* (A) South Coast Air Quality Management District.

(1) “Final South Coast Air Basin Attainment Plan for the 2006 24-hour PM_{2.5} Standard,” adopted December 4, 2020, portions of Chapter 3 (“Base-Year and Future Emissions”) and Appendix I (“Emissions Inventory”) pertaining to the 2018 base year emissions inventory.

(2) [Reserved]

(B) [Reserved]

■ 3. Section 52.247 is amended by adding paragraph (r) to read as follows:

§ 52.247 Control Strategy and regulations: Fine Particle Matter.

* * * * *

(r) *Determination of attainment.* Effective July 3, 2025, the EPA has determined that, based on 2021 to 2023 ambient air quality data, the South Coast PM_{2.5} nonattainment area has attained the 2006 24-hour PM_{2.5} NAAQS. Under the provisions of the EPA’s PM_{2.5} implementation rule (see 40 CFR 51.1015), this determination suspends the requirements for this area to submit an attainment demonstration, a reasonable further progress plan, quantitative milestones and quantitative milestone reports, contingency measures, and any other planning SIP revisions related to attainment for as long as this area continues to attain the 2006 24-hour PM_{2.5} NAAQS. If the EPA determines, after notice-and-comment rulemaking, that this area no longer meets the 2006 24-hour PM_{2.5} NAAQS, the corresponding determination of attainment for that area shall be withdrawn.

[FR Doc. 2025–09997 Filed 6–2–25; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS-HQ-ES-2022-0134;
FXES1111090FEDR-256-FF09E21000]

RIN 1018-BG93

Endangered and Threatened Wildlife and Plants; Significant Portion of Its Range Analysis for the Northern Distinct Population Segment of the Southern Subspecies of Scarlet Macaw

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final analysis and determination.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), determine that the northern distinct population segment (DPS) of the southern subspecies of scarlet macaw (*Ara macao macao*) is appropriately listed as a threatened species under the Endangered Species Act of 1973 (Act), as amended. Scarlet macaws are brilliantly colored parrots native to Mexico and Central and South America. This notification affirms the Service's February 26, 2019, final rule listing the scarlet macaw under the Act and provides a final significant portion of its range analysis for the northern DPS.

DATES: The final analysis and determination are effective June 3, 2025.

ADDRESSES: This final notification is available on the internet at <https://www.regulations.gov>. Comments and materials we received on our December 26, 2024, **Federal Register** document (87 FR 66093) are available for public inspection at <https://www.regulations.gov> at Docket No. FWS-HQ-ES-2022-0134.

FOR FURTHER INFORMATION CONTACT: Rachel London, Manager, Branch of Delisting and Foreign Species, Ecological Services Program, U.S. Fish and Wildlife Service; 703-358-2171; rachel_london@fws.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

Background

Scarlet macaws (*Ara macao*) have the broadest range of all the macaw species

(Ridgely 1981, p. 250). The range of the species extends from Mexico, south through Central America, and into the Amazon of South America to central Bolivia and Brazil. In Mexico and Central America, the scarlet macaw's historical range and population have been reduced and fragmented over the last several decades primarily because of habitat destruction and collection of wild birds for the pet trade (Vaughan et al. 2003, pp. 2-3; Collar 1997, p. 421; Wiedenfeld 1994, p. 101; Snyder et al. 2000, p. 150). The majority (83 percent) of the species' range and population lies within the Amazon biome of South America (Birdlife International (BLI) 2011a, unpaginated; BLI 2011b, unpaginated; BLI 2011c, unpaginated). In South America, the scarlet macaw occurs over much of its historical range within the Amazon and occurs in small areas outside the Amazon, such as west of the Andes Mountains in Colombia.

The scarlet macaw is classified as two subspecies, the northern subspecies (*A. macao cyanoptera*) and southern subspecies (*A. macao macao*) (Schmidt 2013, pp. 52-53; Schmidt et al. 2019, p. 735). The northern subspecies of scarlet macaw ranges from Mexico, south through Central America in Guatemala, Nicaragua, and Honduras, and down the Atlantic slope of Costa Rica, as well as on Isla Coiba in Panama. The southern subspecies of scarlet macaw occurs along the Pacific slope of Costa Rica and southward through mainland Panama and into the remainder of the species' range in South America. The subspecies are separated by the Central Cordilleras in Costa Rica (Schmidt 2013, pp. 52-53; Schmidt et al. 2019, p. 744).

On February 26, 2019, we published in the **Federal Register** a final rule under the Act (84 FR 6278; 2019 final rule). The 2019 final rule was the outcome of a rulemaking proceeding that began with a proposed rule (77 FR 40222, July 6, 2012; 2012 proposed rule) and a revised proposed rule (81 FR 20302, April 7, 2016; 2016 proposed rule). The 2019 final rule revised the List of Endangered and Threatened Wildlife in title 50 of the Code of Federal Regulations (CFR) (at 50 CFR 17.11(h)) to add the northern subspecies of scarlet macaw (*A. m. cyanoptera*) as an endangered species, the northern DPS of the southern subspecies (*A. m. macao*) as a threatened species (hereafter, "the northern DPS"), and the southern DPS of the southern subspecies (*A. m. macao*) and subspecies crosses (*A. m. cyanoptera* and *A. m. macao*) as threatened species due to similarity of appearance. The 2019 final rule also added protective regulations to 50 CFR 17.41 pursuant to

section 4(d) of the Act for the northern and southern DPSs of the southern subspecies and for subspecies crosses. For a more thorough discussion of the taxonomy, life history, distribution, and the determination of listing status for scarlet macaws under the Act, please refer to the Species Information section in the 2019 final rule (84 FR 6278 at 6284, February 26, 2019).

This Action

We are reassessing whether the northern DPS of the southern subspecies of scarlet macaw (*A. m. macao*) is in danger of extinction throughout a significant portion of its range (SPR) in response to an order issued by the U.S. District Court for the District of Columbia in *Friends of Animals v. Williams*, Case No. 1:21-cv-02081-RC. On April 3, 2023, in compliance with the Court's order, we published an initial SPR analysis and final threatened species determination for the northern DPS of the southern subspecies of scarlet macaw (88 FR 19549; hereafter, "the 2023 SPR analysis"). Having determined that the northern DPS is not in danger of extinction throughout a significant portion of its range, we did not propose to revise the status of the southern subspecies of scarlet macaw in the northern DPS. Therefore, we affirmed the listing of the scarlet macaw as set forth in the 2019 final rule. However, on July 10, 2024, the Court found that we inappropriately limited the scope of public comments in the 2022 reconsideration. The Court vacated the 2023 SPR analysis and remanded it to us to reconduct after soliciting and considering public comments on the relevant, substantive issues.

On October 8, 2024, the Court further ordered that, "if the Service receives no public comments on the SPR analysis that result in the need to repropose the listing decision for the Northern DPS, the Service will submit a final SPR analysis to the Office of the Federal Register no later than 120 days from the end of the public comment period." The Court's Order continued, "if the Service does receive public comments on the SPR analysis that cause it to reconsider the Northern DPS's listing determination, the Service will need additional time to revise the listing determination to incorporate analysis of those comments and any additional data that addresses them. If this additional analysis leads the Service to reach a different listing determination that the public could not have anticipated, the Service may need to revise and repropose the Northern DPS listing determination. The Service will then submit any such re-proposal to the

Office of the Federal Register no later than September 30, 2025.” The 2019 final rule has remained in effect, including with respect to the listing status (threatened species) and protective regulations under the species-specific section 4(d) rule for the northern DPS of the southern subspecies of scarlet macaw.

Summary of Comments

In the December 26, 2024, **Federal Register** document (89 FR 104950), we requested any interested party to submit comments on the 2023 SPR analysis for the northern DPS of the southern subspecies of the scarlet macaw (*A. m. macao*), with no limitations on the comments requested. We reviewed all comments received for substantive issues. In total, we received two non-substantive comments and one comment letter, with four attachments, that raised multiple substantive issues. We address these substantive comments below.

Comment (1): Commenter Friends of Animals claimed that in 2012 we determined that the northern DPS in Costa Rica was endangered.

Our response: Before issuance of the 2019 final rule, the scarlet macaw—including the northern DPS—was not a species listed under the Act. We issued two proposed listing rules for the scarlet macaw before the 2019 final rule: the 2012 proposed rule (77 FR 40222, July 6, 2012) and the 2016 proposed rule (81 FR 20302, April 7, 2016). Friends of Animals repeatedly refers to the 2012 proposed rule as if it represented a final agency action, as opposed to a proposal which, by definition, is subject to change. The fact that the 2016 proposed rule and 2019 final rule differed from the 2012 proposed rule does not mean the agency “reversed course” and must therefore provide more justification for its northern DPS listing decision than is typically required under the Administrative Procedure Act (5 U.S.C. 551 *et seq.*). A final rule may properly differ from a proposed rule and indeed must so differ when the record evidence warrants the change (*USW v. Marshall*, 647 F.2d 1189, 1221 (D.C. Cir. 1980)). Friends of Animals previously raised this issue in litigation, and our threatened listing determination was upheld by the Court in its July 10, 2024 opinion.

Comment (2): Friends of Animals stated that we did not use the best available science in making the final (2019) determination for the northern DPS.

Our response: The Act requires us to make a determination using the best scientific and commercial data

available. We based our 2019 decision to list the northern DPS as a threatened species on the best scientific and commercial data available and adequately explained our reasons for doing so (84 FR 6278 at 6308), including why the final listing differed from the 2012 proposal (84 FR 6278 at 6278–6279). We also considered the new information provided as a result of the 2024 document opening a comment period, and for reasons described below, we are re-affirming our final threatened determination for the northern DPS. Friends of Animals previously raised this issue in litigation, and the Court upheld our threatened listing determination and its use of best available science in its July 10, 2024 opinion.

Comment (3): Friends of Animals stated that a peer reviewer of the 2012 proposed rule displayed pervasive biases in public statements that undermine their previous statements and comment submissions to the Service. Friends of Animals included as an attachment a November 2024 article that quotes the peer reviewer.

Our response: Friends of Animals’ claim about the peer reviewer does not reflect the record, including why the 2019 final rule differed from the 2012 proposed rule. The record includes the peer reviewers’ comments on both the 2012 and 2016 proposed rules. No peer reviewer feedback is accepted without question, and we consider it in light of other scientific information and expert comments. Our decision was based on the best scientific and commercial data available, including all the information we received following the initiation of the status review for the scarlet macaw in 2012 and in response to the 2016 proposed rule. This information included studies from a species expert and conservation organizations within the scarlet macaw’s range countries. We examined the species’ range; distribution and abundance; and all the Section 4(a)(1) factors affecting the species, including the destruction and modification of the species’ habitat because of deforestation and forest degradation and threats posed by legal and illegal trade, including poaching (84 FR 6278 at 6290–6304, February 26, 2019). Lastly, Friends of Animals’ attachment, selective quoting of the peer reviewer, does not directly display pervasive bias because the topic of attachment is on parental chick raising behavior, not on the status of all scarlet macaws.

Comment (4): Friends of Animals stated that the Service must conduct an SPR analysis that does not tie “significant” to the overall survival of

the northern DPS. They stated that the Service appeared to be saying that a portion of the range can only be significant if its loss would jeopardize the continued viability of the northern DPS. They further stated that such reasoning is contrary to the plain meaning of the Act, and multiple courts have held that this very type of SPR analysis is arbitrary and capricious.

Our response: We disagree with Friends of Animals that we have applied an arbitrary and capricious definition of “significant.” They appear to suggest that we conducted a “hypothetical loss test” as was our practice outlined in the Final Policy on Interpretation of the Phrase “Significant Portion of Its Range” in the Act’s Definitions of “Endangered Species” and “Threatened Species” (hereafter, 2014 SPR policy; 79 FR 37578, July 1, 2014). In actuality, we did not apply any aspect of the 2014 SPR policy definition of significant, including this hypothetical loss test, for the SPR analysis of the northern DPS of the scarlet macaw. We also did not state that a portion can only be significant if its loss would jeopardize the continued viability of the northern DPS. In our 2023 SPR analysis, we assessed whether a portion contributing meaningfully to the northern DPS’ overall resiliency and representation or by itself will have only a minimal impact on the viability of the northern DPS (88 FR 19549 at 19557–19558, April 3, 2023). Contributing to viability is not the same standard as significant. In this final SPR analysis, we further clarify that we considered several factors related to the conservation value of a portion of the range for the species.

Comment (5): Friends of Animals stated that the Service must attempt to quantify the portion of the northern DPS’s range when determining whether the portions are significant, consistent with analysis of other species. They suggest that Panama and northwest Colombia are significant portions of the northern DPS’s range because they constitute most of the range and contain very large areas of suitable forested habitat. The commenter provided a range analysis as an attachment. They also provided several examples of previous determinations for other species where the Service has quantified portions of its range to help determine significant portion of its range.

Our response: The Act requires us to make a determination using the best scientific and commercial data available. We appreciate the additional information provided by Friends of Animals and have updated our SPR analysis below to better reflect our

understanding of the current range of the northern DPS. As discussed further below, we have included this information in our reassessment of whether the northern DPS is in danger of extinction throughout a significant portion of its range. As discussed in response to comment 4, above, to determine whether a portion of the range is “significant,” we consider several factors that are related to the conservation value of a portion of the range for the species. A strict numerical quantification of the proportion of the range that a portion constitutes is not a requisite for analysis of significance, nor is the mere presence of suitable habitat confirmatory evidence of significance.

Comment (6): Friends of Animals stated that the Service did not provide clear evidence to support the determination that the northern DPS in Costa Rica consists of two different populations. Per the commenter, the “range analysis,” particularly reported sightings from eBird, instead strongly show the northern DPS in Costa Rica to be one population.

Our response: The two populations on the Pacific slope in Costa Rica are referred to as the Área de Conservación Pacífico Central (ACOPAC) and the Southern Pacific Costa Rica (Área de Conservación Osa (ACOSA)) populations. According to the best scientific and commercial data available, the scarlet macaw population in ACOPAC has been expanding from the traditional stronghold in and around Carara National Park (Brightsmith 2016, in litt., p. 11). The ACOSA population is simultaneously expanding up the coast. Thus, scarlet macaws observed between the ACOPAC and ACOSA populations may represent individuals from either of the populations, and it is difficult to distinguish between expansion of the ACOPAC population to the south and the expansion of the ACOSA population to the north (Dear et al. 2010, p. 10; Brightsmith 2016, in litt., p. 11). Although we recognize scarlet macaws between the Osa Peninsula (ACOSA) and Carara National Park (ACOPAC) may come from either population, all are considered part of the northern DPS in Costa Rica for the purposes of this determination. We retain reference to these two populations solely for historical context on the status of the northern DPS as a whole.

Comment (7): Friends of Animals suggests that Colombia and Panama portions of the northern DPS’s range are “significant” because they represent two of the three countries in which the northern DPS is found.

Our response: We do not consider geopolitical information as part of whether a portion of the range is “significant.” We consider the conservation value of the portion and its contribution to species’ viability.

Comment (8): Friends of Animals suggests that the Colombia and Panama portions of the northern DPS’s range are “significant” because they provide a safeguard for the northern DPS if regulatory mechanisms, or a natural disaster, disease, or other tragedy decimates the northern DPS in Costa Rica.

Our response: The best scientific and commercial data available, as considered and explained in our decision file does not suggest that natural disasters, disease, or lack of regulatory mechanisms are threats to scarlet macaws in the northern DPS in Costa Rica, and Friends of Animals did not provide new information regarding these threats. Further, we do not assess whether the loss of individuals of a species within one part of the range results in another part of the species’ range being a “significant portion of its range.” The construction of this argument would be akin (although inverse) to the hypothetical loss test previously vacated by the courts (see response to comment 4).

Comment (9): Friends of Animals suggested that the Colombia and Panama portions of the northern DPS’s range are significant because these portions include unique-value habitat relative to the rest of the habitat in the range. Both Colombia and Panama have large stretches of continuous forest, far larger than any continuous forest habitat in the northern DPS’s range in Costa Rica.

Our response: Additional acreage of forested habitat does not automatically equate to unique-value habitat, nor is it confirmatory of significance. We are not currently aware of any life-history functions that the Panama or Colombia portions are providing that are not provided elsewhere within the range, within the context of a “significant portion of its range” analysis. For example, there is no information that the very small population in Panama or the unknown but likely small population in Colombia are serving as a source population for the northern DPS. The northern DPS contains similar ecosystems across its range—lowland tropical habitats bounded by highlands, the Pacific Ocean, or both. Therefore, the best available information does not indicate that forests where scarlet macaws occur in Panama or Colombia are higher quality or provide unique-value habitat relative to the remaining

portions of the range in the northern DPS.

Comment (10): Friends of Animals claimed that populations in Colombia and Panama are uniquely valuable because their large stretches of continuous forests could provide “potential habitat” for scarlet macaws if existing habitat is degraded. Per Friends of Animals, the same cannot be said for populations in Costa Rica because there is no additional “potential habitat” for scarlet macaws to move to within Costa Rica.

Our response: We have no data or information supporting the claim that scarlet macaws are occupying or moving into areas of “potential habitat” in Colombia and Panama that the commenter states would support scarlet macaws. Indeed, much of the habitat in the Colombia and Panama parts of the northern DPS’s range is already degraded. Furthermore, the best scientific and commercial data available do not demonstrate that scarlet macaws affected by habitat degradation readily move to adjacent forested areas. The northern DPS includes populations of scarlet macaw in each country that are separated from each other with no known connectivity between them despite the existence of suitable habitat. Therefore, Friends of Animals’ statement that scarlet macaws could move into “potential habitat” from degraded land is speculation, unsupported, and not based on the best scientific and commercial data available.

Comment (11): Friends of Animals provided two studies: a 2024 study examining commercial captive breeding of parrots and a 2023 study on genetic variation between subspecies of scarlet macaws.

Our response: We note that the 2024 study provided assesses whether commercial captive breeding of parrots may be an effective supply-side intervention but does not explicitly reference scarlet macaws. This study does not change our prior assessment, as noted below, that releases of captive scarlet macaws could augment wild populations, but they may also introduce diseases if not conducted properly.

As for the 2023 study on genetics, the study further examines the phylogenetic relationships and patterns of genetic variation of the two subspecies of scarlet macaw (*A. m. cyanoptera* and *A. m. macao*) as well as comparisons to the *A. m. macao* in Amazonian South America to the subspecies in Central America. This study does not change our prior determination that the scarlet macaw consists of two subspecies and that the

A. m. macao ranges from Central America through the Amazon in South America.

Regulatory Framework

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations at 50 CFR part 424 set forth the procedures for determining whether a species meets the definition of an endangered species or a threatened species. The Act requires that we determine whether a species meets the definition of an endangered species or a threatened species because of any of the following factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. We consider these five factors and the species' responses to these factors when making these determinations.

Section 3 of the Act defines "endangered species" and "threatened species." An endangered species is any species which is in danger of extinction throughout all or a significant portion of its range, and a threatened species is any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. Both definitions include not only the phrase "throughout all," but also the phrase "or a significant portion of its range." Thus, there are ultimately four bases for listing a species under the Act (in danger of extinction throughout all of its range, in danger of extinction throughout a significant portion of its range, likely to become an endangered species within the foreseeable future throughout all of its range, or likely to become an endangered species within the foreseeable future throughout a significant portion of its range). These four bases are made up of two classifications (*i.e.*, endangered or threatened) and two components (*i.e.*, throughout all of its range or throughout a significant portion of its range).

Beginning in 2001, several judicial opinions addressed our interpretation of the phrase "or a significant portion of its range" (the SPR phrase) in the statutory definitions of "endangered species" and "threatened species." In *Defenders of Wildlife v. Norton*, 258 F.3d 1136 (9th Cir. 2001), the court held that the interpretation of the SPR phrase that we had applied in analyzing the status of the flat-tailed horned lizard was unacceptable because it would allow for

a species to warrant listing throughout a significant portion of a species' range only when the species "is in danger of extinction everywhere." The court held that the SPR phrase must be given independent meaning from the "throughout all" phrase to avoid making the SPR phrase in the statute superfluous.

In an attempt to address the judicial opinions calling into question our approach to evaluating whether a species was endangered or threatened throughout a significant portion of its range, the Service and the National Marine Fisheries Service (NMFS) (collectively, "the Services") published a "Final Policy on Interpretation of the Phrase 'Significant Portion of Its Range' in the Endangered Species Act's Definitions of 'Endangered Species' and 'Threatened Species'" (hereafter "2014 SPR policy"; 79 FR 37578, July 1, 2014). The notice of the draft policy provides more detail about litigation before 2014 regarding the phrase (76 FR 76987, December 9, 2011). The 2014 SPR policy included four elements:

- (1) Consequence—that the consequence of determining that a species warrants listing based on its status in a significant portion of its range is to list the species throughout all of its range;
- (2) Significance—a definition of the term "significant";
- (3) Range—that the species' "range" is the current range of the species; and
- (4) DPS—that, if a [vertebrate] species is endangered or threatened in an SPR and the population in that SPR is a distinct population segment (DPS), the Service will list just the DPS.

Subsequently, two district courts vacated the definition of "significant" contained in the 2014 SPR policy (*Ctr. for Biological Diversity v. Jewell*, 248 F. Supp. 3d 946, 959 (D. Ariz. 2017) ("*CBD v. Jewell*") and *Desert Survivors v. U.S. Dep't of the Interior*, 321 F. Supp. 3d 1011, 1070–74 (N.D. Cal. 2018) ("*Desert Survivors*"). The courts found that the definition in the 2014 SPR policy set too high a threshold and rendered the SPR language in the statute superfluous, failing to give it independent meaning from the "throughout all" phrase. In 2020, another court (*Ctr. for Biological Diversity v. Everson*, 435 F. Supp. 3d 69 (D.D.C. 2020) ("*Everson*") also vacated the specific aspect of the 2014 SPR policy under which, "if the Services determine that a species is threatened throughout all of its range, the Services will not analyze whether the species is endangered in a significant portion of its range." This was an extension of the definition of "significant," which required a stepwise process in which we

only considered whether a species may be endangered or threatened throughout a significant portion of its range when the species was not endangered or threatened throughout all of its range. In an extension of the earlier rulings from *CBD v. Jewell* and *Desert Survivors*, the court found that this aspect of the definition of the 2014 SPR policy was not only inconsistent with the statute because it "rendered the 'endangered in a significant portion of its range' basis for listing superfluous," but was also "inconsistent with ESA principles" and "not a logical outgrowth from the draft policy." Under this ruling, if we find a species is not in danger of extinction throughout all of its range, we must evaluate whether the species is in danger of extinction throughout a significant portion of its range, even in cases where we have determined that the species is likely to become in danger of extinction within the foreseeable future (threatened) throughout all of its range. The remaining three elements of the 2014 SPR policy remain intact.

In short, the courts have directed that the definition of "significant" must afford the phrase "or a significant portion of its range" an independent meaning from the "throughout all of its range" phrase. Therefore, to determine whether any species warrants listing, we determine for each classification (endangered and threatened) the appropriate component to evaluate (throughout all of its range or throughout a significant portion of its range).

For either classification (endangered or threatened), we consider the five factors and the species' responses to those factors regardless of which component (throughout all of its range or throughout a significant portion of its range) we have determined is appropriate for that classification. When assessing whether a species is endangered or threatened throughout a significant portion of its range, we address two questions because we must determine whether there is any portion of the species' range for which both (1) the portion is "significant" and (2) the species is in danger of extinction or likely to become in danger of extinction within the foreseeable future throughout that portion. We may address either question first. Regardless of which question we address first, if we reach a negative answer with respect to the first question that we address, we do not need to evaluate the other question for that portion of the species' range.

Scarlet Macaw in the Northern DPS

The scarlet macaw inhabits various habitat types throughout its range,

including tropical humid evergreen forest, deciduous and humid forest, intact and partially cleared lowland rainforest, mixed pine and broad-leaved woodlands, open areas and edges with scattered stands of tall trees, gallery forest, mangroves, and savannas, often near rivers (Juniper and Parr 1998, p. 425; Wiedenfeld 1994, p. 101; Forshaw 1989, p. 407; Meyer de Schauensee and Phelps, Jr. 1978, p. 99). Scarlet macaws prefer lowland, humid habitats that are dependent on the availability of fresh water (Schmidt et al. 2019, p. 744; Schmidt 2013, p. 175). The scarlet macaw generally occurs from sea level to about 500 meters (m) (1,640 feet (ft)) elevation, but it has been reported ranging up to 1,500 m (4,921 ft) in Central America (*i.e.*, Costa Rica) (Juniper and Parr 1998, p. 425; Vaughan 1983, in Vaughan et al. 2006, p. 919; Vaughan 2011, p. 22).

Generally, the species is geographically constrained between central highlands and either the Pacific or Atlantic Coasts. In the northern DPS, the range of the scarlet macaw occurs south of the Central Cordilleras of Costa Rica, along the Pacific slope, and south through Panama to northwest of the Andes Mountains in Colombia. Scarlet macaws are confined to the tropical forests in lower Central America by the central highlands and the Pacific Ocean. Similarly, in Colombia scarlet macaws inhabit moist tropical ecosystems along the mid- to lower-Magdalena River Valley, bounded by the Central and Oriental Cordilleras of the Northern Andes Mountains (Hilty and Brown 1986, p. 200). The geographical extent of these lowland habitats covers an area markedly smaller than either upper Central America or the Amazon Basin, with fewer major sources of fresh water (Schmidt et al. 2019, p. 745).

The scarlet macaw is considered somewhat tolerant of degraded or fragmented habitat (BLI 2011c, unpaginated; Forshaw 1989, p. 406; Brightsmith in litt. 2016, pp. 4–7). They can survive in human-modified landscapes provided sufficient large trees remain for nesting and feeding requirements (BLI 2011c, unpaginated; Forshaw 1989, p. 406; Ridgely 1981, p. 251). Landscapes may include a combination of agricultural land,

pastureland, timber harvesting areas, and remnant forest patches (Vaughan et al. 2006, p. 920; Vaughan et al. 2005, p. 120; Vaughan et al. 2003, p. 7); partially cleared forest where large trees have been left standing (Forshaw 1989, p. 407); pastureland with scattered woodlots or remnant patches of rainforest (Vaughan et al. 2009, p. 396; Forshaw 1989, p. 407); and areas of human settlement (towns) (Guittar et al. 2009, p. 390). However, scarlet macaws occur at lower densities in disturbed or secondary forest habitat compared to primary, undisturbed forests (Cowen 2009, pp. 11–15; Karubian et al. 2005, pp. 622–623; Lloyd 2004, pp. 269, 272).

The total population of scarlet macaws in the northern DPS is approximately 1,275 to 2,475 birds (see table 1, below). Populations include: (1) two populations on the Pacific slope in Costa Rica—the ACOPAC and the ACOSA populations, (2) a very small population in the Chiriquí province and at the southern end of the Azuero Peninsula of Veraguas, near Cerro Hoya National Park in Panama, and (3) a population in northwest Colombia west of the Andes Mountains.

The Costa Rica populations account for most of the currently known population of the northern DPS of the scarlet macaw (see table 1). The ACOPAC population is estimated to contain approximately 450 birds (Arias et al. 2008, in McReynolds 2011, in litt. unpaginated). The estimates for the ACOSA population are between 800 to 1,200 birds (Dear et al. 2010, p. 17) but possibly up to 2,000 birds (Guzman 2008, p. 17). Combining plausible subpopulation estimates, the total population of scarlet macaws on the Pacific slope of Costa Rica that includes both the ACOPAC and ACOSA populations was estimated at approximately 1,800 birds (McReynolds 2011, in litt., unpaginated).

In Panama, the scarlet macaw was formerly widespread on the Pacific slope in the western half of the country. The species is currently described as almost extinct on the mainland but abundant and occurring in substantial numbers on Isla Coiba, a one-time penal colony where human settlement and most hunting were prohibited (Ridgely 1981, p. 253). The current population of

scarlet macaws in Panama is estimated at less than 200 birds, with most of the population occurring on Isla Coiba, which are a different subspecies (northern subspecies (*A. m. cyanopectera*)) and not part of the northern DPS (Schmidt 2013, pp. 69–73; Schmidt et al. 2019, p. 740). Less than 25 birds are estimated to occur on mainland Panama (Keller and Schmitt 2008, in Brightsmith 2012, in litt. and McReynolds 2011, in litt., unpaginated). This very small number of scarlet macaws on mainland Panama are the only scarlet macaws in Panama that are considered part of the northern DPS of the southern subspecies and included in this analysis. In the border region of Costa Rica and western Panama, scarlet macaws have been successfully reintroduced in Tiskita, Costa Rica (Tiskita Jungle Lodge 2018, unpaginated). The successful reintroduction has resulted in a viable population at Tiskita and scarlet macaws are established at this location (Tiskita Jungle Lodge 2018, unpaginated). Additionally, a small, but unknown number of scarlet macaws occur on the southern end of Panama in the Azuero Peninsula of Veraguas, near Cerro Hoya National Park, Tonosi Forest Reserve, and farther to the east (Brightsmith 2016, in litt., p. 17; Sullivan et al. 2009, unpaginated; Rodriguez and Hinojosa 2010, in McReynolds 2011, in litt., unpaginated).

In northwest Colombia, little information is available on the population size, density, or distribution of scarlet macaws. Scarlet macaws are believed to occur in the Magdalena and Cauca River valleys in tropical ecosystems bounded by the Central and Oriental Cordilleras of the Northern Andes Mountains (Hilty and Brown 1986, p. 200; Forshaw 1989, p. 407). They have been reported as very rare or probably close to extinction in the Magdalena Valley, Cauca Valley, and to the north (Donegan 2013, in litt.; Ellery 2013, in litt.; McMullen 2010, p. 60). They may occur in very low numbers in the more remote and inaccessible parts of the region, but we lack further information on other potential populations.

TABLE 1—ESTIMATED POPULATION SIZE OF SCARLET MACAW IN THE NORTHERN DPS

Population range country	Population name	Population estimates number of individuals	
Scarlet Macaw (<i>Ara macao macao</i>) Northern DPS			
Costa Rica	Central Pacific Conservation Area—Área de Conservación Pacífico Central (ACOPAC).	~450	Plausible estimate of total population in Costa Rica ~1,800.

TABLE 1—ESTIMATED POPULATION SIZE OF SCARLET MACAW IN THE NORTHERN DPS—Continued

Population range country			
Costa Rica	Osa Conservation Area—Área de Conservación Osa (ACOSA).	~800–1,200, potentially up to 2,000	
Panama (mainland)	Cerro Hoya National Park	<25. unknown.	
Colombia	Northwest Colombia		
Total Population Size of <i>A. m. macao</i> ; North- ern DPS.		1,275–2,475.	

Primary Factors Affecting the Scarlet Macaw in the Northern DPS

The two primary threats to scarlet macaws are the loss of forest habitat and collection of wild birds for the pet trade (Iñigo-Elias in litt. 1996, in Snyder et al. 2000, p. 150; Guedes 2004, p. 280). The primary cause of forest loss is conversion to agriculture for crops and pasture, although other human activities such as construction of infrastructure, selective logging, fires, oil and gas extraction, and mining also contribute to the loss of forest cover within the range of the species (Blaser et al. 2011, pp. 262–402; Boucher et al. 2011, entire; Clark and Aide 2011, entire; Food and Agricultural Organization of the United Nations (FAO) 2011a, pp. 17–18; May et al. 2011, pp. 7–13; Pacheco 2011, entire; Government of Costa Rica 2010, pp. 38–39; Belize Ministry of Natural Resources and Environment 2010, pp. 40–45; Armenteras and Morales 2009, pp. 133–145, 176–191; Kaimowitz 2008, p. 487; Mosandl et al. 2008, pp. 38–40; Nepstad et al. 2008, entire; Foley et al. 2007, pp. 26–27; Fearnside 2005, pp. 681–683).

Historically, large areas of forest have been removed throughout the species' range, particularly in Mexico and Central America, and any large tracts of forest that remain are fragmented and are mostly isolated from each other (Bray 2010, p. 93; see 84 FR 6278 at 6290–6296, February 26, 2019). Deforestation continues throughout much of the scarlet macaw's range, including in the northern DPS, and is a threat to the species because it eliminates the species' habitat by removing trees that support the species' essential needs for nesting, roosting, and food. Scarlet macaws require a large range and a variety of food resources. Thus, large-scale land conversion presents a generalized threat to scarlet macaw nest sites, foraging areas, and migration corridors (Schmidt 2013, p. 173). Scarlet macaws are dependent on larger, older trees that have large nesting cavities. Additionally, they primarily forage in the forest canopy, and are relatively general in their feeding habits.

Abundance may fluctuate because they may move to areas with greater resource availability, influencing local and seasonal abundance (Lee 2010, p. 7; Cowen 2009, pp. 5, 23, citing several sources; Tobias and Brightsmith 2007, p. 132; Brightsmith 2006, unpaginated; Renton 2002, p. 17). Therefore, removal of older and larger trees decreases suitable nesting sites and food resources, increases competition, and causes the loss of current generations through an increase in infanticide and egg destruction (Lee 2010, pp. 2, 12). The species will use partially cleared and cultivated landscapes if they provide sufficient dietary requirements and maintain enough large trees. However, scarlet macaws have a better chance of surviving in large tracts of primary forest where suitable nesting cavities are more common than in open and small patches of non-primary forest (Iñigo-Elias 1996, p. 91). Therefore, as the size of the suitable habitat is reduced, it is less likely to provide the essential resources for the species (Ibarra-Macias 2009, p. 6; Lees and Peres 2006, pp. 203–205).

Competition for suitable nest cavities negatively affects reproductive success of scarlet macaws, including in the northern DPS. Competition limits available nesting sites and thus the number of pairs that can breed, or competition may cause nest mortality stemming from agonistic interactions. Intraspecific competition between different pairs of scarlet macaws, and competition with pairs of other macaw species that are larger and more competitive, is intense in some areas (Renton and Brightsmith 2009, p. 5; Iñigo-Elias 1996, p. 96; Nycander 1995, p. 428). Additionally, Africanized honeybees (*Apis mellifera scutellata*) are also reported to be a competitor with scarlet macaws for nest cavities (Garcia et al. 2008, p. 52; Vaughan et al. 2003, p. 13; Iñigo-Elias 1996, p. 61).

Collecting wild birds for the pet trade has been occurring for centuries (Cantu-Guzman et al. 2007, p. 9; Guedes 2004, p. 279; Snyder et al. 2000, pp. 98–99).

Removing birds from the wild is driven by demand for the pet trade and is related to poverty because capture for sale in local markets can provide a significant source of supplemental income (Huson 2010, p. 58; González 2003, p. 438). Low salaries and high unemployment drive people to search for extra sources of income that may include collecting wildlife for the pet trade (TRAFFIC NA 2009, pp. 23–24).

Collection of scarlet macaws decreases the population, inhibits future breeding by removing reproductive age adults, may cause mortality of eggs or chicks, and may cause damage and loss of nesting sites (Cantu-Guzman et al. 2007, p. 14; see 84 FR 6278 at 6296–6299, February 26, 2019). Scarlet macaws are long-lived species and once successfully fledged from the nest, they have a high survival rate (Myers and Vaughan 2004, cited in Vaughan et al. 2005, p. 128). However, with a low reproductive rate, low survival of chicks and fledglings, late age to first reproduction, and a large proportion of the population as nonbreeding adults, scarlet macaws are particularly vulnerable to overexploitation, especially when individuals are removed from the wild year after year (Munn 1992, p. 57; Wright et al. 2001, p. 712). Collection and deforestation often operate synergistically because activities that clear forests increase access to previously inaccessible areas, which in turn increases the vulnerability of species to overexploitation by humans (Peres 2001, entire; Putz et al. 2000, pp. 16, 23).

The scarlet macaw is a popular pet species within its range countries, and most birds collected for the pet trade are sold as pets and remain within range countries (Snyder et al. 2000, p. 150; Wiedenfeld 1994, p. 102). Because of high mortality rates associated with capture and transport of wildlife, the number of birds sold or exported for the pet trade represents only a portion of those removed from the wild. Cumulative mortality rates before

parrots reach customers have been estimated to be as high as 77 percent; for nestlings, approximately 80 percent died before reaching a pet store (Iñigo and Ramos 1991 and Enkerlin 2000, in Cantu-Guzman et al. 2007, p. 60). Pet collection is a threat for the scarlet macaw in the northern DPS.

On June 6, 1981, the scarlet macaw was included in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). On August 1, 1985, the scarlet macaw was included in Appendix I of CITES because of the high level of trade. Species included in Appendix I are considered threatened with extinction, and international trade is permitted only under exceptional circumstances, which generally precludes commercial trade. The United States and Europe historically were the main markets for wild birds in international trade (FAO 2011b, p. 3). Trade was particularly high in the 1980s (Rosales et al. 2007, pp. 85, 94; Best et al. 1995, p. 234). However, in the years following the enactment of the Wild Bird Conservation Act in 1992 (WBCA; 16 U.S.C. 4901 *et seq.*), there was a substantial reduction of wild-caught parrots imported to the United States from Mesoamerica and South America as well as the rest of the world (Pain et al. 2006, p. 327). The European Union, which was the largest market for wild birds following enactment of the WBCA, banned the import of wild birds in 2006 due to disease concerns (FAO 2011b, p. 21), thus eliminating another major market and further reducing international trade of wild parrots and macaws.

The scarlet macaw is protected by domestic laws within all range countries, and all have a system of protected areas or national parks to conserve biodiversity. However, enforcement of wildlife laws is generally lacking because the agencies responsible often do not have the financial resources, personnel, or both, to adequately enforce their laws, particularly in remote areas (TRAFFIC NA 2009, p. 20; Valdez et al. 2006, p. 276; Mauri 2002, *entire*).

The scarlet macaw currently occurs in relatively small and fragmented populations throughout most of its range. Small, isolated populations place the species at greater risk of local extirpation or extinction due to a variety of factors, including loss of genetic variability, demographic and environmental stochasticity, and natural catastrophes (Lande 1995, *entire*; Lehmkuhl and Ruggiero 1991, p. 37; Gilpin and Soulé 1986, pp. 25–33; Soulé and Simberloff 1986, pp. 28–32; Shaffer

1981, p. 131; Franklin 1980, *entire*). The species maintains genetic diversity throughout its range and between the two subspecies. With the ongoing loss of habitat throughout the range, the loss of genetic variability could diminish their capacity to adapt to changes in the environment (Blomqvist et al. 2010, *entire*; Reed and Frankham 2003, pp. 233–234; Nunney and Campbell 1993, pp. 236–237; Soulé and Simberloff 1986, pp. 28–29; Franklin 1980, pp. 140–144). Other natural events that put small populations at risk include variations in birth and death rates, fluctuations in gender ratio, and environmental disturbances such as wildfire and climatic shifts (Blomqvist et al. 2010, *entire*; Gilpin and Soulé 1986, p. 27; Shaffer 1981, p. 131). Negative impacts associated with small population sizes of scarlet macaws may be magnified because of interactions with habitat loss and collection. Cumulatively, the small population sizes occurring in narrow lowland forested areas in fragmented habitat, combined with ongoing collection and a long-lived species' low reproduction rate, increases the species' vulnerability. As discussed below, some populations of the scarlet macaw in the northern DPS are relatively small and fragmented.

The scarlet macaw in the northern DPS occurs on the Pacific slope from northwestern Costa Rica, south through mainland Panama, and west of the Andes Mountains in Colombia. Deforestation, collection, lack of effective enforcement of existing laws, and small population size all cumulatively affect scarlet macaws in the northern DPS. In the 2023 SPR analysis based on the plain language of the Act and the Court's order in *Everson*, we assessed four portions within the northern DPS: the Pacific slope of Costa Rica, mainland Panama, Colombia west of the Andes, and Panama and Colombia combined. We concluded that there were no portions within the northern DPS where both the northern DPS is in danger of extinction and that portion of the range is significant.

The following is a final SPR analysis for the northern DPS of the southern subspecies of scarlet macaw based on the best scientific and commercial data available, including new information received during the public comment period opened on December 26, 2024 (89 FR 104950).

Status Throughout a Significant Portion of Its Range

As discussed above, a species may warrant listing if it is in danger of

extinction or likely to become so within the foreseeable future throughout all or a significant portion of its range. Following the court's holding in *Everson*, and having determined in our 2019 final rule that the northern DPS of the southern subspecies of scarlet macaw (northern DPS) is not in danger of extinction (endangered species) throughout all of its range, we evaluate whether the northern DPS is in danger of extinction throughout a significant portion of its range—that is, whether there is any portion of the northern DPS' range for which both (1) the portion is significant; and (2) the northern DPS is in danger of extinction in that portion. In undertaking this analysis for the northern DPS, we choose to address the status question first. In examining the status question, we note that the statutory difference between an endangered species and a threatened species is the timeframe in which the species (subspecies or DPS) becomes in danger of extinction; an endangered species is in danger of extinction while a threatened species is not in danger of extinction but is likely to become so within the foreseeable future. In undertaking this analysis of whether the northern DPS is in danger of extinction throughout a significant portion of its range, we reviewed the best scientific and commercial data available regarding threats to the species, its responses to those threats, and any associated conservation measures. We then assessed the cumulative effects of those threats and conservation measures under the Act's section 4(a)(1) factors. We examined the following threats: habitat loss and fragmentation, collection for the pet trade, small population size, and the effects to suitable habitat because of changing climatic factors, including synergistic and cumulative effects.

The range of many species can theoretically be divided in several ways. For the northern DPS, we considered population sizes, geographic distribution, and threats to the northern DPS, including the northern DPS's response to the threats and cumulative effects. We considered whether the effects of the threats on the northern DPS are greater in any biologically meaningful portion of the northern DPS's range than in other portions such that the northern DPS is in danger of extinction in that portion. We focused our analysis on portions of the northern DPS' range that may meet the definition of an endangered species. We identified four portions of the northern DPS' range for these analyses: (1) the Pacific slope of Costa Rica, (2) mainland Panama, (3)

Colombia west of the Andes Mountains, and (4) Panama and Colombia combined.

The northern DPS includes populations of scarlet macaw in each country that are separated from each other with no known connectivity between them. Therefore, even if scarlet macaws can engage in larger scale movements within suitable habitat, the portions are based on the known population distributions of the northern DPS within each country and not strictly based on the geographic border of each country.

Analysis of the Costa Rica Portion

The northern DPS of scarlet macaw has been reduced from much of its historical range in Costa Rica due to the primary threats of habitat loss and collection (Bray 2010, p. 107; Marineros and Vaughan 1995, pp. 445–446; Vaughan et al. 2003, p. 8; McReynolds 2016, in litt., unpaginated). The northern DPS of scarlet macaw in Costa Rica occurs in lowlands along the Pacific slope flanked by the central highlands and the Pacific Ocean. The Costa Rica population in the northern DPS, including both the ACOPAC and ACOSA populations, is the largest population and accounts for most of the total population of scarlet macaws in the northern DPS.

Costa Rica is overall gaining forest cover throughout the country (Hansen et al. 2013, entire; FAO 2015, p. 10; Brightsmith 2016, in litt. p. 1). Nevertheless, some deforestation still occurs in parts of the country due to expansion of agriculture and livestock activities and to illegal logging in private forests, national parks, and reserves (Government of Costa Rica 2011, p. 2; Government of Costa Rica 2010, pp. 10–11, 38, 52–54; Parks in Peril 2008, unpaginated). The major driver of deforestation is the conversion of forest to livestock and agricultural uses because land users often generate a higher annual income with agriculture or livestock-raising than with forests. Indigenous communities have difficulties keeping nonindigenous farmers from encroaching onto their lands (Government of Costa Rica 2011, p. 1). Additionally, a lack of effective enforcement allows squatters and illegal loggers to exploit resources in protected areas.

A comprehensive study of deforestation in Costa Rica's parks system found that deforestation inside Level-1 protected areas, which denotes areas with absolute protections and where no land-cover change is allowed, was negligible from 1987 to 1997, and within the park's 1-kilometer (km) buffer

zones the protected areas had a net forest gain for the same period. However, a 1 percent annual deforestation rate occurred in 10-km buffer zones of protected areas. Thus, as distance increases from Level-1 protected areas, total deforestation and deforestation rates also increase (Sanchez-Azofeifa et al. 2003, p. 128). Corcovado National Park, the largest protected area in ACOSA, is one of the Level-1 protected areas in Costa Rica most affected by deforestation within 1 km of its boundaries (Sanchez-Azofeifa et al. 2003, pp. 128–129). Within 10 km of the park, significant clearing also occurred (Sanchez-Azofeifa et al. 2003, p. 132). Additionally, in the ACOPAC scarlet macaw population, deforestation occurs around the Carara National Park with a higher rate of deforestation northwest of Carara than to the south (Sanchez-Azofeifa et al. 2003, pp. 128–129; Brightsmith 2016, in litt., p. 12). Generally, national parks on the Pacific slope experience less deforestation on surrounding lands than those on the Atlantic slope, which is attributed to the intensification and expansion of agricultural cash crops such as banana and pineapple (Sanchez-Azofeifa et al., 1999, 2001, cited in Sanchez-Azofeifa et al. 2003, p. 129).

Overall, the northern DPS's habitat and population size have been reduced from historical levels in Costa Rica. Even though some deforestation is ongoing, Costa Rica has experienced a positive change in forest cover over a 25-year period, from 1990 to 2015. Deforestation or forest degradation in the current range of the scarlet macaw is not occurring at a level that is causing any further decline of the northern DPS in Costa Rica.

Historically, northern DPS scarlet macaws in Costa Rica experienced heavy collection pressure, but there are ongoing efforts to reduce the magnitude of collection. Collection is important in many communities for both subsistence and monetary gain; the incentives to poach are great for low-income communities surrounding a park (Huson 2010, p. 66). Intense management efforts in the mid-1990s that included anti-poaching efforts increased recruitment into the population. However, the anti-poaching efforts and the associated increase in population size was not sustained over the long term (Vaughan et al. 2005, p. 127). A significant effort to control poaching in the Carara area is ongoing because poaching continues to be a serious problem (Vaughan 2005, pers. comm., in McReynolds 2016, in litt., unpaginated).

In 2005, the ACOPAC population of scarlet macaws was believed to be self-

sustaining, even with heavy poaching pressure (Vaughan et al. 2005, p. 128). We have no information that suggests a change in this conclusion since 2005. In the ACOSA, approximately half (48 percent) of residents interviewed believed that scarlet macaws were still being poached, although 85 percent of the interviewees believed numbers of scarlet macaws were increasing and 43 percent of the interviewees mentioned less poaching occurs now than before (and none said poaching had increased (Dear et al. 2010, p. 13)). Overall, while collection is ongoing in the ACOSA and ACOPAC populations, the population of scarlet macaws is increasing despite the collection pressure.

Costa Rica's Wildlife Conservation Law and its amendments prohibit the hunting, collection, and extraction of all species, except in certain cases for subsistence by indigenous groups, scientific purposes, or species control (Costa Rica Embassy 2013, unpaginated; NOVA 2013, unpaginated; Tico Times 2017, unpaginated). Additionally, Costa Rica has protected its resources through an ambitious national parks and biological reserves system, but those parks and reserves are inadequately funded and insufficiently controlled (Government of Costa Rica 2010, p. 34). Poaching by local communities remains a concern; hunting within national park boundaries is illegal but difficult to enforce with limited funds and supervision (Huson 2010, p. 18; Government of Costa Rica 2010, p. 52). Officials in Carara National Park reported that they do not have enough staff to effectively control poaching (Huson 2010, p. 8).

Active reintroduction programs have added hundreds of scarlet macaws to the wild in the northern DPS in Costa Rica (Ara Project 2017, unpaginated; Brightsmith et al. 2005, p. 468; Dear et al. 2010, pp. 15–17; Forbes 2005, p. 97; Tiskita Jungle Lodge 2018, unpaginated). Most reintroduction projects also conduct environmental education at a local level and attract additional media attention to educate the public about the importance of scarlet macaws and their conservation (Brightsmith 2016, in litt., p. 22).

Success of reintroductions varies. On the Nicoya Peninsula in northwestern Costa Rica, scarlet macaws are currently released at Punta Islita, Playa Tambor, and Curú National Wildlife Refuge, which are all within 50 km of each other. These three release sites, though isolated, could help repopulate the Nicoya Peninsula (Brightsmith 2016, in litt., p. 15). Some released birds survived but have not produced chicks; we do not have information concerning

the status of most released birds at these locations (Brightsmith et al. 2005, p. 468). Within the South Pacific coast region, over 75 scarlet macaws have been released into the wild with close to 90 percent survival rate (Tiskita Jungle Lodge 2018, unpaginated). This reintroduction program was ceased once a large enough population was established to potentially connect with populations in the ACOSA farther north along the coast (Ara Project 2018, unpaginated; Tiskita Jungle Lodge 2018, unpaginated).

Releases of captive scarlet macaws could increase wild populations. Many captive-raised and confiscated birds are released adjacent to existing populations. Some released birds have found mates, food, and nesting resources in the wild. Conversely, releases of captive scarlet macaws could potentially pose a threat to wild populations by exposing wild birds to diseases for which wild populations have no resistance (Dear et al. 2010, p. 20; Schmidt 2013, pp. 74–75; also see IUCN 2013, pp. 15–17). However, these risks are small as the frequency of disease occurrence is low (see *Factor C* discussion in 77 FR 40222 at 40237–40238, July 6, 2012).

The population of scarlet macaws in the northern DPS is estimated to range between 1,475–2,475 birds (see table 1, above). Information indicates that the ACOPAC and ACOSA populations in Costa Rica, which make up the bulk of the northern DPS of scarlet macaw, are at least stable and likely increasing. The population appears to be expanding into suitable habitat along the Pacific slope between the ACOPAC and ACOSA populations. With regular sightings of scarlet macaws between the two populations, the scarlet macaw is now found from the Osa Peninsula (ACOSA population) to Carara National Park (ACOPAC population) (Brightsmith 2016, in litt., p. 13). While poaching, deforestation, small population size, and inadequate enforcement of existing protections continue to affect the species, because the population is increasing and expanding in its range between the two populations, we determine that the Costa Rica portion of scarlet macaw is not in danger of extinction. As a result of our finding that the northern DPS is not in danger of extinction throughout this portion of the range, we do not need to determine whether this portion of the range is “significant.” Therefore, this portion of the species’ range does not provide a basis for determining that the species is in danger of extinction throughout a significant portion of its range.

Analysis of the Mainland Panama Portion

The best scientific and commercial data available on distribution and abundance indicates that there are very few scarlet macaws in the northern DPS on mainland Panama. The current population on mainland Panama is estimated to be fewer than 25 birds that occur in two areas, in northwest Panama in the upper Río Corotú near Puerto Armuelles and Querévalo in the Chiriquí province, and on the southern end of the Azuero Peninsula of Veraguas, near Cerro Hoya National Park, Tonosi Forest Reserve, and farther to the east. In the area of the upper Río Corotú near Puerto Armuelles and Querévalo in Chiriquí province, there have been sporadic sightings of scarlet macaws. However, it is uncertain if the birds in northwest Panama are a wild population or birds dispersing south from a reintroduction program at Tiskita, Costa Rica, that have successfully established in the area because of the program. Deforestation in Panama is relatively low for the Mesoamerica region; the annual decrease during 1990–2015 was 169 square kilometers (km²) (or 0.4 percent) (FAO 2015, p. 12). Drivers of deforestation include urbanization, cattle ranching, agro-industrial development, unregulated shifting cultivation, open mining, poor logging practices, charcoal-making, and fire (International Tropical Timber Organization (ITTO) 2005, in Blaser et al. 2011, p. 354). Deforestation in the country currently occurs primarily in the Darién, Colon, Ngabe Bugle, and Bocas del Toro provinces (Blaser et al. 2011, p. 354), which are outside the scarlet macaw’s range in Panama. However, illegal logging is widespread in humid forests throughout Panama, even in protected areas (Blaser et al. 2011, p. 361). We are unaware of information indicating that deforestation and forest degradation are impacting scarlet macaws in northwest Panama. We are also unaware of information indicating that deforestation is occurring near the small but unknown number of scarlet macaws on the southern end of the Azuero Peninsula of Veraguas, near Cerro Hoya National Park and in the forest reserves just to the east. Less than 15 percent of the peninsula is covered by mature forest, but most of the remaining forest can be found in Cerro Hoya National Park and the Tronosa Forest Reserve to the east (Miller et al. 2015, p. 1).

Little information is available on collection of scarlet macaws in Panama, although it was historically a factor

leading to the extremely low population size of the species in the country (McReynolds 2016, in litt. unpaginated). Cerro Hoya National Park is located on the southern tip of the Azuero Peninsula within Panama’s most impoverished province (Veraguas) and the Los Santos province. Collection of wildlife (including scarlet macaws) is a threat in this area because locals use unoccupied lands for logging and to collect wildlife for sustenance and income. Poaching of wildlife is common in rural areas (Government of Panama 2005, p. 36; Parker et al. 2004, p. II–6). Therefore, it is reasonable to conclude that some level of poaching of scarlet macaws likely occurs in the country, although at what level is unknown. Because the species is vulnerable to overexploitation based on their life-history traits, poaching individuals from such a small population would impact the population’s viability. Moreover, despite a program to use captive scarlet macaw feathers to reduce hunting of wild birds for their feathers, hunting still occurs, and collection of chicks for pets remains a concern at Cerro Hoya National Park (Rodríguez and Hinojosa 2010, in McReynolds 2016, in litt., unpaginated).

The National Environment Authority is the primary government institution for forest and biodiversity conservation and management in Panama. To protect and regulate the use of wildlife, flora and fauna, the Panamanian Government has created numerous laws, including Wildlife Law 24 that establishes wildlife as part of the natural heritage of Panama and provides for protection, restoration, research, management, and development of the country’s genetic resources, including rare species; the General Law on the Environment (41), which establishes the basic principles and norms for the protection, conservation, and restoration of the environment and promotes the sustainable use of natural resources; and the National System of Protected Areas (Parker et al. 2004, p. III–2; Blaser et al. 2011, p. 355). However, the National Environment Authority has limited capacity and resources to ensure adherence to forest-related laws and regulations (Blaser et al. 2011, p. 361).

Overall, the scarlet macaw exists on mainland Panama in two areas with an extremely small overall population size (less than 25 birds). Deforestation is a threat to forests in Panama, but primarily occurs outside of the scarlet macaw’s range. Illegal and small-scale subsistence logging is ongoing with little oversight and causes forest degradation. However, we are unaware of deforestation affecting the northern

DPS on mainland Panama. Poaching was not identified as a main threat to biodiversity in Cerro Hoya National Park (Parker et al. 2004, Annex G, unpaginated), but poaching is common in rural areas and collection of scarlet macaws within the park and in rural areas is likely ongoing. The scarlet macaw's life history traits limit the species' ability to recover, particularly if individuals are removed from the wild year after year. Given the extremely small population of macaws in Panama, the loss of even a few individuals in the wild represents an ongoing threat to the species' viability in Panama. Therefore, we conclude that the northern DPS is in danger of extinction in the Panama portion.

Because we concluded that the northern DPS is in danger of extinction in the Panama portion, we next proceed to evaluating whether this portion of the range is significant. As discussed above, two district courts vacated the definition of "significant" contained in the 2014 SPR policy. Therefore, for the purposes of this revised analysis, when considering whether this portion is "significant," we considered factors such as whether the portion may (1) occur in a unique habitat or ecoregion for the species relative to the rest of the habitat in the range, (2) contain high quality or high value habitat relative to the remaining portions of the range or (3) contains a large geographic portion of the suitable habitat relative to the remaining portions of the range for the species.

New Information—Range Analysis

To determine whether a portion of the range may represent a large percentage of the range, we first map the current range. We received additional information during the public comment period that we used to revise the northern DPS range. The submitted "range analysis" (provided as an attachment) used multiple sources to map forested areas below 500 m and below 1,500 m within Costa Rica, Panama, and Colombia, including: (1) the International Union for Conservation of Nature (IUCN) range, (2) IUCN range with convex hulls of eBird point observations (hereafter "eBird observations"), and (3) potential range polygons (hereafter "potential range") that include all lowland forests adjacent or accessible to the northern DPS population. The submitted "range analysis" removed areas with less than or equal to 75 percent tree cover that had not experienced forest loss since 2000, retained areas with tree height greater than or equal to 10 meters, and excluded areas in oil palm cultivation as

of 2019. The "range analysis" includes quantification of forest area and non-forest area up to 500 m and up to 1,500 m.

After considering and evaluating the three recommendations provided, we have determined that the IUCN range represents the best scientific and commercial data available for the northern DPS.

The IUCN estimates the range of scarlet macaw on mainland Panama is approximately 1,583 km². This estimate represents the taxon's current and historical distribution based on expert assessment of the available data (IUCN 2018, p. 4). The best scientific and commercial data available indicate that the species occurs on the southern end of the Azuero Peninsula of Veraguas, near Cerro Hoya National Park, Tonosi Forest Reserve, and farther to the east. This area is similar to the range of eBird observations. We assume the eBird observations are accurate and are true reflections of species' observations, as eBird is managed by the Cornell Lab of Ornithology and documents bird distribution, abundance, habitat use, and trends through checklist data collected within a simple, scientific framework (Sullivan et al. 2009, unpaginated). However, the "range analysis" including eBird observations is based on a convex hull and more than doubles the size of the IUCN range. Convex hulls have known biases in overestimating range (Burgman and Fox 2003, p. 22), and the "range analysis" does not include the raw data of the eBird observations, limiting our ability to assess the impact of this bias on the range estimate. The "potential range" presented in the "range analysis" includes all lowland forests adjacent or accessible to the northern DPS population, including areas where there is a lack of data on the presence of scarlet macaws in the northern DPS. However, the presence of forested land does not necessarily equate to suitable habitat for the scarlet macaw. Given the northern DPS includes populations of scarlet macaw in each country that are clearly separated from each other with no known connectivity, the potential range likely overestimates the range by assuming forested areas adjacent to known populations of the northern DPS serve as habitat for the species, despite the lack of data to support presence within those areas. Thus, we conclude the IUCN range represents the best data available on the scarlet macaw's range in Panama.

The northern DPS contains similar ecosystems across its range—lowland tropical habitats bounded by highlands or the Pacific Ocean. Scarlet macaws are

dependent on larger, older trees that have large nesting cavities, forage primarily in the forest canopy, and are relatively general in their feeding habits. The best scientific and commercial data available do not indicate that forests where scarlet macaws occur in mainland Panama are of higher quality or provide high value relative to the remaining portions of the range in the northern DPS. The Panama portion of the range accounts for a very small (only 2 percent) proportion of the current estimated range of the northern DPS. Finally, the total population of scarlet macaws on mainland Panama (approximately 25 birds) represents only about 1 percent of the total population of the northern DPS and best scientific and commercial data available do not indicate that the Panama portion has ever contained a large percentage of the rangewide population.

In summary, the Panama portion does not provide any unique habitat or ecoregion for the species relative to the rest of the habitat in the range. This portion does not contain high-quality or high-value habitat relative to the remaining portions of the range, nor does this portion contain a large geographic portion of the suitable habitat relative to the remaining portions of the range for the species. In addition, there were no other factors that would suggest that the portion is a significant portion of the northern DPS's range. Therefore, while the northern DPS of scarlet macaw is in danger of extinction within the Panama portion, that portion is not a significant portion of the northern DPS' range.

Analysis of the Colombia Portion

Scarlet macaws historically occurred in northwest Colombia in the tropical zone of the Caribbean region, and the inter-Andean valleys, the largest of which are the Magdalena and Cauca River valleys (Salaman et al. 2009, p. 21; Hilty and Brown 1986, p. 200; Forshaw 1989, p. 407). The species was reported to inhabit moist tropical ecosystems along the mid- to lower-Magdalena River Valley, bounded by the Central and Oriental Cordilleras of the Northern Andes Mountains (Hilty and Brown 1986, p. 200). However, northern DPS scarlet macaws have been reported as probably close to extinction in the Magdalena and Cauca River valleys, and areas north (Donegan 2013, in litt.; Ellery 2013, in litt.; McMullen 2010, p. 60). Scarlet macaws may occur in very low numbers in the more remote and inaccessible parts of the region, but their status there is not clear. We are unaware of any other detailed information on the

numbers, distribution, or status of the scarlet macaw in northwest Colombia.

The primary factors affecting the northern DPS of scarlet macaws in northwest Colombia are habitat loss, and to a lesser extent collection (Donegan 2013, in litt., unpaginated). Colombia has lost forest at an increasing rate (FAO 2020, p. 137; Ortega and Lagos 2011, p. 82; Salaman et al. 2009, p. 21; Colombia Gold Letter 2012, pp. 1–2; Restrepo et al. 2015, pp. 18–26; Restrepo and Escobar 2018, pp. 85–87) due primarily to conversion of land to pasture and agriculture, mining, illicit crops, logging, and palm oil agribusiness (Ortega and Lagos 2011, pp. 85–86; Salgado et al. 2022, p. 453). Agriculture is the major driver of forest loss. However, the drivers of deforestation do not operate at the same magnitude in all regions of Colombia (Arias Gaviria et al. 2021, p. 90).

The percentage of forest cover in the Magdalena basin is estimated to have declined by more than 40 percent, from 66 percent cover in 1980 to 22 percent in 2000, with an annual deforestation rate of 274,000 hectares per year (Restrepo et al. 2015, p. 15). In the central and lower basins of the Magdalena River, 30 percent of lowland forests were cut down by the year 2000 (Salgado et al. 2022, p. 458). The Magdalena and Caribbean regions had approximately only 7 percent and 23 percent (respectively) of their land area in original vegetation, with the remainder converted primarily to grazing land (79 percent and 68 percent, respectively) (Etter et al. 2006, p. 376). Within the Caribbean region, protected areas and sanctuaries have lost up to 70 percent of forest cover since they were created in the late 1970s and early 1980s (Miller et al. 2004, p. 454). This loss of forest in the Magdalena basin demonstrates that deforestation is ongoing in northwest Colombia with few large tracts of forest remaining.

The threat of habitat loss is higher in Colombia compared to the other parts of the range within the northern DPS. With limited information on population size or trends, we assume collection for the pet trade occurs throughout the range of the northern DPS and is not geographically concentrated in Colombia or occurring at a different scale from any other portion in the northern DPS. The best scientific and commercial data available suggest that the scarlet macaw's population in northwest Colombia is small and has been significantly reduced from its historical range. Viability of the presumed small population is likely low, exacerbated by ongoing threats of habitat loss and collection in light of the

species' life-history traits that limit the rate of recovery from loss of wild populations. Therefore, we conclude that the northern DPS is in danger of extinction in the Colombia portion.

Because we concluded that the northern DPS is in danger of extinction in the Colombia portion, we next proceed to evaluating whether this portion of the range is significant. Similar to the Panama portion, for the purposes of this analysis, when considering whether this portion is "significant" we considered factors such as whether the portion may (1) occur in a unique habitat or ecoregion for the species relative to the rest of the habitat in the range, (2) contain high quality or high value habitat relative to the remaining portions of the range, or (3) contains a large geographic portion of the suitable habitat relative to the remaining portions of the range for the species.

For similar reasons articulated for the delineation of the Panama range, we determined the IUCN range is based on the best scientific and commercial data available and represents the most accurate and reliable assessment of the scarlet macaw's range in Colombia. This species occurs in the mid- to lower-Magdalena River Valley and Cauca River Valley in tropical ecosystems bounded by the Central and Oriental Cordilleras of the Northern Andes Mountains (Hilty and Brown 1986, p. 200; Forshaw 1989, p. 407). The IUCN estimates the range of the scarlet macaw in Colombia is approximately 133,450 km². This estimate represents an accurate depiction of the scarlet macaw's current and historical distribution in Colombia based on expert assessment of the available data (IUCN 2018, p. 4).

The scarlet macaw is known to occur up to 1,500 m in Costa Rica but at lower elevations in the remainder of its range, including up to 500 m in Colombia (Juniper and Parr 1998, p. 425). Therefore, we consider the range of scarlet macaw in Colombia to be limited to areas up to 500 m in elevation.

Strictly considering the IUCN range that was delineated in the "range analysis" as "forest area up to 500m," Colombia would account for approximately 75 percent of the total IUCN range of the northern DPS of scarlet macaw. However, simply containing a large percentage of the range does not automatically make a portion of the range "significant," nor does it account for the differences across the range.

The best scientific and commercial data available indicate that the range of scarlet macaws in Colombia is

consistent with the IUCN range; however, that range includes significant areas of non-forest habitat. The proportion of the IUCN range that is forest habitat in the Colombia portion, per data provided in the "range analysis," is 13.4 percent, which is significantly lower than the proportion of forest habitat in either Panama (33.1 percent) or Costa Rica (35.2 percent). Further, within the IUCN range in Colombia, only 33 percent of the range is forested and approximately 50 percent of the range is considered rangeland according to Sentinel-2 10-meter land use data (Esri Land Cover 2024). Based on the low proportion of habitat that is forested within the IUCN range as compared with the amount of forested habitat in other portions of the range, Colombia does not provide significant habitat in terms of quantity and quality. Limited scientific and commercial data are available regarding population size in Colombia. However, the scarlet macaw's population in northwest Colombia is likely small. We acknowledge recent population declines in this area as well as ongoing deforestation; however, there are no data available that indicate that the Colombia portion of the northern DPS historically supported a higher density of birds. Therefore, the best scientific and commercial data available suggest the Colombia population likely represents a minimal proportion of the total population of the northern DPS, and the best available information does not indicate that the Colombia portion has ever contained a large percentage of the rangewide population.

Additionally, the Colombia portion does not provide any unique habitat or ecoregion for the species relative to the rest of the habitat in the range or contain high quality or high value habitat relative to the rest of the range. The northern DPS contains similar ecosystems across its range—lowland tropical habitats bounded by highlands and/or the Pacific Ocean. Scarlet macaws are dependent on larger, older trees that have large nesting cavities, forage primarily in the forest canopy, and are relatively general in their feeding habits. The best available information does not indicate that forests where scarlet macaws occur in northwest Colombia are higher quality or provide high value relative to the remaining portions of the range in the northern DPS. No other factors suggest that the portion is a significant portion of the northern DPS' range. In summary, while we have determined that the northern DPS is in danger of extinction within the Colombia portion, the

portion is not a significant portion of the range of the northern DPS.

Analysis of the Panama and Colombia Portions Combined

Having determined that neither the Panama nor the Colombia portions are significant portions of the northern DPS's range, we considered whether the Panama and Colombia portions combined might be a significant portion of the range of the northern DPS' range where the species is endangered. The scarlet macaw in the northern DPS may be in danger of extinction in that combined portion because of ongoing threats of deforestation that removes the species' habitat for nesting and foraging, as well as collection for the pet trade. Viability of very small populations in Panama and Colombia is likely minimal, particularly because the species' life-history traits limit the rate of recovery from loss of wild populations. Therefore, we conclude that the scarlet macaw in the northern DPS is in danger of extinction in this portion.

Because we concluded that the northern DPS is in danger of extinction in this portion, we next proceed to evaluating whether this portion of the range is significant. As discussed above, for the purposes of this analysis, when considering whether this portion is "significant" we considered factors such as whether the portion may (1) occur in a unique habitat or ecoregion for the species relative to the rest of the habitat in the range, (2) contain high quality or high value habitat relative to the remaining portions of the range, or (3) contains a large geographic portion of the suitable habitat relative to the remaining portions of the range for the species.

Considering forested area up to 500 m within the IUCN range that was delineated in the "range analysis," Colombia and Panama contain a large portion of the range, accounting for approximately 77 percent of the total IUCN range of the northern DPS of scarlet macaw. However, simply containing a large percentage of the range does not automatically make a portion of the range "significant." Additionally, this portion does not provide any unique habitat or ecoregion for the species relative to the rest of the habitat in the range, contain high quality or high value habitat relative to the rest of the range, and no other factors suggest that the portion is a significant portion of the northern DPS' range.

The best scientific and commercial data suggest the population in the Panama and Colombia portion is small and likely represents a minimal

proportion of the total population of the northern DPS and has always been a smaller percentage of the rangewide population compared to Costa Rica. In summary, while the northern DPS is in danger of extinction within the Colombia and Panama portion, this portion is not a significant portion of the northern DPS' range.

The analyses of the Panama portion, Colombia portion, and the portion that combines Panama and Colombia together, does not conflict with the courts' holdings in *Desert Survivors v. U.S. Department of the Interior* and *Center for Biological Diversity v. Jewell*, because, in reaching this conclusion, we did not apply the aspects of the 2014 policy, including the definition of "significant," that those court decisions held to be invalid.

Conclusion

In compliance with the U.S. District Court for the District of Columbia's July 2024 opinion, we have reconducted our analysis of the "significant portion of the range" after soliciting and considering public comments on the relevant, substantive issues.

In this analysis of the northern DPS, we assessed four portions within the DPS: the Pacific slope of Costa Rica, mainland Panama, and Colombia west of the Andes, and Panama and Colombia combined. We concluded that none of the portions in the northern DPS are portions where the northern DPS of scarlet macaw is both in danger of extinction and the portion is "significant." The northern DPS is not in danger of extinction throughout the Costa Rica portion; therefore, we did not need to address whether the portion is "significant." The northern DPS may be in danger of extinction throughout either the Panama or Colombia portions; however, neither of these portions of the range are "significant." Similarly, we concluded the northern DPS may be in danger of extinction throughout the combined Panama and Colombia portion; however, this portion of the range is also not "significant." Having completed the "significant portion of its range" analysis for the northern DPS and determined that the northern DPS is not in danger of extinction throughout a significant portion of its range, we are not revising the current status of the northern DPS. Therefore, we affirm the listing of the scarlet macaw as set forth in the 2019 final rule.

Authority

This document is published under the authority of the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.*).

Signing Authority

Paul Souza, Regional Director, Region 8, Exercising the Delegated Authority of the Director of the U.S. Fish and Wildlife Service, approved this action on May 21, 2025, for publication. On May 27, 2025, Paul Souza authorized the undersigned to sign the document electronically and submit it to the Office of the Federal Register for publication as an official document of the U.S. Fish and Wildlife Service.

Madonna Baucum,

Regulations and Policy Chief, Division of Policy, Economics, Risk Management, and Analytics of the Joint Administrative Operations, U.S. Fish and Wildlife Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 220919–0193; RTID 0648–XE934]

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Angling Category Retention Limit Adjustment

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

ACTION: Temporary rule; retention limit adjustment.

SUMMARY: NMFS has determined, based on consideration of the regulatory determination criteria regarding inseason adjustments, that the Atlantic bluefin tuna (BFT) daily retention limit that applies to Highly Migratory Species (HMS) Angling and HMS Charter/Headboat permitted vessels (when fishing recreationally for BFT) should be adjusted for the remainder of 2025, or until further modified. NMFS is adjusting the Angling category BFT daily retention limit from the default of one school, large school, or small medium BFT to: one school BFT and zero large school/small medium BFT per vessel per day/trip for private vessels with HMS Angling permits; two school BFT and zero large school/small medium BFT per vessel per day/trip for charter boat vessels with HMS Charter/Headboat permits when fishing recreationally for BFT; and two school BFT and zero large school/small medium BFT per vessel per day/trip for headboat vessels with HMS Charter/

Headboat permits when fishing recreationally for BFT. These retention limits are effective in all areas, except for the Gulf of America, where targeted fishing for BFT is prohibited.

DATES: Effective June 3, 2025 through December 31, 2025 or until NMFS via a notice in the **Federal Register** announces another adjustment to the retention limit.

FOR FURTHER INFORMATION CONTACT: Larry Redd, Jr., larry.redd@noaa.gov, or Ann Williamson, ann.williamson@noaa.gov, by email or by phone at 301–427–8503.

SUPPLEMENTARY INFORMATION: Atlantic BFT fisheries are managed under the 2006 Consolidated Highly Migratory Species Fishery Management Plan (HMS FMP) and its amendments, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) and consistent with the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*). ATCA is the implementing statute for binding recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT).

The HMS FMP and its amendments are implemented by regulations are at 50 CFR part 635. Section 635.27(a) divides the U.S. BFT quota, established by ICCAT and as implemented by the United States among the various domestic fishing categories, per the allocations established in the HMS FMP and its amendments. NMFS is required under the Magnuson-Stevens Act at 16 U.S.C. 1854(g)(1)(D) to provide U.S. fishing vessels with a reasonable opportunity to harvest quotas under relevant international fishery agreements such as the ICCAT Convention, which is implemented domestically pursuant to ATCA.

On January 20, 2025, President Trump issued Executive Order (E.O.) 14172 (Restoring Names that Honor American Greatness). As part of the order, the Gulf of Mexico is renamed as the Gulf of America. Consistent with the order, this action uses Gulf of America for all references to the area known as the Gulf of Mexico in the specific regulations at 50 CFR part 635.

As described in § 635.27(a), the current baseline U.S. BFT quota is

1,316.14 metric tons (mt) (not including the 25-mt ICCAT allocated to the United States to account for bycatch of BFT in pelagic longline fisheries in the Northeast Distant Gear Restricted Area). The Angling category baseline quota is 297.4 mt. This baseline quota is further subdivided into subquotas by size class (see table 1) as follows: 134.1 mt for school BFT, 154.1 mt for large school/small medium BFT, and 9.2 mt for large medium/giant BFT. Large school and small medium BFT traditionally have been managed as one size class, *i.e.*, a limit of one large school/small medium BFT (measuring 47 to less than 73 inches (119 to less than 150 cm)). Similarly, large medium and giant BFT traditionally have been managed as one size class that is also known as the “trophy” class. Currently, the default Angling category daily retention limit of one school, large school, or small medium BFT is in effect and applies to HMS Angling and HMS Charter/Headboat permitted vessels (when fishing recreationally for BFT) (§ 635.23(b)(2)).

TABLE 1—BFT SIZE CLASSES

Size class	Curved fork length
School	27 to less than 47 inches (68.5 to less than 119 cm).
Large school	47 to less than 59 inches (119 to less than 150 cm).
Small medium	59 to less than 73 inches (150 to less than 185 cm).
Large medium	73 to less than 81 inches (185 to less than 206 cm).
Giant	81 inches or greater (206 cm or greater).

Adjustment of Angling Category Daily Retention Limit

Under § 635.23(b)(3), NMFS may increase or decrease the Angling category daily retention limit for any size class of BFT after considering the regulatory determination criteria under § 635.27(a)(7). Also under § 635.23(b)(3), recreational retention limits may be adjusted separately for specific vessel type, such as private vessels, charter boats, or headboats.

NMFS has considered all of the relevant determination criteria and their applicability to the change in the Angling category retention limit. After considering these criteria, NMFS has decided to adjust the Angling category retention limit as follows:

(1) For private vessels with HMS Angling permits, this action adjusts the limit to one school BFT and zero large school/small medium BFT per vessel per day/trip (*i.e.*, one BFT measuring 27 to less than 47 inches (68.5 to less than 119 cm) and zero BFT measuring 47 to

less than 73 inches (119 to less than 185 cm)).

(2) For charter boat vessels with HMS Charter/Headboat permits, this action adjusts the limit to two school BFT and zero large school/small medium BFT per vessel per day/trip when fishing recreationally for BFT (*i.e.*, two BFT measuring 27 to less than 47 inches (68.5 to less than 119 cm) and zero BFT measuring 47 to less than 73 inches (119 to less than 185 cm)).

(3) For headboat vessels with HMS Charter/Headboat permits, this action adjusts the limit to two school BFT and zero large school/small medium BFT per vessel per day/trip when fishing recreationally for BFT (*i.e.*, two BFT measuring 27 to less than 47 inches (68.5 to less than 119 cm) and zero BFT measuring 47 to less than 73 inches (119 to less than 185 cm)).

Regardless of the duration of a fishing trip, no more than a single day's retention limit may be possessed or retained at the end of the trip upon landing. For example, whether a private vessel (fishing under the Angling

category retention limit) takes a two-day trip or makes two trips in one day, the day/trip retention limit of one school BFT and zero large school/small medium BFT applies and may not be exceeded upon landing.

Consideration of the Determination Criteria

As described above, under § 635.23(b)(3), NMFS may increase or decrease the retention limit for any size class of BFT, or change a vessel trip limit to an angler trip limit and vice versa after considering the regulatory determination criteria under § 635.27(a)(7). These considerations include, but are not limited to, the following:

Regarding the usefulness of information obtained from catches in the particular category for biological sampling and monitoring of the status of the stock (§ 635.27(a)(7)(i)), biological samples collected from BFT landed by recreational fishermen continue to provide NMFS with valuable parts and data for ongoing scientific studies of

BFT age and growth, migration, and reproductive status. Additional opportunity to land BFT in the Angling category would support the continued collection of a broad range of data for these studies and for stock monitoring purposes.

NMFS also considered the catches of the Angling category quota to date and the likelihood of closure of that segment of the fishery if no adjustment is made (§ 635.27(a)(7)(ii)). In addition to Angling category landings to date in 2025, NMFS considered Angling category landings in 2024, which totaled 452.7 mt, exceeding the 297.4 mt annual Angling category quota by 52 percent. School and large school/small medium BFT landings totaled 152.6 mt and 281.6 mt, exceeding the school and large school/small medium BFT subquotas by 14 percent and 83 percent, respectively. NMFS notes that the daily retention limits for private, charter boat, and headboat vessels in 2024 were higher than the daily retention limits established in this action. Given fishery performance in recent years and the high availability of BFT on fishing grounds, it is very likely that under the default daily retention limits, which allows fishermen to land heavier-weight large school/small medium BFT the recreational fishery could reach the available 2025 Angling category quota and subquotas relatively early in the season resulting in a premature closure of the recreational BFT fisheries. As such, NMFS believes adjusting the daily retention limits to the levels established in this action, which limits landings to lower-weight school sized BFT, would assist in extending the time it takes to harvest the Angling category quota and subquotas. Should recreational landings be higher or lower than expected, NMFS could take another action later in the year to further adjust the daily retention limit or close all or part of the fishery.

NMFS also considered the effects of the adjustment on the BFT stock and the effects of the adjustment on accomplishing the objectives of the HMS FMP (§ 635.27(a)(7)(v) and (vi)). Adjusting the retention limits would be consistent with established quotas and subquotas, which are implemented consistent with ICCAT Recommendation 22–10, ATCA, and the objectives of the HMS FMP and amendments. In establishing these quotas and subquotas and associated management measures, ICCAT and NMFS considered the best scientific information available, objectives for stock management and status, and effects on the stock. Making these adjustments is in line with the established management measures and

stock status determinations. It is also important that NMFS limit landings to the subquotas both to adhere to the subquota allocations and to ensure that landings are as consistent as possible with the pattern of fishing mortality (e.g., fish caught at each age) that was assumed in the latest stock assessment. These retention limit adjustments are consistent with those objectives.

Another principal consideration in setting the retention limit is the objective of providing opportunities to harvest the available Angling category quota without exceeding the annual quota. This consideration is based on the objectives of the HMS FMP and its amendments, and includes achieving optimum yield on a continuing basis and optimizing the ability of all permit categories to harvest available BFT quota allocations (related to § 635.27(a)(7)(x)).

In implementing this retention limit adjustment, NMFS considered that ICCAT recommendations and HMS implementing regulations limit the allowance for landings of school BFT to 10 percent of the U.S. baseline quota (i.e., 134.1 mt, *see* § 635.27(a)(2)), as well as input on recreational limits from the HMS Advisory Panel in 2024 and most recently at its May 2025 meeting. The 2024 school BFT landings represented approximately 11.4 percent of the U.S. baseline annual quota for 2024, slightly exceeding the ICCAT established 10-percent limit. In contrast to previous years, NMFS is currently not setting higher school BFT retention limits than those established in this action due to the potential risk of exceeding the ICCAT tolerance limit on school BFT, as well as for other considerations such as potential effort shifts to BFT fishing as a result of current recreational retention limits for New England groundfish and striped bass and high variability in BFT availability (related to § 635.27(a)(7)(vii)).

Furthermore, as mentioned above, the large school/small medium quota for 2024 was exceeded. NMFS examined the results of the 2024 fishing year under the applicable daily retention limits, as well as the observed trend in the recreational fishery toward heavier fish, particularly in the large school and small medium size classes. NMFS believes it reasonable to assume that the large school/small medium subquota would be exceeded quickly under the default daily retention limit, particularly due to the high availability of large school/small medium BFT (related to § 635.27(a)(7)(ix)). Thus, NMFS believes prohibiting the retention of large school/small medium BFT is

appropriate at this time. If needed, NMFS could take another action later in the year to increase the large school/small medium BFT retention limits. NMFS notes that HMS Angling and HMS Charter/Headboat permitted vessels (when fishing recreationally for BFT) may continue to catch and release (or tag and release) large school/small medium BFT.

Lastly, NMFS has also concluded that implementation of separate limits for private and charter/headboat vessels is appropriate, recognizing the different nature, social and economic needs, and recent landings results of these components of the recreational BFT fishery. For example, charter operators historically have indicated that a retention limit greater than the default limit of one fish is vital to their ability to attract customers. In addition, Large Pelagics Survey estimates indicate that charter/headboat BFT landings averaged 26 percent of recent Angling category landings for 2024, with the remaining 74 percent landed by private vessels. In past years, NMFS has acknowledged that a higher limit for headboats (than charter boats) was appropriate, given the limited number of headboats participating in the BFT fishery. However, given that the Angling category quota and subquotas in 2024 were exceeded and there is potential risk to exceeding the 2025 Angling category quota and subquotas, NMFS believes setting the same charter and headboat daily retention limit is appropriate at this time.

Given these considerations, NMFS has determined that the Angling category daily retention limits applicable to HMS Angling and HMS Charter/Headboat permitted vessels should be adjusted from the default levels. The retention limits established through this action are intended to provide a reasonable opportunity to harvest the available Angling category quota and subquotas, without exceeding them, while maintaining equitable fishing opportunities. NMFS acknowledges that the BFT daily retention limits in this action may result in landings during 2025 that could reach or exceed the annual Angling category quota and subquotas. However, lower retention limits could result in substantial social and economic impacts for the recreational BFT fishery. Furthermore, if effort is lower than previous years or if catch rates are not as high as anticipated, maintaining the default retention limit could result in an underharvest of the Angling category quota and subquotas. As described earlier, if needed and appropriate, NMFS could take another action(s) later

in the year to increase or decrease the retention limits or close the fishery. Although NMFS has not closed the recreational fishery prior to the end of the fishing year in recent years (*i.e.*, the fishery has remained open through December), the possibility of NMFS needing to close the fishery earlier in the fishing year (*e.g.*, in the summer or fall) is more likely this year.

Monitoring and Reporting

NMFS will continue to monitor the BFT fishery closely. HMS Angling and HMS Charter/Headboat permitted vessel owners are required to report the catch of all BFT retained or discarded dead, within 24 hours of the landing(s) or the end of each trip, by accessing <https://hmspermits.noaa.gov> or by using the HMS Catch Reporting app, or calling (888) 872-8862 (Monday through Friday from 8 a.m. until 4:30 p.m. Eastern Time).

Depending on the level of fishing effort and catch rates of BFT, NMFS may determine that additional retention limit adjustments or closures are necessary to ensure available quota is not exceeded or to enhance scientific data collection from, and fishing opportunities in, all geographic areas. If needed, subsequent adjustments will be published in the **Federal Register**. In addition, fishermen may access <https://hmspermits.noaa.gov>, for updates on quota monitoring and inseason adjustments.

HMS Angling and HMS Charter/Headboat permit holders may catch and release (or tag and release) BFT of all sizes, subject to the requirements of the catch-and-release and tag-and-release programs at § 635.26. All BFT that are released must be handled in a manner that will maximize their survival, and without removing the fish from the water, consistent with requirements at § 635.21(a)(1). For additional information on safe handling, see the "Careful Catch and Release" brochure available at <https://www.fisheries.noaa.gov/resource/outreach-and-education/careful-catch-and-release-brochure>.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act (16 U.S.C. 1855(d)) and regulations at 50 CFR part 635 and this action is exempt from review under Executive Order 12866.

The Assistant Administrator for NMFS (AA) finds that pursuant to 5 U.S.C. 533(b)(B), there is good cause to waive prior notice of, and an opportunity for public comment on, this action because it is impracticable and

contrary to the public interest for the following reasons. Specifically, the regulations implementing the HMS FMP and its amendments provide for inseason retention limit adjustments to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. Providing for prior notice and opportunity to comment is impracticable and contrary to the public interest. Based on available quotas, fishery performance in recent years, and the availability of BFT on the fishing grounds, responsive adjustment of the daily retention limit is warranted to extend fishing opportunities later into the season. NMFS could not have proposed this action earlier, as it needed to consider and respond to complete 2024 recreational landings data. If NMFS was to offer a public comment period or delay in effective date now, after having appropriately considered that information, it would preclude the fishery from harvesting BFT that are legally available consistent with all of the regulatory criteria, and/or could result in selection of a retention limit inappropriately high or low for the amount of quota available for the period. Fisheries under the default Angling category daily retention limit are currently underway and thus prior notice would be contrary to the public interest. Delays in this action would adversely affect those HMS Charter/Headboat permitted vessels that would otherwise have an opportunity to harvest more than the default retention limit of one school BFT per day/trip. Analysis of available data shows that adjustment to the BFT daily retention limit from the default level would result in minimal risk of exceeding the ICCAT-allocated quota. NMFS provides notification of retention limit adjustments by publishing the notice in the **Federal Register**, emailing individuals who have subscribed to the Atlantic HMS News electronic newsletter, and updating the information posted on the Atlantic Tunas Information Line and on <https://hmspermits.noaa.gov>. Taking this action does not raise conservation and management concerns, and would support effective management of the BFT fishery. NMFS notes that the public had an opportunity to comment on the underlying rulemakings that established the U.S. BFT quota and the inseason adjustment criteria.

For all of the above reasons, the AA also finds that pursuant to 5 U.S.C. 553(d), there is good cause to waive the 30-day delay in effectiveness.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: May 28, 2025.

Kelly Denit,

*Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.*

[FR Doc. 2025-09985 Filed 5-29-25; 4:15 pm]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 250424-0072]

RIN 0648-BN64

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Fishing Year 2025 Measures; Correction

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

ACTION: Temporary rule; correction.

SUMMARY: This document contains a correction to the preamble to a temporary rule for emergency measures under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) for the Northeast Multispecies Fishery Management Plan (FMP), which published on May 2, 2025. Specifically, NMFS is correcting two items in the preamble of the temporary rule: The possession limit for Gulf of Maine cod in table 13 of the temporary rule; and the value for the fishing year 2025 U.S. acceptable biological catch (ABC) for Georges Bank haddock that was projected in Framework Adjustment 66. **DATES:** Effective May 1, 2025, through October 28, 2025.

FOR FURTHER INFORMATION CONTACT: Mark Grant, Fishery Policy Analyst, phone: 978-281-9145; email: Mark.Grant@noaa.gov.

SUPPLEMENTARY INFORMATION: On May 2, 2025, NMFS published a temporary rule (90 FR 18804) implementing emergency measures to revise portions of the fishing year 2025 provisions in the Northeast Multispecies FMP to put in place necessary specifications and other measures at the beginning of fishing year 2025. The temporary rule is intended to mitigate economic harm to the Northeast multispecies fishery participants by establishing fish stock quotas and related measures that allow

the fishery to operate while preventing overfishing. Comments on the temporary rule must be received by June 2, 2025. The temporary rule establishes annual catch limits and total allowable catches, and approves Northeast multispecies sector operations plans and sector allocations that allow the fishery to operate during the 2025 fishing year that began on May 1, 2025. The temporary rule contained two errors in the preamble: The value for the fishing year 2025 U.S. acceptable biological catch (ABC) for Georges Bank haddock that was projected in Framework Adjustment 66 (89 FR 35755, May 2, 2024); and the possession limit for Gulf of Maine cod in table 13.

The temporary rule incorrectly listed the fishing year 2024 U.S. ABC amount of 7,058 mt as the projected Georges Bank haddock U.S. ABC for fishing year 2025 published in Framework Adjustment 66. The correct projected Georges Bank haddock U.S. ABC for fishing year 2025 in Framework Adjustment 66 was 5,382 mt. The new 2025 U.S. ABC recommended by the New England Fishery Management Council in Framework Adjustment 69 (1,556 mt) is 71 percent lower than the U.S. ABC previously projected for 2025 (1,556 mt vs. 5,382 mt). The U.S. ABC for 2025 projected in Framework Adjustment 66 (5,382 mt) is 33 percent less than the overfishing limit (8,034 mt)

identified in the 2024 assessment. The Canadian share of the 2025 total ABC is 5,854 mt, based on the U.S./Canada process described in the temporary rule. Therefore, in combination with projected Canadian catch, maintaining the U.S. ABC projected by Framework Adjustment 66 for fishing year 2025 could allow overfishing and the temporary rule correctly set a lower U.S. ABC for fishing year 2025.

Table 13 in the temporary rule incorrectly listed the daily and trip possession limit of Gulf of Maine cod as 0 lb (0 kg) and stated that possession of Gulf of Maine cod is prohibited for commercial vessels fishing in the common pool in FISHING YEAR 2025. This was a typographical error. The preamble explained, and table 13 correctly indicated, that possession of Georges Bank cod is prohibited. Possession of Gulf of Maine cod is allowed under the temporary rule. Limited access day-at-sea (DAS) vessels may possess up to 25 lb (11 kg) per DAS, and up to 50 lb (23 kg) per trip. All other commercial vessels fishing in the common pool may possess up to 25 lb (11 kg) per trip.

This document changes the value of the fishing year 2025 U.S. ABC for Georges Bank haddock to the amount that was projected in Framework Adjustment 66 and adjusts the Gulf of Maine cod possession limit in table 13 to the correct amounts.

Correction

In FR Rule Doc. 2025–07635, appearing on page 18804 in the **Federal Register** of Friday, May 2, 2025, the following corrections to the preamble are made:

1. On page 18807, in the second column, the current second paragraph under table 1 states, “However, a new stock assessment completed in 2024 resulted in the Council recommending a new 2025 U.S. ABC in Framework Adjustment 69 that is 78 percent lower than the U.S. ABC previously projected for 2025 (1,556 mt vs. 7,058 mt). The U.S. ABC for 2025 projected in Framework Adjustment 66 (7,058 mt) is only 12 percent less than the overfishing limit (8,034 mt) identified in the 2024 assessment.” This is corrected to read “However, a new stock assessment completed in 2024 resulted in the Council recommending a new 2025 U.S. ABC in Framework Adjustment 69 that is 71 percent lower than the U.S. ABC previously projected for 2025 (1,556 mt vs. 5,382 mt). The U.S. ABC for 2025 projected in Framework Adjustment 66 (5,382 mt) is 33 percent less than the overfishing limit (8,034 mt) identified in the 2024 assessment.”

2. On page 18815, in table 13, the entry “GOM cod” is corrected to read as follows:

TABLE 13—INTERIM 2025 COMMON POOL DAILY AND TRIP POSSESSION LIMITS

Stock	Proposed 2025 common pool daily and trip possession limits			
	DAS permits	Handgear A	Handgear B	Small vessel category
GOM Cod	25 lb (11 kg) per DAS, up to 50 lb (23 kg) per trip.		25 lb (11 kg) per trip.	

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

Dated: May 28, 2025.

Samuel D. Rauch III,

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

[FR Doc. 2025–09934 Filed 6–2–25; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[RTID 0648–XE531]

Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Amendment 23 to the Coastal Pelagic Species Fishery Management Plan

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

ACTION: Notification of agency decision.

SUMMARY: On May 30, 2025, the Regional Administrator of the West Coast Region, NMFS, with the

concurrence of the Assistant Administrator for Fisheries, approved Amendment 23 to the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP). Amendment 23 implements a revised rebuilding plan for the northern subpopulation of Pacific sardine in response to a court order.

DATES: The amendment was approved on May 29, 2025.

ADDRESSES: Copies of the CPS FMP as amended through Amendment 23 are available at the Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384, or at this URL: <https://www.pcouncil.org/coastal-pelagic-species/fishery-management-plan-and-amendments/>. The final Environmental Assessment (EA) prepared pursuant to the National Environmental Policy Act

(NEPA) for Amendment 23 is available on NMFS' website at <https://www.fisheries.noaa.gov/west-coast/laws-and-policies/west-coast-regional-national-environmental-policy-act-documents>.

FOR FURTHER INFORMATION CONTACT:

Katie Davis, Sustainable Fisheries Division, NMFS, at katie.davis@noaa.gov or (323) 372-2126; or Katrina Bernaus, Pacific Fishery Management Council, at katrina.bernaus@pcouncil.org or (503) 820-2420.

SUPPLEMENTARY INFORMATION:

Background

Amendment 23 revises section 4.5 of the CPS FMP, the rebuilding plan for Pacific sardine, in response to an order from the U.S. District Court for the Northern District of California (*Oceana, Inc., v. Raimondo, et al.*, No. 5:21-cv-05407-VKD (N.D. Cal., filed July 14, 2021)). There are no implementing regulations associated with Amendment 23.

NMFS published a Notice of Availability (NOA) for Amendment 23 on March 12, 2025 (90 FR 11817), and solicited public comments through May 12, 2025. NMFS summarizes and responds to the public comments below in the Comments and Responses section. We considered all public comments received on the NOA and EA. Now, on behalf of the Secretary of Commerce, we are announcing the approval of Amendment 23. As discussed in greater detail in the NOA, Amendment 23 revises the Pacific sardine rebuilding plan in section 4.5 of the CPS FMP to update the T_{TARGET} (the specified time period for rebuilding the stock) to 17 years and to include annual catch limits (ACLs) for Pacific sardine as follows:

- **Overfished status**—If the age 1+ biomass is 50,000 metric tons (mt) or less in a given fishing year, the ACL for that year will be set at 2,200 mt or the calculated acceptable biological catch (ABC), whichever is less.
- **Rebuilding status**—If the age 1+ biomass is greater than 50,000 mt but less than 150,000 (rebuilding target) in a given fishing year, the ACL will be set at 5 percent of the age 1+ biomass for that year or the calculated ABC, whichever is less.

Comments and Responses

NMFS received two public comments supporting Amendment 23, one from a prominent fishing industry group, the California Wetfish Producers Association, and one from a private citizen. Additionally, NMFS received one comment from a private citizen

stating support for the overall objective of the rebuilding plan but providing a variety of suggestions they think should be made to the plan or that NMFS could do in the future. Although some of those suggestions are outside the scope of this action, NMFS nevertheless provides responses to them for additional clarity. NMFS received two public comments opposing Amendment 23, one from the environmental non-governmental organization Oceana and one from an anonymous commenter who opposed commercial fishing of any kind.

Comment 1: Oceana claimed that Alternative 6 does not meet NMFS's legal obligations, and that to be compliant with the law, the ACL must be set at no greater than 5 percent of the estimated biomass for the year (or the calculated ABC, whichever is less). Oceana states that the revised rebuilding plan would increase the relative harvest rate as the stock declines below 44,000 mt. They argued that the modeling analysis indicates that the stock could rebuild within a reasonable timeframe under a fixed 2,200 mt ACL, assuming the stock began at 29,598 mt and grew each year (vs. declined), but that NMFS does not provide any analysis indicating that a 2,200 mt fixed ACL will rebuild the stock when biomass is below 29,598 mt. They further state that without an analysis incorporating the recent stock status or a new analysis of the rebuilding alternatives when the stock is below 2020 levels [29,598 mt], there is no clear evidence that Alternative 6 will rebuild the population. To account for this, Oceana recommends the rebuilding plan include additional restrictions on the fishery when the biomass falls below a specified threshold biomass level, such as 25,000 mt.

Response: When determining whether the revisions to this rebuilding plan comply with the Magnuson-Stevens Fishery Conservation and Management Act (MSA; 16 U.S.C. 1801 *et. seq.*) and other applicable law, NMFS took into account the impacts to the status and potential rebuilding timelines of the stock, as well as the environment and the fisheries ("Councils should consider the management objectives of their FMPs and their management framework to determine the relevant social, economic, and ecological factors used to determine optimum yield. There will be inherent trade-offs when determining the objectives of the fishery." (50 CFR 600.310(e)(3)(iii)(B))). The modeling analysis conducted to support the development of Amendment 18 (the original rebuilding plan) reported a difference of one year between the rebuilding timelines of a 5 percent and fixed 2,200 mt annual harvest scenario.

Considering the environmentally-linked population swings of sardines are on the order of decades, a one-year difference is negligible. The potential economic impact of further constraining the fisheries that catch sardines, however, could be significant. The rebuilding plan does not increase the harvest rate at low biomass levels, but instead implements ACLs that ensure the fisheries are harvesting at sustainable levels (allowing the stock to rebuild in the shortest amount of time while the fisheries maintain average harvest levels). In addition to the ACL implemented by Amendment 23, if the stock were to approach lower biomass levels (less than approximately 18,000 mt age 1+ biomass, based on recent harvest control rule parameters), the CPS FMP dictates that the ABC would supersede the ACL, resulting in further reductions in catch as the stock declines. Oceana also does not provide a scientific rationale explaining why the catch limit should be reduced below 5 percent at certain biomass levels when the modeling shows the stock can rebuild with a static 2,200 mt ACL.

In modeling rebuilding scenarios for a stock, it is standard practice to project the biomass using the current biomass as the starting point. The 2020 modeling analysis projected the estimated 2020 spawning stock biomass (SSB; 29,598 mt from the 2020 benchmark stock assessment) under different fishing rates and recruitment scenarios. Uncertainty in the rebuilding analysis and therefore how the "model stock" would potentially rebuild was accounted for in a variety of ways. For example, the spawner-recruit relationship used a high σ_R (total recruitment variability) value, allowing for large fluctuations in recruitment in all rebuilding projections. For scenarios that rebuilt the stock, although the probability of rebuilding increased over time, the projected median spawning stock biomass did not always increase from each year to the next. Considering the 2024 benchmark assessment reported that the SSB has not, in any year since 2020, decreased below the amount analyzed in 2020 (for reference, the most recent estimate of SSB for 2024 was 36,190 mt)¹, NMFS has determined that additional modeling of the rebuilding alternatives below 2020 levels was not warranted and that the catch limits implemented by this revised rebuilding plan will prevent

¹ Allen Akselrud CA, Jensen AJ, Kuriyama PT, Hill KT, Zwolinski JP. 2025. Update assessment of the Pacific sardine resource in 2025 for U.S. management in 2025–2026. U.S. Department of Commerce. NOAA Technical Memorandum NMFS–SWFSC–719. <https://doi.org/10.25923/z1xh-b932>.

overfishing and support rebuilding of the stock under varied biomass levels.

Comment 2: Oceana claimed that the revised rebuilding plan does not address what they state are fundamental flaws with overfishing limit (OFL) and ABC. They state that Amendment 23 continues to rely on the California Cooperative Oceanic Fisheries Investigation (CalCOFI)-based E_{MSY} as a central parameter for calculating catch limits, that it violates the MSA's requirements to base management measures on the best available science, prevent overfishing, and rebuild the population, and cite the April 22, 2024 court order that "the record reflects that use of the CalCOFI temperature index to calculate E_{MSY} consistently and materially overstates the productivity of the Pacific sardine." They further reference concerns raised in recent years by the Council's advisory bodies that the relationship between the CalCOFI index and productivity is flawed, and their support for re-evaluating the E_{MSY} parameter.

Response: E_{MSY} is a parameter in the OFL and ABC harvest control rules, which were part of the FMP before Amendment 18 was adopted. The CPS FMP does not mandate the use of a CalCOFI-based E_{MSY} to determine the OFL and/or ABC. Amendment 18 also did not mandate its use or specify any methodology for calculating E_{MSY} and neither does Amendment 23. The specific E_{MSY} value used in the OFL and ABC is based upon the annual recommendation of the Council's Scientific and Statistical Committee (SSC) to the Council in making recommendations for annual harvest specifications, and reviewed by NMFS during the annual rulemaking process. However, in light of the court ruling that NMFS failed to demonstrate that it relied on the best scientific information available when exclusively using the CalCOFI-based E_{MSY} to set the overfishing limit in the 2023–2024 harvest specifications, NMFS provides the following response.

Under the MSA, the SSC provides scientific advice for NMFS' consideration in fishery management decisions, including ABC and preventing overfishing. Per National Standard 2 at 50 CFR 600.315(a)(2), scientific information that is used to inform decision-making should include an evaluation of its uncertainty and management decisions should recognize the risks, such as those to overfishing, associated with the sources of uncertainty. As we explained in the final rule setting Pacific sardine harvest specifications for the 2024–2025 fishing year (89 FR 93522, November, 27, 2024),

in recommending an OFL and ABC for that year that were calculated, in part, by using a CalCOFI-based E_{MSY} , the SSC appropriately accounted for any scientific uncertainty and gaps in scientific information that may have existed, including any surrounding E_{MSY} , in the information used to calculate the recommended reference points.

To help inform the SSC's recommendations during the 2025–2026 harvest specifications process, NMFS conducted a correlation analysis of the CalCOFI-based temperature with sardine productivity (recruits-per-spawner) for the years 1983–2023; an update from the last analysis in 2013 that examined data from 1984 to 2008. In February 2025, NMFS presented the analysis to the SSC's CPS Subcommittee, which reported that "there is still valid statistical evidence for a relationship between CalCOFI [sea surface temperature] and recruits-per-spawner." At the April 2025 Council meeting, the full SSC reviewed the analysis and reported that the result "does not compel a change at this time." The SSC recommended the 2025–2026 OFL and ABC be calculated using the "status quo approach to E_{MSY} ," which utilizes the CalCOFI temperature index.

Comment 3: A private citizen commented that the documentation for this amendment lacks detail on how E_{MSY} , BUFFER, and the fixed DISTRIBUTION factor are derived in calculating the ABC.

Response: The referenced parameters are long-standing parameters of Pacific sardine management that are unchanged by this action. The commenter can find descriptions of these parameters in the CPS FMP, as well in section 1.4.2 of the EA for Amendment 23.

Comment 4: A private citizen commented that the rebuilding framework should include periodic stock reassessments—ideally on a biennial basis—to update recruitment estimates and refine the steepness parameter as new data become available. According to the commenter, this would ensure that the SB_0 estimate, and thus the rebuilding target, remains current.

Response: Per MSA section 304(e)(7) and National Standard guidelines at 50 CFR 600.310, the rebuilding plan process includes routine reviews of the applicable plan to ensure adequate progress is being made towards the rebuilding of the stock. Additionally, extensive analysis, some of which is mentioned by the commenter, went into the choice of an appropriate rebuilding target. This included examining different productivity periods, extent of

data and a variety of uncertainties and NMFS has determined that choice represents the best available scientific information.

Comment 5: A private citizen stated that the ACL control rule should be modified to include an automatic precautionary adjustment mechanism, whereby ACLs are reduced if recruitment indices fall below a predefined benchmark that reflects the lower productivity regime.

Response: Although not exactly as described by the comment, under this rebuilding plan, ACLs are conditional upon certain tiered biomass levels, allowing the ACL to adjust based on the status of the stock. Under this approach, the ACL will be restricted to a low level (2,200 mt or the calculated ABC, whichever is less) when the biomass is at or below the 50,000 mt minimum stock size threshold and only allowed to increase when above that level. Additionally, because this framework is based on annual estimates of biomass (based on a measure of recruitment from fishery-independent survey data) and annual calculations of the ABC, NMFS believes the approach is responsive to changing conditions.

Comment 6: A private citizen stated that the final rule ought to explicitly acknowledge the limitations of the model.

Response: Understanding and acknowledging the limitations of the model were an extensive part of the development process of this rebuilding plan. For example, section 3.1 of the EA for Amendment 23 identifies certain model limitations. As explained in that document, due to these limitations, NMFS did not rely exclusively on the modeling analysis in the development of a rebuilding plan for Pacific sardine.

Comment 7: A private citizen commented that the Council should conduct supplementary sensitivity analyses incorporating variable fishing mortality regimes and environmental indices.

Response: The modeling analysis looked at a range of fishing mortality regimes by the U.S. fishery (zero harvest, 5 percent harvest, 2,200 mt fixed annual harvest, and 18 percent harvest) as well as scenarios for harvest by Mexico in order to compare the relative performance of the alternatives in relation to rebuilding timelines.

Comment 8: A private citizen stated that to ensure sustained recovery, NMFS should refine "rebuild" to mean that the target biomass is not only met but maintained as an average over a minimum period (e.g., three years, not necessarily consecutive). The commenter also asserted that NMFS

should evaluate trade-offs between 14-year and 17-year rebuilding timeframes, and assess potential impacts on stock sustainability, yield variability, and socioeconomic factors.

Response: Refining “rebuilt” is outside of the scope of NMFS’ authority under this action as the criteria for rebuilding an overfished stock are established by statute in the MSA and in the guidelines for National Standard 1 (Optimum Yield), which are found in regulation at 50 CFR 600.310. As defined by National Standard 1, the rebuilding target (B_{MSY}) of 150,000 mt is established as the long-term average size of the stock that would be achieved by fishing at maximum sustainable yield. Although not stated in the comment, NMFS assumes that the reason the commenter mentions an evaluation between a 14-year and 17-year rebuilding timeframe is that the T-target associated with the previous rebuilding plan (Amendment 18) was 14 years. Although that comparison was not explicitly conducted, it was concluded through the analysis in support of this revised rebuilding plan, as well as the previous rebuilding plan, that no management alternative was expected to significantly impact the ability of the Pacific sardine resource to rebuild in the near or long term, as fishing mortality is not the primary driver of stock biomass. Additionally, because of the ecological dynamics of the California Current Ecosystem, there would not be a measurable difference in ecosystem or forage benefits among the expected rebuilding timelines for Pacific sardine. Ultimately, with the closure of the primary directed commercial fishery and harvest limited to the ACL under this rebuilding plan by the live bait, minor directed, and incidental fisheries, the environment will be the primary determinant for increasing stock abundance.

Comment 9: A private citizen stated that NMFS should integrate measurable environmental indices—such as seasonal sea surface temperature and upwelling indices—into ACL-setting decisions. The commenter suggested NMFS could develop and adopt an environmental monitoring program that tracks key indicators—such as seasonal sea surface temperature deviations, upwelling indices, and other relevant metrics—establishing flexible threshold values rather than fixed ones and explore linking ACL adjustments to these indices through periodic reviews rather than via fixed automatic triggers.

Response: Seasonal sea surface temperature is integrated into the calculation of the Pacific sardine OFL and ABC under the harvest control rules

established in the CPS FMP, which are unchanged by this amendment. Since 2014, based on annual recommendations by the Council’s SSC, the E_{MSY} for Pacific sardine has been based on a temperature-recruitment relationship utilizing a running 3-year average of the CalCOFI temperature index. CalCOFI is a long-term oceanographic and marine ecosystem monitoring and research program formed in 1949 to study the ecological aspects of the Pacific sardine collapse off California. It surveys the physical, biogeochemical, and biological dynamics of the marine environment.

Comment 10: A private citizen suggested that the final rule should evaluate ecosystem dynamics to ensure the rebuilding plan supports overall marine ecosystem health alongside direct stock recovery.

Response: Section 3 of the EA for Amendment 23 evaluates the impact on the target species (Pacific sardine) and the environment (marine predators) as well as potential cumulative impacts, as required under NEPA.

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

Dated: May 29, 2025.

Samuel D. Rauch III,

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

[FR Doc. 2025–10069 Filed 6–2–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 250528–0093]

RIN 0648–BL08

Fisheries of the Exclusive Economic Zone Off Alaska; Amendment 122 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area; Pacific Cod Trawl Cooperative Program; Correction

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

ACTION: Correcting amendment.

SUMMARY: NMFS is clarifying the cost recovery process timing from the final rule implementing amendment 122 to the Fishery Management Plan (FMP) for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI). Amendment 122 established the

Pacific Cod Trawl Cooperative Program (PCTC Program or Program) to allocate Pacific cod harvest quota to qualifying groundfish License Limitation Program (LLP) license holders and qualifying processors. In this correction, NMFS is clarifying the timing of the cost recovery fee schedule for the existing cost recovery requirements for participants. NMFS is also correcting an out-of-date cross reference.

DATES: Effective June 3, 2025.

FOR FURTHER INFORMATION CONTACT: Stephanie Warpinski, 907–586–7228.

SUPPLEMENTARY INFORMATION:

Authority for Action

NMFS manages the groundfish fisheries in the exclusive economic zone (Federal waters) of the BSAI under Federal regulations implementing the BSAI FMP. The North Pacific Fishery Management Council (Council) prepared the BSAI FMP under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.* Regulations governing U.S. fisheries and implementing the BSAI FMP appear at 50 CFR parts 600 and 679.

NMFS published a Notice of Availability for amendment 122 in the **Federal Register** on December 30, 2022 (87 FR 80519), with public comments invited through February 28, 2023. To implement amendment 122, NMFS published a proposed rule in the **Federal Register** on February 9, 2023 (88 FR 8592), with public comments invited through March 13, 2023. The Secretary of Commerce approved amendment 122 on March 24, 2023, after considering information from the public and determining that amendment 122 is consistent with the BSAI FMP, the Magnuson-Stevens Act, and other applicable laws. NMFS published a final rule on August 8, 2023 (88 FR 53704).

This action amends the final rule for clarity on two accounts: first, this action clarifies the timing of cost recovery process; second, this action updates an incorrect cross-reference.

Background on the PCTC Program

The PCTC Program implemented a complex suite of management measures to improve fishery conditions for all participants. The PCTC Program is a Limited Access Privilege Program (LAPP) that allocated harvester quota share to harvesters and processors based on their historical catch and processing history. This Program went into effect for the 2024 fishing season. More information about the Program can be

found on the website here: <https://www.fisheries.noaa.gov/alaska/commercial-fishing/pacific-cod-trawl-cooperative-program>.

Background on Cost Recovery

The PCTC Program is a LAPP that NMFS established under the provisions of section 303A of the Magnuson-Stevens Act. As specified in section 304(d) of the Magnuson-Stevens Act, for all LAPPs established under the Magnuson-Stevens Act, NMFS is required to collect fees from limited access privilege holders to cover the actual costs of management, data collection and analysis, and enforcement activities associated with LAPPs. Cost recovery fees may not exceed three percent of the ex-vessel value of the fish harvested under the LAPP. The final rule established a process for NMFS to assess a fee on the ex-vessel value of PCTC Program cooperative quota (CQ) harvested by cooperatives in the BSAI.

The annual PCTC Program cost recovery process builds upon existing cost recovery requirements implemented under other LAPPs in the North Pacific. For example, NMFS uses the existing Pacific Cod Ex-vessel Volume and Value Report, which is used to calculate Pacific cod standard ex-vessel prices in other limited access programs. For the PCTC Program, the fee collection process begins immediately after the B season ends on June 10 of each year, and, therefore, the standard ex-vessel prices that had been published in November of the previous year are used to calculate the current year's fees. This lagged standard ex-vessel price from the previous year is applied to the current cost recovery year's CQ landings.

The PCTC Program direct program costs are tracked from July 1 to June 30 of the following year. For example, the direct program costs for the current year of the PCTC Program started July 1, 2024, and will end on June 30, 2025, which will encompass the CQ application process, issuance of CQ, and the fishing seasons of the PCTC Program that extend from January 20 to June 10 each year.

Each year, NMFS publishes a cost recovery fee notice for the PCTC Program, with the most recent notice published August 1, 2024 (89 FR 62724). NMFS sends each cooperative a fee liability letter to inform each cooperative of the fee percentage applied to the current year's landings and the total amount due (fee liability). The letter includes a summary explaining the fee liability determination, including the current fee

percentage and details of CQ pounds debited from CQ allocations by permit, date, and prices. Fees must be paid by August 31 of each year.

Each cooperative is responsible for paying cost recovery fees assessed on CQ landings. Failure to pay cost recovery fee liabilities on time will result in NMFS not approving a cooperative's application for a CQ permit the following year until full payment of the fee liability is received by NMFS. The fee liability letter includes NMFS's contact information and provides ample opportunity for cooperatives to reconcile accounts. The agency may pursue collection of any unpaid fees if the formal determination is not appealed and the account remains unpaid or under-paid 30 days after fees are due (August 31 of each year).

To illustrate timing for the 2025 cost recovery cycle, the 2025 PCTC Program fishing year that will have landings subject to cost recovery ends June 10, 2025. NMFS will use 2024 fishing year ex-vessel standard prices derived from the Pacific Cod Ex-Vessel Volume and Value Report submitted by November 10, 2024, for landings made during the 2025 fishing year. Finally, NMFS will use the direct program costs from July 1, 2024, through June 30, 2025, to calculate the 2025 fee percentage (which cannot exceed the three percent statutory limit). By no later than August 1, 2025, the Regional Administrator will publish the standard price and fee percentage in a notice in the **Federal Register** and send invoices to cooperatives.

Need for Corrections

The following changes are applied to the regulations promulgated with the final rule (88 FR 53704, August 8, 2023).

Cross-Reference Citation Update

At § 679.134(c)(1), NMFS corrects an incorrect cross-reference to halibut deck-sorting (§ 679.120), which now can be found at § 679.102.

Cost Recovery Clarifications

NMFS identifies that the regulations pertaining to cost recovery fees could be improved for clarity at § 679.135.

In several places within § 679.135, NMFS changes references to "prices" to "standard ex-vessel prices" to be consistent with terminology.

In several places within § 679.135, NMFS changes references to "catch" or "CQ" to "CQ landings" to be consistent with terminology.

At § 679.135(a)(3)(i), NMFS clarifies when a cooperative must submit payment. Under amendment 122, the intention was for payment to be

submitted following the end of the fishing season. The current language states that a cooperative must submit any cost recovery payment no later than August 31 "following" the calendar year in which the CQ landings were made. NMFS replaces "following" with "of," to clarify that payment is due within the same year as the landings were made, consistent with amendment 122 and the manner in which NMFS has implemented the Program.

At § 679.135(c)(2)(ii), NMFS removes "for the previous calendar year" in describing direct program costs and clarifies language describing value. NMFS clarifies direct program costs are equal to the annual direct program costs for the PCTC Program with any adjustments to the account from payments received in the previous year. For example, the time period for the current PCTC Program year includes direct program costs from July 1, 2024, to June 30, 2025. NMFS corrects language in the definition of value (V) used for the equation to calculate the fee percentage, clarifying that the standard ex-vessel price is multiplied by CQ landings for that fishing year to calculate the total value of the PCTC Program fishery.

At § 679.135(c)(2)(iii), NMFS clarifies that the fee percentage is based on the current year's CQ landings using the standard ex-vessel price from the previous year.

Classification

Pursuant to section 305(d) of the Magnuson-Stevens Act, this action is necessary to carry out amendment 122 to the BSAI FMP because the current regulatory language at 50 CFR 679.135 has generated some confusion among fishery participants. This rule clarifies the timing of the cost recovery process published in the final rule regulations (88 FR 53704, August 8, 2023) and represents minor, non-substantive changes to those regulations. The NMFS Assistant Administrator (AA) has determined that this final rule is consistent with amendment 122 to the BSAI FMP, other provisions of the Magnuson-Stevens Act, and other applicable law.

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

The AA finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B), as such requirement is unnecessary and contrary to the public interest. This action corrects a cross-reference and corrects regulatory language to clarify the timing and

calculation of cost recovery fees, consistent with amendment 122 to the BSAI FMP, other provisions of the Magnuson-Stevens Act, and other applicable law. These minor, non-substantive corrections reflect the manner in which NMFS has implemented the PCTC Program and attempt to alleviate some confusion among fishery participants. If this correction is delayed to allow for notice and comment, it would result in continued confusion for fishery participants, who will be required to pay cost recovery fees for the current fishing year before NMFS would be able to complete notice and comment rulemaking. Without this correction, commercial fishermen may have difficulty understanding when their cost recovery fees are due, which could lead to problems when applying for CQ next year. In addition, the public was already provided with notice and opportunity to comment on this issue during the public comment period for the Notice of Availability for amendment 122 (87 FR 80519), and the proposed rule (88 FR 8592), so additional opportunity for public comment at this point would not be meaningful. Therefore, in order to avoid any negative consequences that could result from failure to make this correction, the AA finds good cause to waive the requirement to provide prior notice and opportunity for public comment. For the reasons above, the AA also finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date and make this rule effective immediately upon publication. Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

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

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: May 28, 2025.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, NMFS corrects 50 CFR part 679 by making the following correcting amendment:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

■ 1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*; 1801 *et seq.*; 3631 *et seq.*; Pub. L. 108–447; Pub. L. 111–281.

■ 2. Amend § 679.134 by revising paragraph (c)(1) to read as follows:

§ 679.134 PCTC Program permits, catch monitoring, catch accounting, and recordkeeping and reporting.

* * * * *

(c) * * *

(1) *Catch weighing.* All catch, except halibut sorted on deck by vessels participating in the halibut deck sorting described at § 679.102, must be weighed on a NMFS-approved scale in compliance with the scale requirements at § 679.28(b). Each haul must be weighed separately and all catch must be made available for sampling by an observer.

* * * * *

■ 3. Amend § 679.135 by revising paragraphs (a)(3)(i), (b), (c)(2)(i)(A) and (B), (c)(2)(ii) and (iii), (c)(3), and (c)(4)(iii) to read as follows:

§ 679.135 PCTC Program cost recovery.

(a) * * *

(3) * * *

(i) A cooperative must submit any cost recovery fee liability payment(s) no later than August 31 of the calendar year in which the CQ landings were made.

* * * * *

(b) *Pacific cod standard ex-vessel value determination and use.* NMFS will use standard ex-vessel prices

calculated for Pacific cod based on information provided in the Pacific Cod Ex-vessel Volume and Value Report described at § 679.5(u)(1) from the previous calendar year.

(c) * * *

(2) * * *

(i) * * *

(A) The CQ landings to which the PCTC Program cost recovery fee will apply;

(B) The ex-vessel value of the CQ landings; and

* * * * *

(ii) NMFS must use the following equation to determine the fee percentage:

$$100 \times \text{DPC} / \text{V}$$

Where:

DPC = the direct program costs for the PCTC Program with any adjustments to the account from payments received in the previous year.

V = total value, which is the standard ex-vessel price multiplied by the CQ landings subject to the PCTC cost recovery fee liability.

(iii) The calculated fee percentage is applied to the CQ landings made in the current year using the standard ex-vessel price from the previous year.

(3) *Applicable fee percentage.* The cooperative must use the fee percentage applicable at the time a CQ landing is debited from a CQ allocation to calculate the cost recovery fee liability for any retroactive payments for CQ landed.

(4) * * *

(iii) NMFS will provide a fee liability summary letter to all cooperatives by no later than August 1 of each year. The summary will explain the fee liability determination including the current fee percentage and details of CQ landings debited from CQ allocations by permit, species, date, and prices.

* * * * *

[FR Doc. 2025–09952 Filed 6–2–25; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 90, No. 105

Tuesday, June 3, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 731

RIN 3206–AO84

Suitability and Fitness

AGENCY: Office of Personnel Management.

ACTION: Proposed rule; request for comments.

SUMMARY: The Office of Personnel Management (OPM) is proposing amendments to the Federal Government personnel vetting adjudicative processes for determining suitability and taking suitability actions. The purpose of the proposed rule is to improve the efficiency, rigor and timeliness by which OPM and agencies vet individuals for risk to the integrity and efficiency of the service, and to make clear that individuals who engage in serious misconduct while employed in Federal service are subject to the same suitability procedures and actions as applicants for employment.

DATES: Comments must be received on or before July 3, 2025.

ADDRESSES: You may submit comments through the Federal eRulemaking Portal at <http://www.regulations.gov>. All submissions received must include the agency name and docket number or Regulation Identifier Number (RIN).

Where possible, please arrange and identify your comments on the regulatory text by subpart and section number; if your comments relate to the supplementary information, please refer to the heading and page number. Comments received after the close of the comment period will be marked “late,” and OPM is not required to consider them in formulating a final decision. If you cannot submit comments electronically, please contact the individual listed in the further information section.

The general policy for comments and other submissions from members of the public is to make these submissions

available for public viewing at <https://www.regulations.gov> without change, including any personal identifiers or contact information.

As required by 5 U.S.C. 553(b)(4), a summary of this rule may be found in the docket for this rulemaking at <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: For questions contact Joseph Knouff, Suitability Executive Agent Programs, by email at SuitEA@opm.gov or by phone at (202) 599–0090.

SUPPLEMENTARY INFORMATION:

Authority and Background

Congress has long granted the President authority to ensure that those employed in the competitive service are suitable for Federal employment. In 1871, Congress authorized the President to “prescribe such regulations for the admission of persons into the civil service . . . as may best promote the efficiency thereof, and ascertain the fitness of each candidate in respect to . . . character”; appoint individuals to investigate applicants’ suitability for Federal employment; and “establish regulations for the conduct of [employees] in the civil service.” 1 Rev. Stat. 313, § 1753 (1875) (enacted Mar. 3, 1871). Today, 5 U.S.C. 3301 and 7301 provide similarly that “[t]he President may . . . prescribe such regulations for the admission of individuals into the civil service in the executive branch as will best promote the efficiency of that service,” “ascertain the fitness of applicants as to . . . character,” and “prescribe regulations for the conduct of employees in the executive branch.”

Historically the President delegated to OPM and its predecessor, the Civil Service Commission, the authority to prescribe both qualification standards and suitability standards, and to conduct both examinations of applicants’ qualifications and investigations of suitability for appointment and continuing employment. See 5 U.S.C. 1104(a)(1). The President charged OPM with, among other duties: (1) “establish[ing] standards with respect to . . . suitability . . . which applicants must meet to be admitted to or rated in examinations”; (2) “[i]nvestigating . . . the suitability . . . of applicants for positions in the competitive service”; (3) “requir[ing] appointments to be made subject to investigation to enable

the [Director] to determine, after appointment, that the requirements of law or the Civil Service Rules and Regulations have been met”; and (4) instructing an agency “to remove” an employee found to be “disqualified for Federal employment.” E.O. 10577 (Nov. 22, 1954) (codified, in relevant part, as amended, at 5 CFR 2.1(a), 5.2(a), 5.3(a)(1), 5.3(b)); *see also* 5 U.S.C. 1103(a)(5) (the Director’s responsibility for “executing, administering, and enforcing” these Civil Service Rules); 5 U.S.C. 1104(a)(1) (the President’s authority to “delegate, in whole or in part, [his] personnel management functions” to OPM); 5 U.S.C. 3302 (the President’s authority to “prescribe rules governing the competitive service”).

Part 731 of title 5, Code of Federal Regulations, establishes and maintains OPM’s policies and procedures governing suitability and fitness investigations and adjudications, including the procedures for taking suitability actions and the general process for appealing a suitability action. Suitability and fitness determinations examine “character or conduct that may have an adverse impact on the integrity or efficiency of the service,” such as criminal or dishonest conduct, and deception or fraud in examination or appointment. 5 CFR 731.101, 731.201, 731.202. If the suitability determination is unfavorable, the adjudicator must then determine what “suitability action” is appropriate. See § 731.203(a). OPM’s regulations define a “suitability action” to include “[c]ancellation of eligibility,” “[r]emoval,” “[c]ancellation of reinstatement eligibility,” and “[d]ebarment.” See § 731.101(a). OPM may also be subject to these regulations in the capacity of an agency.

The objective of the suitability and fitness adjudicator is to establish a reasonable expectation that employment or continued employment of an individual either would or would not protect the integrity and promote the efficiency of the service. When there is a reasonable expectation employment would not do so, the individual should be found unsuitable or unfit. This expectation is established when an adverse nexus or connection can be shown between the character or conduct in question and the integrity of the service or the individual’s capacity and

fitness for employment or continued employment.

These interests and objectives apply equally to applicants for employment and current Federal employees, regardless of the employment status as an “appointee” or “employee” as those terms are defined in § 731.101. Current Federal employees, no less than applicants, must remain suitable for Federal employment. Employees who engage in serious misconduct while in the Federal service are equally as unsuitable for Federal employment as applicants who engaged in serious misconduct before applying for Federal employment.

The statutory authorities that allow the President and, by presidential delegation, OPM to take suitability actions apply to employees, not just job applicants. See 5 U.S.C. 7301 (“The President may prescribe regulations for the conduct of employees in the executive branch.”). Consistent with this broad grant of statutory authority, it has long been Presidential and executive branch policy to assess post-appointment conduct to determine an individual’s ongoing suitability or fitness to remain in their position.

OPM regulations have long applied suitability criteria to both Federal employees and applicants. Under part 731 and implementing guidance, OPM has required agencies to make suitability determinations based on post-appointment conduct. OPM has established in its regulations that “OPM may take a suitability action under this part against an employee” of an agency and direct that agency to remove the employee based on the suitability factors set forth in 5 CFR part 731, subpart B. These factors are as follows: material, intentional false statement, deception, or fraud, in examination or appointment; a statutory or regulatory bar that prevents the individual’s lawful employment; and/or, knowing and willful engagement in acts or activities designed to overthrow the U.S. Government by illegal or unconstitutional means. 5 CFR 731.203(e). Another factor, refusal to furnish testimony as required by 5 CFR 5.4, was a basis for OPM to take a suitability action against an employee and was in place from 1996 until January 2025, when OPM removed this factor from the suitability factors. See 61 FR 394 (Jan. 5, 1996) and 89 FR 102675 (Dec. 18, 2024). OPM regulations have further allowed OPM to consider “[t]he nature of the position for which the person is applying or in which the person is employed” in applying the suitability criteria, making clear that suitability actions might apply to

incumbent employees, whether in an appointee or employee status as defined in 5 CFR 731.101, as well as applicants. 5 CFR 731.202(c).

Successive presidential administrations have similarly emphasized that suitability determinations apply not only to applicants and appointees to competitive service or career SES positions but also to employees in such positions, for the purpose of assessing whether incumbent employees remain suitable for Federal employment. It has accordingly long been Presidential and executive branch policy to assess employees’ post-appointment conduct to determine their ongoing suitability to remain in their positions, and OPM has, under part 731 and implementing guidance, required agencies to make suitability determinations based on post-appointment conduct. See, e.g., 76 FR 69601 (Nov. 9, 2011) and 89 FR 102675 (Dec. 18, 2024) (discussing 5 CFR 731.106(d)).

E.O. 13488, *Granting Reciprocity on Excepted Service and Federal Contractor Employee Fitness and Reinvestigating Individuals in Positions of Public Trust*, (74 FR 4111) issued in relevant part under 5 U.S.C. 7301, established a uniform, Government-wide requirement for public trust suitability reinvestigations to ensure persons in public trust positions remain suitable for continued employment.

In January 2017, E.O. 13764 amended the Civil Service Rules, E.O. 13488, and E.O. 13467 (82 FR 8115), and established continuous vetting for all positions subject to personnel vetting, including positions subject to OPM’s suitability regulations. Continuous vetting refers to the process of “reviewing the background of a covered individual at any time to determine whether that individual continues to meet applicable requirements.” Sec. 1.3, E.O. 13467, as amended by E.O. 13764. A “covered individual” is “a person who performs, or who seeks to perform, work for or on behalf of the executive branch.” *Id.* In the context of suitability for employment, continuous vetting is used to determine if an individual remains suitable for a position over time.

E.O. 13764 also amended the Civil Service Rules at 5 CFR 5.2(a) to permit the OPM Director to require appointments be made subject to investigation so that the OPM Director can determine, post-appointment, that Civil Service Rules and regulations have been met. E.O. 13764 clarified Civil Service Rule 5.3 to specify that the OPM Director could instruct an agency to remove an employee when the Director

finds that the employee is unsuitable. 5 CFR 5.3(a)(1).

In May 2018, the OPM Director and the Director of National Intelligence, in their respective roles as Suitability and Credentialing Executive Agent and Security Executive Agent, launched the “Trusted Workforce 2.0” initiative to transform workforce vetting by employing a modernized and more efficient process for ensuring that only trusted individuals enter and remain in the Federal workforce. A key goal of the initiative is to provide vetting processes that enable each individual’s vetting status to be continuously up to date. Since its launch, the initiative has enabled the enrollment into continuous vetting of more than 4 million individuals serving the Government in national security sensitive positions, including sensitive competitive service and career SES positions, and enrollment is underway for those serving in nonsensitive public trust positions with a targeted completion date by the end of fiscal year 2025.

OPM has established in its regulations that OPM itself may take a suitability action against an employee in the competitive service or the career Senior Executive Service and direct the employing agency to remove the employee, based on a narrow set of its suitability factors in 5 CFR part 731, subpart B. OPM regularly takes suitability actions against such employees based on material, intentional false statement or deception, or fraud, in examination or appointment. OPM has not redelegated to agencies the authority to take suitability actions against employees, even when the conduct occurred prior to employment. OPM requires agencies to refer to OPM cases where there has been evidence of such conduct and should OPM decide to take a suitability action, OPM directs the agency to remove the employee. OPM also requires agencies to refer cases involving knowing and willful engagement in acts or activities designed to overthrow the U.S. Government by force.

Although OPM has required agencies to make suitability *determinations* regarding employees based on post-appointment conduct, OPM has not permitted agencies to take suitability *actions* when the determination is unfavorable. Further, since the Merit Systems Protection Board’s (MSPB) decision in *Scott v. OPM* in 2011 (116 M.S.P.R. 356 (2011), modified by 117 M.S.P.R. 467 (2012)), which held that suitability actions cannot be taken for post-appointment conduct, OPM has not itself taken suitability actions regarding

employees, regardless of employment status as an “appointee” or “employee” per 5 CFR 731.101, for post-appointment conduct. OPM has recognized, however, in its regulations, that an agency may employ other authorities available to the agency when an employee’s post-appointment conduct renders them unsuitable for continued employment in the position, such as Chapter 75 actions. Agencies have reported frustration with not being able to take the next logical step, a suitability action, after finding an employee unsuitable for continued employment.

After *Scott*, Congress specifically legislated that agencies need not proceed through Chapter 75 procedures when taking suitability actions. OPM’s regulations have long defined a “suitability action” to include “[c]ancellation of eligibility,” “[r]emoval,” “[c]ancellation of reinstatement eligibility,” and “[d]ebarment.” 5 CFR 731.203. In 2015, Congress amended 5 U.S.C. 7512 to exclude “a suitability action taken by [OPM] under regulations prescribed by [OPM], subject to the rules prescribed by the President under this title for the administration of the competitive service” from the scope of actions subject to Chapter 75 procedures. 5 U.S.C. 7512(F); see also Public Law 114–92, Div. A, Title X, § 1086(f)(9), Nov. 25, 2015, 129 Stat. 1010. This legislation overruled a Federal Circuit case (*Archuleta v. Hopper*, 786 F.3d 1340 (Fed. Cir. 2015)) that held that suitability-based removals were in fact subject to Chapter 75 procedures.

In *Hopper*, OPM argued that suitability-based removals derived from a separate statutory authority than Chapter 75 removals—that is, the presidential authority to regulate employee conduct implies authority to remove employees who violate those regulations, and the President had delegated that authority to OPM. *Hopper*, 786 F.3d at 1348–49. The Federal Circuit in *Hopper* rejected OPM’s position. *Id.* But Congress, in adding 5 U.S.C. 7512(F), repudiated *Hopper* and excluded “a suitability action taken by [OPM] under regulations prescribed by [OPM], subject to the rules prescribed by the President under this title for the administration of the competitive service” from the scope of Chapter 75. Congress thus expressly recognized the validity of suitability-based removals from the Federal service, and that this authority is separate and distinct from Chapter 75 removal authority.

In addition to congressional action, presidential actions since *Scott* have

further established OPM’s authority to take suitability actions for post-appointment conduct against appointees and employees in competitive and career SES positions, although OPM has not done so. Notably, in *Scott*, a key element of the Board’s rationale for deciding OPM could not take suitability actions for post-appointment conduct was that while “it may be that the President could, pursuant to 5 U.S.C. 7301, issue an Executive Order authorizing OPM to make suitability determinations and take or direct suitability actions based on post-admission or postappointment conduct . . . , the President has not issued such an order.”

President Trump has now issued such an order, in the Presidential Memorandum *Strengthening the Suitability and Fitness of the Federal Workforce*, issued March 20, 2025 (“the Presidential Memorandum”). 90 FR 13683 (Mar. 25, 2025). President Trump further directed that the OPM Director “propose regulations, consistent with applicable law, amending Part 731 of title 5, Code of Federal Regulations, to account for the delegation” and “to implement appropriate rules and procedures regarding suitability determinations and suitability actions based on post-appointment conduct.”

Despite the clear intent from both Congress and the President—stretching over decades now—that agencies should not rely on Chapter 75 procedures to address post-appointment conduct covered by the factors described in 5 CFR 731.202(b), today agencies still largely must rely on Chapter 75 procedures to remove employees who engage in serious misconduct. This means that, illogically, the government has far greater ability to bar someone from Federal employment who has committed a serious crime or misconduct in the past than it does to remove someone who *engages in the exact same behavior as a Federal employee*. This arbitrary state of affairs seriously impairs the efficiency, effectiveness, and public perception of the Federal service.

OPM therefore is proposing to conform its regulations to meet the requirements of the Presidential Memorandum and rectify this irrational gap in the part 731 regulations. Specifically, the rule will satisfy the President’s direction in the Presidential Memorandum to “propose regulations, consistent with applicable law, amending Part 731 of title 5, Code of Federal Regulations, to account for the delegation” and “to implement appropriate rules and procedures regarding suitability determinations and

suitability actions based on post-appointment conduct.” It also ensures that implementation of continuous vetting as required by E.O. 13467, as amended, as part of the Trusted Workforce 2.0 initiative noted above, is done in an efficient and effective manner. Under this proposed rule, when continuous vetting uncovers information that results in a determination that an individual employed in the competitive service or career Senior Executive Service is no longer suitable for service, the situation can be remedied by the next logical step: a suitability action.

This rulemaking will also implement Sec. 3(d) of E.O. 14210 of February 11, 2025, *Implementing the President’s “Department of Government Efficiency” Workforce Optimization Initiative*, which specifies several additional suitability criteria. 90 FR 9669 (Feb. 11, 2025). E.O. 14210 directed the OPM Director to initiate a rulemaking that would include four additional suitability criteria: “failure to comply with generally applicable legal obligations, including timely filing of tax returns”; “failure to comply with any provision that would preclude regular Federal service, including citizenship requirements”; “refusal to certify compliance with any applicable nondisclosure obligations, consistent with 5 U.S.C. 2302(b)(13), and failure to adhere to those compliance obligations in the course of Federal employment”; and “theft or misuse of Government resources and equipment, or negligent loss of material Government resources and equipment.” When these criteria are incorporated into the factors listed at 731.202(b), OPM and agencies must still base suitability determinations on the presence or absence of one or more of the specific factors in 5 CFR 731.202(b) while considering the additional considerations in § 731.202(c) to the extent they are deemed pertinent. The application of the additional considerations ensures suitability determinations are made case-by-case based upon the nature of the conduct, and its potential impact on the individual’s ability to protect the integrity or promote the efficiency of the Federal service.

Significant Changes Proposed by This Rule

Suitability Actions on Employees for Post-Appointment Conduct

OPM is proposing to establish in regulation its authority to take suitability actions against competitive service and career Senior Executive Service appointees and employees

based on post-appointment conduct related to any of the suitability factors in 5 CFR 731.202. This proposal reflects the President's explicit delegation of authority in the Presidential Memorandum to OPM to make final suitability determinations and take suitability actions against employees based on post-appointment conduct. As noted in the Authority and Background section above, it has been the policy of at least the last five Administrations that individuals undergo investigation, evaluation, and adjudication of whether they are, and remain over time, suitable or fit for Federal employment. To that end, the Government's vetting process includes steps to ensure that individuals continue to meet the applicable standards for the position for which they were favorably adjudicated. Consistent with the President's delegation of authority, OPM proposes to require that employing agencies make referrals to OPM in order for the Director to make final suitability determinations and take suitability actions on employees for post-appointment conduct that would merit a suitability action based on any of the factors in 5 CFR 731.202.

These proposed regulations would expand OPM's existing authority to take suitability actions against employees for conduct falling under specific suitability criteria in 5 CFR 731.203(e) so that OPM may take suitability actions against employees for any of the suitability factors in 5 CFR 731.202. Because employees who engage in serious misconduct while in the Federal service should not remain in Federal service, OPM should not limit its ability to take action to a limited subset of factors. Further, Presidential policy over the last few decades has increasingly emphasized the importance of evaluating conduct on an ongoing basis, as evidenced for example by the Presidential mandate to implement continuous vetting, and agencies now have more information and insight into the risk that current employee conduct poses to the efficiency of the service. Therefore, OPM believes that the same set of suitability factors should be evaluated when considering removal of an employee as considered when evaluating an applicant for appointment.

Suitability Factors

OPM proposes changes to amend the specific factors that must be used by OPM or an agency when making suitability determinations and taking suitability actions. These specific factors are also the minimum standards of fitness used by agencies when making

fitness determinations for excepted service appointments and ongoing employment. OPM proposes to incorporate additional criteria as directed by the President in E.O. 14210 of February 11, 2025, *Implementing the President's "Department of Government Efficiency" Workforce Optimization Initiative*, 90 FR 9669. Two of these criteria—theft, misuse, or negligent loss of government resources and equipment, and refusal to certify compliance with, and/or adhere to, applicable non-disclosure obligations—are examples of misconduct or negligence in employment, a current suitability factor. OPM therefore is proposing to add these criteria as examples that fall under OPM's existing factor at 5 CFR 731.202(b)(1).

OPM is also proposing to add a third example of employment misconduct under this factor, specifically, refusal to furnish testimony as required by 5 CFR 5.4. This proposed factor was a long-standing suitability factor that was removed in the 2024 final rule (89 FR 102675). OPM removed this factor in the 2024 final rule because it was rarely, if ever used; however, OPM now proposes to restore it as OPM intends to take suitability actions on appointees and employees for post-appointment conduct, consistent with the Presidential delegation. OPM proposes incorporating the other two factors specified in E.O. 14210, namely, failure to comply with legal obligations and failure to comply with provisions that would preclude Federal service, including citizenship requirements, into its list of suitability factors.

Suitability Action Procedures

OPM is proposing changes to procedures OPM follows to take a suitability action against an applicant, appointee, or employee. OPM is also proposing changes to suitability action procedures when an agency, acting under delegated authority from OPM, takes a suitability action against an applicant or appointee. OPM's purpose in proposing these changes is to provide for procedures for taking post-appointment conduct suitability actions against employees, to include establishing requirements for maintaining independence between proposing officials and final decisionmakers.

Section-by-Section Analysis

Authorities

OPM is proposing to add E.O. 14210, 90 FR 9669; and the Presidential Memorandum, 90 FR 13683 (Mar. 25,

2025) to the list of authorities for part 731.

Part 731

Section 731.101 Purpose

OPM is proposing a minor edit to remove the word "covered" from the definition of "core duty" for clarity and to align with changes to the regulatory text throughout part 731 in the final rule at 89 FR 102,675.

Section 731.103 Delegation to Agencies for the Competitive Service and Career Senior Executive Service

OPM is proposing edits to § 731.103(a) and (b) to clarify the delegation to agencies for making suitability determinations and taking suitability actions to specify that, in the case of an employee, the head of an agency is delegated authority to review whether an unfavorable suitability determination may be warranted but is not delegated authority to make a final suitability determination or take a suitability action.

OPM is proposing to edit § 731.103(f) to remove a reference to 5 CFR part 315, as E.O. 14284 directed removal of the procedures for terminating a probationer.

OPM also proposes to clarify that OPM retains sole jurisdiction for making final suitability determinations and taking suitability actions in any case involving an employee for post-appointment conduct. OPM also proposes clarifying that an agency must refer to OPM cases where a government-wide debarment of an individual by OPM may be an appropriate action, whether the individual is an applicant, appointee, or employee.

Section 731.104 Investigation and Reciprocity Requirements

OPM is proposing a minor edit to remove the word "covered" from the definition of "core duty" for clarity and to align with changes to the regulatory text throughout part 731 in the final rule at 89 FR 102,675.

Section 731.105 Authority To Take Suitability Actions in Cases Involving the Competitive Service or Career Senior Executive Service

Section 731.105 describes the authority of OPM and agencies to take suitability actions against applicants, appointees, and employees involving the competitive service or career Senior Executive Service.

Paragraph (a) of § 731.105 broadly describes the authority of OPM or an agency (acting under delegated authority) to take a suitability action with respect to an applicant or an

appointee. OPM proposes clarifying that an agency and OPM have authority to take an action against an individual in appointee status based on conduct occurring prior to the appointment or occurring post-appointment. In § 731.105(a)(1), OPM proposes a minor edit to revise “an individual appointed” to “appointee.”

Paragraph (b) addresses situations in which OPM may take a suitability action against an applicant or an appointee. OPM proposes to take suitability actions against appointees on the basis of post-appointment conduct, as appropriate, when an agency has referred the matter to OPM for action.

Paragraph (c) addresses when an agency (acting under delegated authority) may take a suitability action against an applicant or an appointee. OPM is not proposing changes to this paragraph.

Paragraph (d) addresses situations in which OPM may take a suitability action against an employee. Only OPM has this authority. Historically, OPM has not taken suitability actions against employees except for certain factors and then only on the basis of conduct that occurred prior to the individual achieving “employee” status. OPM proposes to expand the criteria for which OPM may take a suitability action on employees to include any of the criteria in 731.202. OPM also proposes to make final suitability determinations and take suitability actions against employees on the basis of post-appointment conduct, as appropriate, when an agency has referred the matter to OPM for action, consistent with the President’s direction in the Presidential Memorandum.

Paragraph (e) currently specifies that an agency may not take a suitability action against an employee. OPM proposes to add that an agency must make a referral to OPM to take a suitability action when the agency has information that an employee’s conduct warrants an unfavorable suitability determination. OPM proposes to move part of the existing paragraph (e) to a new paragraph (f) to address other actions available to agencies. OPM also proposes to replace a reference to 5 CFR part 315 with 5 CFR part 11, as directed by E.O. 14284.

Section 731.106 Designation of Public Trust Positions and Investigative Requirements

OPM proposes to revise paragraph § 731.106(d)(1) to specify that, when an agency determines that a suitability action against an employee in the competitive service or career Senior Executive Service may be appropriate

based on the results of continuous vetting, the agency must refer the matter to OPM, since only OPM may take a suitability action on an employee. OPM proposes to revise § 731.106(f), to clarify that determinations made as a result of completed investigations may justify actions by an agency under part 731 or under another applicable authority. OPM also proposes to remove a reference to 5 CFR part 315, as E.O. 14284 directed removal of the procedures for terminating a probationer.

Subpart B—Determinations of Suitability or Fitness; Suitability Actions in Cases Involving the Competitive Service or Career Senior Executive Service

OPM proposes changes to this subpart to amend the specific factors for making suitability determinations and to expand OPM’s authority to take a suitability action against an employee so that the action may be based on any of the factors. As discussed in the section “Suitability Actions on Employees for Post-Appointment Conduct,” for over 30 years across multiple administrations, it has been the express policy of each President to ensure that employees remain suitable or fit for Federal employment; however, the suitability regulations limited the ability of OPM to take suitability actions against employees by restricting the factors OPM could use to take a suitability action. These proposed changes would further align OPM’s regulations with this long-standing Executive policy.

Section 731.202 Criteria for Making Suitability and Fitness Determinations

OPM proposes changes to the suitability factors at § 731.202(b), as follows:

- Add examples to the factor *misconduct or negligence in employment* that may be committed by current or former employees—specifically, theft or misuse of government resources and equipment or negligent loss of government resources and equipment; refusal to certify compliance with, and/or adhere to, applicable non-disclosure obligations; and refusal to furnish testimony as required by 5 CFR 5.4.
- Add specific factors regarding failure to comply with legal obligations and failure to comply with provisions that would preclude Federal service, including citizenship requirements.
- Remove the words “applicant or appointee” from the factor on excessive use of alcohol, without evidence of rehabilitation, to clarify to agencies that this factor may be applied to all

individuals regardless of employment status.

- Renumber the factors in accordance with the proposed changes.

OPM proposes to add a new § 731.202(d) to codify existing training requirements for all persons responsible for suitability screening, review, or making suitability determinations to be trained in accordance with national training standards for suitability adjudicators.

Section 731.203 Suitability Actions by OPM and Other Agencies for the Competitive Service or Career Senior Executive Service

OPM proposes to amend § 731.203(e) to clarify that when OPM takes a suitability action pursuant to its authority, it may require the employing agency to execute the action.

OPM proposes to edit § 731.203(g) to replace references to 5 CFR part 315 with 5 CFR part 11 consistent with E.O. 14284.

OPM proposes to amend § 731.203(f) to clarify that OPM may cancel reinstatement eligibility based on any of the criteria of § 731.202.

Section 731.206 Reporting Requirements for Investigations and Suitability and Fitness Determinations

OPM proposes to amend § 731.206 to clarify that suitability actions are included in the types of personnel actions to be recorded in the Central Verification System or its successor.

Subpart C—OPM Suitability Action Procedures for the Competitive Service or Career Senior Executive Service

OPM proposes changes to this subpart to amend suitability action procedures when OPM takes a suitability action against an applicant, appointee, or employee. Subpart C only applies to applicants to, and appointees or employees in, the competitive service or career Senior Executive Service.

Section 731.301 Scope

OPM proposes changes to the text to specify that OPM may initiate suitability actions against an applicant, appointee, or employee depending on the nature and timing of the conduct, but OPM requires that the head of an appointee’s or employee’s employing agency, or designee, must make a referral to OPM in order for the Director of OPM, or designee, to take a suitability action against an appointee or employee on the basis of post-appointment conduct.

Section 731.304 Decision

OPM proposes to amend the process by which a final decision on a

suitability action is made by OPM. OPM proposes to clarify that the OPM Director, or designee, will make the final decision regarding a suitability action. When the OPM Director delegates such decision-making, the OPM employee authorized to make the decision would be required to be appropriately independent from the employee who made the suitability determination and proposed the action. For example, the employee adjudicating the suitability determination (*i.e.*, proposing a suitability action) may not participate in discussions with or advise the OPM official authorized to make the final suitability decision. OPM also proposes to prohibit *ex parte* communication with the OPM official authorized to make the final decision, applying procedural protections akin to those provided by 5 U.S.C. 554(d). Although 5 U.S.C. 554 and 557 do not apply to suitability actions, OPM believes that the type of legal protections provided by those procedures are appropriate for suitability actions, given the potential significant consequences. Section 731.304 also specifies that, if the OPM Director or designee determines to take a suitability action, OPM will direct the agency to remove the individual or to process a different suitability action. Consistent with current regulations, if a suitability action requires removal, OPM specifies that the employing agency must remove the employee within five workdays of receipt of OPM's decision.

Subpart D—Agency Suitability Action Procedures for the Competitive Service or Senior Executive Service

731.404 Decision

OPM proposes to amend the process by which a final decision on a suitability action is made by an agency, in cases where agencies are permitted to take suitability actions. OPM proposes that the agency head, or designee, will make the final decision regarding a suitability action. When the agency head delegates such decision-making, the agency's employee authorized to make the decision would be required to be appropriately independent from the employee who proposed the action. OPM also proposes to prohibit *ex parte* communication with the agency's official authorized to make the final decision, applying procedural protections akin to those provided by 5 U.S.C. 554(d). Although 5 U.S.C. 554 and 557 do not apply to suitability actions, OPM believes that similar legal protections are appropriate for suitability actions, given the potential significant consequences.

Expected Impact of This Proposed Rule

1. Statement of Need

This rule is needed to improve the efficiency, rigor, and timeliness by which OPM and agencies vet individuals for risk to the integrity and efficiency of the service. Permitting OPM to take suitability actions against employees for post-appointment conduct, consistent with the President's direction, will allow for faster removals by the agencies of those employees against whom OPM takes suitability actions, as the suitability actions process is more streamlined for the agencies than the Chapter 75 process. Importantly, more streamlined removals by the agencies of such employees will reduce the risk to the efficiency and integrity of the service that is currently posed when employees found to be unsuitable remain in their positions longer than necessary because Chapter 75 processes take longer than the suitability action process. Moreover, offering agencies a more streamlined process to remove employees found unsuitable will encourage agencies and managers to act, rather than choosing not to act because the Chapter 75 process is perceived as too difficult. Surveys show that only two-fifths of Federal supervisors believe they could remove an employee for serious misconduct.¹ Allowing employees who engage in gross—and at times criminal—misconduct to remain in their positions undermines the integrity of the Federal service.

On balance, these changes are expected to reduce time and costs while promoting an impartial and effective suitability process that produces sound decisions. The suitability factors that are being introduced by this rulemaking are needed to emphasize that individuals serving for, or on behalf of, the Government are expected to comply with legal and ethical obligations. Specifying these factors in the regulations will provide greater clarity to agencies as well as to applicants and employees as to the types of conduct by which an individual may be found unsuitable.

2. Impact

Applicants, appointees, and employees in the competitive service, in the excepted service where the incumbent can be noncompetitively converted to the competitive service, and in the career Senior Executive Service would be impacted by the changes proposed in this rule permitting OPM to take suitability actions for post

appointment conduct on these positions, revising suitability action procedures, and incorporating additional suitability criteria used in making suitability determinations and taking suitability actions. Applicants, appointees, and employees in the excepted service would be impacted by changes incorporating new factors at § 731.202(b) as these factors are required to be used as the minimum standards of fitness for excepted service positions. Contractors and nonappropriated fund employees would also be impacted by the updated factors, as agencies must exercise due regard to the minimum fitness standards in 5 CFR part 731 and supplemental guidance for these populations as well.

OPM would also be impacted by the proposed changes as the rule would increase the number of suitability actions OPM would be required to conduct. OPM anticipates the impact to MSPB to be neutral. Any removal action on an employee for post-appointment conduct currently processed under Chapter 75 that results in an appeal to MSPB and might be processed instead as a suitability action will still likely result in an appeal to MSPB. OPM assumes an individual willing to appeal a Chapter 75 action to MSPB would be equally willing to appeal a suitability action to MSPB.

3. Costs

One-time Implementation Cost: This proposed rule will affect the operations of most Federal agencies in the Executive branch—ranging from cabinet-level departments to small independent agencies. To comply with the regulatory changes in this proposed rule, affected agencies will need to review the rule and update their policies and procedures. For this cost analysis, the assumed average salary rate of Federal employees performing this work will be the rate in 2025 for GS-14, step 5, from the Washington, DC, locality pay table (\$161,486 annual locality rate and \$77.38 hourly locality rate). We assume that the total dollar value of labor, which includes wages, benefits, and overhead, is equal to 200 percent of the wage rate, resulting in an assumed labor cost of \$154.76 per hour. We estimate that, in the first year following publication of the final rule, the effort to update policies and procedures will require an average of 250 hours of work by employees with an average hourly cost of \$154.76. This effort would result in estimated costs in the first year of implementation of about \$38,690 per agency, and about \$3.1 million in total Government-wide.

¹ See, *supra*, footnote 2.

Savings from Fewer Chapter 75 Removals: In permitting OPM to take suitability actions for post-appointment conduct, OPM anticipates a decreased level of effort for agencies as they will refer employee cases to OPM for action procedures rather than pursue Chapter 75 removals. In fiscal years 2022 and 2023, an average of 2,452 Federal employees were removed under Chapter 75, or Chapter 75 equivalent, procedures for post-appointment misconduct.² OPM estimates that approximately 50 percent, or 1226, of these Chapter 75, or Chapter 75 equivalent, removal actions presently taken by agencies could be referred to OPM for suitability actions instead. The average number of collective hours for supervisory and HR personnel to take a Chapter 75 action is 600 hours. The cost analysis assumes an average salary rate of Federal supervisors and senior HR personnel performing this work at the 2025 rate for a GS-15, step 5, from the Washington, DC, locality pay table (\$189,950 annual locality rate and \$91.02 hourly locality rate). OPM assumes the total value of labor is 200 percent of the hourly wage rate, for a total average hourly cost of \$182.04. While a portion of the 600 hours would still fall to the agency to establish a fulsome referral to OPM for a suitability action, OPM anticipates that referring the matter to OPM for a suitability action would relieve the agencies of at least thirty percent of the work involved in taking a Chapter 75 action, prior to appeals. This implies total savings of \$32,767 per case and a total annual savings of \$40.2 million.

Cost Increase to Handle Agency Post-Appointment Conduct Referrals: OPM would likely need to increase the number of resources to handle the new workload from agencies' referrals for suitability determinations and actions on employees based on post-appointment conduct. Even if some agency referrals for determinations and actions on employees for post-appointment conduct do not result in a suitability action, OPM estimates it would likely need eighteen additional adjudicators performing the work at the 2025 rate for a GS-13, step 5, from the Pittsburgh, PA locality pay table (\$123,486 annual locality rate and \$59.17 hourly locality rate). OPM

assumes the total value of labor is 200 percent of the hourly wage rate, for a total average hourly cost of \$118.34 and a collective annual cost of \$4.4 million for all eighteen additional employees.

Taking into account both decreases and increases in levels of effort associated with the proposed rule, on balance OPM anticipates one-time implementation costs of approximately \$3.1 million and recurring annual net cost savings governmentwide of approximately \$35.7 million. OPM requests comment on these effects, as well as other impacts of the rule.

4. Benefits

The expected benefits of the proposed rule are to further establish standards and processes by which OPM and agencies efficiently and appropriately vet individuals for risk to the integrity and efficiency of the service. More expeditious removal and debarment of individuals found to negatively impact the integrity or efficiency of the service will reduce risks posed by such individuals as well as costs to agencies, allowing them to spend resources on mission services rather than administrative processes.

5. Alternatives

OPM must comply with Executive Order and the Presidential Memorandum direction, as previously described, to establish specific suitability factors and to take suitability actions on employees when warranted and referred by agencies based on post-appointment conduct. OPM could have delegated to agencies the authority to take suitability actions against employees for post-appointment conduct. Given that suitability actions against employees for post-appointment conduct is a new process, OPM believes reserving jurisdiction for these actions for itself will provide for government-wide consistency in decision-making as this new process is implemented. OPM may at a later time determine to delegate this authority to the heads of agencies.

For the proposed updates to the suitability factors, OPM could have elected to establish each new criteria from E.O. 14210 as its own separate suitability factor under 5 CFR 731.202(b). The current suitability factors employ a hierarchical approach where the factors establish broad categories of conduct or behavior where discrete examples of such conduct may then fit within the general categories. For example, the criminal conduct factor establishes a broad category under which a wide range of criminal behavior may be considered, regardless of whether the conduct resulted in an

arrest or conviction. Therefore, where appropriate, OPM believes that the inclusion of some of the new suitability criteria required by E.O. 14210 as examples of conduct that would fall under an existing factor will be more intuitive and easier for agency suitability staff to apply in making suitability determinations.

Severability

OPM proposes that, if any of the provisions of this proposed rule as finalized is held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, it shall be severable from its respective section(s) and shall not affect the remainder thereof or the application of the provision to other persons not similarly situated or to other dissimilar circumstances. For example, if a court were to invalidate any portions of this proposed rule as finalized revising the suitability factors, the other portions of the rule—including the portions providing that OPM may make suitability determinations for post-appointment conduct—would independently remain workable and valuable. In enforcing civil service protections and merit system principles, OPM will comply with all applicable legal requirements.

Regulatory Compliance

1. Regulatory Review

OPM has examined the impact of this rule as required by Executive Orders 12866 and 13563, which direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public, health, and safety effects, distributive impacts, and equity). A regulatory impact analysis must be prepared for rules with effects of \$100 million or more in any one year. This rulemaking does not reach that threshold but has otherwise been designated as a “significant regulatory action” under section 3(f) of Executive Order 12866, as supplemented by Executive Order 13563. This proposed rule is expected to be an Executive Order 14192 deregulatory action.

2. Regulatory Flexibility Act

The Acting Director of OPM certifies that this rule will not have a significant economic impact on a substantial number of small entities.

3. Federalism

This regulation will not have substantial direct effects on the States,

² This data comes from OPM's Enterprise Human Resources Integration Program's (EHRI) Data Warehouse and is analyzed using nature of action codes for terminations to identify Chapter 75 removals for misconduct. Certain data from EHRI is available to the public in summarized form on FedScope, accessible at <https://www.fedscope.opm.gov/>. However, complete raw data from EHRI is not available due to concerns about identifying employees at the individual level.

on the relationship between the National Government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

4. Civil Justice Reform

This regulation meets the applicable standard set forth in section 3(a) and (b)(2) of Executive Order 12988.

5. Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires that agencies assess anticipated costs and benefits before issuing any rule that would impose spending costs on State, local, or tribal governments in the aggregate, or on the private sector, in any 1 year of \$100 million in 1995 dollars, updated annually for inflation. That threshold is currently approximately \$206 million. This rulemaking will not result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, in excess of the threshold. Thus, no written assessment of unfunded mandates is required.

6. Paperwork Reduction Act

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number.

Depending on the population, currently suitability and vetting information is collected through the following OMB Control Numbers.

- 3206–0261(Standard Form 85, Questionnaire for Non-Sensitive Positions)
- 3206–0258 (Standard Form 85P, Questionnaire for Public Trust Positions and SF 85P–S, Supplemental Questionnaire for Selected Positions)
- 3206–0005 (SF 86, Questionnaire for National Security Positions)

Additional information regarding these collections of information—including all current supporting materials—can be found at <https://www.reginfo.gov/public/do/PRAMain> by using the search function to enter either the title of the collection or the OMB

Control Number. Data gathered through the information collection falls under the following system of record notice: Personnel Vetting Records System, DUSDI 02–DoD (83 FR 52420).

In addition, OPM suitability adjudication records currently are covered by the system of record notice CENTRAL–9 (81 FR 70191). OPM is reviewing that SORN in light of the changes proposed in this rulemaking. OPM will publish any proposed changes to its SORNs in the **Federal Register**. Individual agencies should each have a SORN that covers the agency adjudication records. Agencies may need to evaluate whether the agency-specific SORNs should be updated to include sharing information with OPM as part of the appeals process.

On November 15, 2023, a new information collection, the Personnel Vetting Questionnaire (PVQ), was approved (OMB Control Number 3206–0279). The Defense Counterintelligence and Security Agency (DCSA) is working to implement the new information collection. OPM plans to discontinue the current information collections once the PVQ is operational.

OPM believes this rulemaking does not warrant any changes in any of these collections.

List of Subjects in 5 CFR Part 731

Administrative practices and procedure, Authority delegations (Government agencies), Government contracts, Government employees, Investigations.

Office of Personnel Management.

Jerson Matias,

Federal Register Liaison.

Accordingly, for the reasons stated in the preamble, OPM is proposing to amend part 731 of title 5, Code of Federal Regulations as follows:

PART 731—SUITABILITY AND FITNESS

- 1. The authority citation for part 731 is revised to read as follows:

Authority: 5 U.S.C. 1302, 3301, 7301. E.O. 10577, 19 FR 7521, 3 CFR, 1954–1958 Comp., p. 218, as amended. E.O. 13467, 73 FR 38103, 3 CFR, 2009 Comp., p. 198, as amended. E.O. 13488, 74 FR 4111, 3 CFR, 2010 Comp., p. 189, as amended. E.O. 13764, 82 FR 8115, 3 CFR, 2017 Comp. p. 243. E.O. 14210, 90 FR 9669. Presidential Memorandum of January 31, 2014, 3 CFR, 2014 Comp., p. 340. Presidential Memorandum of March 20, 2025, 90 FR 13683. 5 CFR parts 1, 2, 5, and 6.

Subpart A—Scope

- 2. Amend § 731.101 by:
 - a. Revising the section heading; and

- b. In paragraph (a), revising the definitions for “Competitive service or career Senior Executive Service” and “Core duty” to read as follows:

§ 731.101 Definitions and Purpose.

(a) * * *

* * * * *

Competitive service or career Senior Executive Service—For the purposes of this part, “Competitive service or career Senior Executive Service” refers to a position in the competitive service, a position in the excepted service where the incumbent can be noncompetitively converted to the competitive service, or a career appointment to a position in the Senior Executive Service.

* * * * *

Core duty means a continuing responsibility that is of particular importance to the relevant position or the achievement of an agency’s mission.

* * * * *

- 3. Amend § 731.103 by revising paragraphs (a), (b), and (f) to read as follows:

§ 731.103 Delegation to agencies for the competitive service and career Senior Executive Service.

(a) Subject to the limitations and requirements of paragraphs (b), (d), and (f) of this section, OPM delegates to the head of an agency authority for making a suitability determination and taking a suitability action (including limited, agency-specific debarments under § 731.205) in a case involving an *applicant* or *appointee*. In a case involving an employee, the head of the employee’s employing agency must make a proper and sufficient referral to OPM, as specified in OPM issuances as described in § 731.102(b), if the employee’s conduct appears to warrant an unfavorable suitability determination.

(b) When an agency, acting under delegated authority from OPM, determines that a government-wide debarment by OPM under § 731.204(a) may be an appropriate action, whether on an applicant, appointee, or employee, it must refer the case to OPM for debarment consideration. An agency must make a referral, but only after sufficient resolution of the suitability issue(s) to determine if a government-wide debarment appears warranted.

* * * * *

(f) OPM retains sole jurisdiction to make a final suitability determination and take an action under this part in any case where there is evidence that there has been a material, intentional false statement, or deception or fraud, in examination or appointment. OPM also

retains sole jurisdiction to make a final suitability determination and take an action under this part in any case when there is evidence that there has been knowing and willful engagement in acts or activities designed to overthrow the U.S. Government by force. OPM also retains sole jurisdiction to make a final suitability determination and take an action under this part in any case involving an employee for post-appointment conduct. An Agency must refer these cases to OPM for suitability determinations and suitability actions under this authority. Although no prior approval is needed, notification to OPM is required if the agency wants to take, or has taken, action under its own authority (such as 5 CFR part 359 or 752) in cases involving conduct fitting within any of these factors. In addition, paragraph (a) of this section notwithstanding, OPM may, in its discretion, exercise its jurisdiction under this part in any case it deems necessary regardless of whether the agency may adjudicate under another authority.

■ 4. Amend § 731.104 by revising paragraph (c)(2)(i) to read as follows:

§ 731.104 Investigation and reciprocity requirements

* * * * *

(c) * * *

(2) * * *

(i) The investigative record on file for the individual shows conduct that is incompatible with the core duties of the relevant position; or

* * * * *

■ 5. Amend § 731.105 by revising the introductory text of paragraph (a), revising paragraphs (a)(1), (b), (d), and (e), and adding paragraph (f) to read as follows:

§ 731.105 Authority to take suitability actions in cases involving the competitive service or career Senior Executive Service.

(a) OPM or an agency acting under delegated authority may take a suitability action in connection with any application for, or appointment to, the competitive service or career Senior Executive Service. In the case of an appointee, OPM or an agency may consider conduct occurring prior to the appointment or occurring post-appointment to serve as the basis for the action.

(1) OPM's or an agency's authority to complete a suitability action continues when an application is withdrawn, when an offer of employment is withdrawn, or when an appointee separates from employment. OPM's authority to complete a suitability

action continues when an employee separates from employment.

* * * * *

(b) OPM may take a suitability action under this part against an *applicant* or *appointee* based on the criteria in § 731.202. When the basis for the action is post-appointment conduct, OPM may take a suitability action against an appointee only when there is a proper and sufficient referral by the head of the appointee's employing agency.

* * * * *

(d) Only OPM may take a suitability action under this part against an *employee* in the competitive service or career Senior Executive Service based on the criteria of § 731.202. When the basis for the action is post-appointment conduct, OPM may take a suitability action against an employee only when there is a proper and sufficient referral by the head of the employee's employing agency.

(e) An agency may not take a suitability action against an *employee* in the competitive service or career Senior Executive Service. If the agency has information that an *employee's* conduct warrants an unfavorable suitability determination, the head of the agency, or designee, must make a proper and sufficient referral to OPM, as specified in OPM issuances as described in § 731.102(b). OPM will take a suitability action where warranted.

(f) Nothing in this part precludes an agency from taking an adverse action under the procedures and standards of part 752 of this chapter or terminating a probationer under the procedures of part 11 part 359 of this chapter or under agency specific authorities. An agency must notify OPM to the extent required in § 731.103(d) and (f) if it wants to take, or has taken, action under these authorities. OPM retains the right to take a suitability action even in those cases where the agency makes an adjudicative determination under another authority.

■ 6. Amend § 731.106 by revising paragraphs (d)(1) and (f) to read as follows:

§ 731.106 Designation of public trust positions and investigative requirements.

* * * * *

(d) * * * (1) Individuals occupying positions of employment subject to investigation are also subject to continuous vetting through periodic checks of their background at any time in accordance with standards issued by OPM. Checks must be conducted at regular intervals, based on the type of check and with consideration of position risk and sensitivity. The nature of a continuous vetting check, and any

additional requirements and parameters, to include requirements for agencies to consider information related to the individual's conduct available from internal agency sources, are specified in supplemental issuances as described in § 731.102(b). An individual may be subjected to continuous vetting only if they have signed an authorization for release of information permitting a disclosure for continuous vetting purposes. Continuous vetting for an individual in a public trust position satisfies the requirement for a periodic reinvestigation of an individual in a public trust position as directed in E.O. 13488, as amended. An agency must ensure that each continuous vetting check is conducted and a determination made regarding continued employment. If an agency makes an unfavorable determination based on information from a continuous vetting check on an appointee, the agency may take a suitability action subject to the limitations of § 731.103(b), (d), and (f). If an agency makes an unfavorable determination from a continuous vetting check on an employee, the agency must refer the matter to OPM to take the suitability action on the employee.

* * * * *

(f) *Completed investigations.* An investigation or continuous vetting check under paragraphs (c), (d), and (e) of this section support a determination by the employing agency of whether the findings of the investigation may require referral to OPM for a potential suitability action or would justify an action by the agency under this part or under another applicable authority, such as part 359 or 752 of this chapter. Sections 731.103 and 731.105(c) and (e) address whether an agency may take an action under this part and whether the agency must refer the matter to OPM for a suitability action including debarment consideration.

* * * * *

Subpart B—Determinations of Suitability or Fitness; Suitability Actions in Cases Involving the Competitive Service or Career Senior Executive Service

■ 7. In § 731.202, revise and republish paragraph (b) and add paragraph (d) to read as follows:

§ 731.202 Criteria for making suitability and fitness determinations.

* * * * *

(b) *Specific factors.* Only OPM may take a suitability action considering the factors in paragraph (b)(3) or (b)(9) of this section. Agencies may use the factor in paragraph (b)(11) in applicant and

appointee suitability cases but not employee cases; however, OPM may use this or any factor in employee cases. When making a suitability determination, OPM or an agency will consider only the following factors to determine if an individual is suitable. When making fitness determinations, an agency must consider all of the following factors as a minimum standard, but it may prescribe additional factors to protect the integrity and promote the efficiency of the service, when job-related and consistent with business necessity.

(1) Misconduct or negligence in employment. This factor includes:

(i) Theft or misuse of government resources and equipment, or negligent loss of material government resources and equipment during employment with, or on behalf of, the Federal government or a state, territorial, or local government;

(ii) Refusal to certify compliance with any applicable non-disclosure obligations consistent with 5 U.S.C. 2302(b)(13) and failure to adhere to those compliance obligations in the course of Federal employment; and

(iii) Refusal to furnish testimony as required by § 5.4 of this chapter.

(2) Criminal conduct.

(3) Material, intentional false statement, or deception or fraud, in examination or appointment.

(4) Dishonest conduct.

(5) Knowing and willful failure to comply with generally applicable legal obligations, including timely filing of tax returns.

(6) Failure to comply with any provision that would preclude Federal service, including citizenship or nationality requirements.

(7) Excessive alcohol use, without evidence of rehabilitation, of a nature and duration that suggests the individual would be prevented from performing the duties of the position in question, or would constitute a direct threat to the property or safety of the applicant, appointee, or others.

(8) Illegal use of narcotics, drugs, or other controlled substances, without evidence of rehabilitation.

(9) Knowing and willful engagement in acts or activities designed to overthrow the U.S. Government by force.

(10) Violent conduct.

(11) Any statutory or regulatory bar that prevents the lawful employment of the individual in the position in question.

* * * * *

(d) All persons responsible for suitability screening, review, or making

suitability determinations under this part must be trained in accordance with national training standards for suitability adjudicators issued in supplemental issuances, as described in § 731.102(b).

■ 8. Amend § 731.203 by revising paragraphs (e), (f), and (g) to read as follows:

§ 731.203 Suitability actions by OPM and other agencies for the competitive service or career Senior Executive Service.

* * * * *

(e) In taking a suitability action against an applicant, appointee, or employee in the competitive service or career Senior Executive Service pursuant to § 731.105(a) and (d) and in accordance with 5 CFR 5.3, OPM may require an agency to execute the action.

(f) OPM may cancel any reinstatement eligibility obtained as a result of a determination based on the criteria of § 731.202.

(g) An action to remove an appointee or employee *for suitability reasons* under this part is not an action under 5 CFR part 11, 359, or 752. Where conduct covered by this part may also form the basis for an action under 5 CFR part 11, 359, or 752, an agency may take the action under 5 CFR part 11, 359, or 752, as appropriate, instead of under this part. An agency must notify OPM to the extent required in § 731.103(f) if it wants to take, or has taken, action under these authorities. OPM reserves the right to also take an action under this part.

* * * * *

■ 9. Revise § 731.206 to read as follows:

§ 731.206 Reporting requirements for investigations and suitability and fitness determinations.

An agency must report to the Central Verification System or its successor the level or nature, result, and completion date of each background investigation, reinvestigation, or enrollment in Continuous Vetting; each agency decision based on such investigation, reinvestigation, or Continuous Vetting; and any personnel action, to include suitability actions, taken based on such investigation, reinvestigation, Continuous Vetting, as required in supplemental guidance. An agency must also report to the Central Verification System or its successor any suitability determination and action taken based on an internal agency investigation, such as a suitability action taken as a result of an Employee and Labor Relations investigation.

Subpart C—OPM Suitability Action Procedures for the Competitive Service or Career Senior Executive Service

■ 10. Revise § 731.301 to read as follows:

§ 731.301 Scope.

This subpart covers OPM-initiated suitability actions against an *applicant*, *appointee*, or *employee* in the competitive service or career Senior Executive Service and OPM suitability actions against an appointee or employee in the competitive service or career Senior Executive Service for post-appointment conduct when an agency has referred the matter to OPM to take a suitability action.

■ 11. Revise § 731.304 to read as follows:

§ 731.304 Decision.

(a) The OPM Director, or designee, will make the final decision as to whether to take a suitability action. In cases where the Director delegates decision-making authority to subordinate employees, there must be appropriate independence between the OPM employee authorized to propose the suitability action and the employee authorized to make the final decision regarding such suitability action. The OPM official authorized to make the final decision is prohibited from ex parte communications consistent with the requirements of 5 U.S.C. 557(d).

(b) If the final decision is that a suitability action shall be taken, the OPM Director or designee will instruct the agency to remove the individual or process a different suitability action. The decision regarding the final suitability action must be in writing, be dated, and inform the respondent of the reasons for the decision. If the decision requires removal, the employing agency must remove the appointee or employee from the rolls within 5 workdays of receipt of OPM's final decision.

Subpart D—Agency Suitability Action Procedures for the Competitive Service or Career Senior Executive Service

■ 12. Revise § 731.404 to read as follows:

§ 731.404 Decision.

(a) The agency head, or designee, makes the final decision as to whether to take a suitability action. In cases where the agency head delegates decision-making authority to subordinate employees, there must be appropriate independence between the employee authorized to propose the

suitability action and the employee authorized to make the final decision regarding such suitability action. The official authorized to make the final decision is prohibited from ex parte communications consistent with the requirements of 5 U.S.C. 557(d).

(b) The decision regarding the final action must be in writing, be dated, and inform the respondent of the reasons for the decision. If the decision requires removal, the employing agency must remove the appointee from the rolls within 5 workdays of the agency's decision.

[FR Doc. 2025–10067 Filed 6–2–25; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA1180]

Schedules of Controlled Substances: Placement of 4-Fluoroamphetamine in Schedule I

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Drug Enforcement Administration proposes placing the substance 4-fluoroamphetamine (4-FA; 1-(4-fluorophenyl)propan-2-amine), including its salts, isomers, and salts of isomers, in schedule I of the Controlled Substances Act. This action is being taken, in part, to enable the United States to meet its obligations under the 1971 Convention on Psychotropic Substances. If finalized, this action would impose the regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, reverse distribute, import, export, engage in research, conduct instructional activities or chemical analysis with, or possess) or propose to handle 4-fluoroamphetamine.

DATES: Comments must be submitted electronically or postmarked on or before July 3, 2025.

Interested persons may file a request for a hearing or waiver of hearing pursuant to 21 CFR 1308.44 and in accordance with 21 CFR 1316.47 and/or 1316.49, as applicable. Requests for a hearing and waivers of an opportunity for a hearing or to participate in a hearing, together with a written statement of position on the matters of fact and law asserted in the hearing,

must be received or postmarked on or before July 3, 2025.

ADDRESSES: Interested persons may file written comments on this proposal in accordance with 21 CFR 1308.43(g). The electronic Federal Docket Management System will not accept comments after 11:59 p.m. Eastern Time on the last day of the comment period. To ensure proper handling of comments, please reference “Docket No. DEA1180” on all electronic and written correspondence, including any attachments.

- *Electronic comments:* The Drug Enforcement Administration (DEA) encourages commenters to submit comments electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon completion of your submission, you will receive a Comment Tracking Number. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

Commenters should be aware that the electronic Federal Docket Management System will not accept comments after 11:59 p.m. Eastern Time on the last day of the comment period.

- *Paper comments:* Paper comments that duplicate the electronic submissions are not necessary and are discouraged. Should you wish to mail a paper comment in lieu of an electronic comment, it should be sent via regular or express mail to: Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152.

- *Hearing requests:* All requests for a hearing and waivers of participation, together with a written statement of position on the matters of fact and law asserted in the hearing, must be filed with the DEA Administrator, who will make the determination of whether a hearing will be needed to address such matters of fact and law in the rulemaking. Such requests must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152. For informational purposes, a courtesy copy of requests for hearing and waivers of participation should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register

Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152.

- *Paperwork Reduction Act*

Comments: All comments concerning collections of information under the Paperwork Reduction Act must be submitted to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for DOJ, Washington, DC 20503. Please state that your comment refers to Docket No. DEA1180.

FOR FURTHER INFORMATION CONTACT: Dr. Terrence L. Boos, Drug and Chemical Evaluation Section, Diversion Control Division, Drug Enforcement Administration; Telephone: (571) 362–3249.

As required by 5 U.S.C. 553(b)(4), a summary of this proposed rule may be found in the docket for this rulemaking at www.regulations.gov.

SUPPLEMENTARY INFORMATION: In this proposed rule, the Drug Enforcement Administration (DEA) intends to place 4-fluoroamphetamine (4-FA; 1-(4-fluorophenyl)propan-2-amine), including its salts, isomers, and salts of isomers, in schedule I of the Controlled Substances Act (CSA).

Posting of Public Comments

All comments received in response to this docket are considered part of the public record. DEA will make comments available for public inspection online at <https://www.regulations.gov>. Such information includes personal or business identifying information (such as name, address, State or Federal identifiers, etc.) voluntarily submitted by the commenter. All information voluntarily submitted by the commenter, unless clearly marked as Confidential Information in the method described below, will be publicly posted. Comments may be submitted anonymously.

Commenters submitting comments which include personal identifying information (PII), confidential, or proprietary business information that the commenter does not want made publicly available should submit two copies of the comment. One copy must be marked “CONTAINS CONFIDENTIAL INFORMATION” and should clearly identify all PII or business information the commenter does not want to be made publicly available, including any supplemental materials. DEA will review this copy, including the claimed PII and confidential business information, in its consideration of comments. The second copy should be marked “TO BE PUBLICLY POSTED” and must have all claimed confidential or proprietary business information redacted. DEA will

post only the redacted comment on <https://www.regulations.gov> for public inspection. DEA generally will not redact additional information contained in the comment marked "TO BE PUBLICLY POSTED." The Freedom of Information Act applies to all comments received.

For easy reference, an electronic copy of this document and supplemental information to this proposed rule are available at <https://www.regulations.gov> for easy reference.

Request for Hearing or Appearance; Waiver

Pursuant to 21 U.S.C. 811(a), this action is a formal rulemaking "on the record after opportunity for a hearing." Such proceedings are conducted pursuant to the provisions of the Administrative Procedure Act (APA), 5 U.S.C. 551–559.¹ Interested persons, as defined in 21 CFR 1300.01(b), may file requests for a hearing in conformity with the requirements of 21 CFR 1308.44(a) and 1316.47(a), and such requests must:

- (1) state with particularity the interest of the person in the proceeding;
- (2) state with particularity the objections or issues concerning which the person desires to be heard; and
- (3) state briefly the position of the person with regard to the objections or issues.

Any interested person may file a waiver of an opportunity for a hearing or to participate in a hearing in conformity with the requirements of 21 CFR 1308.44(c), together with a written statement of position on the matters of fact and law involved in any hearing.²

All requests for a hearing and waivers of participation, together with a written statement of position on the matters of fact and law involved in such hearing, must be sent to DEA using the address information provided above. The decision whether a hearing will be needed to address such matters of fact and law in the rulemaking will be made by the Administrator. If a hearing is needed, DEA will publish a notice of hearing on the proposed rulemaking in the **Federal Register**.³ Further, once the Administrator determines a hearing is needed to address such matters of fact and law in rulemaking, he will then designate an Administrative Law Judge (ALJ) to preside over the hearing. The ALJ's functions shall commence upon

designation, as provided in 21 CFR 1316.52.

In accordance with 21 U.S.C. 811 and 812, the purpose of a hearing would be to determine whether 4-fluoroamphetamine meets the statutory criteria for placement in schedule I, as proposed in this rulemaking.

Legal Authority

The CSA provides that proceedings for the issuance, amendment, or repeal of the scheduling of any drug or other substance may be initiated by the Attorney General (delegated to the Administrator of DEA pursuant to 28 CFR 0.100) on her own motion, at the request of the Secretary of Health and Human Services (HHS), or on the petition of an interested party.⁴ This proposed action is initiated on the Acting Administrator's own motion and supported by, *inter alia*, a recommendation from the then-Assistant Secretary for Health of the Department of Health and Human Services (HHS).

In addition, the United States is a party to the 1971 United Nations Convention on Psychotropic Substances (1971 Convention), February 21, 1971, 32 U.S.T. 543, 1019 U.N.T.S. 175, as amended. Domestic procedures respecting changes in drug schedules under the 1971 Convention are set forth in 21 U.S.C. 811(d)(2)–(4). When the United States receives notification of a scheduling decision pursuant to Article 2 of the 1971 Convention indicating that a drug or other substance has been added to a schedule specified in the notification, the Secretary of HHS (Secretary),⁵ after consultation with the Attorney General, shall first determine whether existing legal controls under subchapter I of the CSA and the Federal Food, Drug, and Cosmetic Act meet the requirements of the schedule specified in the notification with respect to the specific drug or substance.⁶ In the event that the Secretary did not consult with the Attorney General, and the Attorney General did not issue a temporary order, as provided under 21 U.S.C. 811(d)(4), the procedures for permanent scheduling set forth in 21 U.S.C. 811(a) and (b) remain available and can be used to meet the United States'

international obligations under the Convention.

Pursuant to 21 U.S.C. 811(a)(1) and (2), the Attorney General (as delegated to the Administrator of DEA) may, by rule, and upon the recommendation of the Secretary, add to such a schedule or transfer between such schedules any drug or other substance, if she finds that such drug or other substance has a potential for abuse, and makes with respect to such drug or other substance the findings prescribed by 21 U.S.C. 812(b) for the schedule in which such drug or other substance is to be placed.

Background

4-Fluoroamphetamine (4-FA) is a central nervous system stimulant and shares structural and pharmacological similarities with schedule II stimulants, such as amphetamine and methamphetamine, and the schedule I substance 3,4-methylenedioxymethamphetamine (MDMA). On May 15, 2018, the Secretary-General of the United Nations advised the Secretary of State of the United States that the Commission on Narcotic Drugs (CND), during its 61st session held in March 2018, voted to place 4-FA in Schedule II of the 1971 Convention (CND Dec/61/12).

As a signatory to the 1971 Convention, the United States is required, by scheduling under the CSA, to place appropriate controls on 4-FA to meet the minimum requirements of the treaty. Because the procedures in 21 U.S.C. 811(d)(3) and (4) for consultation and issuance of a temporary order for 4-FA, discussed in the above legal authority section, were not followed, DEA is utilizing the procedures for permanent scheduling set forth in 21 U.S.C. 811(a) and (b) to control 4-FA. Such scheduling would satisfy the United States' international obligations.

Article 2, paragraph 7(b), of the 1971 Convention sets forth the minimum requirements that the United States must meet when a substance has been added to Schedule II of the 1971 Convention. Pursuant to the 1971 Convention, the United States must require licenses for the manufacture, export and import, and distribution of 4-FA. This license requirement is accomplished by the CSA's registration requirement as set forth in 21 U.S.C. 822, 823, 957, and 958, and in accordance with 21 CFR parts 1301 and 1312.

In addition, the United States must adhere to specific export and import provisions set forth in the 1971 Convention. This requirement is accomplished by the CSA with the export and import provisions

¹ 21 CFR 1308.41 through 1308.45; 21 CFR part 1316, subpart D.

² 21 CFR 1316.49.

³ 21 CFR 1308.44(b), 1316.53.

⁴ 21 U.S.C. 811(a).

⁵ As discussed in a memorandum of understanding entered into by the FDA and the National Institute on Drug Abuse (NIDA), FDA acts as the lead agency within HHS in carrying out the Secretary's scheduling responsibilities under the CSA, with the concurrence of NIDA. 50 FR 9518 (Mar. 8, 1985). The Secretary has delegated to the Assistant Secretary for Health of HHS the authority to make domestic drug scheduling recommendations. 58 FR 35460 (July 1, 1993).

⁶ 21 U.S.C. 811(d)(3).

established in 21 U.S.C. 952, 953, 957, and 958, and in accordance with 21 CFR part 1312. Likewise, under Article 13, paragraphs 1 and 2, of the 1971 Convention, a party to the 1971 Convention may notify through the U.N. Secretary-General another party that it prohibits the importation of a substance in Schedule II, III, or IV of the 1971 Convention. If such notice is presented to the United States, the United States shall take measures to ensure that the named substance is not exported to the notifying country. This requirement is also accomplished by the CSA's export provisions mentioned above.

Under Article 16, paragraph 4, of the 1971 Convention, the United States is required to provide annual statistical reports to the International Narcotics Control Board (INCB). Using INCB Form P, the United States shall provide the following information: (1) In regard to each substance in Schedule I and II of the 1971 Convention, quantities manufactured, exported to, and imported from each country or region as well as stocks held by manufacturers; (2) in regard to each substance in Schedule III and IV of the 1971 Convention, quantities manufactured, as well as quantities exported and imported; (3) in regard to each substance in Schedule II and III of the 1971 Convention, quantities used in the manufacture of exempt preparations; and (4) in regard to each substance in Schedule II–IV of the 1971 Convention, quantities used for the manufacture of non-psychoactive substances or products.

Lastly, under Article 2 of the 1971 Convention, the United States must adopt measures in accordance with Article 22 to address violations of any statutes or regulations that are adopted pursuant to its obligations under the 1971 Convention. Persons acting outside the legal framework established by the CSA are subject to administrative, civil, and/or criminal action; therefore, the United States complies with this provision.

DEA notes that there are differences between the schedules of substances in the 1971 Convention and the CSA. The CSA has five schedules (schedules I–V) with specific criteria set forth for each schedule. Schedule I is the only possible schedule in which a drug or other substance may be placed if it has high potential for abuse and no currently accepted medical use in treatment in the United States.⁷ In contrast, the 1971 Convention has four schedules (Schedules I–IV) but does not have specific criteria for each schedule.

The 1971 Convention simply defines its four schedules, in Article 1, to mean the correspondingly numbered lists of psychoactive substances annexed to the Convention, and altered in accordance with Article 2.

Proposed Determination to Schedule 4–FA

Pursuant to 21 U.S.C. 811(b), DEA gathered the necessary data on 4–FA and on September 6, 2019, submitted it to the then-Assistant Secretary for Health of HHS with a request for a scientific and medical evaluation of available information and a scheduling recommendation for 4–FA.

On March 2, 2021, HHS provided DEA a scientific and medical evaluation entitled “Basis for the Recommendation to Place 4-Fluoroamphetamine in Schedule I of the Controlled Substances Act” and a scheduling recommendation. Pursuant to 21 U.S.C. 811(b), following consideration of the eight factors and findings related to the substance's abuse potential, legitimate medical use, safety, and dependence liability, HHS recommended that 4–FA be controlled in schedule I of the CSA under 21 U.S.C. 812(b). Upon receipt of the scientific and medical evaluation and scheduling recommendation from HHS, DEA reviewed the documents and all other relevant data and conducted its own eight-factor analysis in accordance with 21 U.S.C. 811(c).

Included below is a brief summary of each factor as analyzed by HHS and DEA, and as considered by DEA in its proposed scheduling action. Please note that the detailed DEA and HHS eight-factor analyses supporting this proposed rule are both available in their entirety under the tab “Supporting Documents” of the public docket of this rulemaking action at <https://www.regulations.gov>, under docket number “DEA1180.”

1. The Drug's Actual or Relative Potential for Abuse

In addition to considering the information HHS provided in its scientific and medical evaluation document for 4–FA, DEA also considered all other relevant data regarding actual or relative potential for abuse of 4–FA. The term “abuse” is not defined in the CSA; however, the legislative history of the CSA suggests the following four prongs in determining whether a particular drug or substances has a potential for abuse:⁸

a. There is evidence that individuals are taking the drug or drugs containing

such a substance in amounts sufficient to create a hazard to their health or to the safety of other individuals or of the community; or

b. There is a significant diversion of the drug or substance from legitimate drug channels; or

c. Individuals are taking the drug or drugs containing such a substance on their own initiative rather than on the basis of medical advice from a practitioner licensed by law to administer such drugs in the course of his professional practice; or

d. The drug or drugs containing such a substance are new drugs so related in their action to a drug or drugs already listed as having a potential for abuse to make it likely that the drug will have the same potentiality for abuse as such drugs, thus making it reasonable to assume that there may be significant diversions from legitimate channels, significant use contrary to or without medical advice, or that it has a substantial capability of creating hazards to the health of the user or to the safety of the community.

Both DEA and HHS eight-factor analyses found that 4–FA produces pharmacological effects that are similar to those produced by schedule I and II substances, such as amphetamine, methamphetamine, and MDMA. 4–FA produces amphetamine-like features in a number of *in vivo* and *in vitro* assays, including the induction of locomotor activity and associated dopamine release. Data also demonstrate that 4–FA is self-administered and produces discriminative stimulus effects that are similar to those of the schedule II substances methamphetamine and cocaine. These pharmacological characteristics of 4–FA are predictive of substances that have a high potential for abuse.

4–FA does not have an approved medical use in the United States, but evidence indicates that 4–FA is being abused and trafficked in the United States. Because this substance is not an approved drug product, a practitioner may not legally prescribe it, and it cannot be dispensed to an individual. However, case reports, coroner/medical examiner reports, and law enforcement data⁹ demonstrate that 4–FA is being abused because it is being used without medical advice. 4–FA has been identified during the toxicological screening of human urine or serum samples indicating that it is being

⁸ Comprehensive Drug Abuse Prevention and Control Act of 1970, H.R. Rep. No. 91–1444, 91st Cong., Sess. 1 (1970); reprinted in 1970 U.S.C.A.N. 4566, 4603.

⁹ While law enforcement data is not direct evidence of abuse, it can lead to an inference that a drug has been diverted and abused. See Schedules of Controlled Substances: Placement of Carisoprodol Into Schedule IV, 76 FR 77330, 77332 (Dec. 12, 2011).

⁷ See 21 U.S.C. 812(b).

abused by individuals. In humans, stimulant effects, like that of amphetamine, were observed following the oral administration of 4-FA. Non-fatal intoxications and overdoses have also been associated with the abuse of 4-FA.

Law enforcement data show that 4-FA has been encountered in the United States' illicit drug market. From January 2011 to December 2023, National Forensic Laboratory Information System (NFLIS)-Drug registered 269 reports¹⁰ pertaining to the trafficking, distribution, and abuse of 4-FA. These encounters of 4-FA by law enforcement indicate that this substance is being trafficked and abused by individuals in the United States as a recreational drug of abuse.

Overall, these data demonstrate that 4-FA has a high potential for abuse. Thus, based on these data, it is reasonable to conclude that 4-FA, having no medical use, and thus no therapeutic value, presents a hazard to the health and safety of individuals and the community.

2. Scientific Evidence of the Drug's Pharmacological Effects, if Known

As explained in the 8-factor analyses by HHS and by DEA, the available pharmacology data indicate that 4-FA produces pharmacological effects that are similar to those produced by schedule I and II substances, such as methamphetamine, cocaine, and MDMA. Similar to these schedule I and II stimulants, 4-FA affects monoamine neurotransmission. Briefly, 4-FA promotes the release of dopamine, norepinephrine, and serotonin, and blocks the reuptake of these substances at nerve terminals. Data also demonstrate that 4-FA produces locomotor behavior and discriminative stimulus effects that are similar to those of the schedule I and II substances MDMA, methamphetamine, and cocaine. In a self-administration study, 4-FA produced rewarding properties. Furthermore, in humans, stimulant effects, like that of amphetamine, were observed following the oral administration of 4-FA. Non-fatal intoxications and overdoses have also been associated with the abuse of 4-FA. These pharmacological characteristics of 4-FA are predictive of substances that have a high potential for abuse. Overall, these data indicate that 4-FA produces pharmacological effects and stimulant-

like behaviors that are similar to those of the amphetamine and MDMA.

3. The State of Current Scientific Knowledge Regarding the Drug or Other Substance

4-FA is a halogenated amphetamine, which can be produced by a variety of synthetic methods that are commonly utilized for the preparation of amphetamine. After oral ingestion, 4-FA is excreted in the urine mainly as an unchanged drug, but three metabolites, in low concentrations, have also been identified. Available pharmacology data demonstrate that the effects of 4-FA after oral administration, generally, occurred approximately 30 to 60 minutes post-ingestion and lasted for 4 to 8 hours after exposure. In addition, maximum blood concentrations of 4-FA occurred 2 hours after administration of 4-FA with both clinical and recreational uses. Data also show that 4-FA is eliminated from the body approximately 8 to 9 hours with a variation of 5.5 to 16.8 hours after administration. In the HHS report, United States Food and Drug Administration (FDA) concluded that 4-FA has no currently accepted medical use in the United States. Similarly, DEA concludes 4-FA has no currently accepted medical use according to established DEA procedure and case law.¹¹

¹¹ To place a drug or other substance in schedule I under the CSA, DEA must consider whether the substance has a currently accepted medical use in treatment in the United States. 21 U.S.C. 812(b)(1)(B). There is no evidence suggesting that 4-FA has a currently accepted medical use in treatment in the United States. To determine whether a drug or other substance has a currently accepted medical use, DEA has traditionally applied a five-part test to a drug that has not been approved by FDA: i. The drug's chemistry must be known and reproducible; ii. there must be adequate safety studies; iii. there must be adequate and well-controlled studies proving efficacy; iv. the drug must be accepted by qualified experts; and v. the scientific evidence must be widely available. *Marijuana Scheduling Petition; Denial of Petition; Remand*, 57 FR 10499 (Mar. 26, 1992), pet. for rev. denied, *Alliance for Cannabis Therapeutics v. Drug Enforcement Admin.*, 15 F.3d 1131, 1135 (D.C. Cir. 1994). DEA and HHS applied the traditional five-part test for currently accepted medical use in this matter. In a recent published letter in a different context, HHS applied an additional two-part test to determine currently accepted medical use for substances that do not satisfy the five-part test: (1) whether there exists widespread, current experience with medical use of the substance by licensed health care practitioners operating in accordance with implemented jurisdiction-authorized programs, where medical use is recognized by entities that regulate the practice of medicine, and, if so, (2) whether there exists some credible scientific support for at least one of the medical conditions for which the part 1 is satisfied. On April 11, 2024, the Department of Justice's Office of Legal Counsel (OLC) issued an opinion, which, among other things, concluded that HHS's two-part test would be sufficient to establish that a drug has a currently accepted medical use. Office of Legal Counsel, Memorandum for Merrick B.

4. History and Current Pattern of Abuse

4-FA is a recreational drug that has been identified in the United States' illicit drug market. Evidence indicates that 4-FA has been substituted for MDMA and amphetamines. Thus, it is highly likely that this substance is abused in the same manner as these stimulant substances. That is, 4-FA, similar to other stimulant substances, is most likely ingested by swallowing capsules or tablets or snorted by nasal insufflation of the powder. Demographic data collected from toxicology analyses suggest that the main users of 4-FA are young adults. In addition, there is evidence that 4-FA being ingested with other substances, including schedule I synthetic cathinones, common cutting agents, or other substances of abuse.

5. Scope, Duration and Significance of Abuse

Evidence shows that 4-FA is a recreational drug of abuse. According to HHS, based on the pharmacological properties of 4-FA, the scope, duration, and significance of abuse of 4-FA would be similar to stimulants that are scheduled under the CSA, including the schedule I substance MDMA, as well as the schedule II stimulants cocaine and methamphetamine, if uncontrolled. Evidence of 4-FA abuse is confirmed by law enforcement encounters of this substance. According to analyses by forensic laboratories, drug exhibits received from State, local, or Federal law enforcement agencies were found to contain 4-FA. Between January 2011 and December 2023, NFLIS registered 269 reports from Federal, State, and local forensic laboratories identifying this substance in drug-related exhibits from 27 States. These encounters of 4-FA by law enforcement indicate that this substance is being trafficked and abused in the United States. Furthermore, evidence also indicate that 4-FA is abused internationally. According to the European Monitoring Centre for Drugs and Drug Addiction, 4-FA has also been seized abroad, indicating it is being abused internationally. Taken together, these data indicate that the abuse of 4-FA is widespread.

Garland Attorney General Re: Questions Related to the Potential Rescheduling of Marijuana at 3 (April 11, 2024). For purposes of this proposed rule, there is no evidence that health care providers have widespread experience with medical use of 4-FA, or that the use of 4-FA is recognized by entities that regulate the practice of medicine under either the traditional five-part test or the two-part test.

¹⁰ NFLIS-Drug is a national forensic laboratory reporting system that systematically collects results from drug chemistry analyses conducted by State and local forensic laboratories in the United States. NFLIS-Drug data were queried on October 15, 2024.

6. *What, if Any, Risk There Is to the Public Health*

Available evidence on the overall public health risks associated with the use of 4-FA suggests that 4-FA can cause acute health problems leading to emergency department admissions and death. Indeed, 4-FA has been associated with numerous overdoses and at least five deaths. Acute effects of 4-FA are those typical of sympathomimetic agents (e.g., cocaine, methamphetamine, amphetamine) and include, among other effects, tachycardia, headache, palpitations, agitation, anxiety, mydriasis, tremor, fever or sweating, and hypertension. In addition, products containing 4-FA often do not bear labeling information regarding their ingredients, and if they do, such labels may not contain the expected active ingredient or identify the health risks and potential hazards associated with these products. These factors demonstrate that 4-FA is a serious public health threat.

7. *Its Psychic or Physiological Dependence Liability*

According to HHS, there is reason to suspect that 4-FA will have psychic dependence liability even though studies have not specifically examined physical dependence with respect to 4-FA. While there may be no studies examining the psychic and physiological dependence of 4-FA, its dependence liability can be inferred by case reports. Self-reports by users of 4-FA indicate that 4-FA produces typical stimulant-like effects, including euphoria, and psychological and psychomotor stimulation. These reports, combined with the pharmacological profile of 4-FA in animals, indicate that 4-FA produces stimulant effects that are similar to those produced by psychomotor stimulants in schedule II, such as amphetamine and methamphetamine. Thus, as HHS notes, it is likely that 4-FA will produce similar psychic dependence to these schedule II psychomotor stimulant drugs.

8. *Whether the Substance Is an Immediate Precursor of a Substance Already Controlled Under the CSA*

4-FA is not an immediate precursor of any substance controlled under the CSA, as defined in 21 U.S.C. 802(23).

Conclusion

After considering the scientific and medical evaluation conducted by HHS, HHS's scheduling recommendation, and DEA's own eight-factor analysis, DEA finds that the facts and all relevant data constitute substantial evidence of the

potential for abuse of 4-FA. As such, DEA hereby proposes to permanently schedule 4-FA as a schedule I controlled substance under the CSA. This action would enable the United States to meet its obligations under the 1971 Convention on Psychotropic Substances.

Proposed Determination of Appropriate Schedule

The CSA establishes five schedules of controlled substances known as schedules I, II, III, IV, and V. The CSA also outlines the findings required to place a drug or other substance in any particular schedule.¹² After consideration of the analysis and recommendation of the Assistant Secretary for Health of HHS and review of all other available data, the Acting Administrator of DEA, pursuant to 21 U.S.C. 811(a) and 812(b)(1), finds that:

1. *4-FA Has a High Potential for Abuse*

According to HHS, 4-FA is structurally and chemically similar to schedule I and II stimulant substances, such as amphetamine, methamphetamine, and MDMA. An assessment of all available *in vitro* and *in vivo* pharmacology studies (i.e., drug discrimination and intravenous self-administration studies) as well as clinical and human anecdotal data support that the abuse potential of 4-FA is similar to that of schedule I and II stimulant substances. Furthermore, 4-FA has been detected in various drug seizures across the United States and in various European countries; thus, there is significant evidence that individuals are using 4-FA for abuse purposes. Overall, these data provide supportive evidence that 4-FA has a high potential for abuse that is similar to substances in schedule I or II of the CSA.

2. *4-FA Has No Currently Accepted Medical Use in Treatment in the United States*

HHS stated that FDA has not approved a marketing application for a drug product containing 4-FA for any indication. Moreover, there are no clinical studies or petitioners, of which HHS is aware, that claim an accepted medical use in the United States. DEA further notes that according to established DEA procedure and case law, 4-FA has no currently accepted medical use. Thus, evidence demonstrates that 4-FA has no currently accepted medical use in treatment in the United States.

3. *There Is a Lack of Accepted Safety for Use of 4-FA Under Medical Supervision*

Currently, 4-FA does not have an accepted medical use as noted by HHS. Because 4-FA has no approved medical use in treatment in the United States and has not been investigated as a new drug, its safety for use under medical supervision has not been determined. Thus, there is a lack of accepted safety for use of 4-FA under medical supervision.

Based on these findings, the Acting Administrator concludes that 4-fluoroamphetamine (4-FA; 1-(4-fluorophenyl)propan-2-amine), including its salts, isomers, and salts of isomers, warrants control in schedule I of the CSA. More precisely, because of its stimulant-like effects, DEA is proposing to place 4-FA in 21 CFR 1308.11(f) (the stimulants category of schedule I).

Requirements for Handling 4-FA

If this rulemaking is finalized as proposed, 4-FA would be subject to the CSA's schedule I regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, reverse distribution, importation, exportation, engagement in research, and conduct of instructional activities or chemical analysis with, and possession of schedule I controlled substances, including the following:

1. *Registration.* Any person who handles (manufactures, distributes, reverse distributes, imports, exports, engages in research, or conducts instructional activities or chemical analysis with, or possesses) 4-FA, or who desires to handle 4-FA, would need to be registered with DEA to conduct such activities pursuant to 21 U.S.C. 822, 823, 957, and 958, and in accordance with 21 CFR parts 1301 and 1312, as of the effective date of a final scheduling action. Any person who currently handles 4-FA, and is not registered with DEA, would need to submit an application for registration and may not continue to handle 4-FA as of the effective date of a final scheduling action, unless DEA has approved that application for registration pursuant to 21 U.S.C. 822, 823, 957, and 958, and in accordance with 21 CFR parts 1301 and 1312.

2. *Disposal of stocks.* Any person who does not desire or is not able to obtain a schedule I registration would be required to surrender all quantities of currently held 4-FA or to transfer all quantities of currently held 4-FA to a person registered with DEA before the effective date of a final scheduling action, in accordance with all applicable

¹² 21 U.S.C. 812(b).

Federal, State, local, and Tribal laws. As of the effective date of a final scheduling action, 4-FA would be required to be disposed of in accordance with 21 CFR part 1317, in addition to all other applicable Federal, State, local, and Tribal laws.

3. *Security.* 4-FA would be subject to schedule I security requirements and would need to be handled and stored pursuant to 21 U.S.C. 821, 823, and 871(b), and in accordance with 21 CFR 1301.71 through 1301.76, as of the effective date of a final scheduling action. Non-practitioners handling 4-FA would also need to comply with the employee screening requirements of 21 CFR 1301.90 through 1301.93.

4. *Labeling and Packaging.* All labels, labeling, and packaging for commercial containers of 4-FA would need to comply with 21 U.S.C. 825 and 958(e), and be in accordance with 21 CFR part 1302, as of the effective date of a final scheduling action.

5. *Quota.* Only registered manufacturers would be permitted to manufacture 4-FA in accordance with a quota assigned pursuant to 21 U.S.C. 826 and in accordance with 21 CFR part 1303 as of the effective date of a final scheduling action.

6. *Inventory.* Every DEA registrant who possesses any quantity of 4-FA on the effective date of a final scheduling action would need to take an inventory of 4-FA on hand at that time, pursuant to 21 U.S.C. 827 and 958 and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

Any person who becomes registered with DEA to handle 4-FA on or after the effective date of a final scheduling action would need to take an initial inventory of all stocks of controlled substances (including 4-FA) on hand on the date the registrant first engages in the handling of controlled substances, pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

After the initial inventory, every DEA registrant would need to take an inventory of all controlled substances (including 4-FA) on hand every two years, pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

7. *Records and Reports.* Every DEA registrant would need to maintain records and submit reports with respect to 4-FA pursuant to 21 U.S.C. 827 and 958(e), and in accordance with 21 CFR parts 1304 and 1312, as of the effective date of a final scheduling action. Manufacturers and distributors would be required to submit reports regarding 4-FA to the Automation of Reports and Consolidated Order System (ARCOS)

pursuant to 21 U.S.C. 827, and in accordance with 21 CFR parts 1304 and 1312, as of the effective date of a final scheduling action.

8. *Order Forms.* Every DEA registrant who distributes 4-FA would need to comply with the order form requirements, pursuant to 21 U.S.C. 828, and in accordance with 21 CFR part 1305, as of the effective date of a final scheduling action.

9. *Importation and Exportation.* All importation and exportation of 4-FA would need to be comply with 21 U.S.C. 952, 953, 957, and 958, and in accordance with 21 CFR part 1312, as of the effective date of a final scheduling action.

10. *Liability.* Any activity involving 4-FA not authorized by, or in violation of, the CSA or its implementing regulations would be unlawful, and may subject the person to administrative, civil, and/or criminal sanctions.

Regulatory Analyses

Executive Orders 12866, 13563, and 14192 (Regulatory Review)

In accordance with 21 U.S.C. 811(a), this proposed scheduling action is subject to formal rulemaking procedures performed “on the record after opportunity for a hearing,” which are conducted pursuant to the provisions of 5 U.S.C. 556 and 557. The CSA sets forth the criteria for scheduling a drug or other substance. Such actions are exempt from review by the Office of Management and Budget (OMB) pursuant to section 3(d)(1) of Executive Order (E.O.) 12866 and the principles reaffirmed in E.O. 13563. DEA scheduling actions are not subject to E.O. 14192, *Unleashing Prosperity Through Deregulation*,

Executive Order 12988, Civil Justice Reform

This proposed regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988 to eliminate drafting errors and ambiguity, minimize litigation, provide a clear legal standard for affected conduct, and promote simplification and burden reduction.

Executive Order 13132, Federalism

This proposed rulemaking does not have federalism implications warranting the application of E.O. 13132. The proposed rule does not have substantial direct effects on the States, on the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This proposed rule does not have Tribal implications warranting the application of E.O. 13175. It does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Regulatory Flexibility Act

The Acting Administrator, in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601–602, has reviewed this proposed rule and, by approving it, certifies that it will not have a significant economic impact on a substantial number of small entities.

DEA proposes placing the substance 4-fluoroamphetamine (4-FA, 1-(4-fluorophenyl)propan-2-amine), including its salts, isomers, and salts of isomers, in schedule I of the CSA. This action is being taken to enable the United States to meet its obligations under the 1971 Convention on Psychotropic Substances. If finalized, this action would impose the regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, reverse distribute, import, export, engage in research, conduct instructional activities or chemical analysis with, or possess), or propose to handle, 4-FA.

According to HHS, 4-FA has a high potential for abuse, has no currently accepted medical use in treatment in the United States, and lacks accepted safety for use under medical supervision. There appear to be no legitimate sources for 4-FA as a marketed drug in the United States, but DEA notes that this substance is available for purchase from legitimate suppliers for scientific research. There is no evidence of significant diversion of 4-FA from legitimate suppliers. As such, the proposed rule, if finalized, is not expected to result in a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

In accordance with the Unfunded Mandates Reform Act (UMRA) of 1995, 2 U.S.C. 1501 *et seq.*, DEA has determined and certifies that this action would not result in any Federal mandate that may result “in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of \$100 million or more

(adjusted annually for inflation) in any 1 year * * *.” Therefore, neither a Small Government Agency Plan nor any other action is required under UMRA of 1995.

Paperwork Reduction Act of 1995

This proposed rule would not impose a new collection of information under the Paperwork Reduction Act of 1995.¹³ Also, this proposed rule would not impose new or modify existing recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations. However, this proposed rule would require compliance with the following existing OMB collections:

1117–0003, 1117–0004, 1117–0006, 1117–0008, 1117–0009, 1117–0010, 1117–0012, 1117–0014, 1117–0021, 1117–0023, 1117–0029, and 1117–0056. 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.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

For the reasons set out above, DEA proposes to amend 21 CFR part 1308 as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), 956(b), unless otherwise noted.

■ 2. In § 1308.11:

■ a. Redesignate paragraphs (f)(8) through (13) as (f)(9) through (14); and

■ b. Add a new paragraph (f)(8).

The addition reads as follows:

§ 1308.11 Schedule I.

* * * * *
(f) * * *

*	*	*	*	*	*	*
(8) 4-Fluoroamphetamine (4-FA, 1-(4-fluorophenyl)propan-2-amine)						1476
*	*	*	*	*	*	*

Signing Authority

This document of the Drug Enforcement Administration was signed on May 27, 2025, by Acting Administrator Robert J. Murphy. 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. 2025–09988 Filed 6–2–25; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1310

[Docket No. DEA–1189]

Designation of Propionyl Chloride as a List I Chemical

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Drug Enforcement Administration is proposing the control of propionyl chloride as a list I chemical under the Controlled Substances Act (CSA). The Drug Enforcement Administration finds that propionyl chloride is used in the illicit manufacture of the controlled substances fentanyl, fentanyl analogues and fentanyl-related substances, and is important to the manufacture of these substances. In the respective synthetic pathways in which it is used to manufacture those substances, it is a replacement for propionic anhydride, which is currently a list I chemical. If finalized, the proposed rule would subject handlers of propionyl chloride to the chemical regulatory provisions of the CSA and its implementing regulations. This proposed rulemaking does not establish a threshold for domestic and international transactions of propionyl chloride. As such, all transactions of propionyl chloride, regardless of size, shall be regulated. In addition, chemical mixtures containing propionyl chloride are not exempt from regulatory requirements at any concentration. Therefore, all transactions of chemical mixtures containing any quantity of propionyl chloride shall be regulated pursuant to the CSA. Although no automatic exemption is available, manufacturers may submit an application for exemption.

DATES: Comments must be submitted electronically or postmarked on or before July 3, 2025. Commenters should

be aware that the electronic Federal Docket Management System will not accept any comments after 11:59 p.m. Eastern Time on the last day of the comment period.

ADDRESSES: To ensure proper handling of comments, please reference “Docket No. DEA–1189” on all electronic and written correspondence, including any attachments.

• *Electronic comments:* The Drug Enforcement Administration encourages that all comments be submitted electronically through the Federal eRulemaking Portal which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <http://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon completion of your submission, you will receive a Comment Tracking Number for your comment. Please be aware that submitted comments are not instantaneously available for public view on *Regulations.gov*. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

• *Paper comments:* Paper comments that duplicate electronic submissions are not necessary. Should you wish to mail a paper comment, *in lieu of* an electronic comment, it should be sent via regular or express mail to: Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW,

¹³ 44 U.S.C. 3501–3521.

8701 Morrisette Drive, Springfield, Virginia 22152.

• *Paperwork Reduction Act*

Comments: All comments concerning collections of information under the Paperwork Reduction Act must be submitted to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for DOJ, Washington, DC 20503. Please state that your comment refers to Docket No. DEA–1189.

FOR FURTHER INFORMATION CONTACT:

Terrence L. Boos, Drug and Chemical Evaluation Section, Diversion Control Division, Drug Enforcement Administration; Telephone: (571) 362–3249. As required by 5 U.S.C. 553(b)(4), a summary of this rule may be found in the docket for this rulemaking at www.regulations.gov.

SUPPLEMENTARY INFORMATION:

Posting of Public Comments

Please note that all comments received in response to this docket are considered part of the public record. DEA will make comments available for public inspection online at <http://www.regulations.gov>. Such information includes personal or business identifiers (such as name, address, state or Federal identifiers, etc.) voluntarily submitted by the commenter. Generally, all information voluntarily submitted by the commenter, unless clearly marked as Confidential Information in the method described below, will be publicly posted. Comments may be submitted anonymously. The Freedom of Information Act applies to all comments received.

Commenters submitting comments which include personal identifying information (PII), confidential, or proprietary business information that the commenter does not want made publicly available should submit two copies of the comment. One copy must be marked “CONTAINS CONFIDENTIAL INFORMATION” and should clearly identify all PII or business information the commenter does not want to be made publicly available, including any supplemental materials. DEA will review this copy, including the claimed PII and confidential business information, in its consideration of comments. The second copy should be marked “TO BE PUBLICLY POSTED” and must have all claimed confidential PII and business information already redacted. DEA will post only the redacted comment on <http://www.regulations.gov> for public inspection.

For easy reference, an electronic copy of this document and supplemental information to this proposed scheduling

action are available at <http://www.regulations.gov>.

Legal Authority

The Controlled Substances Act (CSA) gives the Attorney General the authority to specify, by regulation, chemicals as list I chemicals.¹ A “list I chemical” is a chemical that is used in manufacturing a controlled substance in violation of the CSA and is important to the manufacture of the controlled substance.² The current list of all listed chemicals is published at 21 CFR 1310.02. Pursuant to 28 CFR 0.100(b), the Attorney General has delegated his authority to designate list I chemicals to the Administrator of DEA (Administrator). DEA regulations set forth the process by which DEA may add a chemical as a listed chemical. As set forth in 21 CFR 1310.02(c), the agency may do so by publishing a final rule in the **Federal Register** following a published notice of proposed rulemaking (NPRM) with at least 30 days for public comments.

Background

The clandestine manufacture of fentanyl, fentanyl analogues, and fentanyl-related substances remains extremely concerning as the distribution of illicit fentanyl, fentanyl analogues, and fentanyl-related substances continues to drive drug-related overdose deaths in the United States. Fentanyl is a synthetic opioid and was first synthesized in Belgium in the late 1950s. Fentanyl was introduced into medical practice and is approved for medical practitioners in the United States to prescribe lawfully for anesthesia and analgesia. Yet, due to its pharmacological effects, fentanyl can be used as a substitute for heroin, oxycodone, and other opioids in opioid dependent individuals. Therefore, despite its currently accepted medical use in treatment in the United States, DEA controls fentanyl as a schedule II controlled substance due to its high potential for abuse and the possibility that abuse may lead to severe psychological or physical dependence.³ Moreover, there are a substantial number of fentanyl analogues and fentanyl-related substances that are being distributed on the illicit drug market despite DEA’s actions adding them as schedule I controlled substances. Illicit manufacturers attempt to utilize unregulated precursor chemicals to evade law enforcement

detection and precursor chemical controls in order to manufacture fentanyl, fentanyl analogues, and fentanyl-related substances. This strategy allows for the synthesis of a variety of fentanyl analogues and fentanyl-related substances by making slight modifications to the core fentanyl structure while maintaining the same synthetic methodology used to synthesize fentanyl, fentanyl analogues, and fentanyl-related substances.

The unlawful trafficking of fentanyl, fentanyl analogues, and fentanyl-related substances in the United States continues to pose an imminent hazard to the public safety. Since 2012, fentanyl has shown a dramatic increase in the illicit drug supply as a single substance, in mixtures with other illicit drugs (*i.e.*, heroin, cocaine, and methamphetamine), and in forms that mimic pharmaceutical preparations including prescription opiates.⁴

DEA has noted a significant increase in overdoses and overdose fatalities from fentanyl, fentanyl analogues, and fentanyl-related substances in the United States in recent years. According to the Centers for Disease Control and Prevention (CDC), opioids, mainly synthetic opioids (which include fentanyl), are predominantly responsible for drug overdose deaths in recent years. According to CDC WONDER,⁵ drug-induced overdose deaths involving synthetic opioids (excluding methadone) in the United States increased from 36,359 in 2019 to 56,516 in 2020 to 70,601 in 2021, and 73,838 in 2022. Based on provisional data, the predicted number of drug overdose deaths involving synthetic opioids (excluding methadone) in the United States for the 12 months ending March 2024 is 70,972 individuals, or approximately 70 percent of all drug-induced overdose deaths for that time period.⁶ The increase in overdose fatalities involving synthetic opioids coincides with a dramatic increase in law enforcement encounters of fentanyl, fentanyl analogues, and fentanyl-related

⁴ National Drug Threat Assessment 2024, Drug Enforcement Administration, May 2024.

⁵ Centers for Disease Control and Prevention, National Center for Health Statistics. National Vital Statistics System, Provisional Mortality on CDC WONDER Online Database. Data are from the final Multiple Cause of Death Files, 2018–2022, and from provisional data for years 2022–2024, as compiled from data provided by the 57 vital statistics jurisdictions through the Vital Statistics Cooperative Program. Accessed at <http://wonder.cdc.gov/mcd-icd10-provisional.html> on August 16, 2024.

⁶ Ahmad FB, Cisewski JA, Rossen LM, Sutton P. Provisional drug overdose death counts. National Center for Health Statistics. 2024. Accessed at <https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm> on August 16, 2024.

¹ 21 U.S.C. 802(34).

² *Id.*

³ 21 U.S.C. 812(c) Schedule II(b)(6) and 21 CFR 1308.12(c).

substances. According to the National Forensic Laboratory Information System (NFLIS-Drug),⁷ reports from forensic

laboratories of drug items containing fentanyl, fentanyl analogues, and fentanyl-related substances increased

dramatically since 2014, as shown in Table 1.

TABLE 1—ANNUAL REPORTS OF FENTANYL AND SELECT FENTANYL ANALOGUES AND FENTANYL-RELATED SUBSTANCES IDENTIFIED IN DRUG ENCOUNTERS

Year	2014	2015	2016	2017	2018	2019	2020	2021	2022
Annual Fentanyl Reports	5,554	15,461	37,155	61,644	89,974	108,138	126,042	165,486	168,768
Annual Reports of select fentanyl analogues and fentanyl-related substances	78	2,317	7,624	21,981	16,177	20,918	7,804	26,468	29,919

Role of Propionyl Chloride in the Synthesis of Fentanyl

Fentanyl, fentanyl analogues, and fentanyl-related substances are not naturally occurring substances. As such, the manufacture of these substances requires them to be produced through synthetic organic chemistry. Synthetic organic chemistry is the process in which a new organic molecule is created through a series of chemical reactions, which involve precursor chemicals. Through chemical reactions, the chemical structures of precursor chemicals are modified in a desired fashion. These chemical reaction sequences, also known as synthetic pathways, are designed to create a desired substance. Several synthetic pathways to fentanyl, fentanyl analogues, and fentanyl-related substances have been identified in clandestine laboratory settings; these include the original “Janssen method,” the “Siegfried method,” and the “Gupta method.” In response to the illicit manufacture of fentanyl, fentanyl analogues, and fentanyl-related substances using these methods, DEA controlled *N*-phenethyl-4-piperidone (NPP);⁸ *N*-(1-benzylpiperidin-4-yl)-*N*-phenylpropionamide (benzylfentanyl) and its salts;⁹ *N*-phenylpiperidin-4-amine (4-anilinopiperidine) including its amides, halides, carbamates, salts, and any combination thereof;¹⁰ and 4-piperidone (piperidin-4-one) including its acetals, amides, carbamates, salts, and salts of acetals, amides, and carbamates, and any combination thereof¹¹ as list I chemicals. DEA also controls 4-anilino-*N*-

phenethylpiperidine (ANPP)¹² and *N*-phenyl-*N*-(piperidin-4-yl)propionamide (norfentanyl)¹³ as schedule II immediate precursors under the CSA.

Propionyl Chloride

The original published synthetic pathway to fentanyl, known as the Janssen method, involves the list I chemical benzylfentanyl and schedule II immediate precursor norfentanyl. In this synthetic pathway, benzylfentanyl, a list I chemical under the CSA,¹⁴ is synthesized by reacting propionyl chloride with 4-anilino-1-benzylpiperidine, which is then converted to norfentanyl, the schedule II immediate precursor in this synthetic pathway.¹⁵ Norfentanyl is then subjected to one simple chemical reaction to complete the synthesis of fentanyl. This synthetic pathway can also be easily modified to produce fentanyl analogues and fentanyl-related substances. Propionyl chloride also serves as a precursor chemical in the Siegfried method. In this synthetic pathway, propionyl chloride is reacted with ANPP,¹⁶ the schedule II immediate precursor in the Siegfried method, to complete the synthesis of fentanyl. This synthetic pathway can also be easily modified to produce fentanyl analogues and fentanyl-related substances. In addition to the Janssen and Siegfried methods, clandestine manufacturers are using other methods to synthesize fentanyl, one of which is known as the Gupta method. In this synthetic pathway, 4-piperidone, a list I chemical under the CSA, is used to synthesize 4-anilinopiperidine, another list I

chemical under the CSA,¹⁷ which serves as an alternative precursor chemical to NPP, a list I chemical, in the synthesis of ANPP, a schedule II immediate precursor albeit through a different synthetic process. The resulting ANPP is reacted with propionyl chloride to manufacture the schedule II controlled substance, fentanyl. This synthetic pathway can also be easily modified to produce fentanyl analogues and fentanyl-related substances.

Propionyl chloride is attractive to illicit manufacturers because there is a lack of regulations on this chemical, it is readily available from chemical suppliers, and it can be easily used in many known synthetic pathways used in the illicit manufacture of fentanyl, fentanyl analogues, and fentanyl-related substances.

Information Gathered by DEA Concerning Propionyl Chloride

On October 12, 2023, DEA published in the **Federal Register** an Advance Notice of Proposed Rulemaking (ANPRM)¹⁸ in anticipation of proposing to designate propionyl chloride as a list I chemical. The ANPRM invited interested persons to submit information related to current uses of propionyl chloride (other than for the synthesis of fentanyl) in order to properly determine the effect such a proposed action would have on legitimate industry.

DEA solicited input from all potentially affected parties regarding: (1) The types of legitimate industries using propionyl chloride; (2) the legitimate uses, legitimate needs and quantity

⁷ The National Forensic Laboratory Information System (NFLIS-Drug) is a national forensic laboratory reporting system that systematically collects results from drug chemistry analyses conducted by Federal, State and local forensic laboratories in the United States. While NFLIS-Drug data is not direct evidence of abuse, it can lead to an inference that a drug has been diverted and abused. See 76 FR 77330, 77332 (December 12, 2011). NFLIS-Drug data was queried on December 14, 2023.

⁸ *Control of a Chemical Precursor Used in the Illicit Manufacture of Fentanyl as a List I Chemical*, 72 FR 20039 (Apr. 23, 2007).

⁹ *Designation of Benzylfentanyl and 4-Anilinopiperidine, Precursor Chemicals Used in the Illicit Manufacture of Fentanyl, as List I Chemicals*, 85 FR 20822 (Apr. 15, 2020).

¹⁰ *Designation of Benzylfentanyl and 4-Anilinopiperidine, Precursor Chemicals Used in the Illicit Manufacture of Fentanyl, as List I Chemicals*, 85 FR 20822 (Apr. 15, 2020).; See Also *Designation of Halides of 4-Anilinopiperidine as List 1 Chemicals*, 88 FR 74352 (Oct. 31, 2023).

¹¹ *Designation of 4-Piperidone as a List I Chemical*, 88 FR 21902–21910 (Apr. 12, 2023).

¹² *Control of Immediate Precursor Used in the Illicit Manufacture of Fentanyl as a Schedule II Controlled Substance*, 75 FR 37295 (June 29, 2010).

¹³ *Control of the Immediate Precursor Norfentanyl Used in the Illicit Manufacture of Fentanyl as a Schedule II Controlled Substance*, 85 FR 21320 (Apr. 17, 2020).

¹⁴ See footnote 10.

¹⁵ See footnote 13.

¹⁶ See footnote 12.

¹⁷ *Designation of Benzylfentanyl and 4-Anilinopiperidine, Precursor Chemicals Used in the Illicit Manufacture of Fentanyl, as List I Chemicals*, 85 FR 20822 (May 15, 2020).

¹⁸ *Propionyl Chloride*, 88 FR 70610 (Oct. 12, 2023).

produced, used, and distributed of propionyl chloride; (3) the size of the domestic market for propionyl chloride; (4) the number of manufacturers of propionyl chloride; (5) the number of distributors of propionyl chloride; (6) the level of import and export of propionyl chloride; (7) the potential burden that controlling propionyl chloride as a list I chemical may have on any legitimate industry and trade; (8) the potential number of individuals/firms that may be adversely affected by such regulatory controls (particularly with respect to the impact on small businesses); and (9) any other information on the manner of manufacturing, distribution, consumption, storage, disposal, and uses of propionyl chloride by industry and others. DEA invited all interested parties to provide any information on any legitimate uses of propionyl chloride in industry, commerce, academia, research and development, or other applications. DEA sought both quantitative and qualitative data.

Comments

DEA received six responses to the ANPRM. Three of the comments were in support of the control of propionyl chloride as a list I chemical, while three comments offered potential problems with controlling propionyl chloride.

Relevant to solicitations (1) and (2), three commenters stated that propionyl chloride has potential use as a reagent for chemical synthesis processes, including in the natural product syntheses of N-deoxymiltarinone A and torrubiellone B, potential pharmaceutical development, resin/materials development, and agricultural chemicals. One of the commenters stated that it may have uses for the medical field, without providing additional detail. While one of the comments provided patent numbers and a published letter to support the existence of these potential uses, there were no details allowing DEA to identify the existence or extent of the actual use of propionyl chloride for these purposes.

Relevant to solicitation (7), two commenters stated that controlling propionyl chloride as a list I chemical is likely to have a burden on legitimate industry and trade in that it will make the chemical more expensive and difficult to access for chemical and pharmaceutical research labs and will “impact researchers greatly.” A third commenter stated that distributors, manufacturers, importers, and exporters of propionyl would be required to pay DEA registration fees if propionyl chloride is placed in list I. Another

commenter, however, stated that it may primarily be used by “personnel who would already possess any documentation needed to obtain it.”

Relevant to solicitation (8), one commenter stated that PubChem lists 43 vendors currently offering to supply propionyl chloride.

Regulation of Propionyl Chloride as a List I Chemical

The CSA, specifically 21 U.S.C. 802(34), and its implementing regulations at 21 CFR 1310.02(c), provide the Attorney General with the authority to specify, by regulation, additional precursor or essential chemicals as listed chemicals if they are used in the manufacture of controlled substances in violation of the CSA. Recent law enforcement encounters indicate propionyl chloride is being used in the illicit manufacture of the schedule II controlled substance fentanyl. This proposed rule would regulate propionyl chloride as a list I chemical because DEA finds that propionyl chloride is used in the illicit manufacture of the controlled substance fentanyl, and is important to the manufacture of the controlled substance fentanyl because it can be used as a replacement for the list I chemical propionic anhydride in its respective synthetic pathways which are used in the illicit manufacture of fentanyl.

Chemical Mixtures of Propionyl Chloride

This proposed rulemaking, if finalized, would specify that chemical mixtures containing propionyl chloride would not be exempt from regulatory requirements at any concentration, unless an application for exemption of a chemical mixture is submitted by a propionyl chloride manufacturer and the application is reviewed and accepted by DEA under 21 CFR 1310.13. The control of chemical mixtures containing any amount of propionyl chloride is necessary to prevent the extraction, isolation, and use of propionyl chloride in the illicit manufacture of fentanyl. This proposed rule would modify the Table of Concentration Limits in 21 CFR 1310.12(c) to reflect the fact that chemical mixtures containing any amount of propionyl chloride are subject to the CSA chemical control provisions.

Exemption by Application Process

DEA has implemented an application process to exempt mixtures from the requirements of the CSA and its

implementing regulations.¹⁹ Under the application process, manufacturers may submit an application for exemption for those mixtures that do not qualify for automatic exemption. Exemption status can be granted if DEA determines that the mixture is formulated in such a way that it cannot be easily used in the illicit production of a controlled substance and that the listed chemical cannot be readily recovered.²⁰

Requirements for Handling List I Chemicals

If this rule is finalized as proposed, propionyl chloride will be subject to all of the regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, importing, and exporting of list I chemicals. Upon publication of a final rule, persons potentially handling propionyl chloride, including regulated chemical mixtures containing propionyl chloride, will be required to comply with list I chemical regulations, including the following:

1. *Registration.* Any person who manufactures, distributes, imports, or exports propionyl chloride, including chemical mixtures containing propionyl chloride, or proposes to engage in the manufacture, distribution, importation, or exportation of propionyl chloride, including chemical mixtures containing propionyl chloride, must obtain a registration pursuant to 21 U.S.C. 822, 823, 957, and 958. Regulations describing registration for list I chemical handlers are set forth in 21 CFR part 1309. DEA regulations require separate registrations for manufacturing, distributing, importing, and exporting of list I chemicals. 21 CFR 1309.21. Further, a separate registration is required for each principal place of business at one general physical location where list I chemicals are manufactured, distributed, imported, or exported by a person. 21 U.S.C. 822(e)(1) and 21 CFR 1309.23(a).

DEA notes that under the CSA, “warehousemen” are not required to register and may lawfully possess list I chemicals, if the possession of those chemicals is in the usual course of business or employment. Under DEA implementing regulations, the warehouse in question must receive the list I chemical from a DEA registrant and shall only distribute the list I chemical back to the DEA registrant and registered location from which it was received. A warehouse that distributes list I chemicals to persons other than the registrant and registered location from

¹⁹ 21 CFR 1310.13.

²⁰ 21 CFR U.S.C. 802(39)(A)(vi).

which they were obtained is conducting distribution activities and is required to register as such.

Upon publication of a final rule, any person manufacturing, distributing, importing, or exporting propionyl chloride or a chemical mixture containing propionyl chloride would become subject to the registration requirement under the CSA. DEA recognizes, however, that it is not possible for persons who are subject to the registration requirements to immediately complete and submit an application for registration, and for DEA to immediately issue registrations for those activities. Therefore, to allow any continued legitimate commerce in propionyl chloride or a chemical mixture containing propionyl chloride, DEA is proposing to establish in 21 CFR 1310.09, a temporary exemption from the registration requirement for persons desiring to engage in activities with propionyl chloride or a chemical mixture containing propionyl chloride, provided that DEA receives a properly completed application for registration or application for exemption of a chemical mixture under 21 CFR 1310.13 on or before 30 days after publication of a final rule implementing regulations regarding propionyl chloride. The temporary exemption for such persons will remain in effect until DEA takes final action on their application for registration or application for exemption of a chemical mixture.

The temporary exemption applies solely to the registration requirement; all other chemical control requirements, including recordkeeping and reporting, would become effective on the effective date of the final rule. This is necessary because a delay in regulating these transactions could result in increased diversion of chemicals desirable to drug traffickers.

Additionally, the temporary exemption for registration does not suspend applicable federal criminal laws relating to propionyl chloride, nor does it supersede State or local laws or regulations. All handlers of propionyl chloride must comply with applicable State and local requirements in addition to the CSA regulatory controls.

2. Records and Reports. Every DEA registrant would be required to maintain records and submit reports with respect to propionyl chloride pursuant to 21 U.S.C. 830 and in accordance with 21 CFR 1310.04 and 1310.05. Pursuant to 21 CFR 1310.04, a record must be kept for two years after the date of a transaction involving a listed chemical, provided the transaction is a regulated transaction.

Each regulated bulk manufacturer of a listed chemical will be required to submit manufacturing, inventory, and use data on an annual basis. 21 CFR 1310.05(d). Existing standard industry reports containing the required information are acceptable, provided the information is separate or readily retrievable from the report.

The CSA and its implementing regulations require that each regulated person must report to DEA any regulated transaction involving an extraordinary quantity of a listed chemical, an uncommon method of payment or delivery, or any other circumstance that the regulated person believes may indicate that the listed chemical will be used in violation of subchapter I of the CSA. In addition, regulated persons must report any proposed regulated transaction with a person whose description or other identifying characteristics DEA has previously furnished to the regulated person, any unusual or excessive loss or disappearance of a listed chemical under the control of the regulated person, and any in-transit loss in which the regulated person is the supplier. 21 U.S.C. 830(b) and 21 CFR 1310.05(a) and (b).

3. Importation and Exportation. All importation and exportation of propionyl chloride or a chemical mixture containing propionyl chloride would need to be done in compliance with 21 U.S.C. 957, 958, and 971 and in accordance with 21 CFR part 1313.

4. Security. All applicants and registrants would be required to provide effective controls against theft and diversion of list I chemicals in accordance with 21 CFR 1309.71–1309.73.

5. Administrative Inspection. Places, including factories, warehouses, or other establishments and conveyances, where registrants or other regulated persons may lawfully hold, manufacture, distribute, or otherwise dispose of a list I chemical or where records relating to those activities are maintained, are controlled premises as defined in 21 U.S.C. 880(a) and 21 CFR 1316.02(c). The CSA allows for administrative inspections of these controlled premises as provided in 21 CFR part 1316, subpart A. 21 U.S.C. 880.

6. Liability. Any activity involving propionyl chloride not authorized by, or in violation of, the CSA, would be unlawful, and would subject the person to administrative, civil, and/or criminal action.

Regulatory Analyses

Executive Orders 12866, 1356, and 14192 (Regulatory Review)

DEA has determined that this rulemaking is not a “significant regulatory action” under section 3(f) of Executive Order (E.O.) 12866, Regulatory Planning and Review. Accordingly, this proposed rule has not been submitted to the Office of Management and Budget for review. This proposed rule has been drafted and reviewed in accordance with E.O. 12866, “Regulatory Planning and Review,” section 1(b), Principles of Regulation and E.O. 13563, “Improving Regulation and Regulatory Review,” section 1(b), General Principles of Regulation. DEA scheduling actions are not subject to E.O. 14192, “Unleashing Prosperity Through Deregulation.”

DEA is proposing the control of propionyl chloride as a list I chemical under the CSA. DEA finds that propionyl chloride is used in the illicit manufacture of the controlled substances fentanyl, fentanyl analogues and fentanyl-related substances, and is important to the manufacture of these substances. The replacement chemical for propionyl chloride in the respective pathways is already a list I chemical. If finalized, the proposed rule would subject handlers of propionyl chloride to the chemical regulatory provisions of the CSA and its implementing regulations. This proposed rulemaking does not establish a threshold for domestic and international transactions of propionyl chloride. As such, all transactions of propionyl chloride, regardless of size, shall be regulated. In addition, chemical mixtures containing propionyl chloride are not exempt from regulatory requirements at any concentration. Therefore, all transactions of chemical mixtures containing any quantity of propionyl chloride shall be regulated pursuant to the CSA. If finalized as proposed, propionyl chloride will be subject to all of the regulatory control and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, importing, and exporting of list I chemicals.

DEA evaluated the cost of this proposed rule. Due to many unknowns, DEA is unable to provide an estimated cost of this proposed rule; however, DEA believes the cost will not be significant and will be far below the E.O. 12866 3(f)(1) threshold.

Propionyl chloride is used for the legitimate manufacturing of pharmaceutical fentanyl as well as clandestinely synthesized illicit fentanyl. DEA has searched information

in the public domain for legitimate uses of propionyl chloride and has not documented a legitimate commercial or industrial use for propionyl chloride other than as an intermediary chemical in the production of fentanyl. DEA welcomes any comments related to the uses of propionyl chloride in the legitimate marketplace.

The primary costs associated with this proposed rule would be the annual registration fee for list I chemicals (\$3,699 for manufacturers and \$1,850 for distributors, importers, and exporters). DEA has identified 20 domestic distributors of propionyl chloride. Three are already registered to handle list I chemicals, and this rule will not have impacts on their operations. The remaining distributors will need to register with DEA and employ security and handling processes to continue supplying propionyl chloride. For the nonregistered suppliers, it is difficult to estimate the amount of propionyl chloride that they distribute. It is also common for these chemical distributors to have items in their catalog while not actually having any material level of sales. Hence, DEA expects the quantities of propionyl chloride distributed by nonregistered distributors is much smaller compared to the registered distributors. If this proposed rule is finalized, these distributors are expected to choose the least cost option, and stop selling propionyl chloride, rather than incur the registration cost. DEA expects that the cost of foregone sales is small; and thus, the cost of this proposed rule is minimal. DEA welcomes any public comment regarding this estimate.

In summary, DEA conducted a qualitative analysis of this proposed rule. DEA believes any manufacturer or distributor that uses propionyl chloride for legitimate pharmaceutical fentanyl production already would be registered with DEA and have all security and other handling processes in place, such that this regulation would result in minimal cost to those entities. Therefore, any potential cost as a result of this regulation is minimal.

Executive Order 12988, Civil Justice Reform

This proposed regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988 Civil Justice Reform to eliminate drafting errors and ambiguity, minimize litigation, provide a clear legal standard for affected conduct, and promote simplification and burden reduction.

Executive Order 13132, Federalism

This proposed rulemaking does not have federalism implications warranting the application of E.O. 13132. The proposed rule does not have substantial direct effects on the States, on the relationship between the national Government and the States, or the distribution of power and responsibilities among the various levels of government.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This proposed rule does not have tribal implications warranting the application of E.O. 13175. This proposed rule does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.

Regulatory Flexibility Act

The Acting Administrator, in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601–612, has reviewed this rule and by approving it, certifies that it will not have a significant economic impact on a substantial number of small entities.

As discussed above, if finalized as proposed, propionyl chloride and chemical mixtures containing propionyl chloride will be subject to all of the regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, importing, and exporting of list I chemicals. If finalized, it will affect all business activities that handle propionyl chloride including manufacturers, distributors, importers, and exporters. DEA identified 20 domestic suppliers, 17 (85 percent) of which are not registered with DEA to handle list I chemicals. All non-registered entities will be affected by this rule and are small entities based on Small Business Administration classification for Other Chemical and Allied Products Merchant Wholesalers (NAICS classification code 424690).²¹

There are 8,804 small entities under 424690 Other Chemical and Allied Products Merchant Wholesalers.²² The number of small entities affected by this proposed rule is 0.19 percent of all the

small businesses in this industry.²³ Based on these factors, DEA projects that this rule, if promulgated, will not result in a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

On the basis of information contained in the “Regulatory Flexibility Act” section above, DEA has determined and certifies pursuant to the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1501 *et seq.*, that this action would not result in any Federal mandate that may result “in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more (adjusted for inflation) in any one year” Therefore, neither a Small Government Agency Plan nor any other action is required under provisions of UMRA.

Paperwork Reduction Act of 1995

This action does not impose any new or revised “collection[s] of information” as defined by the Paperwork Reduction Act of 1995, 44 U.S.C. 3502(3).

List of Subjects in 21 CFR Part 1310

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

For the reasons set out above, DEA proposes to amend 21 CFR part 1310 as follows:

PART 1310—RECORDS AND REPORTS OF LISTED CHEMICALS AND CERTAIN MACHINES; IMPORTATION AND EXPORTATION OF CERTAIN MACHINES

■ 1. The authority citation for part 1310 continues to read as follows:

Authority: 21 U.S.C. 802, 827(h), 830, 871(b), 890.

■ 2. In § 1310.02, add paragraph (a)(40) to read as follows:

§ 1310.02 Substances covered.

* * * * *

(a) * * *

* * * * *

(40) Propionyl chloride 8337

* * * * *

■ 3. In § 1310.04:

■ a. Redesignate paragraphs (g)(1)(xviii) and (g)(1)(xix) as paragraphs (g)(1)(xix) and (g)(1)(xx), respectively; and

²¹ U.S. Small Business Administration, Table of size standards, Version March 2023, Effective: March 17, 2023, <https://www.sba.gov/sites/sbagov/files/2023->

²² 2021 SUSB Annual Data Tables by Establishment Industry, <https://www.census.gov/data/tables/2021/econ/susb/2021-susb-annual.html>, accessed: 1/9/2024.

²³ Assuming all of the 17 non-registered suppliers are small businesses, the percent of small businesses affected by this rule is 17/8,804 = 0.19%.

■ b. Add new paragraph (g)(1)(xviii) to read as follows:

§ 1310.04 Maintenance of records.

* * * * *

(g) * * *

(1) * * *

(xviii) Propionyl chloride

* * * * *

■ 4. In § 1310.09 add paragraph (t) to read as follows:

§ 1310.09 Temporary exemption from registration.

* * * * *

(t)(1) Each person required under 21 U.S.C. 822 and 21 U.S.C. 957 to obtain a registration to manufacture, distribute, import, or export propionyl chloride, including regulated chemical mixtures pursuant to § 1310.12, is temporarily exempted from the registration

requirement, provided that DEA receives a properly completed application for registration or application for exemption for a chemical mixture containing propionyl chloride pursuant to § 1310.13 on or before 30 days after the publication of a rule finalizing this action. The exemption would remain in effect for each person who has made such application until the Administration has approved or denied that application. This exemption applies only to registration; all other chemical control requirements set forth in the Act and parts 1309, 1310, 1313, and 1316 of this chapter remain in full force and effect.

(2) Any person who manufactures, distributes, imports, or exports a chemical mixture containing propionyl chloride whose application for exemption is subsequently denied by

DEA must obtain a registration with DEA. A temporary exemption from the registration requirement will also be provided for those persons whose application for exemption is denied, provided that DEA receives a properly completed application for registration on or before 30 days following the date of official DEA notification that the application for exemption has been denied. The temporary exemption for such persons would remain in effect until DEA takes final action on their registration application.

■ 5. In 1310.12, amend the table in paragraph (c) by adding in alphabetical order an entry for “propionyl chloride” to read as follows:

§ 1310.12 Exempt chemical mixtures.

* * * * *

(c) * * *

TABLE OF CONCENTRATION LIMITS

	DEA chemical code number	Concentration	Special conditions
List I Chemicals			
Propionyl chloride	8337	Not exempt at any concentra- tion.	Chemical mixtures containing any amount of propionyl chloride are not exempt.
* * * * *			

Signing Authority

This document of the Drug Enforcement Administration was signed on May 25, 2025, by Acting Administrator Robert J. Murphy. 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. 2025-09983 Filed 6-2-25; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Chapter 1

RIN 2125-AG08

Incorporating Safety Into Federal-Aid Programs and Projects

AGENCY: Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT).

ACTION: Termination of rulemaking.

SUMMARY: FHWA terminates its rulemaking titled “Incorporating Safety Into Federal-aid Programs and Projects.” FHWA will proceed to formally terminate the rule from FHWA’s upcoming Spring 2025 Unified Agenda of Regulatory and Deregulatory Actions (“Unified Agenda”).

DATES: June 3, 2025.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Ritter, Office of Safety, (202) 493-0019, Robert.Ritter@dot.gov; or Mr. David Serody, Office of the Chief Counsel, (202) 366-4241, David.Serody@dot.gov, Federal Highway

Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 8 a.m. to 4:30 p.m., E.T., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

This document may be viewed online through the Federal eRulemaking portal at www.regulations.gov. The website is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from the Office of the Federal Register’s website at www.federalregister.gov.

Background

FHWA had initiated a rulemaking titled “Incorporating Safety Into Federal-aid Programs and Projects” Regulation Identifier Number (RIN) 2125-AG08 to establish new regulations pertaining to integrating safety across Federal-aid highway programs. This rulemaking project was listed on FHWA’s Unified Agenda; however, no Notice of Proposed Rulemaking was published in the **Federal Register**.

Consistent with President Trump's commitment to ending unlawful, unnecessary, and onerous regulations, FHWA is reviewing its existing regulations and ongoing regulatory activities for alignment with the law and Administration priorities. FHWA is withdrawing this rulemaking activity because further rulemaking action does not align with current Agency needs, priorities, and objectives. Terminating this rulemaking does not impact any current safety efforts. FHWA continues to consider the best means of addressing some or all the issues surrounding its regulations and the scope of any Agency actions FHWA concludes may be necessary to address these issues.

In addition, all Agencies participate in the semi-annual Unified Agenda, which provides a summary description of the rulemaking actions that each Agency is considering or reviewing. Agencies' agendas are posted on the public website of the Office of Information and Regulatory Affairs, and portions are published in the **Federal Register** in the spring and fall of each year. The Unified Agenda is often used as a tool to solicit interest and participation from stakeholders. Termination of this rulemaking will allow FHWA to better align its entries on the Department's Unified Agenda with the Agency's needs, priorities, and objectives.

Accordingly, for these independently sufficient reasons, FHWA is terminating the rulemaking associated with RIN 2125-AG08. By terminating the rulemaking, FHWA is indicating that it no longer considers this rulemaking to be pending. Should FHWA decide at a future date to initiate the same or similar rulemaking, FHWA will initiate a new rulemaking under a new RIN, consistent with the requirements of the Administrative Procedure Act, Title 5, United States Code, 553.

Gloria M. Shepherd,
Executive Director, Federal Highway Administration.

[FR Doc. 2025-09888 Filed 6-2-25; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 626

RIN 2125-AF96

Updates to Pavement Regulations

AGENCY: Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT).

ACTION: Termination of rulemaking.

SUMMARY: FHWA terminates its rulemaking on "Updates to Pavement Regulations." FHWA will proceed to formally terminate the rule from FHWA's upcoming Spring 2025 Unified Agenda of Regulatory and Deregulatory Actions ("Unified Agenda").

DATES: June 3, 2025.

FOR FURTHER INFORMATION CONTACT: Ms. LaToya Johnson, Office of Preconstruction, Construction, and Pavements, (202) 366-0479, Latoya.Johnson@dot.gov; or Mr. Michael Harkins, Office of the Chief Counsel, (202) 366-1523, Michael.Harkins@dot.gov, Federal Highway Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 8 a.m. to 4:30 p.m., E.T., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

This document may be viewed online through the Federal eRulemaking portal at www.regulations.gov. The website is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded by accessing the Office of the Federal Register's website at: www.federalregister.gov.

Background

FHWA had initiated a rulemaking titled "Updates to Pavement Regulations," Regulation Identifier Number (RIN) 2125-AF96, to update the regulations pertaining to FHWA's pavement design requirements in title 23 Code of Federal Regulations, part 626. This rulemaking project was listed on FHWA's Unified Agenda; however, no Notice of Proposed Rulemaking was published in the **Federal Register**.

Consistent with President Trump's commitment to ending unlawful, unnecessary, and onerous regulations, FHWA is reviewing its existing regulations and ongoing regulatory activities for alignment with law and Administration priorities. FHWA is terminating this rulemaking activity because further rulemaking action does not align with current Agency needs, priorities, and objectives. FHWA continues to consider the best means of addressing some or all of the issues surrounding its pavement design regulations and the scope of any Agency actions FHWA concludes may be necessary to address these issues.

In addition, all Agencies participate in the semi-annual Unified Agenda, which provides a summary description of the rulemaking actions that each

Agency is considering or reviewing. Agencies' agendas are posted on the public website of the Office of Information and Regulatory Affairs, and portions are published in the **Federal Register** in the spring and fall of each year. The Unified Agenda is often used as a tool to solicit interest and participation from stakeholders. Termination of this rulemaking will allow FHWA to better align its entries on the Department's Unified Agenda with the Agency's needs, priorities, and objectives.

Accordingly, for these independently sufficient reasons, FHWA is terminating the rulemaking associated with RIN 2125-AF96. By terminating the rulemaking, FHWA is indicating that it no longer considers this rulemaking to be pending. Should the FHWA decide at a future date to initiate the same or similar rulemaking, FHWA will initiate a new rulemaking under a new RIN, consistent with the requirements of the Administrative Procedure Act, Title 5, United States Code, 553.

Gloria M. Shepherd,
Executive Director, Federal Highway Administration.

[FR Doc. 2025-09890 Filed 6-2-25; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 630

RIN 2125-AG03

Update of 23 CFR Part 630, Subparts A and G

AGENCY: Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT).

ACTION: Termination of rulemaking.

SUMMARY: FHWA terminates its rulemaking titled "Update of 23 CFR part 630, subparts A and G," which would have proposed changes to regulations pertaining to project authorization and agreements and advance construction of Federal-aid projects. FHWA will proceed to formally terminate the rule from FHWA's upcoming Spring 2025 Unified Agenda of Regulatory and Deregulatory Actions ("Unified Agenda").

DATES: June 3, 2025.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony DeSimone, Office of Stewardship, Oversight, and Management, (317) 226-5307, Anthony.Desimone@dot.gov; or Mr. Adam Sleeter, Office of the Chief

Counsel, (202) 366–8839, Adam.Sleeter@dot.gov, Federal Highway Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 8 a.m. to 4:30 p.m., E.T., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

This document may be viewed online through the Federal eRulemaking portal at www.regulations.gov. The website is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded by accessing the Office of the Federal Register's website at: www.federalregister.gov.

Background

FHWA had initiated a rulemaking titled “Update of 23 CFR part 630, subparts A and G,” Regulation Identifier Number (RIN) 2125–AG03, to update the regulations pertaining to project authorization and agreements and advance construction of Federal-aid projects in title 23, Code of Federal Regulations, part 630. This rulemaking project was listed on FHWA’s Unified Agenda; however, no Notice of Proposed Rulemaking was published in the **Federal Register**.

Consistent with President Trump’s commitment to ending unlawful, unnecessary, and onerous regulations, FHWA is reviewing its existing regulations and ongoing regulatory activities for alignment with law and Administration priorities. FHWA is terminating this rulemaking activity because further rulemaking action does not align with current Agency needs, priorities, and objectives. FHWA continues to consider the best means of addressing some or all of the implementation issues surrounding these regulations and the scope of any Agency actions FHWA concludes may be necessary related to implementing these regulations.

In addition, all Agencies participate in the semi-annual Unified Agenda, which provides a summary description of the rulemaking actions that each Agency is considering or reviewing. Agencies’ agendas are posted on the public website of the Office of Information and Regulatory Affairs, and portions are published in the **Federal Register** in the spring and fall of each year. The Unified Agenda is often used as a tool to solicit interest and participation from stakeholders. Termination of this rulemaking will allow FHWA to better align its entries on the Department’s Unified Agenda

with the Agency’s needs, priorities, and objectives.

Accordingly, for these independently sufficient reasons, FHWA is terminating the rulemaking associated with RIN 2125–AG03. By terminating the rulemaking, FHWA is indicating that it no longer considers this rulemaking to be pending. Should FHWA decide at a future date to initiate the same or similar rulemaking, FHWA will initiate a new rulemaking under a new RIN, consistent with the requirements of the Administrative Procedure Act, Title 5, United States Code, 553.

Gloria M. Shepherd,

Executive Director, Federal Highway Administration.

[FR Doc. 2025–09887 Filed 6–2–25; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 108 and 200

[Docket No. FR–6533–P–01]

RIN 2501–AE13

Rescission of Affirmative Fair Housing Marketing Regulations

AGENCY: Office of the Secretary, U.S. Department of Housing and Urban Development (HUD).

ACTION: Proposed rule.

SUMMARY: This proposed rule would rescind the Department’s Affirmative Fair Housing Marketing regulations, which require a participant in an FHA insurance or Multifamily Housing rental assistance program to complete and submit a form supplied by HUD that describes its affirmative fair housing marketing plan.

DATES: *Comment Due Date:* July 3, 2025.

ADDRESSES: Interested persons are invited to submit comments regarding this proposed rule. All submissions must refer to the docket number and title. There are two methods for submitting public comments.

1. *Electronic Submission of Comments.* Interested persons may submit comments electronically through the Federal eRulemaking Portal at <https://www.regulations.gov>.

2. *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.

In accordance with 5 U.S.C. 553(b)(4), a summary of this proposed rule may be found at www.regulations.gov.

FOR FURTHER INFORMATION CONTACT:

Scott Knittle, Principal Deputy 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 from individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

SUPPLEMENTARY INFORMATION:

I. Background

HUD’s regulations governing Affirmative Fair Housing Marketing (“AFHM”) are contained in 24 CFR parts 108 and 200, subpart M. See final rule, Compliance Procedures for Affirmative Fair Housing Marketing, 44 FR 47012 (August 9, 1979), codified as amended at 24 CFR part 200, subpart M—Affirmative Fair Housing Marketing Regulations, 37 FR 75 (January 5, 1972), codified as amended at 24 CFR part 200, subpart M. These regulations require applicants for participation in Federal Housing Administration (FHA) housing programs to “pursue affirmative fair housing marketing policies in soliciting buyers and tenants, in determining their eligibility, and in concluding sales and rental transactions.” 24 CFR 200.610. These regulations state that a marketing program “shall typically involve publicizing to minority persons the availability of housing opportunities regardless of race, color, religion, sex, handicap or familial status or national origin, through the type of media customarily utilized by the applicant, including minority publications or other minority outlets which are available in the housing market area.” 24 CFR 200.620(a). These regulations additionally require applicants to submit affirmative fair housing marketing plans, to be approved by HUD and made available for public inspection. 24 CFR 200.625. Applicants who fail to comply with these requirements are “liable to sanctions.” 24 CFR 200.635; *see also* 24 CFR 108.50.

The compliance procedures under these regulations are extensive. Ninety days before engaging in sales or rental marketing activities, applicants must “submit a Notification of Intent to Begin Marketing to the monitoring office.” 24 CFR 108.15. The monitoring office reviews reports, monitors AFHM plans, and refers matters to the civil rights or compliance reviewing office for possible

sanctions. 24 CFR 108.20. If an applicant fails to comply, a compliance meeting must be held. 24 CFR 108.25. Individuals, as well as private and public entities, may file complaints alleging violations of these regulations. 24 CFR 108.35.

II. Justification for Rulemaking

Upon reviewing these regulations, HUD has determined that they should be rescinded for six independent reasons.

A. The AFHM Regulations Are Inconsistent With HUD's Authority Under the Fair Housing Act and Executive Order 11063

The Fair Housing Act, 42 U.S.C. 3601, *et seq.* ("the Act"), prohibits discrimination in the sale or rental of housing, in residential real-estate transactions, and in the provision of brokerage services. Discrimination includes, among other things, refusing to rent or sell "because of race, color, religion, sex, familial status, or national origin." 42 U.S.C. 3604(a).¹ HUD's rulemaking authority is cabined to those rules necessary to prevent discrimination. *See United States v. Mid-America Apartment Cmty., Inc.*, 247 F. Supp. 3d 30, 35 (D.D.C. 2017). The Affirmative Fair Housing Marketing regulations are not about preventing discrimination; rather, they require applicants to *affirmatively* attract minority persons and to do so through "minority publications or other minority outlets." 24 CFR 200.620. Far from supporting the race-neutral and purely prohibitory requirements of the Act, the AFHM regulations require private parties to sort individuals by race and engage in outreach based on race.

Moreover, the AFHM regulations require compliance with these affirmative obligations under the threat of sanctions. *See* 24 CFR 200.635. Failing to provide outreach to minority groups is not "discrimination" as defined by the Act, yet the AFHM regulations punish noncompliance with the "denial of further participation in Departmental programs and referral to the Department of Justice for suit by the United States for injunctive or other appropriate relief." 24 CFR 108.50. The Act provides no basis for such a punishment. Again, the FHA and Executive Order 11063 are aimed at discrimination against persons because of race, not informational disparities. To the extent there are informational

disparities, HUD has other tools under the statute to address that issue. It is inappropriate for HUD to require applicants, without payment, to do this outreach instead. *See Whitman v. Am. Trucking Ass'n, Inc.*, 531 U.S. 457, 467–68 (2001) ("Congress, we have held, does not alter the fundamental details of a regulatory scheme in vague terms or ancillary provisions—it does not, one might say, hide elephants in mouseholes.").

B. The AFHM Regulations Are Unconstitutional Under the Equal Protection Clause

Regardless of statutory authority, the AFHM regulations are unconstitutional under the Equal Protection Clause. Requiring applicants to reach out to different racial groups, in different mediums, perpetuates the "impermissible racial stereotype" that "members of the same racial group—regardless of their age, education, economic status, or the community in which they live—think alike." *Students for Fair Admissions, Inc. v. President & Fellows of Harv. Coll.*, 600 U.S. 181, 220 (2023). The AFHM regulations also require applicants to favor some racial groups over others, without a compelling interest. The regulations mandate "publicizing to minority persons the availability of housing opportunities." 24 CFR 200.620(a). But "racial discrimination is invidious in all contexts," even when it favors minority groups over majority groups. *Students for Fair Admissions*, 600 U.S. at 213. The AFHM regulations require exactly that—emphasizing minority groups over majority groups for outreach.

C. If the Act Permitted the AFHM Regulations, It Would Be an Unconstitutional Delegation of Legislative Power

If the Act were to permit the AFHM regulations, the statute would be an unconstitutional delegation of legislative power. Article I provides that "[a]ll legislative Powers herein granted shall be vested in a Congress of the United States." U.S. Const. Art. I, section 1. "Accompanying that assignment of power to Congress is a bar on its further delegation." *Gundy v. United States*, 588 U.S. 128, 135 (2019). If 42 U.S.C. 3614a—which states, the "Secretary may make rules . . . to carry out this subchapter"—is read to permit any regulation to carry out the broad purposes of the Act, without even a public interest limitation, then there is no "intelligible principle." *See id.* The AFHM regulations do more than simply "fill up the details," and create burdensome, affirmative obligations out

of whole cloth. *Wayman v. Southard*, 23 U.S. 1, 6 (1825). Worse, these obligations come with a serious threat of sanction. None of this was contemplated by the statute in more than vague terms.

D. HUD's Color-Blind Policy

Regardless of the constitutionality of the regulations, it is the policy of the Department not to require applicants to engage in racial sorting. HUD should encourage applicants to be color-blind, as it is always immoral to treat some racial groups differently than others. Even if the regulations increase visibility for minority housing applicants or have other purported benefits, they are outweighed by these important moral considerations.

E. Decreasing Burden on Applicants

It is the policy of the Department not to burden applicants unless they have engaged in discrimination. Even if there are benefits associated with the affirmative outreach in the AFHM regulations, the Department's policy is that it is wrong to put the economic burden on innocent private actors to achieve those benefits. HUD's commitment to that value judgment outweighs the potential downsides of eliminating the AFHM requirements, including the possibility that some racial groups will receive more information about housing opportunities than others.

F. HUD's Policy Is To Prevent Discrimination; Not To Equalize Statistical Outcomes

It is the policy of the Department to prevent discrimination, not to equalize statistical outcomes; however, AFHM regulations are based on an assumption that equal outcomes are what matter. Reviews of AFHM plans include ensuring that those plans "accomplish . . . intended objective[s]," 24 CFR 108.20, but the objective of the Act is to eliminate discrimination. The AFHM plans are aimed at increasing the number of minority tenants in FHA assisted housing, not simply eliminating discrimination. The Department's policy outweighs any possible advantages of the AFHM regulations.

HUD has determined that each of these reasons, independently and alone, justifies rescission of the AFHM regulations. Regardless of their benefit, or any past findings, HUD must not maintain regulations that are unlawful. HUD has determined that there is no reliance interest in an unlawful regulation. *See Dep't of Homeland Sec. v. Regents of the Univ. of California*, 591 U.S. 1, 32 (2020). Moreover, regardless of lawfulness, HUD has no interest in

¹ The Act also makes it unlawful to discriminate because of disability; that prohibition is reflected in different paragraphs (*e.g.*, § 3604(f)).

maintaining a rule that requires racial sorting, deems potentially innocent private parties as discriminators, and puts the burden on private parties without any evidence of discrimination. Those interests, too, outweigh any reliance interests that may exist.

To the extent there is any uncertainty about the costs and benefits of the AFHM regulations, it is also the policy of HUD to err on the side of deregulation. HUD's limited resources should be focused on fairly and rationally enforcing a discrete and manageable number of regulations. The AFHM regulations are not a priority.

III. Justification for Shortened Comment Period

For HUD rules issued for public comment, it is HUD's policy to afford the public "not less than sixty days for submission of comments" (24 CFR 10.1). In cases in which HUD determines that a shorter public comment period may be appropriate, it is also HUD's policy to provide an explanation of why the public comment period has been abbreviated.

Based on the justification for this rulemaking stated above, HUD has determined that it is in the public interest to rescind the AFHM regulations as expeditiously as possible. As such, while HUD seeks and values input in the form of public comments, HUD has determined that a shortened public comment period is justified. In this regard, HUD notes that interested members of the public are familiar with these regulations and should be able to respond effectively within the 30-day period.

IV. This Proposed Rule

For the reasons stated above, this proposed rule would remove 24 CFR part 108 in its entirety (§§ 108.1 through 108.50) as well as subpart M of part 200 in its entirety (§§ 200.600 through 200.640).

V. Findings and Certifications

Executive Orders 12866 and 13563, Regulatory Planning and Review

Executive Orders 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). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules,

and of promoting flexibility. This proposed rule has been determined to be a "significant regulatory action," as defined in section 3(f) of Executive Order 12866, but not economically significant. Additionally, this proposed rule would reduce the administrative and economic burdens placed on applicants due to the AFHM regulations and is consistent with Executive Order 13563.

Executive Order 14192, Regulatory Costs

Executive Order 14192, entitled "Unleashing Prosperity Through Deregulation," was issued on January 31, 2025. Section 3(c) of Executive Order 14192 requires that any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations. The current burden estimate for Affirmative Fair Housing Marketing Plans is more than 12,102 hours annually. This consists of 5,703 Multifamily respondents and 30 Single Family and/or Condo/Cooperative respondents either submitting new plans or reviewing and updating (or determining that updates are not necessary) existing plans. The proposed rule would eliminate this burden.

OMB has determined that this proposed rule would be a repeal of a regulation resulting in reduced regulatory costs for purposes of Executive Order 14192 by providing flexibility and reduced burdens for applicants.

Executive Order 13132, Federalism

Executive Order 13132 (entitled "Federalism") prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on State and local governments and is not required by statute, or the rule preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive order. This proposed rule would not have federalism implications and would not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive order.

Environmental Impact

This proposed rule is a policy document that sets out fair housing standards. Accordingly, under 24 CFR 50.19(c)(3), this rulemaking is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*).

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. This proposed rule would remove the economic and administrative burden on applicants that require them to market to different racial or other minority groups. Specifically, the rulemaking would remove the requirement for applicants to submit to HUD fair housing marketing plans and notifications of intent to begin marketing. To the extent the proposed revisions result in an economic impact, that impact would be positive as the rulemaking would not only reduce costs associated with marketing campaigns but would also relieve applicants of possible sanctions due to AFHM compliance.

Accordingly, for the foregoing reasons, the undersigned certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities. Notwithstanding HUD's determination that this proposed rule would not have a significant effect on a substantial number of small entities, HUD specifically invites comments regarding any less burdensome alternatives to this proposed rule that will meet HUD's objectives as described in the preamble.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless the collection displays a currently valid Office of Management and Budget (OMB) control number. This proposed rule would not impose any information collection requirements.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4; approved March 22, 1995) (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and Tribal governments, and on the private sector. This rulemaking does not impose any Federal mandates on any State, local, or Tribal government, or on the private sector, within the meaning of the UMRA.

VI. Electronic Access and Filing

Comments submitted electronically through the <https://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.

All comments and communications properly submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address. Due to security measures at the HUD Headquarters building, an advance appointment to review the public comments must be scheduled by calling the Regulations Division at (202) 708-3055 (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 from individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

List of Subjects

24 CFR Part 108

Fair housing, Reporting and recordkeeping requirements.

24 CFR Part 200

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Housing standards, Lead poisoning, Loan programs—housing and community development, Mortgage insurance, Organization and functions (Government agencies), Penalties, Reporting and recordkeeping requirements, Social security, Unemployment compensation, Wages.

Accordingly, for the reasons described in the preamble, HUD proposes to amend 24 CFR chapters I and II as follows:

PART 108—[REMOVED AND RESERVED]

- 1. Under the authority of 42 U.S.C. 3608 and 3535(d), remove and reserve part 108.

PART 200—INTRODUCTION TO FHA PROGRAMS

- 2. The authority citation for part 200 continues to read as follows:

Authority: 12 U.S.C. 1702–1715z–21; 42 U.S.C. 3535(d).

Subpart M—[Removed and Reserved]

- 3. Remove and reserve subpart M.

Scott Turner,
Secretary.

[FR Doc. 2025–09991 Filed 6–2–25; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–107420–24]

RIN 1545–BR21

Source of Income From Cloud Transactions; Hearing

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking; notice of hearing.

SUMMARY: This document provides a notice of public hearing on proposed rules for determining the source of income from cloud transactions for purposes of the international provisions of the Internal Revenue Code.

DATES: The public hearing on these proposed rules has been scheduled for Thursday, July 17, 2025, at 10:00 a.m. Eastern Time (ET). The IRS must receive speakers' outlines of the topics to be discussed at the public hearing by June 17, 2025. If no outlines are received by June 17, 2025, the public hearing will be cancelled.

ADDRESSES: The public hearing is being held in the Auditorium, at the Internal Revenue Service Building, 1111 Constitution Avenue NW, Washington, DC. Due to security procedures, visitors must enter at the Constitution Avenue entrance. In addition, all visitors must present a valid photo identification to enter the building. Because of access restrictions, visitors will not be admitted beyond the immediate entrance area more than 30 minutes before the hearing starts. Participants may alternatively attend the public hearing by telephone.

Send submissions to CC:PA:01:PR (REG–107420–24), Room 5205, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through Friday to CC:PA:01:PR (REG–107420–24), Couriers Desk, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224 or sent electronically via the Federal eRulemaking Portal at www.regulations.gov (REG–107420–24).

FOR FURTHER INFORMATION CONTACT:

Concerning the proposed rules, Jacob Nava at (202) 317–4432, (not a toll-free number); concerning submissions of requests to testify, the hearing and/or to be placed on the building access list to attend the public hearing, contact the Publications and Regulations Section of the Office of Associate Chief Counsel (Procedure and Administration) by email at publichearings@irs.gov (preferred) or by telephone at (202) 317–6901 (not a toll free number).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is the notice of proposed rulemaking (REG–107420–24) that was published in the **Federal Register** on Tuesday, January 14, 2025 (90 FR 3075).

The rules of 26 CFR 601.601(a)(3) apply to the hearing. Persons who wish to present oral comments at the hearing must submit an outline of the topics to be discussed and the time to be devoted to each topic by June 17, 2025.

A period of 10 minutes will be allotted to each person for making comments. An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing and via the Federal eRulemaking Portal (www.regulations.gov) under the title of Supporting & Related Material. If no outline of the topics to be discussed at the hearing is received by June 17, 2025, the public hearing will be cancelled. If the public hearing is cancelled, a notice of cancellation of the public hearing will be published in the **Federal Register**.

Individuals who want to testify in person at the public hearing must send an email to publichearings@irs.gov to have your name added to the building access list. The subject line of the email must contain the regulation number REG–107420–24 and the language TESTIFY In Person. For example, the subject line may say: Request to TESTIFY In Person at Hearing for REG–107420–24. Submit of an outline of testimony as prescribed in the **ADDRESSES** paragraph of this document.

Individuals who want to testify by telephone at the public hearing must send an email to publichearings@irs.gov to receive the telephone number and access code for the hearing. The subject line of the email must contain the regulation number REG–107420–24 and the language TESTIFY Telephonically. For example, the subject line may say: Request to TESTIFY Telephonically at Hearing for REG–107420–24. Submit of an outline of testimony as prescribed in

the **ADDRESSES** paragraph of this document.

Individuals who want to attend the public hearing in person without testifying must also send an email to publichearings@irs.gov to have your name added to the building access list. The subject line of the email must contain the regulation number REG-107420-24 and the language ATTEND In Person. For example, the subject line may say: Request to ATTEND Hearing In Person for REG-107420-24. Requests to attend the public hearing must be received by July 16, 2025, 5:00 p.m. ET.

Individuals who want to attend the public hearing by telephone without testifying must also send an email to publichearings@irs.gov to receive the telephone number and access code for the hearing. The subject line of the email must contain the regulation number REG-107420-24 and the language ATTEND Hearing Telephonically. For example, the subject line may say: Request to ATTEND Hearing Telephonically for REG-107420-24. Requests to attend the public hearing must be received by July 16, 2025, 5:00 p.m. ET.

Hearings will be made accessible to people with disabilities. To request special assistance during a hearing please contact the Publications and Regulations Section of the Office of Associate Chief Counsel (Procedure and Administration) by sending an email to publichearings@irs.gov (preferred) or by telephone at (202) 317-6901 (not a toll-free number) by July 10, 2025.

Any questions regarding speaking at or attending a public hearing may also be emailed to publichearings@irs.gov.

Oluwafunmilayo A. Taylor,

Section Chief, Publications and Regulations Section, Associate Chief Counsel, (Procedure and Administration).

[FR Doc. 2025-09981 Filed 6-2-25; 8:45 am]

BILLING CODE 4830-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R07-OAR-2025-0200; FRL-12750-01-R7]

Air Plan Approval; IA; Alter Metal Recycling Permit Modification

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing approval of revisions to the Iowa State

Implementation Plan (SIP) to include a permit modification for Alter Metal Recycling. The SIP revision addresses modifications to the air construction permit for Alter Metal Recycling included in the State's 2008 Lead (Pb) National Ambient Air Quality Standards (NAAQS) attainment plan for portions of Council Bluffs, Pottawattamie County, IA. These revisions do not impact the stringency of the SIP or have an adverse effect on air quality. The EPA's proposed approval of this rule revision is being done in accordance with the requirements of the Clean Air Act (CAA).

DATES: Comments must be received on or before July 3, 2025.

ADDRESSES: You may send comments, identified by Docket ID No. EPA-R07-OAR-2025-0200 to <https://www.regulations.gov>. Follow the online instructions for submitting comments.

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the "Written Comments" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

Bethany Olson, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551-7905; email address: olson.bethany@epa.gov.

SUPPLEMENTARY INFORMATION:

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

Table of Contents

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

I. Written Comments

Submit your comments, identified by Docket ID No. EPA-R07-OAR-2025-0200, at <https://www.regulations.gov>. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be

accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

II. What is being addressed in this document?

The EPA is proposing to approve revisions to the Iowa SIP received on October 23, 2017. Iowa Department of Natural Resources (IDNR) requested to replace a SIP-approved air construction permit with a modified permit at Alter Metal Recycling in Council Bluffs, Pottawattamie County, IA. The state's SIP submission requested that the EPA not act on Condition 11 of the permit, and accordingly that condition is not included in this action. Condition 11 references 567 Iowa Administrative Code (IAC) Chapter 24.1(1) pertaining to excess emissions during periods of startup, shutdown, or cleaning of control equipment.

On October 15, 2008, EPA promulgated a revision to the Pb NAAQS, lowering the standard from 1.5 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) to $0.15 \mu\text{g}/\text{m}^3$ (73 FR 66963). EPA designated a portion of Pottawattamie County, Council Bluffs, Iowa, as nonattainment for the 2008 Pb NAAQS (76 FR 72097) effective December 31, 2011. The air construction permit for Alter Metal Recycling was included in the 2008 Lead NAAQS attainment plan, which was approved by EPA on February 26, 2016 (81 FR 9770). The Alter Metal Recycling permit controls fugitive dust emissions through a Reasonably Available Control Technology (RACT) limit, work practice standards, limits truck traffic and total material shipped, and requires silt load sampling. The permit also contains contingency measures if there is a monitored exceedance of the Pb NAAQS. The area attained the 2008 Pb NAAQS by the statutory deadline of December 31, 2016, and the EPA approved Iowa's redesignation and maintenance plan on October 4, 2018 (83 FR 50024).

IDNR continues to conduct ambient air monitoring for Pb in the Council Bluffs area near Pb emitting facilities. According to 40 CFR part 50, appendix

R, the 2008 Pb NAAQS is met at a monitoring site when the identified design value is valid and is less than or equal to 0.15 $\mu\text{g}/\text{m}^3$. The form of the standard is based on the maximum three-month rolling average over a three-year period (thirty-six rolling calendar quarters, or thirty-eight total months). The design value is the highest Pb concentration recorded for a rolling three-month calendar quarter over a three-year period. The area has not recorded a violation of the NAAQS since it was redesignated. The most recent valid design value for the area is 0.08 $\mu\text{g}/\text{m}^3$ for the 2018–2020 period. A Pb design value that meets the NAAQS is considered valid if it encompasses 36 consecutive valid 3-month site means. Data loss associated with a new sampling instrument in December 2021 prevented the calculation of valid 3-month site means for December 2021 through February 2022, causing the area to have invalid design values for each three-year period since the 2018–2020 period.¹ The most recent, though incomplete, data indicates a maximum three-month rolling average of 0.12 $\mu\text{g}/\text{m}^3$ for the 2021–2023 period.

The SIP-approved construction permit #A-14-521 required Alter Metal Recycling to conduct surface silt load sampling on haul routes internal to the facility boundaries at three locations to demonstrate that the total silt load content on roadways is less than 2.70 g/ m^2 . Section 14 of the SIP-approved permit provided that Alter Metal Recycling could request a reduced sampling frequency if it met this silt load limit for 12 consecutive months. As detailed in Iowa's October 23, 2017, letter requesting approval of #A-14-521-S1 into the SIP, data submitted by Alter Metal Recycling demonstrated compliance between October 2014 and November 2016. Accordingly, the permit modification reduces the frequency of required silt load sampling from monthly to quarterly.

The permit modification also adds additional contingency measures if monitored exceedance of the lead NAAQS occurs during months in which inclement weather provisions applied. The SIP-approved permit does not require the facility to sweep if there has been 0.2 inches of rain within a twenty-four-hour period, the haul routes have not been used that day, the ambient air temperature is less than thirty-five degrees Fahrenheit, or the conditions due to weather could create hazardous

driving conditions. In the modified permit, if the facility receives notification from IDNR that a monitored exceedance of the NAAQS occurs during months in which the inclement weather provision applied, the facility is required to implement good housekeeping practices, including but not limited to, daily removal of material piles that have accumulated on haul road surfaces and decreasing vehicle speeds on paved road surfaces from 20 mph to 5 mph. The modified permit further requires the owner or operator to continue good housekeeping practices on paved road surfaces until sweeping resumes.

Finally, this action will also make administrative updates to the permit number and removes compliance dates that have already passed. The permitted emission limits, work practice standards, control measures, and reporting and recordkeeping requirements remain unchanged.

As discussed above, in accordance with SIP-approved permit #14-A-521, Alter Metal Recycling requested a reduced silt load sampling frequency from monthly to quarterly. IDNR granted Alter Metal's request and issued permit modification #14-A-521-S1, which also includes modifications to the contingency measures that are more protective of air quality during inclement weather. In addition, the permit modification does not increase potential lead emissions and retains all measures necessary to attain and maintain the 2008 lead NAAQS. For these reasons, the EPA proposes to find that this SIP revision will not interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 171 of the CAA), or any other applicable requirement of the CAA as required under section 110(l) of the Act. Accordingly, EPA proposes to remove permit #14-A-521 from the SIP and replace it with permit #14-A-521-S1. The full permit and the State's submission can be found in the docket for this action.

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

The State submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on this SIP revision from May 25, 2017, to June 27, 2017, and held a public hearing on June 27, 2017. The State received no comments. In addition, as explained above, the revision meets the substantive SIP

requirements of the CAA, including section 110 and implementing regulations.

IV. What action is the EPA taking?

The EPA is proposing to amend the Iowa SIP by approving the State's request to modify the SIP-approved permit for Alter Metal Recycling. We are processing this as a proposed action because we are soliciting comments on this proposed action. Final rulemaking will occur after consideration of any comments.

V. Incorporation by Reference

In this document, the EPA is proposing to include regulatory text in an EPA final rule that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to delete Iowa permit #14-A-521 and add incorporation by reference of the Iowa permit #14-A-521-S1 discussed in section II of this preamble and as set forth below in the proposed amendments to 40 CFR part 52. The EPA has made, and will continue to make, these materials generally available through <https://www.regulations.gov> and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities

¹ See section "Lead Monitoring Network Analysis" of the Iowa Ambient Air Monitoring 2024 Network Plan, included in the docket for this action.

under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

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

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

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

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

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

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

List of Subjects in 40 CFR Part 52

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

Dated: April 25, 2025.

James Macy,

Regional Administrator, Region 7.

For the reasons stated in the preamble, the EPA proposes to amend 40 CFR part 52 as set forth below:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart Q—Iowa

■ 2. In § 52.820, the table in paragraph (d) is amended by revising the entry “(111)” to read as follows:

§ 52.820 Identification of plan.

* * * * *

(d) * * *

EPA-APPROVED IOWA SOURCE-SPECIFIC ORDERS/PERMITS

Name of source	Order/permit No.	State effective date	EPA approval date	Explanation
(111) Alter Metal Recycling.	Permit No. 14–A–521–S1 ...	6/30/2017	[Date of publication of the final rule in the Federal Register , 90 FR [Federal Register page where the document begins of the final rule].	2008 Pb NAAQS Attainment Plan; condition 11 of the permit is not part of the SIP.

* * * * *

[FR Doc. 2025–10038 Filed 6–2–25; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2025–0088; FRL–12760–01–R2]

Air Plan Approval; New Jersey; Memorandum of Agreement To Address NO_x SIP Call Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision in the New Jersey State Implementation Plan (SIP) that includes a signed Memorandum of Agreement (MOA) developed between the EPA and the New Jersey Department of Environmental Protection (NJDEP). The MOA demonstrates how the State will maintain compliance with its nitrogen oxides (NO_x) emission control

obligations for the types of large non-electricity generating units (non-EGUs) that were previously regulated under the New Jersey NO_x Budget Program. This action is being taken in accordance with the requirements of the Clean Air Act (CAA).

DATES: Written comments must be received on or before July 3, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R02–OAR–2025–0088, at <https://www.regulations.gov>. Although listed in the index, some information is not publicly available, *e.g.*, Controlled Unclassified Information (CUI) (formerly referred to as Confidential Business Information (CBI)) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed

from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be CUI or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CUI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT:

Fausto Taveras, Environmental Protection Agency, Region 2, Air Programs Branch, 290 Broadway, New York, New York 10007–1866, telephone number: (212) 637–3378, email address: taveras.fausto@epa.gov.

SUPPLEMENTARY INFORMATION: The **SUPPLEMENTARY INFORMATION** section is arranged as follows:

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- I. Background
- II. What did NJDEP submit?
- III. What is the EPA's evaluation of NJ's SIP revision?
- IV. What is the EPA's proposed action?
- V. Incorporation by Reference
- VI. Statutory and Executive Order Reviews

I. Background

On September 3, 2024, the EPA approved removal of the New Jersey Clean Air Interstate Rule (CAIR) NO_x Trading Program (N.J.A.C. 7:27–Subchapter 30) from the New Jersey SIP. *See* 89 FR 71185. The State rule established allowance allocations for use under the Federal CAIR trading programs. Because the EPA no longer administers the Federal CAIR trading programs, removing Subchapter 30 from the SIP had no consequences for any sources' operations, nor for the attainment or maintenance of the National Ambient Air Quality Standards (NAAQS) in any area within the State.

In the September 2024 final rulemaking, the EPA also conditionally approved the removal of the New Jersey NO_x Budget Program (N.J.A.C. 7:27–Subchapter 31) from the New Jersey SIP. *See* 89 FR 71185. Although the EPA no longer administers the NO_x Budget Trading Program and approved the sunset provision of the New Jersey NO_x Budget program in a previous action (*see* 72 FR 55672), New Jersey continues to have obligations under the NO_x SIP Call.¹ Specifically, the NO_x SIP Call regulation at 40 CFR 51.121(r)(2) and anti-backsliding provisions at 40 CFR 51.905(f) require New Jersey and other States to continue to meet NO_x SIP Call requirements associated with the 1979 1-hour ozone national ambient air quality standards (NAAQS).² Under 40 CFR 51.121(f)(2) of the NO_x SIP Call regulations, where a State's SIP contains control measures for EGUs and large non-EGU boilers and combustion turbines, the SIP must contain enforceable limits on the ozone season

NO_x emissions from these sources.³ In addition, 40 CFR 51.121(i) of the NO_x SIP Call regulations requires the SIP to contain legally enforceable procedures for affected sources to monitor emissions, maintain records, and periodically report information to enable the state to determine that those sources are in compliance with the applicable portions of the control measures. The provisions of 40 CFR 51.122 in turn require States to submit information to EPA to demonstrate compliance with the NO_x SIP Call.

On March 7, 2024, and May 31, 2024, NJDEP submitted letters committing the State to submit a Memorandum of Agreement (MOA) by March 7, 2025, that would outline how NJDEP intended to comply with the NO_x SIP Call for the types of non-EGUs previously regulated by the New Jersey NO_x Budget Program.

In the State's March 7, 2024, commitment letter, New Jersey committed to develop an MOA between the EPA and NJDEP that would outline how NJDEP intended to comply with the NO_x SIP Call, specifically for the types of non-EGUs that were previously regulated by the New Jersey NO_x Budget Program (N.J.A.C. 7:27–Subchapter 31), and that were not covered under the subsequent CAIR Federal Implementation Plan (FIP) Trading Program.

On May 31, 2024, New Jersey submitted a revised commitment letter, replacing the earlier letter from March 7, 2024. The update reflected NJDEP's additional analysis to determine which units would have met the applicability criteria for non-EGUs under the New Jersey NO_x Budget Program (N.J.A.C. 7:27–31), which was in effect as of September 30, 2008. As a result of this analysis, the value of the non-EGU budget was adjusted.⁴ The revised letter adjusted the non-EGU budgets for the affected units' aggregated emissions during the ozone season and revised the date by which the State would submit the MOA to the EPA. In New Jersey's May 31, 2024, letter the State committed to submitting a final version of the MOA to the EPA by no later than March 7, 2025. New Jersey provided a date certain for purposes of CAA section 110(k)(4), which authorizes the EPA to conditionally approve a plan revision

based on a commitment by the State to adopt specific enforceable measures by a date certain, but no later than one year after the date of the plan approval. As indicated in New Jersey's commitment letter, the EPA would take action to incorporate by reference the finalized MOA as an enforceable SIP revision by no later than one year from the date the EPA conditionally approved the removal of New Jersey's NO_x Budget Program, *i.e.*, no later than September 3, 2025.

The specific details of New Jersey's request to remove its NO_x Budget Program and CAIR NO_x Trading Program, subsequent commitment letters, and the rationale for the EPA's approval to remove those programs from the SIP are thoroughly explained in the EPA's September 3, 2024, rulemaking and are not restated in this separate proposed action. For this detailed background and the EPA's evaluation, the reader is referred to the EPA's September 2024 final rulemaking. *See* 89 FR 71185.

As outlined in New Jersey's May 2024 commitment letter, the State committed to enter a MOA between the EPA and the NJDEP that outlines how NJDEP will comply with the NO_x SIP Call as to the affected non-EGUs. The MOA serves to memorialize an aggregate state-wide budget and monitoring, recordkeeping, and reporting requirements for the affected non-EGUs as well as a mechanism for the State to annually report official ozone season NO_x emissions data for the affected non-EGUs to the EPA.

The May 2024 commitment letter stated that the MOA would be made available for public comment and would be submitted as a SIP revision to the EPA. As outlined in the letter, once the MOA is signed by both NJDEP and the EPA, and the approval of the MOA into the New Jersey's SIP is finalized, the MOA will become an enforceable part of the SIP, and the EPA and NJDEP will have authority to enforce the conditions in the MOA (along with their existing authority to enforce the corresponding SIP-approved requirements applicable to the relevant sources). The MOA will serve as the enforceable mechanism for ensuring the New Jersey SIP contains enforceable limits and monitoring, recordkeeping, and reporting requirements to certify that the affected New Jersey non-EGU units' aggregated emissions will not exceed a budget of 745 tons per ozone season on an annual basis for existing and new affected non-EGU units pursuant to 40 CFR 51.121(r). NJDEP's March 7, 2024, and May 31, 2024, commitment letters are included in the docket of this rulemaking.

¹ In 1998, the EPA finalized the "Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone" (NO_x SIP Call) to address the good neighbor provisions for the 1979 ozone NAAQS (63 FR 57356; October 27, 1998). The NO_x SIP Call required Eastern States, including New Jersey, to submit SIPs that prohibit excessive emissions of ozone season NO_x by implementing statewide emissions budgets.

² Affected non-EGUs include industrial boilers and combustion turbines, with a rated heat input greater than 250 million British thermal units per hour (MMBtu/hr).

³ Participation by a State's EGUs in the trading programs for ozone season NO_x under CSAPR, the CSAPR Update, the Revised CSAPR Update, or the Good Neighbor Plan addresses the state's obligation under the NO_x SIP Call for EGUs.

⁴ NJDEP analysis determined that the natural gas turbine unit located at cogeneration facility, EF Kenilworth, was subject to the NO_x Budget Program as a small EGU (*i.e.*, an EGU serving an electricity generator with nameplate capacity of at least 15 MW but not greater than 25 MW).

II. What did NJDEP submit?

On February 13, 2025, New Jersey submitted a State Implementation Plan revision for the purpose of addressing the State's NO_x SIP Call gap under 40 CFR 51.121(r)(2). In this revision, NJDEP submitted the fully executed MOA to the EPA that outlines responsibilities between the NJDEP and the EPA to ensure New Jersey's successful and effective compliance with the regulation.⁵ Prior to New Jersey's SIP submission, NJDEP transmitted a final version of the MOA for EPA Region 2 Regional Administrator signature on January 14, 2025.⁶ The MOA was signed by the EPA Region 2 Regional Administrator on January 14, 2025, and became effective upon signature of NJDEP's Commissioner on January 30, 2025. NJDEP submitted the MOA with a request for the document to be incorporated into the SIP, in accordance with the State's May 31, 2024, commitment letter. Once incorporated into New Jersey's SIP, the EPA and NJDEP will have authority to enforce the conditions in the MOA, including the mechanism by which New Jersey will report to the EPA consistent with its obligations under the NO_x SIP Call and the conditions that ensure compliance with the relevant portion of New Jersey's budget per 40 CFR 51.121(r). A copy of the MOA is included in the docket of this rulemaking.

Under the MOA, NJDEP has the primary responsibilities of ensuring that its non-EGU sources are in compliance with its SIP-approved NO_x emission limits, monitoring, reporting, and recordkeeping provisions under the NO_x SIP Call and as otherwise approved in New Jersey's SIP. Specifically, NJDEP will ensure that new, modified and existing non-EGUs in the State meeting the applicability criteria of the New Jersey NO_x Budget Program (N.J.A.C. 7:27–31) as in effect as of September 30, 2008, adhere to emission limits, monitoring, recordkeeping, and reporting requirements as outlined in the relevant provisions of New Jersey's SIP. New Jersey's federally-approved NO_x RACT provisions under N.J.A.C. 7:27–19, “Control and Prohibition of Air

Pollution from Oxides of Nitrogen,” outline certain federally-approved NO_x emission limits, monitoring, and recordkeeping requirements for new, modified, and existing non-EGUs, including industrial boilers and combustion turbines with a rated heat input greater than 250 million British thermal units per hour (MMBtu/hr).⁷ Under the MOA, New Jersey also agrees to administer and oversee testing and monitoring requirements applicable to non-EGUs through the State's RACT regulation under N.J.A.C. 7:27–19, which satisfy the monitoring requirements of the NO_x SIP call under 40 CFR 51.121(f)(1) and 40 CFR 51.121(i).

Under the MOA, NJDEP will also have the responsibility of ensuring affected non-EGUs will comply with the State's Emission Statement Program under N.J.A.C. 7:27–21, “Emission Statements.” This federally-approved program requires non-EGUs to submit emission statements annually that include actual air contaminant emissions from the facility directly or indirectly into the outdoor atmosphere during that year.⁸ Pursuant to N.J.A.C. 7:27–21.5(f)(1)(i), “Required contents of an Emission Statement,” the information within facilities emission statements shall include actual emissions of VOC and NO_x in tons during the ozone season (May 1–September 30), and in pounds per day during the peak ozone season (June 1–August 31). As required under the federally-approved version of N.J.A.C. 7:27–21.5(f)(1)(ii), facilities that contain non-EGUs that are subject to New Jersey's Emission Statement Program are also required to include the average actual rate of emissions of VOC or NO_x in pounds per day of operation during the peak ozone season (June 1–August 31). Under the MOA, NJDEP agrees to compare the actual emissions of NO_x during the ozone season obtained from the affected non-EGUs' emission statement reports with the NO_x ozone season budget applicable to the affected non-EGUs and set under New Jersey's NO_x Budget Program, *i.e.*, 745 tons of NO_x per ozone season. As recognized in the MOA, the reporting and

recordkeeping requirements applicable to non-EGUs through the State's RACT regulation under N.J.A.C. 7:27–19 and the State's Emission Statement Program under N.J.A.C. 7:27–21 satisfy the NO_x SIP Call's reporting and recordkeeping requirements of 40 CFR 51.121(i).

This in turn will facilitate New Jersey's compliance with the requirements of 40 CFR 51.122. Under the MOA, New Jersey will submit to the EPA an annual report of NO_x emissions from non-EGUs. The MOA directly specifies that New Jersey's non-EGU NO_x budget for compliance demonstration purposes is 745 tons of NO_x per ozone season. These annual reports will be submitted after each ozone season and will be used to verify that the non-EGU budget for that ozone season was not exceeded. Specifically, under section IV. of the MOA, “Responsibilities of the Parties under this Memorandum of Agreement,” NJDEP commits to emailing an annual report to the EPA Region 2 by July 1 of each year. This annual report will outline the actual ozone season and annual emissions from the affected non-EGUs, as reported through the State's emission statement program. In the event of an exceedance, New Jersey commits to submitting a revised SIP to the EPA, which will address any budget shortfall resulting from the exceedance and ensure that the State's 745 tons of NO_x per ozone season budget is complied with in future years. Under the MOA, the EPA will have the responsibility of reviewing the annual reports submitted by the State and informing NJDEP as soon as practicable about any discrepancies in demonstrations and supporting information. Under the MOA, the EPA will also have the responsibility to review any request for information or assistance by the NJDEP, in connection with the State's implementation and compliance of the NO_x SIP Call.

Under the MOA, New Jersey identifies two existing facilities, Bayway Refinery (Phillips 66 Co.) and Paulsboro Refining Co., that contain non-EGU sources that meet the applicability criteria of the New Jersey NO_x Budget Program (N.J.A.C. 7:27–31) as in effect as of September 30, 2008. The non-EGU sources located at these existing facilities are also covered by the State's federally-approved RACT regulation, N.J.A.C. 7:27–19.1, Definitions, 19.7, Industrial/commercial/Institutional boilers and other heat exchangers, 19.15, Procedures and deadlines for demonstrating compliance, and 19.16, Adjusting combustion processes. Consistent with section III., “Program Implementation,” of the MOA, NJDEP

⁵ The responsibilities and contents outlined in the final version of the MOA was developed in coordination and agreement between EPA Region 2 and NJDEP.

⁶ Prior to NJDEP submitting the SIP revision, the State certified the requirements of 40 CFR 51.102(a) and (d) regarding public hearing by offering the public an opportunity to request a public hearing by November 18, 2024. No public hearing was requested; therefore, the public hearing was cancelled. However, written comments relevant to the MOA were accepted until December 12, 2024. NJDEP confirmed in its February 13, 2025 SIP submission that no public comments were received.

⁷ On October 9, 2018, the EPA approved New Jersey's revisions to N.J.A.C. 7:27 Subchapter 16 and Subchapter 19 as satisfying RACT for the Moderate classification of the 2008 ozone NAAQS and associated RACT requirements for States located within the Ozone Transport Region. *See* 83 FR 50506.

⁸ The EPA most recently approved New Jersey's Emission Statement Program, at N.J.A.C. 7:27–21, for satisfying the requirement of an emission statement program for the 2008 8-hour ozone NAAQS Serious classification on September 4, 2024. *See* 89 FR 71826.

shall continue to administer and oversee its federally-approved RACT provisions to ensure compliance for the existing non-EGUs located at the Bayway Refinery and Paulsboro Refining Co. Table 1 of the MOA demonstrates that the cumulative total permitted NO_x emissions during the ozone season of all affected non-EGUs at these two facilities is 349.09 tons of NO_x per ozone season, which is less than half of the 745-ton limit for non-EGU sources in New Jersey.⁹ Consistent with the NO_x SIP Call monitoring, reporting, and recordkeeping requirements under 40 CFR 51.121(f)(1) and 40 CFR 51.121(i), and in accordance with New Jersey's emission statement program, N.J.A.C. 7:27–21, the finalized MOA also includes table 2, which outlines the requirements for CEMS and/or Source Emission Testing for the affected non-EGU sources located at these two facilities.

III. What is the EPA's evaluation of NJ's SIP revision?

The EPA finds that the MOA submitted by New Jersey on February 13, 2025, effectively outlines the primary responsibilities between the NJDEP and the EPA to ensure the State's successful and effective compliance with the NO_x SIP Call, including 40 CFR 51.121(r)(2). The MOA specifies that the affected non-EGUs include existing, modified, and new fossil fuel-fired boilers and combustion turbines with a maximum design heat input greater than 250 mmBtu/hr. Consistent with the requirements of the NO_x SIP Call under 40 CFR 51.121(f) and 40 CFR 51.121(i), the MOA outlines that affected non-EGUs located in the State will continue to comply with federally-approved NO_x RACT (N.J.A.C. 7:27–19) and emission statement (N.J.A.C. 7:27–21) provisions that outline emission limits and monitoring, recordkeeping, and reporting requirements for major sources. These include requirements that the affected sources report annually to the State their ozone season NO_x emissions in tons. During the development of the MOA, the EPA determined that if New Jersey continues to administer and oversee its federally-approved RACT and emission statement provisions as to new, modified, and

existing non-EGUs, the requirements of 40 CFR 51.121, including 40 CFR 51.121(r)(2), will be satisfied.

The EPA also finds that the MOA memorializes an aggregate state-wide budget for the affected non-EGU units as well as official annual ozone season NO_x reporting requirements by the State to the EPA, satisfying the State's obligations, including those at 40 CFR 51.122. The MOA specifies that the budget for affected non-EGUs' aggregated emissions will be 745 tons of NO_x per ozone season (May 1–September 30 of each year). The MOA details New Jersey's SIP-approved regulations and associated permit requirements for existing non-EGU facilities located in the State that address continuous emission monitoring and source emission testing. Specifically, the MOA commits NJDEP to transmitting an annual report to EPA Region 2 by July 1 of each year that demonstrate affected non-EGUs' compliance with a statewide budget of 745 tons of NO_x per ozone season and commits to submitting a revised SIP to the EPA that will address any shortfalls if the statewide budget is ever exceeded. The MOA commits the EPA to make reasonable and prompt efforts to coordinate and review the annual reports submitted by the State. In the event of an exceedance of the budget, New Jersey commits to submit a SIP revision to the EPA that will address any budget shortfall resulting from the exceedance and ensure that the State's 745-ton ozone season budget is complied with in future years.

The EPA has evaluated the MOA and has determined that this agreement between NJDEP and EPA Region 2 addresses New Jersey's obligations under the NO_x SIP Call, including under 40 CFR 51.121(r).

IV. What is the EPA's proposed action?

The EPA is proposing to approve a revision in the New Jersey SIP submitted by NJDEP on February 13, 2025. The SIP revision includes a MOA that outlines the responsibilities between the NJDEP and the EPA to ensure New Jersey's successful and effective compliance with the NO_x SIP Call. The MOA establishes the mechanism by which New Jersey will report to the EPA, which is consistent with the State's obligations under the NO_x SIP Call. It also ensures that the ozone season NO_x emissions from applicable existing and new non-EGU units will not exceed a budget of 745 tons per ozone season.

The EPA is soliciting public comments on the issues discussed in this document. These comments will be

considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments on this proposed rule by following the instructions listed in the **ADDRESSES** section of this document.

V. Incorporation by Reference

In this document, the EPA is proposing to include regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference NJDEP's Memorandum of Agreement with the EPA to address the NO_x SIP Call as discussed in section II. of this preamble. The EPA has made, and will continue to make, these materials available through the docket for this action, EPA–R02–OAR–2025–0088, at <https://www.regulations.gov>, and at the EPA Region 2 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive

⁹ Tables 3 and 4 of the MOA outline the actual emission from the Bayway Refinery and Paulsboro Refining Co. non-EGUs units for each ozone season and calendar year, respectively. Specifically, table 3 outlines the actual emission during the ozone season (tons/season) between 2019–2023. In 2023, the cumulative actual emission from all affected non-EGUs located at these NJ's facilities were 189.26 tons per ozone season, which is well below the 745-ton limit for non-EGU sources in New Jersey.

Order 13132 (64 FR 43255, August 10, 1999);

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

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

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Michael Martucci,

Regional Administrator, Region 2.

[FR Doc. 2025-09996 Filed 6-2-25; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2025-0084; FRL-12611-01-R9]

Determination of Attainment by the Attainment Date; California; Mariposa County; 2015 8-Hour Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to determine that the Mariposa County nonattainment area in California ("Mariposa area"), classified as "Moderate" for the 2015 ozone national ambient air quality standards (NAAQS or "standard"), attained the 2015 ozone NAAQS by the August 3, 2024 attainment date. Our proposed determination of attainment is based upon the exclusion of exceedances of the 2015 ozone NAAQS that occurred on multiple days in 2021

and 2022, because the exceedances are due to exceptional events. This action, if finalized as proposed, will fulfill the EPA's statutory obligation to determine whether the Mariposa area attained the NAAQS by the August 3, 2024 attainment date.

DATES: Comments must be received by July 3, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R09-OAR-2025-0084 at <https://www.regulations.gov>. For comments submitted at [Regulations.gov](https://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](https://www.regulations.gov). The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>. If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Roxana Sierra-Hernández, Air Planning Office (AIR-2), EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105. By phone at (213) 244-1891, or by email at Sierrahernandez.roxana@epa.gov.

SUPPLEMENTARY INFORMATION:

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

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I. Background

A. Statutory and Regulatory Background

Under section 109 of the Clean Air Act (CAA or "the Act"), the EPA promulgates NAAQS for pervasive air pollutants, such as ozone. The NAAQS are concentration limits the EPA has determined to be requisite to protect public health and welfare.

Ground-level ozone pollution is formed from the reaction of volatile organic compounds (VOC) and oxides of nitrogen (NO_x) in the presence of sunlight.¹ These two pollutants, referred to as ozone precursors, are emitted by many types of sources, including on- and off-road motor vehicles and engines, power plants and industrial facilities, and smaller area sources such as lawn and garden equipment and paints.

Scientific evidence indicates that adverse public health effects occur following exposure to ozone, particularly in children and adults with lung disease. Breathing air containing ozone can reduce lung function and inflame airways, which can increase respiratory symptoms and aggravate asthma or other lung diseases.²

The EPA has previously promulgated NAAQS for ozone in 1979, 1997, and 2008.³ In 2015, the EPA revised the NAAQS to 0.070 parts per million (ppm) ("2015 ozone NAAQS") to replace the 2008 ozone NAAQS of 0.075 ppm.⁴ Most recently, in December 2020, the EPA finalized review of the ozone NAAQS, retaining the form and level of the standards. As such, no ozone area designations were triggered under the CAA, and therefore, no nonattainment areas were designated and no new requirements were triggered.⁵

Following promulgation of a new or revised NAAQS, the EPA is required by CAA section 107(d) to designate areas throughout the nation as either attaining or not attaining the standards. The EPA

¹ The State of California refers to reactive organic gases (ROG) in some of its ozone-related SIP submissions. As a practical matter, ROG and VOC refer to the same set of chemical constituents, and for the sake of simplicity, we refer to this set of gases as VOC in this proposed rulemaking.

² "Fact Sheet—2008 Final Revisions to the National Ambient Air Quality Standards for Ozone," dated March 2008.

³ 44 FR 8202 (February 8, 1979), 62 FR 38856 (July 18, 1997), and 73 FR 16436 (March 27, 2008).

⁴ 80 FR 65292 (October 26, 2015).

⁵ 85 FR 87256 (December 31, 2020).

must designate an area as nonattainment if it is violating a standard or if it has sources contributing to a violation of a standard in a nearby area. The EPA makes designations and classifications individually for each area and each standard. For ozone standards, the EPA classifies nonattainment areas as “Marginal,” “Moderate,” “Serious,” “Severe,” or “Extreme,” depending upon ambient air monitoring data calculated as an ozone design value for the area at the time of designation.⁶ An ozone nonattainment area with a higher classification is subject to a greater number of, and more stringent, CAA planning and control requirements than lower classification areas, but the state is provided more time to attain the NAAQS.⁷

B. Mariposa Area Designation for the 2015 Ozone NAAQS

The Mariposa area is located in the southern portion of the Sierra Nevada Mountain range of the State of California, and its boundaries align with Mariposa County boundaries.⁸

Effective August 3, 2018, the EPA designated the Mariposa area as nonattainment for the 2015 ozone NAAQS and classified the area as Marginal.⁹ Areas classified as Marginal must attain the NAAQS within 3 years of the effective date of the nonattainment designation.¹⁰ Following this initial classification as Marginal, the EPA found in 2022 that the area did not attain the 2015 ozone standards by the Marginal attainment deadline of August 3, 2021.¹¹ As a result of our finding, the area was reclassified by operation of law to Moderate nonattainment. Moderate nonattainment areas have 6 years to attain the standard, and the Moderate attainment date for the Mariposa area was August 3, 2024.¹²

II. EPA Analysis

A. Applicable Statutory and Regulatory Provisions

The EPA is required to determine whether areas designated nonattainment attained the NAAQS by the applicable attainment date, and to take certain steps for areas that failed to attain.¹³ For the 2015 ozone NAAQS, the determination of attainment or failure to attain is based on a nonattainment area’s

design value. Under EPA regulations at 40 CFR part 50, appendix U, the 2015 ozone NAAQS is attained at a site when the design value (*i.e.*, the 3-year average of the annual fourth highest daily maximum 8-hour average ambient air quality ozone concentration) does not exceed 0.070 ppm.¹⁴

The EPA’s proposed determination of attainment is based upon data that have been collected and quality-assured in accordance with 40 CFR part 58 and recorded in the EPA’s Air Quality System (AQS) database. Ambient air quality monitoring data for the 3-year period preceding the attainment date must meet the data completeness requirements in Appendix U.¹⁵ The completeness requirements are met for the 3-year period at a monitoring site if daily maximum 8-hour average concentrations of ozone are available for at least 90 percent of the days within the ozone monitoring season, on average, for the 3-year period, and no single year has less than 75 percent data completeness.

B. Proposed Determination of Attainment by the Attainment Date

The EPA is proposing this action to fulfill its statutory obligation under CAA section 181(b)(2) to determine whether the Mariposa area attained the ozone standard by its applicable attainment date. Specifically, we are proposing to determine that the Mariposa area attained the 2015 ozone NAAQS by the attainment date of August 3, 2024.

We are also proposing to determine that, if we finalize the proposed determination of attainment by the attainment date for the Mariposa area, then the requirement for the state to have contingency measures for failure to attain for the 2015 ozone NAAQS will no longer apply, because contingency measures would never be needed given the attainment of the NAAQS by the attainment date (see section II.E of this document).

C. Monitoring Network Considerations

Section 110(a)(2)(B)(i) of the CAA requires states to establish and operate air monitoring networks to compile data on ambient air quality for all criteria pollutants. There are two ozone monitoring sites in the Mariposa area,

Jerseydale and Yosemite NP–Turtleback Dome. The California Air Resources Board (CARB) operates the Jerseydale ozone monitoring site between April and October when the site is physically accessible and peak ozone levels are expected, and the National Park Service operates the Yosemite NP–Turtleback Dome monitor year-round. As required under 40 CFR 58.10, CARB submits annual network plans (ANP) to the EPA documenting the status of monitoring sites and instruments operating in California, including both ozone monitors in the Mariposa area. The EPA reviews these ANP for compliance with specific requirements in 40 CFR part 58. We determined that the ANP submitted by CARB meet the minimum monitoring requirements of 40 CFR part 58.¹⁶

Finally, the EPA conducts regular Technical Systems Audits (TSAs) to review and inspect state and local ambient air monitoring programs to assess compliance with applicable regulations concerning the collection, analysis, validation, and reporting of ambient air quality data. CARB is the Primary Quality Assurance Organization (PQAO) in California that is responsible for overseeing the quality of data collected by local air monitoring organizations. For the purposes of this determination, we reviewed the findings from the EPA’s most recent TSA of CARB’s ambient air monitoring program.¹⁷ We found that the CARB PQAO quality system produced ozone data suitable for use in regulatory decision-making. Therefore, the results of the TSA do not preclude the EPA from determining that the Mariposa area has attained the 2015 ozone NAAQS.

D. Data Considerations

Because the design value is based on three complete calendar years of data, attainment must occur no later than December 31 of the year prior to the attainment date. Accordingly, the Mariposa area, with an attainment date of August 3, 2024, must show attainment by December 31, 2023. Our proposed determination is therefore based upon the 2021–2023 design value, which is based upon complete, quality-assured, and certified ozone monitoring data from calendar years 2021, 2022, and 2023. The data the EPA is using to

⁶ See CAA section 181(a)(1).

⁷ See generally, subpart 2 of part D of title I of the CAA.

⁸ See 40 CFR 81.305.

⁹ 83 FR 25776 (June 4, 2018).

¹⁰ See CAA section 181(a)(1), 40 CFR 51.1102.

¹¹ 87 FR 60897 (October 7, 2022).

¹² *Id.*

¹³ CAA section 181(b)(2).

¹⁴ The data handling convention in Appendix P dictates that concentrations shall be reported in ppm to the third decimal place, with additional digits to the right being truncated. Thus, a computed 3-year average ozone concentration of 0.071 ppm is greater than 0.070 ppm and would exceed the standard, but a design value of 0.0709 is truncated to 0.070 and attains the 2015 ozone NAAQS.

¹⁵ See 40 CFR part 50, appendix U, section 4(b).

¹⁶ We have included copies of CARB’s ANPs for 2021–2023 in the docket for this action, along with our reviews of these plans and our associated transmittal correspondence.

¹⁷ See letter from Matthew Lakin, Director, Air and Radiation Division, U.S. EPA Region IX, to Edie Chang, Deputy Executive Officer, CARB, dated March 14, 2024, and enclosure titled “Technical Systems Audit of the Ambient Air Monitoring Program: CARB, December 2021 through August 2022.”

calculate the 2021–2023 design values can be found in the docket for this proposed rulemaking.¹⁸

1. Determination of Attainment and EPA's Analysis of Relevant Air Quality Monitoring Data

The EPA evaluated air quality data to determine if the Mariposa area attained or failed to attain the 2015 ozone

NAAQS by the applicable attainment date. CARB contends that some of the exceedances or violations of the NAAQS in 2021 and 2022 were due to uncontrollable wildfire smoke. CARB submitted a request to exclude the affected data from regulatory decisions on the basis that they are exceptional events,¹⁹ and the EPA concurred. Our evaluation of the exceptional events is

described in section II.D.2 of this document and the technical support document (TSD). The design values, excluding exceedances due to exceptional events, and completeness requirements for the 2021–2023 period for the two monitoring sites in the Mariposa area are summarized in Table 1.

TABLE 1—2015 OZONE NAAQS MONITORING DATA SUMMARY FOR THE MARIPOSA AREA ^a

AQS site ID	Monitoring site name	4th Highest daily maximum 8-hour average value (ppm)			2021–2023 Design value (ppm) ^a	Percent valid days (data completeness)			2021–2023 Average percent valid days
		2021	2022	2023		2021	2022	2023	
06–043–0003	Yosemite NP-Turtleback Dome.	0.077	0.067	0.068	0.070	98	100	99	99
06–043–0006	Jerseydale	0.081	0.070	0.060	0.070	92	87	92	90

^a The data shown exclude exceedances due to exceptional events.

Source: EPA, AQS Design Value (AMP 480), Report Request ID: 2265346, February 24, 2025.

As explained in section II.A of this document, the 2015 ozone NAAQS is met at an ambient monitoring site when the design value for the area does not exceed 0.070 ppm. The design values in Table 1 of this document show that the Mariposa area has met the 2015 ozone NAAQS. Additionally, Table 1 of this document shows that the minimum data completeness requirements are also met because the average percent of days with valid ambient monitoring data are at least 90 percent, and no single year has less than 75 percent data completeness in both monitoring sites. The design value reports from the EPA's AQS database, and data certification materials from CARB for the relevant years can be found in the docket for this proposed rulemaking.

2. Exceptional Events Evaluation

Congress has recognized that it may not be appropriate for the EPA to use certain monitoring data, collected by the ambient air quality monitoring network

and maintained in the EPA's AQS database, in certain regulatory determinations. Thus, in 2005, Congress provided the statutory authority for the exclusion of data influenced by “exceptional events” meeting specific criteria by adding section 319(b) to the CAA. To implement this section, on March 22, 2007, the EPA adopted a final rule, “Treatment of Data Influenced by Exceptional Events,” also known as the Exceptional Events Rule (EER).²⁰ On October 3, 2016, the EPA adopted revisions to this rule.²¹ Under the EER, the EPA may exclude data showing exceedances and/or violations of the NAAQS from use in specified regulatory determinations if a state demonstrates that an exceptional event caused the exceedance or violation.²² Before the EPA can exclude data from these regulatory determinations, the state must flag the data in the EPA's AQS database, notify the EPA of the state's intent to submit an exceptional event demonstration, and, after public notice

and opportunity for comment, submit documentation to the EPA to justify the exclusion. The EPA considers it and concurs or nonconcurs with the state's demonstration. If the EPA concurs that the exceedance was due to an exceptional event covered under the EER, the data is excluded from regulatory determinations, including from a determination of whether the area attained a NAAQS by its attainment date.

In a submittal dated September 26, 2024,²³ with an attached transmittal letter dated September 27, 2024,²⁴ CARB provided documentation for ozone exceedances that occurred on multiple days in 2021 and 2022, and which the State had flagged as due to wildfire exceptional events. These events occurred during the August 7, 2021, August 27 through 28, 2021, and September 8 through 9, 2022, time periods. A full list of days identified as exceptional events at each monitor is included in Table 2.

TABLE 2—EXCEEDANCES AND/OR VIOLATIONS DUE TO EXCEPTIONAL EVENTS IN THE MARIPOSA AREA FOR THE 2015 OZONE NAAQS

Exceedance date	Monitoring site name	AQS site ID	2015 8-hour avg. (ppm)
August 7, 2021	Yosemite NP-Turtleback Dome	06–043–0003	0.078
August 27, 2021	Yosemite NP-Turtleback Dome	06–043–0003	0.079
August 28, 2021	Yosemite NP-Turtleback Dome	06–043–0003	0.086
September 8, 2022	Jerseydale	06–043–0006	0.079
September 8, 2022	Yosemite NP-Turtleback Dome	06–043–0003	0.068
September 9, 2022	Jerseydale	06–043–0006	0.081

¹⁸ See “U.S. EPA, Design Value Report (AMP480)” dated February 24, 2025.

¹⁹ CARB, “Exceptional Events Demonstration for Ozone Exceedances Mariposa County Wildfire Impacts 2021–2022,” September 26, 2024.

²⁰ 72 FR 13560 (March 22, 2007).

²¹ 81 FR 68216 (October 3, 2016).

²² See 40 CFR 50.1 and 50.14.

²³ CARB, “Exceptional Events Demonstration for Ozone Exceedances Mariposa County Wildfire Impacts 2021–2022,” September 26, 2024.

²⁴ Letter dated September 27, 2024, from Michael Benjamin, Division Chief, Air Quality Planning and Science Division, CARB, to Matthew Lakin, Director, Air and Radiation Division, EPA Region IX.

TABLE 2—EXCEEDANCES AND/OR VIOLATIONS DUE TO EXCEPTIONAL EVENTS IN THE MARIPOSA AREA FOR THE 2015 OZONE NAAQS—Continued

Exceedance date	Monitoring site name	AQS site ID	2015 8-hour avg. (ppm)
September 9, 2022	Yosemite NP-Turtleback Dome	06–043–0003	0.070

The EPA reviewed the documentation submitted by the State and concurred with CARB's determinations that the exceedances and/or violations identified by CARB in 2021 and 2022 were caused by wildfire exceptional events, and that these exceedances and/or violations meet the criteria for exclusion from regulatory determinations under the EER. Accordingly, the EPA concurred with the exclusion flags for the days flagged in 2021 and 2022 for these areas and is excluding the monitored exceedances or violations associated with these exceptional events from use in evaluation of whether the Mariposa area has attained the 2015 ozone NAAQS by the attainment date in accordance with CAA section 181(b)(2)(A). The TSD in the docket contains more information summarizing the EER requirements, the exceptional events, and the EPA's review process.

A concurrence letter notifying CARB of our decision was sent on February 19, 2025.²⁵ Included with the letter was the TSD setting forth in detail the bases for the EPA's concurrences.²⁶

Because the demonstration meets the criteria of the EER, the EPA is proposing to exclude from regulatory consideration data showing exceedances or violations due to exceptional events at the monitoring sites in the Mariposa area on August 7, 2021, August 27 through 28, 2021, and September 8 through 9, 2022.

E. Effects of This Proposal

1. Designation and Classification

If the EPA finalizes this proposed determination, the Mariposa area will remain designated nonattainment and will retain its current classification. A determination of attainment by the attainment date does not have the effect of redesignating an area to attainment. Redesignation of an area to attainment requires that an area has met all applicable requirements of CAA section

110 and Part D, and that the area has submitted, and the EPA has approved, a redesignation request and maintenance plan.²⁷

2. Contingency Measures

Based on our proposed finding of attainment by the applicable attainment date, we are also proposing to find that the CAA section 172(c)(9) requirement for a state implementation plan ("SIP") to include contingency measures to be implemented in the event the area fails to attain ("attainment contingency measures") or fails to achieve reasonable further progress ("RFP contingency measures") will no longer apply to the Mariposa area for purposes of the 2015 ozone NAAQS.

Under CAA section 172(c)(9), attainment contingency measures must be implemented only if the area fails to attain by the attainment date. Therefore, if we finalize the determination that the Mariposa area has attained the 2015 ozone standard by the applicable attainment date, then attainment contingency measures for this NAAQS would never be required to be implemented, regardless of whether the area continues to attain the NAAQS.²⁸ This proposed finding will not prevent the EPA, in the event that the Mariposa area subsequently violates the NAAQS, from exercising its authority under the CAA to address violations of the NAAQS.²⁹

Additionally, the RFP contingency measure requirement would no longer apply to the Mariposa area for the 2015 ozone NAAQS, for the reasons that follow. The purpose of the RFP requirements under the CAA is to "ensur[e] attainment of the applicable [NAAQS] by the applicable date."³⁰ Consistent with this purpose, under CAA section 182(g), ozone nonattainment areas classified Serious or higher are required to meet RFP emission reduction "milestones" and to demonstrate compliance with those

milestones, except when the milestone coincides with the attainment date and the standard has been attained.³¹ This specific statutory exemption from milestone compliance demonstration submittals for areas that attained by the attainment date indicates that Congress intended that a finding that an area attained the standard—the finding made in a determination of attainment by the attainment date—would serve as a demonstration that RFP requirements for the area have been met. In other words, if a Serious or above area has attained the NAAQS by the attainment date, the RFP milestones have been sufficiently achieved. Accordingly, such a finding would also indicate that RFP contingency measures could not be triggered and are therefore no longer necessary.

In the case of Moderate areas, there are no RFP milestone compliance demonstration requirements.³² Accordingly, the EPA's long-standing interpretation is that RFP contingency measures for Moderate areas would be triggered only by a finding that the area has failed to attain the standard by the attainment date.³³ In other words, as with Serious and above areas, a determination of attainment by the attainment date for a Moderate area serves as demonstration that RFP requirements for the area have been met and that RFP contingency measures are no longer needed. Thus, the EPA concludes that RFP contingency measures for Moderate areas are no longer needed if the area has attained the relevant NAAQS. Accordingly,

³¹ CAA section 182(g)(2).

³² CAA section 182(g)(1) (exempting areas classified as Moderate from milestone requirements).

³³ See 57 FR 13498, 13511 (April 16, 1992) (contrasting Moderate areas, for which "contingency measures would be needed when the area fails to attain the standard by the attainment date" with Serious and above areas, for which contingency measures would also be triggered "if the area fails to meet the rate-of-progress requirements for any milestone other than one falling on an attainment year"). See also memorandum dated March 11, 1993, from G.T. Helms, Chief Ozone/Carbon Monoxide Programs Branch, to Air Branch Chief, Regions I–X ("The test for moderate areas will be whether they attained the standard because the attainment date for moderate areas coincides with the milestone demonstration date. Failure to attain will cause an area to be required to implement its contingency measures . . .").

²⁵ See letter dated February 19, 2025, from Matthew Lakin, Director, Air and Radiation Division, EPA Region IX, to Michael Benjamin, Division Chief, Air Quality Planning and Science Division, CARB.

²⁶ EPA, "Enclosure: Technical Support Document for EPA Concurrence on Ozone Exceedances Measured in Mariposa County, CA on August 2, 2021, August 27–28, 2021, and September 8–9, 2022, as Exceptional Events."

²⁷ Memorandum dated September 4, 1992, from John Calcagni, Director, Air Quality Management Division, EPA, to Regional Air Directors, Subject: "Procedures for Processing Requests to Redesignate Areas to Attainment."

²⁸ See *Bahr v. Regan*, 6 F.4th 1059, 1084 (9th Cir. 2021).

²⁹ See *id.* at 1085.

³⁰ CAA section 171(1).

because we have proposed to determine that the Mariposa area has attained the 2015 ozone NAAQS by the attainment date, we are now also proposing to determine that RFP contingency measures are no longer required for this standard in this area. Therefore, if we finalize our proposed determination of attainment by the attainment date, neither attainment nor RFP contingency measures would be required for the Mariposa area for the 2015 ozone NAAQS.

III. Summary of Proposal

We are proposing to determine that the Mariposa area attained the 2015 ozone NAAQS by the August 3, 2024 attainment date based on quality-assured and certified ambient air quality monitoring data from 2021 through 2023. If this action is finalized, the CAA requirement for the SIP to provide for attainment and RFP contingency measures will no longer apply to the Mariposa area for the 2015 ozone NAAQS. If finalized, the EPA's obligation under section 181(b)(2)(A) to determine whether the Mariposa area attained by its attainment date will no longer apply and the area will not be reclassified. The area will remain designated nonattainment and thus the State will continue to comply with applicable requirements for a Moderate ozone nonattainment area.

IV. Statutory and Executive Order Reviews

This rulemaking proposes to make an attainment determination based on air quality data and would, if finalized, result in the suspension of certain Federal requirements and would not impose any additional requirements. Additional information about these statutes and Executive Orders can be found at <https://www.epa.gov/laws-regulations/laws-and-executive-orders>.

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

Executive Order 14192 does not apply because actions that make attainment determinations under Clean Air Act section 181(b)(2) are exempted from review under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA because this action does not impose additional requirements beyond those imposed by state law.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities beyond those imposed by state law.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action does not impose additional requirements beyond those imposed by state law. Accordingly, no additional costs to state, local, or Tribal governments, or to the private sector, will result from this action.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have 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.

G. Executive Order 13175: Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175, because the action is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a Tribe has jurisdiction, and will not impose substantial direct costs on Tribal governments or preempt Tribal law. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045

because it does not concern an environmental health risk or safety risk.

I. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

Section 12(d) of the NTTAA directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. The EPA believes that this action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with the CAA.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: May 21, 2025.

Joshua F.W. Cook,

Regional Administrator, Region IX.

[FR Doc. 2025–09999 Filed 6–2–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–OLEM–2024–0376; 12162–03–OLEM]

National Priorities List; Addition of Exide Technologies–Vernon Site; Notification of Data Availability and Request for Comment

AGENCY: Environmental Protection Agency.

ACTION: Notification of data availability.

SUMMARY: The Environmental Protection Agency (EPA) is announcing the availability of and soliciting public comment on additional data related to the proposed addition of the Exide Technologies–Vernon site in Vernon, California to the National Priorities List (NPL). The EPA proposed to list the site on the NPL on September 5, 2024. These additional data pertain to the lines of evidence of aquifer interconnection and contaminant attribution and may be used by the EPA in a future

determination on whether to list the site on the NPL.

DATES: Comments must be submitted (postmarked) on or before July 3, 2025.

ADDRESSES: You may send comments, identified by Docket ID No. EPA-HQ-OLEM-2024-0376, by any of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov/> (our preferred method). Follow the online instructions for submitting comments.
- *Agency Website:* <https://www.epa.gov/superfund/current-npl-updates-new-proposed-npl-sites-and-new-npl-sites>; scroll down to the site for which you would like to submit comments and click the “Comment Now” link.

- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Superfund Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

- *Hand Delivery or Courier (by scheduled appointment only):* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center’s hours of operations are 8:30 a.m.–4:30 p.m., Monday–Friday (except Federal holidays).

Instructions: All submissions received must include the appropriate Docket ID No. EPA-HQ-OLEM-2024-0376. Comments received may be posted without change to <https://www.regulations.gov/>, including any personal information provided. For additional information on the contents of the addition of this reference documentation to Docket ID No. EPA-HQ-OLEM-2024-0376 and details on the docket contents open for public comment submissions, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

Vanessa Van Note, U.S. Environmental Protection Agency, Site Assessment and Remedy Decisions Branch, Assessment and Remediation Division, Office of Superfund Remediation and Technology Innovation (Mail Code 5203T), 1200 Pennsylvania Avenue NW, Washington, DC 20460, telephone number: (202) 564-4830, email address: vannote.vanessa@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

A. Proposed Listing of Exide Technologies–Vernon

The Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA” or “the Act”), as amended, requires that the National Oil

and Hazardous Substances Pollution Contingency Plan (“NCP”) include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants or contaminants throughout the United States. The National Priorities List (“NPL”) constitutes this list. In the **Federal Register** of September 5, 2024 (89 FR 72356), the EPA proposed to add four sites to the General Superfund section of the NPL, one of which is Exide Technologies–Vernon.

B. Public Comments on the Proposed Listing

The comment period for the proposed rule closed on December 4, 2024 (In response to commenters’ request, EPA provided a 30-day extension from November 4, 2024, which was the comment period identified in the proposed rule). The EPA received thirty-five comments regarding the proposed listing of Exide Technologies–Vernon.

One commenter (EPA-HQ-OLEM-2024-0376-0042) (Ref. 1) questioned the EPA’s discussion of the geologic conditions local to the site in the Hazard Ranking System (HRS) documentation record (Ref. 2). The commenter, Clarios, LLC, stated that the HRS documentation did not discuss “the approximately 35-foot aquitard between the Exposition and the Gage-Gardena aquifers and the approximately 35-foot aquitard located between the Gage-Gardena and Hollydale aquifers,” and that these aquitards had the potential to greatly inhibit the vertical migration of one of the contaminants of concern, trichloroethylene (TCE) (Ref. 1). This commenter also stated that the HRS documentation did not provide an explanation for “how TCE would migrate from the Perched Zone to the Exposition Aquifer given the absence of water permeating through the Bellflower Aquiclude” (Ref. 1).

After consideration of public comments, the EPA is providing the documentation used to develop the content presented in the reference (Ref. 3). This information includes a technical memorandum and related data source documents providing an explanation of the analytical approach, the findings from the application of diverse analytical techniques, and a summary of conclusions based on multiple lines of evidence. This data will be included as one reference to the HRS documentation record, and the EPA is providing this additional document for public review and comment. The additional document, a technical memorandum, will be posted to the site Docket ID No. EPA-HQ-OLEM-2024-0376-004 on [https://](https://www.regulations.gov/)

[regulations.gov](https://www.regulations.gov). Materials referenced in this additional document are available on request from regional docket. The contact information for the region docket is as follows:

- Leslie Ramirez, Region 9 (AZ, CA, HI, NV, AS, GU, MP), U.S. EPA, 75 Hawthorne Street, Mail code SFD-8-4, San Francisco, CA 94105; telephone number: (415) 972-3978.

II. Public Comments

Anyone wishing to comment on the information in the reference or the impact this data may have on the HRS score for the proposed Exide Technologies–Vernon site should do so within the next 30 calendar days (see **DATES** section at the beginning of this document). Additional comments will not be accepted on other HRS scoring issues which could have appropriately been raised during the original comment period (closed December 4, 2024) and that are not based on information provided in this additional reference. In other words, comments should be focused on the subject of this document.

Comments should be submitted pursuant to instructions in the **ADDRESSEES** section of this document; they may be submitted electronically, by mail or by express mail. The Docket ID No. for this site is EPA-HQ-OLEM-2024-0376 and should be identified in any correspondence/electronic submission.

III. References

The following is a listing of the documents that are specifically referenced in this document. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

1. Public Comment submitted by Clarios, LLC. EPA-HQ-OLEM-2024-0376-0042.
2. EPA. HRS documentation Record for Exide Technologies–Vernon. EPA-HQ-OLEM-2024-0376-0003.
3. EPA. Exide Technologies–Vernon NPL Listing RTCs Technical Memo.

Dated: May 5, 2025.

Brigid Lowery,

Deputy Director, Office of Superfund Remediation and Technology Innovation.

[FR Doc. 2025-10022 Filed 6-2-25; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF THE INTERIOR**Bureau of Land Management****43 CFR Part 2360**

[PO #4820000251; Order #02412-014-004-047181.0]

RIN 1004-AF02

Rescission of the Management and Protection of the National Petroleum Reserve in Alaska Regulations

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Land Management (BLM) is proposing to rescind the “Management and Protection of the National Petroleum Reserve in Alaska” final rule, issued on May 7, 2024. We solicit comment on all aspects of this proposed rule.

DATES: Comments must be received by August 4, 2025. The BLM is not obligated to consider any comments received after this date in making its decision on the final rule.

Information Collection Requirements: This proposed rule includes revised and new information-collection requirements that must be approved by the Office of Management and Budget (OMB). If you wish to comment on the information-collection requirements, please note that those comments should be sent directly to OMB. OMB is required to make a decision concerning the collection of information contained in this proposed rule between 30 and 60 days after publication of this document in the *Federal Register*. Therefore, a comment to the OMB on the proposed information-collection revisions is best assured of being given full consideration if the OMB receives it by July 3, 2025.

ADDRESSES: Mail, Personal, or Messenger Delivery: U.S. Department of the Interior, Director (630), Bureau of Land Management, 1849 C St. NW, Room 5646, Washington, DC 20240, Attention: 1004-AF02.

Federal eRulemaking Portal: <https://www.regulations.gov>. In the Searchbox, enter “BLM-2025-0002” and click the “Search” button. Follow the instructions at this website.

FOR FURTHER INFORMATION CONTACT: Kyle Moorman, Chief, Division of Regulatory Affairs, telephone: 202-208-6913, email: kmoorman@blm.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States

should use the relay services offered within their country to make international calls to the point-of-contact in the United States. For a summary of the proposed rule, please see the proposed rule summary document in docket BLM-2025-0002 on www.regulations.gov.

For Comments on Information—Collection Activities

Information-Collection Requirements: Written comments and suggestions on the information-collection requirements should be submitted by the date specified earlier in **DATES** to www.reginfo.gov/public/do/PRAMain. Find this specific information-collection by selecting “Currently under Review—Open for Public Comments” or by using the search function.

If you submit comments on these information-collection burdens, you should provide the BLM with a copy at one of the addresses shown earlier in this section so that we can summarize all written comments and address them in the final rulemaking. Please indicate “Attention: Paperwork Reduction Act Comments (OMB Control Number 1004-0221).” Comments not pertaining to the proposed rule’s information-collection burdens should not be submitted to OMB. The BLM is not obligated to consider or include in the Administrative Record for the final rule any comments that are improperly directed to OMB.

SUPPLEMENTARY INFORMATION: The BLM’s governing regulations for management of surface resources within the National Petroleum Reserve-Alaska (the Reserve or NPR-A) are located at 43 CFR part 2360. These regulations were previously updated by a final rule “Management and Protection of the National Petroleum Reserve in Alaska,” 89 FR 38712 (May 7, 2024), with an effective date of June 6, 2024 (the 2024 Rule). The BLM has concluded that the 2024 Rule conflicts with and exceeds its statutory authority under the Naval Petroleum Reserves Production Act of 1976, Public Law 94-258 (90 Stat. 303; 42 U.S.C. 6501 *et seq.*) (NPRPA), undermines the purpose that Act, and is inconsistent with National energy policy, and the BLM is therefore proposing to rescind the 2024 rule and revert to the regulations that were in place prior to May 7, 2024.

Designated by President Warren G. Harding in 1923 as Naval Petroleum Reserve No. 4, in Executive Order (E.O.) 3797-A, the Reserve is one of several naval petroleum reserves established on public land in the shadow of World War I as an emergency oil reserve for the U.S. Navy. The Reserve, which is nearly

the size of the State of Indiana, extends from the north slope of the Brooks Range to the Arctic Coast encompassing approximately 23 million acres of public land.

Various exploratory programs by the Navy were undertaken in the Reserve between 1944 to 1953, resulting in the discovery of two small oil fields (Simpson and Umiat), one prospective oil field (Fish Creek), a gas field (South Barrow), and four prospective gas fields (Meade, Square Lake, Titaluk, and Wolf Creek). The Navy also pioneered numerous methods for oil exploration in the Arctic and collected a significant amount of scientific information regarding northern Alaska.

Motivated by private industry’s 1968 discovery of oil at Prudhoe Bay and the increasing price of oil due to the embargo that started in 1973, Congress passed NPRPA in 1976, which transferred administrative jurisdiction over the Reserve from the Secretary of the Navy to the Secretary of the Interior and redesignated the “Naval Petroleum Reserve Numbered 4, Alaska” as the “National Petroleum Reserve in Alaska.” At the time the NPRPA was enacted, the Reserve remained “largely unexplored and almost completely undeveloped.” H.R. Rep. No. 94-156, at 3 (1975). Between 1974 and 1977, the Navy drilled seven test wells in the northeast corner of the Reserve. These early explorations were significant undertakings that involved public funds, with a single test well costing the Federal Government approximately \$100 million. They were also carried out with now-outdated technologies that left behind unsightly reminders of human activities, including tracks across the tundra, excavated rill sites, installation of pilings, and open reserve pits.

Congress recognized that accelerating exploration of the Reserve was “vital to the national interest to assess the amount and location of the potential oil and gas available in the . . . Reserve,” particularly in light of the national need for energy independence, while acknowledging that the “wildlife and many other values [in the Reserve] will have to be considered” and determined that “the Secretary of the Interior is best qualified to make judgments regarding these other values.” H.R. Rep. No. 94-81, at 8 (1975).

As a result, the NPRPA directs the Secretary of the Interior to commence petroleum exploration within the Reserve as soon as the administration of the Reserve is transferred to the Interior Department, the development of which needs to be regulated in “a manner consistent with the total energy needs of the Nation,” while authorizing the

Secretary to “promulgate such rules and regulations as he deems necessary and appropriate for the protection of [environmental, fish and wildlife, and historical or scenic values] within the reserve.” 42 U.S.C. 6503(b), 6504(d).

The NPRPA further directs the Secretary to “assure the maximum protection of areas containing significant subsistence, recreational, fish and wildlife, or historical or scenic value, as determined by the Secretary, but only insofar as that protection is consistent with the requirements of [the NPRPA] for the exploration of the reserve.” 42 U.S.C. 6504(b). Soon thereafter, the BLM promulgated regulations to govern management and protection of surface resources in the Reserve that implement the direction in the NPRPA.

In 1979, the BLM completed a comprehensive “Study of the Reserve,” as required by the NPRPA, which determined the best overall procedures to be used in the development, production, transportation, and distribution of petroleum reserves in the reserve, the alternatives to those procedures, and the environmental consequences and submitted the results of that study to Congress. In response, Congress amended the NPRPA through the Department of the Interior Appropriations Act, Fiscal Year 1981, which directed the Secretary to “conduct an expeditious program of competitive leasing of oil and gas” in the Reserve, while “provid[ing] for such conditions, restrictions, and prohibitions as the Secretary deems necessary or appropriate to mitigate reasonably foreseeable and significantly adverse effects on . . . surface resources” Public Law 96–514, tit. I, 94 Stat. 2957, 2964 (1980). The Fiscal Year 1981 Appropriations Act also exempted the Reserve from the requirement to prepare land use plans under section 202 of FLPMA. *Id.*

Combined with the original direction in the NPRPA, the Fiscal Year 1981 Appropriations Act’s amendments clarify that the Congress intended to dedicate management of the Reserve to the exploration and production of oil and gas in the NPR–A, while taking into consideration the need to protect surface resource values. *Id.* Further, because management of the NPR–A is expressly exempted from FLPMA section 202 by statute, the BLM is not required to manage the area subject to multiple use and sustained yield because it is subject to the dominant uses outlined in the NPRPA.

Decades later, Congress again revised the NPRPA to add more “production incentives” for private investment in the

Reserve. *See* H.R. Rep. No. 96–1147 at 33 (1980); Energy Act of 2005, Public Law 109–58, tit. III, subtit. E, 347 119 Stat. 594, 704 (2005). Specifically, Congress extended the potential terms of leases out to 30 years, made it easier to renew leases, provided for unit agreements to efficiently develop leases, and included other measures “[t]o encourage the greatest ultimate recovery of oil or gas” H.R. Rep. No. 96–1174, at 33. Congress also added language mandating that BLM “shall conduct” the expeditious program of competitive leasing” required by the Act. *Id.* (codified at 42 U.S.C. 6506a(a)).

It is important to note that Congress, when it established a competitive oil and gas leasing program in the Coastal Plain of the Arctic National Wildlife Refuge—an area similar to the Reserve on the North Slope of Alaska—in 1971, directed the BLM to manage that program “in a manner similar to the administration of lease sales” under the NPRPA in recognition of the balanced and well-established process that had been established and implemented over decades with respect to the management and protection of surface resources in the Reserve, as well as the importance of Alaska’s energy resources to the Nation’s energy needs. *See* Public Law 115–97, tit. II, section 20001(b)(3), 131 Stat. 2054, 2236 (2017).

The 2024 Rule updated and expanded “procedures for the BLM to mitigate reasonably foreseeable and significantly adverse effects of proposed oil and gas activities on the surface resources of the” Reserve, and to “provide maximum protection for surface values within Special Areas for proposed oil and gas activities.” The 2024 Rule provides standards and procedures to mitigate adverse effects on the NPR–A and to govern exploration on the NPR–A. Specifically, the rule requires “the BLM, in each decision concerning oil and gas activity in the Reserve, to adopt measures to mitigate the reasonably foreseeable and significantly adverse effects on surface resources, taking particular care with surface resources that support subsistence.” The 2024 Rule also codifies five existing Special Areas and establishes a process for designating and de-designating Special Areas in the future. *Id.* In those Special Areas, the rule requires the BLM to manage oil and gas activities while protecting and supporting, among other things, wildlife and habitats. In particular, the 2024 Rule requires the Authorized Officer to “presume that proposed oil and gas activities should not be permitted unless specific information available to the authorized officer clearly demonstrates that those

activities can be conducted with no or minimal adverse effects on significant resource values” in areas that “are allocated as available for future oil and gas leasing or new infrastructure.”

After a thorough review of the 2024 Rule, among other things, the BLM has determined that the rule imposes restrictions on oil and gas activities in a manner that is inconsistent with the NPRPA. While the NPRPA includes provisions that require protection of surface resources, including the maximum protection of significant resource values in special areas, the NPRPA is a dominant use statute that is focused on the management of exploration and production of oil and gas in the NPR–A. Driven by the oil embargo imposed by OPEC and energy crisis in the 1970s, Congress enacted the NPRPA to set aside the NPR–A as a petroleum reserve to help meet the Nation’s total energy needs including the specific need for oil and gas and directed the Secretary to carry out an expeditious program of competitive leasing of oil and gas on BLM-administered lands within the Reserve. While the NPRPA provides for “maximum protection” of significant surface values in certain areas, it is clear from the text of the statute that Congress envisioned those areas would also be developed for oil and gas production.

Provisions in the 2024 NPR–A Rule that would hamper the exploration, leasing, and development of oil and gas resources within the NPR–A are contrary to the Congressional direction in the NPRPA to develop lands within the NPR–A, including special areas, as part of an expeditious oil and gas leasing program. For example, 43 CFR 2361.40(f) creates a presumption that proposed oil and gas activities should not be permitted on lands within Special Areas that are allocated as available for future oil and gas leasing or new infrastructure unless there is evidence that “clearly demonstrates that those activities can be conducted with no or minimal adverse effects on significant resource values or unless they are necessary to comport with the terms of a valid existing lease.” Section 2361.40(f) would effectively prohibit any new oil and gas leasing and new infrastructure not required for existing leases in areas that the BLM has already determined that the balancing of objectives required by the NPRPA leans in favor of allowing future oil and gas leasing and new infrastructure, contrary to the purposes of the NPRPA. Federal case law is clear that while the BLM is required to strike a balance between the NPRPA’s two directives of conducting an expeditious oil and gas leasing

program in the NPR–A while protecting significant surface resources, a decision by the BLM that would, “leave considerable quantities of economically recoverable oil in the ground is quite simply inconsistent with the Congressional policy objective of resource extraction in the NPR–A.” *Sovereign Iñupiat for a Living Arctic v. BLM*, 701 F. Supp. 3d 862, at 880–81 (D. Alaska 2023).

Further, the rule is unnecessary to effectively manage surface resources in the NPR–A. Management decisions, including what stipulations and required operating procedures are necessary to ensure proper protection of surface resources are made through the integrated activity plan process. The new provisions within the 2024 Rule simply add additional, unnecessary processes that could complicate the BLM’s ability to make timely decisions for protection of surface resources and for authorized uses within the NPR–A.

The 2024 rule is also inconsistent with the priorities of the Trump administration. In January 2025, President Trump issued E.O. 14153 *Unleashing Alaska’s Extraordinary Resource Potential* highlighting the need to unlock the abundant and largely untapped supply of energy resources within the State of Alaska to increase the prosperity of American citizens while helping to enhance our Nation’s economic and national security for generations to come. To do so, the E.O. explains that it is “imperative to immediately reverse the punitive restrictions implemented by the previous administration that specifically target resource development on both State and Federal lands in Alaska,” and specifically directs the rescission of the 2024 rule consistent with applicable law. On the same day, the President also issued E.O. 14154, *Unleashing American Energy* and E.O. 14156 *Declaring a National Energy Emergency*, which directed Federal agencies to appropriately address the inadequate development of domestic energy resources to maintain the United States’ prosperity and national security.

Finally, the 2024 proposed rule and economic analysis framed the regulatory changes as largely clarifying and concluded that the rule would not have major economic impacts. The agency received approximately 89,000 public comments on the proposal. Many of these comments, including those submitted by representatives of industry, Tribes, and the State of Alaska, expressed concern that the 2024 rule would have wide-ranging economic impacts that may have been materially underestimated in the analysis. In re-

evaluating the 2024 rule, the agency is taking a closer look at those public comments and believe that they may raise important questions about whether the economic impacts of the 2024 rule were materially underestimated. The agency is therefore soliciting comment on the economic effects associated with both the 2024 rule and this proposal to repeal that rule.

Consistent with the direction from the President, the BLM’s policy is to allow the maximum possible extraction of gas and oil to meet the Nation’s total energy need, consistent with statutory requirements. The BLM is seeking comments on all of the above, including but not limited to the 2024 Rule’s consistency with statutory authority, its costs and benefits, and its effects on extraction of oil and gas, and economic impacts.

Therefore, we propose to rescind the 2024 Rule in full, returning the regulations in 43 CFR part 2360 to their prior status quo under the rule promulgated in 1977 (42 FR 28721, June 3, 1977) and seek comment on that proposal.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996; 5 U.S.C. 601 *et seq.*), whenever a Federal agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small government jurisdictions). No regulatory flexibility analysis is required if the head of an agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. Here, if adopted as proposed, this rule may have a significant economic impact on a substantial number of small entities.

The proposed rule seeks comment on the rescission of the 2024 NPR–A rule. When it promulgated the 2024 rule, the BLM certified that it would not have a significant effect on a substantial number of small entities under the Regulatory Flexibility Act. That analysis identified four small businesses and four small government jurisdictions that may be affected by the rule. However, the BLM did not find evidence suggesting there would be a significant impact on these small entities. The proposed NPR–A rule is expected to provide regulatory cost savings to small entities. We anticipate the removal of

the 2024 rule requirements will generate small entity regulatory cost savings and allow for further benefits in the form of additional economic opportunities for energy development, such as the ability to work on energy infrastructure projects and reduced energy prices once those projects are completed. Because the proposed rule would fully repeal the 2024 rule, the proposed rule maximizes the regulatory cost savings for affected small entities. However, BLM considered two alternatives to the NPR–A proposed rule to assess whether benefits could be further increased for small entities. First, BLM considered a partial repeal of 2024 requirements that would meet BLM’s statutory objectives and provide more benefits to small entities. Such a repeal was not selected because it would not be authorized under BLM’s authority. Second, BLM considered delaying the repeal of requirements over time for affected small entities. This option was not selected because this would unnecessarily delay the benefits available for small entities, does not achieve BLM’s objectives, and would not be authorized under BLM’s authority. BLM solicits comments from affected small entities on the Initial Regulatory Flexibility Analysis in the notice and comment process. BLM is working with SBA’s Office of Advocacy to ensure that small business impacts are properly assessed and considered according to the Regulatory Flexibility Act.

Paperwork Reduction Act

The Paperwork Reduction Act (PRA) (44 U.S.C. 3501–3521) generally provides that an agency may not conduct or sponsor and not withstanding any other provision of law a person is not required to respond to, a collection of information, unless it displays a currently valid Office of Management and Budget (OMB) control number. Collections of information include any request or requirement that persons obtain, maintain, retain, or report information to an agency, or disclose information to a third party or to the public (44 U.S.C. 3502(3) and 5 CFR 1320.3(c)).

This proposed rule contains information-collection requirements that are subject to review by OMB under the PRA. The information-collection requirements pertaining to submitting recommendations to designate lands as an SA within the Reserve are generally approved by OMB under OMB Control Number 1004–0221 with a current expiration date of October 31, 2027.

The proposed rule would rescind and revise the information collection

requirements pertaining to submitting SA recommendations within the Reserve. The existing information collection requirements would be moved from the rescinded 43 CFR 2361.30 through 2361.1(d). The change to the information collection requirements, along with the estimated associated burdens, are discussed below.

Recommendations for Special Areas (43 CFR 2361.1(d))

The current regulations at § 2361.30(b)(3) contain one (1) non-form information collection requirement that is subject to the PRA. The current § 2361.30(b)(3) provides that the following information be provided when a member of the public recommends lands for a SA designation:

- The size and location of the recommended lands;
- The significant subsistence, recreational, fish and wildlife, historical, or scenic resource values that are present within or supported by the recommended lands;
- Measures that may be necessary to assure maximum protection of those values; and
- Any other pertinent information.

The proposed revised information collection requirements located in § 2361.1(d) would be as follows:

- A description of the values which make the area special;
- The significant subsistence, recreational, fish and wildlife, historical, or scenic resource values that are present within or supported by the recommended lands (See § 2361.0–5(f)) (See § 2361.0–5(f));
- The size and location of the area on appropriate USGS quadrangle maps; and
- Any other pertinent information.

The BLM does not believe that the revised information collection requirements for SA recommendations would result in a change in public burdens under this OMB Control

Number 1004–0221. The only significant change from the existing to proposed information collection requirement for SA recommendations is the simplification of the administrative process and the specific request for USGS quadrangle maps. Additionally, we will adjust the estimated number of annual responses from 100 to 10 as we believe that it is unlikely that the BLM would receive more than 10 recommendations year. This adjustment will reduce the annual estimated burden hours associated with SA recommendations from 1,500 to 150.

The total burdens under this OMB Control Number are summarized below.

Title of Collection: Management and Protection of the National Petroleum Reserve in Alaska—Recommendations for Special Reserve Areas (43 CFR 2361.1(d)).

OMB Control Number: 1004–0221.

Form Numbers: None.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Participants within the oil and gas exploration program.

Respondent's Obligation: Voluntary.

Frequency of Collection: On occasion.

Estimated Completion Time per

Response: 15 hours.

Number of Respondents: 10.

Annual Responses: 10.

Annual Burden Hours: 150.

Annual Burden Cost: None.

If you want to comment on the proposed rescission of the information-collection requirements that would result from this proposed rule, please send your comments and suggestions on this proposed action as previously described in the **DATES** and **ADDRESSES** sections.

National Environmental Policy Act (NEPA)

The BLM intends to apply the Departmental Categorical Exclusion (CX) at 43 CFR 46.210(i) to comply with NEPA. The CX covers policies, directives, regulations, and guidelines that are “of an administrative, financial, legal, technical, or procedural nature or whose environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis and will later be subject to the NEPA process, either collectively or case-by-case.” Further, the proposed rule does not implicate any of the extraordinary circumstances listed in 43 CFR 46.215. The BLM plans to document the applicability of the CX concurrently with development of the final rule.

Regulatory Planning and Review

Review Under Executive Order (E.O.) 12866

Section 6(a) of E.O. 12866 requires agencies to submit “significant regulatory actions” to OIRA for review. OIRA has determined that this proposed regulatory action constitutes a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly, this action was submitted to OIRA for review under E.O. 12866.

BLM is required to conduct an economic analysis in accordance with section 6(a)(3)(B) of E.O. 12866. More

can be found in docket titled, “*Economic Analysis for Draft Recission: Management and Protection of the National Petroleum Reserve in Alaska.*” A discussion of alternatives considered can be found in the section entitled *Regulatory Flexibility Act* above.

Review Under E.O.s 14154, 14153, and 14192

DOI has examined this proposed rulemaking and has tentatively 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 E.O. 14153 “Unleashing Alaska’s Extraordinary Resource Potential.” This proposed rule, if finalized as proposed, is expected to be an E.O. 14192 deregulatory action.

Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (E.O. 13211)

Under E.O. 13211, agencies are required to prepare and submit a Statement of Energy Effects to the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, for those matters identified as significant energy actions. This statement is to include a detailed statement of “any adverse effects on energy supply, distribution, or use (including a shortfall in supply, price increases, and increase use of foreign supplies) should the proposal be implemented” and “reasonable alternatives to the action with adverse energy effects and the expected effects of such alternatives on energy supply, distribution, and use.”

Section 4(b) of E.O. 13211 defines a “significant energy action” as “any action by an agency (normally published in the **Federal Register**) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking; (1)(i) that is a significant regulatory action under E.O. 12866 or any successor order, and (ii) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (2) that is designated by OIRA as a significant energy action.”

This proposed rule, if finalized as proposed, is expected to not have a significant adverse effect on the Nation’s energy supply.

(Authority: 42 U.S.C. 6501 *et seq.*; 43 U.S.C. 1701 *et seq.*)

Adam G. Suess,

Acting Assistant Secretary, Land and Minerals Management.

List of Subjects in 43 CFR Part 2360

Alaska, Oil and gas activity, Protection of surface resources, Tribes, Special areas.

For the reasons set out in the preamble, the Bureau of Land Management proposes to revise 43 CFR part 2360 as follows:

PART 2360—NATIONAL PETROLEUM RESERVE IN ALASKA

Subpart 2361—Management and Protection of the National Petroleum Reserve in Alaska

Sec.

- 2361.0–1 Purpose.
- 2361.0–2 Objectives.
- 2361.0–3 Authority.
- 2361.0–4 Responsibility.
- 2361.0–5 Definitions.
- 2361.0–6 [Reserved]
- 2361.0–7 Effect of law.
- 2361.1 Protection of the environment.
- 2361.2 Use authorizations.
- 2361.3 Unauthorized use and occupancy.

Subpart 2362 [Reserved]

Authority: 43 U.S.C. 6501 *et seq.* and 43 U.S.C. 1702 *et seq.*

§ 2361.0–1 Purpose.

The purpose of the regulations in this subpart is to provide procedures for the protection and control of environmental, fish and wildlife, and historical or scenic values in the National Petroleum Reserve in Alaska pursuant to the provisions of the Naval Petroleum Reserves Production Act of 1976 (90 Stat. 303; 42 U.S.C. 6501 *et seq.*).

§ 2361.0–2 Objectives.

The objective of this subpart is to provide for the protection of the environmental, fish and wildlife, and historical or scenic values of the Reserve so that activities which are or might be detrimental to such values will be carefully controlled to the extent consistent with the requirements of the Act for petroleum exploration of the reserve.

§ 2361.0–3 Authority.

The Naval Petroleum Reserve Production Act of 1976 (90 Stat. 303, 42 U.S.C. 6501, *et seq.*) is the statutory authority for this subpart.

§ 2361.0–4 Responsibility.

(a) The Bureau of Land Management (BLM) is responsible for the surface management of the reserve and protection of the surface values from environmental degradation, and to prepare rules and regulations necessary to carry out surface management and protection duties.

(b) The U.S. Geological Survey is responsible for management of the continuing exploration program during the interim between the transfer of jurisdiction from the U.S. Navy to the U.S. Department of the Interior and the effective date of any legislation for a permanent development and production program to enforce regulations and stipulations which relate to the exploration of petroleum resources of the Reserve, and to operate the South Barrow gas field or such other fields as may be necessary to supply gas at reasonable and equitable rates to the Native village of Barrow and other communities and installations at or near Point Barrow, Alaska, and to installations of the Department of Defense and other agencies of the U.S. located at or near Point Barrow, Alaska.

§ 2361.0–5 Definitions.

As used in this subpart, the following terms shall have the following meanings:

(a) *Act* means the Naval Petroleum Reserves Production Act of 1976 (90 Stat. 303, 42 U.S.C. 6501, *et seq.*).

(b) *Authorized officer* means any employee of the Bureau of Land Management who has been delegated the authority to perform the duties of this subpart.

(c) *Exploration* means activities conducted on the Reserve for the purpose of evaluating petroleum resources which include crude oil, gases of all kinds (natural gas, hydrogen, carbon dioxide, helium, and any others), natural gasoline, and related hydrocarbons (tar sands, asphalt, propane butane, etc.), oil shale and the products of such resources.

(d) *Reserve* means those lands within the National Petroleum Reserve in Alaska (prior to June 1, 1977, designated Naval Petroleum Reserve No. 4) which was established by Executive order of the President, dated February 27, 1923, except for tract Numbered 1 as described in Public Land Order 2344 (the Naval Arctic Research Laboratory—surface estate only) dated April 24, 1961.

(e) *Secretary* means the Secretary of the Interior.

(f) *Special areas* means areas within the reserve identified by the Secretary of the Interior as having significant

subsistence, recreational, fish and wildlife, or historical or scenic value and, therefore, warranting maximum protection of such values to the extent consistent with the requirements of the Act for the exploration of the Reserve.

(g) *Use authorization* means a written approval of a request for use of land or resources.

§ 2361.0–6 [Reserved]

§ 2361.0–7 Effect of law.

(a) Subject to valid existing rights, all lands within the exterior boundaries of the Reserve are reserved and withdrawn from all forms of entry and disposition under the public land laws, including the mining and mineral leasing laws, and all other Acts.

(b) Notwithstanding the provisions of paragraph (a) of this section, the Secretary is authorized to:

(1) Make dispositions of mineral materials pursuant to the Act of July 31, 1947 (61 Stat. 681), as amended (30 U.S.C. 601), for appropriate use by Alaska Natives.

(2) Make such dispositions of mineral materials and grant such rights-of-way, licenses, and permits as may be necessary to carry out his responsibilities under the Act.

(3) Convey the surface of lands properly selected on or before December 18, 1975, by Native village corporations pursuant to the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, *et seq.*).

(c) All other provisions of law heretofore enacted and actions heretofore taken reserving such lands as a Reserve shall remain in full force and effect to the extent not inconsistent with the Act.

(d) To the extent not inconsistent with the Act, all other public land laws are applicable.

§ 2361.1 Protection of the environment.

(a) The authorized officer shall take such action, including monitoring, as he deems necessary to mitigate or avoid unnecessary surface damage and to minimize ecological disturbance throughout the reserve to the extent consistent with the requirements of the Act for the exploration of the reserve.

(b) The Cooperative Procedures of January 18, 1977, for National Petroleum Reserve in Alaska between the Bureau of Land Management (BLM) and the U.S. Geological Survey (GS) provides the procedures for the mutual cooperation and interface of authority and responsibility between GS and BLM concerning petroleum exploration activities (*i.e.*, geophysical and drilling operations), the protection of the

environment during such activities in the Reserve, and other related activities.

(c) Maximum protection measures shall be taken on all actions within the Utukok River Uplands, Colville River, and Teshekpuk Lake special areas, and any other special areas identified by the Secretary as having significant subsistence, recreational, fish and wildlife, or historical or scenic value. The boundaries of these areas and any other special areas identified by the Secretary shall be identified on maps and be available for public inspection in the Fairbanks District Office. In addition, the legal description of the three special areas designated herein and any new areas identified hereafter will be published in the **Federal Register** and appropriate local newspapers. Maximum protection may include, but is not limited to, requirements for:

(1) Rescheduling activities and use of alternative routes;

(2) Types of vehicles and loadings;

(3) Limiting types of aircraft in combination with minimum flight altitudes and distances from identified places; and

(4) Special fuel handling procedures.

(d) Recommendations for additional special areas may be submitted at any time to the authorized officer. Each recommendation shall contain a description of the values which make the area special, the size and location of the area on appropriate USGS quadrangle maps, and any other pertinent information. The authorized officer shall seek comments on the recommendation(s) from interested public agencies, groups, and persons. These comments shall be submitted

along with his recommendation to the Secretary. Pursuant to section 104(b) of the Act, the Secretary may designate that area(s) which he determines to have special values requiring maximum protection. Any such designated area shall be identified in accordance with the provision of paragraph (c) of this section.

(e)(1) To the extent consistent with the requirements of the Act and after consultation with appropriate Federal, State, and local agencies and Native organizations, the authorized officer may limit, restrict, or prohibit use of and access to lands within the Reserve, including special areas. On proper notice as determined by the authorized officer, such actions may be taken to protect fish and wildlife breeding, nesting, spawning, lambing of calving activity, major migrations of fish and wildlife, and other environmental, scenic, or historic values.

(2) The consultation requirement in paragraph (e)(1) of this section is not required when the authorized officer determines that emergency measures are required.

(f) No site, structure, object, or other values of historical archaeological, cultural, or paleontological character, including but not limited to historic and prehistoric remains, fossils, and artifacts, shall be injured, altered, destroyed, or collected without a current Federal Antiquities permit.

§ 2361.2 Use authorizations.

(a) Except for petroleum exploration which has been authorized by the Act, use authorizations must be obtained from the authorized officer prior to any use within the Reserve. Only those uses

which are consistent with the purposes and objectives of the Act will be authorized.

(b) Except as may be limited, restricted, or prohibited by the authorized officer pursuant to § 2361.1 or otherwise, use authorizations are not required for:

(1) Subsistence uses (*e.g.*, hunting, fishing, and berry picking); and

(2) Recreational uses (*e.g.*, hunting, fishing, backpacking, and wildlife observation).

(c) Applications for use authorizations shall be filed in accordance with applicable regulations in this chapter. In the absence of such regulation, the authorized officer may make such dispositions in the absence of such regulations, the author-of mineral materials and grant such rights-of-way, licenses, and permits as may be necessary to carry out his responsibilities under the Act.

(d) In addition to other statutory or regulatory requirements, approval of applications for use authorizations shall be subject to such terms and conditions which the authorized officer determines to be necessary to protect the environmental, fish and wildlife, and historical or scenic values of the Reserve.

§ 2361.3 Unauthorized use and occupancy.

Any person who violates or fails to comply with regulations of this subpart is subject to prosecution, including trespass and liability for damages, pursuant to the appropriate laws.

[FR Doc. 2025–10058 Filed 6–2–25; 8:45 am]

BILLING CODE 4331–27–P

Notices

Federal Register

Vol. 90, No. 105

Tuesday, June 3, 2025

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2020–0113]

Bayer U.S.-Crop Science: Availability of a Draft Plant Pest Risk Assessment and Draft Environmental Assessment for Lepidopteran-Protected Maize

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has prepared a draft plant pest risk assessment and draft environmental assessment regarding a petition from Bayer U.S.-Crop Science seeking a determination of nonregulated status for maize (corn) event MON 95379 which has been developed using genetic engineering to produce two insecticidal proteins to protect against feeding damage caused by target lepidopteran pests. We are making the draft plant pest risk assessment, and draft environmental assessment available for public review and comment.

DATES: We will consider all comments that we receive on or before July 3, 2025.

ADDRESSES: You may submit comments by either of the following methods:

- **Federal eRulemaking Portal:** Go to www.regulations.gov. Enter APHIS–2020–0113 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
 - **Postal Mail/Commercial Delivery:** Send your comment to Docket No. APHIS–2020–0113, Regulatory Analysis and Development, PPD, APHIS, Station 2C–10.16, Unit 25, 4700 River Road, Unit 25, Riverdale, MD 20737–1238.
- The draft plant pest risk assessment, draft environmental assessment, and

any comments we receive on this docket may be viewed at www.regulations.gov, or in our reading room, which is located in 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

The draft plant pest risk assessment and draft environmental assessment are also available on the APHIS website at: <https://www.aphis.usda.gov/biotechnology/legacy-petition-process/petitions>. Search for APHIS petition 20–205–01p.

FOR FURTHER INFORMATION CONTACT: Mr. Alan Pearson, Biotechnology Regulatory Services, APHIS, USDA, 4700 River Road, Unit 78, Riverdale, MD 20737–1236; (301) 851–3944; email: alan.pearson@usda.gov.

SUPPLEMENTARY INFORMATION: Under the authority of the plant pest provisions of the Plant Protection Act (7 U.S.C. 7701 *et seq.*), the regulations in 7 CFR part 340, “Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests,” regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such organisms and products are considered “regulated articles.”

The regulations in § 340.6(a) provide that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a determination that an article should not be regulated under 7 CFR part 340. Paragraphs (b) and (c) of § 340.6 describe the form that a petition for a determination of nonregulated status must take and the information that must be included in the petition.

APHIS has received a petition (APHIS Petition Number 20–205–01p) from Bayer U.S.-Crop Science (Bayer) seeking a determination of nonregulated status for MON 95379 corn which has been developed using genetic engineering to produce two insecticidal proteins to protect against feeding damage caused by target lepidopteran pests. The

petition states that the information provided indicates that MON 95379 corn is unlikely to pose a plant pest risk and therefore should not be regulated under APHIS’ regulations in 7 CFR part 340.

According to our process for soliciting public comment when considering petitions for determination of nonregulated status of organisms developed using genetic engineering, APHIS accepts written comments regarding a petition once APHIS deems the petition complete. On March 4, 2024, APHIS announced in the **Federal Register** (89 FR 15542, Docket No. APHIS–2020–0113) the availability of the Bayer’s petition for public comment. APHIS solicited comments on the petition for 60 days ending May 3, 2024.

APHIS received 5 comments during the comment period. They were from the agricultural, academic, and private sectors. Four comments were general opposition to deregulating MON 95379 and did not provide any substantive information that contributed to the development of this draft Environmental Assessment (EA). One commenter supported the petition and submitted a recommendation letter.

As part of our decision-making process regarding the organism’s regulatory status, APHIS has prepared a draft plant pest risk assessment (PPRA) to assess the plant pest risk of the organism and a draft EA to evaluate potential impacts on the human environment that may result if the petition request is approved.

APHIS’ draft PPRA compared the plant pest risk posed by the MON 95379 corn with that of the unmodified variety from which it was derived. The draft PPRA concluded that MON 95379 corn is unlikely to pose an increased plant pest risk compared to the unmodified corn.

The draft EA evaluated potential impacts that may result from the commercial production of MON 95379 corn, to include potential impacts on conventional and organic corn production; the acreage and area required for U.S. corn production; agronomic practices and inputs; the physical environment; biological resources; human health and worker safety; and animal health and welfare.

The draft EA also explains that Bayer has registered MON 95379 with the Environmental Protection Agency

(EPA). The registration is restricted to breeding and seed increases only; commercial plantings will not be permitted. Regardless of APHIS' decision on this petition, EPA registration limits MON 95739 to small-scale breeding, testing, and seed increase nurseries, in the United States, to no more than 100 total acres across NE, HI, and IA.

APHIS applied USDA's regulation at 7 CFR part 1b, and APHIS' National Environmental Policy Act (NEPA) implementing regulations (7 CFR part 372), when preparing this draft EA.

In accordance with § 340.6(d), we are publishing this notice to inform the public that APHIS will accept written comments regarding the draft PPRA and draft EA from interested or affected persons for a period of 30 days from the date of this notice. The draft PPRA and draft EA are available for public review and comment, and copies are available as indicated under **ADDRESSES** and from the individual listed under the **FOR FURTHER INFORMATION CONTACT** section of this notice. We are particularly interested in receiving comments regarding biological or ecological issues, and we encourage the submission of scientific data, studies, or research to support your comments.

After the comment period closes, APHIS will review and evaluate any information received during the comment period and any other relevant information. After reviewing and evaluating the comments and other information, APHIS will prepare a final PPRA and EA. Based on the final EA, APHIS will prepare a NEPA decision document (either a Finding of No Significant Impact (FONSI) or a notice of intent to prepare an environmental impact statement). If a FONSI is reached, APHIS will furnish a response to the petitioner, either approving or denying the petition. APHIS will also publish a notice in the **Federal Register** announcing the regulatory status of the modified plant and the availability of APHIS' final EA, PPRA, FONSI, and our regulatory determination.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 29th day of May 2025.

Michael Watson,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2025–10075 Filed 6–2–25; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Farm Production and Conservation Business Center

[Docket ID: FPAC–2025–0002]

Information Collection Request; Request for Special Priorities Assistance

AGENCY: Farm Production and Conservation Business Center, USDA.

ACTION: Notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Farm Production and Conservation Business Center (FPAC–BC) is requesting comments from all interested individuals and organizations on an extension of a currently approved information collection request associated with the Request for Special Priorities Assistance. The information collection established by the Agriculture Priorities and Allocations System (APAS) regulation is necessary for the program applicant (person) to request prioritizing of a contract above all other contracts. The purpose of the priority rating is to obtain item(s) in support of national defense programs that they are not able to obtain in time through normal market channels.

DATES: We will consider comments that we receive by August 4, 2025.

ADDRESSES: We invite you to submit comments on the notice. You may submit comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to: www.regulations.gov and search for Docket ID FPAC–2025–0002. Follow the online instructions for submitting comments.
- *Mail, Hand-Delivery, or Courier:* Donald Butler, USDA/FPAC/HSD, 1400 Independence Ave., Washington, DC 20250.

You may also send comments to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503. Copies of the information collection may be requested by contacting Donald Butler.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, contact Donald Butler, telephone: (816) 926–1662; or by email: donald.butler@usda.gov. Persons with disabilities who require alternative means for communication should contact the USDA Target Center at (202) 720–2600 or (844) 433–2774 (toll-free nationwide).

SUPPLEMENTARY INFORMATION:

Title: Request for Special Priorities Assistance.

OMB Control Number: 0560–0280.

Expiration Date of Approval: July 31, 2025.

Type of Request: Extension of a currently approved information collection.

Abstract: APAS would efficiently place priority ratings on contracts or orders of agriculture commodities up through the wholesale levels, agriculture production equipment, allocate resources, and handle food claims within its authority as specified in the Defense Production Act (DPA) of 1950, as amended, when necessary to promote national defense. It was determined that food is a scarce and critical commodity essential to the national defense (including civil emergency preparedness and response). Unless its production, processing, storage, and wholesale distribution are regulated during times of emergencies, the national defense requirement for food and food production may not be met without creating hardship in the civilian marketplace. Applicants (Government agencies or private individuals with a role in emergency preparedness, response, and recovery functions) request authorization from USDA to place a rating on a contract for items to support national defense activities. Priority rating request procedures and forms can be found on USDA's website. Applicants must supply, at time of request, their name, location, contact information, items for which the applicant is requesting assistance on, quantity, and delivery date. Applicants can submit the request by mail or fax. There are no changes to the burden hours since the last OMB approval.

For the following estimated total annual burden on respondents, the formula used to calculate the total burden hour is the estimated average time per responses hours multiplied by the estimated total annual responses.

Estimate of Respondent Burden: Public reporting burden for the information collection is estimated to average 30 minutes (0.50) per response.

Respondents: Individuals, businesses, and agencies with responsibilities for emergency preparedness and response.

Estimated Annual Number of Respondents: 50.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Responses: 50.

Estimated Average Time per Response: 0.5 hours.

Estimated Total Annual Burden on Respondents: 25 hours.

We are requesting comments on all aspects of this information collection to help us to:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the FSA, including whether the information will have practical utility;

(2) Evaluate the accuracy of the FSA's estimate of burden including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility and clarity of the information to be collected;

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission for Office of Management and Budget approval.

Robert Ibarra,

Chief Operating Officer, Farm Production and Conservation Business Center.

[FR Doc. 2025-09951 Filed 6-2-25; 8:45 am]

BILLING CODE 3411-EB-P

COMMISSION ON CIVIL RIGHTS

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

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of Virtual Business 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 Virginia Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a public meeting via Zoom. The purpose of the meeting is to discuss potential civil rights topics of study.

DATES: Monday, June 23, 2025, from 3:00 p.m.–4:00 p.m. Eastern Time.

ADDRESSES: The meeting will be held via Zoom.

Registration Link (Audio/Visual):

https://www.zoomgov.com/webinar/register/WN_VhBQcPwET8WdlmRV7IRILw.

Join by Phone (Audio Only): 1-833-435-1820 USA Toll Free; Webinar ID: 160 524 5025#

FOR FURTHER INFORMATION CONTACT:

Melissa Wojnarowski, DFO, at mwojnarowski@usccr.gov or (202) 618-4158.

SUPPLEMENTARY INFORMATION: This Committee meeting is available to the public through the registration link above. Any interested members of the public may attend this meeting. An open comment period will be provided to allow members of the public to make oral comments as time allows. Pursuant to 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 is available by selecting “CC” in the meeting platform. To request additional accommodations, please email svillanueva@usccr.gov at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the scheduled meeting. Written comments may be emailed to Sarah Villanueva at svillanueva@usccr.gov. Persons who desire additional information may contact the Regional Programs Coordination Unit at (202) 618-4158.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via the file sharing website, <https://bit.ly/3ZzHlj5>. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Coordination Unit at svillanueva@usccr.gov.

Agenda

- I. Welcome and Roll Call
- II. Announcements and Updates
- III. Civil Rights Discussion
- IV. Public Comment
- V. Next Steps
- VI. Adjournment

Dated: May 29, 2025.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2025-10066 Filed 6-2-25; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review and Join Annual Inquiry Service List

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

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

SUPPLEMENTARY INFORMATION:

Background

Each year during the anniversary month of the publication of an antidumping duty (AD) or countervailing duty (CVD) order, finding, or suspended investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (the Act), may request, in accordance with 19 CFR 351.213, that the U.S. Department of Commerce (Commerce) conduct an administrative review of that AD or CVD order, finding, or suspended investigation.

All deadlines for the submission of comments or actions by Commerce discussed below refer to the number of calendar days from the applicable starting date.

Respondent Selection

In the event Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, Commerce intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the period of review (POR). We intend to release the CBP data under Administrative Protective Order (APO) to all parties having an APO within five days of publication of the initiation notice and to make our decision regarding respondent selection within 35 days of publication of the initiation **Federal Register** notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. Commerce invites comments regarding the CBP data and respondent selection

within five days of placement of the CBP data on the record of the review.

In the event Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

1. In general, Commerce finds that determinations concerning whether particular companies should be “collapsed” (*i.e.*, treated as a single entity for purposes of calculating AD rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce will not conduct collapsing analyses at the respondent selection phase of a review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this AD proceeding (*i.e.*, investigation, administrative review, new shipper review, or changed circumstances review).

2. For any company subject to a review, if Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce will not collapse companies for purposes of respondent selection.

3. Parties are requested to: (a) identify which companies subject to review previously were collapsed; and (b)

provide a citation to the proceeding in which they were collapsed.

4. Further, if companies are requested to complete a Quantity and Value Questionnaire for purposes of respondent selection, in general, each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of a proceeding where Commerce considered collapsing that entity, complete quantity and value data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that requests a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that Commerce may extend this time if it is reasonable to do so. Determinations by Commerce to extend the 90-day deadline will be made on a case-by-case basis.

Deadline for Particular Market Situation Allegation

Section 504 of the Trade Preferences Extension Act of 2015 amended the Act by adding the concept of particular market situation (PMS) for purposes of constructed value under section 773(e) of the Act.¹ Section 773(e) of the Act

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

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

Opportunity to Request a Review: Not later than the last day of June 2025,² interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in June for the following periods:

	Period
Antidumping Duty Proceedings	
ARGENTINA: Raw Honey, A–357–823	6/1/24–5/31/25
BRAZIL:	
Raw Honey, A–351–857	6/1/24–5/31/25
Brass Rod, A–351–859	12/1/23–5/31/25
GERMANY: Cold-Drawn Mechanical Tubing, A–428–845	6/1/24–5/31/25
INDIA:	
Glycine, A–533–883	6/1/24–5/31/25
Raw Honey, A–533–903	6/1/24–5/31/25
Quartz Surface Products, A–533–889	6/1/24–5/31/25
Cold-Drawn Mechanical Tubing, A–533–873	6/1/24–5/31/25
Brass Rod, A–533–915	12/1/23–5/31/25
Certain Non-Refillable Steel Cylinders, A–533–912	12/1/23–5/31/25
Silicomanganese, ³ A–533–823	5/1/24–4/30/25
INDONESIA: Prestressed Concrete Steel Wire Strand, A–560–837	6/1/24–5/31/25
ITALY:	
Cold-Drawn Mechanical Tubing, A–475–838	6/1/24–5/31/25
Prestressed Concrete Steel Wire Strand, A–475–843	6/1/24–5/31/25
JAPAN:	
Carbon And Alloy Seamless Standard, Line, And Pressure Pipe (Over 4½ Inches), A–588–850	6/1/24–5/31/25
Carbon And Alloy Seamless Standard, Line, And Pressure Pipe (Under 4½ Inches), A–588–851	6/1/24–5/31/25
Glycine A–588–878	6/1/24–5/31/25
MALAYSIA:	

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

² Or the next business day, if the deadline falls on a weekend, Federal holiday or any other day when Commerce is closed.

³ In the opportunity notice that published on May 5, 2025 (90 FR 18962), Commerce listed the incorrect period of review. The correct period is listed above. This serves as a correction.

	Period
Prestressed Concrete Steel Wire Strand, A-557-819	6/1/24-5/31/25
Boltless Steel Shelving Units Prepackaged for Sale, A-557-824	6/1/24-5/31/25
MEXICO: Brass Rod, A-201-858	12/1/23-5/31/25
REPUBLIC OF TÜRKİYE: Quartz Surface Products, A-489-837	6/1/24-5/31/25
REPUBLIC OF KOREA: Cold-Drawn Mechanical Tubing, A-580-892	6/1/24-5/31/25
Brass Rod, A-580-916	12/1/23-5/31/25
SOCIALIST REPUBLIC OF VIETNAM:	
Laminated Woven Sacks, A-552-823	6/1/24-5/31/25
Raw Honey, A-552-833	6/1/24-5/31/25
Certain Tool Chests and Cabinets, A-552-821	6/1/24-5/31/25
Boltless Steel Shelving Units Prepackaged for Sale, A-552-835	11/29/23-5/31/25
SOUTH AFRICA:	
Prestressed Concrete Steel Wire Strand, A-791-826	6/1/24-5/31/25
Brass Rod, A-791-828	12/1/23-5/31/25
SPAIN:	
Chlorinated Isocyanurates, A-469-814	6/1/24-5/31/25
Finished Carbon Steel Flanges, A-469-815	6/1/24-5/31/25
Prestressed Concrete Steel Wire Strand, A-469-821	6/1/24-5/31/25
SWITZERLAND: Cold-Drawn Mechanical Tubing, A-441-801	6/1/24-5/31/25
TAIWAN: Boltless Steel Shelving Units Prepackaged for Sale, A-583-871	11/29/23-5/31/25
THAILAND: Boltless Steel Shelving Units Prepackaged for Sale, A-549-846	6/1/24-5/31/25
REPUBLIC OF KOREA:	
Carbon and Alloy Steel Wire Rod, A-580-891	6/1/24-5/31/25
Ferrovandium, A-580-886	6/1/24-5/31/25
Polyester Staple Fiber, A-580-839	6/1/24-5/31/25
REPUBLIC OF TÜRKİYE:	
Carbon and Alloy Steel Wire Rod, A-489-831	6/1/24-5/31/25
Circular Welded Carbon Steel Pipes and Tubes, A-489-501	6/1/24-5/31/25
Large Diameter Welded Carbon and Alloy Steel Line and Structural Pipe, A-489-833	6/1/24-5/31/25
Light-Walled Rectangular Pipe and Tube, A-489-815	6/1/24-5/31/25
Mattresses, A-489-841	6/1/24-5/31/25
Certain Paper Shopping Bags, A-489-849	1/3/24-5/31/25
SERBIA: Mattresses, A-801-002	6/1/24-5/31/25
SOCIALIST REPUBLIC OF VIETNAM:	
Mattresses, A-552-827	6/1/24-5/31/25
Polyethylene Retail Carrier Bags, A-552-806	6/1/24-5/31/25
Laminated Woven Sacks, A-552-823	6/1/24-5/31/25
SOUTH AFRICA: Stainless Steel Plate in Coils, A-791-805	6/1/24-5/31/25
SPAIN: Carbon and Alloy Steel Wire Rod, A-469-816	6/1/24-5/31/25
TAIWAN:	
Certain Carbon and Alloy Steel Cut-To-Length Plate, A-583-858	6/1/24-5/31/25
Certain Circular Welded Carbon Steel Pipes and Tubes, A-583-008	6/1/24-5/31/25
Polyester Staple Fiber, A-583-833	6/1/24-5/31/25
Polyethylene Retail Carrier Bags, A-583-843	6/1/24-5/31/25
Certain Stainless Steel Plate in Coils, A-583-830	6/1/24-5/31/25
Stilbenic Optical Brightening Agents, A-583-848	6/1/24-5/31/25
THAILAND: Mattresses, A-549-841	6/1/24-5/31/25
THE PEOPLE'S REPUBLIC OF CHINA:	
Furfuryl Alcohol, A-570-835	6/1/24-5/31/25
Polyester Staple Fiber, A-570-905	6/1/24-5/31/25
Tapered Roller Bearings and Parts Thereof, Finished or Unfinished, A-570-601	6/1/24-5/31/25
Artist Canvas, A-570-899	6/1/24-5/31/25
Silicon Metal, A-570-806	6/1/24-5/31/25
Chlorinated Isocyanurates, A-570-898	6/1/24-5/31/25
Prestressed Concrete Steel Wire Strand, A-570-945	6/1/24-5/31/25
Ceramic Tile, A-570-108	6/1/24-5/31/25
Certain Tool Chests and Cabinets, A-570-056	6/1/24-5/31/25
Cold-Drawn Mechanical Tubing, A-570-058	6/1/24-5/31/25
TUNISIA: Prestressed Concrete Steel Wire Strand, A-723-001	6/1/24-5/31/25
UKRAINE: Prestressed Concrete Steel Wire Strand, A-823-817	6/1/24-5/31/25
Countervailing Duty Proceedings	
INDIA:	
Glycine, C-533-884	1/1/24-12/31/24
Quartz Surface Products, C-533-890	1/1/24-12/31/24
Certain Non-Refillable Steel Cylinders, C-533-913	9/29/23-12/31/24
REPUBLIC OF KOREA: Brass Rod, C-580-917	9/29/23-12/31/24
SOCIALIST REPUBLIC OF VIETNAM: Laminated Woven Sacks, C-552-824	1/1/24-12/31/24
THE PEOPLE'S REPUBLIC OF CHINA:	
Glycine, C-570-081	1/1/24-12/31/24
Ceramic Tile, C-570-109	1/1/24-12/31/24
Stainless Steel Flanges, C-570-065	1/1/24-12/31/24
REPUBLIC OF TÜRKİYE: Quartz Surface Products, C-489-838	1/1/24-12/31/24

	Period
Suspension Agreements	
None.	

In accordance with 19 CFR 351.213(b), an interested party as defined by section 771(9) of the Act may request in writing that Commerce conduct an administrative review. For both AD and CVD reviews, the interested party must specify the individual producers or exporters covered by an AD finding or an AD or CVD order or suspension agreement for which it is requesting a review. In addition, a domestic interested party or an interested party described in section 771(9)(B) of the Act must state why it desires Commerce to review those particular producers or exporters. If the interested party intends for Commerce to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which was produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Note that, for any party Commerce was unable to locate in prior segments, Commerce will not accept a request for an administrative review of that party absent new information as to the party's location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for which it requested the review, the interested party must provide an explanation of the attempts it made to locate the producer or exporter at the same time it files its request for review, in order for Commerce to determine if the interested party's attempts were reasonable, pursuant to 19 CFR 351.303(f)(3)(ii).

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (June 6, 2003), and *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011), Commerce clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of

merchandise subject to antidumping findings and orders.⁴

Commerce no longer considers the non-market economy (NME) entity as an exporter conditionally subject to an AD administrative review.⁵ Accordingly, the NME entity will not be under review unless Commerce specifically receives a request for, or self-initiates, a review of the NME entity.⁶ In administrative reviews of AD orders on merchandise from NME countries where a review of the NME entity has not been initiated, but where an individual exporter for which a review was initiated does not qualify for a separate rate, Commerce will issue a final decision indicating that the company in question is part of the NME entity. However, in that situation, because no review of the NME entity was conducted, the NME entity's entries were not subject to the review and the rate for the NME entity is not subject to change as a result of that review (although the rate for the individual exporter may change as a function of the finding that the exporter is part of the NME entity). Following initiation of an AD administrative review when there is no review requested of the NME entity, Commerce will instruct CBP to liquidate entries for all exporters not named in the initiation notice, including those that were suspended at the NME entity rate.

All requests must be filed electronically in Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) on Enforcement and Compliance's ACCESS website at <https://access.trade.gov>.⁷ Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy of each request must be served on the petitioner and each exporter or producer specified in the request. Note that Commerce has

⁴ See the Enforcement and Compliance website at <https://www.trade.gov/us-antidumping-and-countervailing-duties>.

⁵ See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963 (November 4, 2013).

⁶ In accordance with 19 CFR 351.213(b)(1), parties should specify that they are requesting a review of entries from exporters comprising the entity, and to the extent possible, include the names of such exporters in their request.

⁷ See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011).

amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).⁸

Commerce will publish in the **Federal Register** a notice of "Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation" for requests received by the last day of June 2025. If Commerce does not receive, by the last day of June 2025, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, Commerce will instruct CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures "gap" period of the order, if such a gap period is applicable to the period of review.

Establishment of and Updates to the Annual Inquiry Service List

On September 20, 2021, Commerce published the final rule titled "*Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*" in the **Federal Register**.⁹ On September 27, 2021, Commerce also published the notice entitled "*Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions*" in the **Federal Register**.¹⁰ The *Final Rule* and *Procedural Guidance* provide that Commerce will maintain an annual inquiry service list for each order or suspended investigation, and any interested party submitting a scope

⁸ See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings; Final Rule*, 88 FR 67069 (September 29, 2023).

⁹ See *Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*, 86 FR 52300 (September 20, 2021) (*Final Rule*).

¹⁰ See *Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions*, 86 FR 53205 (September 27, 2021) (*Procedural Guidance*).

ruling application or request for circumvention inquiry shall serve a copy of the application or request on the persons on the annual inquiry service list for that order, as well as any companion order covering the same merchandise from the same country of origin.¹¹

In accordance with the *Procedural Guidance*, for orders published in the **Federal Register** before November 4, 2021, Commerce created an annual inquiry service list segment for each order and suspended investigation. Interested parties who wished to be added to the annual inquiry service list for an order submitted an entry of appearance to the annual inquiry service list segment for the order in ACCESS and, on November 4, 2021, Commerce finalized the initial annual inquiry service lists for each order and suspended investigation. Each annual inquiry service list has been saved as a public service list in ACCESS, under each case number, and under a specific segment type called “AISL-Annual Inquiry Service List.”¹²

As mentioned in the *Procedural Guidance*, beginning in January 2022, Commerce will update these annual inquiry service lists on an annual basis when the *Opportunity Notice* for the anniversary month of the order or suspended investigation is published in the **Federal Register**.¹³ Accordingly, Commerce will update the annual inquiry service lists for the above-listed AD and CVD proceedings. All interested parties wishing to appear on the updated annual inquiry service list must take one of the two following actions: (1) new interested parties who did not previously submit an entry of appearance must submit a new entry of appearance at this time; (2) interested parties who were included in the preceding annual inquiry service list must submit an amended entry of appearance to be included in the next year's annual inquiry service list. For these interested parties, Commerce will change the entry of appearance status from “Active” to “Needs Amendment” for the annual inquiry service lists

corresponding to the above-listed proceedings. This will allow those interested parties to make any necessary amendments and resubmit their entries of appearance. If no amendments need to be made, the interested party should indicate in the area on the ACCESS form requesting an explanation for the amendment that it is resubmitting its entry of appearance for inclusion in the annual inquiry service list for the following year. As mentioned in the *Final Rule*,¹⁴ once the petitioners and foreign governments have submitted an entry of appearance for the first time, they will automatically be added to the updated annual inquiry service list each year.

Interested parties have 30 days after the date of this notice to submit new or amended entries of appearance. Commerce will then finalize the annual inquiry service lists five business days thereafter. For ease of administration, please note that Commerce requests that law firms with more than one attorney representing interested parties in a proceeding designate a lead attorney to be included on the annual inquiry service list.

Commerce may update an annual inquiry service list at any time as needed based on interested parties' amendments to their entries of appearance to remove or otherwise modify their list of members and representatives, or to update contact information. Any changes or announcements pertaining to these procedures will be posted to the ACCESS website at <https://access.trade.gov>.

Special Instructions for Petitioners and Foreign Governments

In the *Final Rule*, Commerce stated that, “after an initial request and placement on the annual inquiry service list, both petitioners and foreign governments will automatically be placed on the annual inquiry service list in the years that follow.”¹⁵ Accordingly, as stated above and pursuant to 19 CFR 351.225(n)(3), the petitioners and foreign governments will not need to resubmit their entries of appearance each year to continue to be included on the annual inquiry service list. However, the petitioners and foreign governments are responsible for making amendments to their entries of appearance during the annual update to the annual inquiry service list in accordance with the procedures described above.

This notice is not required by statute but is published as a service to the international trading community.

Dated: May 13, 2025.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2025–10049 Filed 6–2–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE954]

Marine Mammals; File No. 24378

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

ACTION: Notice; issuance of permit amendment.

SUMMARY: Notice is hereby given that a major amendment to Permit No. 24378–01 has been issued to the University of Alaska Southeast, 1332 Seward Ave, Sitka, AK 99835 (Responsible Party: Jan Straley).

ADDRESSES: The permit amendment and related documents are available for review upon written request via email to NMFS.Pr1Comments@noaa.gov.

FOR FURTHER INFORMATION CONTACT: Shasta McClenahan, Ph.D., or Courtney Smith, Ph.D., (301) 427–8401.

SUPPLEMENTARY INFORMATION: On March 28, 2025, notice was published in the **Federal Register** (90 FR 14118) that a request for an amendment to Permit No. 24378–01 to conduct research on marine mammals had been submitted by the above-named applicant. The requested permit amendment has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222 through 226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

Permit No. 24378–01, issued on April 28, 2023 (87 FR 80527, December 30, 2022), authorizes research on 18 species of cetaceans in Alaska, focusing on gray (*Eschrichtius robustus*), humpback (*Megaptera novaeangliae*), killer (*Orcinus orca*), and sperm (*Physeter*

¹¹ *Id.*

¹² This segment has been combined with the ACCESS Segment Specific Information (SSI) field which will display the month in which the notice of the order or suspended investigation was published in the **Federal Register**, also known as the anniversary month. For example, for an order under case number A–000–000 that was published in the **Federal Register** in January, the relevant segment and SSI combination will appear in ACCESS as “AISL-January Anniversary.” Note that there will be only one annual inquiry service list segment per case number, and the anniversary month will be pre-populated in ACCESS.

¹³ See *Procedural Guidance*, 86 FR at 53206.

¹⁴ See *Final Rule*, 86 FR at 52335.

¹⁵ *Id.*

macrocephalus) whales. The permitted objectives are to further the biological understanding of Alaskan cetaceans by evaluating species abundance, population and stock structure, life history parameters, foraging behavior and prey specialization, social behavior, seasonal movements and migrations, and depredation interactions with longline fishing vessels. Research methods include close approach by vessels and unmanned aircraft systems for photo-identification, observations, underwater photography/video, acoustic prey mapping, biological sampling (prey remains, exhaled air, sloughed skin, feces, eDNA, skin and blubber biopsy), and tagging (suction-cup and dart/barb). Marine mammal parts may be exported for analysis. The permit amendment No. 24378-02 was issued on May 20, 2025, and authorized an increase in annual take numbers of gray whales to account for an unanticipated increase in observed gray whale numbers in Sitka Sound, and to allow researchers to continue their efforts to better understand population dynamics, demographics, body condition, and foraging strategies. The permit expires on April 30, 2026.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

As required by the ESA, issuance of this permit was based on a finding that such permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: May 29, 2025.

Shannon Bettridge,

Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2025-10085 Filed 6-2-25; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF EDUCATION

Applications for New Awards; Developing Hispanic-Serving Institutions Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for new awards for fiscal

year (FY) 2025 for the Developing Hispanic-Serving Institutions (DHSI) Program, Assistance Listing Number (ALN) 84.031S. This notice relates to the approved information collection under OMB control number 1840-0745.

DATES:

Applications Available: June 3, 2025.

Deadline for Transmittal of

Applications: July 3, 2025.

Deadline for Intergovernmental Review: October 1, 2025.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 23, 2024 (89 FR 104528) and available at www.federalregister.gov/documents/2024/12/23/2024-30488/common-instructions-for-applicants-to-department-of-education-discretionary-grant-programs. Please note that these Common Instructions supersede the version published on December 7, 2022.

FOR FURTHER INFORMATION CONTACT:

Margarita Melendez, U.S. Department of Education, 400 Maryland Avenue SW, Room 2B186, Washington, DC 20202-4260. Telephone: (202) 987-0408. Email: Margarita.Melendez@ed.gov.

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

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The DHSI Program provides grants to eligible institutions of higher education (IHEs) to expand educational opportunities for, and improve the academic attainment of, Hispanic students; and expand and enhance the academic offerings, program quality, and institutional stability of colleges and universities that are educating the majority of Hispanic college students and helping large numbers of Hispanic students and other low-income individuals complete postsecondary degrees.

Priorities: This notice contains two competitive preference priorities and one invitational priority. The competitive preference priorities are from the Administrative Priorities for Discretionary Grant Programs published in the **Federal Register** on March 9, 2020 (85 FR 13640) (Administrative Priorities).

Competitive Preference Priorities: For FY 2025 and any subsequent year in which we make awards from the list of unfunded applications from this

competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i), we award up to an additional 20 points to an application, depending on how well the application meets one or more of these priorities; the total possible points for each competitive preference priority are noted in parentheses.

These priorities are:

Competitive Preference Priority 1: Rural Applicants (10 points).

Under this priority, an applicant must demonstrate the following:

(a) The applicant is an IHE with a rural campus setting, or the applicant proposes to serve a campus with a rural setting. Rural settings include any of the following: Town-Fringe, Town-Distant, Town-Remote, Rural Fringe, Rural-Distant, Rural-Remote, as defined by the NCES College Navigator search tool.

Note: Any rural campus served under this priority must be an eligible HSI (as defined in this notice).

Competitive Preference Priority 2: Applications from New Potential Grantees (10 points).

Under this priority, an applicant must demonstrate the following:

(a) The applicant has not had an active discretionary grant under the program from which it seeks funds, including through membership in a group application submitted in accordance with 34 CFR 75.127-75.129, in the following number of years before the deadline date for submission of applications under the program.

(i) Five years

Invitational Priority: For FY 2025 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an invitational priority. Under 34 CFR 75.105(c)(1), we do not give an application that meets the invitational priority a competitive or absolute preference over other applications.

The priority is:

Invitational Priority: Expanding access to distance education, workforce-based options, or shortened time-to-degree models, or recognized credentials. Applicants should demonstrate how their projects, institutions, or proposals are designed to promote education choice in one or more of the following ways: Expand access to postsecondary distance education, competency-based or skills-based education, pre-apprenticeships, apprenticeships, part-time coursework and career preparation, work-based learning or shortened time-to-degree models, and programs or coursework that lead to high-wage, high-skilled, or

in-demand, industry recognized credentials.

Definitions: The following definitions are from 34 CFR 77.1 and apply to the priorities and selection criteria in this notice:

Baseline means the starting point from which performance is measured and targets are set.

Budget period means an interval of time into which a project period is divided for budgetary purposes.

Demonstrates a rationale means that there is a key project component included in the project's logic model that is supported by citations of high-quality research or evaluation findings that suggest that the project component is likely to significantly improve relevant outcomes.

Department means the U.S. Department of Education.

Evidence-based means the proposed project component is supported by promising evidence or evidence that demonstrates a rationale.

Experimental study means a study that is designed to compare outcomes between two groups of individuals (such as students) that are otherwise equivalent except for their assignment to either a treatment group receiving a project component or a control group that does not. Randomized controlled trials, regression discontinuity design studies, and single-case design studies are the specific types of experimental studies that, depending on their design and implementation (e.g., sample attrition in randomized controlled trials and regression discontinuity design studies), can meet What Works Clearinghouse (WWC) standards without reservations as described in the WWC Handbooks:

(i) A randomized controlled trial employs random assignment of, for example, students, teachers, classrooms, or schools to receive the project component being evaluated (the treatment group) or not to receive the project component (the control group).

(ii) A regression discontinuity design study assigns the project component being evaluated using a measured variable (e.g., assigning students reading below a cutoff score to tutoring or developmental education classes) and controls for that variable in the analysis of outcomes.

(iii) A single-case design study uses observations of a single case (e.g., a student eligible for a behavioral intervention) over time in the absence and presence of a controlled treatment manipulation to determine whether the outcome is systematically related to the treatment.

Fiscal year means the Federal fiscal year—a period beginning on October 1 and ending on the following September 30.

Grant period means the period for which funds have been awarded.

Grantee means the legal entity to which a grant is awarded and that is accountable to the Federal Government for the use of the funds provided. The grantee is the entire legal entity even if only a particular component of the entity is designated in the grant award notice (GAN). For example, a GAN may name as the grantee one school or campus of a university. In this case, the granting agency usually intends, or actually intends, that the named component assume primary or sole responsibility for administering the grant-assisted project or program. Nevertheless, the naming of a component of a legal entity as the grantee in a grant award document shall not be construed as relieving the whole legal entity from accountability to the Federal Government for the use of the funds provided. (This definition is not intended to affect the eligibility provision of grant programs in which eligibility is limited to organizations that may be only components of a legal entity.) The term “grantee” does not include any secondary recipients, such as subgrantees and contractors, that may receive funds from a grantee pursuant to a subgrant or contract.

Logic model (also referred to as a theory of action) means a framework that identifies key project components of the proposed project (i.e., the active “ingredients” that are hypothesized to be critical to achieving the relevant outcomes) and describes the theoretical and operational relationships among the key project components and relevant outcomes.

Note: In developing logic models, applicants may want to use resources such as the Pacific Education Laboratory's Logic Model Application (www.ies.ed.gov/ncee/edlabs/regions/pacific/elm.asp).

Performance measure means any quantitative indicator, statistic, or metric used to gauge program or project performance.

Performance target means a level of performance that an applicant would seek to meet during the course of a project or as a result of a project.

Project component means an activity, strategy, intervention, process, product, practice, or policy included in a project. Evidence may pertain to an individual project component or to a combination of project components (e.g., training teachers on instructional practices for

English learners and follow-on coaching for these teachers).

Promising evidence means that there is evidence of the effectiveness of a key project component in improving a relevant outcome, based on a relevant finding from one of the following:

(i) A practice guide prepared by the WWC reporting “strong evidence”, “moderate evidence”, or “promising evidence” for the corresponding practice guide recommendation;

(ii) An intervention report prepared by the WWC reporting “Tier 1 strong evidence” of effectiveness, or “Tier 2 moderate evidence” of effectiveness, or “Tier 3 promising evidence” of effectiveness, or a “positive effect,” or “potentially positive effect” on a relevant outcome, with no reporting of a “negative effect” or “potentially negative effect” on a relevant outcome; or

(iii) A single study assessed by the Department, as appropriate, that—

(A) Is an experimental study, a quasi-experimental design study, or a well-designed and well-implemented correlational study with statistical controls for selection bias (such as a study using regression methods to account for differences between a treatment group and a comparison group); and

(B) Includes at least one statistically significant and positive (i.e., favorable) effect on a relevant outcome; and

(C) Includes no overriding statistically significant and negative effects on relevant outcomes reported in the study or in a corresponding WWC intervention report.

Quasi-experimental design study means a study using a design that attempts to approximate an experimental study by identifying a comparison group that is similar to the treatment group in important respects. This type of study, depending on design and implementation (e.g., establishment of baseline equivalence of the groups being compared), can meet WWC standards with reservations, but cannot meet WWC standards without reservations, as described in the WWC Handbooks.

Relevant outcome means the student outcome(s) or other outcome(s) the key project component is designed to improve, consistent with the specific goals of the program.

Subgrant means an award of financial assistance in the form of money, or property in lieu of money, made under a grant by a grantee to an eligible subgrantee. The term includes financial assistance when provided by contractual or any other form of legal agreement, but does not include

procurement purchases, nor does it include any form of assistance that is excluded from the definition of “grant or award” in this part (see 2 CFR 200.92, “Subaward”).

What Works Clearinghouse Handbooks (WWC Handbooks) means the standards and procedures set forth in the WWC Procedures and Standards Handbook, Version 5.0, or in the WWC Standards Handbook, Version 4.0 or 4.1, or in the WWC Procedures Handbook, Version 4.0 or 4.1, the WWC Procedures and Standards Handbook, Version 3.0 or Version 2.1 (all incorporated by reference; see § 77.2). Study findings eligible for review under WWC standards can meet WWC standards without reservations, meet WWC standards with reservations, or not meet WWC standards. WWC practice guides and intervention reports include findings from systematic reviews of evidence as described in the WWC Handbooks documentation.

Program Authority: 20 U.S.C. 1101–1101d and 1103–1103g.

Note: Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in Federal civil rights laws.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The regulations for this program in 34 CFR part 606. (e) The Administrative Priorities.

II. Award Information

Type of Award: Discretionary grants. Five-year Individual Development Grants only. Cooperative Arrangement Grants and Planning Grants will not be awarded in FY 2025.

Estimated Available Funds: \$66,944,786.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in subsequent years from the list of unfunded applications from this competition.

Estimated Range of Awards: \$500,000–\$600,000.

Estimated Average Size of Awards: \$575,000.

Maximum Awards: We will not make an award exceeding \$600,000 for a single budget period of 12 months.

Estimated Number of Awards: 116.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information and Supplemental Requirements

1. *Eligible Applicants:* (a) Institutions of higher education (IHEs) that qualify as eligible HSIs are eligible to apply for new Individual Development Grants under the DHSI Program. To be an eligible HSI, an IHE must—

(i) Have an enrollment of needy students, as defined in section 502(b) of the Higher Education Act of 1965 as amended (HEA) (section 502(a)(2)(A)(i) of the HEA; 20 U.S.C. 1101a(a)(2)(A)(i));

(ii) Have, except as provided in section 522(b) of the HEA, average education and general expenditures that are low, per full-time equivalent (FTE) undergraduate student, in comparison with the average education and general expenditures per FTE undergraduate student of institutions that offer similar instruction (section 502(a)(2)(A)(ii) of the HEA; 20 U.S.C. 1101a(a)(2)(A)(ii));

Note: To demonstrate an enrollment of needy students and low average education and general expenditures per FTE undergraduate student, an IHE must be designated as an “eligible institution” in accordance with 34 CFR 606.2 through 606.5 and the notice inviting applications for designation as an eligible institution for the fiscal year for which the grant competition is being conducted.

Note: The notice announcing the FY 2025 process for designation of eligible institutions, and inviting applications for waiver of eligibility requirements, was published in the **Federal Register** on March 6, 2025 (90 FR 11408). Only institutions that the Department determines are eligible, or are granted a waiver, may apply for a grant in this program.

(iii) Be accredited by a nationally recognized accrediting agency or association that the Secretary has determined to be a reliable authority as to the quality of education or training offered, or making reasonable progress toward accreditation, according to such an agency or association (section 502(a)(2)(A)(iv) of the HEA; 20 U.S.C. 1101a(a)(2)(A)(iv));

(iv) Be legally authorized to provide, and provides within the State, an education program for which the institution awards a bachelor’s degree (section 502(a)(2)(A)(iii) of the HEA; 20

U.S.C. 1101a(a)(2)(A)(iii)), or be a junior or community college (section 502(a)(2)(A)(iii) of the HEA; 20 U.S.C. 1101a(a)(2)(A)(iii));

(v) Have an enrollment of undergraduate FTE students that is at least 25 percent Hispanic students at the end of the award year immediately preceding the date of application (section 502(a)(5)(B) of the HEA; 20 U.S.C. 1101a(a)(5)(B)); and

(vi) Provide, as an attachment to the application, the documentation the IHE relied upon in determining that at least 25 percent of the IHE’s undergraduate FTE students are Hispanic. The 25 percent requirement applies only to undergraduate Hispanic students and is calculated based upon FTE students as defined in section 502(a)(4) of the HEA. Instructions for formatting and submitting the verification documentation to *Grants.gov* are in the application package for this competition.

(b) For this program, the “end of the award year immediately preceding the date of application” refers to the end of the fiscal year prior to the application due date. For purposes of this competition, the data that we will use to determine percent enrollment is for academic year 2023–2024.

(c) In considering applications for grants under this program, the Department will compare the data and documentation the institution relied on in its application with data reported to the Department’s Integrated Postsecondary Education Data System (IPEDS), the IHE’s State-reported enrollment data, and the institutional annual report. If different percentages or data are reported in these various sources, the institution must, as part of the 25 percent assurance verification, explain the reason for the differences. If the IPEDS data show that less than 25 percent of the institution’s undergraduate FTE students are Hispanic, the burden is on the institution to show that the IPEDS data are inaccurate. If the IPEDS data indicate that the institution has an undergraduate FTE less than 25 percent, and the institution fails to demonstrate that the IPEDS data are inaccurate, the institution will be considered ineligible.

(d) A grantee under the DHSI Program, which is authorized by title V of the HEA, may not receive a grant under any HEA, title III, part A or part B program (section 505 of the HEA; 20 U.S.C. 1101d). The title III, part A programs include the Strengthening Institutions Program, the American Indian Tribally Controlled Colleges and Universities Program, the Alaska Native and Native Hawaiian-Serving

Institutions Programs, the Asian American and Native American Pacific Islander-Serving Institutions Program, the Predominantly Black Institutions Program, and the Native American-Serving Non-Tribal Institutions Program. The title III, part B programs include the Strengthening Historically Black Colleges and Universities program and the Strengthening Historically Black Graduate Institutions Program. Furthermore, a current DHSI Program grantee may not give up its HSI grant in order to receive a grant under any title III, part A program (34 CFR 606.2(c)(1)).

(e) An eligible HSI may only submit one Individual Development Grant application.

(f) Nothing in this notice alters a grantee's obligations to comply with nondiscrimination requirements in Federal civil rights laws, including nondiscrimination on the basis of race, color, or national origin, among others.

2. a. *Cost Sharing or Matching:* This program does not require cost sharing or matching unless the grantee uses a portion of its grant for establishing or improving an endowment fund. If a grantee uses a portion of its grant for endowment fund purposes, it must match or exceed those grant funds with non-Federal funds (section 503(c)(2) of the HEA; 20 U.S.C. 1101b(c)(2)).

b. *Supplement-Not-Supplant:* This program involves supplement-not-supplant funding requirements. Grant funds must be used so that they supplement and, to the extent practical, increase the funds that would otherwise be available for the activities to be carried out under the grant and in no case supplant those funds. (34 CFR 606.30(b)).

c. *Indirect Cost Rate Information:* A grantee may not use an indirect cost rate to determine allowable costs under its grant.

d. *Administrative Cost Limitation:* This program does not include any program-specific limitation on administrative expenses.

3. *Subgrantees:* A grantee under this competition may award subgrants—to directly carry out project activities described in its application—to the following types of entities: local educational agencies; State educational agencies; IHEs; nonprofit organizations. The grantee may award subgrants to entities it has identified in an approved application or that it selects through a competition under procedures established by the grantee.

IV. Application and Submission Information

1. Application Submission

Instructions: Applicants are required to

follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 23, 2024 (89 FR 104528) and available at www.federalregister.gov/documents/2024/12/23/2024-30488/common-instructions-for-applicants-to-department-of-education-discretionary-grant-programs, which contain requirements and information on how to submit an application. Please note that these Common Instructions supersede the version published on December 7, 2022.

2. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the DHSI Program, your application may include business information that you consider proprietary. In 34 CFR 5.11 we define “business information” and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended).

Because we plan to make successful applications available to the public, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you believe is exempt from disclosure under Exemption 4. In the appropriate Appendix section of your application, under “Other Attachments Form,” please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Intergovernmental Review:* This competition is subject to intergovernmental review under Executive Order 12372. Information about this process is in the application package.

4. *Funding Restrictions:* We specify unallowable costs in 34 CFR 606.10(c).

5. *Recommended Page Limit:* The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 55 pages and (2) use the following standards:

- A “page” is 8.5” x 11”, on one side only, with 1” margins at the top, bottom, and both sides.

- Double-space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all

text in charts, tables, figures, and graphs.

- Use a font that is either 12 point or larger, and no smaller than 10 pitch (characters per inch).

- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit applies to the Project Narrative, which is your complete response to the selection criteria, and any responses to the priorities, if applicable. However, the page limit does not apply to the Application for Federal Assistance form (SF-424); the ED SF-424 Supplement form; the Budget Information—Non-Construction Programs form (ED 524); the assurances and certifications; or the one-page project abstract, the program profile form, and supporting narrative.

6. *Notice of Intent to Apply:* The Department will be able to review grant applications more efficiently if we know the approximate number of applicants that intend to apply. Therefore, we strongly encourage each potential applicant to notify us of their intent to submit an application. To do so, please email the program contact person listed under **FOR FURTHER INFORMATION CONTACT** with the subject line “Intent to Apply,” and include the applicant's name and a contact person's name and email address. Applicants that do not submit a notice of intent to apply may still apply for funding; applicants that do submit a notice of intent to apply are not bound to apply or bound by the information provided.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210, 606.8, and 606.22. Applicants should address each of the following selection criteria separately for each proposed activity. We will award up to 100 points to an application under the selection criteria and up to 20 additional points to an application under the competitive preference priorities, for a total score of up to 120 points. The maximum score for each criterion is noted in parentheses.

(a) *Quality of the applicant's comprehensive development plan.* (Up to 25 points)

The Secretary evaluates each application for a development grant based on the extent to which—

(1) The strengths, weaknesses, and significant problems of the institution's academic programs, institutional management, and fiscal stability are clearly and comprehensively analyzed and result from a process that involved major constituencies of the institution (Up to 5 points);

(2) The goals for the institution's academic programs, institutional management, and fiscal stability are realistic and based on comprehensive analysis (Up to 5 points);

(3) The objectives stated in the plan are measurable, related to institutional goals, and, if achieved, will contribute to the growth and self-sufficiency of the institution (Up to 5 points);

(4) The plan clearly and comprehensively describes the methods and resources the institution will use to institutionalize practice and improvements developed under the proposed project, including, in particular, how operational costs for personnel, maintenance, and upgrades of equipment will be paid with institutional resources (Up to 5 points); and

(5) The five-year plan describes how the applicant will improve its services to Hispanic and other low-income students (Up to 5 points).

Note: Under 34 CFR 606.8(a), a comprehensive development plan is an institution's strategy for achieving growth and self-sufficiency by strengthening its—

- (1) Academic programs;
- (2) Institutional management; and
- (3) Fiscal stability.

(b) *Quality of the project design.* (Up to 15 points)

The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following:

(1) The extent to which the proposed project demonstrates a rationale (as defined in this notice) that is aligned with the purposes of the grant program (Up to 10 points); and

(2) The extent to which the proposed project is supported by promising evidence (as defined in this notice) (Up to 5 points).

Note: To establish that their projects “demonstrate a rationale,” applicants must use a logic model (as defined in this notice) and identify research or evaluation findings suggesting that a key project component is likely to improve a relevant outcome. To establish that their projects are supported by “promising evidence,” applicants should cite the supporting study or studies that meet the conditions in the definition of “promising evidence” and attach the study(ies) as part of the application attachments. In addressing “promising evidence,” applicants are encouraged to align the direct student services proposed in this application to evidence-based practices identified in the selected studies. Note that the research cited to address the “promising

evidence” criterion can be the same research provided to demonstrate a rationale, but only applications that include logic models can receive full points under the “demonstrates a rationale” selection factor.

(c) *Quality of activity objectives.* (Up to 10 points)

The extent to which the objectives for each activity are—

(1) Realistic and defined in terms of measurable results (Up to 5 points); and

(2) Directly related to the problems to be solved and to the goals of the comprehensive development plan (Up to 5 points).

(d) *Quality of implementation strategy.* (Up to 20 points)

The extent to which—

(1) The implementation strategy for each activity is comprehensive (Up to 10 points);

(2) The rationale for the implementation strategy for each activity is clearly described and is supported by the results of relevant studies or projects (Up to 5 points); and

(3) The timetable for each activity is realistic and likely to be attained (Up to 5 points).

(e) *Quality of the project management plan.* (Up to 10 points)

The extent to which—

(1) Procedures for managing the project are likely to ensure efficient and effective project implementation (Up to 5 points); and

(2) The project coordinator and activity directors have sufficient authority to conduct the project effectively, including access to the president or chief executive officer (Up to 3 points).

(3) Procedures for fiscal control and fund accounting procedures are likely to ensure proper disbursement of and accounting for funds made available to the applicant (Up to 2 points).

(f) *Quality of key personnel.* (Up to 5 points)

The extent to which—

(1) The past experience and training of key professional personnel are directly related to the stated activity objectives (Up to 2 points); and

(2) The time commitment of key personnel is realistic (Up to 3 points).

(g) *Quality of evaluation plan.* (Up to 10 points)

The extent to which—

(1) The data elements and the data collection procedures are clearly described and appropriate to measure the attainment of activity objectives and to measure the success of the project in achieving the goals of the comprehensive development plan (Up to 5 points); and

(2) The data analysis procedures are clearly described and are likely to

produce formative and summative results on attaining activity objectives and measuring the success of the project on achieving the goals of the comprehensive development plan (Up to 5 points).

(h) *Budget.* (Up to 5 points)

The extent to which the proposed costs are necessary and reasonable in relation to the project's objectives and scope.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

A panel of three non-Federal reviewers will review and score each application in accordance with the selection criteria in this notice, as well as the competitive preference priorities. A rank order funding slate will be made from this review. Awards will be made in rank order according to the average score received from the peer review.

In tie-breaking situations for development grants described in 34 CFR 606.23(b), the DHSI Program regulations in 34 CFR part 606, subpart C require that we award additional points to an application from an IHE that:

(1) Has an endowment fund of which the current market value, per FTE enrolled student, is less than the average current market value of the endowment funds, per FTE enrolled student, at comparable institutions that offer similar instruction (1 point);

(2) Has expenditures for library materials per FTE enrolled student that are less than the average expenditures for library materials per FTE enrolled student at comparable institutions that offer similar instruction (1 point); or

(3) Proposes to carry out one or more of the following activities—

(i) Faculty development (1 point);

(ii) Funds and administrative management (1 point);

(iii) Development and improvement of academic programs (2 points);

(iv) Acquisition of equipment for use in strengthening management and academic programs (1 point);

(v) Joint use of facilities (2 points); or

(vi) Student services (2 points).

If a tie remains after applying the tiebreaker mechanism above, priority will be given to applicants that addressed the priority in section 521(d) of the HEA (20 U.S.C. 1103): the Secretary gives priority to an application that contains satisfactory evidence that the Hispanic-Serving Institution has entered or will enter into a collaborative arrangement with at least one local educational agency or community-based organization to provide such agency or organization with assistance (from funds other than funds provided under title 20 of the U.S. Code) in reducing dropout rates for Hispanic students, improving rates of academic achievement for Hispanic students, and increasing the rates at which Hispanic secondary school graduates enroll in higher education.

If a tie still remains after applying the additional point(s) and the statutory priority, we will determine the ranking of applicants based on the applicant that scores the highest under the selection criterion "Quality of the applicant's comprehensive development plan," followed by "Quality of implementation strategy."

If a tie still remains, we will select the applicant with the lowest endowment per FTE enrolled student.

3. Risk Assessment and Specific Conditions: Before awarding grants under this program, the Department conducts a review of the risks posed by applicants. The Secretary may impose specific conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. Integrity and Performance System: If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently \$250,000), we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity

Information System (FAPIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIS.

If the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds \$10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIS semiannually. Please review these requirements if this grant plus all the other Federal funds you receive exceed \$10,000,000.

5.

VI. Award Administration Information

1. Award Notices: If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. Administrative and National Policy Requirements: We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. Open Licensing Requirements: Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing

requirements, please refer to 2 CFR 3474.20.

4. Reporting: (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements should you receive funding under this competition. This does not apply if you have an exception.

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary. The Secretary may also require more frequent performance reports. For specific requirements on reporting, please go to www.ed.gov/fund/grant/apply/appforms/appforms.html.

(c) The Secretary may provide a grantee with additional funding for data collection analysis and reporting. In this case, the Secretary establishes a data collection period.

5. Performance Measures: The Secretary has established the following key performance measures for assessing the effectiveness of the DHSI Program under 34 CFR 75.110:

(a) The annual rate of degree or certificate completion for all students, and specifically for Hispanic students, at DHSI grantee institutions.

(b) The annual persistence rate at DHSI grantee institutions for all students, and for Hispanic students in particular, from one year to the next.

(c) The percentage of all students, and of Hispanic students in particular, who transfer from a two-year HSI to a four-year institution.

(d) The number of all students, and the number of Hispanic students in particular, served by any direct student service supported by the grant.

(e) The Federal cost per undergraduate and graduate degree at institutions in the DHSI program.

6. Continuation Awards: In making a continuation award, the Secretary considers, among other things: whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, whether the grantee has made substantial progress in achieving the performance targets in the grantee's approved application, or whether the continuation of the project is in the best interest of the Federal Government.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department.

VII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Signing Authority

This document of the U.S. Department of Education was signed on May 20, 2025, by Christopher J. McCaghren, ED.D, *Acting Assistant Secretary Office of Postsecondary Education*. That document with the original signature and date is maintained by the U.S. Department of Education. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned has been authorized to sign the document in electronic format for publication, as an official document of the U.S. Department of Education. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Tracey St. Pierre,

*Director, Office of the Executive Secretariat,
Office of the Secretary, U.S. Department of Education.*

[FR Doc. 2025-09995 Filed 6-2-25; 8:45 am]

BILLING CODE 4000-01-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: EC25-90-000.

Applicants: Rocking R Solar, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act of Rocking R Solar, LLC.

Filed Date: 5/23/25.

Accession Number: 20250523-5295.

Comment Date: 5 p.m. ET 6/13/25.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER16-2368-000; ER22-191-000; ER12-1329-000.

Applicants: Wildcat Wind Farm I, LLC, Tidal Energy Marketing (U.S.) L.L.C., New Creek Wind LLC.

Description: Supplement to 01/31/2025, Notice of Non-Material Change in Status of New Creek Wind LLC, et al.

Filed Date: 5/23/25.

Accession Number: 20250523-5279.

Comment Date: 5 p.m. ET 6/13/25.

Docket Numbers: ER25-1383-000.

Applicants: Freeport-McMoRan Copper & Gold Energy Services, LLC.

Description: Refund Report: FMES Refund Report to be effective N/A.

Filed Date: 5/27/25.

Accession Number: 20250527-5148.

Comment Date: 5 p.m. ET 6/17/25.

Docket Numbers: ER25-2312-000.

Applicants: Midcontinent Grid Solutions Iowa, LLC.

Description: § 205(d) Rate Filing: Formula Rate Filing and Expedited Request for Commission Action to be effective 7/23/2025.

Filed Date: 5/23/25.

Accession Number: 20250523-5195.

Comment Date: 5 p.m. ET 6/13/25.

Docket Numbers: ER25-2313-000.

Applicants: Paulding Wind Farm IV LLC.

Description: Initial Rate Filing: Shared Facilities Agreement and Request for Waivers to be effective 5/24/2025.

Filed Date: 5/23/25.

Accession Number: 20250523-5253.

Comment Date: 5 p.m. ET 6/13/25.

Docket Numbers: ER25-2314-000.

Applicants: Blooming Grove Wind Energy Center LLC.

Description: § 205(d) Rate Filing: Filing of Shared Facilities Agreement to be effective 7/23/2025.

Filed Date: 5/23/25.

Accession Number: 20250523-5254.

Comment Date: 5 p.m. ET 6/13/25.

Docket Numbers: ER25-2315-000.

Applicants: Paulding Wind Farm III LLC.

Description: Initial Rate Filing: Certificate of Concurrence for First Amended and Restated SFA to be effective 5/24/2025.

Filed Date: 5/23/25.

Accession Number: 20250523-5266.

Comment Date: 5 p.m. ET 6/13/25.

Docket Numbers: ER25-2316-000.

Applicants: Vistra Corp., Illinois Power Resources Generating, LLC.

Description: Request for Prospective and Limited Waiver of Vistra Corp., et al.

Filed Date: 5/23/25.

Accession Number: 20250523-5286.

Comment Date: 5 p.m. ET 6/2/25.

Docket Numbers: ER25-2317-000.

Applicants: Vistra Corp., Electric Energy Inc., Joppa BESS LLC.

Description: Request for Prospective and Limited Waiver of Vistra Corp., et al.

Filed Date: 5/23/25.

Accession Number: 20250523-5287.

Comment Date: 5 p.m. ET 6/13/25.

Docket Numbers: ER25-2318-000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to Service Agreement No. 6896; Queue No. AD1-100 to be effective 7/27/2025.

Filed Date: 5/27/25.

Accession Number: 20250527-5076.

Comment Date: 5 p.m. ET 6/17/25.

Docket Numbers: ER25-2319-000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA No. 6372 & ICSA SA No. 6373 Queue No. AC1-189 to be effective 7/27/2025.

Filed Date: 5/27/25.

Accession Number: 20250527-5113.

Comment Date: 5 p.m. ET 6/17/25.

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 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 27, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–09984 Filed 6–2–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP25–909–000.

Applicants: DBM Pipeline, LLC.

Description: § 4(d) Rate Filing; Normal filing 2025 to be effective 7/1/2025.

Filed Date: 5/23/25.

Accession Number: 20250523–5142.

Comment Date: 5 p.m. ET 6/4/25.

Docket Numbers: RP25–910–000.

Applicants: Natural Gas Pipeline Company of America LLC.

Description: § 4(d) Rate Filing; Negotiated Rate Agreements—Certain Shippers June 1, 2025 to be effective 6/1/2025.

Filed Date: 5/27/25.

Accession Number: 20250527–5055.

Comment Date: 5 p.m. ET 6/9/25.

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 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP25–535–001.

Applicants: Roaring Fork Interstate Gas Transmission, LLC.

Description: Compliance filing; Amended Order No. 587–AA Compliance Filing to be effective 8/1/2025.

Filed Date: 5/23/25.

Accession Number: 20250523–5125.

Comment Date: 5 p.m. ET 6/4/25.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

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Dated: May 27, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–09986 Filed 6–2–25; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R08–OW–2025–0010; FRL–12704–01–R8]

Proposed Re-Issuance of National Pollutant Discharge Elimination System General Permit for Wastewater Discharges Associated With Drinking Water Production Located in the EPA Region 8 Indian Country and Lands of Exclusive Federal Jurisdiction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability for comment.

SUMMARY: The EPA Region 8 is requesting comments on the draft 2025 National Pollutant Discharge Elimination System (NPDES) drinking water general permit (DWGP) for wastewater discharges associated with drinking water treatment plants. The DWGP will authorize wastewater discharges from drinking water facilities located in Indian country in the EPA Region 8 in accordance with the terms and conditions described therein. This is the first reissuance of the DWGP. EPA proposes to issue the permit for five (5) years and is seeking comment on the draft permit.

DATES: Comments must be received, in writing, on or before July 18, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OW–2025–0010 by the following

method: <https://www.regulations.gov>. Follow the on-line instructions for submitting comments. Once submitted, comments cannot be edited or removed from <https://www.regulations.gov>. The EPA may publish any comment received. Do not submit information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

Docket: All documents in the docket are listed in the <https://www.regulations.gov> index. Although listed in the index, some information is not publicly available, *e.g.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <https://www.regulations.gov> or in hard copy at the Wastewater Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129. The EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Paul Garrison, Wastewater Program, U.S. Environmental Protection Agency, Region 8, Mailcode 8WD–CWW, 1595 Wynkoop Street, Denver, Colorado 80202–1129, telephone number: (303) 312–6016, email address: garrison.paul@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The Drinking Water General Permit (DWGP) contains requirements similar to an individual permit and will authorize the discharge of process wastewater in accordance with the terms and conditions described therein.

The fact sheet for the permit is provided for download concurrently with the permit and provides detailed information on the methodology used to develop effluent limitations, the specific geographic areas covered by the permits, monitoring schedules, inspection requirements, major changes from previous permit and other regulatory decisions or requirements in the permit.

II. Summary of Permit Coverage

The DWGP (permit numbers: CODWXXXX@, MTDWXXXX@, NDDWXXXX@, SDDWXXXX@, UTDWXXXX@, WYXXXX@) provides coverage for drinking water treatment facilities in EPA Region 8 that discharge process wastewater to waters of the United States in Indian Country and Lands of Exclusive Federal Jurisdiction within the meaning of 18 U.S.C. 1151. A full description of the geographic scope of coverage is included in the public notice version of the permit.

The DWGP provides coverage for discharges of wastewater from drinking water treatment processes. Process flows contributing to the wastewater discharge include: filter backwash, filter to waste, decanted lime sludge dewatering, influent screen backwash and/or miscellaneous wastewater sources associated with drinking water facility operation. Miscellaneous wastewater sources may include, but are not limited to: processed potable water, disinfection of treatment plant pipelines and tanks, and overflow from holding tanks of treated water.

The EPA has identified drinking water treatment processes methods that do not qualify for coverage under the DWGP. The processes wastewaters not included in this general permit include: batch regenerated potassium permanganate iron removal, sodium zeolite softening, nano filtration and reverse osmosis.

The DWGP contains two sets of effluent limitations: primary effluent limitations that apply to all discharges, and supplemental effluent limitations that will apply to discharges on an individual basis as necessary to protect water quality. The effluent limitations were derived from technology based and water quality based effluent limitations as described in the fact sheet. The EPA will review a facility's Notice of Intent (NOI) to be covered under the DWGP and determine the need for implementation of the supplemental effluent limitations and corresponding self-monitoring requirements. The permittee will be notified of the applicable effluent limitations and monitoring requirements in the notification of coverage.

The following Tribes in EPA Region 8 have Clean Water Act (CWA) section 401(a)(1) certification authority: the Assiniboine & Sioux Tribes, the Confederated Salish & Kootenai Tribes, the Northern Cheyenne Tribe, the Ute Mountain Ute Tribe, and the Southern Ute Indian Tribe. The EPA has requested certification from each of these Tribes that the DWGP complies with the applicable provisions of the CWA and their respective Tribal water quality standards.

III. Other Legal Requirements

Economic Impact (Executive Order 12866): The EPA Office of Policy has determined that the issuance of these general permits is not a "significant regulatory action" under the terms of Executive Order 12866 (58 FR 51735 (October 4, 1993)) and is therefore not subject to formal Office of Management and Budget (OMB) review prior to proposal.

Paperwork Reduction Act (PRA): EPA has reviewed the requirements imposed on regulated facilities in these proposed general permits under the PRA of 1980, 44 U.S.C. 501, *et seq.* The information collection requirements of these permits have already been approved by the OMB in submissions made for the NPDES permit program under the provisions of the CWA.

Unfunded Mandates Reform Act (UMRA): Section 201 of the UMRA, Public Law 104-4, generally requires federal agencies to assess the effects of their "regulatory actions" defined to be the same as "rules" subject to the Regulatory Flexibility Act (RFA) on Tribal, state, local governments and the private sector. Since the permit proposed is an adjudication, it is not subject to the RFA and is therefore not subject to the requirements of the UMRA.

Authority: Clean Water Act, 33 U.S.C. 1251, *et seq.*

Stephanie DeJong,

Manager, Clean Water Branch, EPA Region 8.

[FR Doc. 2025-10034 Filed 6-2-25; 8:45 am]

BILLING CODE P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OA-2025-0261, FRL-12798-01-OA]

Notice of Meeting of the EPA Children's Health Protection Advisory Committee (CHPAC)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given that the next meeting of the Children's Health Protection Advisory Committee (CHPAC) will be held virtually and in-person on August 27-28, 2025, at the U.S. Environmental Protection Agency (EPA) Headquarters located at 1200 Pennsylvania Avenue NW, Washington, DC 20460. The CHPAC advises the Environmental Protection Agency (EPA) on science, regulations and other issues relating to children's environmental health.

DATES: Meeting dates are August 27, 2025, from 10 a.m. to 5 p.m. and August 28, 2025, from 10 a.m. to 3:30 p.m. (ET).

ADDRESSES:

Virtual Public Meeting: You must register online to receive the webcast meeting link and audio teleconference information. Please follow the registration instructions that will be announced on the CHPAC website at: <https://www.epa.gov/children/chpac> by August 13, 2025.

Written Comments: Submit written comments, identified by docket identification (ID) number EPA-HQ-OA-2025-0261, through the Federal eRulemaking Portal at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Comments should be submitted on or before August 13, 2025. Anyone submitting written comments after this date should contact Becky Cook-Shyovitz, listed under **FOR FURTHER INFORMATION CONTACT**. Do not electronically submit any information you consider to be Confidential Business Information (CBI; broadly defined as proprietary information, considered confidential to the submitter, the release of which would cause substantial business injury to the owner) or other information whose disclosure is restricted by statute. Additional information on commenting or visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>. *Special accommodations:* For information on access or services for individuals with disabilities, and to request accommodation for a disability, please contact Becky Cook-Shyovitz, listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT:

Becky Cook-Shyovitz, Office of Children's Health Protection, U.S. EPA, MC 1107T, 1200 Pennsylvania Avenue NW, Washington, DC 20460, (202) 564-5340, or chpac@epa.gov.

SUPPLEMENTARY INFORMATION: The meetings of the CHPAC are open to the public. An agenda will be posted to <https://www.epa.gov/children/chpac>.

Rebecca Cook-Shyovitz,

Environmental Protection Specialist, Office of Children's Health Protection.

[FR Doc. 2025-10033 Filed 6-2-25; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL MEDIATION AND CONCILIATION SERVICE

Stakeholder Survey for Qualitative Feedback on Agency Service Delivery

AGENCY: Federal Mediation and Conciliation Service (FMCS).

ACTION: 30-Day notice and request for comments.

SUMMARY: The Federal Mediation and Conciliation Service (FMCS), invites the public and other Federal Agencies to take this opportunity to comment on the following information collection request, Stakeholder Survey for Qualitative Feedback on Agency Service Delivery. This information collection request will be submitted for approval to the Office of Management Budget (OMB) in compliance with the Paperwork Reduction Act (PRA). This collection was developed to improve the quality of service the Federal Mediation and Conciliation provides to clients.

DATES: Comments must be submitted on or before July 3, 2025.

ADDRESSES: You may submit comments, identified by Stakeholder Survey for Qualitative Feedback on Agency Service Delivery, through one of the following methods:

- *Email:* register@fmcs.gov;
- *Mail:* Office of the General Counsel, One Independence Square, 250 E Street SW, Washington, DC 20427.

FOR FURTHER INFORMATION CONTACT: Karen Pierce, 202-606-3672, Kpierce@fmcs.gov.

SUPPLEMENTARY INFORMATION: Copies of the agency questions are available at the following links:

- Collective Bargaining Mediation Survey Questions
- Grievance Mediation Survey Questions
- Relationship Development Facilitation Survey Questions
- Relationship Development and Training Survey Questions

I. 60-Day Comment Period

FMCS published a **Federal Register** notice, with a 60-day public comment period soliciting comments, of the

following collection of information on March 14, 2025, 90 FR 12161. FMCS received no comments.

II. Request for Comments

FMCS solicits comments to:

- i. Evaluate whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- ii. Enhance the accuracy of the agency's estimates of the burden of the proposed collection of information.
- iii. Enhance the quality, utility, and clarity of the information to be collected.
- iv. Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic collection technologies or other forms of information technology.

III. Information Collection Request

Agency: Federal Mediation and Conciliation Service.

Title: Stakeholder Survey for Qualitative Feedback on Agency Service Delivery.

OMB Number: 3076-0017.

Type of Request: Revision of a currently approved collection.

Affected Public: Federal government and Private Sector, to include businesses or other for-profits and not-for-profit institutions, and State and local governments.

Frequency: Annually.

Burden: The total annual burden estimate is that FMCS will receive approximately 1,213 responses per year that will take about 3 minutes to complete.

Information Collection Requirement

Purpose and Description of Data Collection

This information collection provides a means to garner qualitative client and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. This feedback will provide insights into client or stakeholder perceptions, experiences, and expectations. The surveys will provide notice of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services.

Use of Results

The surveys are not statistical surveys that yield quantitative results that can be generalized to the population of study. These collections will allow for

ongoing, collaborative, and actionable communication between the Agency and its clients and stakeholders. It will also allow feedback to contribute directly to improving program management. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. Collecting this information is critical for ensuring quality service offered to the public.

IV. The Official Record

The official records are electronic records.

Dated: May 29, 2025.

Alisa Zimmerman,

Deputy General Counsel.

[FR Doc. 2025-10039 Filed 6-2-25; 8:45 am]

BILLING CODE 6732-01-P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of

the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551-0001, not later than June 18, 2025.

A. Federal Reserve Bank of St. Louis (Holly A. Rieser, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166-2034. Comments can also be sent electronically to

Comments.applications@stls.frb.org:

1. Dominic DeLuca, Peter Freiberg, and Laurie Freeman, all of St. James, Missouri; Benjamin Tipton and Jessica Beucler, both of Rolla, Missouri; as administrators of the Phelps County Bank Employee Stock Ownership Plan (ESOP), Rolla, Missouri; as a group acting in concert, to retain voting shares of ESOP, and thereby indirectly retain voting shares of Phelps County Bancshares, Inc., and Phelps County Bank, both of Rolla, Missouri.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2025-10052 Filed 6-2-25; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for Office of Management and Budget Review; Sexual Risk Avoidance Education (SRAE) National Evaluation Overarching Generic (New Collection)

AGENCY: Office of Planning, Research, and Evaluation, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Administration for Children and Families' (ACF) Office of Planning, Research, and Evaluation (OPRE) requests Office of Management and Budget (OMB) approval for an overarching generic clearance to collect data from programs delivered by Sexual Risk Avoidance Education (SRAE) grant recipients on behalf of the SRAE National Evaluation. The generic mechanism will allow ACF to rapidly respond to research and evaluation opportunities that would not otherwise be feasible under the timelines associated with the Paperwork Reduction Act of 1995. The opportunities may relate to innovative implementation strategies and program components in use by SRAE grant recipients as they arise, and in

particular, for youth subpopulations served by grant recipients. The purpose of the data collections submitted under the generic will be to inform ACF programming by building evidence about what innovations work to improve programming and outcomes across the SRAE grant recipients and the youth they serve.

DATES: *Comments due July 3, 2025.*

OMB must make a decision about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. You can also obtain copies of the proposed collection of information by emailing OPREinfocollection@acf.hhs.gov. Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: Under the proposed umbrella generic, OPRE intends to conduct research and evaluation of innovative implementation strategies and program components used by SRAE grant recipients and in particular, for youth subpopulations served by grant recipients. There is not an extensive evidence base on SRAE programming to inform SRAE grant recipients' implementation and program improvement efforts. To add to this limited body of evidence and to support ACF's administration of the SRAE grant program, the SRAE National Evaluation includes data collection to identify strategies and components that have the potential to improve the delivery and/or quality of SRAE programming and to understand better how to meet the needs of the range of youth served by the programs. As the evaluation team identifies strategies that are ready for evaluation, the work will need to begin quickly so that the learnings can be disseminated back to SRAE grant recipients within the period of performance. Due to the need for this rapid decision making, OPRE is seeking approval for a generic clearance to conduct this research. Potential data collection efforts include conducting interviews with SRAE program staff, including front-line facilitators working directly with youth; staff from partner

organizations that work with SRAE programs; brief exit tickets following individual program sessions, focus groups, and surveys of youth participating in SRAE programs; session logs completed by program facilitators after individual program sessions; and analysis plan and report templates that grant recipients can use to disseminate their own evaluation findings.

Under this generic clearance, information is meant to inform ACF activities and may be incorporated into documents or presentations that are made public such as through conference presentations, websites, or social media. The following are some examples of ways in which we may share information resulting from these data collections: technical assistance (TA) plans, webinars, presentations, infographics, issue briefs/reports, evaluation specific reports, or other documents relevant to the field, such as federal leadership and staff, grant recipients, local implementing agencies, researchers, and/or training/TA providers. In sharing findings, we will describe the study methods and limitations regarding generalizability and as a basis for policy.

Following standard OMB requirements, OPRE will submit an individual request for each specific data collection activity under this generic clearance. Each request will include the individual instrument(s), a justification specific to the individual information collection, and any supplementary documents. Example instruments are available upon request.

Respondents: Staff and administrators of SRAE programs; staff from partner organizations; current or former participants in SRAE programs; and grant recipients conducting their own evaluations.

Annual Burden Estimates

A variety of instruments and platforms will be used to collect information from respondents and each individual request will vary by number of respondents and average time per response. The burden table below is illustrative to provide an estimated maximum level of burden for this overarching generic. While we will not exceed the total burden cap for this generic without requesting a change for updates, we may use more or less burden within each instrument type. Each individual request under the generic will provide information specific to the burden for that request. This request to OMB includes the first proposed GenIC.

Example instruments	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Average burden per response (in hours)	Total burden (in hours)	Annual burden (in hours)
Youth survey	2,160	3	0.5	3,240	1,080
Administrator, staff, and partner interview topic guide	300	1	1.25	375	125
Youth focus group topic guide	200	1	1	200	67
Youth exit ticket	2,160	15	0.03	972	324
Facilitator Log	36	30	.03	32	11
Analysis plan for local impact local evaluations	10	1	8	80	27
Analysis plan for local descriptive evaluations	10	1	8	80	27
Report template for local impact local evaluations	10	1	32	320	107
Report template for local descriptive evaluations	10	1	32	320	107
GenIC #1: Youth survey for proof-of-concept study	100	3	0.5	150	50

Estimated Total Annual Burden Hours: 1,925.

Authority: 42 U.S.C. 710.

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2025–10082 Filed 6–2–25; 8:45 am]

BILLING CODE 4184–83–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request; Behavioral Health Integration Evidence Based Telehealth Network Program Outcome Measures

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, HRSA submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period. OMB may act on HRSA's ICR only after the 30-day comment period for this notice has closed.

DATES: Comments on this ICR should be received no later than July 3, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting

“Currently under Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email Samanth Miller, the HRSA Information Collection Clearance Officer, at paperwork@hrsa.gov or call (301) 443–3983.

SUPPLEMENTARY INFORMATION:
Information Collection Request Title: Behavioral Health Integration Evidence Based Telehealth Network Program Outcome Measures.

OMB No. 0906–xxxx—New

Abstract: This ICR is for OMB approval of a new information collection, the Behavioral Health Integration Evidence Based Telehealth Network Program (BHI EB–TNP) Outcome Measures. Under the BHI EB–TNP, HRSA administers cooperative agreements in accordance with section 330I(d)(1) of the Public Health Service Act (42 U.S.C. 254c–14(d)(1)). The purpose of this program is to integrate behavioral health services into primary care settings using telehealth technology through telehealth networks and evaluate the effectiveness of such integration. This program supports evidence-based projects that use telehealth technologies through telehealth networks in rural and underserved areas to: (1) improve access to integrated behavioral health services in primary care settings, and (2) expand and improve the quality of health information available to health care providers by evaluating the effectiveness of integrating telebehavioral health services into primary care settings and establishing an evidence-based model that can assist health care providers.

HRSA created a set of outcome measures that focus on behavioral health to evaluate the effectiveness of

grantees' services programs and monitor their progress using performance reporting data. The estimated burden for the BHI EB–TNP Outcome Measurement Report is based on an annual data collection frequency.

A 60-day notice was published in the **Federal Register** on October 28, 2024, 89 FR 85545–46. There were no public comments.

Need and Proposed Use of the Information: HRSA's goals for the program are to improve access to needed services, reduce rural practitioner isolation, improve health system productivity and efficiency, and improve patient outcomes. HRSA worked with program grantees to develop outcome measures to evaluate and monitor the progress of the grantees in each of these categories, with specific indicators to be reported annually through a performance monitoring data collection platform/website. The measures will enable HRSA to capture data that illustrate the impact and scope of federal funding along with assessing these efforts. The measures are intended to inform HRSA's progress toward meeting program goals, specifically improving access to telebehavioral health services that support primary care providers. The measures cover the principal topic areas of interest to the HRSA Office for the Advancement of Telehealth, including clinical specialties, access to health care, total encounters, and patient travel miles saved.

Likely Respondents: The likely respondents are BHI EB–TNP award recipients.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose

of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train

personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to

transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
BHI EB-TNP Outcome Measurement Report	27	1	27	5	135
Total	27		27		135

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2025-10084 Filed 6-2-25; 8:45 am]

BILLING CODE 4165-15-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: HRSA Ryan White HIV/AIDS Program HIV Quality Measures Module, OMB No. 0906-0022—Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than August 4, 2025.

ADDRESSES: Submit your comments to paperwork@hrsa.gov or mail them to the HRSA Information Collection Clearance Officer, Room 14NWH04, 5600 Fishers Lane, Rockville, Maryland, 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email paperwork@hrsa.gov or call Samantha Miller, the HRSA Information Collection Clearance Officer, at (301) 443-3983.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the ICR title for reference.

Information Collection Request Title: HIV Quality Measures Module OMB No. 0906-0022—Revision.

Abstract: HRSA's Ryan White HIV/AIDS Program (RWHAP) funds and coordinates with cities, states, and local clinics/community-based organizations to deliver efficient and effective HIV care, treatment, and support to low-income people with HIV. Since 1990, RWHAP has developed a comprehensive system of safety net providers who deliver high-quality direct health care and support services to over half a million people with HIV—more than 50 percent of all people with diagnosed HIV in the United States.

RWHAP Parts A, B, C and D recipients and subrecipients must follow legislative requirements for the establishment of clinical quality management programs to assess the extent to which their HIV services are consistent with the most recent HHS Clinical Treatment guidelines. In support of these requirements, HRSA created the HIV Quality Measures (HIVQM) Module as an online tool to assist recipients in meeting the clinical quality management program requirement by allowing recipients to input data for the HRSA performance measures. HRSA maintains over 40 performance measures across the following categories: (1) core, (2) all ages, (3) adolescent/adult, (4) HIV-infected children, (5) HIV-exposed children, (6) medical case management, (7) oral health, (8) AIDS drug assistance program, and (9) systems-level. The HIVQM Module also supports the requirement imposed by the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Award (45 CFR 75.301) that recipients relate financial data to performance accomplishments of their Federal awards. The HIVQM Module helps recipients set goals and monitor

performance measures and quality improvement projects. The use of the HIVQM Module is voluntary for RWHAP recipients but strongly encouraged.

Need and Proposed Use of the Information: The HIVQM Module supports recipients and sub-recipients in their clinical quality management programs, performance measurement, service delivery, and monitoring of client health outcomes and quality of HIV services. The HIVQM Module is accessible via the RWHAP Services Report, an existing online portal that RWHAP recipients use for required data collection of their services. Recipients may enter performance measure data into the HIVQM Module four times a year and then generate reports to assess their performance. Recipients have the option to enter data for specific populations for a subset of performance measures. Recipients may also compare their performance against other recipients in their state, region, and in the nation. Additionally, recipients can choose the performance measures they want to monitor and enter data accordingly. For recipients and sub-recipients participating in the Centers for Medicare & Medicaid Incentive Programs, such as the Medicare Promoting Interoperability Program and the Merit-based Incentive Payment System, the HIVQM Module may be used to monitor the HRSA measures that qualify and comply with the requirements to receive incentives from these programs.

Likely Respondents: RWHAP Part A, Part B, Part C, and Part D recipients and their sub-recipients.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and

maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search

data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden

hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
HIVQM Report	2,063	4	8,252	1	8,252
Total	2,063		8,252		8,252

HRSA specifically requests comments on: (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2025–10083 Filed 6–2–25; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Advisory Council on the National Health Service Corps; Meeting Cancellation

AGENCY: Health Resources and Services Administration, Department of Health and Human Services.

ACTION: Notice of meeting cancellation.

SUMMARY: This is to notify the public that the June 24–25, 2025, meeting of the National Advisory Council on the National Health Service Corps is cancelled.

FOR FURTHER INFORMATION CONTACT:

Diane Fabiyi-King, Designated Federal Officer, Division of National Health Service Corps, 5600 Fishers Lane, Rockville, Maryland 20857, telephone: (301) 443–3609 or email: NHSCAdvisoryCouncil@hrsa.gov.

SUPPLEMENTARY INFORMATION: This meeting was announced in the **Federal Register** on Wednesday, January 15, 2025 at 90 FR 3882 (FR Doc. 2024–30715).

Updates to future meetings will be announced through the **Federal Register**.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2025–10081 Filed 6–2–25; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Maximizing Investigators' Research Award (R35).

Date: July 2–3, 2025.

Time: 9:30 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: Mufeng Li, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (240) 507–9155 mufeng.li@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Technologies for Cancer Research.

Date: July 2–3, 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: Nadeem Khan, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, 9609 Medical Center Drive, Room 7W260, National Cancer Institute, NIH Bethesda, MD 20892, (240) 276–5856, nadeem.khan@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–EB–23–005: Research on Bioethical Issues Related to Bionic and Robotic Device Development and Translation.

Date: July 2, 2025.

Time: 11:00 a.m. to 3:00 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: Debanjan Goswami, Ph.D., Scientific Review Officer, National Institute of Biomedical Imaging and Bioengineering, National Institutes of Health, Bethesda, MD 20892, debanjan.goswami@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 29, 2025.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–10076 Filed 6–2–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Heart, Lung, and Blood Advisory Council, June 11, 2025, 8:00 a.m. to June 11, 2025, 9:30

a.m., Porter Neuroscience Research Center, Building 35A, Bethesda, MD, 20892 which was published in the **Federal Register** on May 19, 2025, 90 FR 21324.

The National Heart, Lung, and Blood Advisory Council closed meeting is being amended due to a change of the meeting start and end time. The meeting will start at 8:00 a.m. and end at 9:30 a.m. The meeting is partially Closed to the public.

Dated: May 29, 2025.

Bruce A. George,
Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025-10077 Filed 6-2-25; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of 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 for Nursing Research.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council for Nursing Research.

Date: June 26, 2025.

Closed: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, 31 Center Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Elizabeth Tarlov, Ph.D., RN, Director, Division of Extramural Science Programs (DESP), National Institute of Nursing Research, 31 Center Drive, Bethesda, MD 20892, (301) 594-1580, elizabeth.tarlov@nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: <https://www.ninr.nih.gov/aboutninr/nacnr>, where an

agenda and any additional information for the meeting will be posted when available. (Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: May 28, 2025.

Bruce A. George,
Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025-09961 Filed 6-2-25; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Heart, Lung, and Blood Advisory Council, June 11, 2025, 9:30 a.m. to June 11, 2025, 5:00 p.m., Porter Neuroscience Research Center, Building 35A, Bethesda, MD 20892 which was published in the **Federal Register** on May 19, 2025, 90 FRN 21324.

The National Heart, Lung, and Blood Advisory Council open meeting is being amended due to a change of the meeting start and end time. The meeting will start at 9:30 a.m. and end at 5:00 p.m. The meeting is partially Closed to the public.

Dated: May 29, 2025.

Bruce A. George,
Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025-10078 Filed 6-2-25; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

Determination Pursuant to Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as Amended

AGENCY: Office of the Secretary, Department of Homeland Security.

ACTION: Notice of determination.

SUMMARY: The Secretary of Homeland Security has determined, pursuant to law, that it is necessary to waive certain laws, regulations, and other legal requirements in order to ensure the expeditious construction of barriers and roads in the vicinity of the international land border in the state of New Mexico.

DATES: This determination takes effect on June 3, 2025.

SUPPLEMENTARY INFORMATION: Important mission requirements of the Department of Homeland Security ("DHS") include border security and the detection and prevention of illegal entry into the United States. Border security is critical to the nation's national security. Recognizing the critical importance of border security, Congress has mandated DHS to achieve and maintain operational control of the international land border. Secure Fence Act of 2006, Public Law 109-367, section 2, 120 Stat. 2638 (Oct. 26, 2006) (8 U.S.C. 1701 note). Congress defined "operational control" as the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband. *Id.* Consistent with that mandate, the President's Executive Order on Securing Our Borders directs that I take all appropriate action to deploy and construct physical barriers to ensure complete operational control of the southern border of the United States. Executive Order 14165, section 3 (Jan. 20, 2025).

Congress has provided to the Secretary of Homeland Security a number of authorities necessary to carry out DHS's border security mission. One of those authorities is found at section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended ("IIRIRA"). Public Law 104-208, Div. C, 110 Stat. 3009-546, 3009-554 (Sept. 30, 1996) (8 U.S.C. 1103 note), as amended by the REAL ID Act of 2005, Public Law 109-13, Div. B, 119 Stat. 231, 302, 306 (May 11, 2005) (8 U.S.C. 1103 note), as amended by the Secure Fence Act of 2006, Public Law 109-367, section 3, 120 Stat. 2638 (Oct. 26, 2006) (8 U.S.C. 1103 note), as amended by the Department of Homeland Security Appropriations Act, 2008, Public Law 110-161, Div. E, Title V, section 564, 121 Stat. 2090 (Dec. 26, 2007). In section 102(a) of IIRIRA, Congress provided that the Secretary of Homeland Security shall take such actions as may be necessary to install additional physical barriers and roads (including the removal of obstacles to detection of illegal entrants) in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States. In section 102(b) of IIRIRA, Congress mandated the installation of additional fencing, barriers, roads, lighting, cameras, and sensors on the southwest border. Finally, in section 102(c) of IIRIRA, Congress granted to the Secretary of Homeland Security the authority to waive all legal requirements

that I, in my sole discretion, determine necessary to ensure the expeditious construction of barriers and roads authorized by section 102 of IIRIRA.

Determination and Waiver

Section 1

The United States Border Patrol El Paso Sector is an area of high illegal entry. In fiscal year 2024, the United States Border Patrol (“Border Patrol”) apprehended over 256,000 illegal aliens attempting to enter the United States between border crossings in the El Paso Sector. In that same time period, Border Patrol seized over 1,850 pounds of marijuana, over 475 pounds of cocaine, over 400 pounds of methamphetamine, and over 60 pounds of fentanyl.

Owing to the high levels of illegal entry within the El Paso Sector, I must use my authority under section 102 of IIRIRA to install additional barriers and roads in the El Paso Sector. Therefore, DHS will take immediate action to construct additional barriers and roads in segments of the border in the El Paso Sector. The segments where such construction will occur are referred to herein as the “project area,” which is more specifically described in Section 2 below.

Section 2

I determine that the following area in the vicinity of the United States border, located in the State of New Mexico within the U.S. Border Patrol El Paso Sector, is an area of high illegal entry (the “project area”):

- Starting at Border Monument 60 and extending one-tenth (0.10) of a mile east;
- Starting at Border Monument 39 and extending east to Border Monument 35; and
- Starting at Border Monument 5 and extending east to Border Monument 1.

There is presently an acute and immediate need to construct additional physical barriers and roads in the vicinity of the border of the United States in order to prevent unlawful entries into the United States in the project area pursuant to section 102(a) of IIRIRA. In order to ensure the expeditious construction of additional physical barriers and roads in the project area, I have determined that it is necessary that I exercise the authority that is vested in me by section 102(c) of IIRIRA.

Accordingly, pursuant to section 102(c) of IIRIRA, I hereby waive in their entirety, with respect to the construction of physical barriers and roads (including, but not limited to, accessing the project areas, creating and

using staging areas, the conduct of earthwork, excavation, fill, and site preparation, drainage and erosion control, and installation and upkeep of physical barriers and roads) in the project area, all of the following statutes, including all federal, state, or other laws, regulations, and legal requirements of, deriving from, or related to the subject of, the following statutes, as amended: The National Environmental Policy Act (Pub. L. 91–190, 83 Stat. 852 (Jan. 1, 1970) (42 U.S.C. 4321 *et seq.*)); the Endangered Species Act (Pub. L. 93–205, 87 Stat. 884 (Dec. 28, 1973) (16 U.S.C. 1531 *et seq.*)); the Federal Water Pollution Control Act (commonly referred to as the Clean Water Act (33 U.S.C. 1251 *et seq.*)); the National Historic Preservation Act (Pub. L. 89–665, 80 Stat. 915 (Oct. 15, 1966), as amended, repealed, or replaced by Pub. L. 113–287 (Dec. 19, 2014) (formerly codified at 16 U.S.C. 470 *et seq.*, now codified at 54 U.S.C. 100101 note and 54 U.S.C. 300101 *et seq.*)); the Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*); the Migratory Bird Conservation Act (16 U.S.C. 715 *et seq.*); the Clean Air Act (42 U.S.C. 7401 *et seq.*); the Archeological Resources Protection Act (Pub. L. 96–95 (16 U.S.C. 470aa *et seq.*)); the Paleontological Resources Preservation Act (16 U.S.C. 470aaa *et seq.*); the Federal Cave Resources Protection Act of 1988 (16 U.S.C. 4301 *et seq.*); the National Trails System Act (16 U.S.C. 1241 *et seq.*), the Safe Drinking Water Act (42 U.S.C. 300f *et seq.*); the Noise Control Act (42 U.S.C. 4901 *et seq.*); the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (42 U.S.C. 6901 *et seq.*); the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 *et seq.*); the Archaeological and Historic Preservation Act (Pub. L. 86–523, as amended, repealed, or replaced by Pub. L. 113–287 (Dec. 19, 2014) (formerly codified at 16 U.S.C. 469 *et seq.*, now codified at 54 U.S.C. 312502 *et seq.*)); the Antiquities Act (formerly codified at 16 U.S.C. 431 *et seq.* and 16 U.S.C. 431a *et seq.*, now codified at 54 U.S.C. 320301 *et seq.*); the Historic Sites, Buildings, and Antiquities Act (formerly codified at 16 U.S.C. 461 *et seq.*, now codified at 54 U.S.C. 320301–320303 & 320101–320106); the Eagle Protection Act (16 U.S.C. 668 *et seq.*); the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 *et seq.*); the Administrative Procedure Act (5 U.S.C. 551 *et seq.*); Section 438 of the Energy Independence and Security Act (42 U.S.C. 17094); the National Fish and

Wildlife Act of 1956 (Pub. L. 84–1024 (16 U.S.C. 742a, *et seq.*)); the Fish and Wildlife Coordination Act (Pub. L. 73–121 (16 U.S.C. 661 *et seq.*)); the Farmland Protection Policy Act (7 U.S.C. 4201 *et seq.*); the Federal Land Policy and Management Act (Pub. L. 94–579 (43 U.S.C. 1701 *et seq.*)); and the Wild Horse and Burro Act (16 U.S.C. 1331 *et seq.*).

This waiver does not revoke or supersede any other waiver determination made pursuant to section 102(c) of IIRIRA. Such waivers shall remain in full force and effect in accordance with their terms. I reserve the authority to execute further waivers from time to time as I may determine to be necessary under section 102 of IIRIRA.

Kristi Noem,

Secretary of Homeland Security.

[FR Doc. 2025–10044 Filed 6–2–25; 8:45 am]

BILLING CODE 9111–10–P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

Determination Pursuant to Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as Amended

AGENCY: Office of the Secretary, Department of Homeland Security.

ACTION: Notice of determination.

SUMMARY: The Secretary of Homeland Security has determined, pursuant to law, that it is necessary to waive certain laws, regulations, and other legal requirements in order to ensure the expeditious construction of barriers and roads in the vicinity of the international land border in the state of Arizona.

DATES: This determination takes effect on June 3, 2025.

SUPPLEMENTARY INFORMATION: Important mission requirements of the Department of Homeland Security (“DHS”) include border security and the detection and prevention of illegal entry into the United States. Border security is critical to the nation’s national security. Recognizing the critical importance of border security, Congress has mandated DHS to achieve and maintain operational control of the international land border. Secure Fence Act of 2006, Public Law 109–367, section 2, 120 Stat. 2638 (Oct. 26, 2006) (8 U.S.C. 1701 note). Congress defined “operational control” as the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of

terrorism, narcotics, and other contraband. *Id.* Consistent with that mandate, the President's Executive Order on Securing Our Borders directs that I take all appropriate action to deploy and construct physical barriers to ensure complete operational control of the southern border of the United States. Executive Order 14165, section 3 (Jan. 20, 2025).

Congress has provided to the Secretary of Homeland Security a number of authorities necessary to carry out DHS's border security mission. One of those authorities is found at section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended ("IIRIRA"). Public Law 104–208, Div. C, 110 Stat. 3009–546, 3009–554 (Sept. 30, 1996) (8 U.S.C. 1103 note), as amended by the REAL ID Act of 2005, Public Law 109–13, Div. B, 119 Stat. 231, 302, 306 (May 11, 2005) (8 U.S.C. 1103 note), as amended by the Secure Fence Act of 2006, Public Law 109–367, section 3, 120 Stat. 2638 (Oct. 26, 2006) (8 U.S.C. 1103 note), as amended by the Department of Homeland Security Appropriations Act, 2008, Public Law 110–161, Div. E, Title V, section 564, 121 Stat. 2090 (Dec. 26, 2007). In section 102(a) of IIRIRA, Congress provided that the Secretary of Homeland Security shall take such actions as may be necessary to install additional physical barriers and roads (including the removal of obstacles to detection of illegal entrants) in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States. In section 102(b) of IIRIRA, Congress mandated the installation of additional fencing, barriers, roads, lighting, cameras, and sensors on the southwest border. Finally, in section 102(c) of IIRIRA, Congress granted to the Secretary of Homeland Security the authority to waive all legal requirements that I, in my sole discretion, determine necessary to ensure the expeditious construction of barriers and roads authorized by section 102 of IIRIRA.

Determination and Waiver

Section 1

The United States Border Patrol Yuma Sector is an area of high illegal entry. In fiscal year 2024 the United States Border Patrol ("Border Patrol") apprehended over 53,000 illegal aliens attempting to enter the United States between border crossings in the Yuma Sector. In that same time period, Border Patrol seized over 30 pounds of marijuana, over 300 pounds of cocaine, over 10 pounds of heroin, over 300

pounds of methamphetamine, and 470 pounds of fentanyl.

Owing to the high levels of illegal entry within the Yuma Sector, I must use my authority under section 102 of IIRIRA to install additional barriers and roads in the Yuma Sector. Therefore, DHS will take immediate action to construct additional barriers and roads in a segment of the border in the Yuma Sector. The segment where such construction will occur is referred to herein as the "project area," which is more specifically described in Section 2 below.

Section 2

I determine that the following area in the vicinity of the United States border, located in the State of Arizona within the U. S. Border Patrol Yuma Sector, is an area of high illegal entry (the "project area"):

- Starting at Border Monument 203 and extending south and east to Border Monument 191.

There is presently an acute and immediate need to construct additional physical barriers and roads in the vicinity of the border of the United States in order to prevent unlawful entries into the United States in the project area pursuant to section 102(a) of IIRIRA. In order to ensure the expeditious construction of additional physical barriers and roads in the project area, I have determined that it is necessary that I exercise the authority that is vested in me by section 102(c) of IIRIRA.

Accordingly, pursuant to section 102(c) of IIRIRA, I hereby waive in their entirety, with respect to the construction of physical barriers and roads (including, but not limited to, accessing the project areas, creating and using staging areas, the conduct of earthwork, excavation, fill, and site preparation, drainage and erosion control, and installation and upkeep of physical barriers and roads), in the project area, all of the following statutes, including all federal, state, or other laws, regulations, and legal requirements of, deriving from, or related to the subject of, the following statutes, as amended: The National Environmental Policy Act (Pub. L. 91–190, 83 Stat. 852 (Jan. 1, 1970) (42 U.S.C. 4321 *et seq.*)); the Endangered Species Act (Pub. L. 93–205, 87 Stat. 884 (Dec. 28, 1973) (16 U.S.C. 1531 *et seq.*)); the Federal Water Pollution Control Act (commonly referred to as the Clean Water Act (33 U.S.C. 1251 *et seq.*)); the National Historic Preservation Act (Pub. L. 89–665, 80 Stat. 915 (Oct. 15, 1966), as amended, repealed, or replaced by Pub. L. 113–287 (Dec. 19,

2014) (formerly codified at 16 U.S.C. 470 *et seq.*, now codified at 54 U.S.C. 100101 note and 54 U.S.C. 300101 *et seq.*); the Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*); the Migratory Bird Conservation Act (16 U.S.C. 715 *et seq.*); the Clean Air Act (42 U.S.C. 7401 *et seq.*); the Archeological Resources Protection Act (Pub. L. 96–95 (16 U.S.C. 470aa *et seq.*)); the Paleontological Resources Preservation Act (16 U.S.C. 470aaa *et seq.*); the Federal Cave Resources Protection Act of 1988 (16 U.S.C. 4301 *et seq.*); the National Trails System Act (16 U.S.C. 1241 *et seq.*), the Safe Drinking Water Act (42 U.S.C. 300f *et seq.*); the Noise Control Act (42 U.S.C. 4901 *et seq.*); the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (42 U.S.C. 6901 *et seq.*); the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 *et seq.*); the Archaeological and Historic Preservation Act (Pub. L. 86–523, as amended, repealed, or replaced by Pub. L. 113–287 (Dec. 19, 2014) (formerly codified at 16 U.S.C. 469 *et seq.*, now codified at 54 U.S.C. 312502 *et seq.*); the Antiquities Act (formerly codified at 16 U.S.C. 431 *et seq.* and 16 U.S.C. 431a *et seq.*, now codified at 54 U.S.C. 320301 *et seq.*); the Historic Sites, Buildings, and Antiquities Act (formerly codified at 16 U.S.C. 461 *et seq.*, now codified at 54 U.S.C. 320301–320303 & 320101–320106); the Eagle Protection Act (16 U.S.C. 668 *et seq.*); the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 *et seq.*); the Administrative Procedure Act (5 U.S.C. 551 *et seq.*); Section 438 of the Energy Independence and Security Act (42 U.S.C. 17094); the National Fish and Wildlife Act of 1956 (Pub. L. 84–1024 (16 U.S.C. 742a, *et seq.*)); the Fish and Wildlife Coordination Act (Pub. L. 73–121 (16 U.S.C. 661 *et seq.*)); the Federal Land Policy and Management Act (Pub. L. 94–579 (43 U.S.C. 1701 *et seq.*)); the Wild Horse and Burro Act (16 U.S.C. 1331 *et seq.*); the Military Lands Withdrawal Act of 1999 (Pub. L. 106–65, 113 Stat. 885 (Oct. 5, 1999)); and the Sikes Act (16 U.S.C. 670 *et seq.*).

This waiver does not revoke or supersede any other waiver determination made pursuant to section 102(c) of IIRIRA. Such waivers shall remain in full force and effect in accordance with their terms. I reserve the authority to execute further waivers from time to time as I may determine to

be necessary under section 102 of IIRIRA.

Kristi Noem,

Secretary of Homeland Security.

[FR Doc. 2025–10043 Filed 6–2–25; 8:45 am]

BILLING CODE 9114–14–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

[Docket No. TSA–2011–0008]

Request for Applicants for Appointment to the Aviation Security Advisory Committee

AGENCY: Transportation Security Administration, Department of Homeland Security.

ACTION: Committee management; request for applicants.

SUMMARY: The Transportation Security Administration (TSA) requests that qualified individuals interested in serving on the Aviation Security Advisory Committee (ASAC) apply for appointment. All applicants must represent one of the constituencies specified below to be eligible for appointment and complete applications submitted, as required below, to be considered for appointment.

DATES: Applications for membership must be submitted to TSA, using one of the methods identified in the **ADDRESSES** section below, on or before July 3, 2025.

ADDRESSES: Applications must be submitted by one of the following means:

- *Email:* To ASAC@tsa.dhs.gov.
- *Mail:* Addressed to the individual identified under the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Tamika McCree Elhilali, ASAC Designated Federal Officer, Transportation Security Administration (TSA–28), 6595 Springfield Center Drive, Springfield, VA 20598–6028, ASAC@tsa.dhs.gov, 202–595–4802.

SUPPLEMENTARY INFORMATION:

The Aviation Security Advisory Committee

The ASAC is an advisory committee established pursuant to 49 U.S.C. 44946. ASAC's mission is to provide advice and recommendations to the TSA Administrator on improving aviation security matters, including developing, refining, and implementing policies, programs, rulemakings, and security directives pertaining to aviation security, while adhering to sensitive security guidelines. The committee is

composed of individual members representing 19 key constituencies affected by aviation security requirements, as defined at 49 U.S.C. 44946(c)(1)(C).

This request for applications is for the following membership categories:

1. Air carriers.
2. All-cargo air transportation.
3. Labor organizations representing air carrier employees.
4. Aircraft manufacturers.
5. Airport operators.
6. General aviation.
7. Travel industry.
8. Victims of terrorist acts against aviation.
9. Law enforcement and security experts.
10. Indirect air carriers.
11. Aviation security technology industry (including screening technology and biometrics).
12. Airport-based businesses.
13. Passenger advocacy groups.
14. Airport authorities and businesses that conduct security operations at airports.
15. Labor organizations representing transportation security officers.
16. Airport construction and maintenance contractors.
17. Labor organizations representing employees of airport construction and maintenance contractors.
18. Privacy organizations.
19. Aeronautical repair stations.

Unless otherwise noted, the ASAC does not have a specific number of members allocated to any membership category and the number of members in a category may change to fit the needs of the Committee. As required by the statute, however, individuals selected on the ASAC may not represent more than 34 member organizations.

Appointees will be designated as representative members. Representative members speak for the key constituency group they represent. Membership on ASAC is personal to the appointee and a member may not send an alternate to a Committee meeting. Pursuant to 49 U.S.C. 44946(c)(3), members shall not receive pay, allowances, or benefits from the Government by reason of their service on ASAC.

Application for Advisory Committee Appointment

TSA is seeking applications for the membership categories listed above. Any person wishing to be considered for appointment to ASAC must provide the following:

- Home and work addresses, telephone number(s), and email address.
- Complete professional resume.
- Statement of interest and reasons for application, including the

membership category and how you represent a significant portion of that constituency and provide a brief explanation of how you can contribute to one or more TSA strategic initiatives, based on your prior experience with TSA, or your review of current TSA strategic documents that can be found at www.tsa.gov/about/strategy.

TSA will confirm receipt of your application and will notify you of the final status of your application once TSA selects members.

Committee Meetings

The ASAC typically convenes four times per year. Additional meetings may be held with the approval of the Designated Federal Official. While at least one meeting per year is open to the public, the other meetings are typically closed to the public due to the sensitive nature of the material discussed. In addition, members are expected to participate on ASAC subcommittees that typically meet more frequently to deliberate and discuss specific aviation matters.

Committee Membership

Committee members are appointed by, and serve at the pleasure of, the TSA Administrator for a 2-year term or until a successor is appointed.

Committee Membership Vetting

All applicants that are presented to the TSA Administrator for appointment to ASAC must successfully complete a Security Threat Assessment by TSA, as access to sensitive security information will be necessary. U.S. citizens and those meeting residency requirements will be vetted using TSA's Universal Enrollment Services, which includes the collection of biographic and biometric information to allow TSA to perform the Security Threat Assessment. Selected applicants will be offered a no-cost authorization code to complete the three-step Universal Enrollment Services process; which includes online pre-enrollment, coordinating a visit to an enrollment center, and the in-person visit to the enrollment center.

Non-U.S. applicants presented for appointment to ASAC will be required to complete additional vetting. This vetting will include the completion and submission of TSA Form 2816B form, which must be submitted at least 30 days before visiting TSA spaces.

Dated: May 28, 2025.

Eddie D. Mayenschein,

Assistant Administrator, Policy, Plans, and Engagement, Transportation Security Administration.

[FR Doc. 2025–09953 Filed 6–2–25; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOMELAND SECURITY**Transportation Security Administration**

[Docket No. TSA–2018–0001]

Request for Applicants for Appointment to the Surface Transportation Security Advisory Committee

AGENCY: Transportation Security Administration, Department of Homeland Security.

ACTION: Committee management; request for applicants.

SUMMARY: The Transportation Security Administration (TSA) requests that qualified individuals interested in serving on the Surface Transportation Security Advisory Committee (STSAC) apply for appointment. All applicants must represent one of the constituencies specified below to be eligible for appointment and complete applications submitted, as required below, to be considered for appointment. The STSAC considers risk-based approaches in the performance of its duties.

DATES: Applications for membership must be submitted to TSA using one of the methods in the **ADDRESSES** section below on or before July 3, 2025.

ADDRESSES: Applications must be submitted by one of the following means:

- *Email:* To STSAC@tsa.dhs.gov.
- *Mail:* Addressed to the individual identified under the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Gary Click, STSAC Designated Federal Officer (DFO), Transportation Security Administration (TSA–28), TSA Mailstop 6028, 6595 Springfield Center Drive, Springfield, VA 20598–6028, STSAC@tsa.dhs.gov, 202–841–6754.

SUPPLEMENTARY INFORMATION:**The Surface Transportation Security Advisory Committee**

The STSAC is an advisory committee established pursuant to section 1969, Division K, *TSA Modernization Act*, of the *FAA Reauthorization Act of 2018* (Public Law 115–254; 132 Stat. 3186; Oct. 5, 2018). STSAC's mission is to provide advice and recommendations to the TSA Administrator on improving surface security matters, including developing, refining, and implementing policies, programs, rulemakings, and security directives pertaining to surface security. The committee is composed of individual members representing key

constituencies affected by surface transportation security requirements.

Membership

The STSAC is composed of no more than 40 voting members from among stakeholders representing each mode of surface transportation, such as passenger rail, freight rail, mass transit, pipelines, highways, over-the-road bus, school bus industry, and trucking; and may include representatives from—

1. Associations representing such modes of surface transportation;
2. Labor organizations representing such modes of surface transportation;
3. Groups representing the users of such modes of surface transportation, including asset manufacturers, as appropriate;
4. Relevant law enforcement, first responders, and security experts; and
5. Such other groups as the TSA Administrator considers appropriate.

The STSAC also includes nonvoting members, serving in an advisory capacity, who are designated by TSA: the Department of Transportation, the Coast Guard, and such other Federal department or agency as the TSA Administrator considers appropriate.

The STSAC does not have a specific number of members allocated to any membership category and the number of members in a category may change to fit the needs of the Committee, but optimally each category is represented by a minimum of one individual. Members serve as representatives and speak on behalf of their respective constituency group. Membership on the Committee is personal to the appointee and a voting member may not send an alternate to a committee meeting. The members of the Committee shall not receive any compensation from the Government by reason of their service on the Committee.

Application for Advisory Committee Appointment

TSA is seeking applications for the membership categories listed above. Any person wishing to be considered for appointment to the STSAC must provide the following information:

- Home and work addresses, telephone number, and email address.
- Complete professional resume.
- Statement of interest and reasons for application, including the membership category and how you represent a significant portion of that constituency, and a brief explanation of how you can contribute to one or more TSA strategic initiatives, based on your prior experience with TSA or your

review of current TSA strategic documents that can be found at www.tsa.gov/about/strategy.

Please submit your application to the DFO in **ADDRESSES** noted above by July 3, 2025.

Committee Meetings

The STSAC shall meet as frequently as deemed necessary by the DFO in consultation with the Chairperson, but no less than two scheduled meetings each year. At least one meeting will be open to the public each year. Unless the DFO decides otherwise, meetings will be held in person in the Washington, DC metropolitan area or through web conferencing. In addition, STSAC members are expected to participate in monthly STSAC subcommittee meetings to deliberate and discuss specific surface transportation matters.

Committee Voting Membership

Committee voting members are appointed by and serve at the pleasure of the Administrator of TSA for a term of 2 years, but a voting member may continue to serve until the Administrator appoints a successor.

Committee Membership Vetting

All applicants who are presented for appointment to the STSAC must successfully complete a Security Threat Assessment by TSA, as access to sensitive security information will be necessary. U.S. citizens and those meeting residency requirements will be vetted using TSA's Universal Enrollment Services, which includes the collection of biographic and biometric information to allow TSA to perform the Security Threat Assessment. Selected applicants will be offered a no-cost authorization code to complete the three-step Universal Enrollment Services process, which includes online pre-enrollment and coordinating an in-person visit to the enrollment center.

Non-U.S. applicants presented for appointment to the STSAC will be required to complete additional vetting. This vetting will include the completion and submission of TSA Form 2816B, which must be submitted at least 30 days before visiting TSA spaces.

Dated: May 28, 2025.

Eddie D. Mayenschein,

Assistant Administrator, Policy, Plans, and Engagement, Transportation Security Administration.

[FR Doc. 2025–09954 Filed 6–2–25; 8:45 am]

BILLING CODE 9110–05–P

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

[Docket No. FR-7096-N-02; OMB Control No.: 2501-0043]

**60-Day Notice of Proposed Information
Collection: Federal Labor Standards
Monitoring Review Guides**

AGENCY: Office of Field Policy and Management, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* August 4, 2025.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection can be sent within 60 days of publication of this notice to www.regulations.gov. Interested persons are also invited to submit comments regarding this proposal and comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Anna Guido, Clearance Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington, DC 20410-5000.

FOR FURTHER INFORMATION CONTACT:

Nathan Roush, Program Analyst, FPM, Department of Housing and Urban Development, 77 Forsyth Street SW, Atlanta, GA 30303; email Nathan.A.Roush@hud.gov, telephone 678-732-2250. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>. Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Federal Labor Standards Monitoring Review Guides.

OMB Approval Number: 2501-0043.

Type of Request: Extension of a currently approved collection.

Form Number: HUD-4741, -4742, -4743.

Description of the need for the information and proposed use: This request is for an extension of a currently approved collection consisting of monitoring review guides for federal labor standards. All Federal agencies administering programs subject to Davis-Bacon wage provisions are required to enforce Federal wage and

reporting provisions in an accordance with the U.S. Department of Labor (DOL) regulations at 29 CFR 5.6(a)(1), (a)(2), and (a)(3).

HUD and state, local, and tribal agencies administering HUD-assisted programs must enforce Federal wage and reporting requirements on covered HUD-assisted construction and maintenance work. Enforcement activities include conducting monitoring reviews of local contracting agencies (LCAs), defined as Public Housing Agencies and State, Local, and Tribal Housing Agencies. These monitoring reviews are to ensure that LCAs are compliant with the Davis-Bacon Act and HUD Davis-Bacon Related Acts.

This extension of a currently approved collection consists of the following forms:

- HUD-4741 Federal Labor Standards Agency On-Site Monitoring Review Guide
- HUD-4742 Federal Labor Standards Agency Remote Monitoring Review Guide
- HUD-4743 Federal Labor Standards State CDBG and HOME programs Monitoring Review Guide

Respondents (i.e., affected public): Local Contracting Agencies (LCAs).

Estimated Number of Respondents: See chart.

Estimated Number of Responses: See chart.

Frequency of Response: See chart.

Average Hours per Response: See chart.

Total Estimated Burdens: See chart.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hours per response	Annual burden hours	Hourly cost per response	Total cost
HUD-4741 On-Site Monitoring Review Guide ...	66.00	1.00	66.00	0.50	33.00	\$48.69	\$1,606.77
HUD-4742 Remote Monitoring Review Guide ...	66.00	1.00	66.00	8.00	528.00	48.69	25,708.32
HUD-4743 State CDBG/HOME Monitoring Review Guide	66.00	1.00	66.00	0.50	33.00	48.69	1,606.77
Total	198.00		198.00		594.00		28,921.86

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 2 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Bruce L. Ladd,

Acting Director, Office of Field Policy and Management.

[FR Doc. 2025-10002 Filed 6-2-25; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-6526-N-01]

Section 8 Housing Assistance Payments Program-Fiscal Year (FY) 2025 Inflation Factors for Public Housing Agency (PHA) Renewal Funding

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: This notice establishes Renewal Funding Inflation Factors (RFIFs) to adjust Fiscal Year (FY) 2025 renewal funding for the Housing Choice Voucher (HCV) Program of each public housing agency (PHA), as required by the Full-Year Continuing Appropriations and Extensions Act, 2025. The notice apportions the expected percent change in national Per Unit Cost (PUC) for the HCV program, 4.71 percent, to each PHA based on the change in Fair Market Rents (FMRs) for their operating area to produce the FY 2025 RFIFs. HUD has refined its FY 2025 methodology to adopt a national PUC forecast by changing the gross rent component in a manner that empirically weights projected recent mover rents as measured by the FMR with an independent forecast of all-mover rents as measured by the Consumer Price Index (CPI).

DATES: Applicability Date: June 3, 2025.

FOR FURTHER INFORMATION CONTACT:

Miguel A. Fontanez, Director, Housing Voucher Financial Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Room 4222, U.S. Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 422-0278 (this is not a toll-free number). Adam Bibler, Program Parameters and Research Division, Office of Policy Development and Research, Room 8208, U.S. Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 402-6057 (this is not a toll-free number), for technical information regarding the development of the schedules for specific areas or the methods used for calculating the inflation factors. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

SUPPLEMENTARY INFORMATION:

I. Background

The Full-Year Continuing Appropriations and Extensions Act, 2025, generally, appropriates amounts “under the authority and conditions provided in applicable appropriations Acts for fiscal year 2024.” This includes the 2024 Consolidated Appropriations Act, which provided “renewal funding for each public housing agency (PHA) based on validated voucher management system (VMS) leasing and cost data for the prior calendar year and by applying an inflation factor as established by the Secretary, by notice published in the **Federal Register**.” This notice announces the FY 2025 inflation factors and describes the methodology for calculating them. Tables in PDF and Microsoft Excel formats showing Renewal Funding Inflation Factors (RFIFs) by HUD Fair Market Rent Area are available electronically from the HUD data information page at: <https://www.huduser.gov/portal/datasets/rfif/rfif.html>.

II. Methodology

RFIFs are used to adjust the allocation of Housing Choice Voucher (HCV) renewal funds to PHAs for local changes in rents, utility costs, and tenant incomes. To calculate the RFIFs, HUD first forecasts a national inflation factor, which is the annual change in the national average Per Unit Cost (PUC). HUD then calculates individual area inflation factors, which are based on the annual changes in the two-bedroom Fair Market Rent (FMR) for each area. Finally, HUD adjusts the individual area inflation factors to be consistent with the national inflation factor.¹

Since FY 2017, HUD’s method of projecting the national average PUC has been based on independent forecasts of gross rent and tenant income. Each forecast is produced using historical and forecasted macroeconomic data as independent variables, where the forecasts are consistent with the Economic Assumptions of the Administration’s FY Budget. The forecast for gross rent is itself based on forecasts of the Consumer Price Index (CPI) Rent of Primary Residence Index and the CPI Fuels and Utilities Index. Forecasted values of gross rent series were then applied to the relevant FY national average two-bedroom FMR to produce a CY value. Finally, a “notional” PUC is then calculated as the difference between gross rent value and 30 percent of tenant income (the standard for tenant rent contribution in

the voucher program). HUD uses a notional PUC as opposed to the actual PUC to project costs that are consistent with PHAs leasing the same number and quality of units.

In FY 2024 FMR calculation,² HUD permanently began to supplement the use of the CPI in part with rates of rental inflation as captured by private sector rent data. This was done as the FMR is required by regulation to reflect rents paid by “recent movers” and to better capture the divergence between recent mover rents and overall rents as seen in the years following the COVID-19 economic recession. “Recent movers” are generally renter households that moved to their present residences within the past one or two years, depending on data availability. For purposes of forecasting Per Unit Costs however, the gross rent component should represent all types of tenants in the Housing Choice Voucher program including new admissions and recent movers, as well as those staying in place. To better reflect the composition of tenants in the Housing Choice Voucher program, HUD developed two independent methods of projecting the national average PUC to reflect both recent movers and all-mover rents. In the first approach, HUD develops a gross rent inflation factor using a weighted average of the established CY FMR projection and independent CY CPI gross rent index forecast methodology where the weights were determined empirically in a manner that best predicts the historical average voucher tenant gross rents. Under the second approach, HUD takes a weighted average of the CY FMR projection and independent CY CPI gross rent index forecast, where the weights are based on the historical composition of new admissions and recent movers based on HUD administrative data. Because each novel approach was based on independent assumptions and limitations, HUD elected to take the average of both approaches to estimate a CY 2024 PUC.

For FY 2025, HUD is electing to permanently adopt the first approach, whereby HUD determines the FMR and CPI weights empirically in a manner that best predicts the historical average voucher tenant gross rents. This approach is consistent with HUDs process of calculating FMR gross rent inflation factors based on CPI and private sector rent data. Furthermore, HUD’s analysis of more than 20 years of historical voucher PUC, FMR, and CPI

² See 24 CFR 888.113. Regulations citing FMRs are based on 40th percentile rents drawn from distribution of recent movers.

¹ See 42 U.S.C. 1437f(dd).

rent data found that this weighted method does the best job of predicting actual voucher rents, which suggests that it will be the most accurate and cost-effective method for program-wide and PHA-level budgeting. By considering the time series of actual rents, these weights are likely capturing important dynamics of the real-world dynamics of the voucher program. There is also evidence to suggest that even non-movers in the voucher program may experience higher rates of rent inflation, such as existing tenants having rents exceeding payment standards or landlords pricing units based on FMR regardless of unit turnover. While recent market trends have suggested a convergence in recent mover and all mover rents, HUD expects this methodology to most appropriately capture any sudden rental market dynamics between the two data measures should they arise.

For FY 2025, HUD develops a gross rent inflation factor using a weighted average of the established CY FMR projection and independent CY CPI gross rent index forecast methodology, where the FMR is weighted at approximately 56 percent and the CPI gross rent inflation index measure is weighted at approximately 44 percent. HUD determined the weights empirically in a manner that best predicts the historical average voucher tenant gross rents.³ The change between the forecasted CY 2025 notional PUC and the CY 2024 notional PUC is the expected national change in PUC, or 4.71 percent.

HUD's forecasts of the Consumer Price Index (CPI) Rent of Primary Residence Index, CPI Fuels and Utilities Index and HUD tenant incomes remain consistent with the Economic Assumptions of the Administration's FY 2026 Budget. For more information on HUD's forecast methodology, see 82 FR 26710 (June 8, 2017).

The inflation factor for an individual geographic area is based on the annualized change in the area's FMR between FY 2024 and FY 2025. These changes in FMRs are then scaled such that the voucher-weighted average of all individual area inflation factors is equal to the national inflation factor, *i.e.*, the expected annual change in national PUC from CY 2024 to CY 2025, and such that no area has a factor less than one. For

PHAs operating in multiple FMR areas, HUD calculates a voucher-weighted average inflation factor based on the count of vouchers in each FMR area administered by the PHA as captured in HUD administrative data as of December 31, 2024.

III. The Use of Inflation Factors

HUD subsequently applies the calculated individual area inflation factors to eligible renewal funding for each PHA based on VMS leasing and cost data for the prior calendar year.

IV. Geographic Areas and Area Definitions

As explained above, inflation factors based on area FMR changes are produced for all FMR areas and applied to eligible renewal funding for each PHA. The tables showing the RFIFs, available electronically from the HUD data information page, list the inflation factors for each FMR area on a state-by-state basis. The inflation factors use the same OMB metropolitan area definitions, as revised by HUD, that are used in the FY 2025 FMRs. PHAs should refer to the Area Definitions Table on the following web page to make certain that they are referencing the correct inflation factors: http://www.huduser.org/portal/datasets/rfif/FY2025/FY2025_RFIF_FMR_AREA_REPORT.pdf. The Area Definitions Table lists areas in alphabetical order by state, and the counties associated with each area. In the six New England states, the listings are for counties or parts of counties as defined by towns or cities. HUD is also releasing the data in Microsoft Excel format to assist users who may wish to use these data in other calculations. The Excel file is available at <https://www.huduser.gov/portal/datasets/rfif/rfif.html>. Note that, as described earlier, the actual renewal funding inflation factor applied to agency funding will be the voucher-weighted average of the FMR area factors when the PHA operates in multiple areas.

V. Environmental Impact

This notice involves a statutorily required establishment of a rate or cost determination which does not constitute a development decision affecting the physical condition of specific project areas or building sites. Accordingly, under 24 CFR 50.19(c)(6), this notice is categorically excluded from environmental review under the

National Environmental Policy Act of 1969 (42 U.S.C. 4321).

John Gibbs,

Principal Deputy Assistant Secretary for Policy Development and Research.

[FR Doc. 2025–10040 Filed 6–2–25; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040174; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of California, Berkeley, Berkeley, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of California, Berkeley has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after July 3, 2025.

ADDRESSES: Alexandra Lucas, Government and Community Relations, Office of the Chancellor, University of California, Berkeley, 200 California Hall, Berkeley, CA 94720, telephone (510) 570–0964, email nagpra-ucb@berkeley.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of California, Berkeley, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Beginning in at least 1931 and through to 1956, various individuals removed at minimum, one ancestor and 77 lots of associated funerary objects from CA–YOL–45 and CA–YOL–53 in Yolo County, California. The 77 lots of associated funerary objects include projectile points, organic materials,

³ Specifically, HUD attempted to predict each year's tenant gross rent using a weighted average of FMR and CPI change, then compared the predicted gross rent to the actual historical gross rent. HUD then generated an error measure as the difference between the predicted and actual rent. HUD then solved for the weights that minimize the root mean squared error of the predicted and actual rents.

basketry, faunal remains, fishing implements, worked stone, baked clay, beads, and pipes. The ancestral remains and belongings were accessioned by the University of California, Berkeley's Museum of Anthropology (today the Phoebe A. Hearst Museum of Anthropology) between 1937 and 1956.

Collections and collection spaces at the Phoebe A Hearst Museum of Anthropology were treated with substances for preservation and pest control, some potentially hazardous. No records have been found to date at the Museum to indicate whether or not chemicals or natural substances were used prior to 1960.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The University of California, Berkeley has determined that:

- The human remains described in this notice represent the physical remains of, at minimum, one individual of Native American ancestry.
- The 77 lots of objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a reasonable connection between the human remains and associated funerary objects described in this notice and the Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California; Ione Band of Miwok Indians of California; Kletsel Dehe Wintun Nation of the Cortina Rancheria (*previously* listed as Kletsel Dehe Band of Wintun Indians); Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; United Auburn Indian Community of the Auburn Rancheria of California; Wilton Rancheria, California; and the Yocha Dehe Wintun Nation, California.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after July 3, 2025. If competing requests for repatriation are received, the University of California, Berkeley must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The University of California, Berkeley is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 13, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-10027 Filed 6-2-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0040181; PPWOCRADNO-PCU00RP14.R50000]

Notice of Inventory Completion: University of Florida, Florida Museum of Natural History, Gainesville, FL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Florida, Florida Museum of Natural History (FLMNH) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after July 3, 2025.

ADDRESSES: Megan Fry, NAGPRA Coordinator and Bioarchaeologist, University of Florida, Florida Museum of Natural History, 1659 Museum Road, Gainesville, FL 32611, telephone (352)

273-1921, email megan.fry@floridamuseum.ufl.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the FLMNH, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, 281 individuals have been identified from across the Amelia Island North Cemetery and Ossuary, the Amelia Island South Cemetery, and the Harrison Homestead/Dorian sites (8NA61/8NA41d). There are a total of 2,341 associated funerary objects including beads, shell, daub, fauna, flora, ceramic, soil, and other objects. These collections were excavated in the 1970s and in the late 1980s. In the early 1970s, excavations were performed at Harrison Homestead through a museum expedition by E. Thomas Hemmings. Then, in the late 1980s, archaeologists from the FLMNH in conjunction with Dr. Clark Larsen of the University of North Carolina excavated the Ossuary, the North Cemetery, and South Cemetery.

The Amelia Island North Cemetery and Ossuary, also called the Mission Santa Catalina de Guale de Santa Maria (Acc. 89-6), was excavated by the Florida Museum of Natural History (FLMNH) under the direction of Jerald Milanich and Rebecca Saunders, in 1989. There were approximately 98 inhumations and an Ossuary. Of the 98 inhumations, 94 were reinterred in 1993 at the site of the Harrison Family Cemetery, approximately 300m from the original burial location. Those which were reinterred are not counted in this Notice and have never been reported to National NAGPRA on an inventory. The Ossuary produced an additional 80 individuals as well as two coffin burials (labelled "Primary A" and "Primary B"). The human remains obtained from the backfill/spoil (MNI=10) were also not part of the 1993 reburial. The Ossuary (MNI=80), backfill (MNI=10), coffin burials (MNI=2), and four inhumations from the North Cemetery are included in this notice (total MNI=96). There are 447 associated funerary objects including beads, bone tools, faunal bones, shells, and glass objects, pottery fragments and soil found within the cemetery boundaries

(22N to 38N and 50W to 66W) split between the Florida Archaeology (n=275) and Environmental Archaeology (n=172) divisions.

The Amelia Island South Cemetery, also called Santa Maria de los Yamassee (Acc. 89–5; FM EAP 0477), was excavated in 1989. The catalog record notes that the excavation occurred partially under the direction of the Piper Archaeological Research, Inc. of St. Petersburg, Florida and partially under the direction of Jerald Milanich and Rebecca Saunders of the FLMNH. All material was transferred to FLMNH. The human remains were loaned to Clark Larsen of the University of North Carolina prior to 1992, and at some unknown date, were returned to FLMNH. The cemetery houses at least 183 Ancestors across 118 burial numbers (or 139 with A and B notations), as well as one burial labelled “Bluff Burial” which came from the bluff just outside of the cemetery context. The total MNI for the South Cemetery is 184 Ancestors. Burials sheets from the time of excavation indicate some artifacts were found with the burials. These primarily include objects like brass aglet, shell beads, glass beads, glass objects. There are 1,876 associated funerary objects including the above-mentioned artifact types as well as soil from the cemeteries found within the cemetery boundaries (120S to 102S and 66W to 77W) and split between the Florida Archaeology (n=1,584) and Environmental Archaeology (n=292) divisions.

The Harrison Homestead site, also called the Dorian (or Darian) site (Acc. 74–42; 73–20; 4113; FM EAP 0115) is listed as 8NA41 on the Amelia Island Plantation. In 1971, test excavations in shell middens at the site (south of the mission churches) were carried out by E. Thomas Hemmings of the Florida Museum of Natural History at the request of Amelia Island Plantation (Hemmings and Deagan 1973). Human skeletal remains (accession 73–20) were found (one fragment of tibia and fragmentary bones from a second individual). It was concluded that the context of the remains was pre-mission and could “be as old as some Orange Incised sherds (1650–1000 B.C.) found a few feet further to the south at a slightly higher elevation” (Bullen in Hemmings and Deagan 1973:77). A Bullen et al. (1973) report notes that the Ancestor was found 1.3 feet below a later St. Augustine Period shell midden. They surmise that the Ancestor was deposited during the Orange Period. They note “no artifacts were present with the burial, but Feature 11, a group of Orange Incised sherds, was also exposed in the

wall of Trench B, a few feet south and a slightly higher level than the grave floor.” The site has an MNI of one (listed as FS19 and FS21) based on catalog records. There are no repeating elements and no indication that they were of different ages or sex. Burial 19 appears to be an adult male. Burial 21 is represented by a single element (tibial midshaft) with a periosteal reaction, indicative of osteomyelitis. Note found with burial reads: “FS#19 Burial 1-exposed in a backhoe trench and partially removed by the machine, but also may not have been originally undisturbed and complete as little other bone was recovered in the backhoe backdirt . . . FS#21 one tibia frag[ment] from backdirt, Trench B.” This indicates that they were likely one individual that was recorded as FS19 and FS 21 but labeled as “Burial 1” and were later renumbered using the FS numbers, although the original excavators did not indicate two separate burials. There are 18 associated funerary objects including the ceramic sherds, shells, florals, and stones from the site split between the Florida Archaeology (n=12) and Environmental Archaeology (n=6) divisions.

It is also important to note that sometime between 1989 or 1992, Ancestors from both the North and South Cemeteries were sampled for isotopic analysis and sent to the University of California, San Diego. Those samples were not in the possession or control of FLMNH at the time of this notice and are housed at the University of California, San Diego.

The FLMNH undertook building wide fumigation with Vikane (sulfuryl fluoride) several times since this collection has entered the museum. No other exposure to potentially hazardous substances is known to FLMNH.

Cultural Affiliation

Based on the information available and the results of consultation cultural affiliation is reasonably identified by the geographical location of the human remains described in this notice.

Determinations

The FLMNH has determined that:

- The human remains described in this notice represent the physical remains of 281 individuals of Native American ancestry.
- The 2,341 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary

objects described in this notice and the Seminole Tribe of Florida and The Muscogee (Creek) Nation.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after July 3, 2025. If competing requests for repatriation are received, the FLMNH must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The FLMNH is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 13, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–10018 Filed 6–2–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040167; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Tennessee Department of Environment and Conservation Division of Archaeology, Nashville, TN

AGENCY: National Park Service, Interior.
ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Tennessee Department of Conservation and Environment, Division of Archaeology (TDEC–DOA) has completed an inventory of human

remains and associated funerary objects from Carroll and Henry Counties, TN and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after July 3, 2025.

ADDRESSES: Phillip R. Hodge, Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC–DOA), 1216 Foster Avenue, Cole Building #3, Nashville, TN 37243, telephone (615) 626–2025, email phil.hodge@tn.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the TDEC–DOA, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, five individuals have been identified. The 15 associated funerary objects are seven bone artifacts and eight lithic artifacts. Lotted associated funerary objects are three lots sorted faunal, lithics, and ceramic artifacts.

Davis Cavern, Carrol County, TN

Commingle human remains representing, at least, three individuals and associated funerary objects consisting of seven bone and eight lithic artifacts were excavated in 1926 from Davis Cavern, an unrecorded site in Carroll County, Tennessee, and curated with the Tennessee State Museum. These remains were transferred to the Division of Archaeology in 1995 and 2017 for repatriation. No information is available on the original archaeological context of these materials. There is no known exposure to hazardous substances or treatments.

Site 40HY13, Henry County, TN

Human remains representing, at least, one individual. The associated funerary objects are three lots of pre-Contact artifacts respectively consisting of faunal, lithics, and ceramics. These remains were identified within in an artifact collection donated to TDEC–TDOA by a private individual. Rat poison pellets observed inside of the box. Ancestral remains have been

placed in a muslin bag with flagging tape to identify the exposure to hazardous treatments or substances.

Unknown Site Locations, Henry County, TN

Human remains representing, at least, one individual. The human remains were donated to the Tennessee State Museum by a private individual and transferred to TDEC–DOA for repatriation. No information exists as to the circumstances of original collection. There is no known exposure to hazardous substances or treatments.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The TDEC–DOA has determined that:

- The human remains described in this notice represent the physical remains of at least, five individuals of Native American ancestry.
- The 15 objects and three lots of pre-contact artifacts described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and The Chickasaw Nation.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after July 3, 2025. If competing requests for repatriation are received, the TDEC–DOA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human

remains and associated funerary objects are considered a single request and not competing requests. The TDEC–DOA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 13, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–10025 Filed 6–2–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040180; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Hobart and William Smith Colleges, Geneva, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Hobart and William Smith Colleges has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after July 3, 2025.

ADDRESSES: Louis Guard, General Counsel, Hobart and William Smith Colleges, Coxe Hall, 337 Pulteney Street, Geneva, NY 14456, telephone (315) 781–3065, email guard@hws.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Hobart and William Smith Colleges, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual has been identified. No associated funerary objects are present. The remains are represented by one skull representing an older adult male

individual. Archival research indicates the skull was accidentally unearthed from a private property in Geneva, New York, in 1925 and donated to Hobart and William Smith Colleges at that time. Based on the biological profile and archival documentation, this individual has been culturally affiliated with the Seneca Tribe of Indians.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains described in this notice.

Determinations

Hobart and William Smith Colleges has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a connection between the human remains described in this notice and the Seneca Nation of Indians.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under

ADDRESSES. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after July 3, 2025. If competing requests for repatriation are received, Hobart and William Smith Colleges must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. Hobart and William Smith Colleges is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 13, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-10019 Filed 6-2-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0040170; PPWOCRADN0-PCU00RP14.R50000]

Notice of Inventory Completion: Tennessee Department of Environment and Conservation Division of Archaeology, Nashville, TN

AGENCY: National Park Service, Interior.
ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Tennessee Department of Conservation and Environment, Division of Archaeology (TDEC-DOA) has completed an inventory of human remains and associated funerary objects from Hardin County, TN and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after July 3, 2025.

ADDRESSES: Phillip R. Hodge, Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC-DOA), 1216 Foster Avenue, Cole Building #3, Nashville, TN 37243, telephone (615) 626-2025, email phil.hodge@tn.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the TDEC-DOA, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, two individuals have been identified. The one lot of associated funerary objects are unsorted, commingled faunal material.

Hardin Creek Mound, Hardin County, TN (Site 40HR178)

Human remains representing, at least, one individual, as well as one lot of associated funerary objects consisting of unsorted, commingled faunal material. No information is available regarding the collection or donation of these remains. There is no known exposure to hazardous substances or treatments.

Unknown Site, Hardin County, TN

Human remains representing, at least, one individual fashioned into a gorget. This ancestor was looted from the Tennessee River bankline at an unknown site location in Hardin County and surrendered to TDEC-DOA in 2014. There is no known exposure to hazardous substances or treatments.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The TDEC-DOA has determined that:

- The human remains described in this notice represent the physical remains of at least, two individuals of Native American ancestry.
- The one lot of funerary objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Cherokee Nation; Eastern Band of Cherokee Indians; Poarch Band of Creek Indians; The Chickasaw Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after July 3, 2025. If competing requests for repatriation are received, the TDEC-DOA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not

competing requests. The TDEC–DOA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 13, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–10023 Filed 6–2–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

**[NPS–WASO–NAGPRA–NPS0040234;
PPWOCRADN0–PCU00RP14.R50000]**

Notice of Intended Disposition: U.S. Army Corps of Engineers, Omaha District, Oahe Project, Pierre, SD

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Army Corps of Engineers, Omaha District intends to carry out the disposition of human remains and associated funerary objects removed from Federal or Tribal lands to the lineal descendants, Indian Tribe, or Native Hawaiian organization with priority for disposition in this notice.

DATES: Disposition of the human remains and associated funerary objects in this notice may occur on or after July 3, 2025. If no claim for disposition is received by June 3, 2026, the human remains and associated funerary objects in this notice will become unclaimed human remains and associated funerary objects.

ADDRESSES: Send written claims for disposition of the human remains and associated funerary objects in this notice to Megan Ernst, U.S. Army Corps of Engineers, Omaha District, 28563 Powerhouse Road, Pierre, SD 57501, email megan.m.ernst@usace.army.mil.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the U.S. Army Corps of Engineers, and additional information on the human remains or cultural items in this notice, including the results of consultation, can be found in the related records. The National Park

Service is not responsible for the identifications in this notice.

Abstract of Information Available

Based on the information available, human remains representing at least two individuals and one associated funerary object were identified on U.S. Army Corps of Engineers lands on Sioux County, North Dakota.

Determinations

The U.S. Army Corps of Engineers, Omaha District has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- The one associated funerary object described in this notice is reasonably believed to have been placed intentionally with or near the human remains.
- The Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota has priority for disposition of the human remains and associated funerary objects described in this notice.

Claims for Disposition

Written claims for disposition of the human remains and associated funerary objects in this notice must be sent to the appropriate official identified in this notice under **ADDRESSES**. If no claim for disposition is received by June 3, 2026, the human remains and associated funerary objects in this notice will become unclaimed human remains and associated funerary objects. Claims for disposition may be submitted by:

1. Any lineal descendant, Indian Tribe, or Native Hawaiian organization identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that they have priority for disposition.

Disposition of the human remains and associated funerary objects in this notice may occur on or after July 3, 2025. If competing claims for disposition are received, the U.S. Army Corps of Engineers, Omaha District must determine the most appropriate claimant prior to disposition. Requests for joint disposition of the human remains and associated funerary objects are considered a single request and not competing requests. The U.S. Army Corps of Engineers, Omaha District is responsible for sending a copy of this notice to the lineal descendants, Indian Tribes, and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25

U.S.C. 3002, and the implementing regulations, 43 CFR 10.7.

Dated: May 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–10011 Filed 6–2–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

**[NPS–WASO–NAGPRA–NPS0040231;
PPWOCRADN0–PCU00RP14.R50000]**

Notice of Inventory Completion: Robbins Museum of Archaeology, Middleborough, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Robbins Museum of Archaeology has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after July 3, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Robbins Museum of Archaeology, c/o Ryan J. Wheeler, Robert S. Peabody Institute of Archaeology, Phillips Academy, 180 Main Street, Andover, MA 01810, email rwheeler@andover.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Robbins Museum of Archaeology (including the Massachusetts Archaeological Society, its parent organization, and predecessor, the Bronson Museum), and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, two individuals have been identified. The 86 associated funerary objects are two lots bark; one lot stone slabs; one lot

stone plummet; two lots ground stone fishing weights with red ochre; 54 lots stone tools, including points and blades; one lot tubular brass bead; five lots red ochre; one lot bog iron or paint stones; one lot lithic debitage; two lots brass fragments; one lot musket ball; three lots faunal remains; one lot bark and charred bone; one lot braided fiber; two lots latten spoons; one lot metal fishhook; one lot rolled brass beads; one lot ceramic sherds; one lot nutting stones; one lot steatite bowl; one mixed lot stone tools; one mixed lot with glass beads, faunal remains, pottery sherds, bark, stone tools; one mixed lot, powder horn and bone knife handle. The individuals and associated funerary objects were removed from the Titicut site, Bridgewater, Plymouth County, MA by members of the Warren K. Moorehead Chapter of the Massachusetts Archaeological Society between 1946 and 1951. Objects and features found at the site indicate occupation and use of the site from the Early Archaic through the early nineteenth century. One individual was disturbed and removed during earlier excavations in the 1930s by another archaeological society, some individuals were removed by the Robert S. Peabody Institute of Archaeology (see **Federal Register** notices 60 FR 8733, February 15, 1995 and 88 FR 43385–43386, July 7, 2023), and some individuals were left in place. At least 16 individuals were sent to the Harvard Peabody Museum of Archaeology & Ethnology (see **Federal Register** notice 68 FR 48626–48634, August 14, 2003).

Human remains representing, at least, 19 individuals have been identified. The 422 associated funerary objects are seven lots charred wood; one lot wooden bowl; three lots pottery and pottery vessels; two lots clay concretion; three lots clam shells with red ochre; three lots faunal remains; one lot bone point; one lot atlatl weight; 77 lots stone burial slabs; 175 lots grave slates or slabs; one lot stone celt; one lot ground stone celt with red ochre; one lot cache stone tools; three lots chopper tools; three lots stone cobbles; four lots stone tool working debitage; two lots stone drills; two lot fire cracked rock; three lots stone fragments; 18 lots ground stone tools; four lots hammerstones; one lot net sinker; one lot nutting stone; three lots pendants; one lot petroglyph, one lot plummet; 33 lots stone points and blades; one lot possible paint stones; two lots stone tool preforms; one lot scraper; one lot steatite vessel sherd; 12 lots stone tools; four lots unidentified stone objects; one lot unidentified lithic object with red ochre stain; one lot

semi-rounded lithic object with red ochre stain; one lot brass spoon; 31 lots samples of red ochre; one lot debitage and charred wood; one lot charcoal samples; one lot stone rods; one lot ceremonial blades; two lots stone gouges; two lots quartz fragments; one lot hematite sample; three mixed lots of stone tools and faunal remains. The individuals and associated funerary objects were removed from the Wapanucket site, Middleborough, Plymouth County, MA by members of the Cohannet Chapter of the Massachusetts Archaeological Society between 1946 and the early 1960s. The site includes eight loci along an ancient sand dune, ranging in age from PaleoIndian to more recent occupation. Interments at the site are likely from the Late Archaic (5000 to 3000 BCE). Wampanoag occupation in the area includes the village Nateawamet, the residence of sachem Tuspaquin, as well as occupation by the Wampanoag well into the nineteenth century. The remains of at least seven individuals were transferred to the Harvard Peabody Museum of Archaeology & Ethnology (see **Federal Register** notice 87 FR 69326–69329, November 18, 2022).

Human remains representing, at least, one individual have been identified. The one associated funerary objects are one stone boar or bear effigy. The circumstances that brought this individual and associated funerary object to the Robbins Museum are currently unknown. The limited information available includes the number “263,” and the indication that the individual originated in eastern or southeastern Massachusetts.

Human remains representing, at least, one individual have been identified. No associated funerary objects are present. The individual was removed from a locale identified as Monomet or Manomet, Plymouth County, MA. Very little information is available about the individual, other than an association with the Bielski Collection and Bielski site ID 944. Edward G. Bielski’s collection was donated to the Robbins Museum in the fall of 2010. Bielski was a teacher in Scituate, MA, active member of the Massachusetts Archaeological Society, and collected extensively with Richard H. Bent, a surveyor in Plymouth, MA. Bielski and Bent disturbed sites in Marshfield, Carver, and Plymouth, MA.

Human remains representing, at least, one individual have been identified. No associated funerary objects are present. The individual was removed from the Ponkapoag site, Canton, Norfolk County, MA by members of the South Shore Chapter of the Massachusetts

Archaeological Society, who disturbed the site between 1962 through 1966 under the direction of Robert A. Martin. Martin’s publication documents the discovery of ancestral remains in one feature described as a “charcoal pit” at the site. The site dates to the Late Archaic, but includes a component from the eighteenth century.

Human remains representing, at least, one individual have been identified. The 13 associated funerary objects are 13 lots of faunal remains and concretion from a shell-bearing site, including remains of dog, red fox, dog or wolf, tortoise, skunk, turkey, deer, harbor seal, whale, quahog, and oyster. The individual and associated funerary objects were removed from a site in Annisquam, Gloucester, Essex County, MA, likely by N. Carleton Phillips or Benjamin Chadwick. Phillips and Chadwick disturbed sites in the Cape Ann area in the 1930s and 1940s and sent individuals and items to local museums. The remains housed at the Robbins Museum are not associated with the individual from Annisquam reported by the Harvard Peabody Museum of Archaeology & Ethnology (see **Federal Register** notice 87 FR 69317–69326, November 18, 2022).

Human remains representing, at least, three individuals have been identified. No associated funerary objects are present. On two separate occasions, persons unknown left ancestral human remains at the museum. The remains appear to be ancient and of Native American ancestry, and are presumed to be from southeastern Massachusetts.

Seventeen associated funerary objects are one lot botanical samples; one lot faunal remains; one lot stone working debitage; two lots stone fragments; one lot ground stone tools; eight lots stone tools and fragments; three lots red ochre samples. The associated funerary objects were removed from Bear Swamp One (M 39–72), Berkley, Bristol County, MA, which was disturbed by Arthur C. Staples and Roy C. Athearn from 1967 through at least 1969. Staples and Athearn removed one burial (described as Pit #20) in 1968, with the individual sent to the Robbins Museum (then called the Bronson Museum) to be forwarded to Harvard Peabody Museum of Archaeology & Ethnology (see **Federal Register** notice 68 FR 48626–48634, November 18, 2022). The burial is believed to date to the Late Woodland period (A.D. 1000–1600), though much of the Bear Swamp site dates to the Late Archaic.

Four associated funerary objects are four lots of steatite vessel fragments. In 1961, Arthur C. Lord and members of the Cohannet Chapter of the

Massachusetts Archaeological Society removed funerary objects from what was believed to be a cremation feature at the Hawes site, Lakeville, Plymouth County, MA. Documentation at the Robbins Museum indicates that it is possible the associated funerary objects reported here were associated with individuals repatriated in the early 1990s.

Four associated funerary objects are one lot metal chest plates; one lot brass beads; one lot fragment of deerskin; one lot string used in restringing beads. The associated funerary objects were removed at an unknown date by Maurice Robbins from a burial or burials in the vicinity of Gardner's Neck Road, Swansea, Bristol County, MA. Robbins sent some of the associated funerary objects to the Robert S. Peabody Institute of Archaeology in 1941 (see **Federal Register** notice 70 FR 16840–16841, April 1, 2005). In June 1955, Maurice Robbins disturbed an additional Native American burial on the property of Mr. Foley on Gardner's Neck Road, which Robbins described as the “very heart of the ancient land of the Wampanoag.” Documentation at the Robbins Museum indicates that it is possible the associated funerary objects reported here were associated with individuals repatriated in the early 1990s.

One associated funerary object is one lot ceremonial stone blade. The circumstances that brought this associated funerary object to the Robbins Museum are currently unknown, though museum records indicate they were removed from a cranberry bog at Jackson Brook, Billington Sea, Plymouth County, MA. It is possible that the blade is part of William Whiting's collection, who was active in collecting Native American objects in the 1940s and 1950s. Documentation at the Robbins Museum indicates that it is possible the associated funerary objects reported here were associated with individuals repatriated in the early 1990s.

One associated funerary object is one lot of kaolin ceramic pipe bowls. The circumstances that brought these associated funerary objects to the Robbins Museum are currently unknown, though museum records indicate that they are from Nantucket, Nantucket County, MA. Documentation at the Robbins Museum indicates that it is possible the associated funerary objects reported here were associated with individuals repatriated in the early 1990s.

Five associated funerary objects are two lots stone points and blades; two lots stone working debitage; one lot ceremonial blade preform of felsite. The

circumstances that brought these associated funerary objects to the Robbins Museum are currently unknown, though they are believed to be from eastern or southeastern Massachusetts. The associated funerary objects are described in museum records as part of the Salloway collection, possibly a reference to the name of the collector. Documentation at the Robbins Museum indicates that it is possible the associated funerary objects reported here were associated with individuals repatriated in the early 1990s.

Seven associated funerary objects are one lot textile fibers; two lots charred botanical remains; one lot wampum; two lots brass buttons or beads; one lot woven basket or mat fragments. The associated funerary objects were removed from the Taylor Farm, North Middleborough, Plymouth County, MA by William B. Taylor. Taylor's 1982 article and documentation at the museum indicate that the Taylor Farm includes large numbers of Native American interments, with occupation from the Archaic into the eighteenth century. Burials with European colonial objects dominate the burials excavated on the property, though cremation burials of the Late Archaic were found as well. The funerary objects held by the Robbins Museum may be from Taylor's Burial 4 and 5. Also see the NAGPRA notice published by Harvard Peabody Museum of Archaeology & Ethnology (see **Federal Register** notice 87 FR 69326–69329, November 18, 2022), which indicates that Maurice Robbins and William B. Taylor removed ancestral remains at the site in 1947 and transferred those individuals to Harvard.

Two associated funerary objects are one lot antler flaker; one lot brass kettle with iron handle. The circumstances that brought these associated funerary objects to the Robbins Museum are currently unknown. Museum records indicate that these associated funerary objects are “from contact period burial, site is unknown,” in eastern or southeastern Massachusetts. Documentation at the Robbins Museum indicates that it is likely the associated funerary objects reported here were associated with individuals repatriated in the early 1990s.

Six associated funerary objects are one lot mammal bone fragment; one lot kaolin ceramic pipe stem fragment; four lots brass hooks, spoons, tools and ornaments, points. The circumstances that brought these associated funerary objects to the Robbins Museum are currently unknown. Museum records indicate that these associated funerary objects originated from an unknown site

in eastern or southeastern Massachusetts. Documentation at the Robbins Museum indicates that it is likely the associated funerary objects reported here were associated with individuals repatriated in the early 1990s.

The Robbins Museum of Archaeology does not have any record that the ancestral human remains or associated funerary objects described above have been treated with pesticides or other potentially hazardous substances.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The Robbins Museum of Archaeology has determined that:

- The human remains described in this notice represent the physical remains of 28 individuals of Native American ancestry.
- The 569 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Mashpee Wampanoag Tribe and the Wampanoag Tribe of Gay Head (Aquinnah).

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes identified in this notice and, if joined to a request from one or more of the Indian Tribes, the Assonet Band of the Wampanoag Nation, a non-federally recognized Indian group.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after July 3, 2025. If competing requests for repatriation are received, the Robbins Museum of Archaeology must determine the most

appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The Robbins Museum of Archaeology is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–10020 Filed 6–2–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040171;
PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Tennessee Department of Environment and Conservation Division of Archaeology, Nashville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Tennessee Department of Conservation and Environment, Division of Archaeology (TDEC–DOA) has completed an inventory of human remains and associated funerary objects from in McNairy County, TN and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after July 3, 2025.

ADDRESSES: Phillip R. Hodge, Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC–DOA), 1216 Foster Avenue, Cole Building #3, Nashville, TN 37243, telephone (615) 626–2025, email phil.hodge@tn.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the TDEC–DOA, and additional information on the determinations in this notice, including

the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Site 40MY105, McNairy County, TN

Human remains representing, at least, two individuals, and two associated funerary objects consisting of one lot of shell beads and one lot of unsorted artifacts. Collections data indicate these materials were donated to TDEC–DOA in 1988 by a private consultant. No further information is available regarding the circumstances of their collection. There is no known exposure to hazardous substances or treatments.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The TDEC–DOA has determined that:

- The human remains described in this notice represent the physical remains of at least, two individuals of Native American ancestry.
- The two lots of material described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Poarch Band of Creek Indians and The Chickasaw Nation.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
 2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.
- Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after July 3, 2025. If competing requests for repatriation are received, the TDEC–DOA must

determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The TDEC–DOA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 13, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–10014 Filed 6–2–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040173;
PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: The Children's Museum of Indianapolis, Indianapolis, IN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), The Children's Museum of Indianapolis intends to repatriate a certain cultural item that meets the definition of an object of cultural patrimony and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after July 3, 2025.

ADDRESSES: Jennifer Noffze, The Children's Museum of Indianapolis, 3000 N Meridian Street, Indianapolis, IN 46208, telephone (317) 334–3722, email jenn@childrensmuseum.org.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of The Children's Museum of Indianapolis and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of one cultural item has been requested for repatriation. The one object of cultural patrimony is a quill stitched buffalo robe (52.376.103) belonging to the Women's Quill Society of the Arapaho. The robe was donated to the museum in 1952 by Margaret Morehouse. The buffalo robe holds significant historical and cultural importance within the Arapaho community, and these items are of immense spiritual value. Porcupine quills hold profound cultural and spiritual significance for the Arapaho people. They were traditionally used for clothing, blankets, teepees, and other essential items. The Arapaho Quill Women's Society, composed of seven elderly women, each possessed a sacred quill-working bag. The quill stitch designs they created were closely tied to the Arapaho spiritual beliefs and traditions. It was understood that one could not simply create quill stitch patterns independently or devise new designs without sacred guidance.

Determinations

The Children's Museum of Indianapolis has determined that:

- The one object of cultural patrimony described in this notice has ongoing historical, traditional, or cultural importance central to the Northern Arapaho Tribe of the Wind River Reservation, Wyoming, according to the Northern Arapaho Tribe of the Wind River Reservation, Wyoming traditional knowledge.

- There is a reasonable connection between the cultural item described in this notice and the Northern Arapaho Tribe of the Wind River Reservation, Wyoming.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after July 3, 2025. If competing requests for repatriation are received, The Children's Museum of Indianapolis must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural

items are considered a single request and not competing requests. The Children's Museum of Indianapolis is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: May 13, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-10004 Filed 6-2-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR**National Park Service**

[NPS-WASO-NAGPRA-NPS0040172; PPWOCRADNO-PCU00RP14.R50000]

**Notice of Inventory Completion:
Tennessee Department of Environment
and Conservation Division of
Archaeology, Nashville, TN**

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Tennessee Department of Conservation and Environment, Division of Archaeology (TDEC-DOA) has completed an inventory of human remains from in Perry and Stewart Counties, Tennessee and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after July 3, 2025.

ADDRESSES: Phillip R. Hodge, Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC-DOA), 1216 Foster Avenue, Cole Building #3, Nashville, TN 37243, telephone (615) 626-2025, email phil.hodge@tn.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the TDEC-DOA, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, two individuals have been identified.

Unknown Site Locations, Perry County, TN

Human remains representing, at least, one individual. No information is available regarding the location from which these remains were acquired or their transfer into TDEC-DOA care. There is no known exposure to hazardous substances or treatments.

Site 40SW71, Stewart County, TN

Human remains representing, at least, one individual. Collections data indicates this material was recovered from the site surface in 1971. No further information is available regarding the circumstances of their collection. There is no known exposure to hazardous substances or treatments.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

The TDEC-DOA has determined that:

- The human remains described in this notice represent the physical remains of at least, two individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Cherokee Nation; Eastern Band of Cherokee Indians; The Chickasaw Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under

ADDRESSES. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after July 3, 2025. If competing requests for repatriation are received, the TDEC-DOA must determine the most appropriate requestor prior to repatriation. Requests

for joint repatriation of the human remains are considered a single request and not competing requests. The TDEC-DOA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 13, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-10015 Filed 6-2-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0040183;
PPWOCRADN0-PCU00RP14.R50000]

Notice of Inventory Completion: Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, Norman, OK

AGENCY: National Park Service, Interior.
ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Sam Noble Oklahoma Museum of Natural History (SNOMNH) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after July 3, 2025.

FOR FURTHER INFORMATION CONTACT:

Zachary Garrett, NAGPRA Program Coordinator, Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, telephone (405) 325-1994, email zacgarrett@ou.edu. Individuals 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: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the

sole responsibility of the SNOMNH, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, eight associated funerary objects were removed from the Brackett site (34Ck43) in Cherokee County, OK, in 1939. The eight associated funerary objects are five complete vessels, one bag of potsherds, one stone knife fragment, and one mussel shell fragment. This list of objects is an addition to the group of associated funerary objects previously identified in a Notice of Inventory Completion published in the **Federal Register** on April 1, 2019 (84 FR 12274-12277).

Based on the information available, 47 associated funerary objects were removed from the Reed 4 site (34Dl4) in Delaware County, OK, in 1937. The 47 associated funerary objects are five ceramic vessels, five bags of potsherds, one ceramic pipe fragment, one ceramic bead, one bag with a sample of scrapings from the inside of a vessel, one projectile point, one stone pipe, two stone celts, four stone earspools, one stone abrader, one perforated stone, one pebble, two paintstones, two worked stones, one bag of shell beads, two copper bodkins, four decorated copper sheet fragments, 11 copper ornaments, and one copper tube. This list of objects is an addition to the group of associated funerary objects previously identified in a Notice of Inventory Completion published in the **Federal Register** on October 17, 2018 (83 FR 52522-52525).

Human remains representing, at least, three individuals have been identified. The five associated funerary objects are two projectile points, one bag of shell beads, one bone awl, and one bone hair pin. These human remains and associated funerary objects were removed from the Henry Heflin 1 site (34Lf14) in LeFlore County, OK in 1941. The human remains include two probable female adults and one probable male adult. This list of human remains and associated funerary objects are additions to the group of human remains and associated funerary objects previously identified in a Notice of Inventory Completion published in the **Federal Register** in a Notice of Inventory Completion on July 1, 2024 (89 FR 54499-54501).

Based on the information available, 11 associated funerary objects were removed from the Hooks site (34Lf19) in LeFlore County, OK in 1941. The 11

associated funerary objects are three bags of potsherds, five projectile points, two stone knives, and one stone ax. This list of objects is an addition to the group of associated funerary objects previously identified in a Notice of Inventory Completion published in the **Federal Register** on December 19, 2023 (88 FR 87803-87804).

Based on the information available, 20 associated funerary objects were removed from the Copeland site (34Lf20) in LeFlore County, OK in 1941. The 20 associated funerary objects are one ceramic vessel (in fragments), two bags of potsherds, three projectile points, four stone beads, one stone celt, one mano, one stone gorget, one piece of galena, one stone fossil, two paintstones, two bone awls, and one shell hoe. This list of objects is an addition to the group of associated funerary objects previously identified in a Notice of Inventory Completion published in the **Federal Register** on July 1, 2024 (89 FR 54499-54501).

Based on the information available, 10 associated funerary objects were removed from the Smith site (34Lf22) in LeFlore County, OK in 1940-1941. The 10 associated funerary objects include two stone celts, one projectile point, one boatstone, three worked antlers, two bone hair pins, and one bone awl. This list of objects is an addition to the group of associated funerary objects previously identified in a Notice of Inventory Completion published in the **Federal Register** on July 1, 2024 (89 FR 54499-54501).

Based on the information available, 65 associated funerary objects were removed from the Moore site (34Lf31) in LeFlore County, OK in 1938-1939 and 1969. The 65 associated funerary objects are 16 complete ceramic vessels, two vessels (in fragments), four bags of potsherds, 29 projectile points, one paintstone, one unidentified worked stone, three groundstone fragments, three bags of stone flakes, one partial squirrel skeleton, one bone awl fragment, one bag of animal bone fragments, one bag of shell beads, one shell hoe fragment, and one bag of shell fragments. This list of objects is an addition to the group of associated funerary objects previously identified in a Notice of Inventory Completion published in the **Federal Register** on December 19, 2023 (88 FR 87803-87804).

Based on the information available, six associated funerary objects were removed from the Hughes site (34Ms4) in Muskogee County, OK in 1938. The six associated funerary objects are one reconstructed vessel, four bags of potsherds, and one reconstructed

tortoise shell. This list of objects is an addition to the group of associated funerary objects previously identified in a Notice of Inventory Completion published in the **Federal Register** on October 17, 2018 (83 FR 52522–52525).

Based on the information available, three associated funerary objects were removed from the Nagle site (34Ok4) in Oklahoma County, OK in 1956–1957. The three associated funerary objects are one ceramic pipe or effigy burner bowl, one polished stone, and one paintstone. This list of objects is an addition to the group of associated funerary objects previously identified in a Notice of Inventory Completion published in the **Federal Register** on April 1, 2019 (84 FR 12274–12277).

Based on the information available, 99 associated funerary objects were removed from the Norman Mound site (34Wg2) between 1933 and 1948. The 99 associated funerary objects are six ceramic vessels, one ceramic vessel with human effigy, 12 bags of potsherds, 54 projectile points, 22 stone earspools, two bags of pigment, one bag of charcoal, and one bag of turtle shell fragments. This list of objects is an addition to the group of associated funerary objects previously identified in a Notice of Inventory Completion published in the **Federal Register** on December 9, 2019 (84 FR 67294–67295).

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The SNOMNH has determined that:

- The human remains described in this notice represent the physical remains of three individuals of Native American ancestry.
- The 274 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Caddo Nation of Oklahoma and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco, & Tawakonie), Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in

this notice under **FOR FURTHER INFORMATION CONTACT**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after July 3, 2025. If competing requests for repatriation are received, the SNOMNH must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The SNOMNH is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 13, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–10028 Filed 6–2–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040236;
PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Case Western Reserve University, Cleveland, OH

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Case Western Reserve University has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after July 3, 2025.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Joan Schenkel, Associate Vice President of Research Administration, Case Western Reserve University, 10900 Euclid Ave., Cleveland, OH 44106, email jms114@case.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Case Western Reserve University and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing one individual have been identified. No associated funerary objects are present. The human remains are recorded as the skull and mandible of an adult, female, prehistoric Timucua Indian of Florida, donated to Dr. T. Wingate Todd of Case Western Reserve University by Hannibal Hamlin of Yale University in an unknown year. The identity of the individual is unknown. No known presence of potentially hazardous materials.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains described in this notice.

Determinations

Case Western Reserve University has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a connection between the human remains described in this notice and the Seminole Tribe of Florida.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under

ADDRESSES. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that

the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after July 3, 2025. If competing requests for repatriation are received, Case Western Reserve University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. Case Western Reserve University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–10016 Filed 6–2–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040239;
PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Los Angeles County Museum of Natural History, Los Angeles, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Los Angeles County Museum of Natural History (LACMNH) intends to repatriate certain cultural items that meet the definition of unassociated funerary objects or objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after July 3, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Amy E. Gusick, NAGPRA Officer, Los Angeles County Museum of Natural History, 900 Exposition Boulevard, Los Angeles, CA 90007, email agusick@nhm.org.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The

determinations in this notice are the sole responsibility of the LACMNH, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 11 cultural items have been requested for repatriation. The two unassociated funerary objects are a ceramic jar and a ceramic figurine. The nine objects of cultural patrimony are six lots of potsherds, two ceramic jars, and a mano fragment. These 11 cultural items were removed from within Riverside County, California, at various times. In 1935, Frederick Ferguson Taylor II collected a ceramic figurine from Taylor Ranch near Highway 74 in Palm Desert, purportedly near a burial. Robert J. Raring donated this figurine to LACMNH in 1971. In 1923, Anna Wilson donated a ceramic jar that was found in the mountains near Indian Wells in Coachella Valley to LACMNH. In 1971, the Native Daughters of the Golden West, Tijera Parlor Chapter, donated pot sherds and a mano fragment, collected by Carl D. Hegner in Palm Springs, to LACMNH. In 1961, the California Institute of Technology donated pot sherds found North-East of Whitewater (between Palm Springs and Cabazon) to LACMNH. In 1941, H. A. Van Horman donated a ceramic jar found at an aqueduct near Palm Springs or Indio, to LACMNH. In 1927, W.M. Wellborn donated a ceramic jar found near Edom to LACMNH. Pot sherds from the Coachella Valley area were found at an unknown time. The circumstances around LACMNH's acquisition of these potsherds is unknown.

Determinations

The LACMNH has determined that:

- The two unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to

an Indian Tribe or Native Hawaiian organization.

- The nine objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.

- There is a reasonable connection between the cultural items described in this notice and the Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after July 3, 2025. If competing requests for repatriation are received, the LACMNH must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The LACMNH is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: May 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–10021 Filed 6–2–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040185;
PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Fort Lewis College, Durango, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Fort Lewis College has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after July 3, 2025.

ADDRESSES: Amy Cao, Fort Lewis College, 1000 Rim Drive, Durango, CO 81301, telephone (970) 247-7030, email arcao@fortlewis.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of Fort Lewis College, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, four individuals have been identified. No associated funerary objects are present.

In May 1975, human remains representing at minimum one individual were removed during a survey conducted on private land on Blue Mesa (WA-6, BM-005), south of Durango, Colorado in La Plata County under the direction of Dr. John Ives as part of a Fort Lewis College field school. This specific site within the survey was referred to as "WA-6 (BM-005)". Collections from the survey have been held at Fort Lewis College since 1975.

At an unknown time, human remains representing at minimum one individual were removed from an unknown site in La Plata County, Colorado. The remains were identified in a box labeled "WLP (No other information available)." WLP refers to "West La Plata," but no additional or specific site information is known. The remains have been in storage at Fort Lewis College since an unknown time before 2014, when the box containing them was noted on a general room inventory.

At an unknown time, human remains representing at minimum two individuals were removed from unknown sites. Remains representing one of the individuals were identified in

a box holding miscellaneous archaeological materials from unknown sites. The other remains representing at minimum one individual were identified in another box labeled "Misc. Artifacts from Misc. and Unknown Sites." The remains have been in collections storage at Fort Lewis College since an unknown time before 2014, when the boxes containing them were noted on a general room inventory.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

Fort Lewis College has determined that:

- The human remains described in this notice represent the physical remains of four individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Hopi Tribe of Arizona; Jicarilla Apache Nation, New Mexico; Navajo Nation, Arizona, New Mexico, & Utah; Ohkay Owingeh, New Mexico; Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; Santo Domingo Pueblo; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Ute Mountain Ute Tribe; Ysleta del Sur Pueblo; and the Zuni Tribe of the Zuni Reservation, New Mexico.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that

the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after July 3, 2025. If competing requests for repatriation are received, Fort Lewis College must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. Fort Lewis College is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 13, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-10010 Filed 6-2-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR**National Park Service**

[NPS-WASO-NAGPRA-NPS0040182; PPWOCRADN0-PCU00RP14.R50000]

Notice of Intended Repatriation: Stanford University, Stanford, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Stanford University intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after July 3, 2025.

ADDRESSES: Laura Jones, Repatriation Officer, Stanford University, 477 Oak Road, Stanford, CA 94305, telephone (650) 723-9664, email ljones@stanford.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of Stanford University and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is

not responsible for the determinations in this notice.

Abstract of Information Available

A total of eight cultural items have been requested for repatriation. The eight objects of cultural patrimony are baskets. All were listed as having been from Southern California with no affiliation other than "Mission".

Basket 1996.244 was acquired by Evelyn and Franklyn Clerk at an unknown date after 1930 and transferred by gift to the Cantor Center for the Visual Arts at Stanford University in 1996.

Basket 1999.60 was acquired by John Steward at an unknown date and transferred by gift to the Cantor Center for the Visual Arts in 1999.

Basket 1999.61 was acquired by John Steward at an unknown date and transferred by gift to the Cantor Center for the Visual Arts in 1999.

Basket 1999.62 was acquired by John Steward at an unknown date and transferred by gift to the Cantor Center for the Visual Arts in 1999.

Basket JLS.8585 was acquired by the Hazzard family sometime in the late 1880s. Based on archival research of the family, it is likely the basket came from San Diego. It was transferred by gift to the Stanford Museum (now the Cantor Center for the Visual Arts) between 1891 and 1906.

Baskets T.No.NA So. Ca Mission 1, 2, and 5 have no information about their journey to Stanford University.

Determinations

Stanford University has determined that:

- The eight objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Jamul Indian Village of California, according to the Native American traditional knowledge of the Jamul Indian Village of California.
- There is a reasonable connection between the cultural items described in this notice and the Jamul Indian Village of California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or

a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after July 3, 2025. If competing requests for repatriation are received Stanford University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. Stanford University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: May 13, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-10006 Filed 6-2-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

**[NPS-WASO-NAGPRA-NPS0040233;
PPWOCRADNO-PCU00RP14.R50000]**

Notice of Intended Disposition: U.S. Army Corps of Engineers, Omaha District, Pierre, SD

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Army Corps of Engineers, Omaha District intends to carry out the disposition of human remains removed from Federal or Tribal lands to the lineal descendants, Indian Tribe, or Native Hawaiian organization with priority for disposition in this notice.

DATES: Disposition of the human remains in this notice may occur on or after July 3, 2025. If no claim for disposition is received by June 3, 2026, the human remains in this notice will become unclaimed human remains.

ADDRESSES: Send written claims for disposition of the human remains in this notice to Megan Ernst, U.S. Army Corps of Engineers, Omaha District, 28563 Powerhouse Road, Pierre, SD 57501, email megan.m.ernst@usace.army.mil.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The

determinations in this notice are the sole responsibility of the U.S. Army Corps of Engineers, Omaha District and additional information on the human remains in this notice, including the results of consultation, can be found in the related records. The National Park Service is not responsible for the identifications in this notice.

Abstract of Information Available

Based on the information available, human remains representing, at least, three individuals have been reasonably identified. No funerary objects, sacred objects, associated funerary or objects of cultural patrimony were located. In November 2024, human remains were discovered on U.S. Army Corps of Engineers lands in Campbell County, South Dakota.

Determinations

The U.S. Army Corps of Engineers, Omaha District has determined that:

- The human remains described in this notice represent the physical remains of three individuals of Native American ancestry.
- The Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota has priority for disposition of the human remains described in this notice.

Claims for Disposition

Written claims for disposition of the human remains in this notice must be sent to the appropriate official identified in this notice under **ADDRESSES**. If no claim for disposition is received by June 3, 2026, the human remains in this notice will become unclaimed human remains. Claims for disposition may be submitted by:

1. Any lineal descendant, Indian Tribe, or Native Hawaiian organization identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that they have priority for disposition.

Disposition of the human remains in this notice may occur on or after July 3, 2025. If competing claims for disposition are received, the U.S. Army Corps of Engineers, Omaha District must determine the most appropriate claimant prior to disposition. Requests for joint disposition of the human remains are considered a single request and not competing requests. The U.S. Army Corps of Engineers, Omaha District is responsible for sending a copy of this notice to the lineal descendants, Indian Tribes, and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3002, and the implementing regulations, 43 CFR 10.7.

Dated: May 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–10030 Filed 6–2–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

**[NPS–WASO–NAGPRA–NPS0040184;
PPWOCRADN0–PCU00RP14.R50000]**

Notice of Intended Repatriation: San Francisco State University NAGPRA Program, San Francisco, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the San Francisco State University (SF State) NAGPRA Program intends to repatriate certain cultural items that meet the definition of sacred objects, and objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after July 3, 2025.

ADDRESSES: Victor Javier Aguilar, San Francisco State University NAGPRA Program, 1600 Holloway Avenue, San Francisco, CA 94132, telephone (415) 405–3545, email vaguila4@sfsu.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the SF State NAGPRA Program, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of five cultural items have been requested for repatriation. The five sacred objects/objects of cultural patrimony are two large grass foundation coiled baskets, one round basket (flared, for cooking or storage), a basket bowl, and a coiled round basket bowl. These baskets were donated to the Treganza Anthropology Museum (TAM) at San Francisco State University in the

1960s and 1970s. When the TAM closed in 2012, all the Native American items were transferred to the SF State NAGPRA Program. All baskets are from the California Basket Collection.

It was once common practice by museums to use chemicals on cultural items to prevent deterioration by mold, insects, and moisture. To date, the SF State NAGPRA Program has no records documenting use of chemicals at our facilities, and we currently do not use chemicals on any cultural items. A former SF State professor, Dr. Michael Moratto, stated that staff used glues, polyvinyl acetate, and a solution called Glyptol to mend and stabilize cultural objects in the past. Prior non-invasive and non-destructive hazardous chemical tests conducted at the SF State NAGPRA Program repositories show arsenic, mercury, and/or lead in some storage containers, surfaces, and certain cultural items.

Determinations

The SF State NAGPRA Program has determined that:

- The five sacred objects/objects of cultural patrimony described in this notice are, according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization, specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, and have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision).
- There is a reasonable connection between the cultural items described in this notice and the Jamul Indian Village of California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after July 3, 2025. If competing requests for repatriation are received, the SF State NAGPRA Program must determine the most appropriate

requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The SF State NAGPRA Program is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: May 13, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–10029 Filed 6–2–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

**[NPS–WASO–NAGPRA–NPS0040235;
PPWOCRADN0–PCU00RP14.R50000]**

Notice of Inventory Completion: Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Peabody Museum of Archaeology and Ethnology, Harvard University (PMAE) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after July 3, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Deanna Byrd, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, email deannabyrd@fas.harvard.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the PMAE, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The

National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, four individuals have been identified from mounds on the Wassica River, near Camp Pleasant, Jefferson County, FL, possibly associated with Florida State Site #8JE63. No associated funerary objects are present. The human remains were collected by F.W. Walker in 1932 and donated by Walker to the PMAE in 1935.

Human remains representing, at least, one individual have been identified from a cemetery near Point Washington, Walton County, FL (Florida State Site #8WL16). The three associated funerary objects are three lots of ceramic vessels and vessel fragments. Clarence Bloomfield Moore collected the human remains and associated funerary objects in 1901 and donated them to the PMAE the same year.

A total of one associated funerary object was defined during consultation as made exclusively for burial purposes according to Native American traditional knowledge. The one associated funerary object is one lot consisting of a ceramic vessel and fragments removed from a sand dune on Santa Rosa Island by Dr. Alfred M. Woodcock prior to 1935 and donated to the PMAE in 1935.

A total of 43 associated funerary objects were defined during consultation, in which either the location of the human remains is known but they are not present at the PMAE and/or the objects were made exclusively for burial purposes, according to Native American traditional knowledge. These 43 associated funerary objects are all ceramic vessels or vessel fragments known or presumed to be collected by Clarence Bloomfield Moore between 1901 and 1902 and donated to the PMAE between 1901 and 1907. There are 42 lots of associated funerary objects currently located, including: two lots from a mound near Baker's Landing, St. Andrews Bay, Bay County, FL (possibly Florida State Site #8By29); two lots from a mound near Strange's Landing, St. Andrews Bay, Bay County, FL (Florida State Site #8By26); one lot from a mound near West Bay Post Office, St. Andrews Bay, Bay County, FL (Florida State Site #8By11); and one lot from a small mound near Burnt Mill Creek, St. Andrews Bay, Bay County, FL (Florida State Site #8By16); one lot from a mound near Hare Hamock, St. Andrew's Sound, Bay County, FL (Florida State Site #8By30 or 8By31); one lot from a mound near Davis Point, Calhoun

County, FL; one lot from a mound near Brickyard Creek, Franklin County, FL (Florida State Site #8Fr8); one lot from a mound near Eleven Mile Point, St. Vincent's Sound, Franklin County, FL (Florida State Site #8Fr10); one lot from Cool Spring Mound, Franklin County, FL (Florida State Site #8Fr19); one lot from Pierce Mounds, Franklin County, FL (Florida State Site #8Fr14); two lots from a mound near Aspalaga, Gadsden County, FL (Florida State Site #8Gd1); one lot from a mound at the Gotier Hammock site, St. Joseph Bay, Gulf County, FL (Florida State Site #8Gu2); three lots from a mound near the Chipola Cutoff, Gulf County, FL (Florida State Site #8Gu5); one lot from near Sampson's Landing on the Apalachicola River, Jackson County, FL (Florida State #8Ja1); two lots from a mound at Rocky Bayou West, Okaloosa County, FL (Florida State Site #8Ok3); one lot from the vicinity of Walton's Camp, Santa Rosa Sound, Santa Rosa County, FL; seven lots from a mound at Walton's Camp, Santa Rosa Sound, Santa Rosa County, FL (Florida State Site #8Ok6); one lot from a mound near Maester Creek, Blackwater Bay, Santa Rosa County, FL (Florida State Site #8Sr780); two lots from mounds in the vicinity of Santa Rosa Sound, Santa Rosa County, FL (Florida State Site #8Sr1); four lots from a mound near point Washington, Choctawhatchee Bay, Walton County, FL; two lots from a small mound at Rocky Bayou, Choctawhatchee Bay, Walton County, FL; one lot from a mound near Rocky Bayou, Choctawhatchee Bay, Walton County, FL; and three lots from a mound near Jolly Bay, Walton County, FL (Florida State Site #8Wl15). There is one lot not currently located, from a mound near Huckleberry Landing, Franklin County, FL (Possibly Florida State Site #8Fr12).

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The PMAE has determined that:

- The human remains described in this notice represent the physical remains of five individuals of Native American ancestry.
- The 47 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.

- There is a connection between the human remains and associated funerary objects described in this notice and the Jena Band of Choctaw Indians; Miccosukee Tribe of Indians; Mississippi Band of Choctaw Indians; Seminole Tribe of Florida; The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; and The Seminole Nation of Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after July 3, 2025. If competing requests for repatriation are received, the PMAE must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The PMAE is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-10012 Filed 6-2-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0040241; PPWOCRADN0-PCU00RP14.R50000]

Notice of Inventory Completion:
Tennessee Department of Environment and Conservation Division of Archaeology, Nashville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC–DOA) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after July 3, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Phillip R. Hodge, Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC–DOA), 1216 Foster Avenue, Cole Building #3, Nashville, TN 37243, email phil.hodge@tn.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the TDEC–DOA, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, seven individuals and 15 associated funerary objects have been identified.

Site 40LA26, Lauderdale County, TN

Human remains representing, at least, one individual and one lot of associated funerary objects consisting of unanalyzed faunal material. No information is available regarding the collection or donation of these materials. There is no known exposure to hazardous substances or treatments.

Unknown Sites, Lauderdale County, TN

Human remains representing, at least, two individuals and 12 associated funerary objects. Ancestral remains of one individual were donated to the Tennessee State Museum (TSM 8.571.1, TSM 8.571B) and transferred to TDEC–DOA in 2021, along with one associated funerary object consisting of a ceramic urn. Ancestral remains of at least one individual were donated to TDEC–DOA in 1979 along with 11 associated funerary objects consisting of 10 ceramic vessels and one stone gorget.

No additional information is available regarding the circumstances of collection or location of origin. There is no known exposure to hazardous substances or treatments.

Unknown Site, Shelby County, TN

Human remains representing, at least, one individual. These remains were donated by the Shelby County Medical Examiner Regional Forensic Center to TDEC–DOA in 2006. No information is available on the original archaeological context of these materials or circumstances surrounding their collection. There is no known exposure to hazardous substances or treatments.

Unknown Sites, Tipton County, TN

Human remains representing, at least, three individuals and two lotted associated funerary objects. Ancestral remains at least, one individual was donated to TDEC–DOA by a private museum in 2022. No information is available on the original archaeological context of these materials or circumstances surrounding their collection. Ancestral remains of, at least, two individuals, one lot of associated funerary objects consisting of faunal material, and one lot of associated funerary objects consisting of lithic material found eroding from the bank of the Hatchie River were donated to TDEC–DOA by a private individual in 2024. There is no known exposure to hazardous substances or treatments.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The TDEC–DOA has determined that:

- The human remains described in this notice represent the physical remains of seven individuals of Native American ancestry.
- The 15 associated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Quapaw Nation and The Chickasaw Nation.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after July 3, 2025. If competing requests for repatriation are received, the TDEC–DOA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The TDEC–DOA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–10013 Filed 6–2–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040177; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Sam Noble Museum of Natural History, University of Oklahoma, Norman, OK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Sam Noble Oklahoma Museum of Natural History (SNOMNH) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after July 3, 2025.

ADDRESSES: Zachary Garrett, NAGPRA Program Coordinator, Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, 2401 Chautauqua Avenue, Norman, OK 73072–7029, telephone (405) 325–1994, email zacgarrett@ou.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of SNOMNH, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, two individuals have been identified from the Hinz site (34Wa4) in Washita County, OK. The two additional human remains include two probable adult females. This list comprises additional ancestral remains from a Notice of Inventory Completion published in the **Federal Register** on November 1, 2017 (82 FR 50667–50675).

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains described in this notice.

Determinations

The SNOMNH has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco, & Tawakonie), Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under

ADDRESSES. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or

an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requester may occur on or after July 3, 2025. If competing requests for repatriation are received, the SNOMNH must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The SNOMNH is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 13, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–10005 Filed 6–2–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040176;
PPWOCRADNO–PCU00RP14.R50000]

Notice of Inventory Completion: University of Florida, Florida Museum of Natural History, Gainesville, FL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Florida, Florida Museum of Natural History (FLMNH) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after July 3, 2025.

ADDRESSES: Megan Fry, NAGPRA Coordinator, University of Florida, Florida Museum of Natural History, 1659 Museum Road, Gainesville, FL 32611, telephone (352) 273–1921, email megan.fry@floridamuseum.ufl.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the FLMNH, and

additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing at least 14 individuals have been identified from Walkers Landing (8NA28), of Nassau County, Florida. The 22 associated funerary objects include a pink mound fill which corresponds to the Bullen publication description of the burial mound context, a shell labelled “Burial 2”, as well as several faunal bones and shells. Walkers Landing (Acc. 74–43;82–13; 73–20; S–164–172; FM EAP 0115), also referred to as Walker Point, was excavated in 1971 by E. Thomas Hemmings of the Florida Museum of Natural History (Hemmings and Deagan 1973). The site had been heavily disturbed by relic hunters prior to Hemmings' excavations which were carried out under the auspices of the landowners. In addition to the burials excavated (some disturbed) fragmentary bones were found in the relic hunters' spoil. Identification of select skeletal elements was made by Adelaide K. Bullen (1973). The FLMNH undertook building wide fumigation with Vikane (sulfuryl fluoride) several times since this collection has entered the museum. No other exposure to potentially hazardous substances is known to FLMNH.

Cultural Affiliation

Based on the information available and the results of consultation cultural affiliation is reasonably identified by the geographical location of the human remains described in this notice.

Determinations

The FLMNH has determined that:

- The human remains described in this notice represent the physical remains of 14 individuals of Native American ancestry.
- The 22 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Seminole Tribe of Florida and The Muscogee (Creek) Nation.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the

authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after July 3, 2025. If competing requests for repatriation are received, the FLMNH must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The FLMNH is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 13, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-10008 Filed 6-2-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0040169;
PPWOCRADN0-PCU00RP14.R50000]

Notice of Intended Repatriation: Tennessee Department of Environment and Conservation Division of Archaeology, Nashville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Tennessee Department of Conservation and Environment, Division of Archaeology (TDEC-DOA) intends to repatriate a certain cultural item from Henry County, TN that meets the definition of an unassociated funerary object and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after July 3, 2025.

ADDRESSES: Phillip R. Hodge, Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC-DOA), 1216 Foster Avenue, Cole Building #3, Nashville, TN 37243, telephone (615) 626-2025, email phil.hodge@tn.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the TDEC-DOA, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of one cultural item from Henry County, TN has been requested for repatriation. The one unassociated funerary object is a ceramic vessel originally from the collections of the Mississippi Department of Archives and History, which was donated to TDEC-DOA in 2023. No information exists as to the circumstances of its original collection. There is no known exposure to hazardous substances or treatments.

Determinations

The TDEC-DOA has determined that:

- The one unassociated funerary object described in this notice is reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary object has been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

- There is a reasonable connection between the cultural item described in this notice and The Chickasaw Nation.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by

a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after July 3, 2025. If competing requests for repatriation are received, the TDEC-DOA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. The TDEC-DOA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: May 13, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-10026 Filed 6-2-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0040232;
PPWOCRADN0-PCU00RP14.R50000]

Notice of Inventory Completion: Mercyhurst University, Erie, PA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Mercyhurst University has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after July 3, 2025.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Anne Marjenin, Mercyhurst University, 501 East 38th Street, Erie, PA 16546, email nagpra@mercyhurst.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of Mercyhurst University, and additional information on the determinations in this notice,

including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified. No associated funerary objects are present. On an unknown date, the individual (VM-110) was removed from a location near the Sweetwater River in Fremont County or Natrona County, Wyoming. On an unknown date, the individual was obtained by Raymond C. Vietzen (1907–1995). Vietzen, an avocational archaeologist, collector, and author, established the Indian Ridge Museum in Elyria, Ohio, and the Archaeological Society of Ohio (formerly the Ohio Indian Relic Collectors Society). The Indian Ridge Museum, founded in the 1930s, served as Vietzen's laboratory and repository, and it remained in operation until the mid-1990s. After Vietzen's death, the facility fell into disrepair, and most of the items he had acquired and housed at the museum were sold. In 1998, the Ohio Historical Society (presently the Ohio History Connection) removed ancestral human remains and some of the remaining items from the facility and temporarily housed them at the Ohio Historical Society. In October of 2003, these remains were transferred from the Ohio Historical Society to Mercyhurst College (presently Mercyhurst University).

There is no record regarding potentially hazardous substances having been used to treat the human remains.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains described in this notice.

Determinations

Mercyhurst University has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a connection between the human remains described in this notice and the Assiniboiné and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne and Arapaho Tribes, Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Eastern Shoshone Tribe of the Wind River Reservation, Wyoming; Flandreau

Santee Sioux Tribe of South Dakota; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Northern Arapaho Tribe of the Wind River Reservation, Wyoming; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Oglala Sioux Tribe; Prairie Island Indian Community in the State of Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Nation, Nebraska; Shakopee Mdewakanton Sioux Community of Minnesota; Shoshone-Bannock Tribes of the Fort Hall Reservation; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Upper Sioux Community, Minnesota; and the Yankton Sioux Tribe of South Dakota.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under

ADDRESSES. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after July 3, 2025. If competing requests for repatriation are received, Mercyhurst University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. Mercyhurst University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–10007 Filed 6–2–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040243; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Tennessee Department of Environment and Conservation, Division of Archaeology, Nashville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC–DOA) intends to repatriate certain cultural items from Lauderdale County, TN, that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after July 3, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Phillip R. Hodge, Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC–DOA), 1216 Foster Avenue, Cole Building #3, Nashville, TN 37243, email phil.hodge@tn.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the TDEC–DOA, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 22 cultural items have been requested for repatriation.

Site 40LA92, Lauderdale County, TN

Twenty-two unassociated funerary objects consisting of 17 ceramic vessels, one sandstone abrader (missing at inventory), one lot of ceramic sherds and lithics, two lots of ceramic sherds, and one lot of ceramic sherds and faunal material. Excavations at the Graves Lake site were conducted by TDEC–DOA in 1990 under ARPA permit 01–TN–1–90, to mitigate site damage resulting from earthmoving activity. Ancestral remains associated with these artifacts were not

exhumed. There is no known exposure to hazardous substances or treatments.

Determinations

The TDEC–DOA has determined that:

- The 22 unassociated funerary objects described in this notice is reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary object has been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

- There is a reasonable connection between the cultural items described in this notice and the Quapaw Nation and The Chickasaw Nation.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after July 3, 2025. If competing requests for repatriation are received, the TDEC–DOA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The TDEC–DOA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: May 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–10017 Filed 6–2–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040178; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Fine Arts Center at Colorado College, Colorado Springs, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Fine Arts Center at Colorado College intends to repatriate a certain cultural item that meets the definition of a sacred object and object of cultural patrimony and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after July 3, 2025.

ADDRESSES: Michael Christiano, Fine Arts Center at Colorado College, 30 W Dale Street Colorado Springs, CO 80903, telephone (719) 477–4311, email NAGPRA@coloradocollege.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Fine Arts Center at Colorado College, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of one cultural item has been requested for repatriation. The one sacred object/object of cultural patrimony is a hide painting. The painting (TM 514), known as “God the Father”, originated from the Santa Ana de Tamaya Mission Church, in Santa Ana Pueblo, Sandoval County, New Mexico, and is documented in mission inventories dated 1697 to 1712. It was later obtained by Fred Harvey Indian Department agents—most likely through “Harvey anthropologist” Herman Schweizer in the 1930s—and accessioned by the Taylor Museum (now the Fine Arts Center at Colorado College) in 1941–1942. The cultural item is attributed to the Pueblo of Santa Ana. In April 2025, a handheld XRF Spectrometer detected lead and mercury in the paint pigments; no other hazardous substances were identified.

Determinations

The Fine Arts Center at Colorado College has determined that:

- The one sacred object/object of cultural patrimony described in this notice is, according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization, a specific ceremonial object needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, and has ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision).
- There is a reasonable connection between the cultural item described in this notice and the Pueblo of Santa Ana, New Mexico.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after July 3, 2025. If competing requests for repatriation are received, the Fine Arts Center at Colorado College must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. The Fine Arts Center at Colorado College is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: May 13, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–10009 Filed 6–2–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR**Office of Surface Mining Reclamation and Enforcement**

[S1D1S SS08011000 SX064A000
256S180110; S2D2S SS08011000
SX064A000 25XS501520; OMB Control
Number 1029–0051]

**Agency Information Collection
Activities; State Regulatory Authority:
Inspection and Enforcement**

AGENCY: Office of Surface Mining
Reclamation and Enforcement, Interior.

ACTION: Notice of information collection;
request for comment.

SUMMARY: In accordance with the
Paperwork Reduction Act of 1995, we,
the Office of Surface Mining
Reclamation and Enforcement (OSMRE),
are proposing to renew an information
collection.

DATES: Interested persons are invited to
submit comments. To be considered,
your comments must be received on or
before July 3, 2025.

ADDRESSES: Written comments and
recommendations for the proposed
information collection request (ICR)
should be sent to [www.reginfo.gov/
public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). You may find this
particular information collection by
selecting “Currently under 30-day
Review—Open for Public Comments” or
by using the search function. Please
provide a copy of your comments to
William Frankel, Office of Surface
Mining Reclamation and Enforcement,
1849 C Street NW, Room 4547–MIB,
Washington, DC 20240, by email
wfrankel@osmre.gov or telephone at
(202) 208–0121. Please reference OMB
Control Number 1029–0051 in the
subject line of your comments.

FOR FURTHER INFORMATION CONTACT:
William Frankel by email at wfrankel@osmre.gov
or telephone at (202) 208–
0121. 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. You may
also view the ICR at [http://
www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain).

SUPPLEMENTARY INFORMATION: In
accordance with the Paperwork
Reduction Act of 1995 (PRA; 44 U.S.C.
3501 *et seq.*) and 5 CFR 1320.8(d)(1), we
provide the general public and other
Federal agencies with an opportunity to
comment on new, proposed, revised,

and continuing collections of
information. This helps us assess the
impact of our information collection
requirements and minimize the public’s
reporting burden. It also helps the
public understand our information
collection requirements and provide the
requested data in the desired format.

A **Federal Register** notice with a 60-
day public comment period soliciting
comments on this collection of
information was published on December
6, 2024 (89 FR 97066). No comments
were received.

As part of our continuing effort to
reduce paperwork and respondent
burdens, we are again soliciting
comments from the public and other
Federal agencies on the proposed ICR
that is described below. We are
especially interested in public comment
addressing the following:

(1) Whether or not the collection of
information is necessary for the proper
performance of the functions of the
agency, including whether or not the
information will have practical utility;

(2) The accuracy of our estimate of the
burden for this collection of
information, including the validity of
the methodology and assumptions used;
(3) Ways to enhance the quality,
utility, and clarity of the information to
be collected; and

(4) How might the agency minimize
the burden of the collection of
information on those who are to
respond, including through the use of
appropriate automated, electronic,
mechanical, or other technological
collection techniques or other forms of
information technology, *e.g.*, permitting
electronic submission of response.

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

Abstract: This provision requires the
regulatory authority to conduct periodic
inspections of coal mining activities and
prepare and maintain inspection reports
and other related documents for OSMRE
and public review. This information is
necessary to meet the requirements of
the Surface Mining Control and
Reclamation Act of 1977 and its public
participation provisions. Public review
assures the public that the State is

meeting the requirements of the Act and
approved State regulatory program.

Title of Collection: Regulatory
Authority: Inspection and Enforcement.

OMB Control Number: 1029–0051.

Form Number: None.

Type of Review: Extension of a
currently approved collection.

Respondents/Affected Public: State
governments.

**Total Estimated Number of Annual
Respondents:** 23.

**Total Estimated Number of Annual
Responses:** 53,015.

**Estimated Completion Time per
Response:** Varies from 1.5 hour to 10
hours, depending on activity.

**Total Estimated Number of Annual
Burden Hours:** 395,795.

Respondent’s Obligation: Required to
obtain or retain a benefit.

Frequency of Collection: One Time.

**Total Estimated Annual Nonhour
Burden Cost:** \$700.

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.*).

William L. Frankel,

*Information Collection Clearance Officer,
Office of Surface Mining Reclamation and
Enforcement.*

[FR Doc. 2025–10054 Filed 6–2–25; 8:45 am]

BILLING CODE 4310–05–P

**INTERNATIONAL TRADE
COMMISSION**

[Investigation No. 337–TA–1431]

**Certain Nanolaminate Alloy Coated
Metal Parts and Products Containing
the Same; Notice of a Commission
Decision Not To Review an Initial
Determination Amending the
Complaint and Notice of Investigation**

AGENCY: U.S. International Trade
Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that
the U.S. International Trade
Commission has determined not to
review an initial determination (“ID”) of
the presiding administrative law judge
(“ALJ”) granting a motion to amend the
complaint and notice of investigation to
add seven additional respondents.

FOR FURTHER INFORMATION CONTACT:
Sidney A. Rosenzweig, Office of the
General Counsel, U.S. International
Trade Commission, 500 E Street SW,
Washington, DC 20436, telephone (202)

708–2532. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal, telephone (202) 205–1810.

SUPPLEMENTARY INFORMATION: On January 22, 2025, the Commission instituted this investigation based on a complaint filed by Modumetal, Inc. of Snohomish, Washington (“Modumetal”). 90 FR 7704 (Jan. 22, 2025). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain nanolaminate alloy coated metal parts, components thereof, and products containing the same by reason of the infringement of certain claims of U.S. Patent No. 10,253,419 and U.S. Patent No. 11,242,613. *Id.* at 7704. The Commission instituted the investigation as to certain nanolaminate alloy coated metal parts and products containing the same. *Id.* at 7704 n.1. The Commission’s notice of investigation named the following respondents: Parker Hannifin Corporation of Cleveland, Ohio; and Lu Chu Shin Yee Works Co., Ltd. of Kaoshing City, Taiwan (collectively, “Respondents”). *Id.* at 7704. The Office of Unfair Import Investigations is not a party to this investigation. *Id.*

On April 14, 2025, Modumetal moved to amend the complaint and notice of investigation to add the following proposed respondents: Jiangsu DVP Hi Press Tech Co. of Jiangsu, China; Kunshan Huizong Machine Co. of Jiangsu, China; Maxort Philippines Inc. of Laguna, Philippines; Paloma Turning Co. Pvt Ltd. of Karnataka, India; Shaoxing Xuantong Fluid Connectors Manufacturing Co., Ltd. of Zhejiang, China; Overseas International Group of Shanghai, China; and Zhejiang Unifull Industrial Fibre Co., Ltd. of Zhejiang, China.

On April 24, 2025, Respondents opposed the motion, arguing that Modumetal violated Commission Rule 210.14(b)(1) (19 CFR 210.14(b)(1)) by failing to properly serve the motion on the proposed respondents and for failing to show good cause for the amendment.

On May 8, 2025, the ALJ granted the motion as the subject ID (Order No. 13). The ID explains that the service issue arose because Respondents “insisted on redacting the names of the Proposed Respondents from the Amended Complaint.” ID at 5. The parties worked together to resolve the service issue. *Id.* at 5–6. The ID also finds that good cause exists for the amendment. *Id.* at 7.

No petitions for Commission review of the ID were filed. The Commission has determined not to review the ID.

The Commission vote for this determination took place on May 28, 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 28, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–09993 Filed 6–2–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1375]

Certain Mobile Phones, Components Thereof, and Products Containing the Same; Notice of a Commission Decision Not To Review an Initial Determination Terminating the Investigation in Its Entirety Based on Settlement; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) issued by the presiding administrative law judge (“ALJ”) granting a joint motion to terminate the investigation in its entirety based on settlement due to a patent license agreement and arbitration agreement.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–2532. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help

accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal, telephone (202) 205–1810.

SUPPLEMENTARY INFORMATION: On November 17, 2023, the Commission instituted this investigation based on a complaint filed by Telefonaktiebolaget LM Ericsson of Stockholm, Sweden (“Ericsson”). 88 FR 80336 (Nov. 17, 2023). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain mobile phones, components thereof, and products containing same by reason of the infringement of certain claims of U.S. Patent No. 10,425,817 (“the ‘817 patent”); U.S. Patent No. 10,306,669 (“the ‘669 patent”); U.S. Patent No. 11,317,342 (“the ‘342 patent”); and U.S. Patent No. 11,515,893 (“the ‘893 patent”). *Id.* The Commission’s notice of investigation named the following respondents: Motorola Mobility LLC of Chicago, Illinois; Lenovo (United States) Inc. of Morrisville, North Carolina; Lenovo Group Limited (“LGL”) of Hong Kong SAR; and Motorola (Wuhan) Mobility Technologies of Wuhan, China. The Office of Unfair Import Investigations was also named as a party in this investigation. *Id.*

On July 1, 2024, the Commission terminated the investigation as to LGL. Order No. 30 (June 3, 2024), *unreviewed by Notice* (July 1, 2024). In addition, the Commission terminated a number of asserted patent claims from the investigation. Order No. 10 (Jan. 3, 2024), *unreviewed by Notice* (Feb. 1, 2024); Order No. 15 (Feb. 7, 2024), *unreviewed by Notice* (Mar. 7, 2024); Order No. 31 (June 3, 2024), *unreviewed by Notice* (July 1, 2024); Order No. 41 (July 9, 2024), *unreviewed by Notice* (July 30, 2024). The patent claims that remain asserted are claims 10 and 13–15 of the ‘817 patent; claims 8, 9, 15, and 17 of the ‘669 patent; claims 34 and 39 of the ‘342 patent; and claim 4 of the ‘893 patent.

On December 17, 2024, the ALJ issued a final ID finding a violation of section 337 as to all the remaining asserted patent claims. The final ID did not include an recommended determination (“RD”) on remedy, the public interest, and bonding.

On April 17, 2025, the private parties filed a joint motion to terminate the investigation in its entirety based on settlement due to a patent license agreement and arbitration agreement. On April 28, 2025, the Commission investigative attorney filed a response in support of the motion.

On May 8, 2025, the ALJ issued the subject ID (Order No. 66), which grants the joint motion. The ID finds that the motion complies with Commission Rule 210.21(b) (19 CFR 210.21(b)). ID at 2–3.

No petitions for Commission review of the subject ID were filed.

The Commission has determined not to review the subject ID. The Commission notes that the motion also complies with Commission Rule 210.21(d) (19 CFR 210.21(d)) concerning arbitration agreements. The investigation is terminated.

The Commission vote for this determination took place on May 28, 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 29, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–10048 Filed 6–2–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–767 and 731–TA–1750 (Preliminary)]

L-lysine From China; Institution of Antidumping and Countervailing Duty Investigations; Scheduling of Preliminary Phase Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping and countervailing duty Investigation Nos. 701–TA–767 and 731–TA–1750 (Preliminary) pursuant to the Tariff Act of 1930 (“the Act”) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of

imports of L-lysine from China, provided for in subheading 2922.41.0090 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value and subsidized by the government of China. Unless the Department of Commerce (“Commerce”) extends the time for initiation, the Commission must reach a preliminary determination in antidumping and countervailing duty investigations in 45 days, or in this case by July 14, 2025. The Commission's views must be transmitted to Commerce within five business days thereafter, or by July 21, 2025.

DATES: May 28, 2025.

FOR FURTHER INFORMATION CONTACT:

Celia Feldpausch (202) 205–2387 and Laurel Schwartz (202) 205–2398, Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), in response to petitions filed on May 28, 2025, by the Lysine Fair Trade Coalition and its individual members, Archer Daniels Midland Company (Decatur, Illinois), CJ Bio America, Inc. (Fort Dodge, Iowa), and Evonik Corporation (Blair, Nebraska).

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in §§ 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users

and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Office of Investigations will hold a staff conference in connection with the preliminary phase of these investigations beginning at 9:30 a.m. on Wednesday, June 18, 2025. Requests to appear at the conference should be emailed to preliminaryconferences@usitc.gov (DO NOT FILE ON EDIS) on or before noon on Monday, June 16, 2025. Please provide an email address for each conference participant in the email. Information on conference procedures, format, and participation, including guidance for requests to appear as a witness via videoconference, will be available on the Commission's Public Calendar (Calendar (USITC) | United States International Trade Commission). A nonparty who has testimony that may aid the Commission's deliberations may request permission to participate by submitting a short statement.

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Written submissions.—As provided in §§ 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before 5:15 p.m. on June 24, 2025, a written brief containing information and arguments pertinent to the subject

matter of the investigations. Parties shall file written testimony and supplementary material in connection with their presentation at the conference no later than 4 p.m. on June 17, 2025. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures*, available on the Commission's website at https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf, elaborates upon the Commission's procedures with respect to filings.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these investigations must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that any information that it submits to the Commission during these investigations 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 these or related investigations or reviews, 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.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.12 of the Commission's rules.

By order of the Commission.

Issued: May 29, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–10047 Filed 6–2–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1397]

Certain Cellular Base Station Communication Equipment, Components Thereof, and Products Containing Same; Notice of Commission Decision Not To Review an Initial Determination Terminating the Investigation Based on Settlement; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (the “Commission”) has determined not to review an initial determination (“ID”) (Order No. 24) of the presiding Administrative Law Judge (“ALJ”) terminating the investigation based on settlement. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–4716. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket system (“EDIS”) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone (202) 205–1810.

SUPPLEMENTARY INFORMATION: On April 16, 2024, the Commission instituted this investigation based on a complaint filed by Motorola Mobility LLC (“Motorola”) of Chicago, Illinois. 89 FR 26918–19 (Apr. 16, 2024). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”) based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain cellular base station communication equipment, components thereof, and products containing same, by reason of the infringement of claims 10–18 of U.S. Patent No. 11,076,304 (“the ‘304 patent”) and claims 15–20 of U.S. Patent No. 11,711,706 (“the ‘706 patent”). *Id.* The Commission's notice of investigation named the following

respondents: Ericsson AB and Telefonaktiebolaget LM Ericsson, both of Stockholm, Sweden, and Ericsson Inc. of Plano, Texas (collectively, “Ericsson”). *Id.* The Office of Unfair Import Investigations (“OUII”) was also named as a party in this investigation. *Id.*

On November 15, 2024, the Commission partially terminated the investigation as to claims 3, 6–9, 12–14, and 18 of the ‘304 patent and claims 3, 7–14, and 17–18 of the ‘706 patent. Order No. 15 (Oct. 23, 2024), *unreviewed by Comm’n Notice* (Nov. 15, 2024).

On December 23, 2024, the Commission issued a notice determining not to review an ID (Order No. 18) granting Motorola's motion for summary determination that the economic prong of the domestic industry requirement is satisfied with respect to the ‘304 and ‘706 patents, with the proviso that the Commission ultimately finds the technical prong likewise satisfied as to those patents. Order No. 18 (Nov. 25, 2024), *unreviewed by Comm’n Notice* (Dec. 23, 2024).

On April 18, 2025, Motorola and Ericsson (“collectively, the private parties”) filed a joint motion (“Motion”) to terminate the investigation based on settlement. On April 30, 2025, OUII filed a response in support of the motion provided that the private parties file a properly redacted public version of their agreements.

On May 5, 2025, the ALJ issued an order (Order No. 23) requesting further submissions regarding the public version of the private parties' agreements. *See* Order No. 23 (May 5, 2025). The ALJ directed the private parties to provide their supplemental submissions by email. *Id.*

On May 9, 2025, the ALJ issued the subject ID (Order No. 24) granting the Motion. The ID finds that the Motion complies with the requirements of Commission Rule 210.21(b)(1) (19 CFR 210.21(b)(1)). ID at 1–2. The ID notes that the private parties certify that “other than the two agreements filed with the Commission, ‘there are no other agreements, written or oral, express or implied between the private parties concerning the subject matter of this Investigation.’” *Id.* at 2. Additionally, the ID finds that “[the public version of the agreements] contain redactions only for information that qualifies as confidential business information under Commission Rule 201.6(a)” (19 CFR 201.6(a)). The ID also finds that “termination of this investigation by settlement will not

adversely affect the public interest.” *Id.* at 3 (citing 19 CFR 210.50(b)(2)).

No party filed a petition for review. The Commission has determined not to review the subject ID. The investigation is terminated.

The Commission’s vote for this determination took place on May 28, 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 28, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–09962 Filed 6–2–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–728 and 731–TA–1697 (Final)]

Vanillin From China; Cancellation of Hearing for Antidumping and Countervailing Duty Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: May 28, 2025.

FOR FURTHER INFORMATION CONTACT:

Caitlyn Costello (202–205–2058), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission’s TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (<http://www.usitc.gov>). The public record for these investigations may be viewed on the Commission’s electronic docket (EDIS) at <http://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION: On January 16, 2025, the Commission established a schedule for the final phase of the antidumping and countervailing duty investigations (90 FR 9082, February 6, 2025). On May 22, 2025, counsel for Solvay USA LLC (“Solvay”) filed a request to appear at the hearing. No other parties submitted a request to appear at the hearing. On

May 27, 2025, counsel for Solvay withdrew its request to appear at the hearing, and on May 28, 2025, filed a request that the Commission cancel the scheduled hearing. Counsel indicated a willingness to respond to any written questions from the Commission in lieu of an in-person hearing. Consequently, the public hearing in connection with these investigations, scheduled to begin at 9:30 a.m. on Thursday, May 29, 2025, is cancelled. Parties to these investigations should respond to any written questions posed by the Commission in their posthearing briefs, which are due to be filed on June 5, 2025.

For further information concerning these investigations see the Commission’s notice cited above and the Commission’s Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.21 of the Commission’s rules.

By order of the Commission.

Issued: May 28, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–09960 Filed 6–2–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1434]

Certain Composite Intermediate Bulk Containers; Notice of Commission Decision Not To Review an Initial Determination Granting a Motion To Amend the Complaint and Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 10) of the presiding Chief Administrative Law Judge (“Chief ALJ”) granting an unopposed motion to amend the complaint and notice of investigation to change the address of one of the respondents.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202)

708–2532. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal, telephone (202) 205–1810.

SUPPLEMENTARY INFORMATION: On January 27, 2025, the Commission instituted this investigation based on a complaint filed by Schütz Container Systems, Inc. of North Branch, New Jersey and Protechna S.A. of Fribourg, Switzerland (collectively, “Complainants”). 90 FR 8222–23 (Jan. 27, 2025). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), by reason of the infringement of certain claims of U.S. Patent Nos. 9,718,581; 8,708,150; 8,919,562; 8,567,626; 9,004,310; and 8,276,299. *Id.* The Commission’s notice of investigation named the following respondents: Shandong Jinshan Jieyuan Container Co., Ltd. of Zhengjiang City, China; Zibo Jieli Plastic Pipe Manufacture Co. Ltd. of Zibo City, China; Shanghai Sakura Plastic Products Co., Ltd. (d/b/a Shanghai Yinghua Plastic Products Co., LTD) of Shanghai, China; and Hebei Shijiheng Plastics, Co., Ltd. of Zhongjie Huanghua City, China (“Hebei Shijiheng Plastics”). *Id.* The Office of Unfair Import Investigations was also named as a party in the investigation. *Id.*

The Commission previously terminated the investigation as to certain patent claims from the investigation based on withdrawal of the complaint. *See* Order No. 9 (Apr. 2, 2025), *unreviewed by* Notice (Apr. 22, 2025).

On April 10, 2025, Complainants moved to amend the complaint and notice of investigation to change the address of Hebei Shijiheng Plastics. No responses to the motion were filed.

On May 9, 2025, the Chief ALJ issued the subject ID (Order No. 10) pursuant to Commission Rule 210.14 (19 CFR 210.14), granting the motion. The ID finds that good cause exists to grant the motion, because Complainants were able to serve Hebei Shijiheng Plastics at an address different from that listed in the original complaint. ID at 2–3.

No petitions for review of the subject ID were filed.

The Commission has determined not to review the subject ID.

The Commission's vote for this determination took place on May 28, 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 28, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025-09992 Filed 6-2-25; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

[OMB Number 1125-0021]

Agency Information Collection Activities; Proposed Collection eComments Requested; Extension/ Revision of a Previously Approved Collection; Notice of Entry of Limited Appearance for Document Assistance Before the Board of Immigration Appeals (Form EOIR-60); and Notice of Entry of Limited Appearance for Document Assistance Before the Immigration Court (Form EOIR-61)

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Executive Office for Immigration Review (EOIR), Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until August 4, 2025.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact: Justine Fuga, Associate General Counsel, Office of the General Counsel, Executive Office for Immigration Review, by mail at 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041; by telephone at (703) 305-0265 or by email at Justine.Fuga@usdoj.gov or eoir.pra.comments@usdoj.gov.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of EOIR, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate the quality, utility, and clarity of the information to be collected; and/or
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Abstract: This information collection reauthorization and revision is necessary to allow an attorney or representative to notify the Board of Immigration Appeals (Board) or the Immigration Court that he or she is entering a limited appearance to assist a pro se respondent with a legal filing or other document to be filed with EOIR. Pursuant to the Final Rule, Professional Conduct for Practitioners—Rules and Procedures, and Representation and Appearances, 87 FR 56247 (Sept. 14, 2022) (effective Nov. 14, 2022), amending the regulations at 8 CFR 1003.2(g)(1), 1003.17(b) and (c), and 1003.38(g)(2), the agency received OMB approval to issue separate stand-alone forms for the entry of a limited appearance for document assistance before each adjudicatory component as the most appropriate method for the collection of this information. The separate forms EOIR-60 and EOIR-61 are intended to provide greater clarity to the practitioners using the forms, the pro se respondents who are only engaging with the practitioners in a limited capacity, and for the EOIR staff processing the forms. EOIR is revising the forms to account for expanded electronic filing options with the launch of the online EOIR Courts and Appeals System (ECAS) Respondent Access Portal (RAP) in July 2024. EOIR made revisions to Forms EOIR-60 and EOIR-61 to include updates to remove the mail only filing restrictions and inform

the users that they may review the EOIR Policy Manual for filing guidance. The Proof of Service section has been revised to include an option for individuals to indicate that they are serving the opposing party electronically through ECAS. The Privacy Act notice is also revised to correct the citation to the system of records notice (SORN) for the Attorney Discipline System, JUSTICE/EOIR-003, published at 85 FR 32423 (May 29, 2020), and to inform respondents that limited case information is also available online in English or Spanish through the EOIR Automated Case Information System at <https://acis.eoir.justice.gov/en/>. Finally, a sentence was added to the second page of the Form EOIR-60 to clarify and emphasize that limited appearances for document assistance are not available in Department of Homeland (DHS) proceedings that the Board has jurisdiction over.

Overview of This Information Collection

1. *Type of Information Collection:* Extension and Revision of a previously approved collection.

2. *The Title of the Form/Collection:* Notice of Entry of Limited Appearance for Document Assistance Before the Board of Immigration Appeals; and Notice of Entry of Limited Appearance for Document Assistance Before the Immigration Court.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Forms EOIR-60 and EOIR-61; and the sponsoring DOJ component is EOIR.

4. *Affected public who will be asked or required to respond, as well as the obligation to respond:* The Affected Public includes Individuals, Attorneys and Representatives entering a limited appearance to assist a pro se respondent with a legal filing or other document to be filed with EOIR. This information collection is mandatory and required to enter an appearance before EOIR as authorized by 8 U.S.C. 1229(a), 1362 and 8 CFR 1003.38. Failure to provide the requested information will result in an inability to enter a limited appearance for document assistance.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 40 respondents will complete Form EOIR-60 filed with the Board. It is estimated that 22,018 respondents will complete Form EOIR-61 filed with the Immigration Courts. It is estimated that each form takes approximately six minutes (0.10 hours) to complete.

6. *An estimate of the total annual burden (in hours) associated with the collection:* The total annual burden

hours for Forms EOIR–60 and EOIR–61 is 2,206 hours.

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency (annually)	Total annual responses	Time per response (mins)	Total annual burden (hours)
EOIR–60	40	1	40	6	4
EOIR–61	22,018	1	22,018	6	2,202
Totals	22,058	1	22,058	6	2,206

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* There are no capital or start-up costs associated with these forms. There are no fees to file the forms. The forms may be filed electronically to eliminate printing and postage costs. Attorneys or other authorized representatives are expected to complete the forms. The United States Bureau of Labor Statistics estimates the median hourly fee for attorneys at \$72.67. Therefore, the cost for an attorney or other authorized representative to complete the form in 6 minutes is estimated at \$7.27 per submission (\$72.67 per hour $\times$ 0.10 hours $\times$ 1 response = \$7.27 per response). The total annual estimated cost burden to individuals is \$160,310.02 (2,206 total estimated burden hours $\times$ \$72.67 per hour).

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC.

Dated: May 29, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025–10059 Filed 6–2–25; 8:45 am]

BILLING CODE 4410–30–P

DEPARTMENT OF JUSTICE

[OMB Number 1117–0012]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Previously Approved Collection; Application for Registration—DEA Form 225, Application for Registration Renewal—DEA Form 225a, Affidavit for Chain Renewal—DEA Form 225b

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Drug Enforcement Administration (DEA), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until July 3, 2025.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Heather E. Achbach, Regulatory Drafting and Policy Support Section, Drug Enforcement Administration; Mailing Address: 8701 Morrisette Drive, Springfield, Virginia 22152; Telephone: (571) 776–3882; Email: DEA.PRA@dea.gov or Heather.E.Achbach@dea.gov.

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** on March 25, 2025, at 90 FR 13627, allowing for a 60-day comment period. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- Enhance the quality, utility, and clarity of the information to be collected; and/or
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function and entering either the title of the information collection or the OMB Control Number 1117–0012. This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view Department of Justice, information collections currently under review by OMB.

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Overview of This Information Collection

1. *Type of Information Collection:* Extension without change of a currently Approved Collection.
2. *Title of the Form/Collection:* Application for Registration, Application for Registration Renewal, Affidavit for Chain Renewal.
3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* The form numbers are DEA

Forms 225, 225a, and 225b. The applicable component within the Department of Justice is the Drug Enforcement Administration, Diversion Control Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Affected public (Primary): Business or other for-profit.

Affected public (Other): Not-for-profit institutions; Federal, State, local, and tribal governments.

Abstract: The Controlled Substances Act requires all businesses and individuals who manufacture, distribute, import, export, and conduct research and laboratory analysis with controlled substances to register with the DEA. 21 U.S.C. 822, 21 CFR 1301.11 and 1301.13. Registration is a necessary control measure that prevents diversion by ensuring the closed system of distribution of controlled substances can be monitored by the DEA and that the businesses and individuals handling controlled substances are qualified to do so and are accountable.

5. *Obligation to Respond:* Required to Obtain or Retain Benefits.

6. *Total Estimated Number of Respondents:* 16,560.

7. *Estimated Time per Respondent:* 0.20066 hours.

8. *Frequency:* 1 per year.

9. *Total Estimated Annual Time Burden:* 3,323 hours.

10. *Total Estimated Annual Other Costs Burden:* \$0.

If additional information is required, contact: Darwin Arceo, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 4W-218 Washington, DC 20530.

Dated: May 29, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025-10065 Filed 6-2-25; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Main Fan Operation and Inspection (I-A, II-A, III, and V-A Mines); Correction

ACTION: Notice of availability; correction.

SUMMARY: The Department of Labor (DOL) is correcting a notice that appeared in the **Federal Register** on May 23, 2025. Subsequent to

publication of the notice, the DOL discovered that the Office of Management and Budget (OMB) Control Number listed in the **SUPPLEMENTARY INFORMATION** section was listed incorrectly. DOL is issuing this correction to provide the correct OMB Control Number.

DATES: This correction is effective on June 3, 2025.

FOR FURTHER INFORMATION CONTACT: Michael Howell by telephone at 202-693-6782, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of Friday, May 23, 2025, in FR. Doc. 2025-09269, on page 22118, in the first column under the **SUPPLEMENTARY INFORMATION** section, the OMB Control Number is corrected to read “1219-0030”.

Michael Howell,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2025-09987 Filed 6-2-25; 8:45 am]

BILLING CODE 4510-43-P

NUCLEAR REGULATORY COMMISSION

[NRC-2025-0001]

Sunshine Act Meetings

TIME AND DATE: Week of June 2, 2025.

The schedule for Commission meetings is subject to change on short notice. The NRC Commission Meeting Schedule can be found on the internet at: <https://www.nrc.gov/public-involve/public-meetings/schedule.html>.

PLACE: The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (e.g., braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301-287-0745, by videophone at 240-428-3217, or by email at Anne.Silk@nrc.gov. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

STATUS: Public.

Members of the public may request to receive the information in these notices electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301-415-1969, or by email at Betty.Thweatt@nrc.gov or Samantha.Miklaszewski@nrc.gov.

MATTERS TO BE CONSIDERED:

Week of June 2, 2025

Friday, June 6, 2025—The Following Meeting Has Been Postponed

10:00 a.m. Meeting with the Advisory Committee on Reactor Safeguards (Public Meeting) (Contact: Rob Krsek: 301-415-1766)

CONTACT PERSON FOR MORE INFORMATION:

For more information or to verify the status of meetings, contact Chris Markley at 301-415-6293 or via email at Christopher.Markley@nrc.gov.

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: May 30, 2025.

For the Nuclear Regulatory Commission.

Christopher Markley,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2025-10139 Filed 5-30-25; 11:15 am]

BILLING CODE 7590-01-P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: USAJOBS Resume Builder and Application Profile, OMB Control No. 3206-0219

AGENCY: Office of Personnel Management.

ACTION: 30-Day Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, OPM is proposing revisions to a currently approved information collection, USAJOBS Resume Builder and Application Profile, OMB Control No. 3206-0219. The information collection was previously published in the **Federal Register** with a 60-day public comment period. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until July 3, 2025. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent to www.reginfo.gov/public/do/PRAMain. Find this particular information collection request by selecting “Office of Personnel Management” under “Currently Under Review,” then check “Only Show ICR for Public Comment” checkbox.

FOR FURTHER INFORMATION CONTACT: For specific questions related to this information collection activity, please contact: Human Resources Solution,

Office of Personnel Management, 1900 E Street NW, Washington, DC 20415, Attention: Cori Schauer, via phone at 202-606-1800 or via electronic mail to USAJOBSEngagement@opm.gov.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. chapter 35), provides the public with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Agency assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Agency's information collection requirements and provide the requested data in the desired format. This information collection was previously published in the **Federal Register** on April 16, 2024, at 89 FR 26951, allowing for a 60-day public comment period. No comments were received.

OPM is soliciting comments on behalf of OMB for the proposed information collection request (ICR) that is described below. OMB is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Please note that written comments received in response to this notice will be considered public records.

Analysis

Agency: Office of Personnel Management.

Title: OPM Customer Experience.

OMB Number: 3206-0219.

Affected Public: Individuals.

Number of Resumes built in one year: 25,725,380.

Estimated Time per Respondent: 38 minutes.

Total Burden Hours for Resume Builder: 16,206,989 hours.

Number of Profiles created in one year: 3,013,003.

Estimated Time per Profile: 5 minutes.

Total Burden Hours for Application Profile: 241,040 hours.

Total Burden hours for Resume Builder and Application Profile: 16,448,029 hours.

Office of Personnel Management.

Alexys Stanley,

Federal Register Liaison.

[FR Doc. 2025-09979 Filed 6-2-25; 8:45 am]

BILLING CODE 6325-43-P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2024-154; CP2024-335; MC2025-1447 and K2025-1446; MC2025-1448 and K2025-1447; MC2025-1449 and K2025-1448; MC2025-1450 and K2025-1449]

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:* June 4, 2025.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <https://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT:

David A. Trissell, General Counsel, at 202-789-6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction
- II. Public Proceeding(s)
- III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via

the Commission's website (<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.

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).

II. Public Proceeding(s)

1. *Docket No(s)*.: CP2024–154; *Filing Title*: USPS Request Concerning Amendment One to Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 40, with Materials Filed Under Seal; *Filing Acceptance Date*: May 27, 2025; *Filing Authority*: 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative*: Christopher Mohr; *Comments Due*: June 4, 2025.

2. *Docket No(s)*.: CP2024–335; *Filing Title*: USPS Request Concerning Amendment One to Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 83, with Materials Filed Under Seal; *Filing Acceptance Date*: May 27, 2025; *Filing Authority*: 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative*: Alain Brou; *Comments Due*: June 4, 2025.

3. *Docket No(s)*.: MC2025–1447 and K2025–1446; *Filing Title*: USPS Request to Add Priority Mail Contract 844 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: May 27, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Jennaca Upperman; *Comments Due*: June 4, 2025.

4. *Docket No(s)*.: MC2025–1448 and K2025–1447; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 767 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: May 27, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Almaroof Agoro; *Comments Due*: June 4, 2025.

5. *Docket No(s)*.: MC2025–1449 and K2025–1448; *Filing Title*: USPS Request to Add Priority Mail Contract 845 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: May 27, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Kenneth Moeller; *Comments Due*: June 4, 2025.

6. *Docket No(s)*.: MC2025–1450 and K2025–1449; *Filing Title*: USPS Request to Add Priority Mail Contract 846 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: May 27, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Christopher Mohr; *Comments Due*: June 4, 2025.

III. Summary Proceeding(s)

None. See Section II for public proceedings.

This Notice will be published in the **Federal Register**.

Erica A. Barker,
Secretary.

[FR Doc. 2025–09965 Filed 6–2–25; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2024–307; K2025–9]

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:* June 5, 2025.

ADDRESSES: Submit comments electronically via the Commission’s Filing Online system at <https://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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- I. Introduction
- II. Public Proceeding(s)
- III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service’s request(s) can be accessed via the Commission’s website (<http://www.prc.gov>). Non-public portions of the Postal Service’s request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

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).

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)*.: CP2024–307; *Filing Title*: USPS Request Concerning Amendment One to Priority Mail & USPS Ground Advantage Contract 260 and Materials Under Seal; *Filing Acceptance Date*: May 28, 2025; *Filing Authority*: 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative*: Jennaca Upperman; *Comments Due*: June 5, 2025.

2. *Docket No(s)*: K2025–9; *Filing Title*: USPS Request Concerning Amendment One to Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 425, with Materials Filed Under Seal; *Filing Acceptance Date*: May 28, 2025; *Filing Authority*: 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative*: Kenneth Moeller; *Comments Due*: June 5, 2025.

III. Summary Proceeding(s)

None. See Section II for public proceedings.

This Notice will be published in the **Federal Register**.

Erica A. Barker,
Secretary.

[FR Doc. 2025–10073 Filed 6–2–25; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103141; File No. SR–NASDAQ–2025–030]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To List and Trade Shares of Grayscale Avalanche Trust (AVAX) Under Nasdaq Rule 5711(d) (Commodity-Based Trust Shares)

May 28, 2025.

On March 27, 2025, the Nasdaq Stock Market LLC (“Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) ¹ and Rule 19b–4 thereunder, ² a proposed rule change to list and trade shares of the Grayscale Avalanche Trust (AVAX) under Nasdaq Rule 5711(d) (Commodity-Based Trust Shares). The proposed rule change was published for comment in the **Federal Register** on February 16, 2025. ³

Section 19(b)(2) of the Act ⁴ provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the

proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is May 31, 2025. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change and the issues raised therein. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act, ⁵ designates July 15, 2025, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NASDAQ–2025–030).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority. ⁶

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025–09973 Filed 6–2–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35615; File No. 812–15767]

Coller Secondaries Private Equity Opportunities Fund, et al.

May 28, 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: Coller Secondaries Private Equity Opportunities Fund, Coller Private Credit Secondaries, Coller Private Market Secondaries Advisors,

LLC, Coller Investment Management Limited, Coller Capital, Inc., Coller Capital Limited, Coller Credit Secondaries Investment Management Limited, and certain of their affiliated entities as described in Appendix A of the application.

FILING DATES: The application was filed on April 25, 2025, and amended on May 23, 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 June 23, 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: Radin Ahmadian, Coller Secondaries Private Equity Opportunities Fund, at radin.ahmadian@collercapital.com; and Nathan Somogie, Esq., Simpson Thacher & Bartlett LLP, at nathan.somogie@stblaw.com.

FOR FURTHER INFORMATION CONTACT:

Kieran G. Brown, Senior Counsel, or Adam Large, 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’ first amended application, dated May 23, 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.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See Securities Exchange Act Release No. 102812 (Feb. 10, 2025), 90 FR 16022. Comments received on the proposed rule change are available at: <https://www.sec.gov/comments/sr-nasdaq-2025-030/srnasdaq2025030.htm>.

⁴ 15 U.S.C. 78s(b)(2).

⁵ 15 U.S.C. 78s(b)(2).

⁶ 17 CFR 200.30–3(a)(31).

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–09966 Filed 6–2–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103140; File No. SR–NYSEARCA–2024–98]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To List and Trade Shares of the Bitwise 10 Crypto Index Fund Under Proposed NYSE Arca Rule 8.800–E (Commodity- and/or Digital Asset-Based Investment Interests)

May 28, 2025.

On November 14, 2024, NYSE Arca, Inc. (“NYSE Arca”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) ¹ and Rule 19b–4 thereunder,² a proposed rule change to list and trade shares of the Bitwise 10 Crypto Index Fund under proposed NYSE Arca Rule 8.800–E. The proposed rule change was published for comment in the **Federal Register** on December 3, 2024.³

On January 14, 2025, pursuant to Section 19(b)(2) of the Exchange Act,⁴ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.⁵ On March 3, 2025, the Commission initiated proceedings under Section 19(b)(2)(B) of the Act⁶ to determine whether to approve or disapprove the proposed rule change.⁷

Section 19(b)(2) of the Act⁸ provides that, after initiating proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for comment in the **Federal Register** on December 3, 2024.⁹ The 180th day after publication of the proposed rule change is June 1, 2025. The Commission is extending the time period for approving or disapproving the proposed rule change for an additional 60 days.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change and the issues raised therein. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,¹⁰ designates July 31, 2025, as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR–NYSEARCA–2024–98).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹¹

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–09972 Filed 6–2–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103135; File No. SR–NYSETEX–2025–13]

Self-Regulatory Organizations; NYSE Texas, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Fee Schedule of NYSE Texas To Adopt Fees Applicable to Orders Executed in Auctions

May 28, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the “Act”),¹ and Rule 19b–4 thereunder,²

⁸ 15 U.S.C. 78s(b)(2).

⁹ See *supra* note 3 and accompanying text.

¹⁰ 15 U.S.C. 78s(b)(2).

¹¹ 17 CFR 200.30–3(a)(57).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

notice is hereby given that on May 19, 2025, the NYSE Texas, Inc. (“NYSE Texas” or the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Fee Schedule of NYSE Texas, Inc. (the “Fee Schedule”) to adopt fees applicable to orders executed in auctions. The Exchange proposes to implement the fee changes effective May 19, 2025. The proposed rule change is available on the Exchange’s website at www.nyse.com, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the table in Section E.1. of the Fee Schedule to adopt fees applicable to orders executed in auctions. The Exchange proposes to implement the fee changes effective May 19, 2025.

Background

The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation National Market System (“NMS”), the Commission highlighted the importance of market forces in determining prices and Self-Regulatory Organizations (“SRO”) revenues and, also, recognized that

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See Securities Exchange Act Release No. 101775 (Nov. 27, 2024), 89 FR 95853. Comments on the proposed rule change are available at: <https://www.sec.gov/comments/sr-nysearca-2024-98/srnysearca202498.htm>.

⁴ 15 U.S.C. 78s(b)(2).

⁵ See Securities Exchange Act Release No. 102186, 90 FR 7199 (Jan. 21, 2025) (designating Mar. 3, 2025, as the date by which the Commission shall either approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change).

⁶ 15 U.S.C. 78s(b)(2)(B).

⁷ See Securities Exchange Act Release No. 102514, 90 FR 11559 (Mar. 7, 2025).

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.”³

While Regulation NMS has enhanced competition, it has also fostered a “fragmented” market structure where trading in a single stock can occur across multiple trading centers. When multiple trading centers compete for order flow in the same stock, the Commission has recognized that “such competition can lead to the fragmentation of order flow in that stock.”⁴ Indeed, equity trading is currently dispersed across 16 exchanges,⁵ numerous alternative trading systems,⁶ and broker-dealer internalizers and wholesalers, all competing for order flow. Based on publicly available information, no single exchange currently has more than 20% market share.⁷ Therefore, no exchange possesses significant pricing power in the execution of equity order flow. More specifically, the Exchange’s share of executed volume of equity trades in Tapes A, B and C securities is less than 1%.⁸

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can move order flow, or discontinue or reduce use of certain categories of products. While it is not possible to know a firm’s reason for shifting order flow, the Exchange believes that one such reason is because of fee changes at any of the registered exchanges or non-exchange venues to which a firm routes order flow. Accordingly, competitive forces compel the Exchange to use exchange transaction fees and credits because market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable.

Proposed Rule Change

Section E.1. of the Fee Schedule currently includes a table setting forth fees for executions resulting from single-sided orders. In connection with the Exchange’s recent adoption of rules to provide for the operation of auctions,⁹ the Exchange proposes to add a new column to the table to provide for fees for orders executed in auctions. This new column would be titled “Auction Fees” and would provide for the following rates, for Tape A, B, and C symbols in all trading sessions:

- For securities priced at or above \$1.00 per share:
 - \$0.0015 for Opening Orders
 - \$0.0012 for Closing Orders
 - \$0.0006 for executions in auctions other than from Auction Orders
- For securities priced below \$1.00 per share, 0.10% of trade value.¹⁰

The Exchange also proposes to adopt the following definitions for terms used in Section E.1.:

- “Auction Orders” means Market Orders, Market-On-Close Orders, Limit-On-Close Orders, and Auction-Only Orders executed in an NYSE Texas auction.
- “Closing Orders” means Market Orders, Market-On Close Orders, Limit-On-Close Orders, and Auction-Only Orders executed in a Closing Auction.
- “Opening Orders” means Market Orders and Auction-Only Orders executed in an Early Open Auction, Core Open Auction, or Trading Halt Auction.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,¹¹ in general, and furthers the objectives of Sections 6(b)(4) of the Act,¹² in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

As discussed above, the Exchange operates in a highly fragmented and competitive market. The Commission

has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system “has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.”¹³

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow, or discontinue or reduce use of certain categories of products, in response to fee changes. Accordingly, changes to exchange transaction fees can have a direct effect on the ability of an exchange to compete for order flow.

The Exchange believes that the proposed fees for orders executed in auctions on the Exchange are reasonable, as they are within the range of transaction fees that the Exchange currently charges and are identical to fees charged by the Exchange’s affiliated equities exchange NYSE Arca, Inc. (“NYSE Arca”) for orders executed in auctions.¹⁴ The Exchange notes that market participants are free to direct their order flow to competing venues if they believe other markets offer more favorable fees and credits. On the backdrop of the competitive environment in which the Exchange currently operates, the proposed rule change is a reasonable attempt to encourage Participants to direct order flow to the Exchange to participate in auctions.

The Exchange believes that the proposed change is an equitable allocation of fees and credits among its market participants and is not unfairly discriminatory, as it applies equally to all similarly situated market participants. Moreover, the proposed rule change neither targets, nor will it have a disparate impact on, any particular category of market participant. The proposed fees are based

³ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (File No. S7-10-04) (Final Rule) (“Regulation NMS”).

⁴ See Securities Exchange Act Release No. 61358, 75 FR 3594, 3597 (January 21, 2010) (File No. S7-02-10) (Concept Release on Equity Market Structure).

⁵ See Cboe U.S. Equities Market Volume Summary, available at https://markets.cboe.com/us/equities/market_share.

⁶ See FINRA ATS Transparency Data, available at <https://otctransparency.finra.org/otctransparency/AtsIssueData>. A list of alternative trading systems registered with the Commission is available at <https://www.sec.gov/foia/docs/atlist.htm>.

⁷ See Cboe Global Markets U.S. Equities Market Volume Summary, available at http://markets.cboe.com/us/equities/market_share/.

⁸ See *id.*

⁹ See Securities Exchange Act Release No. 103039 (May 13, 2025), 90 FR 21369 (May 19, 2025) (SR-NYSETEX-2025-08) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt Rule 7.35 and Amend Rule 7.31).

¹⁰ The Fee Schedule defines trade value as a dollar amount equal to the price per share multiplied by the number of shares executed. The Exchange proposes a non-substantive, formatting change to incorporate this definition into the bulleted list of definitions proposed in this filing.

¹¹ 15 U.S.C. 78f(b).

¹² 15 U.S.C. 78f(b)(4).

¹³ See Regulation NMS, 70 FR 37499.

¹⁴ See NYSE Arca Equities Fees and Charges Sections III (Standard Rates—Transactions (applicable when Tier Rates do not apply)) (providing for \$0.0015 fee for Opening Orders and \$0.0012 fee for Closing Orders in securities priced at or above \$1.00, and 0.1% of Dollar Value fee for orders in securities priced below \$1.00) and IV (Other Standard Rates for Securities with a Per Share Price \$1.00 or Above) (providing for \$0.0006 fee for executions in an auction other than for executions from Auction Orders, for orders in securities priced at or above \$1.00).

on the type of business transacted on the Exchange, and Participants are not required to submit orders to the Exchange for execution in auctions or otherwise. The Exchange believes that the proposal would equitably allocate fees among market participants and would not permit unfair discrimination because the proposed fees would apply uniformly to all Participants that execute orders in auctions on the Exchange. As noted above, in today's competitive marketplace, market participants have a choice of where to direct their order flow or which market to transact on. In the prevailing competitive environment, Exchange members are free to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Accordingly, no Exchange member already operating on the Exchange would be disadvantaged by the proposed allocation of the Exchange's fees and credits.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,¹⁵ the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the proposed change is intended to facilitate the submission of additional liquidity to a public exchange, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for all market participants on the Exchange. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes "more efficient pricing of individual stocks for all types of orders, large and small."¹⁶

Intramarket Competition. The Exchange believes the proposed fees for orders executed in auctions would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change is intended to encourage additional order flow to be directed to the Exchange to participate

in auctions, and Participants that do not execute orders in auctions would not be impacted by the proposed rule change. The Exchange also does not believe the proposed rule change would impact intramarket competition because the proposed fee would apply to all orders executed in auctions on an equal and non-discriminatory basis, and therefore the proposed change would not impose a disparate burden on competition among market participants on the Exchange.

Intermarket Competition. The Exchange operates in a highly competitive market in which market participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. As noted above, the Exchange's market share of intraday trading (*i.e.*, excluding auctions) is currently less than 1%. In such an environment, the Exchange must continually adjust its fees and credits to remain competitive with other exchanges and with off-exchange venues. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their order routing practices, the Exchange does not believe its proposed fee change can impose any burden on intermarket competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) of the Act¹⁷ and subparagraph (f)(2) of Rule 19b-4¹⁸ thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

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-NYSETEX-2025-13 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-NYSETEX-2025-13. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NYSETEX-2025-13 and should be submitted on or before June 24, 2025.

¹⁵ 15 U.S.C. 78f(b)(8).

¹⁶ See Regulation NMS, 70 FR at 37498-99.

¹⁷ 15 U.S.C. 78s(b)(3)(A).

¹⁸ 17 CFR 240.19b-4(f)(2).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁹

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–09967 Filed 6–2–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35610; File No. 812–15774]

Coatue Innovation Fund, et al.

May 28, 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: Coatue Innovation Fund, Coatue Management, L.L.C., and certain of their affiliated entities as described in Schedule A to the application.

Filing Dates: The application was filed on May 2, 2025 and amended on May 23, 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 June 23, 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: Claire Jen, Coatue Management, L.L.C., 9 W 57th Street, 25th Floor, New York, NY 10019, *cjen@coatue.com*; Nicole M. Runyan, P.C., Kirkland & Ellis LLP, 601 Lexington Avenue, New York, NY 10022, *nicole.runyan@kirkland.com*; and Jessica L. Patrick, Kirkland & Ellis LLP, 1301 Pennsylvania Avenue NW, Washington, DC 20004, *jessica.patrick@kirkland.com*.

FOR FURTHER INFORMATION CONTACT:

Adam Large, Senior Special Counsel, Jill Ehrlich, Senior Counsel, or Daniele Marchesani, Assistant Chief Counsel, at (202) 551–6825 (Division of Investment Management, Chief Counsel’s Office).

SUPPLEMENTARY INFORMATION: For Applicants’ representations, legal analysis, and conditions, please refer to Applicants’ first amended application, dated May 23, 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. 2025–09958 Filed 6–2–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103136; File No. SR–BOX–2025–14]

Self-Regulatory Organizations; BOX Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Section IV.B. (PIP and COPIP Transactions) of the Fee Schedule for Trading on the BOX Options Market LLC Facility and Add Incentives for Auction and Non-Auction Public Customer Order Flow

May 28, 2025.

Pursuant to Section 19(b)(1) under the Securities Exchange Act of 1934 (the

“Act”)¹ and Rule 19b–4 thereunder,² notice is hereby given that on May 14, 2025, BOX Exchange LLC (“Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A)(ii) of the Act,³ and Rule 19b–4(f)(2) thereunder,⁴ which renders the proposal effective upon filing with the Commission. 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 the Substance of the Proposed Rule Change

The Exchange is filing with the Securities and Exchange Commission (“Commission”) a proposed rule change to amend the Fee Schedule on the BOX Options Market LLC (“BOX”) options facility. The Exchange proposes to amend Section IV.B. (PIP and COPIP Transactions) of the Fee Schedule for trading on BOX to add incentives for Auction and Non-Auction Public Customer⁵ order flow. Specifically, the Exchange is proposing to adopt new Section IV.B.3 (National Customer Volume Incentives) to provide an additional method based on national Customer Auction and Non-Auction transaction volume in multiply-listed options⁶ for Participants to qualify for Tier 2 in Section IV.B.1, to be assessed the lowest Primary Improvement Order fees, and Tier 4 in Section IV.B.2, to receive the highest BOX Volume Rebate. The Exchange is also proposing to renumber old Section IV.B.3 as Section IV.B.4 to correspond with the proposed new Section IV.B.3. The text of the proposed rule change is available from the principal office of the Exchange, at

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ 15 U.S.C. 78s(b)(3)(A)(ii).

⁴ 17 CFR 240.19b–4(f)(2).

⁵ “Public Customer” means a person that is not a broker or dealer in securities and “Public Customer Order” means an order for the account of a Public Customer. See Rule 100(a)(53) and (54).

⁶ National Customer volume in multiply-listed options is obtained directly from The Options Clearing Corporation (“OCC”) and includes transactions that are cleared by the OCC in the “customer” range. Stated differently, Customer volume is volume obtained from the OCC that is neither Firm nor Market Maker volume. See, e.g., <https://www.theocc.com/market-data/market-data-reports/volume-and-open-interest/volume-by-account-type>. The Exchange believes generally that volume designated as Public Customer and Professional Customer on BOX is included in Customer volume by the OCC. The Exchange also believes generally that volume designated as Broker Dealer volume on BOX may be included in either Customer or Firm volume by the OCC.

¹⁹ 17 CFR 200.30–3(a)(12).

the Commission's Public Reference Room and also on the Exchange's internet website at <https://rules.boxexchange.com/rulefilings>.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule for trading on BOX to add incentives for Auction and Non-Auction Public Customer order flow.⁷ Specifically, the Exchange is proposing to adopt new Section IV.B.3 (National Customer Volume Incentives) to provide an additional method based on national Customer volume in multiply-listed options for Participants to qualify for Tier 2 in Section IV.B.1, to be assessed the lowest Primary Improvement Order ("PIO") fees, and Tier 4 in Section IV.B.2, to receive the highest BOX Volume Rebate ("BVR").⁸ The Exchange

is also proposing to renumber old Section IV.B.3 as Section IV.B.4 to correspond with the proposed new Section IV.B.3.

Currently, a per contract execution fee based upon the tiered fee schedule below is applied to Primary Improvement Order executions where the corresponding PIP or COPIP Order is from the account of a Public Customer,⁹ with the exception of SPY Primary Improvement Orders, which are assessed a per contract execution fee of \$0.02. Percentage thresholds are calculated on a monthly basis by totaling the Initiating Participant's Primary Improvement Order volume submitted to BOX, relative to the total national Customer volume in multiply-listed options classes.¹⁰

Tier	Percentage thresholds of national customer volume in multiply-listed options classes (monthly)	Per contract fee (all account types)
1	0.000%–0.449%	\$0.05
2	0.450% and Above	0.02

Additionally, a per contract rebate based upon the tiered schedule below is applied to all Public Customer PIP Orders and COPIP Orders of 250 and under contracts that do not trade solely with their contra order. Percentage

thresholds are calculated on a monthly basis by totaling the Participant's PIP and COPIP volume submitted to BOX, relative to the total national Customer volume in multiply-listed options classes. Public Customer PIP Orders of

250 and under contracts that trade solely with their contra order receive a \$0.03 per contract rebate, regardless of tier.¹¹

Tier	Percentage thresholds of national customer volume in multiply-listed options classes (monthly)	Per contract rebate (all account types)	
		PIP	COPIP
1	0.000% to 0.049%	\$(0.00)	\$(0.00)
2	0.050% to 0.299%	(0.05)	(0.05)
3	0.300% to 0.449%	(0.08)	(0.08)
4	0.450% and Above	(0.11)	(0.11)

The Exchange now proposes to add a new Section IV.B.3 (National Customer Volume Incentives) to provide an additional method for Participants to qualify for lower PIO fees in Tier 2 of Section IV.B.1 and the highest BVR

rebate in Tier 4 of Section IV.B.2, based on National Customer Volume in Multiply-Listed Options Classes. Specifically, Participants with 1.300% and above of National Customer Volume in Multiply-Listed Options Classes

(Monthly) will now qualify for the fee in Tier 2 of Section IV.B.1. for PIO executions, except SPY,¹² where the corresponding PIP or COPIP Order is from the account of a Public Customer. Additionally, Participants with 1.300%

⁷ The Exchange initially filed the proposed change on April 1, 2025 (SR-BOX-2025-04). On April 2, 2025, the Exchange withdrew that filing and submitted SR-BOX-2025-05. On April 3, 2025, the Exchange withdrew SR-BOX-2025-05 and submitted SR-BOX-2025-06. On April 16, 2025, the Exchange withdrew SR-BOX-2025-06 and submitted SR-BOX-2025-11. On April 30, 2025, the Exchange withdrew SR-BOX-2025-11 and submitted SR-BOX-2025-13. On May 14, 2025, the Exchange withdrew SR-BOX-2025-13 and replaced it with the instant filing.

⁸ The Exchange notes that the percentage thresholds of national Customer volume in multiply listed options are based on the percentage of the Participant's Public Customer volume on BOX relative to the account type's overall total industry equity and ETF option volume. The OCC provides volume information in two product categories:

equity and ETF volume and index volume, and the information can be filtered to show only Customer, Firm, or Market Maker account type. Equity and ETF Customer volume numbers are available directly from the OCC each morning, or may be transmitted, upon request, free of charge from the Exchange. Equity and ETF Customer volume is a widely followed benchmark of industry volume and is indicative of industry market share. Total Industry equity and ETF option volume is comprised of those equity and ETF option contracts that clear in a respective account type at the OCC (Customer, Market Maker and Firm), including Exchange-Traded Fund Shares, Trust Issued Receipts, Partnership Units, and Index-Linked Securities such as Exchange-Traded Notes, and does not include contracts overlying a security other than an equity or ETF security.

⁹ The Exchange notes that Public Customers do not initiate transactions on BOX directly. BOX Participants initiate electronic Auction and Non-Auction transactions on the behalf of Public Customers and are assessed fees or provided rebates by the Exchange.

¹⁰ See BOX Fee Schedule Section IV.B.1.

¹¹ See BOX Fee Schedule Section IV.B.2.

¹² The Exchange notes that this proposed SPY exclusion is merely describing the current fees in Section IV.B.1. Currently, a per contract execution fee based upon the tiered fee schedule is applied to Primary Improvement Order executions where the corresponding PIP or COPIP Order is from the account of a Public Customer, with the exception of SPY Primary Improvement Orders, which are assessed a per contract execution fee of \$0.02. See BOX Fee Schedule Section IV.B.1. and Endnote 25.

and above of National Customer Volume in Multiply-Listed Options Classes (Monthly) will also qualify to receive the rebate in Tier 4 of the BVR in Section IV.B.2 for all Public Customer PIP Orders and COPIP Orders, except SPY,¹³ of 250 and under contracts that do not trade solely with their contra order. For the purposes of proposed Section IV.B.3, percentage thresholds will be calculated on a monthly basis by totaling the Participant's Public Customer¹⁴ executed Auction and Non-Auction transaction volume on BOX, relative to the total national Customer¹⁵ volume in multiply-listed options classes.¹⁶

The proposed exclusions of SPY within the National Customer Volume Incentives detailed in proposed Section IV.B.3 are intended to align with the current fees and rebates contained in Sections IV.B.1 and 2, respectively. The proposed change provides an additional method for Participants to be assessed the lowest PIO fees and to receive the highest BVR and is not changing the existing tier structures within Sections IV.B.1 and 2. The Exchange notes further that it is not proposing to change the way fees are currently assessed for SPY PIOs or to change the way BVR rebates are offered,¹⁷ but is merely describing the existing exclusion of SPY Orders from the current tiered fee structure in Section IV.B.1 and the BVR in Section IV.B.2. To make this clearer, the Exchange is also proposing to update Endnote 25 of the Fee Schedule to include a reference to the National Customer Volume Incentives (Section IV.B.3).¹⁸ As such, Participants will continue to be assessed the same fees for SPY PIOs as they are today, and SPY will continue to be excluded from the BVR as it is today.¹⁹

¹³ The Exchange notes that this proposed SPY exclusion is merely describing the current rebate in Section IV.B.2, as SPY COPIP and PIP orders are excluded from the BVR today. See BOX Fee Schedule Section IV.B.2. and Endnote 25.

¹⁴ See *supra* note 5.

¹⁵ See *supra* note 6.

¹⁶ See proposed BOX Fee Schedule Section IV.B.3.

¹⁷ Current Endnote 25 provides, "SPY transactions executed through the PIP and COPIP auction mechanisms will be included in the volume thresholds for the Primary Improvement Order tiered execution fee (Section IV.B.1.) and the BOX Volume Rebate (Section IV.B.2). However, the fees and rebates set forth in the tiers of these sections will not apply to PIP and COPIP SPY executions." See BOX Fee Schedule Endnote 25.

¹⁸ See proposed BOX Fee Schedule Endnote 25.

¹⁹ The Exchange notes that SPY PIOs will continue to be assessed a per contract execution fee of \$0.02 for all account types. Professional Customers, Broker Dealers and Market Makers will continue to be assessed a \$0.05 fee for SPY PIP or COPIP Orders and Public Customers will continue to not be charged for SPY PIP or COPIP Orders. See

Lastly, the Exchange proposes to renumber old Section IV.B.3 as Section IV.B.4, which is intended to add a new section and renumber the old section for consistency and readability.²⁰

The Exchange notes that the proposal provides an additional method to qualify for lower PIO fees and the highest BVR rebate, while the existing tier structure is unchanged. The Exchange believes that the proposed changes discussed above will encourage Participants to send increased Public Customer Auction and Non-Auction transactions to BOX in order to achieve the proposed incentives, which will result in increased liquidity on BOX to the benefit of all market participants.

The Exchange notes that other exchanges offer incentives for one order type based on the volumes of another order type.²¹

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act, in general, and Section 6(b)(4) and 6(b)(5) of the Act,²² in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among BOX Participants and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The proposed change is reasonable, equitable, and not unfairly discriminatory. As a threshold matter, BOX is subject to significant competitive forces in the market for

BOX Fee Schedule IV.B (PIP and COPIP Transactions) and Section IV.B.1 (Primary Improvement Orders).

²⁰ See proposed BOX Fee Schedule Section IV.B.4.

²¹ See Nasdaq ISE, LLC ("Nasdaq ISE") Rules Options 7, Section 6.C. Nasdaq ISE provides additional rebates to Members that qualify for the PIM and Facilitation Rebate program and achieve certain levels of Priority Customer Complex Order ADV. See also Nasdaq PHLX LLC ("Nasdaq PHLX") Rules Options 7, Section 2. For example under Category B, Nasdaq PHLX provides rebates on Customer PIXL Orders that execute against a PIXL Initiating Order based on Percentage Thresholds of National Customer Volume in Multiply-Listed and ETF Options Classes, excluding SPY Options. The Exchange notes that the structure of these rebates is to provide incentives for one type of order flow based on the volumes of a different type of order flow *i.e.*, PIM and Facilitation rebates based on Priority Customer Complex Order ADV on Nasdaq ISE and rebates on Customer PIXL Orders based on Percentage Thresholds of National Customer Volume in Multiply-Listed and ETF Options Classes, excluding SPY Options, on Nasdaq PHLX. Similarly, the Exchange proposes Primary Improvement Order fee discounts and rebates on certain PIP and COPIP Orders based on National Customer Volume in Multiply-Listed Options. The Exchange also notes that, similar to this proposal, both Nasdaq ISE and Nasdaq PHLX incentivize Customer order flow by offering Auction rebates.

²² 15 U.S.C. 78f(b)(4) and (5).

options securities transaction services that constrain its pricing determinations in that market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system "has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies."²³ There are currently 18 registered options exchanges competing for order flow. Based on publicly available information, no single exchange has more than 17% of U.S. options market share.²⁴ Therefore, currently no exchange possesses significant pricing power in the execution of options order flow. More specifically, in January 2025, BOX had 6.71% market share of options contracts traded, 7.18% in February 2025, and 7.46% in March 2025.²⁵ In such a low-concentrated and highly competitive market, no single options exchange possesses significant pricing power in the execution of option order flow. Within this environment, market participants can freely and often do shift their order flow among BOX and competing venues in response to changes in their respective pricing schedules.

The Exchange believes it is reasonable to add another method for Participants to qualify for the lowest PIO fees and highest BVR rebates. The volume-based thresholds provided in Section IV of the Fee Schedule and the corresponding fees and rebates are designed to incentivize Participants to send Public Customer order flow to BOX to obtain such electronic Non-Auction rebates, PIO fee discounts and BVR rebates. Should these rebates and discounted fees successfully incentivize Participants to direct Public Customer order flow to BOX, the Exchange believes that all market participants will benefit due to the increased liquidity and trading opportunities and executions on BOX.²⁶ Further, the

²³ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (S7-10-04) ("Reg NMS Adopting Release").

²⁴ See https://www.cboe.com/us/options/market_share/market/2025-01-31/, https://www.cboe.com/us/options/market_share/market/2025-02-28/ and https://www.cboe.com/us/options/market_share/market/2025-03-31/ (Month-to-Date ("MTD") % of Mkt as of April 28, 2025).

²⁵ *Id.*

²⁶ The Exchange notes that BOX Participants collect rebates on behalf of Public Customers and

Continued

Exchange notes that the proposed change to adopt an additional method for Participants to qualify for PIP and COPIP incentives in Section IV.B.1 and 2 based on Public Customer Auction and Non-Auction transaction volume is designed to further incentivize Participants to send Public Customer order flow to BOX. Additionally, the Exchange believes the proposed change to qualify for PIO fee discounts and the highest BVR rebates should incentivize Participants to aggregate their executions at BOX as a primary execution venue because market participants may consolidate order flow as a matter of convenience. Specifically, as proposed, Participants with 1.300% and above of National Customer Volume in Multiply-Listed Options Classes (Monthly) will be assessed the fee in Tier 2 in Section IV.B.1. for Primary Improvement Order executions, except SPY, where the corresponding PIP or COPIP Order is from the account of a Public Customer and will receive the rebate in Tier 4 of the BOX Volume Rebate in Section IV.B.2. for all Public Customer PIP Orders and COPIP Orders, except SPY, of 250 and under contracts that do not trade solely with their contra order.

The Exchange believes further that providing the proposed new method for Participants with 1.300% and above of National Customer Volume in Multiply-Listed Options Classes (Monthly) to qualify for PIO fee discounts and BVR rebates is equitable and not unfairly discriminatory because the new incentives are designed to incentivize Public Customer order flow, are equally available to all Participants, and are offered in addition to the current PIO and BVR qualification methods. Specifically, the discounted Tier 1 and Tier 2 fees are assessed to PIO executions only where the corresponding PIP or COPIP Order is from the account of a Public Customer and the BVR rebate is provided to Public Customer PIP Orders and COPIP Orders of 250 and under contracts that do not trade solely with their contra order. The proposal will allow Participants to qualify for PIO fee discounts and BVR rebates as they do today, as well as by executing Public Customer Auction and Non-Auction transaction volume on BOX. As such, the Exchange believes that Participants will be incentivized to execute Public Customer Auction and Non-Auction transactions on BOX, which may result in increased trading opportunities and executions on BOX.

The Exchange believes that the proposed changes are equitable and not unfairly discriminatory as they are available to all Participants submitting Public Customers orders, and Public Customers may choose whether or not to take advantage of the additional incentives. Specifically, Participants that already qualify for the Tier 2 PIO fees and Tier 4 BVR rebates may continue qualifying without changing their behavior in response to this proposed change as this change is merely providing an additional method for Participants to reach these tiers. Additionally, the securities markets generally, and BOX in particular, have historically aimed to improve markets for investors and develop various features within the market structure for Public Customer benefit. As such, the Exchange believes that offering additional incentives for Public Customer Auction and Non-Auction transactions is appropriate, equitable and not unfairly discriminatory. The Exchange believes it promotes the best interests of investors to have lower transaction costs for Public Customer orders, and offering additional incentives for Public Customer Auction and Non-Auction transactions will attract Public Customer order flow to BOX. The Exchange believes further that Public Customer order flow is attractive to other Participants and that greater opportunities to interact with Public Customer order flow will benefit other Participants. If the proposal succeeds in attracting both Auction and Non-Auction Public Customer order flow, all market participants benefit from the increased trading opportunities, which facilitates tighter spreads. Tighter spreads may cause an additional corresponding increase in order flow from other market participants, to the benefit of all market participants. As such, the industry in general and the Exchange in particular have historically created fee structures to benefit Public Customers because increased Public Customer order flow benefits all market participants. Accordingly, the Exchange believes that providing additional incentives for Public Customers orders is appropriate and not unfairly discriminatory.

The Exchange believes that the proposed SPY exclusions in Section IV.B.3 and the proposed update to Endnote 25 are reasonable, equitable and not unfairly discriminatory because they are intended to detail the treatment of SPY under Section IV.B.3 and align Section IV.B.3 with the current fees and rebates contained in Sections IV.B.1 and 2. The proposed SPY exclusions in

Section IV.B.3 will allow the Exchange to continue excluding SPY PIO from the tiered fee structure in Section IV.B.1 and SPY PIP and COPIP Orders from the BVR in Section IV.B.2. The proposal is intended to provide an additional method for Participants to be assessed the lowest PIO fees and to receive the highest BVR and is not changing the existing tier structures within Sections IV.B.1 and 2. As such, Participants will continue to be assessed the same fees for SPY PIO as they are today, and SPY will continue to be excluded from the BVR as it is today.²⁷ The Exchange believes that maintaining these exclusions for SPY PIOs and SPY COPIP and PIP Orders will continue to encourage Participants to submit this type of order flow to the Exchange.

The Exchange also believes that renumbering old Section IV.B.3 as Section IV.B.4 is reasonable, equitable and not unfairly discriminatory because it is intended to add a new section and renumber the old section for consistency and readability.

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can and do shift order flow and discontinue or reduce use of certain categories of products in response to fee changes. Accordingly, competitive forces constrain options exchange transaction fees. Stated differently, changes to exchange transaction fees can have a direct effect on the ability of an exchange to compete for order flow. The Exchange believes the proposed changes are a reasonable attempt to effectively compete for Public Customer orders. The Exchange believes that the proposed change may incentivize Public Customer order flow and, in turn, may make BOX a more competitive venue for order execution to the benefit of all market participants. Finally, the Exchange believes the proposed changes are consistent with the Act because, to the extent the modifications permit BOX to continue to attract greater volume and liquidity, the proposed changes would improve BOX's overall competitiveness and strengthen market quality for all market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange believes the proposal does not impose an undue burden on

have independent fee arrangements with such Public Customers.

²⁷ See *supra* note 19.

inter-market competition because the proposed change will provide an additional method for Participants to qualify for Tier 2 PIO fee and Tier 4 BVR rebate. Currently, Participants may only qualify for PIO fee discounts by executing certain Primary Improvement Order volume on BOX and may only qualify for BVR rebates by executing certain PIP and COPIP Order volume on BOX. These existing qualification methods will remain unchanged and Participants will now have an additional opportunity to qualify based on Public Customer Auction and Non-Auction transaction volume on BOX. The Exchange believes further its proposal remains competitive with other options markets and will offer market participants with another choice of where to transact its business. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges. Because competitors are free to modify their own fees and rebates in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. The Exchange notes that other exchanges offer incentives for one order type based on the volumes of another order type.²⁸

The proposed changes do not impose an undue burden on intramarket competition because the Exchange does not believe that its proposal will place any category of market participant at a competitive disadvantage. The Exchange believes that the proposed changes will encourage Participants to send additional Public Customer Auction and Non-Auction order flow to BOX for execution in order to lower their costs. The Exchange believes that the proposed incentive may result in increased Auction and Non-Auction Public Customer order flow to BOX which will provide market participants with increased trading opportunities and executions. Public Customer liquidity benefits all market participants by providing more trading opportunities, which facilitates tighter spreads. Tighter spreads may cause an additional corresponding increase in order flow from other market

participants, to the benefit of all market participants.

The Exchange also believes that renumbering old Section IV.B.3 as Section IV.B.4 does not impose any burden on competition because it is intended to add a new section and renumber the old section for consistency and readability.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Exchange Act²⁹ and Rule 19b-4(f)(2) thereunder,³⁰ because it establishes or changes a due, or fee.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend the rule change if it appears to the Commission that the action is necessary or appropriate in the public interest, for the protection of investors, or would otherwise further the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-BOX-2025-14 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to file number SR-BOX-2025-14. This file number should be included on the subject line if email is used. To help the

Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-BOX-2025-14 and should be submitted on or before June 24, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³¹

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-09968 Filed 6-2-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103139; File No. SR-NASDAQ-2025-040]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Equity 7, Sections 114 and 118

May 28, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on May 20, 2025, The Nasdaq Stock Market LLC ("Nasdaq" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed

³¹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

²⁸ See *supra* note 21.

²⁹ 15 U.S.C. 78s(b)(3)(A)(ii).

³⁰ 17 CFR 240.19b-4(f)(2).

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 (i) amend the requirements for certain fees, reduce a fee from \$0.0030 to \$0.0025 and introduce a new credit under Equity 7, Section 118(a)(1) (Fees for Execution and Routing of Orders); (ii) amend the requirements for certain fees and introduce new fees and a credit under Equity 7, Section 118(b); (iii) amend Equity 7, Section 118(e) (Opening Cross) and introduce a new fee; and (iv) eliminate the Excess Order Fee at Equity 7, Section 118(m) and remove related language in Equity 7, Section 114(d)(1).

The text of the proposed rule change is available on the Exchange's website at <https://listingcenter.nasdaq.com/rulebook/nasdaq/rulefilings>, 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 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 purpose of the proposed rule change is to: (i) amend the requirements for certain fees, reduce a fee from \$0.0030 to \$0.0025 and introduce a new credit under Equity 7, Section 118(a)(1) (Fees for Execution and Routing of Orders); (ii) amend the requirements for certain fees and introduce new fees and a credit under Equity 7, Section 118(b); (iii) amend Equity 7, Section 118(e) (Opening Cross) and introduce a new fee; and (iv) eliminate the Excess Order Fee at Equity 7, Section 118(m) and

remove related language in Equity 7, Section 114(d)(1).³

Proposed Amendments to Section 118(a) (Fees for Execution and Routing of Orders)

The Exchange proposes various amendments to Section 118(a)(1). First, the Exchange proposes to introduce a new \$0.0030 credit applicable to Tapes A, B, and C for displayed quotes (other than Supplemental Orders or Designated Retail Orders) that provide liquidity. Members will be eligible for the new credit if they meet the following criteria: (1) the member adds at least 1% (in securities priced at or greater than \$1.00) of the Consolidated Volume (in securities priced at or greater than \$1.00), of which at least 0.30% of such volume being Tape B securities; and (2) the member adds at least 0.25% (in securities priced at or greater than \$1.00) of Consolidated Volume (in securities priced at or greater than \$1.00) during the month of non-displayed liquidity (other than midpoint orders) and Midpoint Extended Life Orders ("M-ELO"). The proposed new credit will apply to Tapes A, B, and C. The purpose of the new credit structure is to incentivize members to increase their liquidity adding activity on the Exchange in securities priced at or greater than \$1.00. By providing an additional incentive for members to increase liquidity, the Exchange aims to enhance overall market quality benefitting all participants. The new proposed credit of \$0.0030 is in addition to other credits the Exchange already offers to member for providing displayed liquidity.

Second, the Exchange currently charges \$0.0030 per share executed for shares executed above 4 million shares during the month for RFTY Orders⁴ that remove liquidity from the Nasdaq Market Center or that execute in a venue with a protected quotation under Regulation NMS other than the Nasdaq Market Center. The 4 million share threshold has been in place since 2002.

³ All references throughout this filing to certain rule sections shall pertain to Nasdaq Equity 7.

The Exchange initially filed this fee proposal as SR-NASDAQ-2025-026 on March 3, 2025. On March 13, 2025, the Exchange withdrew that filing and submitted SR-NASDAQ-028. On May 2, 2025, the Exchange issued an amendment to the filing. On May 9, the Exchange withdrew that filing and submitted SR-NASDAQ-039. On May 19, the Exchange withdrew that filing and submitted this filing.

⁴ Nasdaq Equity 4, Section 4758(a)(1)(v)(b) defines "RFTY" to mean a routing option available for an order that qualifies as a Designated Retail Order under which orders check the System for available shares only if so instructed by the entering firm and are thereafter routed to destinations on the System routing table.

For purposes of calculating the 4 million share threshold described above and assessing the charge set forth therein, the Exchange excludes RFTY Orders that execute at taker-maker venues.

The Exchange proposes to amend the requirement to adjust the execution volume threshold from 4 million shares per month to 8 million shares per month and to reduce the fee from \$0.0030 to \$0.0025. The Exchange believes that the current baseline has become outdated and no longer provides a meaningful benchmark for evaluating current trading activity. The proposed lowered fee amount and increased volume threshold is designed to align with current market volume and to encourage increased participation from retail liquidity providers for RFTY Orders while maintaining a competitive and performance-based pricing structure that better reflects current market conditions and trading volumes.

Third, the Exchange currently charges no fee to a member for shares executed either: (i) up to 4 million shares during the month for RFTY Orders that remove liquidity from the Nasdaq Market Center or that execute in a venue with a protected quotation under Regulation NMS or (ii) above 4 million shares during the month for RFTY Orders that remove liquidity from the Nasdaq Market Center or that execute in a venue with a protected quotation under Regulation NMS other than the Nasdaq Market Center during regular market hours, provided that the member grows its volume of shares executed in RFTY during regular Market Hours during the month by at least 100 percent relative to March 2022. For purposes of calculating the 4 million share threshold described above and for assessing the charge set forth herein, RFTY Orders that execute at taker-maker venues are excluded.

The Exchange proposes to adjust the execution volume threshold from 4 million shares per month to 8 million shares per month and to introduce a new requirement that members must add a daily average of at least 3 million shares of Designated Retail Orders⁵ during the month to qualify for the \$0.0000 per executed share rate. In order to provide a more accurate and relevant measure of growth, the Exchange also proposes to remove the

⁵ Section 118(a) defines "Designated Retail Order" to mean an agency or riskless principal order that meets the criteria of FINRA Rule 5320.03 and that originates from a natural person and is submitted to Nasdaq by a member that designates it pursuant to this section, provided that no change is made to the terms of the order with respect to price or side of market and the order does not originate from a trading algorithm or any other computerized methodology.

requirement that the member grows its volume of shares executed in RFTY during regular Market Hours during the month by at least 100 percent relative to March 2022. Additionally, the March 2020 baseline has become outdated and no longer provides a meaningful benchmark for evaluating current trading activity. The Exchange believes that the proposed changes will align fee eligibility with more current participation levels and encourage greater participation from retail liquidity providers while maintaining a competitive pricing structure.

Proposed Amendments to Section 118(b) (Credits and Fees for Securities Priced Less Than \$1)

The Exchange currently charges a fee for use of the order execution and routing services of the Nasdaq Market Center by members for all orders at all times for all securities priced less than \$1. Members entering orders that execute in the Nasdaq Market Center (other than M-ELO) and members entering orders that route and execute at an away market are charged 0.3% of the total transaction cost. The Exchange does not charge a member entering M-ELO that executes in the Nasdaq Market Center.

The Exchange proposes to amend the fee to designate the existing language as paragraph (1), and revise “at all times” to instead specify that the fees apply to orders executed during Regular Trading Hours and After-Hours Trading, excluding the Pre-Market Hours.⁶ Additionally, the Exchange proposes to add a new paragraph (2) to introduce a new credit and fees specifically for orders during the Pre-Market Session in securities priced less than \$1.00. Under the proposal, the following credit and fees will apply to members entering an order/quote that executes in the Nasdaq Market Center during the Pre-Market Session for securities priced less than \$1.00: (i) a credit of 0.05% of the total dollar volume per executed share if a member provides liquidity; (ii) a fee of 0.3% of the total transaction cost if a member enters an order that routes and executes at an away market; and (iii) a fee of 0.15% of the total dollar volume per executed share if a member provides orders that remove liquidity from the Nasdaq Market Center. The Exchange believes the proposed credit and fees will incentivize market participants to provide liquidity adding activity in

securities priced below \$1.00 within the Exchange during early trading hours.

Proposed Amendment to Section 118(e) (Opening Cross)

Currently, firms that execute Market-on-Open, Good-till-Cancelled, and Immediate-or-Cancel orders executed in the Exchange’s Opening Cross are charged \$0.0015 per share executed, and all other quotes and orders executed in the Exchange’s Opening Cross are charged \$0.0011 per share executed pursuant to Section 118(e)(1). Under Section 118(e)(2), firms that execute orders in the Exchange’s Opening Cross will be subject to the fees discussed in Section 118(e)(1) for such executions, up to a monthly maximum of \$35,000, provided, however that such firms add at least one million shares of liquidity, on average per day, per month. Currently, Section 118(e) applies to all securities and does not differentiate between securities priced above \$1.00 or priced at or below \$1.00.

The Exchange proposes to move Section 118(e)(2) to Section 118(e)(1) and amend the language to apply the \$0.0015 per share executed fee and the \$0.0011 per share executed fee to securities priced at or above \$1.00. Further, the Exchange is proposing to add new language to Section 118(e)(2) to charge a fee of 0.25% of the total dollar volume per executed share to firms that execute orders in the Nasdaq Opening Cross in securities priced less than \$1.00.⁷ The Exchange is not imposing a cap on this fee. However, the proposed fee will be based on total dollar volume versus the current fee, which is based on per share executed. The Exchange believes that a separate fee for sub-dollar securities for the Opening Cross aligns with the fee in the Exchange’s fee schedule and competing exchanges for orders executed during Market Hours and the Pre-Market Hours and Post-Market Hours, which provides different fees for securities priced above and below \$1.00.⁸ Competing equity exchanges offer a similar fee structure to that of the Exchange, including carving out fees for securities priced below \$1.00 and excluding a cap.⁹

Proposed Elimination of Section 118(m) (Excess Order Fee)

Under Section 118(m) (Excess Order Fee), the Exchange imposes an Excess Order Fee on members with an “Order

Entry Ratio” of more than 100. The Order Entry Ratio is calculated, and the Excess Order Fee is imposed on a monthly basis. All calculations under the rule are based on orders received during regular market hours and exclude orders received at other times, even if they are executed during regular market hours. The Exchange established the Excess Order Fee to deter members from inefficient order entry practices that place excessive burdens on the Exchange’s trading system and on other members, which negatively impact the usefulness of market data. The Exchange proposes to eliminate the Excess Order Fee in its fee schedule due to low application of the fee resulting in limited impact on market behavior.

Section 114(d)(1) (Qualified Market Maker Program) currently allows a member to be designated as a Qualified Market Maker if: (1) the member is not assessed any “Excess Order Fee” under Section 118 during the month; and (2) the member quotes at the NBBO at least 25% of the time during regular market hours in an average of at least 1,000 securities per day during the month. In conjunction with the removal of the Excess Order Fee in Section 118(m), the Exchange is proposing to remove language in Section 114(d)(1) that references the Excess Order Fee. The Exchange believes its proposed removal of Section 114(d)(1) is consistent with its proposed elimination of the Excess Order Fee.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,¹⁰ in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,¹¹ in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange’s proposed changes to its schedule of credits are reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for equity securities transaction services that constrain its pricing determinations in that market. The fact that this market is competitive has long been recognized by the courts. In *NetCoalition v. Securities and Exchange Commission*, the D.C. Circuit stated as follows: “[n]o one disputes that competition for order flow is ‘fierce.’ . . . As the SEC

⁶ Nasdaq Rule Equity 1, Section 1(a)(9) defines “Pre-Market Hours” to mean the period of time beginning at 4:00 a.m. ET and ending immediately prior to the commencement of Market Hours.

⁷ In the filings submitted previously, the proposed change in Section 118(e) for securities priced below \$1.00 was inaccurately described in the filing as a credit instead of a fee.

⁸ See e.g., Section 118(b).

⁹ See e.g., NYSE Arca Rule III(g) and NYSE American Rule III.

¹⁰ 15 U.S.C. 78f(b).

¹¹ 15 U.S.C. 78f(b)(4) and (5).

explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . ."¹²

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, 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."¹³

Numerous indicia demonstrate the competitive nature of this market. For example, clear substitutes to the Exchange exist in the market for equity security transaction services. The Exchange is only one of several equity venues to which market participants may direct their order flow. Competing equity exchanges offer similar tiered pricing structures to that of the Exchange, including schedules of rebates and fees that apply based upon members achieving certain volume thresholds.

Within this environment, market participants can freely and often do shift their order flow among the Exchange and competing venues in response to changes in their respective pricing schedules. As such, the proposal represents a reasonable attempt by the Exchange to increase its liquidity and market share relative to its competitors.

Proposed Amendments to Section 118(a)(1) (Fees for Execution and Routing of Orders)

The Exchange believes that it is reasonable, equitable to establish a new credit of \$0.0030 per share executed for members that add displayed liquidity under Section 118(a)(1) because it will incentivize members to increase the extent of their liquidity adding activity

resulting in improved overall market quality to the benefit of all market participants. The Exchange further believes that the credit is not unfairly discriminatory because it will be applied uniformly to all members that meet the specified criteria.

Additionally, the Exchange believes that it is reasonable, equitable, and not unfairly discriminatory to amend Section 118(a)(1) to remove the requirement that a member grows its volume of shares executed in RFTY during regular Market Hours during the month by at least 100 percent relative to March 2022 and to add new language that the member adds a daily average of at least 3 million shares of Designated Retail Order during the month. The current baseline percentage, which has remained unchanged for three years, has become outdated and no longer provides a meaningful benchmark for evaluating current trading activity. The Exchange believes that the new requirement will encourage increased participation from retail liquidity providers while maintaining a competitive and performance-based pricing structure that better reflects current market conditions and trading volumes. The proposed new requirement to add Designated Retail Order will enhance execution quality and benefit retail investors. The Exchange also believes it is reasonable and equitable to lower the fee amount in Section 118(a)(1) from \$0.0030 to \$0.0025 and to increase the volume threshold from 4 million shares to 8 million shares. The Exchange believes the proposed lowered fee amount encourages increased participation from retail liquidity providers for RFTY Orders and the increased volume threshold more closely aligns with current market volume and is a more relevant benchmark. The proposed fee amendments and new credit are not unfairly discriminatory because they will apply uniformly to all market participants that meet the specified criteria.

Proposed Amendments to Section 118(b) (Credits and Fees for Securities Priced Less Than \$1)

The Exchange believes that it is reasonable, equitable, and not unfairly discriminatory to amend Section 118(b) to introduce a new credit and new fees for orders in securities priced below \$1.00 during the Pre-Market Session. The Exchange believes that providing different fees and credits for securities priced less than \$1.00 during Pre-Market Hours versus regular Market Hours is equitable and reasonable because the proposed fee of 0.3% of the

total transaction cost for members entering orders that route and execute at an away market is the same as the current fee applied to members that execute and route sub-dollar securities to an away market during all trading hours. Additionally, the proposed fee of 0.15% of the total dollar volume per executed share for members that remove liquidity in the Nasdaq Market Center during Pre-Market Hours is lower than the current fee. Also, the proposed credit of 0.05% of the total dollar volume per executed share will incentivize members to provide more sub-dollar liquidity during the Pre-Market Session. There is less liquidity on the Exchange in securities priced at less than \$1.00 and therefore, the proposed credit and fees are intended to draw more liquidity to the Exchange and to incentivize members to contribute liquidity during early trading hours when market depth is generally limited, which will benefit overall market quality and efficiency. Further, the Exchange believes that the proposed changes that provide fees and credits for securities priced less than \$1.00 are not unfairly discriminatory because the fees and credits apply uniformly to all market participants that meet the specified criteria and are similar or lower than current fees for such orders.

Proposed Amendment to Section 118(e) (Opening Cross)

One commenter¹⁴ expressed concerns that the proposed new fee on sub-dollar securities executed during the Opening Cross will result in substantially higher transaction costs for stocks priced below \$1.00 than for stocks priced below \$1.00, disproportionately affect and harm retail investors, and will impose an undue burden on competition. While the Exchange acknowledges the commenter's concerns, the Exchange believes that its proposed amendments Section 118(e) are reasonable, equitable, and not unfairly discriminatory. In response to the commenter's assertion that the proposed fee will result in substantially higher transaction costs, the Exchange notes that the current fees for securities priced above \$1.00 are based on per share executed and the proposed fee for securities priced below \$1.00 is based on the total dollar volume. Currently, there is not a significant amount of volume of sub-dollar securities traded during the

¹² *NetCoalition v. SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

¹³ Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) ("Regulation NMS Adopting Release").

¹⁴ The Exchange received a comment letter from the Securities Industry and Financial Markets Association ("SIFMA") regarding this proposal. See Letter from Joseph Corcoran to Vanessa Countryman, dated March 28, 2025, available at <https://www.sec.gov/comments/sr-nasdaq-2025-028/srnasdaq2025028-585415-1689482.pdf>.

Opening Cross on the Exchange. Therefore, the Exchange believes that using the total dollar volume as the measurement of fees for securities priced below \$1.00 demonstrates the Exchange's efforts to ensure that the proposed fee will not result in substantially higher transaction costs based on current volume for sub-dollar securities. Moreover, although the Exchange does not provide a fee cap for securities priced below \$1.00 and executed during the Opening Cross, the Exchange believes that the fee is balanced by the reduced fee and the proposed credit provided to sub-dollar securities executed during Pre-Market Hours for securities priced less than \$1.00. A majority (80%) of participants who trade securities priced less than \$1.00 in the Opening Cross also trade sub-dollar securities in the Pre-Market Session.¹⁵ The remaining 20% of participants that only trade sub-dollar securities in the Opening Cross and not in the Pre-Market Session provide a minimal amount (less than 1%) of notional volume of sub-dollar securities in the Opening Cross. Even if these participants continue not to trade sub-dollar securities in the Pre-Market Session, the Exchange believes that the proposed fee is equitable and not unfairly discriminatory because most of the participants if, they maintain similar trading trends, will benefit or see no significant change in fees as a result of the proposal. The proposed fee is also consistent with competing exchanges, including separating fees for securities priced below \$1.00 and excluding a cap on securities priced below \$1.00, and it is also consistent with the Exchange's fee schedule for orders executed during Market Hours, Pre-Market Hours and Post-Market Hours. Further, the fee applies uniformly to all participants that execute orders in the Opening Cross.¹⁶

The Exchange has limited resources to devote to incentive programs, and it is appropriate for the Exchange to reallocate these incentives periodically in a manner that best achieves the Exchange's overall mix of objectives. The proposed changes apply uniformly to all market participants that meet the specified thresholds and provide members with equal access to the fee benefits, provided they meet the execution and retail order flow requirements.

Proposed Elimination of Section 118(m) (Excess Order Fee) and Section 114(d)(1)

The Exchange believes that it is reasonable to eliminate the Excess Order Fee because it has not been heavily utilized or successful in accomplishing its objective of deterring members from inefficient order entry practices that place excessive burdens on the systems of Nasdaq and other members and that may negatively impact the usefulness of market data. The proposed deletion of the fee is designed to streamline the Exchange's fee schedule. The Exchange has limited resources to allocate to incentive programs like this one and it must, from time to time, reallocate those resources to maximize their net impact on the Exchange, market quality, and participants. Going forward, the Exchange plans to reallocate the resources it devotes to the Excess Order Fee to other incentive programs that it hopes will be more impactful. Additionally, the Exchange believes it is reasonable to reference to the Excess Order Fee in Section 114(d)(1) to maintain consistency and clarity amongst the Exchanges rules for market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Intramarket Competition

The Exchange does not believe that its proposal will place any category of Exchange participant at a competitive disadvantage. The Exchange intends for its proposals to incentivize liquidity adding activity and to ensure the fee schedule remains clear and consistent. The Exchange also intends for its proposals to reallocate its limited resources more efficiently and to align them with the Exchange's overall mix of objectives. The Exchange notes that its members are free to trade on other venues to the extent they believe that the proposal is not attractive. As one can observe by looking at any market share chart, price competition between exchanges is fierce, with

Inter-Market Competition

In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more

favorable. In such an environment, the Exchange must continually adjust its fees and credits to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

In this instance, the introduction of new fees and credits under Section 118(a)(1) and 118(b) is intended to incentivize liquidity adding activity on the Exchange and does not impose a burden on competition. By offering credits to market participants that meet certain criteria and by reducing the fee, the Exchange is enhancing its appeal as a trading venue and encouraging increased participation in its order execution and routing processes while maintaining a competitive pricing structure. As discussed above, the proposed fees and credits do not disadvantage any specific group or market participants. Instead, it provides equitable incentives that are available to all members that meet the applicable criteria.

The Exchange's proposed amendments to Section 118(e) do not impose a burden on competition. As discussed above, the Exchange believes that using the total dollar volume as the measurement of fees for securities priced below \$1.00 demonstrates the Exchange's efforts to ensure that the proposed fee will not result in substantially higher transaction costs. Moreover, the Exchange believes that the fee is balanced by the reduced fee and the proposed credit provided to sub-dollar securities executed during Pre-Market Hours for securities priced less than \$1.00. The Exchange believes that most participants, if they maintain similar trading trends, will benefit from the proposed changes or see no significant change in fees as a result of the proposal. The fee is also consistent with fees charged by competing exchanges.¹⁷

Additionally, the proposed elimination of the Excess Order Fee does not impose a burden on competition. Rather, eliminating the underutilized fee allows the Exchange to reallocate resources elsewhere and foster a more competitive trading environment.

¹⁷ See NYSE Arca Rule III(g) and NYSE American Rule III.

¹⁵ Based on data January 2025 trading data.

¹⁶ See e.g., NYSE Arca Rule III(g) and NYSE American Rule III. See also Section 118(b).

In sum, if the change proposed herein is unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed change will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.¹⁸

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NASDAQ-2025-040 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-NASDAQ-2025-040. 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 10:00 a.m. and 3:00 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-NASDAQ-2025-040, and should be submitted on or before June 24, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁹

Sherry R. Haywood,
Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103142; File No. SR-NYSEARCA-2025-37]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the NYSE Arca Equities Fees and Charges

May 28, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² notice is hereby given that on May 19, 2025, NYSE Arca, Inc. ("NYSE Arca" or the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been

prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE Arca Equities Fees and Charges ("Fee Schedule") to adopt fees and credits for Primary Only Orders routed to NYSE Texas, Inc. The proposed rule change is available on the Exchange's website at www.nyse.com, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule to adopt fees and credits for Primary Only ("PO") Orders routed to NYSE Texas, Inc. ("NYSE Texas"). The Exchange proposes to implement the fee change effective May 19, 2025.

Background

The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system "has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies."³

¹⁸ 15 U.S.C. 78s(b)(3)(A)(ii).

¹⁹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (File No. S7-10-04) (Final Rule) ("Regulation NMS").

While Regulation NMS has enhanced competition, it has also fostered a “fragmented” market structure where trading in a single stock can occur across multiple trading centers. When multiple trading centers compete for order flow in the same stock, the Commission has recognized that “such competition can lead to the fragmentation of order flow in that stock.”⁴ Indeed, equity trading is currently dispersed across 16 exchanges,⁵ numerous alternative trading systems,⁶ and broker-dealer internalizers and wholesalers, all competing for order flow. Based on publicly available information, no single exchange currently has more than 20% market share.⁷ Therefore, no exchange possesses significant pricing power in the execution of equity order flow. More specifically, the Exchange currently has less than 12% market share of executed volume of equities trading.⁸

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can move order flow, or discontinue or reduce use of certain categories of products. While it is not possible to know a firm’s reason for shifting order flow, the Exchange believes that one such reason is because of fee changes at any of the registered exchanges or non-exchange venues to which the firm routes order flow. Accordingly, competitive forces compel the Exchange to use exchange transaction fees and credits because market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable.

Proposed Rule Change

On May 19, 2025, NYSE Texas, Inc. (“NYSE Texas”), an affiliate of the Exchange, plans to introduce auction functionality applicable to Tape B securities.⁹ In connection with the

introduction of auctions on NYSE Texas, the Exchange proposes to amend Section V. of the Fee Schedule titled Standard Rates—Routing and adopt a fee of \$0.0005 per share for PO Orders¹⁰ in Tape B securities priced at or above \$1.00 that are routed to NYSE Texas for execution in the opening or closing auction on that market. For PO Orders in Tape B securities routed to NYSE Texas that add liquidity, the Exchange proposes to not provide any credit. The fees and credits proposed for PO Orders in Tape B securities routed to NYSE Texas are identical to the fees and credits adopted by the Exchange for PO Orders in Tape B securities routed to NYSE American LLC, also an affiliate of the Exchange.¹¹

The proposed fee change would maintain consistency with respect to the fees charged and credits provided by the Exchange when it routes PO Orders to an away market that is an affiliate of the Exchange.

In connection with the Exchange’s proposal to adopt fees and credits for PO Orders routed to NYSE Texas, the Exchange proposes to adopt a definition of the term “NYSE Texas Auction” under Section I. of the Fee Schedule. As proposed, the term “NYSE Texas Auction” would mean orders routed for execution in the open or closing auction on NYSE Texas.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,¹² in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,¹³ in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

As discussed above, the Exchange operates in a highly fragmented and competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices,

products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system “has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.”¹⁴

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or discontinue to reduce use of certain categories of products, in response to fee changes. With respect to non-marketable order which provide liquidity on an Exchange, ETP Holders can choose from any one of the 16 currently operating registered exchanges to route such order flow. Accordingly, competitive forces reasonably constrain exchange transaction fees that relate to orders that would provide displayed liquidity on an exchange. Stated otherwise, changes to exchange transaction fees can have a direct effect on the ability of an exchange to compete for order flow.

The Exchange believes the proposed amendment to the routing fees is reasonable. The Exchange believes it is reasonable to adopt a fee when it routes orders to away markets. In particular, the Exchange believes that the proposed rule change is reasonable because it seeks to recoup costs incurred by the Exchange when routing orders to away markets. The proposed routing fees are also similar to fees currently charged by the Exchange for routing PO Orders to NYSE American for execution on that market’s opening or closing auction.

The Exchange believes that the proposed rule change constitutes an equitable allocation of reasonable fees because the proposed fee is designed to reflect the costs incurred by the Exchange for orders submitted by ETP Holders that remove liquidity from auctions conducted on away markets and would apply equally to all ETP Holders that choose to use the Exchange to route PO Orders to NYSE Texas. Furthermore, the Exchange notes that routing through the Exchange is voluntary, and, because the Exchange operates in a highly competitive environment as discussed below, ETP Holders that do not favor the Exchange’s pricing can readily direct order flow directly to NYSE Texas or through competing venues or providers of routing services. The proposed change

⁴ See Securities Exchange Act Release No. 61358, 75 FR 3594, 3597 (January 21, 2010) (File No. S7-02-10) (Concept Release on Equity Market Structure).

⁵ See Cboe U.S. Equities Market Volume Summary, available at https://markets.cboe.com/us/equities/market_share.

⁶ See FINRA ATS Transparency Data, available at <https://otctransparency.finra.org/otctransparency/AtsIssueData>. A list of alternative trading systems registered with the Commission is available at <https://www.sec.gov/foia/docs/atlist.htm>.

⁷ See Cboe Global Markets U.S. Equities Market Volume Summary, available at http://markets.cboe.com/us/equities/market_share/.

⁸ See *id.*

⁹ See Securities Exchange Act Release No. 103039 (May 13, 2025) (Federal Register notice pending) (SR-NYSETEX-2025-08) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Adopt Rule 7.35 and Amend Rule 7.31).

¹⁰ A PO Order is a market or limit order that on arrival is routed directly to the primary listing market without being assigned a working time or interacting with interest on the NYSE Arca Book. See NYSE Arca Rule 7.31(f)(1).

¹¹ Under the Standard Rates—Routing pricing table on the Fee Schedule, the Exchange currently charges a per share fee of \$0.0005 for PO Orders in Tape B securities priced at or above \$1.00 that are routed to NYSE American Auction. For PO Orders in Tape B securities routed to NYSE American that add liquidity, the Exchange does not provide any credit.

¹² 15 U.S.C. 78f(b).

¹³ 15 U.S.C. 78f(b)(4) and (5).

¹⁴ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

may impact the submission of orders to a national securities exchange, and to the extent that ETP Holders continue to submit PO Orders to the Exchange, the proposed rule change would not have a negative impact to ETP Holders trading on the Exchange because the proposed fees and credits are consistent with the fees and credits adopted by the Exchange for routing PO Orders to an away market that is an affiliate of the Exchange.¹⁵ However, without having a view of ETP Holder's activity on other markets and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in a change in trading behavior by ETP Holders.

The proposal to adopt fees and credits for PO Orders routed to NYSE Texas for execution in that market's opening or closing auction or that add liquidity on that market are not unfairly discriminatory because the proposed pricing would be applied on an equal basis to all ETP Holders that choose to send PO Orders to the Exchange. Additionally, the proposed rule change neither targets nor will it have a disparate impact on any particular category of market participants. The proposal does not permit unfair discrimination because the proposed fees and credits would be applied to all ETP Holders, who would all be assessed the same pricing on an equal basis. Accordingly, no ETP Holder already operating on the Exchange would be disadvantaged by this allocation of fees and credits.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,¹⁶ the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, the Exchange believes that the proposed rule change could promote competition between the Exchange and competing venues or providers of routing services. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes "more efficient pricing of individual stocks for all types of orders, large and small."¹⁷

Intramarket Competition. The Exchange does not believe 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. As noted above, the Exchange would uniformly assess the proposed fees and credits on all ETP Holders who choose to route PO Orders through the Exchange to NYSE Texas. The Exchange does not believe that the proposed rule change will impair the ability of ETP Holders to compete in the financial markets. There are 16 exchanges, numerous alternative trading systems and broker-dealer internalizers and wholesalers, all competing for order flow from which ETP Holders may choose to send their quotes and trades. The Exchange also does not believe the proposed rule change would impact intramarket competition as the proposed rule change would apply to all ETP Holders equally that transact on the Exchange, and therefore the proposed change would not impose a disparate burden on competition among market participants on the Exchange.

Intermarket Competition. The Exchange operates in a highly competitive market in which market participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. As noted above, the Exchange's current market share of intraday trading (*i.e.*, excluding auctions) is less than 12%. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges and with off-exchange venues. In particular, the proposed rule change is a response to this competitive environment where the Exchange is adopting a fee for functionality that is widely available among its competitors. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their order routing practices, the Exchange does not believe its proposed fee change can impose any burden on intermarket competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Pursuant to Section 19(b)(3)(A)(ii) of the Act,¹⁸ and Rule 19b-4(f)(2) thereunder¹⁹ the Exchange has designated this proposal as establishing or changing a due, fee, or other charge imposed on any person, whether or not the person is a member of the self-regulatory organization, which renders the proposed rule change effective upon filing. 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.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSEARCA-2025-37 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to file number SR-NYSEARCA-2025-37. 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

¹⁵ See, note 12, *supra*.

¹⁶ 15 U.S.C. 78f(b)(8).

¹⁷ See Regulation NMS, 70 FR 37498-99.

¹⁸ 15 U.S.C. 78s(b)(3)(A)(ii).

¹⁹ 17 CFR 240.19b-4.

available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NYSEARCA-2025-37 and should be submitted on or before June 24, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁰

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-09974 Filed 6-2-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103138; File No. SR-NYSEARCA-2025-12]

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 2, To List and Trade Shares of the Grayscale Cardano Trust (ADA) Under NYSE Arca Rule 8.201-E, Commodity-Based Trust Shares

May 28, 2025.

I. Introduction

On February 10, 2025, NYSE Arca, Inc. ("NYSE Arca" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to list and trade shares ("Shares") of the Grayscale Cardano Trust (ADA) ("Trust") under NYSE Arca Rule 8.201-E, Commodity-Based Trust Shares. On February 20, 2025, the Exchange filed Amendment No. 2 to the proposed rule change, which replaced and superseded the original filing in its entirety.³ The proposed rule change, as

modified by Amendment No. 2, was published for comment in the **Federal Register** on February 28, 2025.⁴

On March 11, 2025, pursuant to Section 19(b)(2) of the Act,⁵ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.⁶ This order institutes proceedings under Section 19(b)(2)(B) of the Act⁷ to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 2.

II. Summary of the Proposal, as Modified by Amendment No. 2

As described in more detail in the Notice,⁸ the Exchange proposes to list and trade the Shares of the Trust under NYSE Arca Rule 8.201-E, which governs the listing and trading of Commodity-Based Trust Shares on the Exchange.

According to the Exchange, the investment objective of the Trust is for the value of the Shares to reflect the value of the Cardano ("ADA") held by the Trust,⁹ determined by reference to the "Index Price," less the Trust's expenses and other liabilities.¹⁰ The "Index Price" is the U.S. dollar value of a ADA derived from the "Digital Asset Trading Platforms"¹¹ that are reflected in the CoinDesk Cardano Price Index (ADX) ("Index"), calculated at 4:00

⁴ See Securities Exchange Act Release No. 102475 (Feb. 24, 2025), 90 FR 10964 ("Notice"). Comments received on the proposed rule change are available at: <https://www.sec.gov/comments/sr-nysearca-2025-12/srnysearca202512.htm>.

⁵ 15 U.S.C. 78s(b)(2).

⁶ See Securities Exchange Act Release No. 102591, 90 FR 12387 (Mar. 17, 2025). The Commission designated May 29, 2025, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change, as modified by Amendment No. 2.

⁷ 15 U.S.C. 78s(b)(2)(B).

⁸ See Notice, *supra* note 4.

⁹ The Exchange states that ADA is a digital asset that is created and transmitted through the operations of the peer-to-peer Cardano network, a decentralized network of computers that operates on cryptographic protocols. See *id.* at 10966.

¹⁰ See *id.* at 10965. Grayscale Operating, LLC and Grayscale Investments Sponsors, LLC are the sponsors of the Trust and are indirect wholly owned subsidiaries of Digital Currency Group, Inc. The Exchange states that as of May 3, 2025, Grayscale Operating, LLC will cease to act as sponsor of the Trust and Grayscale Investment Sponsors, LLC will be sole sponsor of the Trust. Delaware Trust Company is the trustee of the Trust and Coinbase Custody Trust Company, LLC is the custodian for the Trust's ADA. See *id.* at 10964.

¹¹ According to the Exchange, a "Digital Asset Trading Platform" is an electronic marketplace where trading participants may trade, buy and sell ADA based on bid-ask trading. See *id.* at 10965 n.12.

p.m., New York time, on each business day.¹² The Trust's assets will consist solely of ADA.¹³ The Trust will create and redeem Shares in cash with authorized participants on an ongoing basis in one or more blocks of 10,000 Shares.¹⁴

III. Proceedings To Determine Whether To Approve or Disapprove SR-NYSEARCA-2025-12 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act¹⁵ to determine whether the proposed rule change, as modified by Amendment No. 2, should be approved or disapproved. Institution of proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, the Commission seeks and encourages interested persons to provide comments on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,¹⁶ the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the proposed rule change's consistency with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be "designed to prevent fraudulent and manipulative acts and practices" and "to protect investors and the public interest."¹⁷

The Commission asks that commenters address the sufficiency of the Exchange's statements in support of the proposal, which are set forth in the Notice, in addition to any other comments they may wish to submit about the proposed rule change. In particular, the Commission seeks comment on whether the proposal to list and trade Shares of the Trust, which would hold ADA, is designed to prevent fraudulent and manipulative acts and practices or raises any new or novel concerns not previously contemplated by the Commission.

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written

¹² See *id.* at 10965 n.9. The index provider for the Trust is CoinDesk Indices, Inc. See *id.* at 10964-65.

¹³ See *id.* at 10965.

¹⁴ See *id.* at 10975.

¹⁵ 15 U.S.C. 78s(b)(2)(B).

¹⁶ *Id.*

¹⁷ 15 U.S.C. 78f(b)(5).

²⁰ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ On February 19, 2025, the Exchange filed Amendment No. 1 to the proposed rule change and on February 20, 2025, the Exchange withdrew Amendment No. 1.

submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposal, as modified by Amendment No. 2, is consistent with Section 6(b)(5) or any other provision of the Act, and the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.¹⁸

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change, as modified by Amendment No. 2, should be approved or disapproved by June 24, 2025. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by July 8, 2025.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR–NYSEARCA–2025–12 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090. All submissions should refer to file number SR–NYSEARCA–2025–12. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written

communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSEARCA–2025–12 and should be submitted on or before June 24, 2025. Rebuttal comments should be submitted by July 8, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁹

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–09970 Filed 6–2–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103137; File No. SR–NYSEARCA–2025–13]

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Amend the Grayscale Ethereum Trust ETF and Grayscale Ethereum Mini Trust ETF To Permit Staking of the Ether Held by the Trusts

May 28, 2025.

I. Introduction

On February 14, 2025, NYSE Arca, Inc. (“NYSE Arca” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)¹ and Rule 19b–4 thereunder,² a proposed rule change to amend the rules governing the listing and trading of shares (“Shares”) of the Grayscale Ethereum Trust ETF (“Original Trust”) and the Grayscale Ethereum Mini Trust ETF (“Mini Trust”

and, together with the Original Trust, the “Trusts”) under NYSE Arca Rule 8.201–E. The proposed rule change was published for comment in the **Federal Register** on March 3, 2025.³

On April 14, 2025, pursuant to Section 19(b)(2) of the Act,⁴ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.⁵ This order institutes proceedings under Section 19(b)(2)(B) of the Act⁶ to determine whether to approve or disapprove the proposed rule change.

II. Summary of the Proposal

As described in more detail in the Notice,⁷ the Exchange proposes to amend the rules governing the listing and trading of the Shares of the Trusts under NYSE Arca Rule 8.201–E.⁸ Specifically, the Exchange proposes to amend certain representations regarding the Trusts in order to permit staking of the ether held by the Trusts. According to the Exchange, except for these proposed amendments, all other representations relied upon by the Commission in approving the listing and trading of the Shares of the Trusts will remain unchanged and will continue to constitute continued listing requirements.

III. Proceedings To Determine Whether To Approve or Disapprove SR–NYSEARCA–2025–13 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act⁹ to determine whether the proposed rule change should be approved or disapproved.

³ See Securities Exchange Act Release No. 102485 (Feb. 25, 2025), 90 FR 11081 (“Notice”). Comments received on the proposed rule change are available at: <https://www.sec.gov/comments/sr-nysearca-2025-13/srnysearca202513.htm>.

⁴ 15 U.S.C. 78s(b)(2).

⁵ See Securities Exchange Act Release No. 102855, 90 FR 16582 (Apr. 18, 2025). The Commission designated June 1, 2025, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

⁶ 15 U.S.C. 78s(b)(2)(B).

⁷ See Notice, *supra* note 3.

⁸ NYSE Arca Rule 8.201–E governs the listing and trading of Commodity-Based Trust Shares. The Commission approved the Exchange's proposal to list and trade the Shares of the Original Trust on May 23, 2024. See Securities Exchange Act Release No. 100224 (May 23, 2024), 89 FR 46937 (May 30, 2024). Separately, the Commission approved the Exchange's proposal to list and trade the Shares of the Mini Trust on July 17, 2024. See Securities Exchange Act Release No. 100541 (July 17, 2024), 89 FR 59786 (July 23, 2024).

⁹ 15 U.S.C. 78s(b)(2)(B).

¹⁸ Section 19(b)(2) of the Act, as amended by the Securities Acts Amendments of 1975, Pub. L. 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. See Securities Acts Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

¹⁹ 17 CFR 200.30–3(a)(57).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

Institution of proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, the Commission seeks and encourages interested persons to provide comments on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,¹⁰ the Commission is providing notice of the grounds for disapproval under consideration. As described above, the Exchange proposes to allow staking of the Trusts' ether. The Commission is instituting proceedings to allow for additional analysis of the proposed rule change's consistency with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to 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.¹¹

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposal is consistent with Section 6(b)(5) or any other provision of the Act, and the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b-4, any request for an opportunity to make an oral presentation.¹²

Interested persons are invited to submit written data, views, and

arguments regarding whether the proposed rule change should be approved or disapproved by June 24, 2025. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by July 8, 2025.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSEARCA-2025-13 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-NYSEARCA-2025-13. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NYSEARCA-2025-13 and should be submitted on or before June 24, 2025. Rebuttal comments should be submitted by July 8, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹³

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-09969 Filed 6-2-25; 8:45 am]

BILLING CODE 8011-01-P

SELECTIVE SERVICE SYSTEM

Privacy Act of 1974; System of Records

AGENCY: Selective Service System.

ACTION: Notice of a modified system of records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, as amended, the Selective Service System (SSS) is issuing a public notice of its intent to modify a Privacy Act System of Records titled, "Reasonable Accommodation, Religious Exception, and Medical Exception Health Records." This System of Records notice (SORN) describes Selective Service's collection, maintenance, and use of records related to requests for reasonable accommodation under Title VII of the Civil Rights Act of 1964 or the applicable provisions of the Americans with Disabilities Act as applied to the Federal Government through the Rehabilitation Act and the Religious Freedom Restoration Act of 1993. This newly modified system will be included in the SSS inventory of record systems.

DATES: Please submit comments on or before 30 days after date of publication in the **Federal Register**. This system is effective upon publication in today's **Federal Register**, with the exception of the routine uses, which are effective 30 days after date of publication in the **Federal Register**.

ADDRESSES: Written comments and recommendations should be sent to alma.cruz@sss.gov or to the Selective Service System, Ms. Alma Cruz, Senior Agency Official for Privacy, 1501 Wilson Boulevard, Arlington, Virginia 22209-2425.

FOR FURTHER INFORMATION CONTACT: Daniel A. Lauretano, Sr., General Counsel and Federal Register Liaison, Selective Service System, 1501 Wilson Boulevard, Arlington, Virginia 22209-2425, at federalregisterliaison@sss.gov.

SUPPLEMENTARY INFORMATION: If changes are made based on the SSS review of comments received, the SSS will publish subsequent notice. This system of records is maintained by the SSS and contains personal information about

¹⁰ *Id.*

¹¹ 15 U.S.C. 78f(b)(5).

¹² Section 19(b)(2) of the Act, as amended by the Securities Acts Amendments of 1975, Public Law 94-29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. See Securities Acts Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

¹³ 17 CFR 200.30-3(a)(57).

individuals from which information is retrieved by an individual's name or identifier. The notice for this System of Records states the name and location of the record system, the authority for and manner of its operation, the categories of individuals that it covers, the types of records that it contains, the sources of information in those records, and the routine uses. This notice also includes the business address of the SSS official who will inform interested persons of the procedures whereby they may gain access to and request amendment of records pertaining to them. The Privacy Act provides certain safeguards for an individual against an invasion of personal privacy by requiring Federal agencies to protect records contained in an agency System of Records from unauthorized disclosure and to ensure that information is current and accurate for its intended use and that adequate safeguards are provided to prevent misuse of such information.

SYSTEM NAME AND NUMBER:

Reasonable Accommodation, Religious Exception, and Medical Exception Health Records, SSS-40.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

National Headquarters, Selective Service System, 1501 Wilson Boulevard, Arlington, Virginia 22209-2425.

SYSTEM MANAGER(S):

Mr. Lee Levells, Human Resources Officer, 1501 Wilson Boulevard, Arlington, Virginia 22209-2425, at LLevells@sss.gov.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The collection and maintenance of accommodation records is authorized by the Rehabilitation Act, 29 U.S.C. 791, and Title VII of the Civil Rights Act, 42 U.S.C. 2000e, as well as Executive Order 13164 and 29 CFR 1605 and 1614.

PURPOSE OF THE SYSTEM:

to maintain records necessary and relevant to SSS activities responding to and mitigating high-consequence public health threats. Accordingly, this System of Records is designed to collect records related to the processing of requests from employees and applicants for employment who are seeking a reasonable accommodation based upon disability under the Rehabilitation Act or for a religious belief, observance, or practice under Title VII of the Civil Rights Act of 1964, or the Religious Freedom Restoration Act of 1993, 42 U.S.C. chapter 21B; or other applicable

law, and consistent with Executive Order 13164.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

include records of individuals who request reasonable accommodation and are processed by agency officials making reasonable accommodation assessments and decisions. These records also include information on authorized individuals, such as a family member, health professional, or other representatives submitting the request on behalf of an individual.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records related to reasonable accommodation exceptions, medical or religious. These records may include but are not limited to: (1) Name; (2) Individual requester's status as an applicant, current or former employee, or other status; (3) Individual requester's occupational series and grade level for which reasonable accommodation had been requested; (4) Contact information such as work or personal address, phone number, and email address; (5) Date a request was submitted verbally or in writing; (6) Documented requests for different type(s) of reasonable accommodation requested; (7) How the requested accommodation would assist in job performance; (8) Supervisor's name, address, and contact information; (9) Name and contact information of a family member, health professional, or other representative submitting a request on behalf of an individual; (10) Medical documentation about a disability or medical condition, or other appropriate supporting information submitted or required to process the request; (11) Records on religious beliefs, observances or practices including descriptions of employee's belief, observance or practice, medicines or medical products that are used or not used by an employee due to a belief, observance or practice; (12) Name, title, and contact information of SSS officials processing, deciding or referring to a request for reasonable accommodation. (13) Agency decisions including whether a request was granted or denied, reasons for denial, date a request was approved or denied, date reasonable accommodation was provided to the individual. (14) The amount of time taken to process a request, including whether the recommended time frames were met as outlined in the reasonable accommodation procedures; (15) Any other information that is submitted by individuals in support of requests for reasonable accommodation, or that is necessary and relevant to support

agency assessment and decision regarding the request.

RECORD SOURCE CATEGORIES:

Records may be obtained from appropriate SSS personnel who may provide relevant information on information related to a request for reasonable accommodation. Information may also be sourced from personnel at medical facilities, or from existing systems of records, including but not limited to OPM/GOVT-10, "Employee Medical File System Records," (75 FR 35099; June 21, 2010), and modified on November 30, 2015 (80 FR 74815).

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

In addition to the disclosures permitted under subsection (b) of the Privacy Act, the SSS may disclose information contained in this System of Records without the consent of the persons mentioned herein if the disclosure is compatible with the purpose for which the record was collected under the following routine uses:

1. To appropriate medical facilities, or Federal, State, local, Tribal, territorial or foreign government agencies, to the extent permitted by law, for the purpose of protecting the vital interests of individual(s), including to assist the United States Government in responding to or mitigating high-consequence public health threats, or diseases and illnesses relating to a public health emergency.

2. Where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law—criminal, civil, or regulatory in nature—the relevant records may be referred to the appropriate Federal, State, local, territorial, Tribal, or foreign law enforcement authority or other appropriate entity charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law.

3. To the court of law, in an appropriate proceeding before a court, grand jury, or an administrative or adjudicative body, when the SSS determines that the records are arguably relevant to its proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

4. To contractors and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal

Government, when necessary to accomplish an SSS function related to this System of Records.

5. A record on an employee or contractor from this System of Records may be disclosed as a routine use to a Federal, State, local, territorial, Tribal, or foreign agency requesting a record that is relevant and necessary to its decision on a matter of hiring or retaining an employee, issuing a security clearance, reporting an investigation of that individual, letting a contract, or issuing a license, grant, or other benefit.

6. A record on an employee or contractor from this System of Records may be disclosed as a routine use to a Congressional office in response to an inquiry from the Congressional office made at the request of that individual.

7. To the National Archives and Records Administration for purposes of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

8. To appropriate agencies, entities, and persons when (1) the SSS suspects or has confirmed that there has been a breach of the System of Records, (2) the SSS has determined that as a result of the suspected or confirmed breach there is a risk of harm to an individual(s), the SSS (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the SSS efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

9. To another Federal agency or Federal entity, when the SSS determines that information from this System of Records is necessary to assist the recipient agency or entity in (a) responding to a suspected or confirmed breach, or (b) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

10. To any agency, organization, or individual for the purpose of performing authorized audit or oversight operations of the SSS and meeting related reporting requirements.

11. To such recipients and under such circumstances and procedures as are mandated by Federal statute or treaty.

12. A record from this System of Records may be disclosed as a routine use to SSS paid experts or consultants, and those under contract with the SSS

on a “need-to-know” basis for purpose within the scope of the pertinent SSS task. This access will be granted to a SSS contractor or employee of such contractor by a system manager only after satisfactory justification has been provided to the system manager.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

All records in this System of Records are maintained in compliance with applicable executive orders, statutes, and the agency implementing regulations. Electronic records are stored in databases and/or on hard disks, removable storage devices, or other electronic media. Paper records are maintained in a secure, access-controlled room, with access limited to authorized personnel. To the extent applicable, to ensure compliance with Americans with Disabilities Act, the Rehabilitation Act, and the Genetic Information Nondiscrimination Act of 2008, medical information must be maintained on separate forms and in separate medical files and be treated as a confidential medical record.

SSS policy establishes a uniform process for protecting and storing PII and media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records will be retrieved by any of the categories of records, including name, location, date of vaccine exception request, or work status.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records in this system are temporary and are maintained and destroyed in accordance with National Archives and Records Administration General Records Schedule 2.7 Employee Health and Safety Records.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Computerized records systems follow the National Institute of Standards and Technology privacy and security standards as developed to comply with the Privacy Act of 1974, as amended, 5 U.S.C. 552a; Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*; Federal Information Security Modernization Act of 2014, 44 U.S.C. 3551 *et seq.*; and the Federal Information Processing Standards 199: Standards for Security Categorization of Federal Information and Information Systems. Security controls include user identification, multi-factor authentication, database permissions, encryption, firewalls, audit logs, network system security monitoring, and software controls.

SSS policy applies to all SSS information users, owners, contractors and custodians, as well as access to any SSS information resources. Access to records in the system is limited to authorized personnel who have a need to access the records in the performance of their official duties, and each user's access is restricted to only the functions and data necessary to perform that person's job responsibilities. System administrators and authorized users are trained and required to follow established internal security protocols and must complete all security, privacy, and records management training and sign the SSS Rules of Behavior.

RECORD ACCESS PROCEDURES:

Same as “Notification procedures.”

CONTESTING RECORD PROCEDURES:

Same as “Notification procedures.”

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this System of Records contains information about them should write to Senior Agency Official for Privacy and comply with procedures contained in the SSS Privacy Act Regulation 32 CFR part 1665.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

Document Citation: 87 FR 2199
Document Number: 2022–00621.

Alma Cruz,

Senior Agency Official for Privacy, Selective Service System.

[FR Doc. 2025–10056 Filed 6–2–25; 8:45 am]

BILLING CODE 8015–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21102 and #21103; KENTUCKY Disaster Number KY–20020]

Presidential Declaration of a Major Disaster for the Commonwealth of Kentucky

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the Commonwealth of Kentucky (FEMA–4875–DR), dated May 23, 2025.

Incident: Severe Storms, Straight-line Winds, and Tornadoes.

DATES: Issued on May 23, 2025.

Incident Period: May 16, 2025 through May 17, 2025.

Physical Loan Application Deadline Date: July 22, 2025.

Economic Injury (EIDL) Loan Application Deadline Date: February 23, 2026.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Sharon Henderson, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on May 23, 2025, applications for disaster loans may be submitted online using the MySBA Loan Portal <https://lending.sba.gov> or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at disastercustomerservice@sba.gov or by phone at 1-800-659-2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Caldwell, Laurel, Pulaski, Russell, Trigg, Union.

Contiguous Counties (Economic Injury Loans Only):

Kentucky: Adair, Calloway, Casey, Christian, Clay, Clinton, Crittenden, Cumberland, Henderson, Hopkins, Jackson, Knox, Lincoln, Lyon, Marshall, McCreary, Rockcastle, Wayne, Webster, Whitley.

Illinois: Gallatin, Hardin.

Indiana: Posey.

Tennessee: Stewart.

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Homeowners with Credit Available Elsewhere	5.625
Homeowners without Credit Available Elsewhere	2.813
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere ...	3.625
Non-Profit Organizations without Credit Available Elsewhere	3.625
<i>For Economic Injury:</i>	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 21102C and for economic injury is 211030.

(Catalog of Federal Domestic Assistance Number 59008)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2025-09982 Filed 6-2-25; 8:45 am]

BILLING CODE 8026-09-P

DEPARTMENT OF STATE

[Public Notice: 12743]

Notice of Determinations; Culturally Significant Object Being Imported for Exhibition—Determinations: Exhibition of "Tel Dan Stele" Object

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that a certain object being imported from abroad pursuant to an agreement with its foreign owner or custodian for temporary exhibition or display at the Museum of the Bible, Washington, District of Columbia, and at possible additional exhibitions or venues yet to be determined, is of cultural significance, and, further, that its temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202-632-6471; email: section2459@state.gov). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW, (SA-5), Suite 5H03, Washington, DC 20522-0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236-3 of August 28, 2000, and Delegation of Authority No. 574 of March 4, 2025.

Mary C. Miner,

Managing Director for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2025-10063 Filed 6-2-25; 8:45 am]

BILLING CODE 4710-05-P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36857]

Railmark Industrial Railway Inc.—Operation Exemption—in DeSoto and Red River Parishes, La.

Railmark Industrial Railway Inc. (RIR), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to operate as a common carrier approximately nine miles of existing private track owned by Cleco Power LLC (Cleco), extending from the Union Pacific Railroad Company switch near Grand Bayou in Red River Parish, La., to the Dolet Hills Power Station in DeSoto Parish, La. (the Line).¹ The verified notice states that RIR will serve Cleco's Dolet Hills Power Station at its present location and any other customers that may locate on the Line.

According to the verified notice, RIR has entered into an agreement with Cleco for RIR to operate the Line as a common carrier.² RIR states that it will market the Line under the name Railmark Industrial Railway Inc. Louisiana Division to differentiate it from another line RIR leases and operates in Mississippi. *See Railmark Indus. Ry.—Change in Operator Exemption—Miss. Cent. R.R.*, FD 36773 (STB served May 22, 2024).

The verified notice states that no interchange commitments are being imposed on RIR's operations. RIR certifies that its projected annual revenues will not exceed those that would qualify it as a Class III carrier and will not exceed \$5 million.

The transaction may be consummated on or after June 26, 2025, the effective date of the exemption (30 days after the verified notice was filed).³

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than June 18, 2025 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36857, must be filed with the

¹ According to the verified notice, there are no mileposts because the Line has been used as private industry track.

² RIR states that the agreement also grants RIR the right to operate spur and sidetrack located within the Cleco Dolet Hills Power Station and that RIR will operate this additional track as 49 U.S.C. 10906 track.

³ RIR filed a supplement on May 27, 2025, which is therefore deemed the filing date of the verified notice.

Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on RIR's representative, Justin J. Marks, Clark Hill PLC, 1001 Pennsylvania Ave. NW, Suite 1300 South, Washington, DC 20004.

According to RIR, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b)(1).

Board decisions and notices are available at www.stb.gov.

Decided: May 28, 2025.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Stefan Rice,
Clearance Clerk.

[FR Doc. 2025-10057 Filed 6-2-25; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No.: **FAA-2025-0934**; Summary Notice No. -2025-37]

Petition for Exemption; Summary of Petition Received; Airlines for America

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before June 23, 2025.

ADDRESSES: Send comments identified by docket number FAA-2025-0934 using any of the following methods:

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

- **Mail:** Send comments to Docket Operations, M-30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12-140, West

Building Ground Floor, Washington, DC 20590-0001.

- **Hand Delivery or Courier:** Take comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

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

Docket: Background documents or comments received may be read at <https://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Mickenzie Roby, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, at 202-267-9677.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC.

Dan A. Ngo,

Manager, Part 11 Petitions Branch, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA-2025-0934.

Petitioner: Airlines for America.

Section(s) of 14 CFR Affected: §§ 121.313(1), 121.401(a) and 121.584(a)(3).

Description of Relief Sought: Airlines for America requests relief for its members to operate aircraft worldwide without flight crew deploying an installed physical secondary barrier (IPSB) in accordance with §§ 121.313(l), 121.401(a), and 121.584(a)(3), until operators have completed the required training of all subject personnel. During this exemption, existing procedures will be used by flight crews, maintaining an equivalent level of safety and security.

[FR Doc. 2025-10071 Filed 6-2-25; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. **FMCSA-2020-0062**]

Marking of Commercial Motor Vehicles; Application for an Exemption From Adirondack Trailways, Pine Hill Trailways, and New York Trailways

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of provisional renewal of exemption; request for comments.

SUMMARY: FMCSA announces its decision to provisionally renew an exemption for Adirondack Transit Lines, Inc. (dba Adirondack Trailways), Pine Hill-Kingston Bus Corp. (dba Pine Hill Trailways), and Passenger Bus Corp. (dba New York Trailways) from FMCSA's commercial motor vehicle (CMV) marking rules under certain circumstances involving exchange, or interchange, of equipment and/or drivers. The provisional exemption renewal is limited to six months. After a review of the public comments to this notice, FMCSA will issue a decision whether the exemption should be renewed through May 2030.

DATES: The provisional renewal of the exemption is effective from May 28, 2025, and expires on November 28, 2025. Comments must be received on or before July 3, 2025.

ADDRESSES: You may submit comments identified by Federal Docket Management System Number FMCSA-2020-0062 by any of the following methods:

- **Federal eRulemaking Portal:** www.regulations.gov. See the Public Participation and Request for Comments section below for further information.

- **Mail:** Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590-0001.

- **Hand Delivery or Courier:** West Building, Ground Floor, 1200 New Jersey Avenue SE, Washington, DC 20590-0001 between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays.

- **Fax:** (202) 493-2251.

Each submission must include the Agency name and the docket number for this notice (FMCSA-2020-0062). Note that DOT posts all comments received without change to www.regulations.gov, including any personal information included in a comment. Please see the Privacy Act heading below.

Privacy Act: In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption renewal request. DOT posts these comments, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed under the “Department Wide System of Records Notices” at www.dot.gov/privacy/privacy-act-system-records-notices. The comments are searchable by the name of the submitter and are posted without edit.

FOR FURTHER INFORMATION CONTACT: La Tonya Mimms, Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; FMCSA; latonya.mimms@dot.gov or (202) 366-9220. If you have questions on viewing or submitting material to the docket, contact Dockets Operations, (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA-2020-0062), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to www.regulations.gov, insert the docket number (FMCSA-2020-0062) in keyword box, and click on this notice, click “Comment,” and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

FMCSA will consider all comments and material received during the comment period. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as “PROPIN” to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590-0001 or via email at brian.g.dahlin@dot.gov. At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov> insert FMCSA-2020-0101 in the keyword box, select the document tab and choose the document to review. To view comments, click this notice, then click “Browse Comments.” If you do not have access to the internet, you may view the docket online by visiting Docket Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an

opportunity to inspect the information relevant to the application, including the applicant’s safety analyses. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and the public comments and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish the decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt and the effective period and will explain all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)).

III. Background

Current Regulatory Requirements

The vehicle marking requirements of 49 CFR 390.21(b)(3) are satisfied if the vehicle is marked with a single placard, sign, or other device affixed to the right (curb) side of the vehicle on or near the front passenger door. The placard, sign, or device must display the legal name or a single trade name of the motor carrier operating the CMV and the motor carrier’s USDOT number, preceded by the words “Operated by.”

Application for Renewal of Exemption

Adirondack Trailways, Pine Hill Trailways, and New York Trailways are a commonly owned passenger service that interchanges buses and drivers more than ten thousand times a year. The frequency with which their motorcoaches are involved in interchange arrangements makes it difficult to comply with 49 CFR 390.21(b)(3). This is especially the case when the interchanges happen on short notice and in remote locations. The applicants describe their operation as “spontaneous, ever-changing and unpredictable.” The cooperative arrangement promotes intercity bus travel by offering passengers a seamless network of service among the passenger carriers. The applicants noted the termination on June 1, 2022, of their longstanding agreement for revenue pooling and interchange arrangement with Greyhound Lines, Inc.

The applicants are requesting renewal of their exemption from 49 CFR 390.21(b)(3), which would apply to

exchanges among the applicants as well as other passenger carriers subject to a lease agreement with the applicants.

FMCSA initially granted an exemption to Adirondack Trailways, Pine Hill Trailways, and New York Trailways, on June 1, 2020 (85 FR 33272). This exemption was effective on June 1, 2020, and expires on May 28, 2025. That notice described the nature of Adirondack Trailways, Pine Hill Trailways, and New York Trailways business operations. A copy of the 2020 exemption is available for review in the docket for this notice.

IV. Grant of Provisional Renewal of Exemption

FMCSA determined in 2020 that the exemption was likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the exemption, as required by 49 U.S.C. 31315(b)(1).

This provisionally renewed exemption does not provide relief from a rule that could impact the safety performance of the commonly owned companies. They still bear full responsibility for compliance with the applicable safety regulations. Furthermore, provisionally renewing the exemption does not leave Federal and State safety enforcement personnel without a means of identifying the carrier responsible for the operation of a vehicle on a given trip, or a means of conducting compliance assurance activities.

From a safety equivalency perspective, each of the passenger carriers providing transportation services would continue to be subject to all regulations concerning on-road safety performance (e.g., driver licensing and qualifications, controlled substances and alcohol testing, inspection repair and maintenance, hours of service, etc.). Each passenger carrier would also continue to meet the financial responsibility requirements and maintain operating authority. In addition, each vehicle would display the name and USDOT number assigned to the owner/lessee of the passenger-carrying vehicle, with information about the responsible motor carrier readily available from the driver.

FMCSA provisionally renews the exemption for a period of six months, instead of the five years requested by the applicants, subject to the terms and conditions of this decision and the absence of adverse public comments that would cause the Agency to terminate the exemption. If, during that time, FMCSA does not receive evidence of insufficient safety under the

exemption, the Agency anticipates granting a full five-year exemption on or before the provisional exemption expires. The exemption from the requirements of 49 CFR 390.21(b)(3) is effective from May 28, 2025, through November 28, 2025, 11:59 p.m. local time, unless revoked.

A. Applicability of Exemption

This provisional exemption renewal from 49 CFR 390.21(b)(3) is issued to Adirondack Transit Lines, Inc. (dba Adirondack Trailways); Pine Hill Bus Corp. (dba Pine Hill Trailways); and Passenger Bus Corp. (dba New York Trailways).

B. Terms and Conditions

The conditions of this exemption are as follows:

1. Passenger-carrying commercial vehicles display the name and USDOT number of the owner/lessee;
2. A document signed by at least one of the authorized carriers involved in the movement of the vehicle is kept in each vehicle operating under the exemption that provides (in electronic or paper format):
 - a. The registered name of each party to the agreement;
 - b. The USDOT number for each party to the agreement;
 3. The passenger carrier named on the driver's record of duty status is the responsible motor carrier;
 4. The owner/lessee and the responsible motor carrier cooperate with all Federal, State, and local enforcement officials to provide the identity of the operators of the passenger carrying vehicle.

The carrier and driver must comply with all other requirements of the Federal Motor Carrier Safety Regulations (49 CFR parts 350–399) and Hazardous Materials Regulations (49 CFR part 105–180).

C. Preemption

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate or intrastate commerce that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

D. Notification to FMCSA

Adirondack Transit Lines, Inc. (dba Adirondack Trailways); Pine Hill Bus Corp. (dba Pine Hill Trailways); and Passenger Bus Corp. (dba New York

Trailways) must notify FMCSA within 5 business days of any accident (as defined in 49 CFR 390.5), involving any of the motor carrier's CMVs operating under the terms of this exemption. The notification must include the following information:

- a. Identifier of the Exemption: "Adirondack Transit Lines, Inc. (dba Adirondack Trailways); Pine Hill Bus Corp. (dba Pine Hill Trailways); and Passenger Bus Corp. (dba New York Trailways);"
 - b. Name of operating carrier and USDOT number;
 - c. Date of the crash;
 - d. City or town, and State, in which the accident occurred, or closest to the crash scene;
 - e. Driver's name and license number;
 - f. Co-driver's name (if any) and license number;
 - g. Vehicle number and State license number;
 - h. Number of individuals suffering physical injury;
 - i. Number of fatalities;
 - j. The police-reported cause of the crash, if provided by the enforcement agency;
 - k. Whether the driver was cited for violation of any traffic laws, motor carrier safety regulations; and
 - l. The total on-duty time accumulated during the 7 consecutive days prior to the date of the crash, and the total on-duty time and driving time in the work shift prior to the crash.
- Reports filed under this provision shall be emailed to MCPSPD@DOT.GOV.

E. Termination

FMCSA does not believe the drivers and carriers covered by this exemption will experience any deterioration of their safety record. However, the exemption will be rescinded if: (1) Adirondack Transit Lines, Inc. (dba Adirondack Trailways); Pine Hill Bus Corp. (dba Pine Hill Trailways); and Passenger Bus Corp. (dba New York Trailways) or the drivers operating under the exemption fail to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objects of 49 U.S.C. 31136(e) and 31315(b).

V. Request for Comments

In accordance with 49 U.S.C. 31315(b), FMCSA requests public comment from all interested persons on the application from Adirondack Trailways, Pine Hill Trailways, and New York Trailways for an exemption

renewal. All comments received before the close of business on the comment closing date will be considered and will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Sue Lawless,
Assistant Administrator.

[FR Doc. 2025–10042 Filed 6–2–25; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Highway Safety Program Guidelines

ACTION: Notice of availability.

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

SUMMARY: This notice revises four of the existing highway safety uniform guidelines to better reflect NHTSA's commitment to promoting highway safety programs that are based on traffic safety data. The revisions will also align these guidelines with a recent Executive order. The guidelines are Guideline No. 7: Judicial and Court Services; Guideline No. 8: Impaired Driving; Guideline No. 12: Prosecutor Training; Guideline No. 20: Occupant Protection.

DATES: The revised guidelines become effective on June 3, 2025.

FOR FURTHER INFORMATION CONTACT: Jane Terry, Director, Office of Impaired Driving and Occupant Protection, NPD–100, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; Telephone: (202) 366–0179, jane.terry@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Section 402 of title 23 of the United States Code requires the Secretary of Transportation to promulgate uniform guidelines for State highway safety programs.¹ The uniform guidelines serve as a resource that States can use in formulating their highway safety

programs supported with section 402 and section 405 grant funds as well as safety activities funded from other sources. The guidelines provide a framework for developing a balanced highway safety program and serve as a tool with which States can assess the effectiveness of their own programs. Uniform Guideline Number 20: Occupant Protection serves as the basis for NHTSA-facilitated occupant protection program assessments that many States rely on to improve their programs and to apply for Section 405(b) Occupant Protection Grant funds. Uniform Guideline Number 7: Judicial and Court Services, Number 8: Impaired Driving, and Number 12: Prosecutor Training serve as the basis for NHTSA-facilitated impaired driving program assessments that some States rely on to improve their programs and to apply for Section 405(d) Impaired Driving Countermeasures Grant funds. NHTSA encourages States to use these guidelines and build upon them to optimize the effectiveness of highway safety programs conducted at the State and local levels.

Under the recent Executive Order 14151 (Order), “Ending Radical and Wasteful Government DEI Programs and Preferencing,” agencies are instructed to align agency guidance with the policy set forth in that Order. NHTSA makes limited technical revisions to four of the uniform guidelines to meet the requirements of the Order. These limited revisions shift focus away from broad references to demographic or diverse groups and towards at-risk populations and State safety needs as identified by highway safety data. At-risk populations are any group that is at increased risk of serious injury or death from a traffic crash. The impacted uniform guidelines are Guideline No. 7: Judicial and Court Services (March 2009); Guideline No. 8: Impaired Driving (November 2006); Guideline No. 12: Prosecutor Training (March 2009); and Guideline No. 20: Occupant Protection (November 2006).

NHTSA reminds States that the guidance provided in these Uniform Guidelines is not legally binding in its own right and will not be relied upon by the Department as a separate basis for affirmative enforcement action or other administrative penalty. Conformity with the guidance document (as distinct from existing statutes and regulations) is voluntary only, and nonconformity will not affect rights and obligations under existing statutes and regulations.

The revised guidelines are printed in full below. All highway safety guidelines are available on NHTSA's

website at <https://www.nhtsa.gov/laws-regulations/guidance-documents>.

Highway Safety Program Guideline No. 7 Judicial and Court Services (March 2025)

Each State, in cooperation with political subdivisions and Tribal governments, should develop and implement a comprehensive, highway safety program, reflective of State traffic safety needs, as identified by the data, to achieve a significant reduction in traffic crashes, fatalities, and injuries on public roads. Each State should have a comprehensive judicial services program as part of its overall highway safety program. Such judicial services programs should support courts in the competent and effective adjudication of both administrative and statutory law cases. Judicial services programs should, consistent with ethical and professional requirements, promote judicial outreach activity to reduce traffic crashes and resultant fatalities and injuries. This document describes the four key components of State judicial services programs and the specific activities needed to implement those components. Additional information on judicial outreach is addressed in Highway Safety Guideline No. 8, Impaired Driving.

I. Program Management

Program planning, implementation, and coordination are essential for achieving and sustaining State traffic enforcement and adjudication functions. The State Highway Safety Office (SHSO), in conjunction with State and local court administrators, chief judges, and judicial educators should ensure that State traffic safety judicial education programs are well planned and coordinated. State SHSOs should provide leadership, training, and technical assistance to:

- Implement and integrate regular traffic law and safety-related judicial education in judicial education programs for all judges;
- Generate broad-based support for traffic safety programs by informing all stakeholders, including court administrators and the judges they serve, of comprehensive highway safety plans for traffic enforcement;
- Coordinate traffic safety programs to include Commercial Motor Vehicle (CMV) safety activities such as the Motor Carrier Safety Assistance Program;
- Promote the dissemination of NHTSA-supported judicial traffic safety and education courses through coordination with State judicial educators and nationally based

¹ This responsibility is delegated to NHTSA at 49 CFR 1.95(e).

institutions such as the National Center for State Courts, National Council of Juvenile and Family Court Judges, and the National Judicial College; and

- Support the development and ethical implementation of judicial education programs for State, local, administrative, and Tribal courts that will accomplish the following objectives:
 - Utilize enabling legislation and regulations to provide the public with effective and efficient court services;
 - Provide the impetus for judges to be thoroughly educated on all facets of motor vehicle law;
 - Develop cooperative relationships with other government branches, agencies, and entities, as well as community organizations and traffic safety stakeholders; and
 - Establish qualitative and quantitative performance measures by which the delivery of services can be evaluated.

II. Resource Management

The SHSO should coordinate with the courts to develop plans that identify the resources necessary to effectively provide efficient traffic law-related services throughout the criminal justice system. The plans should include specific components concerning the allocation of funding, personnel, and facilities and:

- Periodic assessment of traffic law-related service demands, and the resources needed to serve the needs of the public;
- Development of traffic law-related court service plans that address budgetary requirements, staff allocation, and facilities requirements; and
- Employment of efficient accounting and data processing systems to facilitate prompt and accurate generation, retrieval, and sharing of information and records.

III. Training and Education

Training and education are essential to support and maintain the delivery of traffic law-related services by the judicial branch of government. To be effective adjudicators, and serve the needs of the public, judges must receive regular education and training of the highest caliber. Judicial education and training should be promoted and, where appropriate, presented by the SHSO or other training entities with experienced faculties in the area of traffic safety, including law and procedure. Judicial education and training should be:

- Adequately funded and where possible compulsory as a requirement to maintaining service in office;

- Provided by State or nationally based judicial education and training entities with experienced faculties in area of traffic-related law and procedure;
- Inclusive of education components consistent with models developed by the American Bar Association, for example the Code of Judicial Ethics and the Rules of Professional Conduct;
- Inclusive of case management components so as to foster productivity and the prompt and efficient disposition of cases;
- Specialized as to curriculum so as to address the needs of both statutory and administrative judges as well as hearing officers; and
- Assessed regularly so as to ensure that education components address specialized traffic enforcement skills, techniques, or programs such as DWI/ Drug Courts.

IV. Data and Evaluation

The SHSO, in conjunction with court administrators, should develop a comprehensive evaluation program to measure progress toward established project goals and objectives. Utilizing comprehensive evaluation programs, the SHSO should effectively plan and implement statewide, county, local, and Tribal traffic safety programs. Such programs should have as objectives the optimization of limited resource allocation and should measure the impact of traffic enforcement on court resources. Data that are collected should include case disposition summaries and reports, and other relevant workload information. Court administrators should:

- Include evaluation components in initial program planning so as to ensure that data will be available for evaluation;
- Ensure that adequate resources and personnel are allocated to program planning and data collection;
- Regularly report results of program evaluations to project and program managers, legislative decision-makers, and to the public;
- Utilize results to guide future activities and to assess in justifying resources to governing bodies;
- Conduct surveys to assist in determining court and program effectiveness, including surveys that measure public knowledge and attitudes about court programs;
- Evaluate the effectiveness of services provided in support of priority safety programs; and
- Maintain and report court generated data to appropriate repositories through the use of effective records programs that:

- Provide records rapidly and accurately;
- Provide routine compilations of data for management use in the decision-making process;
- Provide data for operational planning and execution;
- Interface with a variety of data systems, including statewide traffic safety records systems that are accessible by other State and local governmental entities, agencies, and courts;
- Provide for the evidentiary integrity of information so as to insure its admissibility in subsequent court and administrative hearing proceedings; and
- Work with court administrators to use the traffic court functional standards that are available through the National Center for State Courts.

Highway Safety Program Guideline No. 8 Impaired Driving (March 2025)

Each State, in cooperation with its political subdivisions and Tribal governments and other parties as appropriate, should develop and implement a comprehensive highway safety program, reflective of State traffic safety needs, as identified by the data, to achieve a significant reduction in traffic crashes, fatalities, and injuries on public roads. The highway safety program should include an impaired driving component that addresses highway safety activities related to impaired driving. (Throughout this guideline, the term *impaired driving* means operating a motor vehicle while affected by alcohol and/or other drugs, including prescription drugs, over-the-counter medicines, or illicit substances.) This guideline describes the components that a State impaired driving program should include and the criteria that the program components should meet.

I. Program Management and Strategic Planning

An effective impaired driving program should be based on strong leadership, sound policy development, program management and strategic planning, and an effective communication program. Program efforts should be data-driven, focusing on populations and geographic areas that are most at risk, and science-based, determined through independent evaluation as likely to succeed. Programs and activities should be guided by problem identification and carefully managed and monitored for effectiveness. Adequate resources should be devoted to the problem and costs should be borne, to the extent possible, by impaired drivers. Each

State should include the following as part of its impaired driving program:

- *Task Forces or Commissions:* Convene Driving While Impaired (DWI) task forces or commissions to foster leadership, commitment, and coordination among all parties interested in impaired driving issues, including both traditional and non-traditional parties, such as highway safety enforcement, criminal justice, driver licensing, treatment, liquor law enforcement, business, medical, health care, advocacy groups, the media, institutions of higher education, and the military.

- *Strategic Planning:* Develop and implement an overall plan for short- and long-term impaired driving activities based on careful problem identification.

- *Program Management:* Establish procedures to ensure that program activities are implemented as intended.

- *Resources:* Allocate sufficient funding, staffing, and other resources to support impaired driving programs. Programs should aim for self-sufficiency and, to the extent possible, costs should be borne by impaired drivers.

- *Data and Records:* Establish and maintain a records system that uses data from other sources (e.g., U.S. Census, Fatality Analysis Reporting System [FARS], Crash Outcome Data Evaluation System [CODES]) to fully support the impaired driving program, and that is guided by a statewide traffic records coordinating committee (TRCC) that represents the interests of all public and private sector stakeholders and the wide range of disciplines that need the information.

- *Communication Program:* Develop and implement a comprehensive communications program that supports priority policies and program efforts and is directed at impaired driving; underage drinking; and reducing the risk of injury, death, and resulting medical, legal, social, and other costs.

II. Prevention

Prevention programs should aim to reduce impaired driving through public health approaches, including altering social norms, changing risky or dangerous behaviors, and creating safer environments. Prevention programs should promote communication strategies that highlight and support specific policies and program activities and promote activities that educate the public on the effects of alcohol and other drugs, limit the availability of alcohol and other drugs, and discourage those impaired by alcohol and other drugs from driving.

Prevention programs may include responsible alcohol service practices,

transportation alternatives, and community-based programs carried out in schools, work sites, medical and health care facilities, and by community coalitions. Prevention efforts should be directed toward populations at greatest risk. Programs and activities should be science-based and proven effective and include a communication component. Each State should:

- *Promote Responsible Alcohol Service:* Promote policies and practices that prevent underage drinking by people under age 21 and over-service to people age 21 and older.

- *Promote Transportation Alternatives:* Promote alternative transportation programs, such as designated driver and safe ride programs, especially during high-risk times, which enable drinkers age 21 and older to reach their destinations without driving.

- *Conduct Community-Based Programs:* Conduct community-based programs that implement prevention strategies at the local level through a variety of settings, including schools, employers, medical and health care professionals, community coalitions and traffic safety programs.

- *Schools:* School-based prevention programs, beginning in elementary school and continuing through college and trade school, should play a critical role in preventing underage drinking and impaired driving. These programs should be developmentally appropriate, relevant to at-risk populations and coordinated with drug prevention and health promotion programs.

- *Employers:* States should provide information and technical assistance to employers and encourage employers to offer programs to reduce underage drinking and impaired driving by employees and their families.

- *Community Coalitions and Traffic Safety Programs:* Community coalitions and traffic safety programs should provide the opportunity to conduct prevention programs collaboratively with other interested parties at the local level and provide communications toolkits for local media relations, advertising, and public affairs activities. Coalitions may include representatives of government such as highway safety; enforcement; criminal justice; liquor law enforcement; public health; driver licensing and education; business, including employers and unions; the military; medical, health care and treatment communities; at-risk, faith-based, advocacy and other community groups; and neighboring counties, as appropriate.

III. Criminal Justice System

Each State should use the various components of its criminal justice system—laws, enforcement, prosecution, adjudication, criminal and administrative sanctions, and communications—to achieve both specific and general deterrence.

Specific deterrence focuses on individual offenders and seeks to ensure that impaired drivers will be detected, arrested, prosecuted, and subject to swift, sure, and appropriate sanctions. Using these measures, the criminal justice system seeks to reduce recidivism. General deterrence seeks to increase the public perception that impaired drivers will face severe consequences, discouraging individuals from driving impaired.

A multidisciplinary approach and close coordination among all components of the criminal justice system are needed to make the system work effectively. In addition, coordination is needed among law enforcement agencies at the State, county, municipal, and Tribal levels to create and sustain both specific and general deterrence.

A. Laws

Each State should enact impaired driving laws that are sound, rigorous, and easy to enforce and administer. The laws should clearly define offenses, contain provisions that facilitate effective enforcement, and establish effective consequences. The laws should define offenses to include:

- Driving while impaired by alcohol or other drugs (whether illegal, prescription or over-the-counter) and treating both offenses similarly;

- Driving with a blood alcohol concentration (BAC) limit of .08 grams per deciliter, making it illegal “per se” to operate a vehicle at or above this level without having to prove impairment;

- Driving with a high BAC (i.e., .15 BAC or greater) with enhanced sanctions above the standard impaired driving offense;

- Zero Tolerance for underage drivers, making it illegal “per se” for people under age 21 to drive with any measurable amount of alcohol in their system (i.e., .02 BAC or greater);

- Repeat offender with increasing sanctions for each subsequent offense;

- BAC test refusal with sanctions at least as strict or stricter than a high BAC offense;

- Driving with a license suspended or revoked for impaired driving, with vehicular homicide or causing personal injury while driving impaired as

separate offenses with additional sanctions;

- Open container laws, prohibiting possession or consumption of any open alcoholic beverage in the passenger area of a motor vehicle located on a public highway or right-of-way (limited exceptions are permitted under 23 U.S.C. 154 and its implementing regulations, 23 CFR part 1270); and
- Primary seat belt provisions that do not require that officers observe or cite a driver for a separate offense other than a seat belt violation.

The laws should include provisions to facilitate effective enforcement that:

- Authorize law enforcement to conduct sobriety checkpoints, (*i.e.*, stop vehicles on a nondiscriminatory basis to determine whether operators are driving while impaired by alcohol or other drugs);
- Authorize law enforcement to use passive alcohol sensors to improve the detection of alcohol in drivers;
- Authorize law enforcement to obtain more than one chemical test from an operator suspected of impaired driving, including preliminary breath tests, evidential breath tests, and screening and confirmatory tests for alcohol or other impairing drugs; and
- Require law enforcement to conduct mandatory BAC testing of drivers involved in fatal crashes.

The laws should establish effective penalties that include:

- Administrative license suspension or revocation for failing or refusing to submit to a BAC or other drug test;
- Prompt and certain administrative license suspension of at least 90 days for first-time offenders determined by chemical test(s) to have a BAC at or above the State's "per se" level or of at least 15 days followed immediately by a restricted, provisional or conditional license for at least 75 days, if such license restricts the offender to operating only vehicles equipped with an ignition interlock;
- Enhanced penalties for BAC test refusals, high BAC, repeat offenders, driving with a suspended or revoked license, driving impaired with a minor in the vehicle, vehicular homicide, or causing personal injury while driving impaired, including longer license suspension or revocation; installation of ignition interlock devices; license plate confiscation; vehicle impoundment, immobilization or forfeiture; intensive supervision and electronic monitoring; and threat of imprisonment;
- Assessment for alcohol or other drug abuse problems for all impaired driving offenders and, as appropriate, treatment, abstention from use of

alcohol and other drugs, and frequent monitoring; and

- Driver license suspension for people under age 21 for any violation of law involving the use or possession of alcohol or illicit drugs.

B. Enforcement

Each State should conduct frequent, highly visible, well publicized, and fully coordinated impaired driving (including zero tolerance) law enforcement efforts throughout the State, especially in locations where alcohol-related fatalities most often occur. To maximize visibility, States should maximize contact between officers and drivers using sobriety checkpoints and saturation patrols and should widely publicize these efforts—before, during, and after they occur. Highly visible, highly publicized efforts should be conducted periodically and also on a sustained basis throughout the year. To maximize resources, the State should coordinate efforts among State, county, municipal, and Tribal law enforcement agencies. States should utilize law enforcement liaisons for activities such as promotion of national and local mobilizations and increasing law enforcement participation in such mobilizations, and for collaboration with local chapters of police groups and other local impaired driving prevention associations to gain support for enforcement efforts.

Each State should coordinate efforts with liquor law enforcement officials. To increase the probability of detection, arrest, and prosecution, participating officers should receive training in the latest law enforcement techniques, including Standardized Field Sobriety Testing, and selected officers should receive training in media relations and Drug Evaluation and Classification (DEC).

C. Publicizing High Visibility Enforcement

Each State should communicate its impaired driving law enforcement efforts and other elements of the criminal justice system to increase the public perception of the risks of detection, arrest, prosecution and sentencing for impaired driving. Each State should develop and implement a year-round communications plan that provides emphasis during periods of heightened enforcement, provides sustained coverage throughout the year, includes both paid and earned media, and uses messages consistent with national campaigns. Publicity should be appropriate to the audience and based on market research.

D. Prosecution

States should implement a comprehensive program to visibly, aggressively, and effectively prosecute and publicize impaired-driving-related efforts, including use of experienced prosecutors (*e.g.*, traffic safety resource prosecutors), to help coordinate and deliver training and technical assistance to prosecutors handling impaired driving cases throughout the State.

E. Adjudication

States should impose effective, appropriate, and research-based sanctions, followed by close supervision and the threat of harsher consequences for non-compliance when adjudicating cases. Specifically, DWI courts should be used to reduce recidivism among repeat and high-BAC offenders. DWI courts involve all criminal justice stakeholders (prosecutors, defense attorneys, probation officers, and judges) along with alcohol and drug treatment professionals and use a cooperative approach to systematically change participant behavior. The effectiveness of enforcement and prosecution efforts are strengthened by knowledgeable, impartial, and effective adjudication. Each State should provide state-of-the-art education to judges, covering SFST, DEC, alternative sanctions, and emerging technologies.

Each State should utilize DWI courts to help improve case management and to provide access to specialized personnel, speeding up disposition and adjudication. DWI courts also increase access to testing and assessment to help identify DWI offenders with addiction problems and to help prevent them from re-offending. DWI courts additionally help with sentence monitoring and enforcement. Each State should provide adequate staffing and training for probation programs with the necessary resources, including technological resources, to monitor and guide offender behavior.

F. Administrative Sanctions and Driver Licensing Programs

States should use administrative sanctions, including the suspension or revocation of an offender's driver's license; the impoundment, immobilization or forfeiture of a vehicle; the impoundment of a license plate; or the use of ignition interlock devices, which are among the most effective actions to prevent repeat impaired driving offenses. In addition, other licensing activities can prove effective in preventing, deterring and monitoring impaired driving, particularly among novice drivers. Publicizing related

efforts is part of a comprehensive communications program.

- *Administrative License Revocation and Vehicle Sanctions:* Each State's Motor Vehicle Code should authorize the imposition of administrative penalties by the driver licensing agency upon arrest for violation of the State's impaired driving laws, including administrative driver's license suspension, vehicle sanctions and installation of ignition interlock devices.

- *Programs:* Each State's driver licensing agency should conduct programs that reinforce and complement the State's overall program to deter and prevent impaired driving, including graduated driver licensing (GDL) for novice drivers, education programs that explain alcohol's effects on driving, the State's zero-tolerance laws, and a program to prevent individuals from using a fraudulently obtained or altered driver's license.

IV. Communication Program

States should develop and implement a comprehensive communication program that supports priority policies and program efforts. Communication programs and material should be designed to reach at-risk populations and be provided in languages other than English as appropriate. States should:

- Develop and implement a year-round communication plan that includes policy and program priorities; comprehensive research; behavioral and communications objectives; core message platforms; campaigns that are audience-relevant and linguistically appropriate; key alliances with private and public partners; specific activities for advertising, media relations, and public affairs; special emphasis periods during high-risk times; and evaluation and survey tools;

- Employ a communications strategy principally focused on increasing knowledge and awareness, changing attitudes, and influencing and sustaining appropriate behavior;

- Use traffic-related data and market research to identify specific audience segments to maximize resources and effectiveness; and

- Adopt a comprehensive marketing approach that coordinates elements like media relations, advertising, and public affairs/advocacy.

V. Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation

Impaired driving frequently is a symptom of a larger alcohol or other drug problem. Many first-time impaired driving offenders and most repeat offenders have alcohol or other drug

abuse or dependency problems. Without appropriate assessment and treatment, these offenders are more likely to repeat their crimes.

In addition, alcohol use leads to other injuries and health care problems. Frequent visits to emergency departments present an opportunity for intervention, which might prevent future arrests or motor vehicle crashes, and result in decreased alcohol consumption and improved health.

Each State should encourage its employers, educators, and health care professionals to implement a system to identify, intervene, and refer individuals for appropriate substance abuse treatment.

- *Screening and Assessment:* Each State should encourage its employers, educators, and health care professionals to have a systematic program to screen and/or assess drivers to determine whether they have an alcohol or drug abuse problem and, as appropriate, briefly intervene or refer them for appropriate treatment. A marketing campaign should promote year-round screening and brief intervention to medical, health, and business partners and to identified audiences. In particular:

- *Criminal Justice System:* Within the criminal justice system, people convicted of an impaired driving offense should be assessed to determine whether they have an alcohol or drug abuse problem and whether they need treatment. The assessment should be required by law and completed prior to sentencing or reaching a plea agreement.

- *Medical and Health Care Settings:* Within medical or health care settings, any adults or adolescents seen by medical or health care professionals should be screened to determine whether they may have an alcohol or drug abuse problem. A person may have a problem with alcohol abuse or dependence, a brief intervention should be conducted and, if appropriate, the person should be referred for assessment and further treatment.

- *Treatment and Rehabilitation:* Each State should work with health care professionals, public health departments, and third-party payers to establish and maintain treatment programs for persons referred through the criminal justice system, medical or health care professionals, and other entities. This will help ensure that offenders with alcohol or other drug dependencies begin appropriate treatment and complete recommended treatment before their licenses are reinstated.

- *Monitoring Impaired Drivers:* Each State should establish a program to

facilitate close monitoring of impaired drivers. Controlled input and access to an impaired driver tracking system, with appropriate security protections, is essential. Monitoring functions should be housed in the driver licensing, judicial, corrections, and treatment systems. Monitoring systems should be able to determine the status of all offenders in meeting their sentencing requirements for sanctions and/or rehabilitation and must be able to alert courts to noncompliance. Monitoring requirements should be established by law to assure compliance with sanctions by offenders and responsiveness of the judicial system. Noncompliant offenders should be handled swiftly either judicially or administratively. Many localities are successfully utilizing DWI courts or drug courts to monitor DWI offenders.

VI. Program Evaluation and Data

Each State should have access to and analyze reliable data sources for problem identification and program planning. Each State should conduct several different types of evaluations to effectively measure progress, to determine program effectiveness, to plan and implement new program strategies, and to ensure that resources are allocated appropriately.

Each State should establish and maintain a records system that uses data from other sources (e.g., U.S. Census, FARS, CODES) to fully support the impaired driving program. A statewide traffic records coordinating committee that represents the interests of all public and private sector stakeholders and the wide range of disciplines that need the information should guide the records system.

- Each State's driver licensing agency should maintain a system of records that enables the State to: (1) identify impaired drivers; (2) maintain a complete driving history of impaired drivers; (3) receive timely and accurate arrest and conviction data from law enforcement agencies and the courts, including data on operators as prescribed by the commercial driver licensing regulations; and (4) provide timely and accurate driver history records to law enforcement and the courts.

Highway Safety Program Guideline No. 12 Prosecutor Training (March 2025)

Each State, in cooperation with its political subdivisions and Tribal governments, should develop and implement a comprehensive highway safety program, reflective of State traffic safety needs, as identified by the data, to achieve a significant reduction in

traffic crashes, fatalities, and injuries on public roads. All programs should include a comprehensive prosecutorial training program that supports prosecutors in the prosecution of traffic-related cases. Prosecutorial training programs should be consistent with ethical and professional requirements in addition to addressing training and technical assistance needs. These programs should encourage prosecutors to make the prosecution of traffic-related cases a high priority. This guideline describes the key components that a State program should include and the minimum criteria that the program components should meet. Additional information on prosecutor outreach is addressed in Highway Safety Guideline No. 8, Impaired Driving.

I. Program Management

Program planning, implementation, and coordination are essential for achieving and sustaining high-quality State traffic enforcement and prosecution functions. The State Highway Safety Office (SHSO), in conjunction with State prosecutor associations, Prosecutor Coordinators, and Traffic Safety Resource Prosecutors (TSRP) should ensure that State traffic safety programs are comprehensive, well planned, and coordinated. State SHSOs should provide leadership, training, and technical assistance to their State's prosecutors. In doing so, the SHSOs should:

- Communicate and coordinate with State prosecutor coordinators and TSRPs regarding comprehensive highway safety plans for traffic enforcement so they can generate broad-based prosecutorial support for traffic safety programs;
- Assist State prosecutor coordinators and TSRPs in implementing regular traffic law and safety-related prosecutor training programs;
- Provide support and assistance to State prosecutor coordinators and TSRPs for training and technical assistance that prosecutors need to effectively prosecute impaired driving and other traffic-related cases; and
- Evaluate the delivery of training and technical assistance through established qualitative and quantitative measures.

II. Resource Management

The SHSO should encourage prosecutors to develop plans that identify those resources necessary to provide efficient traffic law-related services that include:

- Periodic assessment of traffic law-related service demands, and the

resources needed to serve the needs of prosecution and the public.

- Development of traffic law-related prosecutor resource management plans that address budgetary requirements, staff allocation, and facilities requirements.
- Employment of efficient accounting and data processing systems to facilitate prompt and accurate generation, retrieval, and sharing of information and records.

II. Training and Technical Assistance

Training and technical assistance are essential to support the delivery of high-quality traffic law-related prosecution. To effectively serve the needs of law enforcement, victims, and the public, prosecutors must receive regular, consistent training and have available to them individuals who can provide technical assistance in a competent and efficient manner. To this end, the SHSO should:

- Encourage the implementation of the TSRP program;
- Provide Prosecutor Coordinators and TSRPs with advanced education and training in the area of traffic-related law and procedure so as to enhance delivery of training and technical assistance to local prosecutors, law enforcement officers, advocacy groups, and other traffic safety professionals;
- Assist and support prosecutor coordinators in providing traffic law and safety-related training programs to the State's prosecutors;
- Include development and delivery of specialized curriculum to address the needs of both experienced and inexperienced prosecutors handling complex impaired-driving and other traffic prosecutions;
- Encourage consistent training and technical assistance through the prosecutor coordinators to address high turnover rates in prosecutor offices; and
- Include case management components to foster prompt and effective prosecution of traffic cases.

IV. Data and Evaluation

The SHSO, in conjunction with the prosecutor coordinator and the TSRP, should develop a comprehensive evaluation program to measure progress toward established project goals and objectives. Using comprehensive evaluation strategies, the SHSO should effectively plan and implement statewide, county, and local traffic safety training programs. Collected data should include training programs attended, technical assistance requested and received, and other workload information. The evaluation results should be used to maximize limited

resources and measure the impact of such training and assistance on prosecutorial resources and the ability to effectively prosecute traffic cases. The SHSO should make sure that Prosecutor Coordinators or TSRPs:

- Include evaluation components in initial program planning to ensure that data will be available for analysis;
- Ensure that adequate resources and personnel are allocated to program planning and data collection;
- Regularly report results of program evaluations to project managers, program managers, and legislative decision-makers;
- Utilize results to guide future activities and assess resource allocation; and
- Evaluate the effectiveness of services provided in support of priority traffic safety programs.

Highway Safety Program Guideline No. 20 Occupant Protection (March 2025)

Each State, in cooperation with its political subdivisions, Tribal governments, and other parties as appropriate, should develop and implement a comprehensive highway safety program, reflective of State traffic safety needs as identified by the data, to achieve a significant reduction in traffic crashes, fatalities, and injuries on public roads. The highway safety program should include a comprehensive occupant protection program that educates and motivates the public to properly use available motor vehicle occupant protection systems. A combination of legislation and use requirements, enforcement, communication, education, and incentive strategies is necessary to achieve significant, lasting increases in seat belt and child safety seat usage. This guideline describes the components that a State occupant protection program should include and the criteria that the program components should meet.

I. Program Management

Each State should have centralized program planning, implementation, and coordination to achieve and sustain high rates of seat belt use. Evaluation should be used to revise existing programs, develop new programs and determine progress and success. The State Highway Safety Office (SHSO) should:

- Provide leadership, training and technical assistance to other State agencies and local occupant protection programs and projects;
- Establish and convene an occupant protection advisory task force or coalition to organize and generate

broad-based support for programs. The coalition should include agencies and organizations that represent at-risk populations and are critical to the implementation of occupant protection initiatives;

- Integrate occupant protection programs into community/corridor traffic safety and other injury prevention programs; and
- Evaluate the effectiveness of the State's occupant protection program.

II. Legislation, Regulation and Policy

Each State should enact and enforce occupant protection use laws, regulations, and policies to provide clear guidance to the public concerning motor vehicle occupant protection systems. This legal framework should include:

- Legislation permitting primary enforcement that requires all motor vehicle occupants to use systems provided by the vehicle manufacturer;
- Legislation permitting primary enforcement that requires that children from birth to 16 years old (or the State's driving age) be properly restrained in an appropriate child restraint system (*i.e.*, certified by the manufacturer to meet all applicable Federal safety standards) or seat belt;
- Legislation permitting primary enforcement that requires children under 13 years old to be properly restrained in the rear seat (unless all available rear seats are occupied by younger children);
- Graduated driver licensing laws that include three stages of licensure, and that place restrictions and sanctions on high-risk driving situations for novice drivers (*i.e.*, nighttime driving restrictions, passenger restrictions, zero tolerance, required seat belt use);
- Regulations requiring employees and contractors at all levels of government to wear safety belts when traveling on official business;
- Official policies requiring that organizations receiving Federal highway safety program grant funds develop and enforce an employee seat belt use policy; and
- Encouragement to motor vehicle insurers to offer economic incentives for policyholders who wear seat belts and secure children in child safety seats or other appropriate restraints.

III. Enforcement Program

Each State should conduct frequent, high-visibility law enforcement efforts, coupled with communication strategies, to increase seat belt and child safety seat use. Essential components of a law enforcement program include:

- Written, enforced seat belt use policies for law enforcement agencies with sanctions for noncompliance to protect law enforcement officers from harm and for officers to serve as role models for the motoring public;
- Vigorous enforcement of seat belt and child safety seat laws, including citations and warnings;
- Accurate reporting of occupant protection system information on police accident report forms, including seat belt and child safety seat use or nonuse, restraint type, and air bag presence and deployment;
- Communication campaigns to inform the public about occupant protection laws and related enforcement activities;
- Routine monitoring of citation rates for nonuse of seat belts and child safety seats;
- Use of National Child Passenger Safety Certification (basic and in-service) for law enforcement officers; and
- Utilization of law enforcement liaisons, for activities such as promotion of national and local mobilizations and increasing law enforcement participation in such mobilizations and collaboration with local chapters of police groups and associations that represent at-risk populations to gain support for enforcement efforts.

IV. Communication Program

As part of each State's communication program, the State should enlist the support of a variety of media, including mass media, to improve public awareness and knowledge and to support enforcement efforts about seat belts, air bags, and child safety seats. Communication programs and materials should be designed to reach at-risk populations, as appropriate. To sustain or increase rates of seat belt and child safety seat use, a well-organized, effectively managed communication program should:

- Identify at-risk audiences (*e.g.*, low-belt-use, high-risk motorists) and develop messages appropriate for these audiences;
- Address the enforcement of the State's seat belt and child passenger safety laws; the safety benefits of regular, correct seat belt (both manual and automatic) and child safety seat use; and the additional protection provided by air bags;
- Capitalize on special events, such as nationally recognized safety and injury prevention weeks and local enforcement campaigns;
- Provide material and media campaigns in more than one language as necessary;

- Use national themes and material;
- Participate in national programs to increase seat belt and child safety seat use and use law enforcement as the State's contribution to obtaining national public awareness through concentrated, simultaneous activity;
- Utilize paid media, as appropriate;
- Publicize seat belt use surveys and other relevant statistics;
- Encourage news media to report seat belt use and nonuse in motor vehicle crashes;
- Involve media representatives in planning and disseminating communication campaigns;
- Encourage private sector groups to incorporate seat belt use messages into their media campaigns;
- Utilize and involve all media outlets: television, radio, print, signs, billboards, theaters, sports events, health fairs; and
- Evaluate all communication campaign efforts.

V. Occupant Protection for Children Program

Each State should enact occupant protection laws that require the correct restraint of all children, in all seating positions and in every vehicle. Regulations and policies should exist that provide clear guidance to the motoring public concerning occupant protection for children. Each State should require that children from birth to 16 years old (or the State's driving age) be properly restrained in the appropriate child restraint system or seat belt. Gaps in State child passenger safety and seat belt laws should be closed to ensure that all children are covered in all seating positions, with requirements for age-appropriate child restraint use. Key provisions of the law should include: driver responsibility for ensuring that children are properly restrained; proper restraint of children under 13 years of age in the rear seat (unless all available rear seats are occupied by younger children); a requirement that passengers be in designated seating positions, a ban on passengers in the cargo areas of light trucks; and a limit on the number of passengers based on the number of available seat belts in the vehicle. To achieve these objectives, State occupant protection programs for children should:

- Collect and analyze key data elements in order to evaluate the program progress;
- Assure that adequate and accurate training is provided to the professionals who deliver and enforce the occupant protection programs for parents and caregivers;

- Assure that the capability exists to train and retain nationally certified child passenger safety technicians to address attrition of trainers or changes in the population;

- Promote the use of child restraints and assure that a plan has been developed to provide an adequate number of inspection stations and clinics, which meet minimum quality criteria;

- Continue programs and activities to increase the use of booster seats by children who outgrow infant or convertible child safety seats but are still too small to safely use seat belts.

- Maintain a strong law enforcement program that includes vigorous enforcement of the child occupant protection laws;

- Enlist the support of the media to increase public awareness about child occupant protection laws and the use of child restraints. Strong efforts should be made to reach at-risk populations;

- Assure that the child occupant protection programs at the local level are periodically assessed and that programs are designed to meet the unique needs of the community;

- Establish the infrastructure to systematically coordinate the array of child occupant protection program components;

- Encourage law enforcement participation in the National Child Passenger Safety Certification (basic and in-service) training for law enforcement officers; and

- Consider carefully crafted and administered child safety seat subsidy and/or give-away programs.

VI. Outreach Program

Each State should encourage extensive statewide and community involvement in occupant protection education by involving individuals and organizations outside the traditional highway safety community. Representation from the health, business, and education sectors, and from communities throughout the State, should be encouraged. Community involvement should broaden public support for the State's programs and increase a State's ability to deliver highway safety education programs. To encourage statewide and community involvement, States should:

- Establish a coalition or task force of individuals and organizations to actively promote use of occupant protection systems;

- Create an effective communications network among coalition members to keep members informed about issues;

- Provide relevant material and resources necessary to conduct

occupant protection education programs, especially directed toward young people, in local settings; and

- Provide material and resources necessary to conduct occupant protection education programs, especially for programs directed toward at-risk populations as indicated by the data.

States should undertake a variety of outreach programs to achieve statewide and community involvement in occupant protection education, as described below. Programs should include outreach to at-risk populations, health and medical communities, schools, and employers.

A. At-Risk Populations

Each State should work closely with individuals and organizations that represent at-risk populations identified by traffic safety data. Community leaders and representatives from community groups and organizations will help States to increase the use of child safety seats and seat belts. The State should:

- Evaluate the need for, and provide, if necessary, material and resources in multiple languages;

- Collect and analyze data on fatalities and injuries to identify at-risk populations;

- Ensure representation of at-risk populations on State occupant protection coalitions and other work groups;

- Provide guidance to grantees on conducting outreach programs designed to reach at-risk populations;

- Utilize leaders from at-risk populations as spokespeople to promote seat belt use and child safety seats; and

- Conduct outreach efforts to at-risk populations during law enforcement mobilization periods.

B. Health and Medical Communities

Each State should integrate occupant protection into health programs. The failure of drivers and passengers to use occupant protection systems is a major public health problem that must be recognized by the medical and health care communities. The SHSO, the State Health Department, and other State or local medical organizations should collaborate in developing programs that:

- Integrate occupant protection into professional health training curricula and comprehensive public health planning;

- Promote occupant protection systems as a health promotion/injury prevention measure;

- Require public health and medical personnel to use available motor vehicle occupant protection systems during work hours;

- Provide technical assistance and education about the importance of motor vehicle occupant protection to primary caregivers (e.g., doctors, nurses, clinic staff);

- Include questions about seat belt use in health risk appraisals;

- Utilize health care providers as visible public spokespeople for seat belt use and child safety seat use;

- Provide information about the availability of child safety seats at, and integrate child safety seat inspections into, maternity hospitals and other prenatal and natal care centers; and

- Collect, analyze, and publicize data on additional injuries and medical expenses resulting from nonuse of occupant protection devices.

C. Schools

Each State should encourage local school boards and educators to incorporate occupant protection education into school curricula. The SHSO in cooperation with the State Department of Education should:

- Ensure that highway safety and traffic-related injury control, in general, and occupant protection, in particular, are included in the State-approved K–12 health and safety education curricula and textbooks;

- Establish and enforce written policies requiring that school employees use seat belts when operating a motor vehicle on the job;

- Encourage active promotion of regular seat belt use through classroom and extracurricular activities as well as in school-based health clinics;

- Work with school resource officers to promote seat belt use among high school students; and

- Establish and enforce written school policies that require students driving to and from school to wear seat belts. Violation of these policies should result in revocation of parking or other campus privileges for a stated period of time.

D. Employers

Each State and local subdivision should encourage all employers to require seat belt use on the job as a condition of employment. Private sector employers should follow the lead of Federal and State government employers and comply with Executive Order 13043, "Increasing Seat Belt Use in the United States," as well as all applicable Federal Motor Carrier Safety Administration regulations or Occupational Safety and Health Administration guidance regarding use of seat belts by private business employees on the job. All employers should:

- Establish and enforce a seat belt use policy with sanctions for nonuse; and
- Conduct occupant protection education programs for employees on their seat belt use policies and the safety benefits of motor vehicle occupant protection devices.

VII. Data and Program Evaluation

Each State should access and analyze reliable data sources for problem identification and program planning. Each State should conduct several different types of evaluation to effectively measure progress and to plan and implement new program strategies. Program management should:

- Conduct and publicize at least one statewide observational survey of seat belt and child safety seat use annually, ensuring that it meets current, applicable Federal guidelines;
- Maintain trend data on child safety seat use, seat belt use, and air bag deployment in fatal crashes;
- Identify at-risk populations through observational usage surveys and crash data;
- Conduct and publicize statewide surveys of public knowledge and attitudes about occupant protection laws and systems;
- Obtain monthly or quarterly data from law enforcement agencies on the number of seat belt and child passenger safety citations and convictions;
- Evaluate the use of program resources and the effectiveness of existing general communication as well as special/high-risk population education programs;
- Obtain data on morbidity, as well as the estimated cost of crashes, and determine the relation of injury to seat belt use and nonuse; and
- Ensure that evaluation results are an integral part of new program planning and problem identification.

(Authority: 23 U.S.C. 402; 49 CFR 1.95)

Issued in Washington, DC.

Peter Simshauser,
Chief Counsel.

[FR Doc. 2025-09990 Filed 6-2-25; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Guidance Regarding Unauthorized Access to Customer Information

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and respondents are not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning the renewal of its information collection titled, “Guidance Regarding Unauthorized Access to Customer Information.”

DATES: Comments must be submitted on or before August 4, 2025.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email:* prainfo@occ.treas.gov.
- *Mail:* Chief Counsel’s Office, Attention: Comment Processing, Office of the Comptroller of the Currency, Attention: 1557–0227, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include “OCC” as the agency name and “1557–0227” in your comment. In general, the OCC will publish comments on www.reginfo.gov without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Following the close of this notice’s 60-day comment period, the OCC will publish a second notice with a 30-day comment period. You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection by the method set forth in the next bullet.

- *Viewing Comments Electronically:* Go to www.reginfo.gov. Hover over the

“Information Collection Review” drop down menu. Click on “Information Collection Review.” From the “Currently under Review” drop-down menu, select “Department of Treasury” and then click “submit.” This information collection can be located by searching by OMB control number “1557–0227” or “Guidance Regarding Unauthorized Access to Customer Information.” Upon finding the appropriate information collection, click on the related “ICR Reference Number.” On the next screen, select “View Supporting Statement and Other Documents” and then click on the link to any comment listed at the bottom of the screen.

- For assistance in navigating www.reginfo.gov, please contact the Regulatory Information Service Center at (202) 482–7340.

FOR FURTHER INFORMATION CONTACT:

Shaquita Merritt, Clearance Officer, (202) 649–5490, Chief Counsel’s Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor.

“Collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of title 44 generally requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the renewal/revision of this collection.

Title: Guidance Regarding Unauthorized Access to Customer Information.

OMB Control No.: 1557–0227.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Description: Section 501(b) of the Gramm-Leach-Bliley Act (15 U.S.C. 6801(b)) requires the OCC to establish appropriate standards for national banks, Federal savings associations, Federal branches and Federal agencies of foreign banks, and any subsidiaries of such entities (except brokers, dealers,

persons providing insurance, investment companies, and investment advisers) relating to administrative, technical, and physical safeguards: (1) to insure the security and confidentiality of customer records and information; (2) to protect against any anticipated threats or hazards to the security or integrity of such records; and (3) to protect against unauthorized access to, or use of, such records or information that could result in substantial harm or inconvenience to any customer.

The Interagency Guidelines Establishing Information Security Standards, 12 CFR part 30, appendix B (Security Guidelines), which implement section 501(b), require each entity supervised by the OCC (supervised institution) to consider and adopt a response program, as appropriate, that specifies actions to be taken when the supervised institution suspects or detects that unauthorized individuals have gained access to customer information systems.

The Interagency Guidance on Response Programs for Unauthorized Access to Customer Information and Customer Notice (Breach Notice Guidance),¹ which interprets the Security Guidelines, states that, at a minimum, a supervised institution's response program should contain procedures for:

(1) Assessing the nature and scope of an incident and identifying what customer information systems and types of customer information have been accessed or misused;

(2) Notifying its primary Federal regulator as soon as possible when the supervised institution becomes aware of an incident involving unauthorized access to, or use of, sensitive customer information;

(3) Notifying appropriate law enforcement authorities, in addition to filing a timely Suspicious Activity Report in situations involving Federal criminal violations requiring immediate attention, such as when a reportable violation is ongoing, consistent with the OCC's Suspicious Activity Report regulations;

(4) Taking appropriate steps to contain and control the incident in an effort to prevent further unauthorized access to, or use of, customer information, for example, by monitoring, freezing, or closing affected accounts, while preserving records and other evidence; and

(5) Notifying customers when warranted.

The Breach Notice Guidance states that, when a financial institution becomes aware of an incident of unauthorized access to sensitive customer information, the institution should conduct a reasonable investigation to promptly determine the likelihood that the information has been or will be misused. If the institution determines that the misuse of its information about a customer has occurred or is reasonably possible, it should notify the affected customer as soon as possible.

Estimated Burden:

Estimated Frequency of Response: On occasion.

Estimated Number of Respondents: 30.

Estimated Total Annual Burden: 1,080 hours.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation,

maintenance, and purchase of services to provide information.

Patrick T. Tierney,

Assistant Director, Office of the Comptroller of the Currency.

[FR Doc. 2025-09963 Filed 6-2-25; 8:45 am]

BILLING CODE 4810-33-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: This action was issued on May 29, 2025. See **SUPPLEMENTARY INFORMATION** for relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, 202-622-2420; Assistant Director for Sanctions Compliance, 202-622-2490; or <https://ofac.treasury.gov/contact-ofac>.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website: <https://ofac.treasury.gov>.

Notice of OFAC Action

On May 29, 2025, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

BILLING CODE 4810-AL-P

¹ 12 CFR part 30, appendix B, supplement A.

Individual:

1. LIU, Lizhi (Chinese Simplified: 刘理志) (a.k.a. “ENJOYGANZHOU”; a.k.a. “LIU, Steve”; a.k.a. “LIU, Steven”; a.k.a. “NICE LIZHI”; a.k.a. “NICELIZHI”; a.k.a. “XXL4”), No. 2 Shaguo Group, Yangmei Village, Huangjin Ridge, Zhanggong District, Ganzhou, Jiangxi, China; Lianhang Road, No. 1698, 5 Building, Pujiang Town, Minxing District, Shanghai, China; Lulian Road, 100 Alley, No. 5, Room 1202, Pujiang Town, Minxing District, Shanghai, China; Puxinggong Road, 9688, Alley No. 5, Haiwan Town, Fengxian District, Shanghai, China; DOB 13 Nov 1984; POB Zhanggong District, Ganzhou, Jiangxi, China; nationality China; Gender Male; National ID No. 36070219841113373X (China) (individual) [CYBER3] (Linked To: FUNNULL TECHNOLOGY INC).

Designated pursuant to section (1)(a)(iii)(D) of Executive Order 13694 of April 1, 2015, “Blocking the Property of Certain Persons Engaging in Significant Malicious Cyber-Enabled Activities,” 80 FR 18077, 3 CFR, 2015 Comp., p. 297, as amended by Executive Order 13757 of December 28, 2016, “Taking Additional Steps to Address the National Emergency With Respect to Significant Malicious Cyber-Enabled Activities,” 82 FR 1, 3 CFR, 2016 Comp., p. 659, and as further amended by Executive Order 14144 of January 16, 2025, “Strengthening and Promoting Innovation in the Nation’s Cybersecurity,” 90 FR 6755, CFR (E.O. 13694, as further amended), for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, FUNNULL TECHNOLOGY INC, a person whose property and interests in property are blocked pursuant to this order.

Entity:

1. FUNNULL TECHNOLOGY INC (a.k.a. FANG NENG CDN (Chinese Simplified: 方能CDN); a.k.a. FUNNULL; a.k.a. FUNNULL CDN; a.k.a. FUNNULL INC; a.k.a. FUNNULL LLC), 3rd Avenue and 30th Street, 14th Floor, C6 Road, Purok 5, Net Cube Center, E Square Zone, Lower Bicutan, Fourth District, Taguig City, National Capital Region 1632, Philippines; China; Website funnull.io; alt. Website funnull.com; alt. Website funnull.app; alt. Website funnull.buzz; Digital Currency Address - ETH 0xd5ED34b52AC4ab84d8FA8A231a3218bbF01Ed510; Organization Established Date 07 Sep 2021; Organization Type: Other information technology and computer service activities; Digital Currency Address - TRX TNmRfnSUXZoWWzxcDDbf95eGQYXt1mJDt8; Registration Number 2021090024665-00 (Philippines) [CYBER3].

Designated pursuant to section (1)(a)(iii)(C) of E.O. 13694, as further amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of cyber-enabled activities originating from, or directed by persons located, in whole or in substantial part, outside the United States that are reasonably likely to result in, or have materially contributed to, a threat to the national security, foreign policy, or economic health or financial stability of the United States, and that have the purpose of or involve causing a misappropriation of funds or economic resources, intellectual property, proprietary or business confidential information, personal identifiers, or financial information for commercial or competitive advantage or private financial gain.

Lisa M. Palluconi,
Acting Director, Office of Foreign Assets Control.

[FR Doc. 2025–10055 Filed 6–2–25; 8:45 am]

BILLING CODE 4810–AL–C

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