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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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

DEPARTMENT OF AGRICULTURE

7 CFR Part 1b, 372, 520, 650, 799, 1970, and 3407

36 CFR Part 220

[USDA–2025–0008]

RIN 0503–AA86

National Environmental Policy Act

AGENCY: Agriculture (USDA).

ACTION: Interim final rule; correction and correcting amendment.

SUMMARY: This document corrects technical errors in the interim final rule that appeared in the July 3, 2025, *Federal Register*, titled “National Environmental Policy Act.”

DATES: Effective July 18, 2025.

SUPPLEMENTARY INFORMATION:

Correction

In rule document 2025–12326, appearing on pages 29632 through 29674 in the issue of Thursday, July 3, 2025, make the following correction:

On page 29632 in the first column, third line from the top in the heading, “2407” is corrected to read “3407”.

Correcting Amendment

Accordingly, 7 CFR part 1b is corrected by making the following correcting amendment:

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

Authority: 5 U.S.C. 301; 42 U.S.C. 4321 *et seq.*; E.O. 11514, 3 CFR, 1966–1970 Comp., p. 902, as amended by E.O. 11991, 3 CFR, 1978 Comp., p. 123; E.O. 12114, 3 CFR, 1980 Comp., p. 356; 40 CFR 1507.3.

§ 1b.4 [Corrected]

■ 2. Amend § 1b.4 by redesignating the second paragraph (c)(30)(xiv) as (c)(30)(xix).

Tera Graelyn,

Environmental Review Specialist, Office of the Secretary.

[FR Doc. 2025–13505 Filed 7–17–25; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

7 CFR Parts 1560 and 1570

[Docket No. FAS–2025–0001]

RIN 0551–AB08

Obsolete Provisions

AGENCY: Foreign Agricultural Service (FAS), Department of Agriculture.

ACTION: Final rule.

SUMMARY: FAS is in the process of reviewing all regulations within its purview to reduce regulatory burdens and costs. Pursuant to this review, FAS has identified the following obsolete, unnecessary, and outdated provisions in title 7 of the Code of Federal Regulation (CFR). FAS is removing these provisions to streamline and update title 7.

DATES: This rule is effective July 18, 2025.

FOR FURTHER INFORMATION CONTACT:

Kenneth Vernon, Senior Director, General Services Division, *Kenneth.Vernon@usda.gov*.

SUPPLEMENTARY INFORMATION:

Background

The President’s Executive Order 14219 of February 19, 2025, *Ensuring Lawful Governance and Implementing the President’s “Department of Government Efficiency” Deregulatory Initiative*, 90 FR 10583, and subsequent implementing memorandum directed all agency heads to review regulations within their purview and rescind those that are, among other things, unlawful or unnecessary. FAS has undertaken such a review and is accordingly removing the following regulations from title 7.

Regulatory Certifications

Executive Orders

This document does not meet the criteria for a significant regulatory action as specified by Executive Order (E.O.) 12866. This action also has no federalism or tribal implications and will not impose substantial unreimbursed compliance costs on States, local governments, or Indian tribal governments. Therefore, impact statements are not required under E.O. 13132 or 13175.

Environmental Evaluation

This rule will have no significant effect on the human environment; therefore, neither an environmental assessment nor impact statement is required.

Paperwork Reduction Act

This rule does not contain reporting or recordkeeping requirements subject to the Paperwork Reduction Act.

Explanation of Provisions

The regulations removed are:

Procedures To Monitor Canadian Fresh Fruit and Vegetable Imports, 7 CFR Part 1560

The regulations at 7 CFR part 1560 implemented section 301(a) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (Pub. L. 100–449), which provided for the imposition of temporary duties on imports of Canadian fresh fruit and vegetables when certain specified conditions were met. The statutory authority underlying the regulations expired in 2009. Therefore, pursuant to the preamble, these provisions are obsolete and unnecessary.

Export Bonus Programs, 7 CFR 1570

The regulations at 7 CFR part 1570 pertain to two initiatives formerly administered by FAS, the Sunflower Oil Assistance Program (SOAP) and Cottonseed Oil Assistance Program (COAP). These programs initially were authorized in the Disaster Assistance Act of 1988 (Pub. L. 100–387), 7 U.S.C. 1464 note. The authority for the programs expired at the close of fiscal year 1996. Therefore, pursuant to the preamble, these provisions are obsolete and unnecessary.

List of Subjects**7 CFR Part 1560**

Canada, Customs duties and inspection, Fruits, Imports, Trade agreements, Vegetables.

7 CFR Part 1570

Agricultural commodities, Exports, Foreign trade, International trade.

PART 1560—[REMOVED AND RESERVED]**PART 1570—[REMOVED AND RESERVED]**

■ For the reasons stated in the preamble, and under the authority of 7 U.S.C. 1464, note, The Disaster Assistance Act of 1988 (Pub. L. 100–387), FAS removes and reserves 7 CFR parts 1560 and 1570.

Signed in Washington, DC, this 14th day of July 2025.

Jason Hafemeister,

Acting Administrator.

[FR Doc. 2025–13461 Filed 7–17–25; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE**Rural Utilities Service****7 CFR Part 1767**

[Docket #: RUS–24–ELECTRIC–0038]

RIN 0572–AC70

Accounting Requirements for RUS Electric Borrowers

AGENCY: Rural Utilities Service, USDA.

ACTION: Final rule; request for comment.

SUMMARY: The Rural Utilities Service (RUS or the Agency), an agency of the Rural Development (RD) mission area within the U.S. Department of Agriculture (USDA), is issuing a final rule with comment to update the accounting requirements for RUS Electric Program borrowers. These changes include adding new accounts to the Uniform System of Accounts (USoA), deleting obsolete accounts and clarifying instructions and definitions for the new and some existing accounts. In addition, new accounts and general instructions are being added for partially extinguished or forgiven debt.

DATES:

Effective date: September 16, 2025.

Comment date: Comments must be submitted on or before August 18, 2025.

ADDRESSES: Comments may be submitted by going to the Federal eRulemaking Portal, *regulations.gov*/. In the “Search for dockets and documents

on agency actions” box, enter the docket number, RUS–24–Electric–0038, and click “Search” button. From the search results: click on or locate the document title: “Updates to the RUS Electric Program Uniform System of Accounts” and select the “Comment” button. To submit a comment: Insert comments under the “Comment” title, click “Browse” to attach files (if available), input email address, select box to opt to receive email confirmation of submission and tracking (optional), select the box “I’m not a robot,” and then select “Submit Comment”. Information on using *Regulations.gov*, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available under the site’s “FAQ” link. All comments will be available for public inspection online at the Federal eRulemaking Portal.

Other Information: Additional information about RD and its programs is available on the internet at *rusdev.usda.gov/index.html*.

FOR FURTHER INFORMATION CONTACT:

Cecelia Allorto, Technical Accounting Review Branch, External Compliance Division, Rural Development, U.S. Department of Agriculture, 1400 Independence Avenue SW, Washington, DC 20250, Telephone: (202) 692–4945, Email: *compliance.tarb@usda.gov*.

SUPPLEMENTARY INFORMATION:**I. Background**

RD is a mission area within the U.S. Department of Agriculture (USDA) comprising the RUS, Rural Housing Service, and Rural Business-Cooperative Service. RD’s mission is to increase economic opportunity and improve the quality of life for all rural Americans. RD meets its mission by providing loans, loan guarantees, grants, and technical assistance through numerous programs aimed at creating and improving housing, business, and infrastructure throughout rural America. RUS loan, loan guarantee, and grant programs act as a catalyst for economic and community development. By financing improvements to rural electric, water and waste, and telecommunications and broadband infrastructure, RUS also plays a significant role in improving other measures of quality of life in rural America, including public health and safety, environmental protection, and cultural and historic preservation.

The RUS Electric Program provides funding to maintain, expand, upgrade, and modernize America’s rural electric infrastructure. The loans and loan guarantees finance the construction or

improvement of electric distribution, transmission, and generation facilities in rural areas.

A Uniform System of Accounts (USoA) provides a unified definition for how transactions are recorded so that accounting records are uniform across companies, thus ensuring that similar transactions are recorded similarly. When all borrowers follow the same USoA, the Agency has a uniform way to review and monitor the financial conditions of its borrowers. The RUS USoA is codified in this part and is based on the USoA promulgated by the Federal Energy Regulatory Commission (FERC). The last revision to 7 CFR 1767 was published May 27, 2008, at 73 FR 30277. FERC will occasionally issue new or revised accounting guidance for electric utilities. The Agency must review the guidance and determine how it applies to the RUS Electric Program borrowers. Since Electric Program awardees can be subject to FERC requirements, RUS must incorporate the new plant categories and accounts for consistency.

The Agency is proposing to issue a final rule with comment to update 7 CFR 1767, subpart B to add new accounts to the USoA for electric borrowers based on revised guidance that was included in FERC order 898, Accounting and Reporting of Certain Renewable Energy Assets, that was issued June 29, 2023, and became effective January 1, 2025. In addition to the new accounts being added, the changes will also include deleting obsolete accounts as well as clarifying instructions and definitions for the new accounts. The Agency will also be adding new accounts and general instructions for partially extinguished or forgiven debt.

The Administrative Procedure Act exempts from prior notice rules, any actions, “relating to agency management or personnel or to public property, loans, grants, benefits, or contracts” (5 U.S.C. 553(a)(2)).

II. Summary of Changes

A. Section 1767.10 is being updated to add the following definitions, in alphabetical order, Amortization of gain on extinguished RUS long-term debt, Awardee, Partially forgivable loan and Unamortized gain on extinguished RUS long-term debt. The addition of these terms and definitions will provide additional clarity for Awardees.

B. Section 1767.15 is being updated as follows:

1. The heading for paragraph (q) is being changed from “Long-term debt: premium, discount and expense, and gain or loss on reacquisition” to “Long-

term debt: premium, discount and expense, and gain or loss on reacquisition or extinguishment.” The title change is being made to provide clarity to the awardees.

2. A new paragraph (q)(4), Partial extinguishment of debt, will be added and the accounting treatment guidance will be added as paragraph (q)(4)(i), (ii), and (iii) to provide relevant guidance to awardees regarding the accounting of RUS extinguished or forgiven debt to ensure the amount is segregated from other debt.

3. The prior paragraph (q)(4) and the remaining paragraphs will be redesignated as (q)(5) through (q)(11).

4. Paragraph (u) will be revised in its entirety to provide clarity, to account for gains and losses from the disposition of environmental credits and to provide relevant guidance to the awardees.

C. Section 1767.16 will be updated by adding a paragraph (q). The paragraph heading will be “Integrated computer hardware, software, and communication equipment.” This new paragraph is being added to provide relevant guidance related to new accounts specifically related to computer hardware, software, and communication equipment.

D. Section 1767.18 will be updated as follows:

1. In the Table of Contents (TOC), the Utility Plant section will be updated to add four (4) new account numbers, 108.11 through 108.14, for the Accumulated Provision for Depreciation for the new plant categories of Solar, Wind, and Other Renewables Production Plant and Energy Storage Plant to the list of accounts.

2. In the TOC, the Current and Accrued Assets section will be updated to revise the title of account 158.2 to Allowances and Environmental Credits Withheld and to add two new accounts numbers, 158.3 Bundled Environmental Credits Inventory and 158.4 Unbundled Environmental Credits Inventory to the list of accounts. The title of 158.2 is being updated to correspond with the new accounts and definitions being added. The new accounts provide a greater level of detail of the environmental credit inventory. Definitions will also be added in the account entries following the TOC. Account 159 will be added and reserved. This account was part of a memorandum to borrowers but was not previously updated in the regulation.

3. Paragraph C of accounts 108 and 111 will be revised to include the accounts listed in paragraph D.1.

4. Paragraph A of account 158.1 and paragraphs A and B of account 158.2 will be revised to include “or any

authoritative agencies” directly following “Environmental Protection Agency” to provide clarity and inclusion of allowances provided from other agencies.

5. Accounts 158.3 and 158.4 will be added along with the full account definitions.

The changes in D.1 through D.5 are being made to account for new USoA accounts specifically related to bundled and unbundled environmental credits inventory and to provide relevant guidance to the Awardees. Showing account 159 being reserved as it is no longer necessary with the addition of accounts 158.3 and 158.4.

E. Section 1767.19 will be updated as follows:

1. In the TOC, the heading Deferred Credits will be updated to add account 257.1, Unamortized Gain on Extinguished RUS Long-Term Debt to the list of accounts.

2. The list of accounts following the TOC will be updated by adding Account 257.1 and its definition under Deferred Credits.

This account and definition are being added to account for new USoA accounts specifically related to segregation and accounting for forgiven debt and to provide relevant guidance to the awardees.

F. Section 1767.20 will be updated as follows:

1. New accounts will be added to the TOC, in numerical order, under the heading Production Plant for computer hardware, computer software and communication equipment as follows:

- i. Steam Production—accounts 315.1, 315.2, and 315.3;
- ii. Nuclear Production—accounts 324.1, 324.2, and 324.3;
- iii. Hydraulic Production—accounts 334.1, 334.2, and 334.3;
- iv. Other Production—accounts 345.1, 345.2, and 345.3;
- v. Transmission Plant—accounts 351.1, 351.2, and 351.3;
- vi. Distribution Plant—accounts 363.1, 363.2, and 363.3; and
- vii. General Plant—accounts 397.1, 397.2 and 397.3 will be added.

2. In the TOC, Account 363 will be removed and reserved and the title of account 397 will be updated.

3. In the TOC, New Production Plant lists of accounts will be added in numerical order as follows:

- i. Solar Production—accounts 338.1 through 338.13;
- ii. Wind Production—accounts 338.20 through 338.34;
- iii. Other Renewable Production—accounts 339.1 through 339.13; and
- iv. Energy Storage Plant—accounts 387 through 387.12.

4. The full definitions and requirements for each of these new accounts included in F.1. and F.3. will also be added to the appropriate sections.

These new accounts are being added to account for new USoA accounts specifically related to computer hardware, software and communication equipment for all production plant categories, the creation of new production plant categories for Solar, Wind, Other Renewable and Energy Storage, and to provide relevant guidance to the awardees. Account 363 is being removed and reserved because it is no longer necessary with the addition of account 387.3. The title for account 397 is being updated for clarity.

G. Section 1767.21 will be updated as follows:

1. The TOC and account details under the heading Utility Operating Income will be updated to:

i. Add accounts 403.10 through 403.13 for depreciation expense for the new plant categories of solar, wind, and other renewables production plant and energy storage plant; and

ii. Add accounts 411.11 Gains from Disposition of Environmental Credits and 411.12 Losses from Disposition of Environmental Credits. These two (2) accounts will be defined in the appropriate section, following the TOC, with a listing of items to be included in each account.

2. Paragraph C of account 403, Depreciation Expense, will include the additions of entries 403.10 through 403.13 as detailed in G.1.

These changes are being made to account for new USoA accounts specifically related to the gains and losses from disposition of environmental credits, and to provide relevant guidance to awardees.

H. Section 1767.23 will be updated by changing the heading “Interest Charges” to “Interest charges and other gains or losses.” In addition, within the table of contents and listing of accounts, the heading “Interest Charges” will be changed to “Interest Charges and Other Gains or Losses” and account 429.2 will be added along with its corresponding definition to account for the new USoA accounts that are specifically related to segregation and accounting for forgiven debt and to provide guidance to awardees.

I. Section 1767.26 will be updated by adding account 459. This account will be added and the content reserved as it is no longer necessary with the addition of accounts 411.11 and 411.12 that were added to § 1767.21. This account was put into practice by a memorandum and not an amendment to the regulation.

This change is being codified to provide clarity for awardees.

J. Section 1767.27 will be updated by making the following changes to the TOC and account entries:

1. Account 509 will be updated to include the phrase “or any other emissions allowances credited to Account 158.1” at the end of the sentence. This will provide clarity and ensure this account is used for costs associated with allowances related not only to sulfur dioxide, but also carbon dioxide and any other emissions allowances.

2. The following existing sections in the TOC and account details will be updated as follows:

i. The Steam Power Generation (Maintenance) sections will be updated to add and define accounts 513.1 through 513.3;

ii. The Nuclear Power Generation (Maintenance) sections will be updated to add and define accounts 531.1 through 531.3;

iii. The Hydraulic Power Generation (Maintenance) sections will be updated to add and define accounts 544.1 through 544.3;

iv. The Other Power Generation (Maintenance) sections will be updated to add and define accounts 553.1 through 553.3;

vi. Other Power Supply Expenses will be updated to add and define accounts 555.1 through 555.3; and

vii. The Distribution Expenses (Maintenance) sections will be updated to add and define accounts 592.2 through 592.4.

3. The TOC and account details will be updated by adding the following new sections:

i. The heading “Solar Power Generation” will be added with the following breakdown:

a. *Operation* with accounts 558.1 through 558.5 added and defined; and

b. *Maintenance* with accounts 558.6 through 558.12 added and defined.

ii. The heading “Wind Power Generation” will be added with the following breakdown:

a. *Operation* with accounts 558.13 through 558.17 added and defined; and

b. *Maintenance* with accounts 558.18 through 558.24 added and defined.

iii. The heading “Other Renewable Power Generation” will be added with the following breakdown:

a. *Operation* with accounts 559 through 559.5 added and defined; and

b. *Maintenance* with accounts 559.6 through 559.16 added and defined.

iv. The heading “Energy Storage Plant” will be added with the following breakdown:

i. *Operation* with accounts 577.1 through 577.5 added and defined; and

ii. *Maintenance* with accounts 578.1 through 578.7 added and defined.

The changes in J.1 through J.3 are being made to account for new USOA accounts specifically related to maintenance of computer hardware, software and communication equipment for all production plant categories, the creation of operating expense and maintenance expense accounts for new production plant categories for Solar, Wind, Other Renewable and Energy Storage, and to provide relevant guidance to the Awardees.

K. Section 1767.31 will be updated by adding and defining accounts 935.1 through 935.3 under heading “Administrative and General Expenses (Maintenance) in the TOC and account details.” These changes are being made to account for new USOA accounts specifically related to maintenance of computer hardware, software and communication equipment and to provide relevant guidance to the Awardees.

III. Executive Orders/Acts

A. *Executive Order 12866—Classification*. This final rule has been determined to be not significant for purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

B. *Congressional Review Act*. Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this final rule as not a major rule, as defined by 5 U.S.C. 804(2).

C. *Assistance Listing Number (formally known as the Catalog of Federal Domestic Assistance)*. The Assistance Listing Number assigned to the Rural Electrification Loans and Loan Guarantees Program is 10.850. The Assistance Listings are available on the internet at <https://sam.gov/>.

D. *Executive Order 12372—Intergovernmental Consultation*. This final rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultation, which may require a consultation with State and local officials. See the final rule related notice entitled, “Department Programs and Activities Excluded from Executive Order 12372” (50 FR 47034) advising that RUS loans and loan guarantees were not covered by Executive Order 12372.

E. *Paperwork Reduction Act*. This final rule contains no reporting or recordkeeping provisions requiring Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

F. *National Environmental Policy Act*. In accordance with the National Environmental Policy Act of 1969, Public Law 91–190, this final rule has been reviewed in accordance with 7 CFR part 1b (“National Environmental Policy Act”). The Agency has determined that (i) this action meets the criteria established in 7 CFR 1b and (ii) no extraordinary circumstances exist. Therefore, the Agency has determined that the action does not have a significant effect on the human environment, and therefore neither an Environmental Assessment nor an Environmental Impact Statement is required.

G. *Regulatory Flexibility Act*. The Regulatory Flexibility Act (5 U.S.C. 601–602) (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act (“APA”) or any other statute. The Administrative Procedures Act exempts from notice and comment requirements rules “relating to agency management or personnel or to public property, loans, grants, benefits, or contracts” (5 U.S.C. 553(a)(2)), so therefore an analysis has not been prepared for this rule.

H. *Executive Order 12988—Civil Justice Reform*. This rule has been reviewed under Executive Order 12988. In accordance with this rule: (1) unless otherwise specifically provided, all State and local laws that conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule except as specifically prescribed in the rule; and (3) administrative proceedings of the National Appeals Division of the Department of Agriculture (7 CFR part 11) must be exhausted before bringing suit in court that challenges action taken under this rule.

I. *Executive Order 13132—Federalism*. The policies contained in this final rule do not have any substantial direct effect on 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. Nor does this rule impose substantial direct compliance costs on state and local governments. Therefore, consultation with the States is not required.

J. *Executive Order 13175—Consultation and Coordination With Indian Tribal Governments*. This final rule has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. Executive Order 13175

requires Federal agencies to consult and coordinate with tribes on a government-to-government basis on policies that have tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that 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. Consultation is also required for any regulation that preempts tribal law or that imposes substantial direct compliance costs on Indian tribal governments and that is not required by statute.

The Agency has determined that this final rule does not, to our knowledge, have tribal implications that require formal tribal consultation under Executive Order 13175. If a Tribe requests consultation, the RUS will work with the Office of Tribal Relations to ensure meaningful consultation is provided where changes, additions and modifications identified herein are not expressly mandated by Congress.

K. E-Government Act Compliance. Rural Development is committed to the E-Government Act, which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible and to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

L. Civil Rights Impact Analysis. Rural Development has reviewed this final rule in accordance with USDA Regulation 4300-4, Civil Rights Impact Analysis, to identify any major civil rights impacts the final rule might have on program participants on the basis of age, race, color, national origin, sex, disability, marital or familial status. Based on the review and analysis of the final rule and all available data, issuance of this final rule is not likely to negatively impact low and moderate-income populations, minority populations, women, Indian tribes or persons with disability, by virtue of their age, race, color, national origin, sex, disability, or marital or familial status. No major civil rights impact is likely to result from this final rule.

M. USDA Non-Discrimination Statement. In accordance with Federal civil rights laws and USDA civil rights regulations and policies, the USDA, its Mission Areas, agencies, staff offices, employees, and institutions

participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language) should contact the responsible Mission Area, agency, or staff office; or the 711 Relay Service.

To file a program discrimination complaint, a complainant should complete a Form AD-3027, *USDA Program Discrimination Complaint Form*, which can be obtained online at usda.gov/sites/default/files/documents/ad-3027.pdf from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

a. *Mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250-9410; or

b. *Fax:* (202) 690-7442; or

c. *Email:* program.intake@usda.gov.

N. Severability. It is USDA's intention that the provisions of this final rule shall operate independently of each other. In the event that this rule or any portion of this final rule is ultimately declared invalid or stayed as to a particular provision, it is USDA's intent that the final rule nonetheless be severable and remain valid with respect to those provisions not affected by a declaration of invalidity or stayed. USDA concludes it would separately adopt all of the provisions contained in this final rule.

List of Subjects in 7 CFR Part 1767

Electric power, Loan programs—energy, Rural areas, Uniform System of Accounts.

Accordingly, for the reasons discussed in the preamble, the Agency amends 7 CFR part 1767 as follows:

PART 1767—ACCOUNTING REQUIREMENTS FOR RUS ELECTRIC BORROWERS

■ 1. The authority citation for part 1767 continues to read as follows:

Authority: 7 U.S.C. 901 *et seq.*, 1921 *et seq.*, 6941 *et seq.*

Subpart B—Uniform System of Accounts

■ 2. Amend § 1767.10 by adding, in alphabetical order, definitions for “Amortization of gain on extinguished RUS long-term debt”, “Awardee”, “Partially forgivable loan”, and “Unamortized gain on extinguished RUS long-term debt” to read as follows:

§ 1767.10 Definitions.

* * * * *

Amortization of gain on extinguished RUS long-term debt provides for the monthly recognition of the gains realized from extinguishment of RUS (long-term) debt over the life of the related loan.

* * * * *

Awardee is the recipient of a RUS loan or grant.

* * * * *

Partially forgivable loan is a RUS loan that if specific conditions are met and if approved by RUS, a portion of the loan could be forgiven, as described in the loan agreement.

* * * * *

Unamortized gain on extinguished RUS long-term debt provides for the capture of the amount of extinguished RUS long-term debt as applicable for partially forgiven loans that will be amortized over the life of the related loan.

* * * * *

■ 3. Amend § 1767.15 by:

■ a. Revising the heading for paragraph (q);

■ b. Redesignating paragraphs (q)(4) through (10) as paragraphs (q)(5) through (11);

■ c. Adding a new paragraph (q)(4); and

■ d. Revising paragraph (u).

The revisions and addition read as follows:

§ 1767.15 General instructions.

* * * * *

(q) *Long-term debt: premium, discount and expense, and gain or loss on reacquisition or extinguishment—*

* * *

(4) *Partial extinguishment of debt.* (i) When a portion of RUS long-term debt

is extinguished or forgiven as identified in the loan agreement and with RUS approval, the extinguished amount shall be recorded in Account 257.1, Unamortized Gain on Extinguished Debt RUS Long-Term Debt.

(ii) The utility shall amortize the recorded amounts monthly over the remaining life of the related loan (original debt).

(iii) The amount so amortized shall be credited to Account 429.2, Amortization of Gain on Extinguished RUS Long-Term Debt—Credit.

* * * * *

(u) *Allowances and environmental credits.* (1) Title IV of the Clean Air Act Amendments of 1990, Public Law 101–549, 104 Stat. 2399, 2584 (42 U.S.C. 7407 and 42 U.S.C. 7651), provides for the issuance of allowances as a means to limit the emissions of certain airborne pollutants by various entities, including utilities. Public utilities owning allowances and environmental credits for operational purposes, other than those acquired for speculative purposes, shall account for such allowances and environmental credits at cost in Account 158.1, Allowance Inventory, or Account 158.2 Allowances Withheld, Account 158.3 Bundled Environmental Credits Inventory, or Account 158.4 Unbundled Environmental Credits Inventory, as appropriate. Allowances and environmental credits acquired for speculative purposes and identified as such in contemporaneous records at the time of purchase shall be accounted for in Account 124, Other Investments.

(2) When purchased, allowances and environmental credits become eligible for use in different years, and the allocation of the purchase cost cannot be determined by fair value, the purchase cost allocated to allowances and environmental credits of each vintage shall be determined through use of a present-value based measurement. The interest rate used in the present-value measurement shall be the utility's incremental borrowing rate, in the month in which the allowances and environmental credits are acquired, for a loan with a term similar to the period that it will hold the allowances and environmental credits and in an amount equal to the purchase price.

(3) The underlying records supporting Accounts 158.1 Allowance Inventory, and 158.2 Allowances Withheld, 158.3 Bundled Environmental Credits Inventory, and 158.4 Unbundled Environmental Credits Inventory, shall be maintained in sufficient detail at costs so as to provide the number of allowances and environmental credits and the related cost by vintage year,

including allowances and environmental credits acquired at zero cost.

(4) Issuances from inventory included in Accounts 158.1 Allowance Inventory, and 158.2 Allowances Withheld, 158.3 Bundled Environmental Credits Inventory, and 158.4 Unbundled Environmental Credits Inventory, shall be accounted for on a vintage basis using a monthly weighted-average method of cost determination. The cost of eligible allowances and environmental credits not used in the current year shall be transferred to the vintage for the immediately following year.

(5) Account 158.1 Allowance Inventory shall be credited and Account 509, Allowances debited so that the cost of the allowances to be remitted for the year is charged to expense monthly based on each month's emissions. Account 158.3 Bundled Environmental Credits Inventory and Account 158.4 Unbundled Environmental Credits Inventory shall be credited and Account 555.2 Bundled Environmental Credits, and Account 555.3 Unbundled Environmental Credits, debited respectively, so the cost of the environmental credits to be remitted for the year is charged to expense based on each month's usage. This may, in certain circumstances, require allocation of the cost of an allowance between months on a fractional basis.

(6) In any period in which actual emissions exceed the amount allowable based on eligible allowances owned, the utility shall estimate the cost to acquire the additional allowances needed and charge Account 158.1 with the estimated cost. This estimated cost of future allowance acquisitions shall be credited to Account 158.1 and charged to Account 509 in the same accounting period as the related charge to Account 158.1. In any period in which a utility records its estimated amount of required environmental credits, the utility shall credit Account 158.3 or Account 158.4 with the estimated cost and debit Accounts 555.2 or 555.3 as appropriate. Should the actual cost of these allowances differ from the estimated cost, the differences shall be recognized in the then-current period's inventory issuance cost through Account 158.1, Account 158.3, and Account 158.4, as well as Account 509, Account 555.2, and Account 555.3 within a single month, as appropriate.

(7) When a prepayment is made for allowances or environmental credits, the payment is debited to Account 165, Prepayments. This accounting is not intended to influence the outcome of any rate treatment.

(8) Any penalties assessed by the Environmental Protection Agency or any authoritative agencies for the emission of excess pollutants shall be charged to Account 426.3, Penalties.

(9) Gains on dispositions of allowances and environmental credits, other than allowances held for speculative purposes, shall be accounted for as follows. First, if there is uncertainty as to the regulatory treatment, the gain shall be deferred in Account 254, Other Regulatory Liabilities, pending resolution of the uncertainty. Second, if there is certainty as to the existence of a regulatory liability, the gain will be credited to Account 254, with subsequent recognition in income when reductions in charges to customers occur or the liability is otherwise satisfied. Third, all other gains will be credited to Account 411.8, Gains from Disposition of Allowances or Account 411.11, Gain from Disposition of Environmental Credits. Losses on disposition of allowances and environmental credits, other than allowances held for speculative purposes, shall be accounted for as follows. Losses that qualify as regulatory assets shall be charged directly to Account 182.3, Other Regulatory Assets. All other losses shall be charged to Account 411.9, Losses from Disposition of Allowances, or Account 411.12, Losses from Disposition of Environmental Credits. (See the definition of regulatory assets and liabilities.) Gains or losses on disposition of allowances and environmental credits held for speculative purposes shall be recognized in Account 421, Miscellaneous Nonoperating Income, or Account 426.5, Other Deductions, as appropriate.

(10) Revenues for environmental credits associated with the sale of energy shall be recorded in the appropriate operating revenue account.

* * * * *

■ 4. Amend § 1767.16 by adding a paragraph (q) to read as follows:

§ 1767.16 Electric plant instructions.

* * * * *

(q) *Integrated computer hardware, software, and communication equipment.* Where computer hardware, software, and communication equipment is integrated as part of a larger retirement unit, it shall be recorded in the property account of the retirement unit purchased. This shall be done consistently with paragraph (j) of this section.

■ 5. Amend § 1767.18 as follows:

■ a. In the table of contents (TOC):

- i. Under heading “Utility Plant,” add entries 108.11 through 108.14 in numerical order; and
- ii. Under heading “Current and Accrued Assets,” revise entry 158.2 and add entries 158.3, 158.4, and 159 in numerical order;
- b. Under 108 Accumulated Provision for Depreciation of Electric Utility Plant, in paragraph C, add entries 108.11 through 108.14 in numerical order;
- c. Under 111 Accumulated Provision for Amortization of Electric Utility Plant, revise paragraph C;
- d. Under 158.1 Allowance Inventory, revise paragraph A;
- e. Revise and republish entry 158.2; and
- f. Add entries 158.3, 158.4, and 159 in numerical order.

The additions and revisions read as follows:

§ 1767.18 Assets and other debits.

* * * * *

Assets and Other Debits

Utility Plant

* * * * *

- 108.11 Accumulated Provision for Depreciation of Solar Plant
- 108.12 Accumulated Provision for Depreciation of Wind Plant
- 108.13 Accumulated Provision for Depreciation of Other Renewable Production Plant
- 108.14 Accumulated Provision for Depreciation of Energy Storage Plant

* * * * *

Current and Accrued Assets

* * * * *

- 158.2 Allowances and Environmental Credits Withheld
- 158.3 Bundled Environmental Credits Inventory
- 158.4 Unbundled Environmental Credits Inventory
- 159 [Reserved]

* * * * *

Assets and Other Debits

Utility Plant

* * * * *

108 Accumulated Provision for Depreciation of Electric Utility Plant

* * * * *

C. * * *

- 108.11 Accumulated Provision for Depreciation of Solar Production Plant
- 108.12 Accumulated Provision for Depreciation of Wind Production Plant
- 108.13 Accumulated Provision for Depreciation of Other Renewable Production Plant

108.14 Accumulated Provision for Depreciation of Energy Storage Plant

* * * * *

111 Accumulated Provision for Amortization of Electric Utility Plant

* * * * *

C. For general ledger and balance sheet purposes, this account shall be regarded and treated as a single composite provision for amortization. For purposes of analysis, however, each utility shall maintain subsidiary records in which this account is segregated according to the following functional classification for electric plant: (1) Steam production, (2) Nuclear production, (3) Hydraulic production, (4) Solar production, (5) Wind production, (6) Other renewable production, (7) Energy storage, (8) Other production, (9) Transmission, (10) Distribution, and (11) General. These subsidiary records shall reflect the current credits and debits to this account in sufficient detail to show separately for each such functional classification: (1) the amount of accrual for amortization, (2) the book cost of property retired, (3) cost of removal, (4) salvage, and (5) other items, including recoveries from insurance.

* * * * *

Current and Accrued Assets

* * * * *

158.1 Allowance Inventory

A. This account shall include the cost of allowances owned by the utility and not withheld by the Environmental Protection Agency or any authoritative agencies. See § 1767.15(u) and Account 158.2, Allowances Withheld.

* * * * *

158.2 Allowances and Environmental Credits Withheld

A. This account shall include the cost of allowances owned by the utility but withheld by the Environmental Protection Agency or any authoritative agencies. (See § 1767.15(u).)

B. The inventory cost of the allowances released by the Environmental Protection Agency or any authoritative agencies for use by the utility shall be transferred to Account 158.1, Allowance Inventory.

C. The underlying records of this account shall be maintained in sufficient detail so as to identify each allowance included; the origin of each allowance; and the acquisition cost, if any, of the allowances.

158.3 Bundled Environmental Credits Inventory

A. This account shall include the cost of environmental credits owned by the utility, bundled with energy, and not withheld by any authoritative agency. See § 1767.15(u) and Account 158.2, Allowances and Environmental Credits Withheld.

B. This account shall be credited and Account 555.2, Bundled Environmental Credits, shall be debited concurrent with the monthly use of environmental credits.

C. Separate subdivisions of this account shall be maintained so as to separately account for those environmental credits usable in the current year and in each subsequent year. The underlying records of these subdivisions shall be maintained in sufficient detail so as to identify each environmental credit included; the origin of each environmental credit; and the historical cost. (*Note:* For prepayments of environmental credits, see § 1767.15(u).)

158.4 Unbundled Environmental Credits Inventory

A. This account shall include the cost of environmental credits owned by the utility, not considered bundled with energy, and not withheld by any authoritative agency. See § 1767.15(u) and Account 158.2, Allowances and Environmental Credits Withheld.

B. This account shall be credited and Account 555.3, Unbundled Environmental Credits, shall be debited concurrent with the monthly use of environmental credits.

C. Separate subdivisions of this account shall be maintained so as to separately account for those environmental credits usable in the current year and in each subsequent year. The underlying records of these subdivisions shall be maintained in sufficient detail so as to identify each environmental credit included; the origin of each environmental credit; and the historical cost. (*Note:* For prepayments of environmental credits, see § 1767.15(u).)

159 [Reserved]

* * * * *

■ 6. Amend § 1767.19 as follows:

- a. In the TOC, under heading “Deferred Credits,” add entry 257.1 in numerical order; and
- b. Add entry 257.1 in numerical order.

The additions read as follows:

§ 1767.19 Liabilities and other credits.

* * * * *

Liabilities and Other Credits

* * * * *

Deferred Credits

* * * * *

257.1 Unamortized Gain on
Extinguished RUS Long-Term Debt

* * * * *

Liabilities and Other Credits

* * * * *

Deferred Credits

* * * * *

**257.1 Unamortized Gain on
Extinguished RUS Long-Term Debt**

This account shall include the unamortized gain on the extinguished (forgiven) amount of long-term debt for construction and or installation loans once all conditions have been met and extinguishment (forgiveness) have been approved. The amortization of the amounts in this account shall be made by credits to Account 429.2, Amortization of Gains on Extinguished RUS Long-Term Debt-Credit.

* * * * *

■ 7. Amend § 1767.20 as follows:

■ a. In the TOC:

■ i. Under heading “Steam Production,” add entries 315.1 through 315.3 in numerical order;

■ ii. Under heading “Nuclear Production,” add entries 324.1 through 324.3 in numerical order;

■ iii. Under heading “Hydraulic Production,” add entries 334.1 through 334.3 in numerical order;

■ iv. Add heading “Solar Production” and entries 338.1 through 338.13 following entry “337”;

■ v. Add heading “Wind Production” and entries 338.20 through 338.34 following entry “338.13”;

■ vi. Add heading “Other Renewable Production” and entries 339.1 through 339.13 following entry “338.34”;

■ vii. Under heading “Other Production,” add entries 345.1 through 345.3 in numerical order;

■ viii. Under heading “Transmission Plant,” add entries 351.1 through 351.3 in numerical order;

■ ix. Under heading “Distribution Plant,” remove and reserve entry 363 and add entries 363.1 through 363.3 in numerical order;

■ x. Add heading “Energy Storage Plant” and entries 387 through 387.12 following entry “386”;

■ xi. Under heading “General Plant,” revise entry 397 and add entries 397.1 through 397.3 in numerical order;

■ b. Add entries 315.1 through 315.3, 324.1 through 324.3, and 334.1 through 334.3 in numerical order;

■ c. Add heading “Solar Production”

and entries 338.1 through 338.13

following entry “337”;

■ d. Add heading “Wind Production” and entries 338.20 through 338.34 following entry “338.13”;

■ e. Add heading “Other Renewable Production” and entries 339.1 through 339.13 following entry “338.34”;

■ f. Add entries 345.1 through 345.3 and 351.1 through 351.3, in numerical order,

■ g. Remove and reserve entry 363 and add entries 363.1 through 363.3 in numerical order;

■ h. Add heading “Energy Storage Plant” and entries 387 through 387.12 following entry “386”;

■ i. Revise the heading for entry 397 and add entries 397.1 through 397.3 in numerical order.

The additions and revisions read as follows:

§ 1767.20 Plant accounts.

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Production Plant**Steam Production**

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315.1 Computer Hardware

315.2 Computer Software

315.3 Communication Equipment

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Nuclear Production

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324.1 Computer Hardware

324.2 Computer Software

324.3 Communication Equipment

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Hydraulic Production

* * * * *

334.1 Computer Hardware

334.2 Computer Software

334.3 Communication Equipment

* * * * *

Solar Production

338.1 Land and Land Rights

338.2 Structures and Improvements

338.3 [Reserved]

338.4 Solar Panels

338.5 Collector System

338.6 Generator Step-Up Transformers (GSU)

338.7 Inverters

338.8 Other Accessory Electrical Equipment

338.9 Computer Hardware

338.10 Computer Software

338.11 Communication Equipment

338.12 Miscellaneous Power Plan Equipment

338.13 Asset Retirement Costs for Solar Production

Wind Production

338.20 Land and Land Rights

338.21 Structures and Improvements

338.22 [Reserved]

338.23 Wind Turbines

338.24 Wind Towers and Fixtures

338.25 [Reserved]

338.26 Collector System

338.27 Generator Step-Up Transformers (GSU)

338.28 Inverters

338.29 Other Accessory Electrical Equipment

338.30 Computer Hardware

338.31 Computer Software

338.32 Communication Equipment

338.33 Miscellaneous Power Plan Equipment

338.34 Asset Retirement Costs for Wind Production

Other Renewable Production

339.1 Land and Land Rights

339.2 Structures and Improvements

339.3 Fuel Holders

339.4 Boilers

339.5 [Reserved]

339.6 Generators

339.7 [Reserved]

339.8 Other Accessory Electrical Equipment

339.9 Computer Hardware

339.10 Computer Software

339.11 Communication Equipment

339.12 Miscellaneous Power Plan Equipment

339.13 Asset Retirement Costs for Other Renewable Production

Other Production

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345.1 Computer Hardware

345.2 Computer Software

345.3 Communication Equipment

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Transmission Plant

* * * * *

351.1 Computer Hardware

351.2 Computer Software

351.3 Communication Equipment

* * * * *

Distribution Plant

* * * * *

363.1 Computer Hardware

363.2 Computer Software

363.3 Communication Equipment

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Energy Storage Plant

387 [Reserved]

387.1 Land and Land Rights—Energy Storage Plant

387.2 Structures and Improvements

387.3 Energy storage equipment

387.4 [Reserved]

387.5 Collector System

387.6 Generator Step-Up Transformers (GSU)

387.7 Inverters

387.8 Computer Hardware

387.9 Computer Software

- 387.10 Communication Equipment
387.11 Miscellaneous Energy Storage Equipment
387.12 Asset Retirement Costs for Energy Storage

General Plant

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- 397 Utility Operations Communication Equipment

- 397.1 Computer Hardware

- 397.2 Computer Software

- 397.3 Communication Equipment

* * * * *

Production Plant**Steam Production**

* * * * *

315.1 Computer Hardware

This account shall include the cost of computer hardware including the cost of computer hardware and miscellaneous information technology equipment to provide scheduling, system control and dispatching.

Items

1. Personal computers.
2. Servers.
3. Workstations.
4. Energy management system (EMS) hardware.
5. Supervisory control and data acquisition (SCADA) system hardware.
6. Peripheral equipment.
7. Networking components.

315.2 Computer Software

This account shall include the cost of computer software including the cost of off-the-shelf and in-house developed software purchased and used to provide scheduling, system control, and dispatching activities.

Items

1. Software licenses.
2. User interface software.
3. Modeling software.
4. Database software.
5. Tracking and monitoring software.
6. Energy management system (EMS) software.
7. Supervisory control and data acquisition (SCADA) system software.
8. Evaluation and assessment system software.
9. Operating, planning and transaction scheduling software.
10. Reliability applications.
11. Market application software.

315.3 Communications Equipment

This account shall include the cost of communication equipment including the cost of communication equipment owned and used to acquire or share data and information used to control and dispatch the system.

Items

1. Fiber optic cable.
2. Remote terminal units.
3. Microwave towers.
4. Global positioning system (GPS) equipment.
5. Servers.
6. Workstations.
7. Telephones.

* * * * *

Nuclear Production

* * * * *

324.1 Computer Hardware

This account shall include the cost of computer hardware including the cost of computer hardware and miscellaneous information technology equipment to provide scheduling, system control and dispatching.

Items

1. Personal computers.
2. Servers.
3. Workstations.
4. Energy management system (EMS) hardware.
5. Supervisory control and data acquisition (SCADA) system hardware.
6. Peripheral equipment.
7. Networking components.

324.2 Computer Software

This account shall include the cost of computer software including the cost of off-the-shelf and in-house developed software purchased and used to provide scheduling, system control and dispatching activities.

Items

1. Software licenses.
2. User interface software.
3. Modeling software.
4. Database software.
5. Tracking and monitoring software.
6. Energy management system (EMS) software.
7. Supervisory control and data acquisition (SCADA) system software.
8. Evaluation and assessment system software.
9. Operating, planning and transaction scheduling software.
10. Reliability applications.
11. Market application software.

324.3 Communication Equipment

This account shall include the cost of communication equipment including the cost of communication equipment owned and used to acquire or share data and information used to control and dispatch the system.

Items

1. Fiber optic cable.
2. Remote terminal units.

3. Microwave towers.
4. Global positioning system (GPS) equipment.
5. Servers.
6. Workstations.
7. Telephones.

* * * * *

Hydraulic Production

* * * * *

334.1 Computer Hardware

This account shall include the cost of computer hardware including the cost of computer hardware and miscellaneous information technology equipment to provide scheduling, system control and dispatching.

Items

1. Personal computers.
2. Servers.
3. Workstations.
4. Energy management system (EMS) hardware.
5. Supervisory control and data acquisition (SCADA) system hardware.
6. Peripheral equipment.
7. Networking components.

334.2 Computer Software

This account shall include the cost of computer software including the cost of off-the-shelf and in-house developed software purchased and used to provide scheduling, system control and dispatching activities.

Items

1. Software licenses.
2. User interface software.
3. Modeling software.
4. Database software.
5. Tracking and monitoring software.
6. Energy management system (EMS) software.
7. Supervisory control and data acquisition (SCADA) system software.
8. Evaluation and assessment system software.
9. Operating, planning and transaction scheduling software.
10. Reliability applications.
11. Market application software.

334.3 Communication Equipment

This account shall include the cost of communication equipment including the cost of communication equipment owned and used to acquire or share data and information used to control and dispatch the system.

Items

1. Fiber optic cable.
2. Remote terminal units.
3. Microwave towers.
4. Global positioning system (GPS) equipment.

5. Servers.
6. Workstations.
7. Telephones.

* * * * *

Solar Production

338.1 Land and Land Rights

This account shall include the cost of land and land rights used in connection with solar power generation. (See § 1767.16(g).)

338.2 Structures and Improvements

This account shall include the cost in place of structures and improvements used in connection with solar power generation. (See § 1767.16(h).)

338.3 [Reserved]

338.4 Solar Panels

This account shall include the installed cost of the racks, solar panels, solar tracking system, and other equipment to be used primarily for generating direct current (DC) electricity.

338.5 Collector System

This account shall include all cost of cabling, junction boxes, connection cabinets, and all facilities and devices (such as capacitors and reactors) that are used to transport and consolidate the power fed from individual solar panels up to, but not including, the substation prior to interconnection to the grid. This account shall exclude the cost of transformers and other equipment used for the express purpose of interconnecting to transmission or distribution lines.

Items

1. Anchors, head arm, and other guys, including guy guards, guy clamps, strain insulators, pole plates, etc.
2. Armored conductors, buried, submarine, including insulators, insulating materials, splices in terminal chamber, potheads, etc.
3. Brackets.
4. Circuit breakers.
5. Conductors, including insulated and bare wires and cables.
6. Conduit, concrete, brick and tile, including iron pipe, fiber pipe, Murray duct, and standpipe on pole or tower.
7. Crossarms and braces.
8. Excavation and backfill, including shoring, bracing, bridging, and disposal of excess excavated material.
9. Extension arms.
10. Fireproofing, in connection with any items listed herein.
11. Foundations and settings specially constructed for and not expected to outlast the apparatus for which constructed.

12. Ground wires, clamps, etc.
13. Guards.
14. Hollow-core oil-filled cable, including straight or stop joints, pressure tanks, auxiliary air tanks, feeding tanks, terminals, potheads and connections, etc.
15. Insulators, including pin, suspension, and other types, and tie wire or clamps.
16. Lightning arresters.
17. Paving, Pavement disturbed, including cutting and replacing pavement, pavement base, and sidewalks.
18. Permits for construction.
19. Pole steps and ladders.
20. Poles, wood, steel, concrete, or other material.
21. Racks complete with insulators.
22. Railings.
23. Railroad and highway crossing guards.
24. Reinforcing and stubbing.
25. Removal and relocation of subsurface obstructions.
26. Settings.
27. Sewer connections, including drains, traps, tide valves, check valves, etc.
28. Shaving, painting, galing, roofing, stenciling, and tagging.
29. Splices.
30. Sumps, including pumps.
31. Switches.
32. Towers.
33. Tree trimming, initial cost including the cost of permits therefor.
34. Ventilating equipment.
35. Other line devices.

338.6 Generator Step-Up Transformers (GSU)

This account shall include only the cost of the GSU transformers directly connected to the generator terminal tips and other equipment used for conveying the power to the GSU for the purpose of initially changing the voltage or frequency of electric energy for the purpose of moving the power. It shall exclude the cost of additional transformers and other equipment once the power has been initially stepped up from a generator voltage to a higher voltage.

Note: Do not include in this account transformers and other equipment used for changing the voltage or frequency of electricity for the purposes of transmission or distribution.

338.7 Inverters

This account shall include the installed cost of inverters for the purpose of converting electricity from direct current (DC) to alternating current (AC).

338.8 Other Accessory Electrical Equipment

This account shall include the installed cost of other conversion or auxiliary generating apparatus, and equipment used primarily in connection with the control and switching of electric energy produced by solar panels, including weather monitoring equipment, and protection of electric circuits and equipment, as used to support the generator in the action of generating power (excluding SCADA systems) not specifically chargeable to any other account. This account shall exclude Collector System costs, Account 338.5, Collector System; GSU costs, Account 338.6, Generator Step-up Transformers (GSU); and Inverter costs, Account 338.7, Inverters.

Items

1. Auxiliary generators, including boards, compartments, switching equipment, control equipment, and connections to auxiliary power bus.
2. Rheostats, storage batteries and charging equipment, circuit breakers, panels and accessories, knife switches and accessories, surge arresters, instrument shunts, conductors and conduit, special supports for conduit, special housings, etc.
3. Generator main connections, including oil circuit breakers and accessories, disconnecting switches and accessories, operating mechanisms and interlocks, current transformers, potential transformers, protective relays, isolated panels and equipment, conductors and conduit, special supports for generator main leads, grounding switch, special housing, etc.
4. Station control system, including station switchboards with panel wiring, panels with instruments and control equipment only, panels with switching equipment mounted or mechanically connected, trunk type boards complete, cubicles, generator signal stands, temperature-recording devices, atmospheric reading devices, frequency control equipment, master clocks, watt-hour meter, station totalizing wattmeter, storage batteries, panels and charging sets, instrument transformers for supervisory metering, conductors and conduit, special supports for conduit, switchboards, batteries, special housing for batteries, etc.
5. Station buses, including main, auxiliary transfer, synchronizing and fault ground buses, including oil circuit breakers and accessories, disconnecting switches and accessories, operating mechanisms and interlocks, reactors and accessories, voltage regulators and accessories, compensators, resistors,

current transformers, potential transformers, protective relays, storage batteries and charging equipment, isolated panels and equipment, conductors and conduit, special supports, special housings, concrete pads, general station ground system, special fire-extinguishing system, and test equipment.

Note A: Do not include in this account transformers and other equipment used for changing the voltage or frequency of electric energy for the purpose of transmission or distribution.

Note B: When any item of equipment listed herein is used wholly to furnish power to equipment included in another account, its cost shall be included in such other account.

338.9 Computer Hardware

This account shall include the cost of computer hardware and miscellaneous information technology equipment to provide scheduling, system control and dispatching.

Items

1. Personal computers.
2. Servers.
3. Workstations.
4. Energy Management System (EMS) hardware.
5. Supervisory Control and Data Acquisition (SCADA) system hardware.
6. Peripheral equipment.
7. Networking components.

338.10 Computer Software

This account shall include the cost of computer software including the cost of off-the-shelf and in-house developed software purchased and used to provide scheduling, system control and dispatching activities.

Items

1. Software licenses.
2. User interface software.
3. Modeling software.
4. Database software.
5. Tracking and monitoring software.
6. Energy management system (EMS) software.
7. Supervisory control and data acquisition (SCADA) system software.
8. Evaluation and assessment system software.
9. Operating, planning and transaction scheduling software.
10. Reliability applications.
11. Market application software.

338.11 Communication Equipment

This account shall include the cost of communication equipment owned and used to acquire or share data and information used to control and dispatch the system.

Items

1. Fiber optic cable.
2. Remote terminal units.
3. Microwave towers.
4. Global Positioning System (GPS) equipment.
5. Servers.
6. Workstations.
7. Telephones.

338.12 Miscellaneous Power Plant Equipment

This account shall include the installed cost of miscellaneous equipment in and about the solar plant devoted to general station use, and which is not properly includible in any of the foregoing solar power production accounts.

Items

1. Compressed air and vacuum cleaning systems, including tanks, compressors, exhausters, air filters, piping, etc.
2. Cranes and hoisting equipment, including cranes, cars, crane rails, monorails, hoists, etc., with electric and mechanical connections.
3. Fire-extinguishing equipment for general station use.
4. Foundations and settings, specially constructed for and not expected to outlast the apparatus for which provided.
5. Miscellaneous equipment, including atmospheric and weather indicating devices, intrasite communication equipment, laboratory equipment, signal systems, callophones, emergency whistles and sirens, fire alarms, and other similar equipment.
6. Miscellaneous belts, pulleys, countershafts, etc.
7. Refrigerating system including compressors, pumps, cooling coils, etc.
8. Station maintenance equipment, including lathes, shapers, planers, drill presses, hydraulic presses, grinders, etc., with motors, shafting, hangers, pulleys, etc.
9. Ventilating equipment, including items wholly identified with apparatus listed herein.

Note: When any item of equipment, listed herein is used wholly in connection with equipment included in another account, its cost shall be included in such other account.

338.13 Asset Retirement Costs for Solar Production

This account shall include asset retirement costs on plant included in solar production function.

Wind Production

338.20 Land and Land Rights

This account shall include the cost of land and land rights used in connection

with wind power generation. (See § 1767.16(g).)

338.21 Structures and Improvements

This account shall include the cost in place of structures and improvements used in connection with wind power generation. (See § 1767.16(h).)

338.22 [Reserved]

338.23 Wind Turbines

This account shall include the cost installed of the mechanical turbine parts and generator equipment, including nacelle, gearbox, etc., to be used primarily for generating electricity.

338.24 Wind Towers and Fixtures

This account shall include the cost installed of towers and appurtenant fixtures used for supporting wind power production. Foundations shall be included in Account 338.21 Structures and Improvements.

338.25 [Reserved]

338.26 Collector System

This account shall include all cost of cabling, junction boxes, connection cabinets, and all facilities and devices (such as capacitors and reactors) that are used to transport and consolidate the power fed from individual wind turbines up to, but not including, the substation prior to interconnection to the grid. This account shall exclude the cost of transformers and other equipment used for the express purpose of interconnecting to transmission or distribution lines.

Items

1. Anchors, head arm, and other guys, including guy guards, guy clamps, strain insulators, pole plates, etc.
2. Armored conductors, buried, submarine, including insulators, insulating materials, splices in terminal chamber, potheads, etc.
3. Brackets.
4. Circuit breakers.
5. Conductors, including insulated and bare wires and cables.
6. Conduit, concrete, brick and tile, including iron pipe, fiber pipe, Murray duct, and standpipe on pole or tower.
7. Crossarms and braces.
8. Excavation and backfill, including shoring, bracing, bridging, and disposal of excess excavated material.
9. Extension arms.
10. Fireproofing, in connection with any items listed herein.
11. Foundations and settings specially constructed for and not expected to outlast the apparatus for which constructed.
12. Ground wires, clamps, etc.

13. Guards.
14. Hollow-core oil-filled cable, including straight or stop joints, pressure tanks, auxiliary air tanks, feeding tanks, terminals, potheads and connections, etc.
15. Insulators, including pin, suspension, and other types, and tie wire or clamps.
16. Lightning arresters.
17. Paving, Pavement disturbed, including cutting and replacing pavement, pavement base, and sidewalks.
18. Permits for construction.
19. Pole steps and ladders.
20. Poles, wood, steel, concrete, or other material.
21. Racks complete with insulators.
22. Railings.
23. Railroad and highway crossing guards.
24. Reinforcing and stubbing.
25. Removal and relocation of subsurface obstructions.
26. Settings.
27. Sewer connections, including drains, traps, tide valves, check valves, etc.
28. Shaving, painting, gaining, roofing, stenciling, and tagging.
29. Splices.
30. Sumps, including pumps.
31. Switches.
32. Towers.
33. Tree trimming, initial cost including the cost of permits therefor.
34. Ventilating equipment.
35. Other line devices.

338.27 Generator Step-Up Transformers (GSU)

This account shall include only the cost of the GSU transformers and other equipment used for conveying the power to the pad-mount GSU for the purpose of initially changing the voltage or frequency of electric energy for the purpose of moving the power. It shall exclude the cost of additional transformers and other equipment once the power has been initially stepped up from a generator voltage to a higher voltage.

Note: Do not include in this account transformers and other equipment used for changing the voltage or frequency of electricity for the purposes of transmission or distribution.

338.28 Inverters

This account shall include the installed cost of inverters for the purpose of converting electricity from direct current (DC) to alternating current (AC).

338.29 Other Accessory Electrical Equipment

This account shall include the installed cost of other conversion or auxiliary generating apparatus, and equipment used primarily in connection with the control and switching of electric energy produced by wind turbines, including weather monitoring equipment, and protection of electric circuits and equipment, as used to support the generator in the action of generating power (excluding SCADA systems) not specifically chargeable to any other account. This account shall exclude Collector System costs, Account 338.26, Collector System; GSU costs, Account 338.27, Generator Step-up Transformers (GSU); and Inverter costs, Account 338.28, Inverters.

Items

1. Auxiliary generators, including boards, compartments, switching equipment, control equipment, and connections to auxiliary power bus.
2. Rheostats, storage batteries and charging equipment, circuit breakers, panels and accessories, knife switches and accessories, surge arresters, instrument shunts, conductors and conduit, special supports for conduit, special housings, etc.
3. Generator main connections, including oil circuit breakers and accessories, disconnecting switches and accessories, operating mechanisms and interlocks, current transformers, potential transformers, protective relays, isolated panels and equipment, conductors and conduit, special supports for generator main leads, grounding switch, special housing, etc.
4. Station control system, including station switchboards with panel wiring, panels with instruments and control equipment only, panels with switching equipment mounted or mechanically connected, trunk type boards complete, cubicles, generator signal stands, temperature-recording devices, atmospheric reading devices, frequency control equipment, master clocks, watt-hour meter, station totalizing wattmeter, storage batteries, panels and charging sets, instrument transformers for supervisory metering, conductors and conduit, special supports for conduit, switchboards, batteries, special housing for batteries, etc.
5. Station buses, including main, auxiliary transfer, synchronizing and fault ground buses, including oil circuit breakers and accessories, disconnecting switches and accessories, operating mechanisms and interlocks, reactors and accessories, voltage regulators and accessories, compensators, resistors,

current transformers, potential transformers, protective relays, storage batteries and charging equipment, isolated panels and equipment, conductors and conduit, special supports, special housings, concrete pads, general station ground system, special fire-extinguishing system, and test equipment.

Note A: Do not include in this account transformers and other equipment used for changing the voltage or frequency of electric energy for the purpose of transmission or distribution.

Note B: When any item of equipment listed herein is used wholly to furnish power to equipment included in another account, its cost shall be included in such other account.

338.30 Computer Hardware

This account shall include the cost of computer hardware and miscellaneous information technology equipment to provide scheduling, system control and dispatching.

Items

1. Personal computers.
2. Servers.
3. Workstations.
4. Energy Management System (EMS) hardware.
5. Supervisory Control and Data Acquisition (SCADA) system hardware.
6. Peripheral equipment.
7. Networking components.

338.31 Computer Software

This account shall include the cost of computer software including the cost of off-the-shelf and in-house developed software purchased and used to provide scheduling, system control and dispatching activities.

Items

1. Software licenses.
2. User interface software.
3. Modeling software.
4. Database software.
5. Tracking and monitoring software.
6. Energy management system (EMS) software.
7. Supervisory control and data acquisition (SCADA) system software.
8. Evaluation and assessment system software.
9. Operating, planning and transaction scheduling software.
10. Reliability applications.
11. Market application software.

338.32 Communication Equipment

This account shall include the cost of communication equipment owned and used to acquire or share data and information used to control and dispatch the system.

Items

1. Fiber optic cable.
2. Remote terminal units.
3. Microwave towers.
4. Global Positioning System (GPS) equipment.
5. Servers.
6. Workstations.
7. Telephones.

338.33 Miscellaneous Power Plant Equipment

This account shall include the installed cost of miscellaneous equipment in and about the wind plant devoted to general station use, and which is not properly includible in any of the foregoing wind power production accounts.

338.34 Asset Retirement Costs for Wind Production

This account shall include asset retirement costs on plant included in wind production function.

Other Renewable Production**339.1 Land and Land Rights**

This account shall include the cost of land and land rights used in connection with other renewable power generation. (See § 1767.16(g).)

339.2 Structures and Improvements

This account shall include the cost in place of structures and improvements used in connection with other renewable power generation. (See § 1767.16(h).)

Note: This includes mirrors for solar boiler systems.

339.3 Fuel Holders

This account shall include the cost installed of renewable fuel handling and storage equipment used between the point of fuel delivery to the station and the intake through which fuel is either directly drawn to the engine, or into a boiler system, inclusive.

Items

1. Blower and fans.
2. Boilers and pumps.
3. Economizers.
4. Exhauster outfits.
5. Flues and piping.
6. Pipe system.
7. Producers.
8. Regenerators.
9. Scrubbers.
10. Steam injectors.
11. Tanks for storage of electrolytes, hydrogen, renewable natural gas, algae, etc.
12. Vaporizers.

339.4 Boilers

This account shall include the cost installed of furnaces, boilers, steam and feed water piping, boiler apparatus and accessories used in the production of steam or other vapor, to be used primarily for generating electricity. This account includes solar boiler systems.

Items

1. Boiler feed system, including feed water heaters, evaporator condensers, heater drain pumps, heater drainers, deaerators, and vent condensers, boiler feed pumps, surge tanks, feed water regulators, feed water measuring equipment, and all associated drives.
2. Boiler plant cranes and hoists and associated drives.
3. Boilers and equipment, including boilers and baffles, economizers, superheaters, foundations and settings, water walls, arches, grates, insulation, blow-down system, drying out of new boilers, also associated motors or other power equipment.
4. Draft equipment, including air preheaters and accessories, induced and forced draft fans, air ducts, combustion control mechanisms, and associated motors or other power equipment.
5. Gas-burning equipment, including holders, burner equipment and piping, control equipment, etc.
6. Instruments and devices, including all measuring, indicating, and recording equipment for boiler plant service together with mountings and supports.
7. Lighting systems.
8. Stacks, including foundations and supports, stack steel and ladders, stack concrete, stack lining, stack painting (first), when set on separate foundations, independent of substructure or superstructure of building.
9. Station piping, including pipe, valves, fittings, separators, traps, desuperheaters, hangers, excavation, covering, etc., for station piping system, including all steam, condensate, boiler feed and water supply piping, etc.
10. Ventilating equipment.
11. Water purification equipment, including softeners and accessories, evaporators and accessories, heat exchangers, filters, tanks for filtered or softened water, pumps, motors, etc.
12. Water-supply systems, including pumps, motors, strainers, raw-water storage tanks, boiler wash pumps, intake and discharge pipes and tunnels not a part of a building.

13. Circulating pumps, including connections between condensers and intake and discharge tunnels.
14. Tunnels, intake and discharge, for condenser system, when not a part of structure, water screens, etc.
15. Water screens, motors, etc.
16. Moisture separator for turbine steam.
17. Turbine lubricating oil (initial charge).

339.5 [Reserved]**339.6 Generators**

This account shall include the cost installed of other renewable generators of all types apart from wind and solar.

Items

1. Cranes, hoists, etc., including items wholly identified with such apparatus.
2. Fire-extinguishing equipment.
3. Foundations and settings, specially constructed for and not expected to outlast the apparatus for which provided.
4. Generator cooling system, including air cooling and washing apparatus, air fans and accessories, air ducts, etc.
5. Generators—main, AC or DC, including field rheostats and connections for self-excited units and excitation system when identified with the generating unit.
6. Lighting systems.
7. Lubricating system, including tanks, filters, strainers, pumps, piping, coolers, etc.
8. Mechanical meters and recording instruments.
9. Platforms, railings, steps, gratings, etc., appurtenant to apparatus listed herein.
10. Cooling system, including towers, pumps, tank, and piping.
11. Piping—main exhaust, including connections between generator and condenser and between condenser and hotwell.
12. Piping—main steam, including connections from main throttle valve to turbine inlet.
13. Circulating pumps, including connections between condensers and intake and discharge tunnels.
14. Tunnels, intake and discharge, for condenser system, when not a part of structure, water screens, etc.
15. Water screens, motors, etc.
16. Moisture separator for turbine steam.
17. Turbine lubricating oil (initial charge).

339.7 [Reserved]**339.8 Other Accessory Electrical Equipment**

This account shall include the installed cost of other conversion or auxiliary generating apparatus, and equipment used primarily in connection with the control and switching of electric energy produced by other renewable, including weather monitoring equipment, and protection of electric circuits and equipment, as used to support the generator in the action of generating power (excluding SCADA systems) not specifically chargeable to any other account.

Items

1. Auxiliary generators, including boards, compartments, switching equipment, control equipment, and connections to auxiliary power bus.

2. Rheostats, backup storage batteries and charging equipment, circuit breakers, panels and accessories, knife switches and accessories, surge arresters, instrument shunts, conductors and conduit, special supports for conduit, special housings, etc.

3. Generator main connections, including oil circuit breakers and accessories, disconnecting switches and accessories, operating mechanisms and interlocks, current transformers, potential transformers, protective relays, isolated panels and equipment, conductors and conduit, special supports for generator main leads, grounding switch, special housing, etc.

4. Station control system, including station switchboards with panel wiring, panels with instruments and control equipment only, panels with switching equipment mounted or mechanically connected, trunktype boards complete, cubicles, station supervisory control boards, generator signal stands, temperature-recording devices, atmospheric reading devices, frequency control equipment, master clocks, watt-hour meter, station totalizing wattmeter, backup storage batteries, panels and charging sets, instrument transformers for supervisory metering, conductors and conduit, special supports for conduit, switchboards, emergency backup batteries, special housing for batteries, etc.

5. Station buses, including main, auxiliary transfer, synchronizing and fault ground buses, including oil circuit breakers and accessories, disconnecting switches and accessories, operating mechanisms and interlocks, reactors and accessories, voltage regulators and accessories, compensators, resistors, current transformers, potential transformers, protective relays, backup storage batteries and charging equipment, isolated panels and equipment, conductors and conduit, special supports, special housings, concrete pads, general station ground system, special fire-extinguishing system, and test equipment.

Note A: Do not include in this account transformers and other equipment used for changing the voltage or frequency of electric energy for the purpose of transmission or distribution.

Note B: When any item of equipment listed herein is used wholly to furnish power to equipment included in another account, its cost shall be included in such other account.

339.9 Computer Hardware

This account shall include the cost of computer hardware and miscellaneous information technology equipment to

provide scheduling, system control and dispatching.

Items

1. Personal computers.
2. Servers.
3. Workstations.
4. Energy Management System (EMS) hardware.
5. Supervisory Control and Data Acquisition (SCADA) system hardware.
6. Peripheral equipment.
7. Networking components.

339.10 Computer Software

This account shall include the cost of computer software including the cost of off-the-shelf and in-house developed software purchased and used to provide scheduling, system control and dispatching activities.

Items

1. Software licenses.
2. User interface software.
3. Modeling software.
4. Database software.
5. Tracking and monitoring software.
6. Energy management system (EMS) software.
7. Supervisory control and data acquisition (SCADA) system software.
8. Evaluation and assessment system software.
9. Operating, planning and transaction scheduling software.
10. Reliability applications.
11. Market application software.

339.11 Communication Equipment

This account shall include the cost of communication equipment owned and used to acquire or share data and information used to control and dispatch the system.

Items

1. Fiber optic cable.
2. Remote terminal units.
3. Microwave towers.
4. Global Positioning System (GPS) equipment.
5. Servers.
6. Workstations.
7. Telephones.

339.12 Miscellaneous Power Plant Equipment

This account shall include the installed cost of miscellaneous equipment in and about the other renewable plant devoted to general station use, and which is not properly includible in any of the foregoing other renewable power production accounts.

339.13 Asset Retirement Costs for Other Renewable Production

This account shall include asset retirement costs on plant included in other renewable production function.

Other Production

* * * * *

345.1 Computer Hardware

This account shall include the cost of computer hardware and miscellaneous information technology equipment to provide scheduling, system control and dispatching.

Items

1. Personal computers.
2. Servers.
3. Workstations.
4. Energy Management System (EMS) hardware.
5. Supervisory Control and Data Acquisition (SCADA) system hardware.
6. Peripheral equipment.
7. Networking components.

345.2 Computer Software

This account shall include the cost of off-the-shelf and in-house developed software purchased and used to provide scheduling, system control and dispatching activities.

Items

1. Software licenses.
2. User interface software.
3. Modeling software.
4. Database software.
5. Tracking and monitoring software.
6. Energy Management System (EMS) software.
7. Supervisory Control and Data Acquisition (SCADA) system software.
8. Evaluation and assessment system software.
9. Operating, planning and transaction scheduling software.
10. Reliability applications.
11. Market application software.

345.3 Communication Equipment

This account shall include the cost of communication equipment owned and used to acquire or share data and information used to control and dispatch the system.

Items

1. Fiber optic cable.
2. Remote terminal units.
3. Microwave towers.
4. Global Positioning System (GPS) equipment.
5. Servers.
6. Workstations.
7. Telephones.

* * * * *

Transmission Plant

* * * * *

351.1 Computer Hardware

This account shall include the cost of computer hardware and miscellaneous

information technology equipment to provide scheduling, system control and dispatching.

Items

1. Personal computers.
2. Servers.
3. Workstations.
4. Energy Management System (EMS) hardware.
5. Supervisory Control and Data Acquisition (SCADA) system hardware.
6. Peripheral equipment.
7. Networking components.

351.2 Computer Software

This account shall include the cost of off-the-shelf and in-house developed software purchased and used to provide scheduling, system control and dispatching activities.

Items

1. Software licenses.
2. User interface software.
3. Modeling software.
4. Database software.
5. Tracking and monitoring software.
6. Energy Management System (EMS) software.
7. Supervisory Control and Data Acquisition (SCADA) system software.
8. Evaluation and assessment system software.
9. Operating, planning and transaction scheduling software.
10. Reliability applications.
11. Market application software.

351.3 Communication Equipment

This account shall include the cost of communication equipment owned and used to acquire or share data and information used to control and dispatch the system.

Items

1. Fiber optic cable.
2. Remote terminal units.
3. Microwave towers.
4. Global Positioning System (GPS) equipment.
5. Servers.
6. Workstations.
7. Telephones.

* * * * *

Distribution Plant

* * * * *

363.1 Computer Hardware

This account shall include the cost of computer hardware and miscellaneous information technology equipment to provide scheduling, system control and dispatching.

Items

1. Personal computers.

2. Servers.
3. Workstations.
4. Energy Management System (EMS) hardware.
5. Supervisory Control and Data Acquisition (SCADA) system hardware.
6. Peripheral equipment.
7. Networking components.

363.2 Computer Software

This account shall include the cost of off-the-shelf and in-house developed software purchased and used to provide scheduling, system control and dispatching activities.

Items

1. Software licenses.
2. User interface software.
3. Modeling software.
4. Database software.
5. Tracking and monitoring software.
6. Energy Management System (EMS) software.
7. Supervisory Control and Data Acquisition (SCADA) system software.
8. Evaluation and assessment system software.
9. Operating, planning and transaction scheduling software.
10. Reliability applications.
11. Market application software.

363.3 Communication Equipment

This account shall include the cost of communication equipment owned and used to acquire or share data and information used to control and dispatch the system.

Items

1. Fiber optic cable.
2. Remote terminal units.
3. Microwave towers.
4. Global Positioning System (GPS) equipment.
5. Servers.
6. Workstations.
7. Telephones.

* * * * *

Energy Storage Plant

387 [Reserved]

387.1 Land and Land Rights

This account shall include the cost of land and land rights used in connection with energy storage plant. (See § 1767.16(g).)

387.2 Structures and Improvements

This account shall include the cost in place of structures and improvements used in connection with energy storage plant. (See § 1767.16(h).)

387.3 Energy Storage Equipment

A. This account shall include the cost installed of energy storage equipment

used to store energy for load managing purposes.

B. Labor costs and power purchased to energize the equipment are includible on the first installation only. The cost of removing, relocating, and resetting energy storage equipment shall not be charged to this account but to operations and maintenance expense accounts for energy storage expenses, as appropriate.

C. The records supporting this account shall show, by months, the function(s) each energy storage asset supports or performs.

Items

1. Batteries, including elements, tanks, and tank insulators.
2. Battery room connections, including cable or bus runs and connections.
3. Battery room flooring, when specially laid for supporting batteries.
4. Charging equipment, including motor generator sets and other charging equipment and connections, and cable runs from generator or station bus to battery room connections.
5. Miscellaneous equipment, including instruments, and water stills.
6. Switching equipment, including endcell switches and connections, boards and panels, used exclusively for battery control, not part of general station switchboard.
7. Ventilating equipment, including fans and motors, louvers, and ducts not part of building.
8. Battery Monitoring and System (BMS).
9. Charge Controller.
10. Compressed Air.
11. Flywheels.
12. Superconducting Magnetic Storage.
13. Thermal.

Note: Storage batteries used for control and general station purposes shall not be included in this account but in the account appropriate for their use. The cost of pumped storage hydroelectric plant shall be charged to hydraulic production plant. These are examples of items includible in this account. This list is not exhaustive.

387.4 [Reserved]

387.5 Collector System

This account shall include all cost of cabling, junction boxes, connection cabinets, and all facilities and devices (such as capacitors and reactors) that are used to transport and consolidate the power fed from individual storage facilities up to, but not including, the substation prior to interconnection to the grid. This account shall exclude the cost of transformers and other

equipment used for the express purpose of interconnecting to transmission or distribution lines.

Items

1. Anchors, head arm, and other guys, including guy guards, guy clamps, strain insulators, pole plates, etc.
2. Armored conductors, buried, submarine, including insulators, insulating materials, splices in terminal chamber, potheads, etc.
3. Brackets.
4. Circuit breakers.
5. Conductors, including insulated and bare wires and cables.
6. Conduit, concrete, brick and tile, including iron pipe, fiber pipe, Murray duct, and standpipe on pole or tower.
7. Crossarms and braces.
8. Excavation and backfill, including shoring, bracing, bridging, and disposal of excess excavated material.
9. Extension arms.
10. Fireproofing, in connection with any items listed herein.
11. Foundations and settings specially constructed for and not expected to outlast the apparatus for which constructed.
12. Ground wires, clamps, etc.
13. Guards.
14. Hollow-core oil-filled cable, including straight or stop joints, pressure tanks, auxiliary air tanks, feeding tanks, terminals, potheads and connections, etc.
15. Insulators, including pin, suspension, and other types, and tie wire or clamps.
16. Lightning arresters.
17. Paving, Pavement disturbed, including cutting and replacing pavement, pavement base, and sidewalks.
18. Permits for construction.
19. Pole steps and ladders.
20. Poles, wood, steel, concrete, or other material.
21. Racks complete with insulators.
22. Railings.
23. Railroad and highway crossing guards.
24. Reinforcing and stubbing.
25. Removal and relocation of subsurface obstructions.
26. Settings.
27. Sewer connections, including drains, traps, tide valves, check valves, etc.
28. Shaving, painting, gaining, roofing, stenciling, and tagging.
29. Splices.
30. Sumps, including pumps.
31. Switches.
32. Towers.
33. Tree trimming, initial cost including the cost of permits therefor.
34. Ventilating equipment.

35. Other line devices.

387.6 Generator Step-Up Transformers (GSU)

This account shall include only the cost of the GSU transformers and other equipment used for conveying the power to the pad-mount GSU for the purpose of initially changing the voltage or frequency of electric energy for the purpose of moving the power. It shall exclude the cost of additional transformers and other equipment once the power has been initially stepped up from a generator voltage to a higher voltage.

Note: Do not include in this account transformers and other equipment used for changing the voltage or frequency of electricity for the purposes of transmission or distribution.

387.7 Inverters

This account shall include the installed cost of inverters for the purpose of converting electricity from direct current (DC) to alternating current (AC).

387.8 Computer Hardware

This account shall include the cost of computer hardware and miscellaneous information technology equipment to provide scheduling, system control and dispatching.

Items

1. Personal computers.
2. Servers.
3. Workstations.
4. Energy Management System (EMS) hardware.
5. Supervisory Control and Data Acquisition (SCADA) system hardware.
6. Peripheral equipment.
7. Networking components.

387.9 Computer Software

This account shall include the cost of off-the-shelf and in-house developed software purchased and used to provide scheduling, system control and dispatching activities.

Items

1. Software licenses.
2. User interface software.
3. Modeling software.
4. Database software.
5. Tracking and monitoring software.
6. Energy Management System (EMS) software.
7. Supervisory Control and Data Acquisition (SCADA) system software.
8. Evaluation and assessment system software.
9. Operating, planning and transaction scheduling software.
10. Reliability applications.

11. Market application software.

387.10 Communication Equipment

This account shall include the cost of communication equipment owned and used to acquire or share data and information used to control and dispatch the system.

Items

1. Fiber optic cable.
2. Remote terminal units.
3. Microwave towers.
4. Global Positioning System (GPS) equipment.
5. Servers.
6. Workstations.
7. Telephones.

387.11 Miscellaneous Energy Storage Equipment

This account shall include the installed cost of miscellaneous equipment in and about the energy storage equipment devoted to general station use, and which is not properly includible in any of the foregoing energy storage plant accounts.

387.12 Asset Retirement Costs for Energy Storage Plant

This account shall include asset retirement costs on plant included in the energy storage plant function.

General Plant

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397 Utility Operations Communication Equipment

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397.1 Computer Hardware

This account shall include the cost of computer hardware and miscellaneous information technology equipment to provide scheduling, system control and dispatching.

Items

1. Personal computers.
2. Servers.
3. Workstations.
4. Energy Management System (EMS) hardware.
5. Supervisory Control and Data Acquisition (SCADA) system hardware.
6. Peripheral equipment.
7. Networking components.

397.2 Computer Software

This account shall include the cost of off-the-shelf and in-house developed software purchased and used to provide scheduling, system control and dispatching activities.

Items

1. Software licenses.
2. User interface software.

3. Modeling software.
4. Database software.
5. Tracking and monitoring software.
6. Energy Management System (EMS) software.
7. Supervisory Control and Data Acquisition (SCADA) system software.
8. Evaluation and assessment system software.
9. Operating, planning and transaction scheduling software.
10. Reliability applications.
11. Market application software.

397.3 Communication Equipment

This account shall include the cost of communication equipment owned and used to acquire or share data and information used to control and dispatch the system. This account should not be used for items identified in Account 397.

Items

1. Fiber optic cable.
2. Remote terminal units.
3. Microwave towers.
4. Global Positioning System (GPS) equipment.
5. Servers.
6. Workstations.
7. Telephones.

* * * * *

- 8. Amend § 1767.21 as follows:
- a. In the TOC, under “Utility Operating Income,” add entries 403.10 through 403.13, 411.11, and 411.12 in numerical order;
- b. Under entry 403 Depreciation Expense, in paragraph C, add entries 403.10 through 403.13 in numerical order; and
- c. Add entries 411.11 and 411.12 in numerical order.

The additions read as follows:

§ 1767.21 Operating Income.

* * * * *

Utility Operating Income

* * * * *

- 403.10 Depreciation Expense—Solar Production Plant
- 403.11 Depreciation Expense—Wind Production Plant
- 403.12 Depreciation Expense—Other Renewable Production Plant
- 403.13 Depreciation Expense—Energy Storage Plant

* * * * *

- 411.11 Gains from Disposition of Environmental Credits
- 411.12 Losses from Disposition of Environmental Credits

* * * * *

Utility Operating Income

* * * * *

403 Depreciation Expense

* * * * *

C. * * *

- 403.10 Depreciation Expense—Solar Production Plant
- 403.11 Depreciation Expense—Wind Production Plant
- 403.12 Depreciation Expense—Other Renewable Production Plant
- 403.13 Depreciation Expense—Energy Storage Plant

* * * * *

411.11 Gains From Disposition of Environmental Credits

This account shall be credited with the gain on the sale, exchange, or other disposition of environmental credits in accordance with § 1767.15(u)(8). Income taxes relating to gains recorded in this account shall be recorded in Account 409.1, Income Taxes, Utility Operating Income.

Note: Revenues for environmental credits associated with the sale of energy shall be recorded in the appropriate operating revenue account consistent with § 1767.15(u)(9).

411.12 Losses From Disposition of Environmental Credits

This account shall be debited with the loss on the sale, exchange, or other disposition of environmental credits in accordance with § 1767.15(u)(9). Income taxes relating to losses recorded in this account shall be recorded in Account 409.1, Income Taxes, Utility Operating Income.

* * * * *

- 9. Amend § 1767.23 as follows:
- a. Revise the section heading;
- b. In the TOC:
- i. Remove the heading “Interest Charges” and add the heading “Interest Charges and Other Gains or Losses” in its place; and
- ii. Add entry 429.2 in numerical order;
- c. Remove the heading “Interest Charges” and add the heading “Interest Charges and Other Gains or Losses” in its place; and
- d. Add entry 429.2 in numerical order.

The revisions and additions read as follows:

§ 1767.23 Interest charges and other gains or losses.

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Interest Charges and Other Gains or Losses

* * * * *

- 429.2 Amortization of Gain on Extinguished RUS Long-Term Debt—Credit

* * * * *

Interest Charges and Other Gains or Losses

* * * * *

429.2 Amortization of Gain on Extinguished RUS Long-Term Debt—Credit

A. This account shall include the amortization of the gains realized from extinguishment of debt. Amounts credited to this account shall be charged concurrently to Account 257.1, Unamortized Gain on Extinguished RUS Long-Term Debt.

B. This account shall be maintained to allow identification of the amortized gains applicable to long-term debt extinguished or forgiven.

* * * * *

■ 10. Amend § 1767.26 as follows:

- a. In the TOC, under heading “Other Operating Revenues,” add entry 459 in numerical order; and
- b. Add entry 459 in numerical order.

The additions read as follows:

§ 1767.26 Operating revenue.

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Operating Revenue

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Other Operating Revenues

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459 [Reserved]

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Other Operating Revenues

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459 [Reserved]

■ 11. Amend § 1767.27 as follows:

- a. In the TOC:
- i. Under heading “Steam Power Generation,” subheading “(Maintenance),” add entries 513.1 through 513.3 in numerical order;
- ii. Under heading “Nuclear Power Generation,” subheading “(Maintenance),” add entries 531.1 through 531.3 in numerical order;
- iii. Under heading “Hydraulic Power Generation,” subheading “(Maintenance),” add entries 544.1 through 544.3 in numerical order;
- iv. Under heading “Other Power Generation,” subheading “(Maintenance),” add entries 553.1 through 553.3 in numerical order;
- v. Under heading “Other Power Supply Expenses,” add entries 555.1 through 555.3 in numerical order;
- vi. Add heading “Solar Power Generation” with a subheading of “(Operation)” and entries 558.1 through 558.5 and add subheading of “(Maintenance)” and entries 558.6 through 558.12 following entry “557”;
- vii. Add heading “Wind Power Generation” with a subheading of

“(Operation)” and entries 558.13 through 558.17 and subheading of “(Maintenance)” and entries 558.18 through 558.24 following entry “558.12”;

■ viii. Add heading “Other Renewable Power Generation” with a subheading of “(Operation)” and entries 559 thru 559.5 and subheading of “(Maintenance)” and entries 559.6 through 559.16 following entry “558.24”;

■ ix. Add heading “Energy Storage Plant” with a subheading of “(Operation)” and entries 577.1 through 577.5 and subheading of “(Maintenance)” and entries 578.1 through 578.7 following entry “576.5”; and

■ x. Under heading “Distribution Expenses,” subheading “(Maintenance),” add entries 592.2 through 592.4 in numerical order;

■ b. Revise 509 Allowances;

■ c. Add entries 513.1 through 513.3, 531.1 through 531.3, 544.1 through 544.3, 553.1 through 553.3, and 555.1 through 555.3 in numerical order;

■ d. Add heading “Solar Power Generation” with a subheading of “(Operation)” and entries 558.1 through 558.5 and subheading of “(Maintenance)” and entries 558.6 through 558.12 following entry “557”;

■ e. Add heading “Wind Power Generation” with a subheading of “(Operation)” and entries 558.13 through 558.17 and subheading of “(Maintenance)” and entries 558.18 through 558.24 following entry “558.12”;

■ f. Add heading “Other Renewable Power Generation” with a subheading of “(Operation)” and entries 559 thru 559.5 and subheading of “(Maintenance)” and entries 559.6 through 559.16 following entry “558.24”;

■ g. Add heading “Energy Storage Plant” with a subheading of “(Operation)” and entries 577.1 through 577.5 and subheading of “(Maintenance)” and entries 578.1 through 578.7 following entry “576.5”; and

■ h. Add entries 592.2 through 592.4 in numerical order.

The additions and revision read as follows:

§ 1767.27 Operation and maintenance expenses.

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Operation and Maintenance Expense Accounts

Power Production Expenses

Steam Power Generation

* * * * *

(Maintenance)

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513.1 Maintenance of computer hardware (Major only)

513.2 Maintenance of computer software (Major only)

513.3 Maintenance of communication equipment (Major only)

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Nuclear Power Generation

* * * * *

(Maintenance)

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531.1 Maintenance of computer hardware (Major only)

531.2 Maintenance of computer software (Major only)

531.3 Maintenance of communication equipment (Major only)

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Hydraulic Power Generation

* * * * *

(Maintenance)

* * * * *

544.1 Maintenance of computer hardware (Major only)

544.2 Maintenance of computer software (Major only)

544.3 Maintenance of communication equipment (Major only)

* * * * *

Other Power Generation

* * * * *

(Maintenance)

* * * * *

553.1 Maintenance of computer hardware (Major only)

553.2 Maintenance of computer software (Major only)

553.3 Maintenance of communication equipment (Major only)

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Other Power Supply Expenses

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555.1 Power Purchased for Storage Operations

555.2 Bundled Environmental Credits

555.3 Unbundled Environmental Credits

* * * * *

Solar Power Generation

(Operation)

558.1 Operation supervision and engineering.

558.2 Solar panel generation and other plant operating expenses (Major only)

558.3 [Reserved]

558.4 Rents

558.5 Operation supplies and expenses (Nonmajor only)

(Maintenance)

558.6 Maintenance supervision and engineering (Major only)

558.7 Maintenance of solar panels, structures, and equipment (Major only)

558.8 Maintenance of computer hardware (Major only)

558.9 Maintenance of computer software (Major only)

558.10 Maintenance of communication equipment (Major only)

558.11 Maintenance of miscellaneous solar generation plant (Major only)

558.12 Maintenance of solar generation plant (Nonmajor only)

Wind Power Generation

(Operation)

558.13 Operation supervision and engineering

558.14 Wind turbine generation and other plant operating expenses (Major only)

558.15 [Reserved]

558.16 Rents

558.17 Operation supplies and expenses (Nonmajor only)

(Maintenance)

558.18 Maintenance supervision and engineering (Major only)

558.19 Maintenance of wind turbines, structures, and equipment (Major only)

558.20 Maintenance of computer hardware (Major only)

558.21 Maintenance of computer software (Major only)

558.22 Maintenance of communication equipment (Major only)

558.23 Maintenance of miscellaneous wind generation plant (Major only)

558.24 Maintenance of wind generation plant (Nonmajor only)

Other Renewable Power Generation

(Operation)

559 [Reserved]

559.1 Operation supervision and engineering

559.2 Other miscellaneous generation and other plant operating expenses (Major only)

559.3 Fuel

559.4 Rents

559.5 Operation supplies and expenses (Nonmajor only)

(Maintenance)

559.6 Maintenance supervision and engineering (Major only)

559.7 Maintenance of structures (Major only)

559.8 [Reserved]

559.9 Maintenance of boilers (Major only)

559.10 Maintenance of generating and electric equipment (Major only)

- 559.11 [Reserved]
559.12 Maintenance of computer hardware (Major only)
559.13 Maintenance of computer software (Major only)
559.14 Maintenance of communication equipment (Major only)
559.15 Maintenance of miscellaneous other renewable generation plant (Major only)
559.16 Maintenance of other renewable generation plant (Nonmajor only)
* * * * *

Energy Storage Plant

(Operation)

- 577.1 Operation supervision and engineering
577.2 Operation of energy storage equipment (Major only)
577.3 Storage fuel
577.4 Rents
577.5 Operation supplies and expenses (Nonmajor only)

(Maintenance)

- 578.1 Maintenance supervision and engineering (Major only)
578.2 Maintenance of energy storage equipment and structures (Major only)
578.3 Maintenance of computer hardware (Major only)
578.4 Maintenance of computer software (Major only)
578.5 Maintenance of communication equipment (Major only)
578.6 Maintenance of miscellaneous other energy storage plant (Major only)
578.7 Maintenance of other energy storage plant (Nonmajor only)

Distribution Expenses

* * * * *

(Maintenance)

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592.2 Maintenance of computer hardware (Major only)
592.3 Maintenance of computer software (Major only)
592.4 Maintenance of communication equipment (Major only)
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Operation and Maintenance Expense Accounts

Power Production Expenses

Steam Power Generation

(Operation)

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509 Allowances

This account shall include the cost of allowances expensed concurrent with

the monthly emission of sulfur dioxide or any other emissions allowances credited to Account 158.1. (See § 1767.15(u).)

(Maintenance)

* * * * *

513.1 Maintenance of Computer Hardware (Major Only)

The account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in the maintenance of computer hardware serving the steam power generation subfunction. (See § 1767.17(b).)

513.2 Maintenance of Computer Software (Major Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred for annual computer software license renewals, annual software update services and the cost of ongoing support for software products serving the steam power generation subfunction. (See § 1767.17(b).)

513.3 Maintenance of Communication Equipment (Major Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in the maintenance of communication equipment serving the steam power generation subfunction. (See § 1767.17(b).)

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Nuclear Power Generation

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(Maintenance)

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531.1 Maintenance of Computer Hardware (Major Only)

The account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in the maintenance of computer hardware serving the nuclear power generation subfunction. (See § 1767.17(b).)

531.2 Maintenance of Computer Software (Major Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred for annual computer software license renewals, annual software update

services and the cost of ongoing support for software products serving the nuclear power generation subfunction. (See § 1767.17(b).)

531.3 Maintenance of Communication Equipment (Major Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in the maintenance of communication equipment serving the nuclear power generation subfunction. (See § 1767.17(b).)

* * * * *

Hydraulic Power Generation

* * * * *

(Maintenance)

* * * * *

544.1 Maintenance of Computer Hardware (Major Only)

The account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in the maintenance of computer hardware serving the hydraulic power generation subfunction. (See § 1767.17(b).)

544.2 Maintenance of Computer Software (Major Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred for annual computer software license renewals, annual software update services and the cost of ongoing support for software products serving the hydraulic power generation subfunction. (See § 1767.17(b).)

544.3 Maintenance of Communication Equipment (Major Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in the maintenance of communication equipment serving the hydraulic power generation subfunction. (See § 1767.17(b).)

* * * * *

Other Power Generation

* * * * *

(Maintenance)

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553.1 Maintenance of Computer Hardware (Major Only)

The account shall include the cost of labor, employee pensions and benefits,

social security and other payroll taxes, materials used, and expenses incurred in the maintenance of computer hardware serving the other power generation subfunction. (See § 1767.17(b).)

553.2 Maintenance of Computer Software (Major Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred for annual computer software license renewals, annual software update services and the cost of ongoing support for software products serving the other power generation subfunction. (See § 1767.17(b).)

553.3 Maintenance of Communication Equipment (Major Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in the maintenance of communication equipment serving the other power generation subfunction. (See § 1767.17(b).)

* * * *

Other Power Supply Expenses

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555.1 Power Purchased for Storage Operations

A. This account shall include the cost at point of receipt by the utility of electricity purchased for use in storage operations, including power purchased and consumed or lost in energy storage operations during the provision of services, including but not limited to energy purchased and stored for resale. It shall also include but not be limited to net settlements for exchange of electricity or power, such as economy energy, off-peak energy for on-peak energy, and spinning reserve capacity. In addition, the account shall include the net settlements for transactions under pooling or interconnection agreements wherein there is a balancing of debits and credits for energy, capacity, and possibly other factors. Distinct purchases and sales shall not be recorded as exchanges and net amounts only recorded merely because debit and credit amounts are combined in the voucher settlement.

B. The records supporting this account shall show, by months, the kilowatt hours and prices thereof under each purchase contract and the charges and credits under each exchange or power pooling contract.

555.2 Bundled Environmental Credits

For environmental credits that were bundled with energy, this account shall include the cost of environmental credits expensed concurrent with the monthly usage. (See § 1767.15(u).)

555.3 Unbundled Environmental Credits

For environmental credits that were unbundled from energy, this account shall include the cost of environmental credits expensed concurrent with the monthly usage. (See § 1767.15(u).)

* * * *

Solar Power Generation (Operation)

555.1 Operation Supervision and Engineering

A. For Major Utilities, this account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, and expenses incurred in the general supervision and direction of the operation of solar power generating stations. Direct supervision of specific activities shall be charged to the appropriate account. (See § 1767.17(a).)

B. For Nonmajor Utilities, this account shall include the cost of supervision and labor, employee pensions and benefits, social security and other payroll taxes in the operation of solar power generating stations.

Items

Labor

1. Supervising solar production.
2. Operating solar panels, auxiliary apparatus and switching and other electric equipment.
3. Operating switchboards, switch gear and electric control and protective equipment.
4. Keeping electric plant log and records and preparing reports on electric plant operations.
5. Testing, checking and adjusting meters, gauges, and other instruments, relays, controls and other equipment in the electric plant.
6. Cleaning electric plant equipment when not incidental to maintenance work.

558.2 Solar Panel Generation and Other Plant Operating Expenses (Major Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in operating solar generation and their auxiliary apparatus, switch gear and other electric equipment to the points

where electricity leaves for conversion for transmission or distribution or are not readily assignable to other solar generation operation expense accounts. (See § 1767.17(b).)

Items

Labor

1. Operating switchboards, switch gear and electric control and protective equipment.
2. Operating solar generators and auxiliary apparatus and switching and other electric equipment.
3. Keeping electric plant log and records and preparing reports on electric plant operations.
4. Testing, checking and adjusting meters, gauges, and other instruments, relays, controls and other equipment in the electric plant.
5. Cleaning electric plant equipment when not incidental to maintenance work.
6. General clerical work.
7. Guarding and patrolling plant and yard.
8. Building service.
9. Care of grounds including snow removal, cutting grass, etc.
10. Miscellaneous labor.

Materials and Expenses

1. Lubricants and control system oils.
2. General operating supplies, such as tools, gaskets, packing waste, gauge glasses, hose, indicating lamps, record and report forms, etc.
3. First-aid supplies and safety equipment.
4. Employees' service facilities expenses.
5. Building service supplies.
6. Communication service.
7. Miscellaneous office supplies and expenses, printing and stationery.
8. Transportation expenses.
9. Meals, traveling and incidental expenses.
10. Water for fire protection or general use.
11. Research, development, and demonstration expenses.

558.3 [Reserved]

558.4 Rents

This account shall include all rents of property of others used, occupied or operated in connection with solar power generation. (See § 1767.17(c).)

558.5 Operation Supplies and Expenses (Nonmajor Only)

This account shall include the cost of materials used and expenses incurred in the operation of solar power generating stations.

Items

1. Lubricants and control system oils.

2. General operating supplies, such as tools, packing waste, hose, indicating lamps, record and report forms, etc.

3. First-aid supplies and safety equipment.

4. Employees' service facilities expenses.

5. Building service supplies.

6. Communication service.

7. Miscellaneous office supplies and expenses, printing and stationery.

8. Transportation expenses.

9. Meals, traveling and incidental expenses.

10. Water for fire protection or general use.

(Maintenance)

558.6 Maintenance Supervision and Engineering (Major Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, and expenses incurred in the general supervision and direction of maintenance of solar generation facilities. Direct field supervision of specific jobs shall be charged to the appropriate maintenance account. (See § 1767.17(a).)

558.7 Maintenance of Solar Panels, Structures, and Equipment (Major Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in the maintenance of solar structures, solar panels, and other solar plant equipment, the book cost of which is includible in Account 338.2, Structures and Improvements, Account 338.4, Solar Panels, Account 338.5, Collector Systems, Account 338.6, Generator Step-up Transformers, Account 338.7, Inverters, and Account 338.8, Other Accessory Electrical Equipment. (See § 1767.17(b).)

558.8 Maintenance of Computer Hardware (Major Only)

The account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in the maintenance of computer hardware serving the solar generation subfunction. (See § 1767.17(b).)

558.9 Maintenance of Computer Software (Major Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred for annual computer software license renewals, annual software update services and the cost of ongoing support

for software products serving the solar generation subfunction. (See § 1767.17(b).)

558.10 Maintenance of Communication Equipment (Major Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in the maintenance of communication equipment serving the solar generation subfunction. (See § 1767.17(b).)

558.11 Maintenance of Miscellaneous Solar Generation Plant (Major Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in maintenance of miscellaneous solar generation plant, the book cost of which is includible in Account 338.12, Miscellaneous Power Plant Equipment. (See § 1767.17(b).)

558.12 Maintenance of Solar Generation Plant (Nonmajor Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in the maintenance of solar generation plant the book cost of which is includible in plant Accounts 338.1 to 338.12, inclusive. (See § 1767.17(b).)

Wind Power Generation (Operation)

558.13 Operation Supervision and Engineering

A. For Major Utilities, this account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, and expenses incurred in the general supervision and direction of the operation of wind power generating stations. Direct supervision of specific activities shall be charged to the appropriate account. (See § 1767.17(a).)

B. For Nonmajor Utilities, this account shall include the cost of supervision and labor, employee pensions and benefits, social security and other payroll taxes in the operation of wind power generating stations.

Items

Labor

1. Supervising wind production.
2. Operating wind turbines, generators and auxiliary apparatus and switching and other electric equipment.
3. Operating switchboards, switch gear and electric control and protective equipment.

4. Keeping electric plant log and records and preparing reports on electric plant operations.

5. Testing, checking and adjusting meters, gauges, and other instruments, relays, controls and other equipment in the electric plant.

6. Cleaning electric plant equipment when not incidental to maintenance work.

558.14 Wind Turbine Generation and Other Plant Operating Expenses (Major Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in operating wind generation and their auxiliary apparatus, switch gear and other electric equipment to the points where electricity leaves for conversion for transmission or distribution or are not readily assignable to other wind generation operation expense accounts.

Items

Labor

1. Operating switchboards, switch gear and electric control and protective equipment.
2. Operating wind turbines, generators and auxiliary apparatus and switching and other electric equipment.
3. Keeping electric plant log and records and preparing reports on electric plant operations.
4. Testing, checking and adjusting meters, gauges, and other instruments, relays, controls and other equipment in the electric plant.
5. Cleaning electric plant equipment when not incidental to maintenance work.
6. General clerical work.
7. Guarding and patrolling plant and site.
8. Building service.
9. Care of grounds including snow removal, cutting grass, etc.
10. Miscellaneous labor.

Materials and Expenses

1. Lubricants and control system oils.
2. General operating supplies, such as tools, gaskets, packing waste, gauge glasses, hose, indicating lamps, record and report forms, etc.
3. First-aid supplies and safety equipment.
4. Employees' service facilities expenses.
5. Building service supplies.
6. Communication service.
7. Miscellaneous office supplies and expenses, printing and stationery.
8. Transportation expenses.
9. Meals, traveling and incidental expenses.

10. Water for fire protection or general use.

11. Research, development, and demonstration expenses.

558.15 [Reserved]

558.16 Rents

This account shall include all rents of property of others used, occupied or operated in connection with wind power generation. (See § 1767.17(c).)

558.17 Operation Supplies and Expenses (Nonmajor Only)

This account shall include the cost of materials used and expenses incurred in the operation of wind power generating stations.

Items

1. Lubricants and control system oils.
2. General operating supplies, such as tools, packing waste, hose, indicating lamps, record and report forms, etc.
3. First-aid supplies and safety equipment.
4. Employees' service facilities expenses.
5. Building service supplies.
6. Communication service.
7. Miscellaneous office supplies and expenses, printing and stationery.
8. Transportation expenses.
9. Meals, traveling and incidental expenses.
10. Water for fire protection or general use.

(Maintenance)

558.18 Maintenance Supervision and Engineering (Major Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, and expenses incurred in the general supervision and direction of maintenance of wind generation facilities. Direct field supervision of specific jobs shall be charged to the appropriate maintenance account. (See § 1767.17(c).)

558.19 Maintenance of Wind Turbines, Structures, and Equipment (Major Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in the maintenance of wind structures, the book cost of which is includible in Account 338.21, Structures and Improvements, Account 338.23, Wind Turbines, Account 338.24, Wind Towers and Fixtures, Account 338.26, Collector Systems, Account 338.27, Generator Step-up Transformers, Account 338.28, Inverters, and Account 338.29, Other

Accessory Electrical Equipment. (See § 1767.17(b).)

558.20 Maintenance of Computer Hardware (Major Only)

The account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in the maintenance of computer hardware serving the wind generation subfunction. (See § 1767.17(b).)

558.21 Maintenance of Computer Software (Major Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred for annual computer software license renewals, annual software update services and the cost of ongoing support for software products serving the wind generation subfunction. (See § 1767.17(b).)

558.22 Maintenance of Communication Equipment (Major Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in the maintenance of communication equipment serving the wind generation subfunction. (See § 1767.17(b).)

558.23 Maintenance of Miscellaneous Wind Generation (Major Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in maintenance of miscellaneous wind generation plant, the book cost of which is includible in Account 338.33, Miscellaneous Power Plant Equipment. (See § 1767.17(b).)

558.24 Maintenance of Wind Generation (Nonmajor Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in the maintenance of wind generation plant the book cost of which is includible in plant Accounts 338.20 to 338.33, inclusive. (See § 1767.17(b).)

Other Renewable Power Generation (Operation)

559 [Reserved]

559.1 Operation Supervision and Engineering

A. For Major Utilities, this account shall include the cost of labor, employee pensions and benefits, social security

and other payroll taxes, and expenses incurred in the general supervision and direction of the operation of other renewable power generating stations. Direct supervision of specific activities shall be charged to the appropriate account. (See § 1767.17(a).)

B. For Nonmajor Utilities, this account shall include the cost of supervision and labor, employee pensions and benefits, social security and other payroll taxes in the operation of other renewable power generating stations.

Items

Labor

1. Supervising other renewable production.
2. Operating other renewable prime movers, generators and auxiliary apparatus and switching and other electric equipment.
3. Operating switchboards, switch gear, and electric control and protective equipment.
4. Keeping electric plant log and records and preparing reports on electric plant operations.
5. Testing, checking and adjusting meters, gauges, and other instruments, relays, controls and other equipment in the electric plant.
6. Cleaning electric plant equipment when not incidental to maintenance work.

559.2 Other Miscellaneous Generation and Other Plant Operating Expenses (Major Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in operating other renewable generation and their auxiliary apparatus, switch gear and other electric equipment to the points where electricity leaves for conversion for transmission or distribution or are not readily assignable to other renewable generation operation expense accounts.

Items

Labor

1. Operating switchboards, switch gear and electric control and protective equipment.
2. Operating other renewable prime movers, generators and auxiliary apparatus and switching and other electric equipment.
3. Keeping electric plant log and records and preparing reports on electric plant operations.
4. Testing, checking and adjusting meters, gauges, and other instruments, relays, controls and other equipment in the electric plant.

5. Cleaning electric plant equipment when not incidental to maintenance work.

6. General clerical work.

7. Guarding and patrolling plant and yard.

8. Building service.

9. Care of grounds including snow removal, cutting grass, etc.

10. Miscellaneous labor.

Materials and Expenses

1. Lubricants and control system oils.

2. General operating supplies, such as tools, gaskets, packing waste, gauge glasses, hose, indicating lamps, record and report forms, etc.

3. First-aid supplies and safety equipment.

4. Employees' service facilities expenses.

5. Building service supplies.

6. Communication service.

7. Miscellaneous office supplies and expenses, printing and stationery.

8. Transportation expenses.

9. Meals, traveling and incidental expenses.

10. Water for fire protection or general use.

11. Research, development, and demonstration expenses.

559.3 Fuel

This account shall include the cost delivered at the station (see Account 151, Fuel Stock, for Major utilities, and Account 154, Plant Materials and Operating Supplies, for Nonmajor utilities) of all fuel, such as electrolytes, hydrogen, renewable natural gas, algae, etc., used in other power generation.

559.4 Rents

This account shall include all rents of property of others used, occupied or operated in connection with other renewable power generation. (See § 1767.17(c).)

559.5 Operation Supplies and Expenses (Nonmajor Only)

This account shall include the cost of materials used and expenses incurred in the operation of other renewable power generating stations.

Items

1. Lubricants and control system oils.

2. General operating supplies, such as tools, packing waste, hose, indicating lamps, record and report forms, etc.

3. First-aid supplies and safety equipment.

4. Employees' service facilities expenses.

5. Building service supplies.

6. Communication service.

7. Miscellaneous office supplies and expenses, printing and stationery.

8. Transportation expenses.

9. Meals, traveling and incidental expenses.

10. Water for fire protection or general use.

(Maintenance)

559.6 Maintenance Supervision and Engineering (Major Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, and expenses incurred in the general supervision and direction of maintenance of other renewable power generation facilities.

Direct field supervision of specific jobs shall be charged to the appropriate maintenance account. (See § 1767.17(a).)

559.7 Maintenance of Structures (Major Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in the maintenance of other renewable structures, the book cost of which is includible in Account 339.2, Structures and Improvements, and Account 339.3 Fuel Holders. (See § 1767.17(b).)

559.8 [Reserved]

559.9 Maintenance of Boilers (Major Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in the maintenance of steam plant, the book cost of which is includible in Account 339.4, Boiler Plant Equipment. (See § 1767.17(b).)

559.10 Maintenance of Generating and Electric Equipment (Major Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in maintenance of plant, the book cost of which is includible in Account 339.6 Generators, and Account 339.8, Other Accessory Electric Equipment. (See § 1767.17(b).)

559.11 [Reserved]

559.12 Maintenance of Computer Hardware (Major Only)

The account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in the maintenance of computer hardware serving the other renewable generation subfunction. (See § 1767.17(b).)

559.13 Maintenance of Computer Software (Major Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred for annual computer software license renewals, annual software update services and the cost of ongoing support for software products serving the other renewable generation subfunction. (See § 1767.17(b).)

559.14 Maintenance of Communication Equipment (Major Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in the maintenance of communication equipment serving the other renewable generation subfunction. (See § 1767.17(b).)

559.15 Maintenance of Miscellaneous Other Renewable Generation Plant (Major Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in maintenance of miscellaneous other renewable generation plant, the book cost of which is includible in Account 339.12, Miscellaneous Power Plant Equipment. (See § 1767.17(b).)

559.16 Maintenance of Other Renewable Generation Plant (Nonmajor Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in the maintenance of other renewable generation plant the book cost of which is includible in plant Accounts 339.1 to 339.12, inclusive. (See § 1767.17(b).)

* * * * *

Energy Storage Expenses

(Operation)

577.1 Operation Supervision and Engineering

A. For Major Utilities, this account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes and expenses incurred in the general supervision and direction of the operation of energy storage plant.

Direct supervision of specific activities shall be charged to the appropriate account. (See § 1767.17(a).)

B. For Nonmajor Utilities, this account shall include the cost of supervision and labor, employee

pensions and benefits, social security and other payroll taxes in the operation of energy storage equipment.

Items

Labor

1. Supervising energy storage equipment operation.
2. Operating energy storage equipment and auxiliary apparatus and switching and other electric equipment.
3. Operating switchboards, switch gear and electric control and protective equipment.
4. Keeping electric plant log and records and preparing reports on electric plant operations.
5. Testing, checking and adjusting meters, gauges, and other instruments, relays, controls and other equipment in the electric plant.
6. Cleaning electric plant equipment when not incidental to maintenance work.

577.2 Operation of Energy Storage Equipment (Major Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in operating energy storage plant and their auxiliary apparatus, switch gear and other electric equipment to the points where electricity leaves for conversion for transmission or distribution, or are not readily assignable to other energy storage operation expense accounts.

Items

Labor

1. Operating switchboards, switch gear and electric control and protective equipment.
2. Operating energy storage and auxiliary apparatus and switching and other electric equipment.
3. Keeping electric plant log and records and preparing reports on electric plant operations.
4. Testing, checking and adjusting meters, gauges, and other instruments, relays, controls and other equipment in the electric plant.
5. Cleaning electric plant equipment when not incidental to maintenance work.
6. General clerical work.
7. Guarding and patrolling plant and yard.
8. Building service.
9. Care of grounds including snow removal, cutting grass, etc.
10. Miscellaneous labor.

Materials and Expenses

1. Lubricants and control system oils.

2. General operating supplies, such as tools, gaskets, packing waste, gauge glasses, hose, indicating lamps, record and report forms, etc.

3. First-aid supplies and safety equipment.

4. Employees' service facilities expenses.

5. Building service supplies.

6. Communication service.

7. Miscellaneous office supplies and expenses, printing and stationery.

8. Transportation expenses.

9. Meals, traveling and incidental expenses.

10. Water for fire protection or general use.

11. Research, development, and demonstration expenses.

577.3 Storage Fuel

This account shall include the cost delivered at the station (see Account 151, Fuel Stock, for Major utilities, and Account 154, Plant Materials and Operating Supplies, for Nonmajor utilities) of all fuel, such as electrolytes, hydrogen, renewable natural gas, algae, etc., used in energy storage.

577.4 Rents

This account shall include all rents of property of others used, occupied or operated in connection with energy storage. (See § 1767.17(c).)

577.5 Operation Supplies and Expenses (Nonmajor Only)

This account shall include the cost of materials used and expenses incurred in the operation of energy storage equipment.

Items

1. Lubricants and control system oils.
2. General operating supplies, such as tools, packing waste, hose, indicating lamps, record and report forms, etc.
3. First-aid supplies and safety equipment.
4. Employees' service facilities expenses.
5. Building service supplies.
6. Communication service.
7. Miscellaneous office supplies and expenses, printing and stationery.
8. Transportation expenses.
9. Meals, traveling and incidental expenses.
10. Water for fire protection or general use.

3. First-aid supplies and safety equipment.

4. Employees' service facilities expenses.

5. Building service supplies.

6. Communication service.

7. Miscellaneous office supplies and expenses, printing and stationery.

8. Transportation expenses.

9. Meals, traveling and incidental expenses.

10. Water for fire protection or general use.

(Maintenance)

578.1 Maintenance Supervision and Engineering (Major Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, and expenses incurred in the general

supervision and direction of maintenance of energy storage facilities. Direct field supervision of specific jobs shall be charged to the appropriate maintenance account. (See § 1767.17(a).)

578.2 Maintenance of Energy Storage Equipment and Structures (Major Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in the maintenance of energy storage structures, energy storage equipment, and other energy storage plant the book cost of which is includible in Account 387.2, Structures and Improvements, Account 387.3, Energy Storage Equipment, Account 387.5, Collector Systems, Account 387.6, Generator Step-up Transformers, and Account 387.7, Inverters. (See § 1767.17(b).)

578.3 Maintenance of Computer Hardware (Major Only)

The account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in the maintenance of computer hardware serving the energy storage function. (See § 1767.17(b).)

578.4 Maintenance of Computer Software (Major Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred for annual computer software license renewals, annual software update services and the cost of ongoing support for software products serving the energy storage function. (See § 1767.17(b).)

578.5 Maintenance of Communication Equipment (Major Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in the maintenance of communication equipment serving the energy storage function. (See § 1767.17(b).)

578.6 Maintenance of Miscellaneous Other Energy Storage Plant (Major Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in maintenance of miscellaneous energy storage plant, the book cost of which is includible in Account 387.11, Miscellaneous Energy Storage Equipment. (See § 1767.17(b).)

578.7 Maintenance of Other Energy Storage Plant (Nonmajor Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in the maintenance of energy storage plant the book cost of which is includible in plant Accounts 387.1 to 387.11, inclusive. (See § 1767.17(b).)

Distribution Expenses

* * * * *

(Maintenance)

* * * * *

592.2 Maintenance of Computer Hardware (Major Only)

The account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in the maintenance of computer hardware serving the distribution function. (See § 1767.17(b).)

592.3 Maintenance of Computer Software (Major Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred for annual computer software license renewals, annual software update services and the cost of ongoing support for software products serving the distribution function. (See § 1767.17(b).)

592.4 Maintenance of Communication Equipment (Major Only)

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in the maintenance of communication equipment serving the distribution function. (See § 1767.17(b).)

* * * * *

■ 12. Amend § 1767.31 as follows:

■ a. In the TOC, under heading “Administrative and General”, subheading “(Maintenance)”, add entries 935.1 through 935.3 in numerical order; and

■ b. Add entries 935.1 through 935.3 in numerical order.

The additions read as follows:

§ 1767.31 Administrative and general expenses.

* * * * *

Administrative and General

* * * * *

(Maintenance)

* * * * *

935.1 Maintenance of computer hardware (Major only)

935.2 Maintenance of computer software (Major only)

935.3 Maintenance of communication equipment (Major only)

Administrative and General

* * * * *

(Maintenance)

* * * * *

935.1 Maintenance of Computer Hardware

The account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in the maintenance of computer hardware used for administrative and general purposes. (See § 1767.17(b).)

935.2 Maintenance of Computer Software

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred for annual computer software license renewals, annual software update services and the cost of ongoing support for software products used for administrative and general purposes. (See § 1767.17(b).)

935.3 Maintenance of Communication Equipment

This account shall include the cost of labor, employee pensions and benefits, social security and other payroll taxes, materials used, and expenses incurred in the maintenance of communication equipment used for administrative and general purposes. (See § 1767.17(b).)

Karl Elmshaeuser,

Administrator, Rural Utilities Service, USDA Rural Development.

[FR Doc. 2025–13489 Filed 7–17–25; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****26 CFR Part 301**

[TD 10030]

RIN 1545–BP72

Resolution of Federal Tax Controversies by the Independent Office of Appeals; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final rule; correction.

SUMMARY: This document contains corrections to Treasury Decision 10030 published in the **Federal Register** on Wednesday, January 15, 2025. Treasury Decision 10030 provides guidance on the resolution of Federal tax controversies by the IRS Independent Office of Appeals (Appeals) under the Taxpayer First Act of 2019 (TFA).

DATES:

Effective date: These corrections are effective on July 18, 2025.

Applicability date: The regulations in §§ 301.7803–2 and 301.7803–3 apply to all requests for consideration by Appeals that are received on or after February 14, 2025.

FOR FURTHER INFORMATION CONTACT:

Joshua P. Hershman at (202) 317–4311 (not a toll-free number).

SUPPLEMENTARY INFORMATION:**Background**

The final regulations (TD 10030) subject to these corrections are issued under section 7805(a) of the Internal Revenue Code.

Correction of Publication

Accordingly, FR Doc. 2025–00426 (TD 10030), appearing on pages 3645 in the **Federal Register** on Wednesday, January 15, 2025, is corrected as follows:

1. On page 3648, in the first column, in the first full paragraph, the fifth line from the top of the paragraph is corrected to read: “more detail in sections I.D.11. and 12.”.

2. On page 3648, in the second column, in the first partial paragraph, in the eighth line from the bottom of the paragraph, the language “Anti-Injunction” is removed and the language “Anti-Injunction Act” is added in its place.

3. On page 3652, in the second column, in the first full paragraph, the third line from the bottom of the paragraph is corrected to read: “I.D.11. of this *Summary of Comments*”.

4. On page 3655, in the first column, in the last partial paragraph, the fifth line from the top of the paragraph is corrected to read: “court decisions. See section I.D.11. of”.

Oluwafunmilayo A. Taylor,

Chief, Publications and Regulations Section, Associate Chief Counsel (Procedure and Administration).

[FR Doc. 2025–13561 Filed 7–17–25; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 165****[Docket No. USCG–2025–0560]****Safety Zones; Fireworks Displays in the Fifth Coast Guard District, Ocean City, NJ****AGENCY:** Coast Guard, DHS.**ACTION:** Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a safety zone for the Ocean City “Night in Venice” Fireworks Display to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Fifth Coast Guard District identifies the regulated area for this event in Ocean City, NJ. During the enforcement periods, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

DATES: The regulations in 33 CFR 165.506 for event 13 in table 1 to paragraph (h)(1) will be enforced from 9:15 p.m. until 10 p.m., on July 26, 2025.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email MST2 Emmanuel E. Melendez, Waterways Management Division, Sector Delaware Bay, U.S. Coast Guard; telephone 206–815–6688, option 3, email SecDelBay@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone in entry No. 13 of table 1 to paragraph (h)(1) to 33 CFR 165.506 for a fireworks display on July 26, 2025, from 9:15 p.m. to 10 p.m. This action is being taken to provide for the safety of life on navigable waterways during the fireworks display. The regulated area includes all waters of the Great Egg Harbor Bay within a 300-yard radius of the fireworks barge position. The approximate position for the display is latitude 39°17′24″ N, longitude 074°34′31″ W, adjacent to shoreline of Ocean City, NJ. During the enforcement period, as reflected in § 165.506(d), vessels may not enter, remain in, or transit through the safety zone unless authorized by the Captain of the Port or designated Coast Guard patrol personnel on-scene.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard plans to provide

notification of this enforcement period via the Local Notice to Mariners and marine information broadcasts.

Kate F. Higgins-Bloom,*Captain, U.S. Coast Guard, Captain of the Port, Sector Delaware Bay.*

[FR Doc. 2025–13570 Filed 7–17–25; 8:45 am]

BILLING CODE 9110–04–P**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 679****[Docket No. 250312–0037; RTID 0648–XF003]****Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska**

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific ocean perch in the West Yakutat District of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2025 total allowable catch of Pacific ocean perch in the West Yakutat District of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), July 16, 2025, through 2400 hours, A.l.t., December 31, 2025.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared and recommended by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2025 total allowable catch (TAC) of Pacific ocean perch in the West Yakutat District of the GOA is 2,070 metric tons (mt) as established by the final 2025 and 2026 harvest specifications for groundfish of the GOA (90 FR 12468, March 18, 2025).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator) has determined that the 2025 TAC of Pacific

ocean perch in the West Yakutat District of the GOA has been or will be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 2,000 mt, and is setting aside the remaining 70 mt as incidental catch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been or will be reached. Consequently, NMFS is prohibiting directed fishing for Pacific ocean perch in the West Yakutat District of the GOA to prevent exceeding the Pacific ocean perch TAC in the West Yakutat District of the GOA.

While this closure is effective the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of directed fishing of Pacific ocean perch in the West Yakutat District of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data on catch of Pacific ocean perch in the West Yakutat District of the GOA only became available as of July 15, 2025.

The Assistant Administrator for Fisheries of NOAA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

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

Dated: July 15, 2025.

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

[FR Doc. 2025–13513 Filed 7–16–25; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 250312–0037; RTID 0648–XF011]

Fisheries of the Exclusive Economic Zone Off Alaska; Dusky Rockfish in the West Yakutat District of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for dusky rockfish in the West Yakutat District of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2025 total allowable catch of dusky rockfish in the West Yakutat District of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), July 16, 2025, through 2400 hours, A.l.t., December 31, 2025.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared and recommended by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens

Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2025 total allowable catch (TAC) of dusky rockfish in the West Yakutat District of the GOA is 215 metric tons (mt) as established by the final 2025 and 2026 harvest specifications for groundfish of the GOA (90 FR 12468, March 18, 2025).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator) has determined that the 2025 TAC of dusky rockfish in the West Yakutat District of the GOA will be or has been reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 185 mt, and is setting aside the remaining 30 mt as incidental catch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will be or has been reached. Consequently, NMFS is prohibiting directed fishing for dusky rockfish in the West Yakutat District of the GOA to prevent exceeding the dusky rockfish TAC in the West Yakutat District of the GOA. While this closure is effective the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens

Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of directed fishing of dusky rockfish in the West Yakutat District of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data on catch of dusky rockfish in the West Yakutat District of the GOA only became available as of July 15, 2025.

The Assistant Administrator for Fisheries of NOAA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

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

Dated: July 15, 2025.

Kelly Denit,

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

[FR Doc. 2025–13533 Filed 7–16–25; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 90, No. 136

Friday, July 18, 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.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Parts 303 and 345

RIN 3064–AG10

Establishment and Relocation of Branches and Offices

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) proposes to amend the processes for an insured State nonmember bank to establish a branch or relocate a main office or branch by eliminating certain filing requirements, reducing processing timelines, and updating public notice procedures, and by making corresponding changes to the procedures applicable to the relocation of an insured branch of a foreign bank. The FDIC seeks comment on all aspects of the proposed rule.

DATES: Send comments on or before September 16, 2025.

ADDRESSES: Interested parties are invited to submit written comments, identified by RIN 3064–AG10, by any of the following methods:

- *Agency website:* <https://www.fdic.gov/resources/regulations/federal-registerpublications/>. Follow the instructions for submitting comments on the agency website.

- *Email:* comments@fdic.gov. Include RIN 3064–AG10 in the subject line of the message.

- *Mail:* Jennifer Jones, Deputy Executive Secretary, Attention: Comments RIN 3064–AG10, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

- *Hand Delivery:* Comments may be hand delivered to the guard station at the rear of the 550 17th Street NW building (located on F Street NW) on business days between 7 a.m. and 5 p.m.

- *Public Inspection:* Comments received, including any personal information provided, may be posted

without change to <https://www.fdic.gov/resources/regulations/federal-registerpublications/>. Commenters should submit only information that the commenter wishes to make available publicly. The FDIC may review, redact, or refrain from posting all or any portion of any comment that it may deem to be inappropriate for publication, such as irrelevant or obscene material. The FDIC may post only a single representative example of identical or substantially identical comments, and in such cases will generally identify the number of identical or substantially identical comments represented by the posted example. All comments that have been redacted, as well as those that have not been posted, that contain comments on the merits of this document will be retained in the public comment file and will be considered as required under all applicable laws. All comments may be accessible under the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT:

Sandra Macias, Chief, (202) 898–3642, smacias@fdic.gov; Scott Leifer, Senior Review Examiner, (781) 794–5645, sleifer@fdic.gov, Division of Risk Management Supervision; Tara Oxley, Associate Director, (202) 898–6722, toxley@FDIC.gov, Division of Depositor and Consumer Protection; Benjamin Klein, Supervisory Counsel, (202) 898–7027, bklein@FDIC.gov; Karlyn Hunter, (202) 515–6831, kahunter@FDIC.gov; Julia Dempewolf, Senior Attorney, (202) 898–3645, jdempewolf@FDIC.gov, Legal Division; Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

I. Policy Objectives

The objectives of the proposed rule are to improve the speed and certainty of, and reduce the regulatory burden associated with, the filing process under 12 CFR part 303 of the FDIC Rules and Regulations¹ for insured State nonmember banks seeking to establish a branch or relocate a main office or branch and for foreign banks seeking to relocate an insured branch. The proposed rule would also make certain definitional clarifications.

As discussed further in sections III.A and III.C of this Supplementary

Information, the FDIC's experience with branch filings has demonstrated that aspects of the filing process should be modified or removed. For example, through its supervisory programs, the FDIC already has access to much of the information that must be provided by applicants under the existing regulation. In addition, branch filings are subject to a public comment process that is not mandated by statute, causes a meaningful delay in the amount of time to render a final decision, and typically does not yield information that materially aids the FDIC's evaluation of the statutory factors pursuant to which these filings are considered. The FDIC also has found that the agency's review of certain branch filings provide little supervisory value, such as where a branch changes its address and the surviving branch resides in approximately the same location. Accordingly, the proposal would accelerate expedited processing for well-rated institutions that satisfy certain criteria, remove certain information elements required of applicants, eliminate the public comment process, and exclude certain *de minimis* branch facility changes in approximately the same location provided that the FDIC and customers of the branch receive reasonably advance notice of such change. The revisions set forth in the proposal are expected to reduce the volume of branch filings and the resources required by banks and the FDIC to engage in the filing process.

II. Background Information

A. Statutory Requirements

Section 18(d)(1) of the Federal Deposit Insurance Act (FDI Act) requires the FDIC's prior written consent for an insured State nonmember bank to establish and operate a new domestic branch or to move its main office or any domestic branch from one location to another.² This section also prohibits a foreign bank from moving an insured branch from one location to another without the FDIC's prior written consent.

When considering whether to grant or withhold such consent, the FDIC must consider the factors listed in section 6 of the FDI Act (statutory factors). The statutory factors are as follows: (1) the bank's financial history and condition;

¹ 12 CFR part 303, subpart C (insured State nonmember banks) and subpart J (insured branches of foreign banks).

² 12 U.S.C. 1828(d)(1).

(2) the adequacy of the bank's capital structure; (3) the bank's future earnings prospects; (4) the general character and fitness of the bank's management; (5) the risk presented by the bank to the Deposit Insurance Fund; (6) the convenience and needs of the community to be served by the bank; and (7) whether the bank's corporate powers are consistent with the purposes of the FDI Act. In addition, when evaluating an application to establish a branch, relocate a branch, or relocate a main office, the Community Reinvestment Act (CRA) requires the FDIC to take into consideration "the institution's record of meeting the credit needs of its entire community, including low- and moderate-income neighborhoods, consistent with the safe and sound operation of such institution."³ Section 38 of the FDI Act imposes additional requirements and restrictions on undercapitalized institutions seeking to establish a branch.

B. FDIC Rules and Regulations

Subpart C of 12 CFR part 303 of the FDIC Rules and Regulations (subpart C) implements section 18(d) of the FDI Act and sets forth the filing requirements and procedures for insured State nonmember banks to establish a branch, relocate a branch or main office, and retain existing branches after the interstate relocation of a main office. Subpart C requires all insured State nonmember banks to submit an application to the appropriate FDIC office prior to establishing a new branch, relocating a branch or a main office, or retaining a branch after the interstate relocation of a main office subject to approval by the FDIC.⁴ All applicants are required to submit the same information regardless of the type of proposed change and regardless of the bank's supervisory history, except that, consistent with section 38 of the FDI Act, undercapitalized institutions are required to submit relatively more information. Further, the FDIC retains the right to request additional information to complete processing.⁵

The application processing timeline depends primarily upon whether the bank meets the definition of an "eligible depository institution."⁶ An application submitted by an "eligible depository institution" is generally subject to expedited processing, and applications submitted by all other insured State nonmember banks are subject to

standard processing. The FDIC defines an "eligible depository institution" as a depository institution that meets the following criteria: (1) received an FDIC-assigned composite rating of 1 or 2 under the Uniform Financial Institutions Rating System (UFIRS) as a result of its most recent Federal or State examination; (2) received a satisfactory or better CRA rating from its primary Federal regulator at its most recent examination, if the depository institution is subject to examination under 12 CFR part 345 of the FDIC Rules and Regulations; (3) received a compliance rating of 1 or 2 from its primary Federal regulator at its most recent examination; (4) is well-capitalized as defined in the appropriate capital regulation and guidance of the institution's primary Federal regulator; and (5) is not subject to a cease and desist order, consent order, prompt corrective action directive, written agreement, memorandum of understanding, or other administrative agreement with its primary Federal regulator or chartering authority.⁷

Under the current rule, the FDIC retains the right to move an application from expedited processing to standard processing when appropriate.⁸ Absent such removal, an application processed under expedited processing is deemed approved the latest of (1) 21 days after the FDIC receives a substantially complete application, (2) the 5th day after the public comment period expires, or (3) in the case of an interstate branch filing that represents new entry into a State where the applicant does not maintain a branch, the 5th day after the FDIC receives the requisite confirming information from the host State. The FDIC must provide the applicant with written notification of the final action when the decision is rendered.⁹

Subpart J of 12 CFR part 303 of the FDIC Rules and Regulations (subpart J) sets forth the procedures for an insured branch of a foreign bank seeking the FDIC's consent to move from one location to another at 12 CFR 303.184. The requirements in subpart J largely mirror the requirements found in subpart C. A foreign bank seeking the FDIC's consent to move an insured branch from one location to another must submit a written application to the appropriate FDIC office with much the same information as a State nonmember bank, publish a newspaper notice, and await completion of a public comment

period before a decision is rendered on the application.

C. Branch Application Statistics

From 2015 to 2024, the FDIC received 6,641 branch applications: 5,059 applications to establish a branch, 461 to relocate a main office, 1,120 to relocate a branch, and 1 application to relocate an insured branch of a foreign bank, for an average of 664 applications received per year. During this period, the FDIC approved an average of 630 branch applications annually (482 branch establishment applications, 105 branch relocation applications, and 43 main office relocation applications). On average, 537 applications per year were approved under expedited processing (85 percent) and 93 were approved under standard processing (15 percent). From 2015 to 2024, the average time between the FDIC's receipt of an application to establish a branch, relocate a main office, or relocate a branch, and the application being approved, denied, returned to the applicant or withdrawn, is 25 days for applications subject to expedited processing and 69 days for applications subject to standard processing.

III. Description of the Proposed Rule

A. Rules of General Applicability (12 CFR Part 303, Subpart A)

1. Public Notice Requirements (12 CFR 303.7)

Applications submitted under subpart C are generally subject to public comment and a related public notice period.¹⁰ Unlike the Bank Merger Act, section 18(c) of the FDI Act,¹¹ or the Change in Bank Control Act, section 17(j) of the FDI Act,¹² section 18(d) of the FDI Act does not impose public notice or comment requirements on branch establishments, branch relocations, or main office relocations. Nonetheless, the FDIC has, by regulation, required that branch applications be subject to public notice and comment.¹³

It is the FDIC's view that branch applications are generally more routine and less significant corporate transactions as compared to deposit insurance applications, merger transactions, or change in control transactions. This view is confirmed by the observation that the FDIC has received a limited number of public comments in response to subpart C applications. The regulatory comment

³ 12 U.S.C. 2903(a).

⁴ 12 CFR 303.42(a).

⁵ See 12 CFR 303.42(b) through (d).

⁶ See 12 CFR 303.43.

⁷ 12 CFR 303.2(r).

⁸ 12 CFR 303.43(a).

⁹ 12 CFR 303.43(b).

¹⁰ 12 CFR 303.44.

¹¹ 12 U.S.C. 1828(c)(3).

¹² 12 U.S.C. 1817(j)(2)(D).

¹³ 12 CFR 303.7(a).

period can significantly prolong the length of time routine proposals take to process. In addition, to the extent the FDIC has received comments in response to a branch application, such comments generally have not been specific to the application at hand and have, on balance, yielded little benefit for the purposes of the FDIC's evaluation of the statutory factors with respect to that application. Over the past five years, the FDIC has received an average of seven comments per year on branch applications, including multiple comments on separate branch applications filed by the same institution. Generally, when the FDIC has received multiple comments on separate filings by the same institution, the comments have repeated concerns that are unrelated to the application at hand.

Consequently, the historically limited benefit of the public notice and related comment period to the FDIC's consideration of the statutory factors when evaluating an application do not justify the prolonged review process for branch applications. Therefore, the FDIC is proposing to eliminate the public notice and related public comment period from subpart C and to make conforming changes to subpart A of 12 CFR part 303 of the FDIC Rules and Regulations (subpart A). Specifically, the FDIC proposes to strike the provisions in 12 CFR 303.7(a) and (c) that reference the establishment of a branch or a branch relocation or main office relocation in the context of setting forth generally applicable public notice requirements in subpart A.

In addition, under 12 CFR 345.29(c) of the FDIC CRA regulation, as in effect on March 29, 2024 (FDIC CRA regulation),¹⁴ the FDIC takes into account any views expressed by interested parties that are submitted regarding a bank's CRA record of performance in considering an application for approval of, among other things: (1) the establishment of a domestic branch or other facility with the ability to accept deposits, or (2) the relocation of the bank's main office or a branch. As noted above, the FDIC will continue to comply with its obligations under the CRA, but proposes to eliminate certain public notice and public comment period requirements from subpart C and related provisions in subpart A. The proposal would also include technical conforming changes to 12 CFR part 345 of the FDIC Rules and

Regulations, which cross reference the public notice provisions of 12 CFR part 303.

Regardless of whether the FDIC receives public comment regarding a filing submitted under subpart C, the FDIC takes into consideration the bank's CRA rating, as required under the CRA.¹⁵ As noted, an institution's ability to qualify for expediting processing as an "eligible depository institution" depends on a satisfactory or better CRA rating. The FDIC does not propose to alter this element of the definition of "eligible depository institution." Accordingly, eliminating the public comment period would not be inconsistent with the FDIC's obligations under the CRA.

2. Hearings and Other Meetings (12 CFR 303.10(a))

Applications submitted under subpart C are generally subject to the FDIC Rules and Regulations of general applicability concerning hearings. The FDIC rarely receives requests for hearings concerning applications under subpart C and conducts such hearings even less frequently. As noted above, the FDIC proposes to eliminate the public notice requirement in subpart C because the FDIC has found the public notice and related public comment period are not statutorily required and do not materially aid the FDIC's consideration of the statutory factors when evaluating an application to establish a domestic branch or to relocate a main office or domestic branch. Similarly, the public hearing process has not materially benefitted the FDIC's consideration of a branch application in the context of the statutory factors. Therefore, the FDIC proposes to eliminate from the public hearing provisions of 12 CFR 303.10(a) the reference to an insured State nonmember bank to establish a domestic branch or to relocate a main office or domestic branch.

B. Definitions (12 CFR 303.41)

1. Branch (12 CFR 303.41(a))

The FDIC proposes to revise the definition of "branch" at 12 CFR 303.41(a) to clarify the scope of the exclusion of remote service units from the definition of "branch." The proposed rule's definition of "branch" would specify that a branch does not include a remote service unit (RSU) or a financial education program that includes the provision of bank products and services covered under subpart C, and provide a definition for "remote service unit." The proposed definition

of "remote service unit" is discussed below.

2. Branch Relocation (12 CFR 303.41(b))

The FDIC proposes to establish a rule of construction within the definition of "branch relocation" at 12 CFR 303.41(b). Under the proposed rule, a branch relocation would not include a *de minimis* change in address. The rule of construction would define a "*de minimis* change in address" as occurring when a branch exchanges one physical facility for another within the same approximate location, such as where (1) a direct line of sight exists between the two facilities, (2) the facilities share the same parking area, or (3) the facilities are located on contiguous properties or on the same block.

The FDIC has found that in some situations a change in facility may be in a bank's best interest for a business, operational, or other reason outside the control of a bank, such as the same landlord expanding a shopping center and offering more advantageous lease terms for the exchange of one suite in the shopping center for another, and such changes are often subject to external time pressures. In the FDIC's experience, the exchange of one physical facility for another that results in such a *de minimis* change in address is not appropriately contemplated under the current subpart C. The proposed rule would recognize the absence of a significant supervisory purpose to processing filings for such *de minimis* changes in address by removing the requirement of a filing for such changes.

Although a *de minimis* change in address would not be subject to the requirements in 12 CFR 303.42 through 303.44, a bank completing a *de minimis* change in address would still be required to provide reasonable advance written notice to customers of the branch undergoing a *de minimis* change in address and advance notice to the appropriate FDIC office.

3. De Novo Interstate Branch (12 CFR 303.41(c))

The FDIC proposes to replace the term "de novo branch" with "de novo interstate branch" at 12 CFR 303.41(c). The term "de novo branch" is defined in section 18(d)(4)(C) of the FDI Act within the narrow context of interstate branching. However, the current definition of "de novo branch" in subpart C does not account for the interstate context of the statutory definition. The FDIC proposes to revise subpart C to account for the statutory interstate context by changing the defined term to "de novo interstate

¹⁴ See 12 CFR 345.29(a) (Mar. 29, 2024), available at <https://www.ecfr.gov/on/2024-03-29/title-12/section-345.29>. The relevant provisions also appear in appendix G to 12 CFR part 345, which reproduces the FDIC CRA regulation.

¹⁵ See 12 U.S.C. 2902(3)(C) through (D).

branch” and updating the definition to indicate a branch of a bank that is established by the bank as a branch in a State other than the bank’s home State or one in which the bank does not maintain a branch, and does not become a branch of such bank as a result of (1) the acquisition by the bank of an insured depository institution or a branch of an insured depository institution, or (2) the conversion, merger, or consolidation of any such institution or branch. The proposed rule would make conforming changes to account for the new defined term by replacing “de novo branch” with “de novo interstate branch” where it is used in subpart C. Under the proposed rule, this defined term would only be relevant in the context of ensuring that a filing for a “de novo interstate branch” would be deemed approved only after ensuring that relevant host State filing requirements have been satisfied.

4. Remote Service Unit (12 CFR 303.41(f))

As noted above, the FDIC proposes to define the term “remote service unit” at 12 CFR 303.41(f). Section 3(o) of the FDI Act excludes automated teller machines (ATMs) and RSUs from the definition of “domestic branch” but does not define either term. The FDIC proposes to adopt a definition of RSU that would align the FDIC Rules and Regulations with the regulations of the Office of the Comptroller of the Currency (OCC).¹⁶ The proposed rule would define “remote service unit” as an automated or unstaffed facility, operated by a customer of a bank with at most delimited assistance from bank personnel, that conducts banking functions such as receiving deposits, paying withdrawals, or lending money. An RSU includes an automated teller machine, automated loan machine, automated device for receiving deposits, personal computer, telephone, other similar electronic devices, and drop boxes. An RSU may be equipped with a telephone or tele-video device that allows contact with bank personnel.

The proposed rule would exclude a drop box from the definition of “branch” by including a drop box in the definition of “RSU” to avoid the incongruous result where the definition of “branch” encompasses a drop box but not an ATM.¹⁷

The FDIC’s proposed definition of “RSU” encompasses automated, unstaffed facilities that are operated by

the customer with at most delimited assistance from bank personnel, and that allow for telephonic or video connectivity with bank personnel. This is intended to accommodate most facilities commonly referred to as “interactive teller machines” (ITMs). In 2024, the FDIC issued a Financial Institutions Letter stating that an ITM would qualify for the RSU exclusion, and thus not be a branch, under the following circumstances: (1) the ITM is an automated, unstaffed banking facility owned or operated by, or operated exclusively for, the bank, which is equipped to enable existing customers to initiate an interactive session with remotely located bank personnel, and, (2) to the extent that bank personnel have the ability to remotely assist the customer with the operation of the ITM to perform core banking functions, customers must also be able to perform such transactions without the involvement of bank personnel and must have the sole discretion to initiate and terminate interactive sessions with bank personnel.¹⁸ As part of this proposal, the FDIC is seeking comment on whether these criteria should be retained or modified.

C. Filing Procedures (12 CFR 303.42)

1. General (12 CFR 303.42(a))

Under 12 CFR 303.42(a), applicants are required to submit an application to the appropriate FDIC office on the date the required newspaper notice of the bank’s proposal is published or within five days after the date of the last required newspaper publication. Thus, the timing requirement of the application is tied to the newspaper publication requirement. The FDIC proposes to eliminate the newspaper publication requirement in 12 CFR 303.44(a), as discussed in section III.E of this document, and to revise related provisions, including 12 CFR 303.42(a).

Under the proposed rule, a bank would be required to submit a letter filing to the appropriate FDIC office to establish a domestic branch or complete a branch relocation or main office relocation. As the public notice requirements have been stricken, the proposed rule does not specify a submission deadline but retains the requirement to submit a letter filing to the appropriate FDIC office in 12 CFR 303.42(a).

2. Content of Filing (12 CFR 303.42(b))

Applicants are currently required to submit the following information to the appropriate FDIC office when applying to establish a domestic branch or complete a branch relocation or main office relocation:

- A statement of intent to establish a branch, or to relocate the main office or a branch;
- The exact location of the proposed site, including the street address;
- Details concerning any involvement in the proposal by an insider of the bank, including any financial arrangements relating to fees, the acquisition of property, leasing of property, and construction contracts;
- Comments on any changes in services to be offered, the community to be served, or any other effect the proposal may have on the applicant’s compliance with the CRA;
- A copy of each newspaper publication, the name and address of the newspaper, and date of the publication; and
- When an application is submitted to relocate the main office of the applicant from one State to another, a statement of the applicant’s intent regarding retention of branches in the State where the main office exists prior to relocation.¹⁹

The intent of the letter content requirements is to aid the FDIC in satisfying its statutory obligation to consider the statutory factors when determining whether to grant or withhold its consent for a bank to establish a domestic branch or to move a main office or branch location. The FDIC has found, however, that through its routine examination and supervisory processes, it maintains sufficient information to consider the statutory factors without requiring a bank to compile and submit all the information currently required by subpart C. Additionally, technological advances currently enable the FDIC to more quickly access and analyze historic information regarding a bank compared to when subpart C was initially promulgated. The proposed rule would recognize these advances in information access and analysis within the context of the statutory factors.

As discussed in section III.E of this document, the proposed rule also would eliminate the newspaper publication requirement and public comment period. Therefore, the corresponding filing content requirements would be eliminated by the proposed rule as well.

¹⁶ See 12 CFR 7.1027.

¹⁷ See also OCC, “Activities and Operations of National Banks and Federal Savings Associations,” 85 FR 83686, 83703 (Dec. 22, 2020).

¹⁸ See FDIC, FIL–53–2024, “Classification of Interactive Teller Machines as Domestic Branches or Remote Service Units” (Aug. 9, 2024), available at <https://www.fdic.gov/news/financial-institution-letters/2024/classification-interactive-teller-machines-domestic>.

¹⁹ 12 CFR 303.42(b).

Accordingly, the FDIC proposes to revise the filing content requirement to require a bank to submit the following:

- A statement of intent to establish a branch, or to relocate the main office or a branch;
- The exact location of the proposed site, including the street address;
- When a filing is submitted to relocate the bank's main office from one State to another, a statement of the bank's intent regarding retention of branches in the State where the main office exists prior to relocation; and
- With respect to a branch relocation or a main office relocation, confirmation that advance written notice was provided to customers of the branch or main office being relocated.

D. Processing (12 CFR 303.43)

1. Expedited Processing for Eligible Depository Institutions (12 CFR 303.43(a))

Under subpart C, an application submitted by an "eligible depository institution" qualifies for expedited processing, subject to removal by the FDIC for the reasons set forth in 12 CFR 303.11(c)(2). An application processed under expedited processing is deemed approved on the latest of the following: (1) the 21st day after receipt by the FDIC of a substantially complete filing; (2) the 5th day after expiration of the comment period described in 12 CFR 303.44; or (3) in the case of an application to establish and operate a de novo branch in a State that is not the applicant's home State and in which the applicant does not maintain a branch, the 5th day after the FDIC receives confirmation from the host State that the applicant has both complied with the filing requirements of the host State and submitted a copy of the application with the FDIC to the host State bank supervisor.²⁰

The FDIC proposes to retain the definition of "eligible depository institution," shorten the approval period for expedited processing, and eliminate the FDIC's discretion to remove a filing from expedited processing.

Under 12 CFR 303.2(r) of the FDIC Rules and Regulations, to qualify as an "eligible depository institution," a bank must satisfy the following criteria:

- Received an FDIC-assigned composite rating of 1 or 2 under the UFIRS as a result of its most recent Federal or State examination;
- Received a satisfactory or better CRA rating from its primary Federal regulator at its most recent examination;

- Received a compliance rating of 1 or 2 from its primary Federal regulator at its most recent examination;
- Is well-capitalized as defined in the appropriate capital regulation and guidance of the institution's primary Federal regulator; and
- Is not subject to a cease and desist order, consent order, prompt corrective action directive, written agreement, memorandum of understanding, or other administrative agreement with its primary federal regulator or chartering authority.²¹

The criteria to qualify as an "eligible depository institution" correspond with many of the statutory factors that must be satisfied to establish or relocate a domestic branch. Accordingly, the FDIC has determined that qualification as an "eligible depository institution" can, in many cases, facilitate the FDIC's consideration of a proposed branch establishment or relocation within the context of the statutory factors and allow for a more truncated expedited processing framework than the one that exists today. The proposal would therefore shorten the timeline for expedited processing.

Under the proposed rule, a filing submitted by an eligible depository institution to establish a branch that is processed under expedited processing would be deemed approved on the later of the following: (1) the third business day after receipt by the FDIC of a substantially complete filing; or (2) in the case of an application to establish and operate a de novo interstate branch in a State that is not the applicant's home State and in which the applicant does not maintain a branch, the fifth day after the FDIC receives confirmation from the host State that the applicant has both complied with the filing requirements of the host State and submitted a copy of the application with the FDIC to the host State bank supervisor.²²

Currently, under subpart A of 12 CFR part 303 of the FDIC Rules and Regulations, the FDIC retains discretion to remove a filing from expedited processing for one of the following reasons:

- For filings subject to public notice, an adverse comment is received that warrants additional investigation or review;

²¹ 12 CFR 303.2(r).

²² Filings involving a de novo interstate branch typically involve a lengthier approval timeline because they are subject to additional statutory requirements. See 12 U.S.C. 1828(d)(4)(B). Specifically, the bank must comply with state filing requirements, satisfy concentration limits, be adequately capitalized, and be well capitalized and well managed upon establishment of the branch. See 12 U.S.C. 1831u(b)(1), (3), and (4).

For filings subject to evaluation of CRA performance, a CRA protest is received that warrants additional investigation or review, or the appropriate regional director determines that the filing presents a significant CRA or compliance concern;

- For any filing, the appropriate regional director determines that the filing presents a significant supervisory concern, or raises a significant legal or policy issue; or
- For any filing, the appropriate regional director determines that other good cause exists for removal.²³

The FDIC exercises this discretion on a limited basis. If an institution meets all the criteria for expedited processing, the likelihood that opening a new branch would present material supervisory concerns is extremely remote. Thus, under the proposal, any proposed branch filing from an institution that satisfies the criteria for expedited processing would be deemed approved in accordance with the statutory factors, without discretion to remove the filing from expedited processing. This aspect of the proposal is consistent with the FDIC's goal to provide more certainty to filers who satisfy all the criteria for expedited processing and ensure timely processing of such filings.

2. Expedited Processing for Branch Relocations and Main Office Relocations (12 CFR 303.43(b))

The FDIC proposes to establish a new category of expedited processing for intrastate branch relocations and main office relocations by certain banks under revised 12 CFR 303.43(b). Filings for intrastate branch relocations or intrastate main office relocations would be acknowledged in writing by the FDIC and would receive expedited processing if the bank received an FDIC-assigned composite rating of 3 or better under the UFIRS as a result of its most recent Federal or State examination. Expedited processing would apply under 12 CFR 303.43(b) regardless of whether the institution satisfies the other criteria in 12 CFR 303.2(r) for an eligible depository institution.

Subpart C of 12 CFR part 303 defines "branch relocation" narrowly as a move within the same immediate neighborhood of the existing branch that does not substantially affect the nature of the business of the branch or the customers of the branch.²⁴ The definition specifies that moving a branch to a location outside its immediate neighborhood is considered

²³ 12 CFR 303.11(c)(2).

²⁴ 12 CFR 303.41(b).

²⁰ 12 CFR 303.43(a).

the closing of an existing branch and the establishment of a new branch. Thus, a branch relocation typically presents a limited set of facts and circumstances for review and consideration within the context of the statutory factors. Although not defined, main office relocations present a similarly narrow set of facts and circumstances for review and consideration. The FDIC considers the statutory factors within the context of the application submitted.

Because branch relocations and main office relocations typically present a narrow scope of review and consideration, the FDIC proposes to establish a new category of expedited processing for proposed intrastate branch or main office relocations submitted by a bank that received an FDIC-assigned composite rating of 3 or better under the UFIRS as a result of its most recent Federal or State examination. The FDIC has found that when a bank that has received an FDIC-assigned composite rating of 3 or better under the UFIRS as a result of its most recent Federal or State examination applies for a branch relocation or main office relocation, the rating can serve as a meaningful proxy for the statutory factors within the context of the application. Thus, the FDIC proposes to establish a new eligibility criterion for intrastate branch relocation or main office relocation filings to qualify for expedited processing. The eligibility criterion is based on the FDIC's particular experience and expertise and reflects the FDIC's consideration of the statutory factors within the context of branch relocations and main office relocations generally.

Under the proposed rule, a filing for an intrastate branch relocation or main office relocation processed under expedited processing would be deemed approved on the third business day after receipt by the FDIC of a substantially complete filing. The proposed rule also would eliminate the FDIC's authority to remove such filings from expedited processing.

3. FDIC Internal Processes

In addition to publishing this proposed rule, the FDIC is evaluating and updating its internal processes to further streamline and expedite the review and consideration of applications submitted under subpart C of 12 CFR part 303. The FDIC's Application Procedures Manual (APM) provides direction for professional staff assigned to review and process applications under subpart C and are

available for public review.²⁵ Applications submitted under subpart C are received and processed by the appropriate FDIC regional office (RO) pursuant to the APM and the FDIC Board of Director's "Delegations of Authority for Supervisory Filings, Enforcement Matters, Capital Determinations, and Information Sharing Agreements."²⁶ The FDIC has published matrices that summarize delegations to professional staff, circumstances that may restrict the authority to act pursuant to such delegations, and other information relevant to the exercise of authority.²⁷ The FDIC intends to review its delegations of authority to promote efficient decisioning on applications, specifically by delegating additional authority to ROs.

The FDIC also intends to update its internal processes for responding to an application submitted under subpart C that qualifies for expedited processing. Currently, an applicant receives multiple response letters from the FDIC, which may create confusion and delay. After updates to internal processes, if an application is substantially complete and qualifies for expedited processing, the RO would be expected to issue a single letter to the applicant within three business days to acknowledge receipt of the application and state that the application would be deemed approved by the latest date applicable under subpart C. The FDIC anticipates this change would enhance certainty for applicants by reducing the number of potential communications involved in the branch application process to a single letter.

E. Public Notice Requirements (12 CFR 303.44)

Currently, a bank making a filing subject to subpart C must publish a notice in a newspaper of general circulation. The FDIC proposes to eliminate the newspaper publication requirement in 12 CFR 303.44(a) and related provisions. The FDIC expects banks seeking to relocate a branch to notify affected customers, and notes that elimination of the FDIC's public notice requirement would not preempt any publication, customer notification, or

other similar requirements under applicable State law.

F. Moving an Insured Branch of a Foreign Bank (12 CFR 303.184)

As noted above, subpart J of 12 CFR part 303 governs an application by an insured branch of a foreign bank seeking the FDIC's consent to move from one location to another, and the requirements in subpart J largely mirror those found in subpart C of 12 CFR part 303 for an insured State nonmember bank. The proposed rule would make changes to subpart J to correspond to those proposed for subpart C discussed above.

IV. Expected Effects of the Proposed Rule

As previously discussed, the objective of the proposed rule is to reduce the regulatory burden on insured State nonmember banks seeking to establish a branch or relocate a main office or branch by shortening the length of, as well as clarifying and reducing content requirements for, associated filings, and to do the same for relocations of insured branches of foreign banks.

This analysis utilizes all regulations and guidance applicable to FDIC-supervised insured State nonmember banks and insured branches of foreign banks (collectively, insured depository institutions or IDIs), as well as information on the financial condition of FDIC-supervised IDIs as of the quarter ending March 31, 2025, as the baseline to which the effects of the proposed rule are estimated.

If adopted, the proposed rule would apply to FDIC-supervised State nonmember banks seeking to establish a branch, relocate a main office or branch, and to FDIC-supervised insured branches of foreign banks seeking to relocate an insured branch of a foreign bank. As of the quarter ending March 31, 2025, the FDIC supervises 2,835 State nonmember banks or insured branches of foreign banks which collectively operate 25,424 branches and main offices.²⁸ In the period from 2015 to 2024, the FDIC received 6,641 branch applications: 5,059 to establish a branch, 461 to relocate a main office, 1,120 to relocate a branch, and 1 to relocate an insured branch of a foreign bank, for an average of 664 filings per year.²⁹ Based on this historical average, the FDIC estimates that the proposed rule would affect approximately 700

²⁵ FDIC, APM, available at <https://www.fdic.gov/bank-examinations/applications-procedures-manual>.

²⁶ FDIC, Resolution 086825, "Delegations of Authority for Supervisory Filings, Enforcement Matters, Capital Determinations, and Information Sharing Agreements" (Oct. 20, 2020), available at <https://www.fdic.gov/regulations/laws/matrix/delegations-resolution.pdf>.

²⁷ See FDIC, Delegations of Authority, available at <https://www.fdic.gov/bank-examinations/delegations-authority>.

²⁸ FDIC Call Report and Structure Data, March 31, 2025.

²⁹ FDIC supervisory data.

branch applications per year on average.³⁰

In general, the proposed rule would reduce the regulatory requirements for branch applications. Specifically, it would establish that State nonmember banks that seek to make a *de minimis* change in the address of a branch would only need to notify the FDIC of such a change, rather than submit an application. For all other branch applications, the proposed rule would reduce filing content requirements from six to four items. The proposed rule would also eliminate or greatly reduce public notice requirements for applications.³¹

For State nonmember banks that seek a *de minimis* relocation, the FDIC estimates that the proposed rule would eliminate the entire estimated five-hour burden of preparing and submitting a branch application.³² At a conservative estimate of \$200 per hour per application,³³ the resulting savings would be \$1,000 per *de minimis* relocation. Strictly for the purpose of estimating the number of *de minimis* relocations per year, the FDIC assumes that the distances of such relocations would be less than 0.1 miles.³⁴ Of the 6,641 branch applications used in this analysis, 299 involved a relocation distance less than 0.1 miles. As such, the FDIC estimates that approximately 30 branch applications per year would

involve a *de minimis* relocation, resulting in an estimated aggregate benefit of \$30,000 annually.³⁵

For the remaining 670 branch applications that do not involve *de minimis* relocations, the proposed rule would reduce the regulatory requirements for preparing and submitting branch applications. Specifically, it would reduce filing content requirements from six to four items. The proposed rule would also eliminate public notice requirements for these applications. The FDIC estimates these changes would benefit applicants by reducing the time spent preparing and submitting branch applications by approximately two hours, on average.³⁶ At a conservative hourly burden estimate of \$200 per hour,³⁷ the proposed rule would result in aggregate cost savings of approximately \$268,000 per year.³⁸

Summing up the quantified effects for all 700 affected branch applications, the FDIC estimates that the proposed rule would result in approximately \$300,000 in savings per year from the reduction of labor costs associated with preparing and submitting branch applications.

As previously discussed, the proposed rule would generally reduce the time it takes for the FDIC to process a filing. In particular, the proposed rule would establish a deadline of three days for approval after receipt of a substantially complete expedited intrastate branch filing; a reduction of between 18 days and 28 days, respectively.³⁹ Further, the proposed

rule would expand expedited processing for intrastate branch filings and main office relocations to a bank that received an FDIC-assigned composite rating of 3 or better under the UFIRS as a result of its most recent Federal or State examination. Finally, the proposed rule would eliminate the FDIC's discretion to remove a filing from expedited processing. According to FDIC supervisory data, a filing to establish a branch, or to relocate a branch or main office, subject to expedited processing takes an average of 25 days to process.⁴⁰

The proposed rule's reduction in processing times for certain branch applications would have clear benefits for eligible depository institution applicants. Faster processing times would reduce the period of uncertainty for applicants and reduce costs associated with downtime while waiting for a decision from the FDIC. IDIs would be able to more swiftly respond to changes in local economic conditions, such as a change in landlord for an IDI's current location or a time-sensitive opportunity to relocate to a more desirable location. The FDIC does not have the information necessary to further quantify the benefit associated with the reduction in the time it takes for the FDIC to process filings, but believes that processing time reductions would improve productivity and competitiveness for applicants.

As previously discussed, the proposed rule would clarify certain definitions in the filing regulations. Specifically, the proposed rule would clarify that the term *branch* does not include remote service units, drop boxes, or financial education programs that include the provision of bank products and services. In practice the FDIC has not considered such locations covered by the filing requirements for establishing a branch, relocating a main office or branch, or relocating an insured branch of a foreign bank. Finally, the proposed rule clarifies the definition of "de novo interstate branch." The FDIC does not have the information necessary to quantify the benefits to prospective applicants associated with these aspects of the proposed rule. However, the FDIC believes that these clarifications would benefit applicants and the industry by reducing uncertainty among prospective applicants.

As previously discussed, the FDIC does not believe that the proposed rule

³⁰ Although the proposed rule would result in a decrease in the burden for a branch application, the FDIC does not believe the proposed rule would likely result in a material increase in the number of branch applications. To the extent that the proposed rule results in a greater number of branch applications, the historical average of 664 branch applications per year may be an undercount of the number of applications affected by the proposed rule. The FDIC believes that using 700 as the number of branch applications per year is a conservative estimate for purposes of estimating the effects of the proposed rule.

³¹ A bank completing a *de minimis* change in address would still be required to provide reasonable advance written notice to customers of the branch per proposed 12 CFR 303.41(b).

³² Based on Paperwork Reduction Act hourly burden estimates for branch applications by state nonmember banks under Information Collection Request OMB No. 3064-0070 (See https://www.reginfo.gov/public/do/PRAICList?ref_nbr=202301-3064-006). Hourly burden estimates for branch applications by foreign banks under Information Collection Request OMB No. 3064-0114 are not used for this analysis because only 1 out of 6,641 historical branch applications was submitted by a foreign bank.

³³ In recent Information Collection Requests, the FDIC estimated that the fully loaded costs of preparing and submitting branch applications are approximately \$147 per hour for state nonmember banks and \$135 per hour for foreign banks. See https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202312-3064-001, respectively.

³⁴ *de minimis* relocations would only involve relocations "within the same approximate location," as per proposed 12 CFR 303.41(b)(1)(i).

³⁵ \$30,000 savings annually = \$1,000 per relocation application × 30 applications per year; and 30 branch applications per year = 299 applications/10 years.

³⁶ Details of the time to prepare and submit branch applications are provided in Section VII.B. Paperwork Reduction Act of this document.

³⁷ In recent Information Collection Requests, the FDIC estimated that the fully loaded costs of preparing and submitting branch applications are approximately \$147 per hour for State nonmember banks and \$135 per hour for foreign banks. See https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202301-3064-006 and https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202312-3064-001, respectively.

³⁸ \$268,000 cost savings per year = 670 branch applications per year × 2 hours saved per application × \$200 per hour saved.

³⁹ As noted above, intrastate branch filings are deemed approved under expedited processing on the latest of: the 21st day after receipt by the FDIC of a substantially complete filing, or the 5th day after expiration of the comment period described in 12 CFR 303.44, which at most could be 23 days (consisting of 8 days to meet the newspaper publication requirement plus a 15 day comment period), and 5 + 23 = 28. The proposal's deadline of three days (down from 21) for intrastate branch filings represents a decrease of 18 days from baseline, and the proposed elimination of the public notice requirements and associated five-day processing period represents a decrease of 28 days from baseline.

⁴⁰ Based on branch applications received from 2015 to 2024 which had received a final status of approved, denied, withdrawn or returned as of June 24, 2025.

would pose any material direct costs to applicants. The FDIC acknowledges that there may be ancillary costs to the public. For example, the elimination of the public notice requirements and related public comment period for branch and main office relocations⁴¹ may result in some confusion among bank customers or other community stakeholders. The proposed rule mitigates this by maintaining that IDIs shall provide advance written notice to customers of the office undergoing an address change. The FDIC does not have the data necessary to quantify the effect of the proposed elimination of the public notice requirements and related public comment period. However, given the limited historical number of public comments in response to subpart C applications, and the mitigation just mentioned, the FDIC does not believe this effect to be material. Moreover, the proposed rule does not affect the responsibility of FDIC-supervised institutions to help meet the credit needs of the communities in which they are headquartered or operate branches.⁴² Therefore, the FDIC believes that the proposed rule would pose no substantiative indirect costs to customers.

Finally, the FDIC believes that the proposal could provide indirect benefits to customers of insured State nonmember banks and insured branches of foreign banks. To the extent that the shorter processing periods, reduced filing content requirements, and clarifications within the proposed rule reduce the time it takes such institutions to begin providing banking products and services at applicable locations, customers may benefit. The FDIC does not have the necessary information to quantify such benefits.

V. Alternatives Considered

The FDIC considered implementing internal process changes related to the review of subpart C applications that would result in abbreviated review periods without implementing a regulatory change. However, the FDIC determined that improving the speed, certainty and regulatory burden associated with the processes for branch filings would be better achieved through a formal notice and comment rulemaking that considers feedback from all stakeholders. As discussed above, the FDIC also expects to implement changes to its internal processes for branch filings in tandem with the amendments set forth in this

proposal to further support these objectives.

VI. Request for Comments

The FDIC seeks comments on all aspects of the proposed rule. The FDIC also seeks specific comment on the following:

Question 1. Are the proposed filing content requirements appropriate to garner sufficient information for the FDIC to evaluate the statutory factors in the context of the establishment of a domestic branch or branch or main office relocation? Are there additional information elements the FDIC should consider or seek to remove? If so, please explain how the addition or removal of such information would facilitate the FDIC's consideration of the statutory factors.

Question 2. Is the FDIC's elimination of the public comment period for branch applications appropriate? Please explain why or why not.

Question 2. Is the FDIC's criteria for a branch application to satisfy "expedited processing" appropriate? Please explain why or why not.

Question 3. Is the FDIC's proposed definition of "branch relocation" appropriate? If not, what alternatives should the FDIC consider? Is the FDIC's criteria for expedited processing for a branch relocation appropriate?

Question 4. What are the advantages and disadvantages of the proposed "de minimis" exception to the definition of "branch relocation"? Are there supervisory benefits to continuing to require a filing for a branch facility change that would satisfy the proposed "de minimis" exception that the FDIC should consider? If so, please explain those benefits and how they outweigh the burden associated with requiring a filing for such branch facility changes.

Question 5. Is the FDIC's proposed definition of "remote service unit" appropriate? Does the definition's "delimited assistance" standard provide clarity regarding whether an ITM would qualify for the RSU exclusion? Is FDIC FIL-53-2024 consistent with this definition, and what alternatives to FDIC FIL-53-2024 would provide greater clarity as to the scope of the "delimited assistance" standard?

Question 6. Are there any other aspects of subpart C, 12 CFR 303.184, or the proposed rule the FDIC should consider amending? If so, please explain those changes and how they would support the objectives of this proposal.

VII. Regulatory Analysis

A. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency, in

connection with a proposed rule, to prepare and make available for public comment an initial regulatory flexibility analysis that describes the impact of the proposed rule on small entities.⁴³ However, an initial regulatory flexibility analysis is not required if the agency certifies that the proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The Small Business Administration (SBA) has defined "small entities" to include banking organizations with total assets of less than or equal to \$850 million.⁴⁴ Generally, the FDIC considers a significant economic impact to be a quantified effect in excess of 5 percent of total annual salaries and benefits or 2.5 percent of total noninterest expenses. The FDIC believes that effects in excess of one or more of these thresholds typically represent significant economic impacts for FDIC-supervised institutions.

If adopted, the proposed rule would apply to small entities seeking to establish a branch, relocate a main office or branch, or relocate an insured branch of a foreign bank. As of the quarter ending March 31, 2025, the FDIC supervised 2,835 IDIs, of which 2,109 are considered "small" for the purposes of RFA.⁴⁵ These 2,109 small IDIs collectively operated 8,412 branches and main offices.⁴⁵ In the period from 2015 to 2024, small IDIs submitted 2,020 applications to establish a branch, 352 applications to relocate a branch, and 295 applications to relocate a main office, for a total of 2,667 applications across all 10 years, or an average of 267 applications per year.⁴⁶ Based on this historical average, the FDIC estimates the proposed rule would affect

⁴³ 5 U.S.C. 601 *et seq.*

⁴⁴ The SBA defines a small banking organization as having \$850 million or less in assets, where an organization's "assets are determined by averaging the assets reported on its four quarterly financial statements for the preceding year." See 13 CFR 121.201 (as amended by 87 FR 69118, effective December 19, 2022). In its determination, the "SBA counts the receipts, employees, or other measure of size of the concern whose size is at issue and all of its domestic and foreign affiliates." See 13 CFR 121.103. Following these regulations, the FDIC uses an insured depository institution's affiliated and acquired assets, averaged over the preceding four quarters, to determine whether the insured depository institution is "small" for the purposes of RFA.

⁴⁵ FDIC Call Report and Structure Data, March 31, 2025.

⁴⁶ FDIC supervisory and Call Report data. For the purpose of these application counts an IDI is considered "small" for purposes of the RFA if it is identified in the FDIC's data as "small" as of the quarter-end in which it sent a relevant application to the FDIC. Note that no insured branches of foreign banks are considered "small" for purposes of the RFA.

⁴¹ Proposed 12 CFR 303.44.

⁴² See the FDIC CRA regulation.

approximately 300 branch applications from small IDIs per year on average.⁴⁷

In general, the proposed rule would reduce the regulatory requirements for establishing or relocating a branch. Specifically, it would eliminate filing requirements for *de minimis* relocations and reduce filing content requirements from six to four items for all other applications. The proposed rule would also eliminate or greatly reduce public notice requirements for all branch establishments and relocations.⁴⁸

As discussed in the Expected Effects section of this document, the FDIC estimates that there would be upwards of 30 *de minimis* relocations per year. Based on supervisory and Call Report data, the FDIC estimates that upwards of 10 *de minimis* relocations would involve small IDIs. The proposed rule would reduce the burden for these *de minimis* relocations by five hours, or \$1,000, per relocation.⁴⁹ Based on Call Report data for the quarter ending March 31, 2025, a cost savings of \$1,000 is in excess of 5 percent of total annual salaries and benefits or 2.5 percent of total noninterest expenses for one small IDI.

For the remaining 290 branch applications from small IDIs that do not involve *de minimis* relocations, the FDIC estimates the proposed rule would benefit small applicants by reducing the time spent preparing and submitting branch applications by approximately two hours, on average, or \$400 per application.⁵⁰ Based on Call Report data for the quarter ending March 31, 2025, a cost savings of \$400 is in excess of 5 percent of total annual salaries and

benefits or 2.5 percent of total noninterest expenses for one small IDI.

Based on the quantified effects of the proposed rule described above, the FDIC estimates that the rule would not significantly affect more than two small IDIs.

As discussed in the Expected Effects section of this document, the proposed rule would also reduce the time it takes for the FDIC to process a filing. In particular, the proposed rule would establish a deadline of three days for approval after receipt of a substantially complete expedited intrastate branch filing; a reduction of between 18 days and 28 days, respectively.⁵¹ Further, the proposed rule would expand expedited processing for intrastate branch filings and main office relocations to a bank that received an FDIC-assigned composite rating of 3 or better under the UFIRS as a result of its most recent federal or state examination. Finally, the proposed rule would eliminate the FDIC's discretion to remove a filing from expedited processing. According to FDIC supervisory data, a filing to establish a branch, or to relocate a branch or main office, subject to expedited processing takes an average of 25 days to process.⁵²

The proposed rule's reduction in processing times for certain branch applications would have clear benefits for eligible small depository institution applicants. Faster processing times would reduce the period of uncertainty for applicants and reduce costs associated with downtime while waiting for a decision from the FDIC. IDIs would be able to more swiftly respond to changes in local economic conditions, such as a change in landlord for an IDI's current location or a time-sensitive opportunity to relocate to a more desirable location. The FDIC does not have the information necessary to further quantify the benefit associated with the reduction in the time it takes for the FDIC to process filings, but believes that processing time reductions

would improve productivity and competitiveness for applicants.

As previously discussed, the proposed rule would clarify certain definitions in the filing regulations. Specifically, the proposed rule would clarify that "branch" does not include remote service units, drop boxes, or financial education programs that include the provision of bank products and services. In practice the FDIC has not considered such locations covered by the filing requirements for establishing a branch, relocating a main office or branch, or relocating an insured branch of a foreign bank. Finally, the proposed rule clarifies the definition of interstate branch, intrastate branch, and *de novo* interstate branch for the purposes of the application requirements for establishing a branch, relocating a main office or branch, or relocating an insured branch of a foreign bank. The FDIC does not have the information necessary to quantify the benefits to prospective applicants associated with these aspects of the proposed rule. However, the FDIC believes that these clarifications would benefit applicants and the industry by reducing uncertainty among prospective applicants.

The unquantified benefits discussed above are additional to the quantified benefits. Conservatively, if each branch application affected by the proposed rule were submitted by a distinct small IDI, then the proposed rule would affect 300 small IDIs. The FDIC does not believe that the unquantified benefits would likely result in a significant effect for the vast majority of the 300 affected IDIs.

Finally, the FDIC does not believe that the proposed rule would pose any material direct costs to applicants.

In light of the foregoing, the FDIC certifies that the proposed rule would not have a significant economic impact on a substantial number of small entities. Accordingly, an initial regulatory flexibility analysis is not required.

The FDIC invites comments on all aspects of the supporting information provided in this RFA section. The FDIC is particularly interested in comments on any significant effects on small entities that the agency has not identified.

B. Paperwork Reduction Act

Certain provisions of the proposed rule contain "collections of information" within the meaning of the Paperwork Reduction Act (PRA) of 1995.⁵³ In accordance with the

⁴⁷ Although the proposed rule would result in a decrease in the burden imposed by a branch application, the FDIC does not believe the proposed rule would likely result in a material increase in the number of branch applications. To the extent that the proposed rule results in a greater number of branch applications from small IDIs, the historical average of 267 branch applications per year may be an undercount of the number of applications affected by the proposed rule. The FDIC believes that using 300 as the number of branch applications from small IDIs per year is a conservative estimate for purposes of the RFA.

⁴⁸ A bank completing a *de minimis* change in address would still be required to provide reasonable advance written notice to customers of the branch per proposed 12 CFR 303.41(b).

⁴⁹ Based on a conservative hourly burden estimate of \$200 per hour. In recent Information Collection Requests, the FDIC estimated that the fully loaded costs of preparing and submitting branch applications are approximately \$147 per hour for state nonmember banks and \$135 per hour for foreign banks. See https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202301-3064-006 and https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202312-3064-001, respectively.

⁵⁰ Details of the time to prepare and submit branch applications are provided in section VII.B., Paperwork Reduction Act, of this preamble.

⁵¹ As noted above, intrastate branch filings are deemed approved under expedited processing on the latest of: the 21st day after receipt by the FDIC of a substantially complete filing, or the 5th day after expiration of the comment period described in 12 CFR 303.44, which at most could be 23 days (consisting of 8 days to meet the newspaper publication requirement plus a 15-day comment period), and $5 + 23 = 28$. The proposal's deadline of three days (down from 21) for intrastate branch filings represents a decrease of 18 days from baseline, and the proposed elimination of the public notice requirements and associated five-day processing period represents a decrease of 28 days from baseline.

⁵² Based on branch applications received from 2015 to 2024 which had received a final status of approved, denied, withdrawn or returned as of June 24, 2025.

⁵³ 44 U.S.C. 3501.

requirements of the PRA, the FDIC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Budget and Management (OMB) control number. The information collections contained in the proposed rule have been submitted to OMB for review and approval by the FDIC under section 3507(d) of the PRA⁵⁴ and § 1320.11 of OMB's implementing regulations.⁵⁵ The FDIC proposes to extend for three years, with revision, the following information collections:

Title of Information Collection:

Application for a bank to establish a branch or move its main office or branch.

OMB Control Number: 3064–0070.

Respondents: Insured State nonmember banks.

Current Actions: The proposed rule revises the currently-approved information collection as follows:

Section 303.42, *Application for a bank to establish a branch or move its main office or Branch*. Pursuant to sections 13(f), 13(k), 18(d) and 44 of the FDI Act, insured State nonmember banks must obtain FDIC approval before establishing a branch, relocating a branch or main office, or retaining existing branches after the interstate relocation of the main office. This information collection represents the occasional reporting requirement associated with those institutions' application for FDIC approval. The proposed rule would reduce reporting burden by eliminating the requirement that the applicant provide information regarding insider involvement in the proposed branch office, comments on changes in services offered or the effect the proposal may have on the applicant's compliance with the Community Reinvestment Act (CRA), and a copy of and information related to the required newspaper publication. As such, the FDIC estimates average time per response would be reduced from 5 hours to 3 hours. However, to account for additional applications that may result from changes in the proposed rule as well as historical data since the most recent PRA renewal, the FDIC also estimates an increase in respondents from 436 to 700. Thus, the total estimated annual burden for OMB No. 3064–0070 is 2,100 hours, a decrease of 80 hours from the most recent PRA renewal.⁵⁶

Title of Information Collection:

Foreign Banks.

OMB Control Number: 3064–0114.

Respondents: Insured branches of foreign banks.

Current Actions: The proposed rule revises the currently-approved information collection as follows:

The FDIC is proposing to remove the information collection "Section 303.184, *Moving a Branch*" from the ICR under the OMB Control No. 3064–0114 and include it in the ICR under OMB Control No. 3064–0070. Under 12 CFR 303.183, insured branches of foreign banks seeking approval from the FDIC to move locations complete a substantially similar application as domestic banks seeking FDIC approval to move locations. To ensure consistent burden estimates between similar respondents completing similar applications, the FDIC will include burden estimates from the information collection "Section 303.184, *Moving a Branch*" in the information collection "*Application for a bank to establish a branch or move its main office or Branch*." Combining these two information collections does not affect the FDIC estimates of respondents for the information collection under OMB Control No. 3064–0070 because historically the FDIC rarely receives applications to move insured branches from foreign banks. In the most recent PRA renewal for OMB Control No. 3064–0114, the FDIC used a placeholder of a single respondent to maintain the information collection.

Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility;

(b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used;

(c) ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Comments on aspects of this document that may affect reporting, recordkeeping, or disclosure requirements and burden estimates should be sent to the address listed in the ADDRESSES section of this document. Written comments and recommendations for this information collection also should be sent within 60

days of publication of this document to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 60-day Review—Open for Public Comments" or by using the search function.

C. Plain Language

Section 722 of the Gramm-Leah-Bliley Act requires Federal banking agencies to use plain language in all proposed and final rules published after January 1, 2000. The FDIC invites your comments on how to make the proposed rule easier to understand. For example:

- Has the FDIC organized the material to suit your needs? If not, how could the proposed rule be more clearly stated?
- Are the requirements in the proposed rule clearly stated? If not, how could the proposed rule be more clearly stated?
- Does the proposed rule contain language or jargon that is not clear? If so, which language requires clarification?
- Would a different format (groupings and order of sections, use of headings, paragraphing) make the guidelines easier to understand? If so, what changes to the format would make the proposed rule easier to understand?
- What else could the FDIC do to make the proposed rule easier to understand?

D. Riegle Community Development and Regulatory Improvement Act of 1994

Pursuant to section 302(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (RCDRIA),⁵⁷ in determining the effective date and administrative compliance requirements for new regulations that impose additional reporting, disclosure, or other requirements on IDIs, each Federal banking agency must consider, consistent with principles of safety and soundness and the public interest, any administrative burdens that such regulations would place on affected depository institutions, including small depository institutions, and customers of depository institutions, as well as the benefits of such regulations. In addition, section 302(b) of the RCDRIA requires new regulations and amendments to regulations that impose additional reporting, disclosures, or other new requirements on IDIs generally to take effect on the first day of a calendar quarter that begins on or after the date on which the regulations are published in final form. The FDIC invites

⁵⁴ 44 U.S.C. 3507(d).

⁵⁵ 5 CFR 1320.

⁵⁶ FDIC Application for a bank to establish a branch or move its main office or branch, OMB No. 3064–0070, available at https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202301-3064-006.

⁵⁷ 12 U.S.C. 4802(a).

comments that further will inform its consideration of the RCDRIA.⁵⁸

D. Providing Accountability Through Transparency Act of 2023

The Providing Accountability Through Transparency Act of 2023⁵⁹ requires that a notice of proposed rulemaking include the internet address of a summary of not more than 100 words in length of a proposed rule, in plain language, that shall be posted on the internet.

The FDIC proposes to modify the procedures for an insured State nonmember bank to establish a domestic branch or relocate a domestic main office or branch. The proposed rule would eliminate certain filing requirements, shorten processing timelines, and eliminate public notice procedures. The FDIC proposes to make corresponding changes to the procedures applicable to the relocation of an insured branch of a foreign bank. The FDIC also proposes to update certain related definitions to further streamline branch filing regulatory compliance obligations.

The proposal and the required summary can be found at <https://www.fdic.gov/resources/regulations/federal-register-publications/index.html>.

E. Executive Orders 12866 and 14192

Executive Order 12866, as amended, provides that the Office of Information and Regulatory Affairs (OIRA) will review all “significant regulatory actions” as defined therein. OIRA has determined that this proposal is not a “significant regulatory action” for purposes of Executive Order 12866. The proposal, if finalized as proposed, is not expected to be an Executive Order 14192 regulatory action.

List of Subjects

12 CFR Part 303

Administrative practice and procedure, Bank deposit insurance, Banks, banking, Reporting and recordkeeping requirements, Savings associations.

12 CFR Part 345

Banks, banking, Community development, Credit, Investments, Reporting and recordkeeping requirements.

Authority and Issuance

For the reasons stated in the preamble, the Federal Deposit Insurance Corporation proposes to amend 12 CFR parts 303 and 345 as follows:

PART 303—FILING PROCEDURES

■ 1. The authority citation for part 303 continues to read as follows:

Authority: 12 U.S.C. 378, 1464, 1813, 1815, 1817, 1818, 1819(a) (Seventh and Tenth), 1820, 1823, 1828, 1829, 1831a, 1831e, 1831o, 1831p–1, 1831w, 1835a, 1843(l), 3104, 3105, 3108, 3207, 5414, 5415, and 15 U.S.C. 1601–1607.

■ 2. In § 303.7, revise paragraphs (a) and (c)(1)(i) to read as follows:

§ 303.7 Public notice requirements.

(a) *General.* The public must be provided with prior notice of a filing to engage in a merger transaction, initiate a change of control transaction, or request deposit insurance. The public has the right to comment on, or to protest, these types of proposed transactions during the relevant comment period. In order to fully apprise the public of this right, an applicant shall publish a public notice of its filing in a newspaper of general circulation. For specific publication requirements, consult subparts B (Deposit Insurance), D (Merger Transactions), and E (Change in Bank Control) of this part.

* * * * *

(c) * * *

(1) * * *

(i) In the case of an application for deposit insurance for a *de novo* depository institution, include the names of all organizers or incorporators. In the case of a merger application, include the names of all parties to the transaction. In the case of a notice of acquisition of control, include the name(s) of the acquiring parties.

* * * * *

§ 303.10 [Amended]

■ 3. In § 303.10, remove paragraphs (a)(2) and (3) and redesignate paragraphs (a)(4) through (6) as paragraphs (a)(2) through (4), respectively.

§ 303.40 [Amended]

■ 4. In § 303.40:

■ a. In paragraph (a), remove the word “application” and add, in its place, the word “filing”; and

■ b. In paragraph (c), remove the word “Applications” and add, in its place, the word “Filings”.

■ 5. Amend § 303.41 by revising paragraph (a) introductory text, revising and republishing paragraph (b), revising paragraph (c) introductory text, and adding paragraph (f) to read as follows:

§ 303.41 Definitions.

* * * * *

(a) *Branch*, except as provided in this paragraph, includes any branch bank,

branch office, additional office, or any branch place of business located in any State of the United States or in any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the Northern Mariana Islands at which deposits are received or checks paid or money lent. A branch does not include a remote service unit or a facility described in § 303.45. The term branch also includes the following:

* * * * *

(b) *Branch relocation* means a move within the same immediate neighborhood of the existing branch that does not substantially affect the nature of the business of the branch or the customers of the branch. Moving a branch to a location outside its immediate neighborhood is considered the closing of an existing branch and the establishment of a new branch. Closing of a branch is covered in the FDIC Statement of Policy Concerning Branch Closing Notices and Policies. 1 FDIC Law, Regulations, Related Acts 5391; see § 309.4 (a) and (b) of this chapter for availability.

(1) *Rule of construction.* For the purposes of this subpart, a *de minimis* change in address is neither a branch establishment nor a branch relocation.

(i) A *de minimis* change in address occurs when a branch exchanges one physical facility for another within the same approximate location, such as where:

(A) A direct line of sight exists between the two facilities;

(B) The facilities share the same parking area; or

(C) The facilities are located on contiguous properties or on the same block.

(ii) *Notice required.* Notwithstanding the inapplicability of §§ 303.42 through 303.44, an insured State nonmember bank is required to provide reasonable advance written notice to customers of the branch undergoing a *de minimis* address change and advance notice to the appropriate FDIC office.

(2) [Reserved]

(c) *De novo interstate branch* means a branch of a bank that is established by the bank as a branch in a State other than the bank’s home State or one in which the bank does not maintain a branch, and does not become a branch of such bank as a result of:

* * * * *

(f) *Remote service unit (RSU)* is an automated or unstaffed facility, operated by a customer of a bank with at most delimited assistance from bank personnel, that conducts banking

⁵⁸ 12 U.S.C. 4802(b).

⁵⁹ 12 U.S.C. 553(b)(4).

functions such as receiving deposits, paying withdrawals, or lending money. An RSU includes an automated teller machine, automated loan machine, automated device for receiving deposits, personal computer, telephone, other similar electronic devices, and drop boxes. An RSU may be equipped with a telephone or tele-video device that allows contact with bank personnel.

■ 6. Amend § 303.42 by revising paragraph (a), revising and republishing paragraph (b), and revising paragraph (c) to read as follows:

§ 303.42 Filing procedures.

(a) *General.* Filings shall be submitted to the appropriate FDIC office.

(b) *Content of filing.* A complete letter filing shall include the following information:

(1) A statement of intent to establish a branch, or to relocate the main office or a branch;

(2) The exact location of the proposed site including the street address. With regard to messenger services, specify the geographic area in which the services will be available. With regard to a mobile branch specify the community or communities in which the vehicle will operate and the manner in which it will be used;

(3) When a filing is submitted to relocate the main office of the bank from one State to another, a statement of the bank's intent regarding retention of branches in the State where the main office exists prior to relocation; and

(4) With respect to a branch relocation or a main office relocation, confirmation that advance written notice was provided to customers of the branch or main office being relocated.

(c) *Undercapitalized institutions.* Filings to establish a branch by banks subject to section 38 of the FDI Act (12 U.S.C. 1831o) also should provide the information required by § 303.204. Filings pursuant to sections 38 and 18(d) of the FDI Act (12 U.S.C. 1831o and 1828(d)) may be filed concurrently or as a single filing.

* * * * *

■ 7. Amend § 303.43 by revising paragraph (a), redesignating paragraph (b) as paragraph (c) and adding a new paragraph (b), and revising the newly redesignated paragraph (c) to read as follows:

§ 303.43 Processing.

(a) *Expedited processing for branch establishments.* Filings to establish a branch by an eligible depository institution as defined in § 303.2(r) will be acknowledged in writing by the FDIC and will receive expedited processing. A filing processed under expedited

processing will be deemed approved on the later of the following:

(1) The third business day after receipt by the FDIC of a substantially complete filing; or

(2) In the case of a filing to establish and operate a *de novo* interstate branch, the 5th day after the FDIC receives confirmation from the host State that the bank has both complied with the filing requirements of the host State and submitted a copy of its filing with the FDIC to the host State bank supervisor.

(b) *Expedited processing for branch relocations and main office relocations.* Filings for intrastate branch relocations or intrastate main office relocations will be acknowledged in writing by the FDIC and will receive expedited processing if the bank received an FDIC-assigned composite rating of 3 or better under the Uniform Financial Institutions Rating System as a result of its most recent federal or state examination. A filing processed under expedited processing will be deemed approved on the third business day after receipt by the FDIC of a substantially complete filing.

(c) *Standard processing.* For those filings that are not processed pursuant to the expedited procedures, the FDIC will provide the bank with written notification of the final action when the decision is rendered.

■ 8. Remove § 303.44, redesignate § 303.45 as § 303.44 and revise to read as follows:

§ 303.44 Special provisions.

(a) *Emergency or disaster events.*

(1) In the case of an emergency or disaster at a main office or a branch that requires that an office be immediately relocated to a temporary location, banks shall notify the appropriate FDIC office within 3 days of such temporary relocation.

(2) Within 10 days of the temporary relocation resulting from an emergency or disaster, the bank shall submit a filing to the appropriate FDIC office, that identifies the nature of the emergency or disaster, specifies the location of the temporary branch, and provides an estimate of the duration the bank plans to operate the temporary branch.

(3) As part of the review process, the FDIC will determine on a case by case basis whether additional information is necessary.

(b) *Redesignation of main office and existing branch.* In cases where a bank desires to redesignate its main office as a branch and redesignate an existing branch as the main office, a single filing shall be submitted.

(c) *Expiration of approval.* Approval of a filing expires if within 18 months

after the approval date a branch has not commenced business or a relocation has not been completed.

■ 9. Redesignate § 303.46 as § 303.45 and revise the introductory text to read as follows:

§ 303.45 Financial education programs that include the provision of bank products and services.

No filing or prior approval is required in order for a State nonmember bank to participate in one or more financial education programs that involve receiving deposits, paying withdrawals, or lending money if:

* * * * *

■ 10. Amend § 303.184 by:

■ a. Revising and republishing paragraphs (a) and (b);

■ b. Removing paragraph (c);

■ c. Redesignating paragraphs (d) and (e) as paragraphs (c) and (d), respectively; and

■ d. Revising and republishing newly redesignated paragraphs (c) and (d).

The revisions read as follows:

§ 303.184 Moving an insured branch of a foreign bank.

(a) *Filing procedures—*

(1) *Where and when to file.* A filing by an insured branch of a foreign bank seeking the FDIC's consent to move from one location to another, as required by section 18(d)(1) of the FDI Act (12 U.S.C. 1828(d)(1)), shall be submitted in writing to the appropriate FDIC office.

(2) *Content of filing.* A complete letter filing shall include the exact location of the proposed site, including the street address.

(3) *Comptroller's application.* If the filer is submitting an application with the Comptroller that contains the information required by paragraph (a)(2) of this section, the filer may submit a copy to the FDIC in lieu of a separate filing.

(4) *Additional information.* The FDIC may request additional information to complete processing.

(b) *Processing—*

(1) *Expedited processing for eligible insured branches.* A filing submitted by an eligible insured branch as defined in § 303.181(c) will be acknowledged in writing by the FDIC and will receive expedited processing if the filer is proposing to move within the same State. A filing processed under expedited processing will be deemed approved on the third business day after the FDIC's receipt of a substantially complete filing.

(2) *Standard processing.* For those filings that are not processed pursuant to the expedited procedures, the FDIC

will provide the filer with written notification of the final action as soon as the decision is rendered.

(c) *Other approval criteria.*

(1) The FDIC may approve a filing under this section if the criteria in paragraphs (c)(1)(i) through (vi) of this section are satisfied.

(i) The factors set forth in section 6 of the FDI Act (12 U.S.C. 1816) have been considered and favorably resolved;

(ii) The filer is at least adequately capitalized as defined in subpart H of part 324 of this chapter;

(iii) Any financial arrangements that have been made in connection with the proposed relocation and that involve the filer's directors, officers, major shareholders, or their interests are fair and reasonable in comparison to similar arrangements that could have been made with independent third parties;

(iv) Compliance with the CRA and any applicable related regulations, including part 345 of this chapter, has been considered and favorably resolved;

(v) No CRA protest as defined in § 303.2(l) has been filed that remains unresolved or, where such a protest has been filed and remains unresolved, the Director or designee concurs that approval is consistent with the purposes of the CRA and the filer agrees in writing to any conditions imposed regarding the CRA; and

(vi) The filer agrees in writing to comply with any conditions imposed by the FDIC, other than the standard conditions defined in § 303.2(dd) that may be imposed without the filer's written consent.

(2) [Reserved]

(d) *Relocation of insured branch from one State to another.* If the foreign bank proposes to relocate an insured State branch to a State that is outside the State where the branch is presently located, in addition to meeting the approval criteria contained in paragraph (c) of this section, the foreign bank must:

(1) Comply with any applicable State laws or regulations of the States affected by the proposed relocation; and

(2) Obtain any required regulatory approvals from the appropriate State licensing authority of the State to which the insured branch proposes to relocate before relocating the existing branch operations and surrendering its existing license to the appropriate State licensing authority of the State from which the branch is relocating.

PART 345—COMMUNITY REINVESTMENT

■ 11. The authority citation for part 345 continues to read as follows:

Authority: 12 U.S.C. 1814–1817, 1819–1820, 1828, 1831u, 2901–2908, 3103–3104, and 3108(a).

■ 12. In appendix G to part 345, revise § 345.29(c) to read as follows:

Appendix G to Part 345—Community Reinvestment Regulations

* * * * *

§ 345.29 Effect of CRA performance on applications.

* * * * *

(c) *Interested parties.* The FDIC takes into account any views expressed by interested parties that are submitted in accordance with the FDIC's procedures set forth in part 303 of this chapter in considering CRA performance in an application listed in paragraphs (a)(3) and (4) and (b) of this section.

* * * * *

Federal Deposit Insurance Corporation.

By order of the Board of Directors.

Dated at Washington, DC, on July 15, 2025.

Debra A. Decker,

Executive Secretary.

[FR Doc. 2025–13568 Filed 7–17–25; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 354

RIN 3064–AF88

Parent Companies of Industrial Banks and Industrial Loan Companies; Withdrawal of Proposed Rule

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) is withdrawing a notice of proposed rulemaking relating to parent companies of industrial banks and industrial loan companies. If the FDIC decides to make changes in this area, it will do so through a future regulatory action.

DATES: The FDIC is withdrawing the proposed rule published at 89 FR 65556 (August 12, 2024) as of July 18, 2025.

FOR FURTHER INFORMATION CONTACT: Catherine Topping, Counsel, (202) 898–3975, ctopping@fdic.gov; Gregory Feder, Counsel, (202) 898–8724, gfeder@fdic.gov; Rachel Harrison, Attorney, (703) 562–6471, racharrison@fdic.gov, Legal Division; Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

Background

The FDIC is withdrawing the notice of proposed rulemaking described below. The FDIC no longer intends to issue a final rule with respect to this proposal. If the FDIC decides to make changes in this area, it will do so through a future regulatory action.

Parent Companies of Industrial Banks and Industrial Loan Companies

On August 12, 2024, the FDIC published a proposed rule that would have revised the criteria that the FDIC would consider when assessing risks presented to an industrial bank or industrial loan company (collectively, industrial bank) by its parent organization. The proposed amendments would have changed the scope of 12 CFR part 354 to include conversions involving a proposed industrial bank under section 5 of the Home Owners' Loan Act or other transactions as determined by the FDIC, changes of control or mergers of parent companies, and other instances when an industrial bank becomes a subsidiary of a company not subject to Federal consolidated supervision. Additionally, the proposed amendments would have clarified the relationship between written commitments and the FDIC's evaluation of the relevant statutory factors. The proposed amendments also would have set forth additional criteria that the FDIC would consider when assessing the risks presented to an industrial bank by its parent company and any affiliates and evaluating the institution's ability to function independently of the parent company and any affiliates.

The FDIC is separately soliciting information and comments from interested parties on how the FDIC reviews filings submitted by industrial banks. This feedback will inform potential changes to how the FDIC evaluates the statutory factors applicable to each filing in light of the unique aspects of industrial bank business plans and the broad range of companies that may seek to establish an industrial bank.

Withdrawal of Proposed Rule

The FDIC is withdrawing the proposed rule because, as noted above, it no longer intends to issue a final rule with respect to this proposal. If the FDIC decides to pursue future regulatory action in this area, it will do so by publishing a new proposed rule or other issuance consistent with the requirements of the Administrative Procedure Act, as applicable.

Federal Deposit Insurance Corporation.

By order of the Board of Directors.
Dated at Washington, DC, on July 15, 2025.

Debra A. Decker,

Executive Secretary.

[FR Doc. 2025-13504 Filed 7-17-25; 8:45 am]

BILLING CODE 6714-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 25-215; RM-12005; DA 25-583; FR ID 302667]

Television Broadcasting Services Jacksonville, Oregon

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Table of TV Allotments (table) of the Federal Communications Commission's (Commission) rules by substituting channel *24 for channel *4 at Jacksonville, Oregon in response to a Petition for Rulemaking filed by theDove Media, Inc., the permittee of a new noncommercial educational (NCE) television station to serve Jacksonville, Oregon, Facility ID No. 791569. The staff engineering analysis finds that the proposal is in compliance with the Commission's principal community coverage and technical requirements. The substitution of channel *24 for channel *4 in the table will allow Petitioner to construct its new facility on a UHF channel and avoid the known viewer reception issues on its currently authorized VHF channel.

DATES: Comments must be filed on or before August 18, 2025 and reply comments on or before September 2, 2025.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 45 L Street NE, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for the Petitioner as follows: Emilie de Lozier, Wilkinson Barker Knauer, LLP, 1800 M Street NW, Suite 800N, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Emily Harrison, Media Bureau, at Emily.Harrison@fcc.gov, (202) 418-1665, or Mark Colombo, Media Bureau, at Mark.Colombo@fcc.gov, (202) 418-7611.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rulemaking*, MB Docket No. 25-215; RM-12005; DA 25-583, adopted July 8, 2025, and released July

8, 2025. The full text of this document is available online at <https://www.fcc.gov/edocs>.

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

Members of the public should note that all *ex parte* contacts are prohibited from the time a notice of proposed rulemaking is issued to the time the matter is no longer subject to Commission consideration or court review, *see* 47 CFR 1.1208. There are, however, exceptions to this prohibition, which can be found in § 1.1204(a) of the Commission's rules, 47 CFR 1.1204(a).

See §§ 1.415 and 1.420 of the Commission's rules for information regarding the proper filing procedures for comments, 47 CFR 1.415 and 1.420.

Providing Accountability Through Transparency Act: The Providing Accountability Through Transparency Act, Public Law 118-9, requires each agency, in providing notice of a rulemaking, to post online a brief plain-language summary of the proposed rule. The required summary of this notice of proposed rulemaking is available at <https://www.fcc.gov/proposed-rulemakings>.

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

Proposed Rule

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

PART 73—RADIO BROADCAST SERVICES

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

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

■ 2. In § 73.622, in the table in paragraph (j), under Oregon, revise the entry for "Jacksonville" to read as follows:

§ 73.622 Digital television table of allotments.

* * * * *

(j) * * *

Community	Channel No.
* * *	* * *
Oregon	
* * *	* * *
Jacksonville	*24
* * *	* * *
* * *	* * *

[FR Doc. 2025-13463 Filed 7-17-25; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 235 and 252

[Docket DARS-2024-0027]

RIN 0750-AL43

Defense Federal Acquisition Regulation Supplement: Public Access to Results of Federally Funded Research (DFARS Case 2020-D028)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Proposed rule; withdrawal.

SUMMARY: DoD is withdrawing the proposed rule to amend the Defense Federal Acquisition Regulation Supplement (DFARS) for the case titled: Public Access to Results of Federally Funded Research (DFARS Case 2020-D028). DoD has determined that the proposed rule's objectives of improving public access to research results are sufficiently addressed in existing policy and regulation, and do not require implementation in the DFARS. Accordingly, this proposed rule is withdrawn, and the DFARS case is closed.

DATES: The proposed rule published on September 26, 2024, at 89 FR 79003 is withdrawn as of July 18, 2025.

FOR FURTHER INFORMATION CONTACT: Saleemah McMillan, telephone 202-308-5383.

SUPPLEMENTARY INFORMATION: DoD published a proposed rule in the *Federal Register* on September 26, 2024,

at 89 FR 79003 to implement a recommendation made by the Government Accountability Office (GAO) in its report GAO–20–81, Additional Actions Needed to Improve Public Access to Research Results, published in November 2019. GAO recommended increasing public access to Federally funded research results, including publications and data, as called for in a 2013 Office of Science and Technology Policy memorandum. In this report, GAO recommended that DoD take steps to ensure appropriate agency-funded research data are readily findable and accessible to the public.

DoD has determined that the proposed rule's objective of improving public access to research results is sufficiently addressed in existing policy and regulation. Therefore, implementation in the DFARS is not necessary, and the proposed rule is withdrawn.

List of Subjects in 48 CFR Parts 235 and 252

Government procurement.

Jennifer D. Johnson,
Editor/Publisher, Defense Acquisition Regulations System.

[FR Doc. 2025–13521 Filed 7–17–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 252

[Docket DARS–2024–0032]

RIN 0750–AM22

Defense Federal Acquisition Regulation Supplement: 8(a) Program (DFARS Case 2024–D025)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Proposed rule; withdrawal.

SUMMARY: DoD is withdrawing the proposed rule to amend the Defense Federal Acquisition Regulation Supplement (DFARS) for the case titled: 8(a) Program (DFARS Case 2024–D025). Accordingly, this proposed rule is withdrawn, and the DFARS case is closed.

DATES: The proposed rule published on October 10, 2024, at 89 FR 82196 is withdrawn as of July 18, 2025.

FOR FURTHER INFORMATION CONTACT: Jennifer D. Johnson, telephone 703–717–8226.

SUPPLEMENTARY INFORMATION: DoD published a proposed rule in the **Federal Register** on October 10, 2024, at 89 FR 82196 to revise the DFARS to align with changes made to the Federal Acquisition Regulation (FAR) via the final rules published in the **Federal Register** on August 11, 2021 (86 FR 44233) and on September 23, 2022 (87 FR 58219). The final rule for FAR Case 2016–011, Revision of Limitations on Subcontracting, published on August 11, 2021, standardized the application

of the nonmanufacturer rule requirements for the socioeconomic programs identified at FAR 19.000(a)(3). The final rule for FAR Case 2017–019, Policy on Joint Ventures, published on September 23, 2022, clarified the eligibility of joint ventures under the 8(a) Program.

DoD also proposed to amend the DFARS to align with the proposed rule for FAR Case 2021–020, Limitations on Subcontracting, published on January 17, 2024 (89 FR 2910). This FAR rule proposed to remove the nonmanufacturer rule requirements for 8(a) participants from FAR 19.809–2, as was intended to be accomplished via the final rule published on August 11, 2021, and to remove the kit assembler rule set from the nonmanufacturer rule. DoD proposed to make similar changes in the DFARS.

Executive Order 14275, Restoring Common Sense to Federal Procurement, requires that the FAR be amended to ensure it contains only provisions that are required by statute or that are necessary to support simplicity and usability, strengthen the efficacy of the procurement system, or protect economic or national security interests. Amendments to the FAR resulting from this Executive Order may drive revisions to the DFARS. Accordingly, the proposed rule is withdrawn and DFARS Case 2024–D025 is closed.

List of Subjects in 48 CFR Part 252

Government procurement.

Jennifer D. Johnson,
Editor/Publisher, Defense Acquisition Regulations System.

[FR Doc. 2025–13520 Filed 7–17–25; 8:45 am]

BILLING CODE 6001–FR–P

Notices

Federal Register

Vol. 90, No. 136

Friday, July 18, 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

Submission for OMB Review; Comment Request

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding these information collections are best assured of having their full effect if received by August 18, 2025. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

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

the collection of information unless it displays a currently valid OMB control number.

National Agricultural Statistics Service (NASS)

Title: Agricultural Resource Management Phases 3 Economic Surveys—Substantive Change.

OMB Control Number: 0535–0275.

Summary of Collection: The primary functions of the National Agricultural Statistics Service (NASS) are to prepare and issue State and national estimates of crop and livestock production, disposition, and prices and to collect information on related environmental and economic factors. Detailed economic and environmental data for various crops and livestock help to maintain a stable economic atmosphere and reduce the risk for production, marketing, and distribution operations. The Agricultural Resource Management Surveys (ARMS), are the primary source of information for the U.S. Department of Agriculture on a broad range of issues related to agricultural resource use, cost of production, and farm sector financial conditions. NASS uses a variety of survey instruments to collect the information in conjunction with these studies. General authority for these data collection activities is granted under U.S. Code title 7, section 2204.

The National Agricultural Statistics Service (NASS) is proposing a substantive change to the ARMS Phase 3 Information Collection (IC) to incorporate updates to the Cotton, Broilers, Hogs, and the Cost and Return Report questionnaires and to use the minimal category version that does not include examples for each of the seven main race/ethnicity categories.

Need and Use of the Information: ARMS is the only annual source of whole farm information available for objective evaluation of many critical issues related to agriculture and the rural economy, such as: Production practices for certain livestock commodities; as well as whole farm finance data, marketing information, and input usage. Without these data, decision makers cannot analyze and report on critical issues that affect farms and farm households.

Description of Respondents: Farms; Business or other for-profit.

Number of Respondents: 43,817.

Frequency of Responses: Reporting: Annually, monthly.

Total Burden Hours: 70,556.

Levi Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2025–13549 Filed 7–17–25; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

[Docket No. RHS–25–SFH–0004]

Notice of Funding Opportunity for the Native Community Development Financial Institution Relending Demonstration Program (NCDFI) FY 2025

AGENCY: Rural Housing Service, USDA.

ACTION: Notice Funding Opportunity (NOFO).

SUMMARY: The Rural Housing Service (RHS or Agency), a Rural Development (RD) agency of the United States Department of Agriculture (USDA), announces the availability of funding for applications under its Native Community Development Financial Institution (NCDFI) Relending Demonstration Program for fiscal year (FY) 2025. The purpose of this notice is to announce the opening and closing dates for receipt of applications for the NCDFI Relending Demonstration Program from eligible applicants, as well as submission requirements. These loans will be made to qualified NCDFIs to relend funds to low- and very low-income ultimate recipients to acquire, build, rehabilitate, improve, or relocate dwellings on Tribal Land in rural areas. This program has the amount of \$4,630,000 available for FY 25. Applicants are responsible for any expenses incurred in developing their applications.

DATES: Completed applications must be submitted using one of the following methods:

- *Paper submissions:* The Agency must receive a paper application by 4:30 p.m. Central time, August 29, 2025.
- *Electronic submissions:* Electronic applications must be submitted via email to brian.hudson@usda.gov by 11:59 p.m. Eastern time on August 29, 2025.

The Agency will not solicit or consider scoring or eligibility information that is submitted after the

application deadline. The application dates and times are firm. The Agency will not consider any application received after the deadline. The Agency reserves the right to contact applicants to seek information on materials contained in the submitted application.

ADDRESSES: Applicants wanting to apply for assistance may download the application documents and requirements as stated in this Notice from the NCDFI Relending Demonstration Program website at: <https://www.rd.usda.gov/programs-services/single-family-housing-programs/native-community-development-financial-institution-relending-demonstration-program>.

Applicants may also request paper application packages from the Rural Development National Office by emailing brian.hudson@usda.gov.

Applications can be mailed or delivered to: USDA Rural Development, Attention: Brian Hudson, 603B Lakeland Road, Shawano, WI 54166.

FOR FURTHER INFORMATION CONTACT: Brian Hudson, Finance and Loan Analyst, Single Family Housing Direct Division, Special Programs and New Initiatives Branch at (608) 697-7725 (voice) (this is not a toll-free number) or brian.hudson@usda.gov.

SUPPLEMENTARY INFORMATION:

Overview

Federal Awarding Agency Name: Rural Housing Service (RHS).

Funding Opportunity Title: Native Community Development Financial Institution (NCDFI) Relending Demonstration Program.

Announcement Type: Notice of Funding Opportunity (NOFO).

Assistance Listing (AL) Numbers: 10.410.

Dates: Completed applications and supporting materials must be received on August 29, 2025, by mail at USDA Rural Development, Attention: Brian Hudson, 603B Lakeland Road, Shawano, WI 54166 by 4:30 p.m. Central Time (CT) or via email at brian.hudson@usda.gov by 11:59 Eastern Time. Late or incomplete applications will not be accepted.

A. Program Description

1. Purpose of the Program

The purpose of the NCDFI Relending Demonstration Program is to increase homeownership opportunities for Native American Tribes, Alaska Native Communities, and Native Hawaiian communities in rural areas. Additionally, the program will provide capital to NCDFI; loans made to NCDFI will be re-lent to the ultimate

recipients (low- and very low-income people who will live in Indian Country and need affordable, modest single-family homes).

2. Statutory Authority

Funding is authorized pursuant to division A, title I, section 1101(a)(1) of the Full-Year Continuing Appropriations and Extensions Act, 2025 which extends those programs as appropriated in the division B of the Consolidated Appropriation Act, 2024. The program is authorized by Section 502 of the Housing Act of 1949, as amended, is codified at 42 U.S.C. 1472, *et. seq* and implemented by 7 CFR part 3550.

3. Definitions

The definitions and terms applicable to the loan process for ultimate recipients can be found at 7 CFR 3550.10 and 2 CFR 200.1. Additional definitions applicable to this notice are listed below:

a. *Native Community Development Financial Institution (NCDFI).* An entity that has been certified as a community development financial institution by the Secretary of the Treasury; that is not less than 50 percent owned or controlled by members of Indian Tribes, Alaska Native communities, or Native Hawaiian communities; and for which not less than 50 percent of the activities of the entity serve Indian Tribes, Alaska Native communities, or Native Hawaiian communities.

b. *Native Hawaiian.* The term 'Native Hawaiian' has the meaning given the term in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996, as amended (25 U.S.C. 4221(9)).

c. *Principals of NCDFI.* Members, officers, directors, and other individuals or entities directly involved in the operation and management (including setting policy) of an NCDFI.

d. *Tribal Land.* Tribal Land includes any of the following:

(i) any land located within the boundaries of—

(A) an Indian reservation, pueblo, or rancheria; or

(B) a former reservation within Oklahoma;

(ii) any land not located within the boundaries of an Indian reservation, pueblo, or rancheria, the title to which is held—

(A) in trust by the United States for the benefit of an Indian Tribe or an individual Indian;

(B) by an Indian Tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or

(C) by a dependent Indian community;

(iii) any land located within a region established pursuant to section 7(a) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606(a));

(iv) Hawaiian Homelands, as defined in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996, as amended (25 U.S.C. 4221(4)); or

(v) those areas or communities designated by the Assistant Secretary of Indian Affairs of the Department of the Interior that are near, adjacent, or contiguous to reservations where financial assistance and social service programs are provided to Indians because of their status as Indians.

e. *Ultimate recipient.* An individual that receives a mortgage loan from a NCDFI Relending Demonstration Program fund.

4. Application Awards

The Agency will review, evaluate and score applications received in response to this notice based on the provisions found in this notice. Awards under the NCDFI Relending program will be made on a competitive basis using specific selection criteria contained in this notice. The Agency advises all interested parties that expenses incurred in applying for this Notice will be borne by the applicant and are at the applicant's sole risk.

B. Federal Award Information

Type of Award: Loan.

Fiscal Year Funds: FY 2025.

Available Funds: \$4,630,000.

Award Amounts: Due to limited funding availability, awards larger than \$1 million will be evaluated and awarded based on program demand and as funding permits. The agency will seek to provide assistance to as many applicants as is feasible, in the determination of the agency.

Anticipated Award Date: September 30, 2025.

Performance Period: A loan may be made by the Secretary to said applicant for a period of not to exceed thirty-three years from the date of the closing of the loan. The interest rate shall be one percent. Interest and principal payments shall be scheduled annually. The initial principal and interest payment shall be deferred by the Agency for up to three years. Loan funds must be disbursed and delivered to the ultimate recipients within three years from the date of loan closing.

Renewal or Supplemental Awards: None.

Type of Assistance Instrument: Direct loan.

Approximate Number of Awards: Estimation of five to seven awards. The Agency reserves the right to make no awards under this competition.

C. Eligibility Information

1. Eligible Applicants

Eligible entities for these competitively awarded loans include NCDFIs who demonstrate that the loans will be made to ultimate recipients who meet the eligibility criteria in 7 CFR 3550.53 and who also meet the requirements provided within this Notice.

2. Non-Eligible Applicants

An applicant is ineligible if their submitted application does not provide enough information to determine eligibility, are not suitable for evaluation, are missing required elements as stated in this notice, or have not closed on a previously awarded NCDFI Relending Demonstration Loan. All applicants must meet the eligibility requirements provided in this notice and demonstrate that the loans will be made to ultimate recipients who meet the eligibility criteria in 7 CFR 3550.53.

An applicant is ineligible if they have been debarred or suspended or otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Orders 12549 and 12689; and 2 CFR 200.214. Additional information on debarment and suspension information is available at 2 CFR part 180 and supplemented by 2 CFR part 417.

In addition, an applicant shall be considered ineligible for a federal award under this Notice if the NCDFI or any principal of the NCDFI has an outstanding judgment obtained by the U.S. in a Federal Court (other than U.S. Tax Court), is delinquent on the payment of Federal income taxes, or is delinquent on Federal debt, provided the debt is uncontested by the Applicant or, if contested, provided that the Applicant's legal and administrative remedies have been exhausted. An applicant may not use agency loan funds to satisfy any such debt.

Ultimate Recipient Eligibility

(a) NCDFI Relending Demonstration Program loan funds must be used to provide direct loans made to ultimate recipients meeting the eligibility requirements provided by 7 CFR part 3550. Loans from the NCDFI to the ultimate recipient using the NCDFI Relending Demonstration Program fund must be used to buy, build, rehabilitate, improve, or relocate an eligible dwelling (7 CFR 3550.52) on Tribal land for use

by the borrower as a permanent residence. The interest rate charged for loans made by the NCDFI to the ultimate recipient must be lower than the maximum monthly interest rate charged for a Section 502 direct loan, available in any Rural Development office. The following regulatory references apply to loans made to ultimate recipients:

(i) Eligible costs in accordance with 7 CFR 3550.52(d). If an origination fee will be charged by the NCDFI, it may not exceed the maximum 'certified packaging body with an intermediary' fee listed in Handbook-1-3550, Attachment 3-A, as it appeared at the time of origination.

(ii) Loan restrictions in accordance with 7 CFR 3550.52(e).

(iii) Applicant eligibility requirements in accordance with 7 CFR 3550.53.

(iv) Calculation of income and assets in accordance with 7 CFR 3550.54.

(v) Site requirements in accordance with 7 CFR 3550.56 and must be located on Tribal lands.

(vi) Dwelling requirement in accordance with 7 CFR 3550.57.

(vii) Ownership requirements in accordance with 7 CFR 3550.58.

(viii) Security requirements in accordance with 7 CFR 3550.59, except that the NCDFIs need not use Agency closing forms, and security will be vested in the NCDFI and not the Agency.

For more information on how ultimate recipient loans can be processed, the Section 502 program Handbook-1-3550 can be found online at: <https://www.rd.usda.gov/resources/directives/handbooks>.

2. Cost Sharing or Matching

An NCDFI that receives a loan under this section shall provide information on the use of matching funds. Matching funds are not required; however, NCDFIs that match at least 20 percent of the amount will receive additional points.

(a) Matching funds must be in the form of cash or confirmed funding commitments. Matching funds must also be committed for a period of not less than the loan disbursement period of 3 years.

(b) In-kind contributions such as salaries, donated time and effort, real and nonexpendable personal property, or goods and services cannot be used as matching funds.

(c) The NCDFI is responsible for demonstrating that matching funds are available and committed. Matching funds may be provided by the NCDFI or a third party.

3. Discretionary Points

None

4. Other

(a) The NCDFI must have been legally organized for a minimum of three years and indicate adequate experience, as determined by the Agency. Adequate experience will be demonstrated for Applicants providing documentation indicating at least one-year of prior experience working with residential mortgage lending as of the closing date of this Notice. Applicants that do not have such experience may provide documentation regarding other related experience to effectively and efficiently manage and repay a loan through this demonstration program (e.g., staff expertise, other loan products, homeownership training, counseling and assistance, etc.). The Agency may review such information and may consider any such information to indicate adequate experience.

(b) Proposals must be structured to utilize the funds within three years from the date of award.

(c) A six percent reserve for bad debt or Loan Loss Reserve (LLR) will be required.

(d) Loan funds may not be used for payment of the NCDFI's administrative costs or expenses. All funds will be used for ultimate recipient loans.

(e) *Requests to make loans to ultimate recipients.* Review is required when a NCDFI requests a disbursement of the NCDFI Relending Demonstration Program loan funds to make a loan to an ultimate recipient. The request for Agency review of a proposed loan to an ultimate recipient must include:

(i) A certification by the NCDFI that:
(A) The proposed ultimate recipient is eligible for the loan;

(B) The proposed loan is for eligible purposes;

(C) The proposed loan complies with all applicable statutes and regulations;

(ii) Copies of sufficient material from the ultimate recipient's application and the NCDFI's related files, to allow the Agency to determine the:

(A) Name and address of the ultimate recipient;

(B) Loan purposes;

(C) Interest rate and term; and

(D) Confirmation of matching funds.

(f) *NCDFI Relending Program Loan Servicing Requirements.* Servicing requirements are as follows:

Quarterly and semiannually reports are due 30 days after the end of the period (quarter or semi-annual as described below.)

Reports will be required quarterly during the first year after loan closing

and, if all loan funds are not utilized during the first year, quarterly reports will be continued until at least 90 percent of the Agency loan funds have been advanced to ultimate recipients. Thereafter, reports will be required semiannually. Also, the Agency may require quarterly reports if the intermediary becomes delinquent in repayment of its loan or otherwise fails to fully comply with the provisions of its work plan or Loan Agreement, or the Agency determines that the NCDFI Relending Demonstration Program fund is not adequately protected by the current sound worth and paying capacity of the ultimate recipients.

These reports shall contain information on the NCDFI Relending Demonstration Program loan fund, and when other funds are included, the NCDFI Relending Demonstration Program portion of the report shall be segregated from the other sections.

The reports will be collected on a form provided by the Agency and must include information on the NCDFI Relending Demonstration Program lending activity, income and expenses, financial condition and a summary of names and characteristics of the ultimate recipients the NCDFI has financed. When other funds are included in the reports, the NCDFI Relending Demonstration portion of the report shall be segregated from the other sections.

(g) *Loan Closing Information.*

The selected NCDFI may be issued a Letter of Conditions and be required to Complete Form RD 1942–46, “Letter of Intent to Meet Conditions”, as applicable. Conditions may include but are not limited to completion of:

Form SF 3881, “ACH Vendor Payment Enrollment Form”

Form SF 270, “Request for Advance or Reimbursement”

The selected NCDFI will execute Form RD 1940–1, “Request for Obligations of Funds” prior to obligation.

The NCDFI will work with USDA to prepare all necessary documents to close and secure the loan subject to USDA review and concurrence.

The NCDFI will be required to execute a Loan Agreement, Security Agreement, Promissory Note, and Deposit Agreement at closing. These items are available for review at <https://www.rd.usda.gov/programs-services/single-family-housing-programs/native-community-development-financial-institution-relending-demonstration-program>.

A Financing Statement under the Uniform Commercial Code will be filed

against the NCDFI Relending Demonstration Program loan funds account.

All applications submitted must meet the eligibility in this notice and demonstrate the loans will be made to ultimate recipients who meet the eligibility criteria in 7 CFR 3550.53.

D. Application and Submission Information

1. Address To Request Application Package

Entities wishing to apply for assistance may acquire the application documents described in this Notice from the NCDFI Relending Demonstration Program website: <https://www.rd.usda.gov/programs-services/single-family-housing-programs>.

Applicants may also request paper application packages from the Rural Development National Office by emailing brian.hudson@usda.gov.

2. Content and Form of Application Submission

(a) If the applicant is ineligible or the application is incomplete, the Agency will inform the applicant in writing of the decision, reasons therefore, and its appeal rights and no further evaluation of the application will occur.

(b) The Agency requires the following information to make an eligibility determination:

(i) A completed Standard Form SF–424, “Application for Federal Assistance.”

(ii) A written work plan to demonstrate the feasibility of the NCDFI’s ability to meet the objectives of this notice. The plan must, at a minimum, include:

(A) Documentation demonstrating the NCDFI’s ability to administer NCDFI Relending Demonstration Program funds in accordance with the provisions of this notice. To adequately demonstrate the ability to administer the program, the NCDFI must provide a complete listing of all personnel responsible for administering this program along with a statement of their qualifications and experience. The personnel may be either members or employees of the NCDFI’s organization or contract personnel hired for this purpose. If the personnel are to be contracted for, the contract between the NCDFI and the entity providing such service will be submitted for Agency review, and the terms of the contract and its duration must be sufficient to adequately service the Agency loan to its ultimate conclusion. If the Agency determines the personnel lack the necessary expertise to administer the

program, the loan request will not be approved;

(B) Documentation demonstrating the NCDFI’s ability to commit financial resources under the control of the NCDFI to the establishment of NCDFI Relending Demonstration Program. This should include a statement of the sources of non-Agency funds for administration of the NCDFI’s operations and financial assistance for projects;

(C) Documentation demonstrating a need for loan funds and project the number of ultimate recipients to be assisted. As a minimum, the NCDFI should identify a sufficient number of proposed and known ultimate recipients it has on hand to justify Agency funding of its loan request, or include well developed targeting criteria for ultimate recipients consistent with the NCDFI’s mission and strategy for NCDFI Relending Demonstration Program, along with supporting statistical or narrative evidence that such prospective recipients exist in sufficient numbers to justify Agency funding of the loan request;

(D) Documentation demonstrating the NCDFI’s plan (specific loan purposes) for relending the loan funds. The plan must be of sufficient detail to provide the Agency with a complete understanding of what the NCDFI will accomplish by lending the funds to the ultimate recipient and the complete mechanics of how the funds will get from the NCDFI to the ultimate recipient. The service area, eligibility criteria, loan purposes, fees (the origination fee may not exceed the maximum ‘certified packaging body with an intermediary’ fee listed in Handbook-1–3550, Attachment 3–A), rates (the proposed rate must be below the monthly Section 502 Program interest rate, available at any rural development office), terms (must be in accordance with the requirements provided at 7 CFR 3550.53), collateral requirements, limits, priorities, application process, method of disposition of the funds to the ultimate recipient, monitoring of the ultimate recipient’s accomplishments, and reporting requirements by the ultimate recipient’s management must be addressed by the NCDFI’s relending plan;

(E) Documentation providing a set of goals, strategies, and anticipated outcomes for the NCDFI’s program. Outcomes should be expressed in quantitative or observable terms such as the number of homeowners assisted, and the number of homes financed, and should relate to the purpose of NCDFI Relending Demonstration Program; and

(F) Documentation providing specific information as to whether and how the NCDFI will ensure that technical assistance is made available to ultimate recipients and potential ultimate recipients. Describe the qualifications of the technical assistance providers, the nature of technical assistance that will be available, and expected and committed sources of funding for technical assistance. If other than the NCDFI itself, describe the organizations providing such assistance and the arrangements between such organizations and the NCDFI.

(iii) A pro forma balance sheet at start-up and projected balance sheets for at least three additional years; audited or certified financial statements for the last three years, or from inception of the operations of the NCDFI if less than three years; and projected cash flow and earnings statements for at least four years supported by a list of assumptions showing the basis for the projections. Principal repayment on the NCDFI Relending Demonstration Program loan will not be scheduled during the first three years, thus the projections for the NCDFI Relending Demonstration Program fund must extend to include a year with a full annual installment on the NCDFI Relending Demonstration Program loan.

(iv) Statement of compliance with 2 CFR part 200 and previous fiscal year most recent audited financial statements.

(v) An agreement on a form provided by the Agency (*Form RD 400-4*, "Assurance Agreement,") assuring compliance with Title VI of the Civil Rights Act of 1964.

(vi) Complete organizational documents, including documents such as certificate of CDFI status, certificate of good standing, by-laws and articles of incorporation, and evidence of authority to conduct the proposed activities.

(vii) A form provided by the Agency (*Form RD 1910-11*, "Applicant Certification Federal Collection Policies for Consumer or Commercial Debts") in which the applicant certifies its understanding of the Federal collection policies for consumer or commercial debts.

(viii) A statement on a form provided by the Agency (*Exhibit A-1 of RD Instruction 1940-Q*) regarding lobbying.

3. System for Award Management and Unique Entity Identifier

(a) At the time of application, each applicant must have an active registration in the System for Award (SAM) before submitting its application in accordance with 2 CFR part 25. To register in SAM, entities will be

required to obtain a Unique Entity Identifier (UEI). Instructions for obtaining the UEI are available at <https://sam.gov/content/entity-registration>.

An applicant that has done business with the Federal Government previously may check its entity status using by using its government issued UEI to determine whether its registration is active. *SAM.gov* requires registered users renew registration every 365 days.

(b) Please note that *SAM.gov* registration is different than obtaining a UEI only. Obtaining a UEI only validates an organization's legal business name and address. Please review the Frequently Asked Question on the difference for additional details. Applicants must maintain an active SAM registration, with current, accurate and complete information, at all times during which there is an active Federal award or an application under consideration by a Federal awarding agency.

(c) Applicants must ensure they complete the Financial Assistance General Certifications and Representations in SAM.

(d) Applicants must provide a valid UEI in its application, unless determined exempt under 2 CFR 25.105(c).

(e) The Agency will not make an award until the applicant has complied with all SAM requirements including providing the UEI. If an applicant has not fully complied with the requirements by the time the Agency is ready to make an award, the Agency may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant.

4. Submission Dates and Times

Completed applications must be submitted using one of the following methods:

- *Paper submissions:* The Agency must receive a paper application by 4:30 p.m. local time, August 29, 2025.

Applications can be mailed or delivered to: USDA Rural Development, Attention: Brian Hudson, 603B Lakeland Road, Shawano, WI 54166.

- *Electronic submissions:* Electronic applications must be submitted via email to brian.hudson@usda.gov by 11:59 p.m. Eastern time on August 29, 2025.

The Agency will not solicit or consider scoring or eligibility information that is submitted after the application deadline. The application dates and times are firm. The Agency will not consider any application

received after the deadline. The Agency reserves the right to contact applicants to seek clarification on materials contained in the submitted application.

5. Intergovernmental Review

Intergovernmental Review under Executive Order 12372 is not required for this program. To learn more about Executive Order 12372, visit <https://www.usda.gov/about-usda/general-information/staff-offices/office-chief-financial-officer/federal-financial-assistance-policy/intergovernmental-review>.

6. Funding Restrictions

Expenses incurred in developing applications will be at the applicant's cost.

7. Other Submission Requirements

None.

8. Other Federal Statutes and Regulations

The applicant must certify compliance with other Federal Statutes and regulations by completing the Financial Assistance General Certification and Representations in SAM, including, but not limited to the following:

(a) 7 CFR part 15, subpart A—Nondiscrimination in Federally Assisted Programs of the Department of Agriculture—Effectuation of Title VI of the Civil Rights Act of 1964. Civil Rights compliance includes, but is not limited to the following:

(i) Collect and maintain data provided by ultimate recipients on race, sex, and national origin and ensure that ultimate recipients collect and maintain this data.

(ii) Race and ethnicity data will be collected in accordance with Office of Management and Budget (OMB) **Federal Register** Notice, "Revisions of the Standards for the Classification of Federal Data on Race and Ethnicity" (published October 30, 1997 (62 FR 58782)); Sex data will be collected in accordance with Title IX of the Education Amendments of 1972. These items should not be submitted with the application but should be available upon request by RD.

(b) The applicant must comply with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Executive Order 12250, and 7 CFR part 1901, subpart E.

(c) 2 CFR parts 200 and 400 (Uniform Administrative Requirements, Cost

Principles and Audit Requirements for Federal Awards), or any successor regulation, as applicable.

(d) Federal Obligation Certification on Delinquent Debt.

E. Application Review Information

1. Criteria

All eligible and complete applications will be evaluated and scored based on the selection criteria contained in this notice. Failure to address any of the application criteria by the application deadline will result in the application being determined ineligible, and the application will not be considered for funding.

For applicants to meet all the eligibility, application and submission requirements, the Rural Development National Office will use criteria in accordance with this notice as selection for the loan recipients. Each application and its accompanying statement of activities will be evaluated and, based solely on the information contained in the application, the applicant's proposal will be numerically rated on each criterion within the range provided. The highest-ranking applicant(s) will be selected based on the following criteria:

- a. Years of experience in residential mortgage lending (originating/underwriting):
 - (i) Less than one: 0 points
 - (ii) 1–2: 1 point
 - (iii) 3: 2 points
 - (iv) 4–5: 3 points
 - (v) More than 5: 4 points
- b. Years of experience in servicing residential mortgage loans:
 - (i) Less than one: 0 points
 - (ii) 1–2: 1 point
 - (iii) 3: 2 points
 - (iv) 4–5: 3 points
 - (v) More than 5: 4 points
- c. Years of experience managing a loan fund:
 - (i) Less than one: 0 points
 - (ii) 1–2: 1 point
 - (iii) 3: 2 points
 - (iv) 4–5: 3 points
 - (v) More than 5: 4 points
- d. Years of experience managing federal funds:
 - (i) Less than one: 0 points
 - (ii) 1–2: 1 point
 - (iii) 3: 2 points
 - (iv) 4–5: 3 points
 - (v) More than 5: 4 points
- e. Matching funding:
 - (i) Less than 20% 0 points
 - (ii) More than 20%-40% 1 point
 - (iii) More than 40%-60% 2 points
 - (iv) More than 60%-80% 3 points
 - (v) More than 80%-100% 4 points

2. Review and Selection Process

The Agency reserves the right to offer the applicant less than loan funding

requested and also reserves the right to not select any applicants for funding. Rural Development National Office will utilize the following project selection criteria to make selections.

(a) Providing a financially feasible program for single family residential mortgage lending, which will result in affordable housing for very low- and low-income persons.

(b) Serving Tribal Land's in an eligible rural area with housing for households of very low- and low-income.

(c) Being an eligible applicant as defined in this notice.

(e) Submitting a complete application as outlined in this notice.

(f) Number of points attributable to the application under the Scoring Criteria outlined in this notice.

(g) *providing assistance to as many applicants as is feasible, in the determination of the agency.*

3. Anticipated Announcement and Federal Award Dates.

September 30, 2025

F. Federal Award Administration Information

1. Federal Award Notices.

Successful applicants will receive notification for funding from the USDA Rural Development National Office. Applicants must comply with the terms of this Notice, and with all applicable statutes and regulations before the loan award is obligated. The Agency will notify applicants in writing if their applications have been selected for funding. At the time of notification, the Agency will advise the applicant what further information and documentation is required along with a timeline for submitting additional information. If the Agency determines it is unable to select the application for funding, the applicant will be informed in writing. Such notification will include the reasons the applicant was not selected. The Agency will advise applicants, whose applications did not meet eligibility and/or selection criteria of their review rights or appeal rights in accordance with 7 CFR 3550.4.

2. Administrative and National Policy Requirements.

The loan recipient must include the required nondiscrimination statements in any of their advertisements and brochures. The loan recipient will be required to collect and maintain data provided by the ultimate recipients on race, sex, and national origin and ensure recipients collect and maintain this data. Race and ethnicity data will be collected in accordance with OMB **Federal Register** notice, Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity,"

(see, 62 FR 58782; October 30, 1997). Data on recipients' sex will be collected in accordance with Title IX of the Education Amendments of 1972. These items should not be submitted with the application but should be available upon request by the Agency.

3. Reporting.

Performance reporting, including applicable forms, narratives, and other documentation, are to be completed and submitted in accordance with the provisions of this notice and the Agreements referenced in the 'other' section of this notice. Further, all grantees must submit audited financial statements in accordance with 2 CFR part 200, subpart F, if applicable, or financial information covering the defined period of performance as outlined in this notice and the Agreements referenced in the 'other' section of this notice.

G. Federal Awarding Agency Contacts

Applicants wanting to apply for assistance may download the application documents and requirements as stated in this Notice from the NCDFI Relending Demonstration Program website: <https://www.rd.usda.gov/programs-services/single-family-housing-programs/native-community-development-financial-institution-relending-demonstration-program>.

Applicants may also request paper application packages from the Rural Development National Office by emailing brian.hudson@usda.gov.

H. Other Information

1. Paperwork Reduction Act.

RHS has concluded that the reporting requirements contained in this NOFO will involve less than 10 people and does not require an approval under the provisions of the Act. In accordance with the Paperwork Reduction Act of 1995, (44 U.S.C. 3501 *et seq.*), OMB must approve all collection of information as a requirement for "answers to * * * identical reporting or recordkeeping requirements imposed on ten or more persons * * * ." (44 U.S.C. 3502(3)(A).)

2. National Environmental Policy Act.

All recipients under this Notice are subject to the requirements of 7 CFR part 1970 available at: <https://rd.usda.gov/resources/environmental-studies/environmental-guidance> and must comply in accordance with 7 CFR 3550.5 as noted below.

3. Federal Funding Accountability and Transparency Act.

All applicants, in accordance with 2 CFR part 25, must be registered in SAM and have a UEI number as stated in

Section D.3, of this notice. All recipients of Federal Financial Assistance are required to report information about first-tier sub-awards and executive total compensation in accordance with 2 CFR part 170.

4. *Non-Discrimination Statement.*

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

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the State or local Agency that administers the program or contact USDA through the Telecommunications Relay Service at 711 (voice and TTY). Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at How to File a Program Discrimination Complaint and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Mail Stop 9410, Washington, DC 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

5. *Faith Based Discrimination*

Faith-based organizations may apply for an award on the same basis as any other organization, as set forth at, and subject to the protections and requirements of, 7 CFR part 16 and any applicable constitutional and statutory requirements, including 42 U.S.C. 2000bb *et seq.* The Agency will not, in the selection of recipients, discriminate for or against an organization on the basis of the organization's religious character, motives, or affiliation, or lack

thereof, or on the basis of conduct that would not be considered grounds to favor or disfavor a similarly situated secular organization.

A faith-based organization that participates in this program will retain its independence from the Government and may continue to carry out its mission consistent with religious freedom and conscience protections in Federal law. Religious accommodations may also be sought under many of these religious freedom and conscience protection laws.

A faith-based organization may not use direct Federal financial assistance from the Agency to support or engage in any explicitly religious activities except when consistent with the Establishment Clause of the First Amendment and any other applicable requirements. An organization receiving Federal financial assistance also may not, in providing services funded by the Agency, or in their outreach activities related to such services, discriminate against a program beneficiary or prospective program beneficiary on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.

Christine Mechtly,

Acting Administrator, Rural Housing Service.

[FR Doc. 2025-13548 Filed 7-17-25; 8:45 am]

BILLING CODE 3410-XV-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-882]

Refined Brown Aluminum Oxide From the People's Republic of China: Continuation of Antidumping Duty Order

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

SUMMARY: As a result of the determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC) that revocation of the antidumping duty (AD) order on refined brown aluminum oxide from the People's Republic of China (China) would likely lead to the continuation or recurrence of dumping and material injury to an industry in the United States, Commerce is publishing a notice of continuation of this AD order.

DATES: Applicable July 8, 2025.

FOR FURTHER INFORMATION CONTACT:

David De Falco, Trade Agreements Policy and Negotiations, Enforcement

and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2178.

SUPPLEMENTARY INFORMATION:

Background

On November 19, 2003, Commerce published in the **Federal Register** the AD order on refined brown aluminum oxide from China.¹ On February 3, 2025, the ITC instituted,² and Commerce initiated,³ the fourth sunset review of the *Order*, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). As a result of its review, Commerce determined that revocation of the *Order* would likely lead to the continuation or recurrence of dumping, and therefore, notified the ITC of the magnitude of the margins of dumping likely to prevail should the *Order* be revoked.⁴

On July 8, 2025, the ITC published its determination, pursuant to sections 751(c) and 752(a) of the Act, that revocation of the *Order* would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.⁵

Scope of the Order

The merchandise covered by this order is ground, pulverized or refined brown artificial corundum, also known as brown aluminum oxide or brown fused alumina, in grit size of $\frac{3}{8}$ inch or less. Excluded from the scope of the order is crude artificial corundum in which particles with a diameter greater than $\frac{3}{8}$ inch constitute at least 50 percent of the total weight of the entire batch. The scope includes brown artificial corundum in which particles with a diameter greater than $\frac{3}{8}$ inch constitute less than 50 percent of the total weight of the batch. The merchandise under investigation is currently classifiable under subheadings 2818.10.20.00 and 2818.10.20.90.

¹ See *Antidumping Duty Order: Refined Brown Aluminum Oxide (Otherwise Known as Refined Brown Artificial Corundum or Brown Fused Alumina) from the People's Republic of China*, 68 FR 65249 (November 19, 2003) (*Order*).

² See *Refined Brown Aluminum Oxide from China; Institution of a Five-Year Review*, 90 FR 8812 (February 3, 2025).

³ See *Initiation of Five-Year (Sunset) Reviews*, 90 FR 8789 (February 3, 2025).

⁴ See *Refined Brown Aluminum Oxide from the People's Republic of China: Final Results of the Expedited Fourth Sunset Review of the Antidumping Duty Order*, 90 FR 23675 (June 4, 2025), and accompanying Issues and Decision Memorandum.

⁵ See *Refined Brown Aluminum Oxide from China*, 90 FR 30096 (July 8, 2025) (*ITC Final Determination*).

Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise covered by the order is dispositive.

Continuation of the Order

As a result of the determinations by Commerce and the ITC that revocation of the *Order* would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, Commerce hereby orders the continuation of the *Order*. U.S. Customs and Border Protection will continue to collect AD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of the continuation of the *Order* will be July 8, 2025.⁶ Pursuant to section 751(c)(2) of the Act and 19 CFR 351.218(c)(2), Commerce intends to initiate the next five-year review of the *Order* not later than 30 days prior to fifth anniversary of the date of the last determination by the ITC.

Administrative Protective Order (APO)

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

Notification to Interested Parties

This five-year (sunset) review and this notice are in accordance with sections 751(c) and 751(d)(2) of the Act, and published in accordance with section 777(i) of the Act and 19 CFR 351.218(f)(4).

Dated: July 15, 2025.

Christopher Abbott,

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

[FR Doc. 2025–13552 Filed 7–17–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–865, A–549–854, A–552–849]

Certain Chassis and Subassemblies Thereof From Mexico, Thailand, and the Socialist Republic of Vietnam: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations

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

DATES: Applicable July 18, 2025.

FOR FURTHER INFORMATION CONTACT: Jun Jack Zhao at (202) 482–1396 (Mexico), Jacob Keller at (202) 482–4849 (Thailand), Elizabeth Beuley at (202) 482–3269 (the Socialist Republic of Vietnam (Vietnam), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On March 24, 2025, the U.S. Department of Commerce (Commerce) initiated less-than-fair-value (LTFV) investigations of imports of certain chassis and subassemblies thereof (chassis) from Mexico, Thailand, and Vietnam.¹ Currently, the preliminary determinations in these investigations are due to be issued no later than August 5, 2025.

Postponement of Preliminary Determinations

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in a LTFV investigation within 140 days after the date on which Commerce initiated the investigation. However, section 733(c)(1)(A)(b)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 190 days after the date on which Commerce initiated the investigation if: (A) the petitioner makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a

request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On July 8, 2025, the petitioner² submitted a timely request that Commerce postpone the preliminary determinations in these LTFV investigations.³ The petitioner stated that it requests postponement to allow Commerce time to issue supplemental questionnaires and receive responses prior to making its preliminary determinations. Moreover, the petitioner notes that these cases involve a complex product and there are a number of unique and complicated issues present in these cases that require additional time to conduct the proper analysis since this is the first time Commerce is examining the product in a market economy context.⁴

For the reasons stated above and because there are no compelling reasons to deny the petitioner's request, Commerce, in accordance with section 733(c)(1)(A) of the Act, is postponing the deadline for the preliminary determinations by 50 days (*i.e.*, 190 days after the date on which these investigations were initiated). As a result, Commerce will issue its preliminary determinations no later than September 24, 2025. In accordance with section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determinations of these investigations will continue to be 75 days after the date of the preliminary determinations, unless postponed at a later date.

Notification to Interested Parties

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

Dated: July 15, 2025.

Christopher Abbott,

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

[FR Doc. 2025–13550 Filed 7–17–25; 8:45 am]

BILLING CODE 3510–DS–P

² The petitioner is the U.S. Chassis Manufacturers Coalition.

³ See Petitioner's Letter, "Request to Postpone Preliminary Determination," dated July 8, 2025.

⁴ *Id.*

¹ See *Certain Chassis and Subassemblies Thereof From Mexico, Thailand, and the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigations*, 90 FR 13457 (March 24, 2025).

⁶ See *ITC Final Determination*.

DEPARTMENT OF COMMERCE**International Trade Administration**

[C-557-822]

Utility Scale Wind Towers From Malaysia: Amended Final Results of Countervailing Duty Administrative Review; 2022

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

SUMMARY: The U.S. Department of Commerce (Commerce) is amending the final results of the administrative review of the countervailing duty (CVD) order on utility scale wind towers from Malaysia to correct a ministerial error. The period of review (POR) is January 1, 2022, through December 31, 2022.

DATES: Applicable July 18, 2025.

FOR FURTHER INFORMATION CONTACT:

Kelsie Hohenberger, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2517.

SUPPLEMENTARY INFORMATION:**Background**

On June 16, 2025, Commerce published in the **Federal Register** the final results of the administrative review of the CVD order on utility scale wind towers from Malaysia.¹ In accordance with section 751(a)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.224(b), Commerce disclosed its calculations and provided interested parties with the opportunity to submit ministerial error comments.² On June 17, 2025, CS Wind Corporation and CS Wind Malaysia Sdn Bhd (collectively, CS Wind) filed a timely ministerial error allegation concerning the application of the exchange rate in the calculation of a benefit under the import duty exemption program.³

Legal Framework

Section 751(h) of the Act defines a “ministerial error” as including “errors in addition, subtraction, or other

arithmetic function, clerical errors resulting from inaccurate copying, duplication, or the like, and any other type of unintentional error which the administering authority considers ministerial.” With respect to final results of administrative reviews, 19 CFR 351.224(e) provides that Commerce “will analyze any comments received and, if appropriate . . . correct any ministerial error by amending . . . the final results of review.”

Ministerial Error

Commerce has determined that the error alleged by CS Wind constitutes a ministerial error within the meaning of section 751(h) of the Act and 19 CFR 351.224(f).⁴ Specifically, we find that we made an inadvertent error in the application of the exchange rate in the benefit calculation for the import duty exemption program. Pursuant to 19 CFR 351.224(e), Commerce is amending the *Final Results* to reflect the correction of the ministerial error. The revised net subsidy rate is provided below.

For a detailed discussion of the aforementioned ministerial error allegation, as well as Commerce’s analysis of CS Wind’s comments, see the Ministerial Error Memorandum.⁵

Amended Final Results of Review

As a result of the correction of the ministerial error, we determine that the countervailable subsidy rate for CS Wind is as follows:

Producer/exporter	Subsidy rate (percent <i>ad valorem</i>)
CS Wind Malaysia Sdn. Bhd	1.95

Disclosure

Commerce intends to disclose the calculations performed in connection with these amended final results of review to interested parties within five days after public announcement of the amended final results or, if there is no public announcement, within five days of the date of publication of the notice of amended final results in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(2),

⁴ See Memorandum, “Analysis of Ministerial Error Allegation,” dated concurrently with, and hereby adopted by, this notice (Ministerial Error Memorandum).

⁵ *Id.*

Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries of subject merchandise in accordance with the amended final results of this review for the above-listed company at the applicable *ad valorem* assessment rate. We intend to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the amended final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

In accordance with section 751(a)(1) of the Act, Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amount shown for CS Wind on shipments of subject merchandise entered, or withdrawn from warehouse for consumption, on or after the date of publication of the final results of this administrative review. The cash deposit requirement, effective upon publication of the final results of this review, shall remain in effect until further notice.

Administrative Protective Order (APO)

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

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(h) and 777(i) of the Act, and 19 CFR 351.224(e).

Dated: July 15, 2025.

Christopher Abbott,

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

[FR Doc. 2025-13551 Filed 7-17-25; 8:45 am]

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¹ See *Utility Scale Wind Towers from Malaysia: Final Results and Partial Rescission of Countervailing Duty Administrative Review; 2022*, 90 FR 25230 (June 16, 2025) (*Final Results*), and accompanying Issues and Decision Memorandum.

² See Memorandum, “Deadline for Ministerial Error Comments,” dated June 13, 2025.

³ See CS Wind’s Letter, “CS Wind’s Ministerial Error Allegation,” dated June 17, 2025 (Ministerial Error Allegation).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–180]

Hexamethylenetetramine From the People’s Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that hexamethylenetetramine (hexamine) from the People’s Republic of China (China) is being, or is likely to be, sold in the United States at less-than-fair-value (LTFV). The period of investigation (POI) is January 1, 2024, through June 30, 2024.

DATES: Applicable July 18, 2025.

FOR FURTHER INFORMATION CONTACT: Thomas Cloyd, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1246.

SUPPLEMENTARY INFORMATION:

Background

On May 6, 2025, Commerce published in the **Federal Register** the *Preliminary Determination* in this investigation and invited interested parties to comment.¹ We received no comments or case briefs addressing any of the findings in the *Preliminary Determination*; therefore, no decision memorandum accompanies this notice.

Scope of the Investigation

The product covered by this investigation is hexamine from China. For a complete description of the scope of this investigation, *see* the appendix to this notice.

Scope Comments

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

China-Wide Entity and Use of Adverse Facts Available (AFA)

For the purposes of this final determination, consistent with the

Preliminary Determination,² we relied solely on the application of AFA for the China-wide entity, pursuant to sections 776(a) and (b) of the Tariff Act of 1930, as amended (the Act). Further, because no companies are eligible for a rate separate from the China-wide entity, we continue to find that all Chinese producers or exporters of hexamine are part of the China-wide entity. No interested party submitted comments on the *Preliminary Determination*. Thus, we made no changes to our analysis or to the China-wide entity’s dumping margin for the final determination. A detailed discussion of our application of AFA is provided in the *Preliminary Determination*.³

Combination Rates

Because no Chinese exporters qualified for a separate rate, producer/exporter combination rates were not calculated for this final determination.

Final Determination

The final estimated weighted-average dumping margin is as follows:

Exporter/producer	Weighted-average dumping margin (percent)	Cash deposit rate (Adjusted for subsidy offset) (percent)
China-wide Entity	* 405.19	394.65

* Rate based on facts available with adverse inferences.

Disclosure

Normally, Commerce will disclose to the parties in a proceeding the calculations performed in connection with a final determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of the notice of final determination in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because Commerce continues to find that all Chinese producers or exporters of hexamine are part of the China-wide entity and continues to rely solely on the application of AFA for the China-wide entity, there are no calculations to disclose for this final determination.

¹ See *Hexamethylenetetramine from the People’s Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value*, 90

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of subject merchandise, as described in the appendix to this notice, entered, or withdrawn from warehouse, for consumption on or after May 6, 2025, which is the date of publication of the affirmative *Preliminary Determination* in the **Federal Register**, at the cash deposit rate indicated above.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), we will instruct CBP to require a cash deposit for such entries of merchandise equal to the amount by which the normal value exceeds the U.S. price as follows: (1) for all Chinese producers or exporters of subject merchandise, the cash deposit rate will be equal to the estimated

FR 19182 (May 6, 2025) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

dumping margin established for the China-wide entity, adjusted for the subsidy offset as appropriate; and (2) for all third country exporters of subject merchandise, the cash deposit rate is also the cash deposit rate applicable to the China-wide entity, adjusted for the subsidy offset as appropriate. These suspension of liquidation instructions will remain in effect until further notice.

To determine the antidumping duty cash deposit rate, Commerce normally adjusts the estimated weighted-average dumping margin by the amount of domestic subsidy pass-through and export subsidies determined in a companion countervailing duty (CVD) proceeding. Accordingly, where Commerce has made a final affirmative determination of countervailable export subsidies, Commerce offsets the estimated weighted-average dumping margin by the appropriate CVD rate.

² See *Preliminary Determination* PDM at 3–8.

³ *Id.*

Commerce has continued to adjust the cash deposit rate for export subsidies found in the companion CVD investigation by the appropriate export subsidy rate as indicated in the above chart. However, the imposition of provisional measures in the companion CVD case has been discontinued;⁴ therefore, we are instructing CBP to collect cash deposits based on the unadjusted estimated weighted-average dumping margin. If the U.S. International Trade Commission (ITC) makes a final affirmative determination of injury due to both dumping and subsidies, then the cash deposit rate will be revised effective on the date of the imposition of final measures, *i.e.*, the date of publication of the ITC's final affirmative determination in the **Federal Register**, to be the estimated weighted-average dumping margin adjusted for export subsidies and domestic subsidy pass-through, as appropriate.

U.S. International Trade Commission (ITC) Notification

In accordance with section 735(d) of the Act, we will notify the ITC of our final affirmative determination of sales at LTFV. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order (APO), without the written consent of the Assistant Secretary for Enforcement and Compliance.

Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of hexamine from China no later than 45 days after our final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce intends to issue an antidumping duty order, in accordance with section 736(a) of the Act, directing CBP to assess, upon further instruction

by Commerce, antidumping duties on all imports of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the "Continuation of Suspension of Liquidation" section.

Administrative Protective Order

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

Notification to Interested Parties

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

Dated: July 14, 2025.

Christopher Abbott,

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

Appendix

Scope of the Investigation

The scope of the investigation covers hexamine in granular form, with a particle size of 5 millimeters or less, whether stabilized or unstabilized, whether or not blended, mixed, pulverized, or grounded with other products, containing 50 percent or more hexamine by weight.

Hexamine is the common name for hexamethylene tetramine (Chemical Abstract Service # 100-97-0), and is also referred to as 1,3,5,7-tetraazaadamantanemethenamine; HMT; HMTA; 1,3,5,7-tetraazatricyclo {3.3.1.1^{3,7}} decane; 1,3,5,7-tetraazaadamantane; hexamethylenamine. Hexamine has the chemical formula C₆H₁₂N₄.

Granular hexamine that has been blended with other product(s) is included in this scope when the resulting mix contains 50 percent or more of hexamine by weight, regardless of whether it is blended with inert additives, co-reactants, or any additives that undergo self-condensation.

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

Merchandise covered by the scope of the investigation can be classified in the Harmonized Tariff Schedule (HTSUS) of the United States under the subheading 2933.69.5000. The HTSUS subheading and Chemical Abstracts Service registry number are provided for convenience and customs purposes only; however, the written description of the scope is dispositive.

[FR Doc. 2025-13563 Filed 7-17-25; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-570-181]

Hexamethylenetetramine From the People's Republic of China: Final Affirmative Countervailing Duty Determination

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of hexamethylenetetramine (hexamine) from the People's Republic of China (China). The period of investigation is January 1, 2023, through December 31, 2023.

DATES: Applicable July 18, 2025.

FOR FURTHER INFORMATION CONTACT:

Eliza DeLong, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3878.

SUPPLEMENTARY INFORMATION:

Background

On March 7, 2025, Commerce published in the **Federal Register** its *Preliminary Determination* in the countervailing duty (CVD) investigation hexamine from China and invited interested parties to comment.¹ In the *Preliminary Determination*, and in accordance with section 705(a)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(b)(4), Commerce aligned the final CVD determination with the final determination in the less-than-fair-value investigation of hexamine from China.²

For a complete description of the events that followed the *Preliminary*

⁴ See *Hexamethylenetetramine from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination*, 90 FR 11508 (March 7, 2025); see also section 703(d) of the Act, which states that the provisional measures may not be in effect for more than four months, which in the companion CVD case is 120 days after the publication of the preliminary determination, or July 4, 2025. (*i.e.*, last day provisional measures are in effect).

¹ See *Hexamethylenetetramine from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination*, 90 FR 11508 (March 7, 2025) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

² See *Preliminary Determination*, 90 FR at 11509.

Determination, see the Issues and Decision Memorandum.³ The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Investigation

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

Scope Comments

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

Verification

Because the non-responsive companies did not participate in this investigation and because the Government of China (GOC) did not provide information Commerce requested, Commerce did not conduct a verification in this investigation.

Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation, and the issues raised in the case brief by the GOC are discussed in the Issues and Decision Memorandum. For a list of the issues raised by interested parties and addressed in the Issues and Decision Memorandum, see Appendix II to this notice.

Methodology

Commerce conducted this investigation in accordance with section 701 the Act. For each of the subsidy programs found to be countervailable, Commerce determines that there is a subsidy, *i.e.*, a financial contribution by an "authority" that gives rise to a benefit to the recipient, and that the subsidy is specific.⁴ For a full

description of the methodology underlying our final determination, see the Issues and Decision Memorandum.

In making this final determination, Commerce relied on facts otherwise available and, because it finds that certain respondents and the Government of China did not act to the best of their ability to respond to Commerce's requests for information, Commerce drew an adverse inference, where appropriate, in selecting among the facts otherwise available.⁵ For a full discussion of our application of adverse facts available (AFA), see the *Preliminary Determination*,⁶ and the Issues and Decision Memorandum section entitled "Use of Facts Otherwise Available and Application of Adverse Inferences."

Changes Since the Preliminary Determination

Based on our review and analysis of the comments submitted in case briefs, we made no methodological changes to our determination.⁷

All-Others Rate

As discussed in the *Preliminary Determination*, Commerce based the selection of the all-others rate on the countervailable subsidy rate established for the mandatory respondents in accordance with section 705(c)(5)(A)(ii) of the Act.⁸ We made no changes to the selection of this rate for this final determination.

Final Determination

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

Company	Subsidy rate (percent <i>ad valorem</i>)
Changzhou Highassay Chemical Co	* 420.73
China Bluestar International Chemical Co., Ltd	* 420.73
Fengchen Group Co., Ltd	* 420.73
Hutubi Ruiyuantong Chemicals Co., Ltd	* 420.73

771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

⁵ See sections 776(a) and (b) of the Act.

⁶ See *Preliminary Determination* PDM at 3–5.

⁷ Although we made no methodological changes to our *Preliminary Determination*, we updated our selection of the AFA rate for grant programs to reflect a more recent rate for the "Equipment Grant" from *Cabinets from China*. See *Wooden Cabinets and Vanities and Components Thereof from the People's Republic of China: Final Affirmative Countervailing Duty Determination*, 85 FR 11962 (February 28, 2020) (*Cabinets from China*), and accompanying Issues and Decision Memorandum.

⁸ See *Preliminary Determination*.

Company	Subsidy rate (percent <i>ad valorem</i>)
Jiangsu Guotai Guomian Trading	* 420.73
Jiaozuo Runhua Chemical Industry Co	* 420.73
Qingdao Sun Chemical Corp. Ltd	* 420.73
Runhua Chemical Industry ...	* 420.73
Shandong Aojin Chemical Technology Co., Ltd	* 420.73
All Others	420.73

* Rate based on facts available with adverse inferences.

Disclosure

Normally, Commerce discloses its calculations performed in connection with the final determination to interested parties within five days of its public announcement, or if there is no public announcement, within five days of the date of publication of this notice, in accordance with 19 CFR 351.224(b). However, because Commerce applied facts available with adverse inferences in the calculation of the benefit for the non-responsive companies, and the applied AFA rates are based on rates calculated in prior proceedings, there are no calculations to disclose.

Suspension of Liquidation

As a result of our *Preliminary Determination*, and pursuant to sections 703(d)(1)(B) and (d)(2) of the Act, Commerce instructed U.S. Customs and Border Protection (CBP) to collect cash deposits and suspend liquidation of entries of subject merchandise from China that were entered, or withdrawn from warehouse, for consumption on or after March 7, 2025, the date of publication of the *Preliminary Determination* in the **Federal Register**.⁹ In accordance with section 703(d) of the Act, we instructed CBP to discontinue the suspension of liquidation of all entries of subject merchandise entered or withdrawn from warehouse, on or after July 5, 2025, but to continue the suspension of liquidation of all entries of subject merchandise from March 7, 2025, through July 4, 2025.

If the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, we will issue a CVD order, reinstate the suspension of liquidation under section 706(a) of the Act, and require a cash deposit of estimated countervailing duties for entries of subject merchandise in the amounts indicated above. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated, and

⁹ See *Preliminary Determination*, 90 FR at 11509.

³ See Memorandum, "Decision Memorandum for the Final Affirmative Determination in the Countervailing Duty Investigation of Hexamethylenetetramine from the People's Republic of China," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁴ See sections 771(5)(B) and (D) of the Act regarding financial contribution; see also section

all estimated duties deposited, or securities posted as a result of the suspension of liquidation will be refunded or canceled.

ITC Notification

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

If the ITC determines that material injury or threat of material injury does not exist, this proceeding will be terminated, and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue a CVD order directing CBP to assess, upon further instruction by Commerce, countervailing duties on all imports of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the "Suspension of Liquidation" section.

Administrative Protective Order

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

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 705(d) and 777(i) of the Act, and 19 CFR 351.210(c).

Dated: July 14, 2025.

Christopher Abbott,

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

Appendix I

Scope of the Investigation

The scope of this investigation covers hexamine in granular form, with a particle size of 5 millimeters or less, whether stabilized or unstabilized, whether or not blended, mixed, pulverized, or grounded with other products, containing 50 percent or more hexamine by weight.

Hexamine is the common name for hexamethylene tetramine (Chemical Abstract Service #100–97–0), and is also referred to as 1,3,5,7-tetraazaadamantanemethenamine; HMT; HMTA; 1,3,5,7-tetraazatricyclo {3.3.1.1^{3,7}} decane; 1,3,5,7-tetraazaadamantane; hexamethylenamine. Hexamine has the chemical formula C₆ H₁₂ N₄.

Granular hexamine that has been blended with other product(s) is included in this scope when the resulting mix contains 50 percent or more of hexamine by weight, regardless of whether it is blended with inert additives, co-reactants, or any additives that undergo self-condensation.

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

Merchandise covered by the scope of this investigation can be classified in the Harmonized Tariff Schedule (HTSUS) of the United States under the subheading 2933.69.5000. The HTSUS subheading and Chemical Abstracts Service registry number are provided for convenience and customs purposes only; however, the written description of the scope is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Use of Facts Otherwise Available and Adverse Inferences
- IV. Analysis of Programs
- V. Discussion of the Issues
 - Comment 1: Whether Commerce Should Find Non-Use or Provision of Labor for Less than Adequate Remuneration (LTAR)
 - Comment 2: Countervailability of Labor for LTAR
- VI. Recommendation

[FR Doc. 2025–13564 Filed 7–17–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Southeast Region Logbook Family of Forms

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on August 16th, 2024, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic and Atmospheric Administration, Commerce.

Title: Southeast Region Logbook Family of Forms.

OMB Control Number: 0648–0016.

Form Number(s): None.

Type of Request: Regular submission [extension of a currently approved collection].

Number of Respondents: 14,083.

Average Hours per Response: 2 minutes: Trip Declaration, 5 minutes: Power-Down Exemption, Landing Location Request, and South Atlantic for Hire Electronic Reporting Program. 6 minutes: Wreck fish Logbook, Gold Crab Logbook, and Costal Logbook. 9 minutes: Head boat Logbook. 10 minutes: Economic Trip Cost Logbook for SE Costal Fisheries and Fishing Report. 15 minutes: Discard report for permit holders and Intercept Survey. 45 minutes: Annual Cost Survey for Permit Holders. 5 hours: Gulf for hire reporting program.

Total Annual Burden Hours: 49,407 hours.

Needs and Uses: The National Oceanic and Atmospheric Administration's (NOAA's) National Marine Fisheries Service (NMFS) is seeking to extend the information collections currently approved under OMB Control No. 0648–0016. The NMFS Southeast Region manages commercial and recreational fisheries in Federal waters of the Gulf of America

(Gulf), South Atlantic, and Caribbean under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.*, through regulations implemented at 50 CFR part 622. Participants in most of these federally managed fisheries are required to keep and submit logbooks of their fishing effort and catch from their fishing trips. Some fishermen on these vessels also provide information on the species and quantities of fish, shellfish, marine turtles, and marine mammals that are caught and discarded or have interacted with the fishing gear. These fishermen may also provide information about dockside prices, trip operating costs, and annual fixed costs.

NOAA is currently drafting revised regulations to comply with a court order from the U.S. Fifth Circuit Court of Appeals, which effectively invalidated previous regulations implemented by NMFS. That rule is not yet available or effective during this time and therefore, this collection still reflects those requirements. In the future, a request for a revision will be submitted to comply with the approved court order.

Affected Public: Businesses or other for-profit organizations.

Frequency: Annually, or on occasion.

Respondent's Obligation: Mandatory.

Legal Authority: Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.*

This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0016.

Sheleen Dumas,

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

[FR Doc. 2025–13494 Filed 7–17–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Pacific Cod Trawl Cooperative Program

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

ACTION: Notice of information collection, request for comment.

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

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before September 16, 2025.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at NOAA.PRA@noaa.gov. Please reference OMB Control Number 0648–0811 in the subject line of your comments. All comments received are part of the public record and will generally be posted on <https://www.regulations.gov> without change. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Lis Henderson, National Marine Fisheries Service, by phone 907–586–7228, or by email at lis.henderson@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Marine Fisheries Service (NMFS), Alaska Region requests a revision and extension of a currently approved information collection for the Pacific Cod Trawl Cooperative Program (PCTC Program) reporting requirements.

This information collection contains requirements for the PCTC Program and is necessary for NMFS to administer and monitor compliance with the management provisions of the PCTC

Program. This information collection is required in PCTC Program regulations in Subpart J to part 679. The North Pacific Fishery Management Council (Council) recommended and NMFS implemented the PCTC Program under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*

The PCTC Program is a limited access privilege program to harvest Pacific cod (*Gadus macrocephalus*) in the Bering Sea and Aleutian Islands trawl catcher vessel (CV) sector. The program allocates Pacific cod harvest quota to qualifying License Limitation Program (LLP) license holders and qualifying processors and requires participants to form cooperatives to harvest the quota. The program establishes criteria for harvesters and processors in the Bering Sea and Aleutian Islands trawl CV sector to qualify for, receive Quota Share (QS), and transfer QS. Each year, program participants must join or form harvesting cooperatives in association with an eligible processor to harvest the annual harvest privilege of Pacific cod. NMFS issues a cooperative quota (CQ) to each cooperative based on the aggregate QS of the cooperative members and associated processors.

This collection contains ongoing information collection requirements submitted by participating harvesters and processors for the following forms: (1) Application for PCTC Program CQ, (2) Application for Inter-Cooperative Transfer of CQ, (3) Application for Transfer of PCTC Program QS for Processors, and (4) Notification of Intent to Process PCTC Program Pacific Cod. As part of this revision, NMFS is removing the following forms which are no longer needed: (1) Application for PCTC Program Quota Share (QS) and (2) Ninety-Day Transfer Window for Non-Exempt American Fisheries Act (AFA) License Limitation Program (LLP) holders.

Application for PCTC Program QS

The Application for PCTC Program QS will be removed as part of this revision. This form was used to establish initial allocations of PCTC Program QS for eligible harvesters and processors. The form was required at the start of the PCTC Program to collect basic information necessary to ensure that QS is assigned to the appropriate person(s) and to provide a process for resolving claims of legal landings that are contrary to the PCTC Program official record. The form was needed for initial applications to the PCTC Program, not subsequent years.

Application for PCTC Program CQ

Annually, each PCTC Program cooperative is required to submit an Application for PCTC Program CQ identifying catcher vessels that are eligible to harvest a portion of that cooperative's CQ. NMFS uses these applications to issue CQ permits, establish annual cooperative accounts for catch accounting purposes, and identify specific harvester vessels for each cooperative. As with other limited access privilege programs, the information received in this application is used to annually review ownership and control information for various QS holders to ensure that QS and CQ use caps are not exceeded.

Application for Inter-Cooperative Transfer of PCTC Program CQ

A cooperative in the PCTC Program may transfer all or part of its CQ to another cooperative for harvest subject to the limitations imposed by ownership and use caps. Annual CQ and associated PSC will be transferable between cooperatives using the Application for Inter-Cooperative Transfer of PCTC Program CQ. This application is necessary for NMFS to appropriately account for inter-cooperative transfers of CQ after annual CQ has been issued to PCTC Program cooperatives. NMFS uses this information to monitor transfers to ensure they do not exceed ownership or use caps for the fishery.

Application for Transfer of PCTC Program QS for Processors

The Application for Transfer of PCTC Program QS for Processors is used by a PCTC Program processor to request transfer to another eligible processor of a PCTC Program QS permit and any QS assigned to that permit or to request transfer of excess PCTC Program QS separate from that permit. This application is necessary for NMFS to account for processor QS in the PCTC Program. NMFS uses this information to monitor transfers to ensure they do not exceed ownership or use caps for the fishery. NMFS will use the QS price in aggregate during program reviews.

Notification of Intent To Process PCTC Program Pacific cod

The PCTC Program requires cooperatives to set-aside an amount of annual CQ for delivery to an Aleutian Island shoreplant if the City of Adak or the City of Atka files a notification of intent to process PCTC Program Pacific cod that year. The notification of intent to process is necessary for NMFS and the PCTC Program cooperatives to know whether the regulations established for the set-aside will be in effect during the

upcoming fishing year. The notification of intent to process PCTC Program Pacific cod is a signed letter or memorandum submitted to NMFS by the representative from either the City of Adak or the City of Atka.

Ninety-Day Transfer Window for Non-Exempt AFA LLP Holders

The Ninety-Day Transfer Window for Non-Exempt AFA LLP Holders form will be removed during this revision. This form was used during the initial implementation of the PCTC Program to allow persons to transfer QS between AFA non-exempt LLP licenses. This form was available during a one-time 90-day transfer window which allowed for contracts and agreements implemented under the AFA Pacific cod sideboard limits to be honored. With the expiration of the one-time window, PCTC Program QS is no longer severable from the LLP license to which it is assigned unless authorized by the transfer rules specified in new § 697.130(f) or modification is supported by an operation of law.

Appeals

The appeals process was made available during the initial implementation of the PCTC Program. A QS holder could file an appeal regarding their initial administrative determination related to their Application for PCTC Program QS. With the removal of the Application for PCTC Program QS, the appeals process for initial QS no longer applies to this information collection.

II. Method of Collection

Information is collected electronically through the NMFS Alaska Region online Fisheries Information System (eFISH), or through email or fax. The transfer applications are available as fillable pdfs on the NMFS Alaska Region website and may be downloaded, completed, and printed out prior to submission.

III. Data

OMB Control Number: 0648–0811.

Form Number(s): None.

Type of Review: Regular submission (extension and revision of a current information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 67 respondents.

Estimated Time per Response: 1 hours.

Estimated Total Annual Burden Hours: 90 hours.

Estimated Total Annual Cost to Public: \$3,370 in recordkeeping and reporting costs.

Respondent's Obligation: Mandatory.
Legal Authority: Magnuson-Stevens Fishery Conservation and Management Act.

IV. Request for Comments

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

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

Sheleen Dumas,

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

[FR Doc. 2025–13496 Filed 7–17–25; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION**Agency Information Collection Activities Under OMB Review**

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (“PRA”), this notice announces that the Information Collection Request (“ICR”) abstracted below has been forwarded to the Office of Information and Regulatory Affairs (“OIRA”), of the Office of Management and Budget (“OMB”), for review and comment. The ICR describes

the nature of the information collection and its expected costs and burden.

DATES: Comments must be submitted on or before August 18, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be submitted within 30 days of this notice's publication to OIRA, at <https://www.reginfo.gov/public/do/PRAMain>. Please find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the website's search function. Comments can be entered electronically by clicking on the "comment" button next to the information collection on the "OIRA Information Collections Under Review" page, or the "View ICR—Agency Submission" page. A copy of the supporting statement for the collection of information discussed herein may be obtained by visiting <https://www.reginfo.gov/public/do/PRAMain>.

In addition to the submission of comments to <https://Reginfo.gov> as indicated above, a copy of all comments submitted to OIRA may also be submitted to the Commodity Futures Trading Commission (the "Commission" or "CFTC") by clicking on the "Submit Comment" box next to the descriptive entry for OMB Control No. 3038–0012, at <https://comments.cftc.gov/FederalRegister/PublicInfo.aspx>.

Or by either of the following methods:

- **Mail:** Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

- **Hand Delivery/Courier:** Same as Mail above.

All comments must be submitted in English, or if not, accompanied by an English translation. You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.¹ The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from <https://www.cftc.gov> that it may deem to be inappropriate for publication, such as obscene language. All submissions that

have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT:

Owen J. Kopon, Division of Market Oversight, at (202) 418–5360 or okopon@cftc.gov; Isabella Bergstein, Division of Market Oversight, at (202) 993–1384 or ibergstein@cftc.gov.

SUPPLEMENTARY INFORMATION:

Title: Futures Volume, Open Interest, Price, Deliveries and Purchases/Sales of Futures for Commodities or for Derivatives Positions (OMB Control No. 3038–0012). This is a request for extension of a currently approved information collection.

Abstract: Commission Regulation 16.01 requires reporting markets to publish daily information on the items listed in the title of the collection. The information required by this rule is in the public interest and is necessary for market surveillance. This rule is promulgated pursuant to the Commission's rulemaking authority contained in Section 5 of the Commodity Exchange Act, 7 U.S.C. 7 (2010).

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.² On May 9, 2025, the Commission published in the **Federal Register** notice of the proposed extension of this information collection and provided 60 days for public comment on the proposed extension, 90 FR 19683 ("60-Day Notice"). The Commission did not receive any relevant comments on the 60-Day Notice.

Burden Statement: The Commission is revising its estimate of the burden for this collection to reflect the current number of respondents and estimated burden hours. The respondent burden for this collection is estimated to be as follows:

Estimated Number of Respondents: 38.

Estimated Average Burden Hours per Respondent: 250.

Estimated Total Annual Burden Hours: 94,500 hours.

Frequency of Collection: Daily.

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: July 16, 2025.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2025–13547 Filed 7–17–25; 8:45 am]

BILLING CODE 6351–01–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection

Activities: Notice of Intent To Extend Collection 3038–0052: Core Principles & Other Requirements for DCMs

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission ("Commission" or "CFTC") is announcing an opportunity for public comment on the proposed renewal of a collection of certain information by the agency. Under the Paperwork Reduction Act ("PRA"), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 30 days for public comment. This notice solicits comments on reporting requirements relating to collections of information related to designated contract markets ("DCMs") under the Commission's regulations.

DATES: Comments must be submitted on or before August 18, 2025.

ADDRESSES: You may submit comments, identified by "OMB Control No. 3038–0052" by any of the following methods:

- The Agency's website, at <https://comments.cftc.gov/>. Follow the instructions for submitting comments through the website.

- **Mail:** Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

- **Hand Delivery/Courier:** Same as Mail above.

Please submit your comments using only one method.

FOR FURTHER INFORMATION CONTACT:

Roger Smith, Division of Market Oversight, Commodity Futures Trading Commission, 77 West Jackson Blvd., Suite 800, Chicago, IL 60604; 202–418–5344; email: rsmith@cftc.gov.

SUPPLEMENTARY INFORMATION: Under the PRA, 44 U.S.C. 3501 *et seq.*, Federal agencies must obtain approval from the Office of Management and Budget ("OMB") for each collection of

¹ 17 CFR 145.9.

² 44 U.S.C. 3512, 5 CFR 1320.5(b)(2)(i) and 1320.8(b)(3)(vi).

information they conduct or sponsor. “Collection of Information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3 and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), requires Federal agencies to provide a 30-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 Commission is publishing notice of the proposed extension of the existing collection of information listed below. 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.

Title: Core Principles & Other Requirements for DCMs (OMB Control No. 3038–0052). This is a request for a revision and extension of a currently approved information collection.

Abstract: Part 38 of the Commission’s regulations governs the activities of DCMs. The information collected pursuant to Part 38 is necessary for the Commission to evaluate whether entities operating as, or applying to become, DCMs comply with the Part 38 and other Commission requirements and the CEA’s statutory requirements.

In general, OMB Control Number 3038–0052 covers all information collections in Part 38, including Subpart A and the DCM core principles (*i.e.*, Subparts B through X) as well as the related appendices thereto (*i.e.*, Appendix A—Form DCM; Appendix B—Guidance on, and Acceptable Practices in, Compliance with Core Principles; and Appendix C—Demonstration of Compliance That a Contract Is Not Readily Susceptible to Manipulation). Further, OMB Control No. 3038–0052 includes all information collections related to Part 9 (“Rules Relating to Review of Exchange Disciplinary, Access Denial or Other Adverse Actions”) to the extent Part 9 is applicable to DCMs. This collection also includes the requirements under regulation 38.251(g) in connection with the reporting of specific market disruption events to the Commission.

The collection also includes information collection requirements under regulation 1.52 regarding the Enhanced Protections Afforded Customer and Customer Funds Held by Futures Clearing Merchants and Derivatives Clearing Organizations for

DCMs.¹ Additionally, this control number includes collections under regulation 38.1051(n) that relate to system safeguards and cybersecurity testing requirements and requires DCMs to provide the Commission with annual trading volume information. For the majority of collections under OMB control number 3038–0052, the Commission notes that the number of registered, active DCMs has increased from 16 to 21.² This increase in the number of registered DCMs has increased the estimated information collection burdens for OMB control number 3038–0052, as shown below.

On May 8, 2025, the Commission published in the **Federal Register** notice of the proposed extension of this information collection and provided 60 days for public comment on the proposed extension, 90 FR 19471 (“60-Day Notice”). The Commission did not receive any relevant comments on the 60-Day Notice.

With respect to the collection of information, the CFTC invites comments on:

- Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and
- Ways to minimize the burden of 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.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to <https://www.cftc.gov>. You should submit only information that you wish to make available publicly. If you wish for the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission’s regulations.³

¹ The Commission notes that § 38.605 incorporates and references § 1.52.

² See *infra* note 4.

³ 17 CFR 145.9.

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from <https://www.cftc.gov> that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the Information Collection Request will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

Burden Statement: The Commission is revising its estimate of the burden for this collection. The respondent burden for this collection is estimated to be as follows:

Total Estimated Burden for Information Collection 3038–0052

Estimated number of respondents:

21.⁴

Estimated total annual number of responses: 9,009 (rounded).

Estimated total annual burden hours: 12,342 (rounded).

Estimated total annual burden cost: \$1,252,217.

Frequency of Collection: On occasion.

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: July 16, 2025.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2025–13539 Filed 7–17–25; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Supplemental Notice of Board of Visitors of the U.S. Air Force Academy Meeting

AGENCY: Board of Visitors of the U.S. Air Force Academy (BoV AFA), Department of the Air Force.

ACTION: Supplemental notice of Federal advisory committee meeting.

SUMMARY: The Department of Defense (DoD) is publishing this supplemental notice to announce an in-person attendance option for a Federal advisory

⁴ The 60-Day Notice reflected an estimate of 18 respondents. Based on this number of respondents, the Commission had previously estimated that the annual burden hours for all respondents totaled 11,802. These estimates have been updated based on the most recent available data on the total number of respondents as shown here.

committee meeting of the Board of Visitors of the U.S. Air Force Academy (BoV AFA) that was announced in the **Federal Register** of July 8, 2025.

DATES: The meeting is open to the public Thursday, August 7, 2025, from approximately 8:30 a.m. to 11:30 a.m. (mountain time). Those wishing to attend in person are requested to submit their name, affiliation, and phone number to bov@afacademy.af.edu by July 30, 2025.

ADDRESSES: The meeting will be held at the Falcon Club, 3120 Academy Dr., Air Force Academy, CO 80840.

FOR FURTHER INFORMATION CONTACT:

Designated Federal Officer: Dr. Raquel Rimpola, bov@afacademy.af.edu, 703-614-4751, 1660 Air Force Pentagon, Washington, DC 20330-1660

Alternate Designated Federal Officer: Ms. Blaire Brush, bov@afacademy.af.edu, 2304 Cadet Drive, Suite 3200, USAF Academy, CO 80840-5025.

USAFA BoV Website: <https://www.usafa.edu/about/bov/>. Contains information on the Board of Visitors, link to the meeting, and approved meeting agenda.

SUPPLEMENTARY INFORMATION: The original meeting announcement can be found in the **Federal Register** of July 8, 2025, at 90 FR 30058. This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) (5 U.S.C. 1001 *et seq.*), the Government in the Sunshine Act (5 U.S.C. 552b), and 41 CFR 102-3.140 and 102-3.150. A completed background check and government issued Real ID are required to access the meeting location. All members of the public are subject to security screening. Seating is available on a first come, first served basis.

Pursuant to 41 CFR 102-3.140d, the committee is not obligated to allow a member of the public to speak or otherwise address the committee during the meeting and members of the public attending the committee meeting will not be permitted to present questions from the floor or speak to any issue under consideration of the committee.

Disability and Language Accommodations: Please direct any requests for disability or language accommodations to the Alternate Designated Federal Officer in the **FOR FURTHER INFORMATION CONTACT** section above.

Tommy W. Lee,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2025-13492 Filed 7-17-25; 8:45 am]

BILLING CODE 3911-44-P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Public Meeting for the Draft Environmental Impact Statement for the Proposed Bremerton Waterfront Infrastructure Improvements at Puget Sound Naval Shipyard and Intermediate Maintenance Facility, Naval Base Kitsap-Bremerton (EISX-007-17-USN-1654671600)

AGENCY: Department of the Navy (DoN), Department of Defense (DoD).

ACTION: Notice.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA), the U.S. Department of the Navy (DoN), as the lead agency, has prepared and filed with the U.S. Environmental Protection Agency (EPA) a Draft Environmental Impact Statement (DEIS) which evaluates the potential environmental impacts of constructing and operating a new multi-mission dry dock (M2D2) and associated waterfront infrastructure improvements at Puget Sound Naval Shipyard and Intermediate Maintenance Facility (PSNS & IMF) on Naval Base Kitsap-Bremerton. The Proposed Action also includes dredging to create adequate water depth at wharves and piers and as required for construction of new structures. Some existing upland shipyard functions affected by construction at PSNS & IMF would be moved to Naval Base Kitsap-Bangor. The U.S. Army Corps of Engineers, Seattle District and the EPA, Region 10 are cooperating agencies with the DoN in the preparation of the EIS. The DoN also worked closely with the Suquamish Indian Tribe of the Port Madison Reservation, Skokomish Indian Tribe, Port Gamble S'Klallam Tribe, Jamestown S'Klallam Tribe, and Lower Elwha Tribal Community to develop the DEIS. The DoN published a Notice of Intent to prepare an EIS in the **Federal Register** on June 8, 2022 (Volume 87, number 110) that initiated a 30-day scoping period ending on July 11, 2022. The Notice of Intent discussed several projects that are no longer part of the Proposed Action. Three potential future actions—Pier 5 demolition, Pier 6 replacement, and Dry Dock 6 (DD6) seismic upgrades—are not currently funded or programmed for implementation, and a future construction schedule has not yet been determined. If the DoN decides to proceed with these potential projects at a later date, the DoN will analyze potential environmental impacts in accordance with NEPA requirements and Navy implementation policies.

DATES: With the filing of the DEIS, the DoN is initiating a 45-day public review and comment period on the DEIS beginning on July 18, 2025 and ending on September 3, 2025. The public can submit comments during the DEIS public review and comment period, during the in-person public meeting, online at the project website, by email, or by U.S. mail. All comments must be postmarked or submitted electronically by 11:59 p.m. Pacific Time on September 3, 2025 to be considered in the development of the Final EIS. Concurrently, the Navy is conducting a Section 106 process under the National Historic Preservation Act, or NHPA that requires federal agencies to consider the effects projects may have on historic properties. The public can submit written comments for the Section 106 process during this public review and comment period.

One public meeting will be held in the form of an open house session to allow interested individuals to review information presented in the DEIS. DoN representatives will be available during the open house session to provide information and answer questions about the Proposed Action and environmental analysis. There will not be a formal presentation. The public meeting is scheduled for the following date, time and location:

1. Thursday, August 7, 2025, from 5:00 p.m. to 8:00 p.m. Pacific Time at the Marvin Williams Recreation Center; 725 Park Avenue, Bremerton, WA 98337.

ADDRESSES: The DoN invites all interested parties to submit comments on the Bremerton Waterfront Infrastructure Improvements DEIS during the public review and comment period ending on September 3, 2025. Comments may be received:

- at the in-person public meeting;
- electronically through the project website: BremertonWaterfrontImprovementsEIS.com;
- electronically through email: info@BremertonWaterfrontImprovementsEIS.com; or
- by mail to Naval Facilities Engineering Systems Command Northwest; Attention: EIS Project Manager, 1101 Tautog Circle, Room 210, Silverdale, Washington 98315.

FOR FURTHER INFORMATION CONTACT: Navy Region Northwest, 1100 Ramirez de Arellano Road, Room 213, Silverdale, WA 98315, Attention: Ms. Julianne Leinenveber, Public Affairs Specialist, 360-867-8525, julianne.e.leinenveber.civ@us.navy.mil, or visit the project website at <https://BremertonWaterfrontImprovementsEIS.com>

*BremertonWaterfront
improvementseis.com.*

SUPPLEMENTARY INFORMATION: PSNS & IMF is the DoN's primary provider for the maintenance, repair, modernization, inactivation, and recycling of ships, submarines, and aircraft carriers in the Pacific Fleet. PSNS & IMF is the only DoN shipyard on the West Coast with a dry dock that can accommodate nuclear-powered aircraft carriers for repair and maintenance. Additionally, PSNS & IMF is the only DoN shipyard that is approved to recycle nuclear nuclear-powered submarines.

Much of the infrastructure at PSNS & IMF is over 100 years old and was primarily designed for building and maintaining ship classes that are no longer part of the Naval fleet. Other than the construction of DD6 in the early 1960s, the shipyard has had few major infrastructure updates since World War II, which has led to significant ship maintenance delays.

The purpose of the Proposed Action is to address critical deficiencies in dry dock capability, capacity, and seismic survivability at Naval Base Kitsap-Bremerton to enable PSNS & IMF to meet its mission to support the DoN's nuclear fleet. The Proposed Action is needed because: (1) PSNS & IMF does not have the dry dock capability to support the DoN's newest Ford-class carriers; (2) PSNS & IMF does not have the dry dock and pier capacity to conduct the required future overhauling, refueling, inactivating, and recycling of nuclear-powered ships, and PSNS & IMF must also maintain the capacity to perform emergent work such as battle damage repair; and (3) PSNS & IMF has the only dry dock on the West Coast that can accommodate a nuclear-powered aircraft carrier, and it does not meet seismic criteria under the DoD safety certification program nor under the DoD Unified Facilities Criteria.

The DEIS analyzes two action alternatives that meet the purpose of and need for the Proposed Action and the No Action alternative. Under the No Action alternative, Alternative 1, there would be no change from the status quo. The action alternatives (Alternatives 2 and 3) are differentiated by the location of the new M2D2 and the locations of various infrastructure improvements.

Under Alternative 2, the DoN would construct a new M2D2 on the east side of PSNS & IMF, at the location of existing DD3. A new forge shop and expanded Radio Hill complex would be

constructed at Naval Base Kitsap-Bangor. The DoN would also demolish Piers 4, 6 and 7, deconstruct and remove the Hammerhead Crane on Pier 6, and construct a new Pier 2. The DoN would replace Pier 4 with a new pier. Pier 6 would be replaced with the new Wharf 6 at the M2D2 west wall and Pier 7 would be replaced with the new Wharf 7 at the M2D2 east wall.

Under Alternative 3, the DoN would construct an M2D2 in the center of the PSNS & IMF waterfront, at the current location of Mooring A. The DoN would also demolish Mooring A and Pier 4 and deconstruct and remove the Hammerhead Crane on Pier 6. The DoN would replace Pier 4 with a new pier. The Radio Hill complex at Naval Base Kitsap-Bangor would be expanded.

Both alternatives would require dredging to create adequate water depth at wharves and piers and as required for construction of new structures, but Alternative 3 would also require dredging to create a turning basin. Temporary construction methods include 18 temporary mooring buoys, an off-site contractor multi-use site(s) and a temporary construction access pier as well as caisson transport to the project location. Alternative 2 would also require a temporary cofferdam. Alternative 2 is the DoN's preferred alternative because it would have fewer environmental impacts than Alternative 3, based on a comparison of dredge areas, in-water fill, and net increase in overwater coverage.

The DEIS evaluates the potential environmental impacts associated with air quality, water resources, geological resources, biological resources, cultural resources, American Indian traditional resources, land use and recreation, visual resources, noise, utilities and infrastructure, transportation, marine navigation, public health and safety, hazardous materials and wastes, and socioeconomics. The analyses also evaluate the potential interaction of the Proposed Action with reasonably foreseeable future actions. The DEIS identifies various environmental commitments by the DoN to avoid, minimize, or mitigate environmental effects.

Additionally, the DoN is conducting all coordination, consultation, and permitting activities required by the Clean Water Act, Rivers and Harbors Act, Endangered Species Act, Marine Mammal Protection Act, Magnuson-Stevens Fishery Conservation and Management Act, National Historic

Preservation Act, Coastal Zone Management Act, and other applicable laws and regulations. The DoN is conducting government-to-government consultations with federally recognized Tribes that could be affected by the Proposed Action.

The DEIS has been distributed to various Federal, State, local agencies and Tribes, as well as other interested individuals and organizations. In addition, copies of the DEIS have been distributed to the following libraries for public review:

1. Kitsap Regional Library, Dr. Martin Luther King Jr., 612 Fifth Street, Bremerton, WA 98337;
2. Kitsap Regional Library, Sylvan Way Branch, 1301 Sylvan Way, Bremerton, WA 98310;
3. Kitsap Regional Library, Port Orchard Branch, 87 Sidney Avenue, Port Orchard, WA 98366;
4. Kitsap Regional Library, Silverdale Branch, 3650 NW Anderson Hill Road, Suite 101, Silverdale, WA 98383;
5. Seattle Public Library, Central Library Branch, 1000 Fourth Avenue, Seattle, WA 98104.

An electronic copy of the DEIS is also available for public viewing at: *BremertonWaterfrontImprovements EIS.com*.

The public involvement process is helpful in identifying public concerns and local issues to be considered during the development of the Final EIS and encouraging comments on the environmental analysis. Federal, State, and local agencies; federally recognized Tribes and Tribal groups; non-governmental organizations; and interested persons are encouraged to provide substantive comments on the Proposed Action and the environmental analysis, as well as the project's potential to affect historic properties as it relates to Section 106 of the NHPA. All comments provided at the in-person public meeting, electronically via the project website, emailed, or mailed to the addresses provided in the **ADDRESSES** section by 11:59 p.m. Pacific Time on September 3, 2025 will be considered during the development of the Final EIS.

Dated: July 15, 2025.

T.O. Walker,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2025-13483 Filed 7-17-25; 8:45 am]

BILLING CODE 3810-FF-P

DEPARTMENT OF EDUCATION**[Docket No.: ED–2025–SCC–0017]****Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application for Client Assistance Program****AGENCY:** Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).**ACTION:** Notice.**SUMMARY:** In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).**DATES:** Interested persons are invited to submit comments on or before August 18, 2025.**ADDRESSES:** Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link www.reginfo.gov/public/do/PRAMain to access the site. Find this information collection request (ICR) by selecting “Department of Education” under “Currently Under Review,” then check the “Only Show ICR for Public Comment” checkbox. Reginfo.gov provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the “View Information Collection (IC) List” link. Supporting statements and other supporting documentation may be found by clicking on the “View Supporting Statement and Other Documents” link.**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact April Trice, (202) 245–6421.**SUPPLEMENTARY INFORMATION:** The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.*Title of Collection:* Application for Client Assistance Program.*OMB Control Number:* 1820–0520.*Type of Review:* Extension without change of a currently approved ICR.*Respondents/Affected Public:* State, Local, and Tribal Governments.*Total Estimated Number of Annual Responses:* 57.*Total Estimated Number of Annual Burden Hours:* 9.*Abstract:* The purpose of Client Assistance Program (CAP) is to advise and inform applicants and individuals eligible for services and benefits available under the Rehabilitation Act of 1973 (Rehabilitation Act), as amended by the Workforce Innovation and Opportunity Act (WIOA), and title I of the Americans with Disabilities Act of 1990 (ADA), including students with disabilities under section 113 and individuals with disabilities employed at subminimum wage under section 511 of the Rehabilitation Act. In addition, applicants and eligible individuals may be provided advocacy and representation to ensure their rights in their relationship with projects, programs, and services to protect their rights provided under the Rehabilitation Act. In addition to providing assistance and advocacy under the Rehabilitation Act, a CAP agency may provide information on the assistance and benefits on title I of the ADA, especially those who have traditionally been unserved or underserved by the vocational rehabilitation program, with respect to services that are directly related to facilitating the employment for applicants or eligible individuals.**Ross Santy,***Chief Data Officer, Office of Planning, Evaluation and Policy Development.*

[FR Doc. 2025–13464 Filed 7–17–25; 8:45 am]

BILLING CODE 4000–01–P**DEPARTMENT OF EDUCATION****[Docket No.: ED–2025–SCC–0086]****Institute of Education Sciences (IES), Department of Education (ED) Agency Information Collection Activities; Comment Request; National Public Education Financial Survey (NPEFS) 2025–2027****AGENCY:** Institute of Education Sciences (IES), Department of Education (ED).**ACTION:** Notice.**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, ED is requesting an extension of a currently approved information collection.**DATES:** To ensure consideration, comments regarding this proposed

information collection must be received on or before September 16, 2025.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED–2025–SCC–0086. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the www.regulations.gov site is not available to the public for any reason, the Department will temporarily accept comments at ICDocketMgr@ed.gov. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to Chris Greene, Institute of Education Sciences, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202.**FOR FURTHER INFORMATION CONTACT:**Requests for additional information or specific questions related to collection activities should be directed to Chris Greene, Senior Advisor, Institute of Education Sciences, 202–453–5926 or chris.greene@ed.gov.**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)) (<https://www.govinfo.gov/content/pkg/USCODE-2023-title44/pdf/USCODE-2023-title44-chap35-subchapI-sec3506.pdf>), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance

the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: National Public Education Financial Survey (NPEFS) 2025–2027.

OMB Control Number: 1850–0067.

Type of Review: An extension, without change, of a currently approved information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 56.

Total Estimated Number of Annual Burden Hours: 7,327.

Abstract: The National Public Education Financial Survey (NPEFS) is an annual collection of state-level finance data that has been included in the National Center for Education Statistics (NCES) Common Core of Data (CCD) since FY 1982 (school year 1981–82). The U.S. Census Bureau (Census), Economic Reimbursable Surveys Division, administers the NPEFS data collection for NCES under interagency agreement in conjunction with the Local Education Agency (School District) Finance Survey (F–33) (OMB #0607–0700) and the School-Level Finance Survey (SLFS) (OMB #1850–0930). NPEFS is a comprehensive source of state-level finance data for public education collected on a nationwide scale using uniform definitions, concepts, and procedures. The collection includes the revenues, expenditures, and average daily attendance of all publicly funded schools and elementary-secondary local education agencies (LEAs), state payments on behalf of LEAs, and state support for a free public education for students in prekindergarten through 12th grade. In this notice, NCES is announcing its intention to extend the date of clearance for NPEFS, without change, to the currently approved collection. Detailed information about the collection can be found at https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202309-1850-011.

NPEFS data are used to calculate a state's "average per-pupil expenditure" (SPPE) for elementary and secondary education, as defined by Title 20 U.S.C., Section 7801, paragraphs 1, 2, 3, 12, 26, and 48. SPPE data are used in calculating allocations for certain formula grant programs, including, but not limited to, Title I, Part A, of the Elementary and Secondary Education

Act of 1965 (ESEA), Impact Aid, and Indian Education programs. Other programs, such as the Education for Homeless Children and Youth program under title VII of the McKinney-Vento Homeless Assistance Act, and the Student Support and Academic Enrichment Grants under title IV, part A of the ESEA make use of SPPE data indirectly because their formulas are based, in whole or in part, on State title I, part A, allocations.

Data will be collected from State Education Agencies (SEAs) for all 50 states, the District of Columbia, American Samoa, the Northern Mariana Islands, Guam, Puerto Rico, and the Virgin Islands. SEAs appoint state fiscal coordinators to work with NCES and the U.S. Census Bureau to provide accurate and comparable data across states and jurisdictions. SEAs typically collect finance data from school districts for their own uses. Many states produce a state-specific chart of accounts or accounting manual to assist school districts in classifying and reporting finance data and producing government-wide financial statements. Uniform definitions and concepts of revenues and expenditures are defined by the NCES handbook *Financial Accounting for Local and State School Systems*.

Comparative data on resources and spending patterns is helpful for states to evaluate the effectiveness of their programs and services. The products of this data collection make it possible for data users to search a single database to obtain information on such things as instruction and student support services expenditures per pupil; expenditures on salaries and benefits, supplies, and purchased services; and the percent of school system funding from state, local, and federal sources. Education finance statistics provided by this collection allow for state-level comparisons of how public elementary-secondary education systems receive their funding and how they are spending their funds.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2025–13486 Filed 7–17–25; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2025–SCC–0085]

Institute of Education Sciences (IES), Department of Education (ED) Agency Information Collection Activities; Comment Request; Common Core of Data (CCD) School-Level Finance Survey (SLFS) 2025–2027

AGENCY: Institute of Education Sciences (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is requesting an extension of a currently approved information collection request (ICR).

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before September 16, 2025.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED–2025–SCC–0085. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the www.regulations.gov site is not available to the public for any reason, the Department will temporarily accept comments at ICDocketMgr@ed.gov. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to Chris Greene, Institute of Education Sciences, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or specific questions related to collection activities should be directed to Chris Greene, Senior Advisor, Institute of Education Sciences, 202–453–5926 or chris.greene@ed.gov.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)) (<https://www.govinfo.gov/content/pkg/USCODE-2023-title44/pdf/USCODE-2023-title44-chap35-subchapI-sec3506.pdf>), provides the general public and Federal agencies with an

opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Common Core of Data (CCD) School-Level Finance Survey (SLFS) 2025–2027.

OMB Control Number: 1850–0930.

Type of Review: An extension, without change, of a currently approved information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 325.

Total Estimated Number of Annual Burden Hours: 6,119.

Abstract: The School-Level Finance Survey (SLFS) is an annual collection of school-level finance data published in the National Center for Education Statistics (NCES) Common Core of Data (CCD). The U.S. Census Bureau (Census), Economic Reimbursable Surveys Division, administers the SLFS data collection for NCES under interagency agreement in conjunction with the National Public Education Financial Survey (NPEFS) (OMB #1850–0067) and the Local Education Agency (School District) Finance Survey (F–33) (OMB #0607–0700). SLFS is a comprehensive source of school-level finance data for public education collected on a nationwide scale using uniform definitions, concepts, and procedures. The collection includes the salaries, benefits, and total current expenditures broken out by activity (function) for all publicly funded schools serving students in prekindergarten through 12th grade. In this notice, NCES is announcing its

intention to extend the date of clearance for SLFS, without change, to the currently approved collection. Detailed information about the collection can be found at https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202307-1850-003.

Data will be collected from State Education Agencies (SEAs) for all 50 states and the District of Columbia. SEAs appoint state fiscal coordinators to work with NCES and the U.S. Census Bureau to provide accurate and comparable data across states and jurisdictions. SEAs typically collect finance data from school districts for their own uses. Many states produce a state-specific chart of accounts or accounting manual to assist school districts in classifying and reporting finance data and producing government-wide financial statements. Uniform definitions and concepts of revenues and expenditures are defined by the NCES handbook *Financial Accounting for Local and State School Systems*.

Data on school-level spending patterns is helpful for parents to make choices for the education of their child. Uniform and comparable data helps states measure the effectiveness of resource allocation. Collecting this data at the national level addresses the need for reliable and unbiased measures that can be utilized to compare how resources are distributed among schools within local districts. Education finance statistics provided by this collection allow for comparisons of how public elementary-secondary schools are spending their funds.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2025–13487 Filed 7–17–25; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Request for Nominations: National Advisory Council on Indian Education (NACIE)

AGENCY: U.S. Department of Education

ACTION: Request for nominations for appointment to serve on NACIE.

SUMMARY: The United States Department of Education (Department) is seeking nominations for individuals to fill vacant seats and serve on NACIE.

DATES: Nominations must be received no later than August 31, 2025.

ADDRESSES: You may submit nomination(s), including attachments, via email to: Julian.Guerrero@ed.gov (please specify in the email subject line “NACIE Nomination”).

FOR FURTHER INFORMATION CONTACT:

Julian Guerrero, Jr., Designated Federal Official, Office of Indian Education, U.S. Department of Education, 400 Maryland Avenue SW, Office 4B–116, Washington, DC 20202. Telephone: (202) 213–3416. Email: Julian.Guerrero@ed.gov.

SUPPLEMENTARY INFORMATION:

Nomination(s) received should contain the following:

(1) A cover letter from the nominating entity self-identifying as an Indian Tribe or an Indian Organization;

(2) Reason(s) for nominating the individual;

(3) A copy of the nominee's current resume or curriculum vitae;

(4) Contact information for the nominee (e.g., name, title, mailing address, phone number, and email address); and

(5) A statement affirming that the nominee has agreed to be nominated and is willing to serve on NACIE if appointed by the President of the United States of America.

Statutory Authority and Function:

NACIE is a statutorily authorized and presidentially appointed 15-member federal advisory committee created via the Indian Education Act of 1972 (IEA) and reauthorized via the Elementary and Secondary Education Act (ESEA) as amended. The duties of NACIE (20 U.S.C. 7471) are to:

(A) Advise both the Secretary of Education and the Secretary of the Interior concerning the funding and administration (including development of regulations, administrative policies, and practices) of any program that includes Indian children or adults as participants or beneficiaries.

(B) Make recommendations to the Secretary of Education for filling the position of Office of Indian Education (OIE) Director whenever a vacancy occurs.

(C) Submit an annual report to Congress every year no later than June 30; regarding the activities of NACIE and include any recommendations for the improvement of Federal education programs that include Indian children or adults as participants or beneficiaries; and funding recommendations.

In addition, Section 6141(a) of the ESEA requires that nominations are furnished, from time to time, by Indian Tribes and Indian Organizations; and must represent different geographic areas of the United States. Section 2 of the NACIE Improvement Act (NIA) requires that one member must be a president of a Tribal College or University as defined in 20 U.S.C. 1059c(b). NACIE members will serve as

Special Government Employees (SGEs), as defined in 18 U.S.C. 202(a). As SGEs, members are selected for their individual experience, integrity, impartiality, and good judgment. The President or his delegate shall appoint a Chairperson and a Vice Chairperson from among the members. NACIE members may receive reimbursement for travel expenses incident to attending NACIE meetings, including per diem, as authorized by 5 U.S.C. 5703 for persons intermittently employed in the government service. NACIE is governed by provisions of the Federal Advisory Committee Act (FACA) (Pub. L. 92-463; as amended, 5 U.S.C. app.) which sets forth standards for the formation and use of advisory committees.

Electronic Access to this Document: The official version of this document is published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: www.govinfo.gov/. At this site, you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site. You also may access documents of the Department published in the **Federal Register** by using the article search feature at: www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Authority: Section 6141 of the ESEA, as amended (20 U.S.C. 7471).

Hayley B. Sanon,

Principal Deputy Assistant Secretary and Acting Assistant Secretary, Office of Elementary and Secondary Education.

[FR Doc. 2025-13490 Filed 7-17-25; 8:45 am]

BILLING CODE 4000-01-P

ELECTION ASSISTANCE COMMISSION

Agency Information Collection Activities: EAC Federal Financial Report

AGENCY: Election Assistance Commission.

ACTION: Notice; request for comment.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the U.S. Election Assistance Commission (EAC) gives notice that it is requesting from the Office of Management and Budget (OMB) approval for the information collection EAC Federal Financial Report (EAC-FFR).

DATES: Comments should be submitted by 5 p.m. EST on Monday, August 18, 2025.

ADDRESSES: Comments on the proposed form should be submitted electronically via <https://www.regulations.gov> (docket ID: EAC-2025-0005).

Written comments on the proposed information collection can also be sent to the U.S. Election Assistance Commission, 633 3rd Street NW, Suite 200, Washington, DC 20001, Attn: Office of Grants Management OCFO.

All requests and submissions should be identified by the title of the information collection.

SUPPLEMENTARY INFORMATION: EAC Federal Financial Report (EAC-FFR); OMB Number: 3265-0022.

Purpose

This proposed information collection was previously published in the **Federal Register** on Wednesday, May 14, 2025, and allowed 60 days for public comment. In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act (PRA) of 1995, EAC has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. The purpose of this notice is to allow an additional 30 days for public comment from all interested individuals and organizations.

The EAC Office of Grants Management (EAC/OGM) is responsible for distributing, monitoring, and providing technical assistance to states and grantees on the use of federal funds. EAC/OGM also reports on how the funds are spent to Congress, negotiates indirect cost rates with grantees, and resolves audit findings on the use of HAVA funds.

The EAC-FFR is employed for all financial reports for grants issued under HAVA authority. This revised format builds upon that report for the various grant awards given by EAC.

The FFR directly benefits award recipients by making it easier for them to administer federal grant and cooperative agreement programs through the standardization of the types of information required in financial reporting, thereby reducing their administrative effort and costs.

Public Comments

The EAC is soliciting public comments on:

- Ways to enhance the quality, utility, and clarity of the information collected from respondents, including using automated collection techniques or other forms of information technology; and
- Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Description: The EAC proposes collecting financial activity data for HAVA. EAC will use this data to ensure grantees are proceeding satisfactorily in meeting the approved goals and purpose of the project.

Respondents: All EAC grantees and state governments.

Annual Reporting Burden

ANNUAL BURDEN ESTIMATES

EAC grant	Instrument	Total number of respondents	Total number of responses per year	Average burden hours per response	Annual burden hours
251	EAC-FFR	35	2	.5	35
101	EAC-FFR	20	2	.5	20
Election Security	EAC-FFR	56	4	.5	112
HAVCP	EAC-FFR	14	2	.5	14
Total .....	.....	.....	.....	.....	181

The estimated annualized cost of this burden is: \$4,646.27, which is calculated by taking the annualized burden (181 hours) and multiplying it by an hourly rate of \$25.67 (GS–8/Step 5 hourly basic rate).

Seton Parsons,
Associate Counsel, U.S. Election Assistance Commission.
[FR Doc. 2025–13482 Filed 7–17–25; 8:45 am]
BILLING CODE 4810–71–P

ELECTION ASSISTANCE COMMISSION

Agency Information Collection
Activities: EAC Budget Expenditures Worksheet

AGENCY: Election Assistance Commission.
ACTION: Notice; request for comment.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the U.S. Election Assistance Commission (EAC) gives notice that it is requesting from the Office of Management and Budget (OMB) approval for the extension of the information collection EAC Budget Expenditures Worksheet (EAC–BEW) and Instructions. The EAC proposes to identify and collect budget and expense activity data for HAVA. EAC will use this data to ensure grantees are proceeding in a satisfactory manner in meeting the approved goals and purpose of the project.

DATES: Comments must be received by 5 p.m. Eastern on Monday, August 18, 2025.

ADDRESSES: Comments on the proposed form should be submitted electronically via <https://www.regulations.gov> (docket ID: EAC–2025–0006).

Written comments on the proposed information collection can also be sent to the U.S. Election Assistance Commission, 633 3rd Street NW, Suite 200, Washington, DC 20001, Attn: Office of Grants Management OCFO.

All requests and submissions should be identified by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Title and OMB Number

EAC Budget Expenditures Worksheet (EAC–BEW); OMB Number: 3265–0023.

Purpose

This proposed information collection was previously published in the **Federal Register** on Wednesday, May 14, 2025, and allowed 60 days for public comment. In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act (PRA) of 1995, EAC has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. The purpose of this notice is to allow an additional 30 days for public comment from all interested individuals and organizations.

The EAC Office of Grants Management (EAC/OGM) is responsible for awarding, distributing, monitoring, and providing technical assistance to states and grantees on the use of federal funds. EAC/OGM also reports on how the funds are spent, negotiates indirect cost rates with grantees, and resolves audit findings on the use of HAVA funds.

The EAC–BEW is to be employed for all formula grants issued under HAVA authority. The EAC–BEW will directly benefit award recipients by making it easier for them to monitor budgets and expenses on their federal grant and cooperative agreement programs through standardization of the types of information found in the worksheet—thereby reducing their administrative effort and costs.

The requirement for grantees to report on performance is OMB grants policy. Specific citations are contained in Code of Federal Regulations TITLE 2, PART 200—w, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS.

Public Comments

- The EAC is soliciting public comments on:
- Ways to enhance the quality, utility, and clarity of the information collected from respondents, including using automated collection techniques or other forms of information technology; and
 - Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Respondents: All EAC formula grantees and state governments.

Annual Reporting Burden

ANNUAL BURDEN ESTIMATES					
EAC grant	Instrument	Total number of respondents	Total number of responses per year	Average burden hours per response	Annual burden hours
TBD	EAC–BEW	56	1	.5	28
Total .....	.....	.....	.....	.....	28

The estimated cost of the annualized cost of this burden is: \$718.76, which is calculated by taking the annualized burden (28 hours) and multiplying by an hourly rate of \$25.67 (GS–8/Step 5 hourly basic rate).

Seton Parsons,
Associate Counsel, U.S. Election Assistance Commission.
[FR Doc. 2025–13491 Filed 7–17–25; 8:45 am]
BILLING CODE 4810–71–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file

associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication and may request that the Commission place the prohibited communication and responses thereto

in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40

CFR 1501.6, made under 18 CFR 385.2201(e) (1) (v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. Each filing may be viewed on the Commission's website at <http://www.ferc.gov> using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659.

Docket Nos.	File date	Presenter or requester
<i>Prohibited:</i>		
1. EL25-76-000	7-14-2025	FERC Staff. ¹
2. ER24-2671-000	7-14-2025	FERC Staff. ²
3. ER24-2045-000	7-14-2025	FERC Staff. ³
<i>Exempt:</i>		
1. P-14861-002	7-1-2025	FERC Staff. ⁴
2. CP16-454-000	7-7-2025	U.S. Senator Ted Cruz.

¹ Memorandum dated 7/14/25 discussing comments of Commissioner Michael Richard from Technical Conference held on 7/4-7/5/25.

² Memorandum dated 7/14/25 discussing comments of Neil Millar and Travis Kavulla from Technical Conference held on 7/4-7/5/25.

³ Memorandum dated 7/14/25 discussing comments of Jacob Finkel from Technical Conference held 7/4-7/5/25.

⁴ Memorandum dated 7/01/25 summary of communication with the Advisory Council on Historic Preservation.

Dated: July 15, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025-13500 Filed 7-17-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC25-114-000.

Applicants: Leaning Juniper Wind Power II, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act of Leaning Juniper Wind Power II, LLC.

Filed Date: 7/11/25.

Accession Number: 20250711-5198.

Comment Date: 5 p.m. ET 8/1/25.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER24-2663-005; ER10-1852-114; ER10-1951-087; ER11-4462-110; ER14-1496-002; ER14-2138-023; ER14-2200-001; ER14-2202-001; ER14-2203-002; ER14-2204-001; ER14-2205-001; ER15-2101-021; ER15-2582-020; ER17-838-084; ER18-2091-019; ER19-011-017; ER19-2389-017; ER19-2901-

017; ER20-1219-014; ER20-1417-015; ER20-1980-015; ER20-1985-014; ER20-1988-015; ER20-2049-014; ER20-2070-012; ER21-1880-011; ER21-2109-010; ER21-2118-014; ER21-2293-014; ER22-1870-009; ER22-2518-008; ER23-489-010; ER23-493-010; ER23-1862-007; ER23-2107-008; ER23-2404-009; ER24-1804-008; ER24-2664-005; ER24-2848-007; ER25-668-003; ER25-796-003; ER25-1438-005; ER25-1961-001.

Applicants: Carousel Wind, LLC, Dominguez Grid, LLC, Jackson Fuller Energy Storage, LLC, Wheatridge East Wind, LLC, Troutdale Grid, LLC, Cedar Springs Wind IV, LLC, Clearwater Wind III, LLC, Bronco Plains Wind II, LLC, Clearwater Wind II, LLC, Roundhouse Renewable Energy II, LLC, Thunder Wolf Energy Center, LLC, Neptune Energy Center, LLC, Clearwater Wind I, LLC, Vansycle II Wind, LLC, Fish Springs Ranch Solar, LLC, Dodge Flat Solar, LLC, Wheatridge Solar Energy Center, LLC, Niyol Wind, LLC, Wheatridge Wind II, LLC, Cedar Springs Wind III, LLC, Northern Colorado Wind Energy Center II, LLC, Northern Colorado Wind Energy Center, LLC, Cedar Springs Wind, LLC, Roundhouse Renewable Energy, LLC, Peetz Table Wind, LLC, Bronco Plains Wind, LLC, Grazing Yak Solar, LLC, Peetz Logan Interconnect, LLC, Titan Solar, LLC, NextEra Energy Marketing, LLC, Carousel Wind Farm, LLC, Golden West Power Partners, LLC, Logan Wind Energy LLC, Limon Wind II, LLC, Limon

Wind, LLC, FPL Energy Vansycle L.L.C., ESI Vansycle Partners, L.P., Limon Wind III, LLC, Mountain View Solar, LLC, NEPM II, LLC, NextEra Energy Services Massachusetts, LLC, Florida Power & Light Company, Anticline Wind, LLC.

Description: Triennial Market Power Analysis for Northwest Region of Anticline Wind, LLC, et al.

Filed Date: 7/14/25.

Accession Number: 20250714-5206.

Comment Date: 5 p.m. ET 9/12/25.

Docket Numbers: ER25-2205-000.

Applicants: AE-ESS Holyoke, LLC.

Description: Report Filing:

Supplement to Application for Market-Based Rate Authority to be effective N/A.

Filed Date: 7/8/25.

Accession Number: 20250708-5145.

Comment Date: 5 p.m. ET 7/25/25.

Docket Numbers: ER25-2846-000.

Applicants: Quail Ranch BESS SF LLC.

Description: § 205(d) Rate Filing: Amended Certificate of Concurrence to LGIA Co-Tenancy and Shared Facilities to be effective 9/13/2025.

Filed Date: 7/15/25.

Accession Number: 20250715-5000.

Comment Date: 5 p.m. ET 8/5/25.

Docket Numbers: ER25-2847-000.

Applicants: Quail Ranch Solar SF LLC.

Description: § 205(d) Rate Filing: Amended COC to LGIA Co-Tenancy and Shared Facilities to be effective 9/13/2025.

Filed Date: 7/15/25.
Accession Number: 20250715–5001.
Comment Date: 5 p.m. ET 8/5/25.
Docket Numbers: ER25–2848–000.
Applicants: Louisville Gas and Electric Company.
Description: § 205(d) Rate Filing: Revisions to Rate Schedule No. 525 to be effective 12/31/9998.
Filed Date: 7/15/25.
Accession Number: 20250715–5024.
Comment Date: 5 p.m. ET 8/5/25.
Docket Numbers: ER25–2849–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Revised SA No. 3341—NITSA Among PJM and SEPA to be effective 9/14/2025.
Filed Date: 7/15/25.
Accession Number: 20250715–5048.
Comment Date: 5 p.m. ET 8/5/25.
Docket Numbers: ER25–2851–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: § 205(d) Rate Filing: Amendment to Rate Schedule FERC No. 370 to be effective 9/14/2025.
Filed Date: 7/15/25.
Accession Number: 20250715–5055.
Comment Date: 5 p.m. ET 8/5/25.
Docket Numbers: ER25–2852–000.
Applicants: Edgcom Energy USA, Inc.
Description: § 205(d) Rate Filing: Edgcom Energy USA, Inc. Market-Based Rate Tariff Filing to be effective 10/1/2025.
Filed Date: 7/15/25.
Accession Number: 20250715–5089.
Comment Date: 5 p.m. ET 8/5/25.
Docket Numbers: ER25–2853–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment ISA, SA No. 5979; Queue Position Nos. AD2–085/AE2–247/AF1–017 to be effective 9/14/2025.
Filed Date: 7/15/25.
Accession Number: 20250715–5107.
Comment Date: 5 p.m. ET 8/5/25.
Docket Numbers: ER25–2854–000.
Applicants: Duke Energy Progress, LLC.
Description: § 205(d) Rate Filing: Surplus Interconnection Related Agreements (Warsaw 2 Battery) to be effective 7/16/2025.
Filed Date: 7/15/25.
Accession Number: 20250715–5116.
Comment Date: 5 p.m. ET 8/5/25.
Docket Numbers: ER25–2855–000.
Applicants: New York Independent System Operator, Inc., Consolidated Edison Company of New York, Inc.
Description: § 205(d) Rate Filing: New York Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii):

NYISO-Con Edison 205: LGIA Luyster Creek Energy Storage SA2900 (CEII) to be effective 6/30/2025.

Filed Date: 7/15/25.

Accession Number: 20250715–5123.

Comment Date: 5 p.m. ET 8/5/25.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES25–53–000.

Applicants: Montana-Dakota Utilities Co.

Description: Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of Montana-Dakota Utilities Co. under ES25–53.

Filed Date: 7/11/25.

Accession Number: 20250711–5197.

Comment Date: 5 p.m. ET 8/1/25.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercensearch.asp>) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

Dated: July 15, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–13499 Filed 7–17–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL10–56–000]

Western Electricity Coordinating Council; Notice of Institution of Section 206 Proceeding and Refund Effective Date

On July 15, 2025, the Commission issued an order in Docket No. EL10–56–000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e, instituting an investigation to determine whether Western Electricity Coordinating Council's soft price cap framework is unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. *Western Electricity Coordinating Council*, 192 FERC ¶ 61,053 (2025).

The refund effective date in Docket No. EL10–56–000 established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register**.

Any interested person desiring to be heard in Docket No. EL10–56–000 must file a notice of intervention or motion to intervene, as appropriate, with the Federal Energy Regulatory Commission, in accordance with Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214 (2024), within 30 days of the date of issuance of the order.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. From FERC's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field. User assistance is available for eLibrary and the FERC's website during normal business hours from FERC Online Support at 202–502–6652 (toll free at 1–866–208–3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the “eFile” link at <http://www.ferc.gov>. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission’s Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

Dated: July 15, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025–13535 Filed 7–17–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 11730–029]

Black River Limited Partnership; Notice of Intent to Prepare an Environmental Assessment

On October 4, 2024,¹ Black River Limited Partnership filed an application Non-capacity Amendment of License for the Alverno Hydroelectric Project No. 11730. The project is located on the Black River in Cheboygan County, Michigan, and does not occupy federal lands.

The licensee proposes to amend the operating requirements of the project pursuant to Article 404 of the license to be consistent with an amended water quality certification issued by the Michigan Department of Environment, Great Lakes, and Energy on January 4, 2023, and to address an ongoing

compliance proceeding at the project. The licensee proposes to operate the project in run-of-river mode with a target reservoir operating level of 611.8+/- 0.5 feet NGVD. The licensee filed a revised Gaging and Flow Compliance Plan to accommodate the proposed changes to Article 404 and requests to revise the language of Article 405 of the license consistent with the revisions to Article 404 and the revised plan. There are no ground-disturbing activities associated with the licensee’s proposal.

This notice identifies Commission staff’s intention to prepare an environmental assessment (EA) under the National Environmental Policy Act (42 U.S.C. 4321 *et seq*) for the project.² Commission staff plans to issue an EA by January 30, 2026. Revisions to the schedule may be made as appropriate. The EA will be issued for a 30-day comment period. All comments filed on the EA will be reviewed by staff and considered in the Commission’s final decision on the proceeding.

The Commission’s Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members, and others to 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.

Any questions regarding this notice may be directed to Jeremy Jessup at (202) 502–6779 or Jeremy.Jessup@ferc.gov.

Dated: July 15, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025–13537 Filed 7–17–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4108–019]

City of St. Cloud, Minnesota; Notice Of Intent To Prepare An Environmental Assessment

On December 15, 2022, City of St. Cloud, Minnesota filed an application to

relicense the 8.64–megawatt St. Cloud Hydroelectric Project No. 4108 (project). The project is located on the Mississippi River, in the City of St. Cloud, in Stearns, Benton, and Sherburne Counties, Minnesota.

In accordance with the Commission’s regulations, on May 8, 2025, Commission staff issued a notice that the project was ready for environmental analysis (REA notice). Based on the information in the record, including comments filed on the REA Notice, staff does not anticipate that licensing the project would constitute a major federal action significantly affecting the quality of the human environment. Therefore, staff intends to prepare an Environmental Assessment (EA) on the application to relicense the project.¹

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

The Commission’s Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members, and others to access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

The application will be processed according to the following schedule. The EA will be issued for a 30-day comment period. Revisions to the schedule may be made as appropriate.

Milestone	Target Date
Commission issues EA	June 7, 2026.

Any questions regarding this notice may be directed to David Graefe at 202–502–6137, david.graefe@ferc.gov.

Dated: July 15, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025–13536 Filed 7–17–25; 8:45 am]

BILLING CODE 6717–01–P

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

² The unique identification number for documents relating to this environmental review is EAXX–019–20–000–1750060234.

¹ For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1751981550.

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Docket Nos. CP25–514–000, PF25–2–000;
Docket Nos. CP25–517–000, PF25–1–000]

**Tennessee Gas Pipeline Company,
L.L.C., Southern Natural Gas
Company, L.L.C. Elba Express
Company, L.L.C.; Notice of
Applications and Establishing
Intervention Deadline**

Take notice that on June 30, 2025, Tennessee Gas Pipeline Company, L.L.C. (TGP), 1001 Louisiana Street, Houston, Texas 77002, filed an application under section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations requesting authorization for its Mississippi Crossing Project (MSX Project). TGP proposes to: (1) construct approximately 199 miles of 36- and 42-inch-diameter pipeline from an interconnection with TGP's 100 Line in Washington County, Mississippi to a point in Choctaw County, Alabama (MSX Pipeline); (2) construct approximately seven miles of 36-inch-diameter pipeline lateral from Humphreys County, Mississippi to a point in Sunflower County, Mississippi (CGT Lateral); (3) construct approximately two miles of 30- and 36-inch-diameter pipeline laterals located in Attala and Lauderdale Counties, Mississippi and Choctaw County, Alabama; (4) construct three new gas-fired compressor stations located along the MSX Pipeline in Humphreys, Attala, and Lauderdale Counties, Mississippi and modify one existing compressor station in Washington County, Mississippi; (5) construct four new meter stations; and (6) construct three new overpressure protection facilities at interconnections with the existing TGP system in Washington, Humphreys, and Lauderdale Counties, Mississippi. The project is designed to provide 2.1 billion cubic feet per day (Bcf/d) of incremental firm transportation capacity and is approximately 90% subscribed. The project is estimated to cost approximately \$1.7 billion, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Additionally, on June 30, 2025, Southern Natural Gas Company, L.L.C. (SNG) and Elba Express Company, L.L.C. (EEC), (collectively, South System Applicants), 569 Brookwood Village, Suite 600, Birmingham, Alabama 35209, filed an application under sections 7(b) and 7(c) of the NGA and Part 157 of the Commission's regulations requesting authorization for its South System

Expansion 4 (SSE4 Project). SNG proposes to: (1) construct 14 new continuous natural gas pipeline loops totaling approximately 291 miles, primarily along its existing South Main Line in Mississippi, Alabama, and Georgia; (2) install new compression and/or perform horsepower expansions at 12 existing compressor stations across Mississippi, Alabama, and Georgia; (3) abandon nine existing compressor units at 4 compressor stations, replacing them with more efficient units at the same sites; (4) abandon approximately 2.2 miles of the 16-inch-diameter K Gen Lateral in-place and by removal in Clarke County, Mississippi; and (5) construct one new meter station in Clarke County, Mississippi, and one new meter station in Monroe County, Georgia, and modify nine existing meter stations in Alabama and Georgia. The project is designed to provide 1.323 Bcf/d of incremental firm transportation capacity and is fully subscribed. The project is estimated to cost approximately \$3.458 billion, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

Any questions regarding the application in Docket No. CP25–514–000 should be directed to Debbie M. Kalisek, Regulatory Manager, Tennessee Gas Pipeline Company, L.L.C., 1001 Louisiana Street, Suite 1000, Houston, Texas 77002, by phone at (713) 420–3292, or by email at debbie_kalisek@kindermorgan.com.

Any questions regarding the application in Docket No. CP25–517–

000 should be directed to Tina Hardy, Director Regulatory, Southern Natural Gas Company, L.L.C., 569 Brookwood Village, Suite 600, Birmingham, Alabama 35209, by phone at (205) 325–3668, or by email at Tina_hardy@kindermorgan.com.

On December 6, 2024, the Commission granted TGP's request to utilize the Pre-Filing Process and assigned Docket No. PF25–2–000 to staff activities involved in the MSX Project. Now, as of the filing of the June 30, 2025 application, the Pre-Filing Process for this project has ended. From this time forward, this proceeding will be conducted in Docket No. CP25–514–000 as noted in the caption of this Notice.

On December 6, 2024, the Commission granted the South System Applicants' request to utilize the Pre-Filing Process and assigned Docket No. PF25–1–000 to staff activities involved in the SSE4 Project. Now, as of the filing of the June 30, 2025 application, the Pre-Filing Process for this project has ended. From this time forward, this proceeding will be conducted in Docket No. CP25–517–000 as noted in the caption of this Notice.

Pursuant to section 157.9 of the Commission's Rules of Practice and Procedure,¹ within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Water Quality Certification

TGP stated that water quality certificates under section 401 of the Clean Water Act are required for the MSX Project from the Alabama Department of Environmental Management and the Mississippi Department of Environmental Quality. When available, TGP should submit to the Commission a copy of the request

¹ 18 CFR 157.9.

for certification for the Commission authorization, including the date the request was submitted to the certifying agency, and either (1) a copy of the certifying agency's decision or (2) evidence of waiver of water quality certification.

The South System Applicants stated that water quality certificates under section 401 of the Clean Water Act are required for the SSE4 Project from the Alabama Department of Environmental Management, the Georgia Department of Natural Resources, and the Mississippi Department of Environmental Quality. When available, the South System Applicants should submit to the Commission a copy of the request for certification for the Commission authorization, including the date the request was submitted to the certifying agency, and either (1) a copy of the certifying agency's decision or (2) evidence of waiver of water quality certification.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file comments on the project, you can protest the filing, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on August 5, 2025. How to file protests, motions to intervene, and comments is explained below.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections, to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be.

Protests

Pursuant to sections 157.10(a)(4)² and 385.211³ of the Commission's

regulations under the NGA, any person⁴ may file a protest to the application. Protests must comply with the requirements specified in section 385.2001⁵ of the Commission's regulations. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

To ensure that your comments or protests are timely and properly recorded, please submit your comments on or before August 5, 2025.

There are three methods you can use to submit your comments or protests to the Commission. In all instances, please reference the Project docket numbers CP25-514-000 and/or CP25-517-000 in your submission.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's website at www.ferc.gov under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments or protests electronically by using the eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Comment on a Filing"; or

(3) You can file a paper copy of your comments or protests by mailing them to the following address below. Your written comments must reference the Project docket numbers (CP25-514-000 and/or CP25-517-000).

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502-8258 or FercOnlineSupport@ferc.gov.

Persons who comment on the environmental review of this project will be placed on the Commission's

environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,⁶ has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure⁷ and the regulations under the NGA⁸ by the intervention deadline for the project, which is August 5, 2025. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket numbers CP25-514-000 and/or CP25-517-000 in your submission.

(1) You may file your motion to intervene by using the Commission's eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Intervention." The eFiling feature

⁴ Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

⁵ 18 CFR 385.2001.

⁶ 18 CFR 385.102(d).

⁷ 18 CFR 385.214.

⁸ 18 CFR 157.10.

² 18 CFR 157.10(a)(4).

³ 18 CFR 385.211.

includes a document-less intervention option; for more information, visit <https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf>; or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below. Your motion to intervene must reference the Project docket numbers CP25–514–000 and/or CP25–517–000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or FercOnlineSupport@ferc.gov.

Protests and motions to intervene must be served on TGP by mail at: Debbie M. Kalisek, Regulatory Manager, Tennessee Gas Pipeline Company, L.L.C., 1001 Louisiana Street, Suite 1000, Houston, Texas 77002 or by email at (with a link to the document) at debbie_kalisek@kindermorgan.com. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

Protests and motions to intervene must be served on the South System Applicants at: Tina Hardy, Director Regulatory, Southern Natural Gas Company, L.L.C., 569 Brookwood Village, Suite 600, Birmingham, Alabama, 35209 or by email (with a link to the document) at Tina_hardy@kindermorgan.com. Any subsequent submissions by an intervenor must be served on the applicants and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed⁹ motions to intervene are automatically granted by operation of Rule 214(c)(1).¹⁰ Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to

intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.¹¹ A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at www.ferc.gov using the “eLibrary” link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to www.ferc.gov/docs-filing/esubscription.asp.

Intervention Deadline: 5:00 p.m. Eastern Time on August 5, 2025.

Dated: July 15, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025–13534 Filed 7–17–25; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL OP–OFA–187]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–564–5632 or <https://www.epa.gov/nepa>. Weekly receipt of Environmental Impact Statements (EIS) Filed July 7, 2025 10 a.m. EST Through July 14, 2025 10 a.m. EST Pursuant to CEQ Guidance on 42 U.S.C. 4332.

Notice: Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters

on EISs are available at: <https://cdxapps.epa.gov/cdx-enepa-II/public/action/eis/search>.

EIS No. 20250095, Draft, USN, WA, Bremerton Waterfront Infrastructure Improvements at Puget Sound Naval Shipyard and Intermediate Maintenance Facility, Comment Period Ends: 09/03/2025, Contact: Rory Lee 360–509–6379.

EIS No. 20250096, Final, TVA, TN, Allen Aeroderivative Combustion Turbine Project, Review Period Ends: 08/18/2025, Contact: Matthew Higdon 865–632–8051.

Dated: July 14, 2025.

Nancy Abrams,
Associate Director, Office of Federal Activities.

[FR Doc. 2025–13523 Filed 7–17–25; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

RIN 3064–ZA50

Guidelines for Appeals of Material Supervisory Determinations

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of guidelines; request for comments.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) proposes to amend its Guidelines for Appeals of Material Supervisory Determinations to replace the existing Supervision Appeals Review Committee with an independent, standalone office that would consider and decide supervisory appeals.

DATES: Written comments must be received by the FDIC on or before September 16, 2025 for consideration.

ADDRESSES: Interested parties are invited to submit written comments, identified by RIN 3064–ZA50, by any of the following methods:

Agency Website: <https://www.fdic.gov/federal-register-publications>. Follow instructions for submitting comments on the agency's website.

Email: comments@FDIC.gov. Include RIN 3064–ZA50 in the subject line of the message.

Mail: Jennifer M. Jones, Deputy Executive Secretary, Attention: Comments—RIN 3064–ZA50, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

Hand Delivery/Courier: Comments may be hand-delivered to the guard station at the rear of the 550 17th Street

⁹ The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

¹⁰ 18 CFR 385.214(c)(1).

¹¹ 18 CFR 385.214(b)(3) and (d).

NW building (located on F Street NW) on business days between 7 a.m. and 5 p.m.

Public Inspection: Comments received, including any personal information provided, may be posted without change to <https://www.fdic.gov/federal-register-publications>.

Commenters should submit only information they wish to make available publicly. The FDIC may review, redact, or refrain from posting all or any portion of any comment that it may deem to be inappropriate for publication, such as irrelevant or obscene material. The FDIC may post only a single representative example of identical or substantially identical comments, and in such cases will generally identify the number of identical or substantially identical comments represented by the posted example. All comments that have been redacted, as well as those that have not been posted, that contain comments on the merits of this notice will be retained in the public comment file and will be considered as required under all applicable laws. All comments may be accessible under the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT: James Watts, Counsel, 202–898–6678, jwatts@fdic.gov; Sarah Chung, Senior Attorney, 202–898–7376, schung@fdic.gov; Legal Division.

SUPPLEMENTARY INFORMATION: The FDIC's Guidelines for Appeals of Material Supervisory Determinations (Guidelines) provide the process by which insured depository institutions (IDIs) may appeal material supervisory determinations made by the FDIC.¹ The Supervision Appeals Review Committee (SARC) has been the final level of review of the FDIC's material supervisory determinations. The FDIC is proposing to revise the Guidelines to replace the SARC with an independent, standalone office within the FDIC, known as the Office of Supervisory Appeals (Office). The Office would have delegated authority to consider and resolve appeals of material supervisory determinations.

I. Background

Section 309(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (Riegle Act) required the FDIC (as well as the other Federal banking agencies and the National Credit Union Administration) to establish an “independent intra-agency appellate process” to review material supervisory determinations.² The Riegle Act defines

the term “independent appellate process” to mean “a review by an agency official who does not directly or indirectly report to the agency official who made the material supervisory determination under review.”³ In the appeals process, the FDIC is required to ensure that (1) an IDI's appeal of a material supervisory determination is heard and decided expeditiously; and (2) appropriate safeguards exist for protecting appellants from retaliation by agency examiners.⁴

The Riegle Act defines “material supervisory determinations” to include determinations relating to (1) examination ratings; (2) the adequacy of loan loss reserve provisions; and (3) classifications on loans that are significant to an institution.⁵ Expressly excluded from this definition are decisions to appoint a conservator or receiver for an IDI or to take prompt corrective action pursuant to section 38 of the Federal Deposit Insurance Act (FDI Act), 12 U.S.C. 1831o.⁶ Finally, section 309(g) of the Riegle Act expressly provides that the requirement to establish an appeals process shall not affect the authority of the Federal banking agencies to take enforcement or supervisory actions against an IDI.⁷

On March 21, 1995, the FDIC's Board of Directors (Board) adopted the Guidelines to implement section 309(a) and established the SARC to consider and decide appeals of material supervisory determinations.⁸ Since that time, the SARC has been composed of FDIC Board members and other senior FDIC officials.

In January 2021, the FDIC adopted Guidelines that replaced the SARC with an independent, standalone office within the FDIC, known as the Office of Supervisory Appeals.⁹ The Office was granted delegated authority to consider and resolve appeals of material supervisory determinations and was staffed by reviewing officials with bank supervisory or examination experience.

In May 2022, the FDIC adopted revised Guidelines that restored the SARC as the final level of review of material supervisory determinations made by the FDIC.¹⁰ Based on extensive experience over many years, the FDIC believes that the Office should be reinstated in order to promote and enhance the independence of the

appeals process and to ensure requisite expertise of reviewing officials.

II. Discussion of Guidelines

The FDIC is proposing to establish an Office of Supervisory Appeals as the final level of review of material supervisory determinations made by the FDIC, replacing the SARC in the appellate process. The FDIC anticipates that the structure of the Office would be largely consistent with that of the previous Office. The FDIC is also proposing to make certain other enhancements to reflect its experience administering the supervisory appeals process, as described below. In other respects, including the timeline for the submission and review of appeals, the proposed Guidelines would be consistent with the current Guidelines.

The FDIC anticipates that an Office structure, like the one established in 2021, could provide several advantages over the existing supervisory appeals process and would address comments and concerns articulated to the FDIC. For example, creating a standalone Office to consider and resolve supervisory appeals, staffed with former industry professionals and those with bank supervisory experience, would allow the process to operate more independently and without perceived conflicts of interest. In addition, establishing the Office within the FDIC would continue to protect supervisory and confidential information while still satisfying the FDIC's statutory requirement to have an intra-agency appeals process. In addition, the proposal would ensure that individuals who decide on appeals have a deep understanding of banking and the supervisory process. These changes would facilitate a robust, independent supervisory appeals process that would be consistent over time.

Structure of the Office and Reviewing Officials

As it did in 2021, the FDIC is proposing to establish the Office as a standalone office independent of the Divisions that make supervisory determinations. The Office would be staffed by reviewing officials with relevant experience, serving on term appointments. The Office would report directly to the FDIC Chairperson's Office and would be granted delegated authority from the Board to consider and resolve appeals.

When the FDIC previously established an Office of Supervisory Appeals, the Guidelines required that reviewing officials be individuals with bank supervisory or examination experience, such as retired bank examiners, serving

¹ 87 FR 77112 (Dec. 16, 2022).

² 12 U.S.C. 4806(a).

³ 12 U.S.C. 4806(f)(2).

⁴ See 12 U.S.C. 4806(b).

⁵ 12 U.S.C. 4806(f)(1)(A).

⁶ See 12 U.S.C. 4806(f)(1)(B).

⁷ See 12 U.S.C. 4806(g).

⁸ See 60 FR 15923 (Mar. 28, 1995).

⁹ See 86 FR 6880 (January 25, 2021).

¹⁰ See 87 FR 30942 (May 20, 2022).

on term appointments. The FDIC continues to believe direct experience with the supervisory process is highly valuable for reviewing officials. The FDIC recognizes this experience can be achieved through both government and industry experience. Furthermore, it was the FDIC's experience in 2021 that hiring only former government officials resulted in a limited pool of candidates. Thus, in addition to former government officials with supervisory experience, the FDIC will also consider former bankers and other former industry professionals with relevant experience to serve as reviewing officials. Reviewing officials, as employees of the FDIC, will be part-time, intermittent employees who have been cleared for conflicts of interest and are subject to the FDIC's requirements for confidentiality. The FDIC may also consider employees with relevant experience from other government agencies to serve as reviewing officials on a part-time basis through interagency agreement(s). Current FDIC employees will not be eligible to serve in these roles, however. Based on past experience with respect to staffing the Office, the FDIC plans to initiate the hiring process in the near term so that the Office may be fully operational as soon as the final Guidelines are in place.

When an appeal is submitted to the Office, a panel of three reviewing officials would be assigned to consider the matter. Given the value of experience with the supervisory process, at least one member of any panel would be required to have bank supervisory experience.

Legal Support for the Office

The Legal Division would provide counsel to the Office and generally advise the Office on FDIC policies and rules. To promote independence, the Office would be advised by legal staff that were not involved in making the material supervisory determinations under review.

If an appeal seeks to change or modify FDIC policies or rules, or raises a policy matter of first impression, the Legal Division would provide notice, along with a written explanation, to the Office. Afterwards, the Legal Division would refer the matter to the Chairperson's Office.

In addition, the Legal Division would review decisions of the Office for consistency with applicable laws, regulations, and policies of the FDIC prior to their issuance. If the Legal Division determines that an Office decision is contrary to a law, regulation, or FDIC policy, the Legal Division would notify the Chairperson's Office of

the matter and the Office would be required to revise the decision to conform with relevant laws, regulations, or policies. The Legal Division would not exercise supervisory judgment or opine on the merits of an appeal.

If an appeal raises procedural questions, including whether issues raised by the institution are eligible for review, the appropriate Division Director or the Office would refer such questions to the Legal Division. The Legal Division would determine whether an appeal, or an issue raised in an appeal, is ineligible for review if it fails to meet the requirements in the Guidelines. The Legal Division would provide notice, with a written explanation, to the Office if an appeal, or an issue raised in an appeal, is deemed ineligible for review.

Burden of Proof and Standard of Review

The burden of proof as to all matters at issue in the appeal, including timeliness of the appeal if timeliness is at issue, would rest with the institution.

The proposed Guidelines retain the existing standard of review for the Division Director. The Division Director would review the appeal by considering whether the material supervisory determination is consistent with applicable laws, regulations, and policy, and make his or her own supervisory determination without deferring to the judgments of either party.¹¹ The Division Director would have discretion to consider examination workpapers and other materials developed by staff during an examination.

The Office would review the appeal for consistency with the policies (including regulations, guidance, policy statements, examination manuals, and other written publications) of the FDIC and the overall reasonableness of, and the support offered for, the positions advanced. The Office's standard of review would align with the Division Director's standard of review. Similar to the current SARC Guidelines and the 2021 Office of Supervisory Appeals Guidelines, the Office would make an independent supervisory determination. However, unlike the current Guidelines or the 2021 Guidelines, the proposed Guidelines would specify that the Office will make its determination without deferring to the judgments of either party. This standard of review would underscore the independence of the review by the Office, subject to the

reasonableness of the support for the positions advanced by both parties.

The scope of the Office's review would be limited to the facts and circumstances as they existed prior to, or at the time the material supervisory determination was made, even if later discovered, and no consideration would be given to any facts or circumstances that occur or corrective action taken after the determination was made. As noted above, the Office would not consider aspects of an appeal that seek to change or modify FDIC policy or rules. Therefore, the Office could not overturn a material supervisory determination if the result of such a ruling would be inconsistent with the policies of the FDIC.

Formal Enforcement-Related Actions

Section 309 of the Riegle Act, which required the establishment of an appellate process, also provides that "[n]othing in this section shall affect the authority of an appropriate Federal banking agency . . . to take enforcement or supervisory action."¹² To clarify how the appellate and enforcement processes interact, the proposed Guidelines would retain certain provisions, summarized below, specifically addressing the appealability of formal enforcement actions and determinations underlying formal enforcement actions.

The proposed Guidelines would continue to allow institutions to appeal material supervisory determinations while preserving the FDIC's ability to take enforcement action where appropriate. The proposed Guidelines would define "material supervisory determination" to exclude "formal enforcement-related actions and decisions, including determinations and the underlying facts and circumstances that form the basis of a recommended or pending formal enforcement action." For example, if a violation of law prompts an enforcement action against an institution, neither the enforcement action nor the underlying violation would be appealable through the supervisory appeals process; however, the institution could contest those matters through the administrative enforcement process.¹³

For purposes of the proposed Guidelines, a formal enforcement action would commence when the FDIC initiates a formal investigation, issues a

¹² 12 U.S.C. 4806(g).

¹¹ The FDIC has previously noted that this may be considered a *de novo* standard of review, but lays out with more specificity the actual considerations to be applied. See 87 FR 64034 and 64038 (Oct. 21, 2022).

¹³ In some instances, a determination such as an examination rating might depend in part upon determinations that form the basis for a formal enforcement action. In such cases, the institution may still appeal the rating on grounds other than those that form the basis of the formal enforcement action.

notice of charges or notice of assessment, provides an institution with a draft consent order, or provides written notice that the FDIC is reviewing the facts and circumstances to determine if formal enforcement action is merited. However, a formal enforcement action would not suspend or affect a pending appeal that was previously submitted.

The FDIC has, however, encountered issues in administering these provisions of the Guidelines that it believes warrant further consideration. First, the Guidelines' enforcement-related provisions have been confusing to some institutions, leading to some uncertainty as to which determinations are subject to appeal. Second, the Guidelines provide for a piecemeal appeal in some instances by allowing an institution to appeal certain determinations within the standard timeframes established by the Guidelines and others only after a decision is made on the enforcement action. Third, in many instances, the facts underlying an enforcement action are relevant factors to other material supervisory determinations (such as ratings downgrades), but an institution that wants to appeal such determinations is unable to include such facts as part of the record in an appeal. Finally, the FDIC is concerned that because many enforcement actions result in a stipulated order, an institution may not receive an independent review of some supervisory determinations. Accordingly, the FDIC requests comment on the provisions of the proposed Guidelines relating to formal enforcement-related actions and decisions and how they might be addressed in the context of material supervisory determinations that an institution seeks to appeal.

Role of the Ombudsman

The Ombudsman currently serves as a non-voting member of the SARC. The Ombudsman serves as a neutral liaison between the FDIC and institutions, as provided by section 309 of the Riegle Act.¹⁴ Because the FDIC sees value in the Ombudsman's perspective, the proposed Guidelines would allow the Ombudsman to submit views to the panel for consideration. In addition, consistent with the current Guidelines, the proposed Guidelines would retain provisions regarding the Ombudsman's neutral oversight of the process and to monitor the supervisory process for retaliation.

Ex Parte Communications

The current Guidelines include a provision on sharing of information, requiring that information considered by the SARC be timely shared with both parties to the appeal, subject to applicable legal limitations on disclosure. In light of the Office structure and the roles defined in the proposed Guidelines, this provision would apply to materials submitted to the Office by either the relevant Division or the appealing institution. The Ombudsman would also oversee the sharing of information considered by the Office in connection with an appeal.

Transition Period

Until the Office is fully operational, the current Guidelines will continue to apply, and all appeals of Division Directors' decisions will be reviewed by the SARC. Transition from SARC to the Office will occur when the Office is fully operational, which will occur upon or following issuance of the final revised Guidelines.

Request for Comment

The FDIC is requesting comment on all aspects of the proposed Guidelines, including the provisions relating to formal enforcement-related actions as explained above.

Regulatory Review

The Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget has reviewed this proposal and determined that it does not constitute a "significant regulatory action" for purposes of Executive Order 12866.

For the reasons set out in the preamble, the Federal Deposit Insurance Corporation's Board of Directors proposes to adopt the Guidelines for Appeals of Material Supervisory Determinations as set forth below.

Guidelines for Appeals of Material Supervisory Determinations

A. Introduction

Section 309(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (Pub. L. 103–325, 108 Stat. 2160) (Riegle Act) required the Federal Deposit Insurance Corporation (FDIC) to establish an independent intra-agency appellate process to review material supervisory determinations made at insured depository institutions that it supervises. The Guidelines for Appeals of Material Supervisory Determinations (Guidelines) describe the types of determinations that are eligible for

review and the process by which appeals will be considered and decided.

B. Reviewing Officials

The Office of Supervisory Appeals (Office) will be staffed with reviewing officials, hired for terms, who have bank supervisory or examination experience or other relevant experience. Reviewing officials will consider and decide appeals submitted to the Office in panels of three reviewing officials selected by the Office who have no conflicts of interest with respect to the appeal or the parties to the appeal. At least one reviewing official on a panel will have bank supervisory experience. Current government employees with relevant experience may serve on a part-time basis. However, current FDIC employees are not eligible.

C. Institutions Eligible To Appeal

The Guidelines apply to the insured depository institutions that the FDIC supervises (*i.e.*, insured State nonmember banks, insured branches of foreign banks, and state savings associations), and to other insured depository institutions for which the FDIC makes material supervisory determinations.

D. Determinations Subject To Appeal

An institution may appeal any material supervisory determination pursuant to the procedures set forth in these Guidelines.

(1) Material supervisory determinations include:

(a) CAMELS ratings under the Uniform Financial Institutions Rating System;

(b) IT ratings under the Uniform Rating System for Information Technology;

(c) Trust ratings under the Uniform Interagency Trust Rating System;

(d) CRA ratings under the Revised Uniform Interagency Community Reinvestment Act Assessment Rating System;

(e) Consumer compliance ratings under the Uniform Interagency Consumer Compliance Rating System;

(f) Registered transfer agent examination ratings;

(g) Government securities dealer examination ratings;

(h) Municipal securities dealer examination ratings;

(i) Determinations relating to the appropriateness of loan loss reserve provisions;

(j) Classifications of loans and other assets in dispute the amount of which, individually or in the aggregate, exceeds 10 percent of an institution's total capital;

¹⁴ See 12 U.S.C. 4806(d).

(k) Determinations relating to violations of a statute or regulation, including the severity of a violation, that may affect the capital, earnings, or operating flexibility of an institution, or otherwise affect the nature and level of supervisory oversight accorded an institution;

(l) Truth in Lending Act (Regulation Z) restitution;

(m) Filings made pursuant to 12 CFR 303.11(f), for which a request for reconsideration has been granted, other than denials of a change in bank control, change in senior executive officer or board of directors, or denial of an application pursuant to section 19 of the Federal Deposit Insurance Act (FDI Act), 12 U.S.C. 1829 (which are contained in 12 CFR part 308, subparts D, L, and M, respectively), if the filing was originally denied by the Director, Deputy Director, or Associate Director of the Division of Depositor and Consumer Protection (DCP) or the Division of Risk Management Supervision (RMS);

(n) Decisions to initiate informal enforcement actions (such as memoranda of understanding);

(o) Determinations regarding the institution's level of compliance with a formal enforcement action; however, if the FDIC determines that the lack of compliance with an existing formal enforcement action requires an additional formal enforcement action, the proposed new enforcement action is not appealable;

(p) Matters requiring board attention; and

(q) Any other supervisory determination (unless otherwise not eligible for appeal) that may affect the capital, earnings, operating flexibility, or capital category for prompt corrective action purposes of an institution, or that otherwise affects the nature and level of supervisory oversight accorded an institution.

(2) Material supervisory determinations do not include:

(a) Decisions to appoint a conservator or receiver for an insured depository institution, and other decisions made in furtherance of the resolution or receivership process, including but not limited to determinations pursuant to 12 CFR parts 370, 371, and 381, and 12 CFR 360.10 of the FDIC's rules and regulations;

(b) Decisions to take prompt corrective action pursuant to section 38 of the FDI Act, 12 U.S.C. 1831o;

(c) Determinations for which other appeals procedures exist (such as determinations of deposit insurance assessment risk classifications and payment calculations); and

(d) Formal enforcement-related actions and decisions, including determinations and the underlying facts and circumstances that form the basis of a recommended or pending formal enforcement action.

(3) A formal enforcement-related action or decision commences, and becomes unappealable, when the FDIC initiates a formal investigation under 12 U.S.C. 1820(c) (Order of Investigation), issues a notice of charges or a notice of assessment under 12 U.S.C. 1818 or other applicable laws (Notice of Charges), provides the institution with a draft consent order, or otherwise provides written notice to the institution that the FDIC is reviewing the facts and circumstances presented to determine if a formal enforcement action is merited under applicable statutes or published enforcement-related policies of the FDIC, including written notice of a referral to the Attorney General pursuant to the Equal Credit Opportunity Act (ECOA) or a notice to the Secretary of Housing and Urban Development (HUD) for violations of ECOA or the Fair Housing Act (FHA). Such notice may be provided in the transmittal letter accompanying a Report of Examination. For the purposes of these Guidelines, remarks in a Report of Examination do not constitute written notice that the FDIC is reviewing the facts and circumstances presented to determine if a proposed enforcement action is merited. Commencement of a formal enforcement-related action or decision will not suspend or otherwise affect a pending request for review or appeal that was submitted before the commencement of the formal enforcement-related action or decision.

(4) Additional appeal rights:

(a) In the case of any written notice from the FDIC to the institution that the FDIC is determining whether a formal enforcement action is merited, the FDIC must issue an Order of Investigation, issue a Notice of Charges, or provide the institution with a draft consent order within 120 days of such a notice, or the most recent submission of information from the institution, whichever is later, or appeal rights will be made available pursuant to these Guidelines. If the FDIC timely provides the institution with a draft consent order and the institution rejects the draft consent order in writing, the FDIC must issue an Order of Investigation or a Notice of Charges within 90 days from the date on which the institution rejects the draft consent order in writing or appeal rights will be made available pursuant to these Guidelines. The FDIC may extend these periods, with the approval of the FDIC

Chairperson, after the FDIC notifies the institution that the relevant Division Director is seeking formal authority to take an enforcement action.

(b) In the case of a referral to the Attorney General for violations of the ECOA, beginning on the date the referral is returned to the FDIC, the FDIC must proceed in accordance with paragraph (a) of this section, including within the specified timeframes, or appeal rights will be made available pursuant to these Guidelines.

(c) In the case of providing notice to HUD for violations of the ECOA or the FHA, beginning on the date the notice is provided, the FDIC must proceed in accordance with paragraph (a) of this section, including within the specified timeframes, or appeal rights will be made available pursuant to these Guidelines.

(d) Written notification will be provided to the institution within 10 days of a determination that appeal rights have been made available under this section.

(e) The relevant FDIC Division and the institution may mutually agree to extend the timeframes in paragraphs (a), (b), and (c) of this section if the parties deem it appropriate.

E. Good-Faith Resolution

An institution should make a good-faith effort to resolve any dispute concerning a material supervisory determination with the on-site examiner and/or the appropriate Regional Office. The on-site examiner and the Regional Office will promptly respond to any concerns raised by an institution regarding a material supervisory determination. Informal resolution of disputes with the on-site examiner and the appropriate Regional Office is encouraged, but seeking such a resolution is not a condition to filing a request for review with the appropriate Division, either DCP, RMS, or the Division of Complex Institution Supervision and Resolution (CISR), or to filing a subsequent appeal with the Office under these Guidelines. An institution may also avail itself of the Ombudsman to attempt to reach an agreeable outcome.

F. Filing a Request for Review With the Appropriate Division

(1) An institution may file a request for review of a material supervisory determination with the Division that made the determination, either the Director, DCP, the Director, RMS, or the Director, CISR (Director or Division Director), 550 17th Street NW, Room F-4076, Washington, DC 20429, within 60 calendar days following the institution's

receipt of a report of examination containing a material supervisory determination or other written communication of a material supervisory determination. Requests for review also may be submitted electronically. To ensure confidentiality, requests should be submitted through securemail.fdic.gov, directing the message to DirectorReviewRequest@fdic.gov. A request for review must be in writing and must include:

(a) A detailed description of the issues in dispute, the surrounding circumstances, the institution's position regarding the dispute and any arguments to support that position (including citation of any relevant statute, regulation, policy statement, or other authority), how resolution of the dispute would materially affect the institution, and whether a good-faith effort was made to resolve the dispute with the on-site examiner and the Regional Office; and

(b) A statement that the institution's board of directors or senior management has considered the merits of the request and has authorized that it be filed. Senior management is defined as the core group of individuals directly accountable to the board of directors for the sound and prudent day-to-day management of the institution. If an institution's senior management files an appeal, it must inform the board of directors of the substance of the appeal before filing and keep the board of directors informed of the appeal's status.

(2) Within 45 calendar days after receiving a request for review described in paragraph (1) of this section, the Division Director will:

(a) Review the appeal, considering whether the material supervisory determination is consistent with applicable laws, regulations, and policy, make his or her own supervisory determination without deferring to the judgments of either party, and issue a written determination on the request for review, setting forth the grounds for that determination; or

(b) Refer the request for review to the Office for consideration as an appeal under Section G and provide written notice to the institution that the request for review has been referred to the Office.

(3) No appeal to the Office will be allowed unless an institution has first filed a timely request for review with the appropriate Division Director.

(4) In any decision issued pursuant to paragraph (2)(a) of this section, the Director will inform the institution of the 30-day time period for filing with

the Office and will provide the mailing address for any appeal the institution may wish to file.

(5) The Division Director may request guidance from the Legal Division as to procedural or other questions relating to any request for review.

G. Appeal to the Office

An institution that does not agree with the written determination rendered by the Division Director may appeal that determination to the Office within 30 calendar days after the date of receipt of that determination. Failure to file within the 30-day time limit may result in denial of the appeal by the Office.

1. Filing With the Office

An appeal to the Office will be considered filed if the written appeal is received by the FDIC within 30 calendar days after the date of receipt of the Division Director's written determination or if the written appeal is placed in the U.S. mail within that 30-day period. The appeal should be sent to the address indicated on the Division Director's determination being appealed, or sent via email to ESS_Appeals@fdic.gov. An acknowledgment of the appeal will be provided to the institution, and copies of the institution's appeal will be provided to the Office of the Ombudsman and the appropriate Division Director. Copies of all relevant materials related to an appeal will be provided to the Office of the Ombudsman.

2. Contents of Appeal

The appeal should be labeled to indicate that it is an appeal to the Office and should contain the name, address, and telephone number of the institution and any representative, as well as a copy of the Division Director's determination being appealed. If oral presentation is sought, that request should be included in the appeal. If expedited review is requested, the appeal should state the reason for the request. Only matters submitted to the appropriate Division Director in a request for review may be appealed to the Office. Evidence not presented for review to the Division Director is generally not permitted; such evidence may be submitted to the Office only if approved by the reviewing panel and with a reasonable time for the Division Director to review and respond. The institution should set forth all of the reasons, legal and factual, why it disagrees with the Division Director's determination. Nothing in this appellate process shall create any discovery or other such rights.

3. Burden of Proof

The burden of proof as to all matters at issue in the appeal, including timeliness of the appeal if timeliness is at issue, rests with the institution.

4. Submission from the Division Director

The Ombudsman and the Division Director may submit views regarding the appeal to the Office within 30 calendar days of the date on which the appeal is received by the Office.

5. Oral Presentation

The Office will, if a request is made by the institution or by FDIC staff, allow an oral presentation. The panel may hear oral presentations in person, telephonically, electronically, or through other means agreed upon by the parties. If an oral presentation is held, the institution and FDIC staff will be allowed to present their positions on the issues raised in the appeal and to respond to any questions from the panel.

6. Consolidation, Dismissal, and Rejection

Appeals based upon similar facts and circumstances may be consolidated for expediency. An appeal may be dismissed by the Office if it is not timely filed, if the basis for the appeal is not discernable from the appeal, or if the institution moves to withdraw the appeal. The Office will decline to consider an appeal if the institution's right to appeal is not yet available under section D(4), above.

7. Scope of Review and Decision

The panel will be an appellate body and will make independent supervisory determinations. The panel will review the appeal for consistency with the policies (including regulations, guidance, policy statements, examination manuals, and other written publications) of the FDIC and the overall reasonableness of, and the support offered for, the positions advanced. The panel will make its own supervisory determination without deferring to the judgments of either party. The panel's review will be limited to the facts and circumstances as they existed prior to, or at the time the material supervisory determination was made, even if later discovered, and no consideration will be given to any facts or circumstances that occur or corrective action taken after the determination was made. The panel will not consider any aspect of an appeal that seeks to change or modify existing FDIC rules or policy, and may not overturn a material supervisory

determination if the result of such a ruling would be inconsistent with the policies of the FDIC. The panel will notify the institution, in writing, of its decision concerning the disputed material supervisory determination(s) within 45 days after the date the panel meets to consider the appeal, which meeting will be held within 90 days after either the date of the filing of the appeal or the date that the Division Director refers the appeal to the Office.

8. Role of the Legal Division

The Legal Division will provide counsel to the Office and generally advise the Office on FDIC policies and rules. If an appeal seeks to change or modify FDIC policies or rules, or raises a policy matter of first impression, the Legal Division will provide notice, along with a written explanation, to the Office, and then, after such notice is provided, refer the matter to the Chairperson's Office.

The Legal Division will review decisions of the Office for consistency with applicable laws, regulations, and policies of the FDIC prior to their issuance. If the Legal Division determines that a decision is contrary to a law, regulation, or policy of the FDIC, the Legal Division will notify the Chairperson's Office of the matter and the Office will revise the decision to conform with relevant laws, regulations, or policies.

If an appeal raises procedural questions, including whether issues raised by the institution are eligible for review, the appropriate Division Director or the Office will refer such matters to the Legal Division. The Legal Division may determine whether an appeal, or an issue raised in an appeal, is ineligible for review if it fails to meet the requirements in the Guidelines. The Legal Division will provide notice, with a written explanation, to the Office if an appeal, or an issue raised in an appeal, is deemed ineligible for review.

9. Sharing of Appeal Materials

Materials concerning an appeal submitted to the Office by either the relevant Division or an appealing institution will be shared with the other party to the appeal, subject to applicable legal limitations on disclosure, on a timely basis. The Ombudsman will verify that both parties have received these materials.

H. Publication of Decisions

Decisions of the Office will be published as soon as practicable, and the published decisions will be redacted to avoid disclosure of the name of the appealing institution and any

information exempt from disclosure under the Freedom of Information Act and the FDIC's document disclosure regulations found in 12 CFR part 309. In cases in which redaction is deemed insufficient to prevent improper disclosure, published decisions may be presented in summary form. Published SARC or Office decisions may be cited as precedent in appeals to the Office. Annual reports on the Office's decisions and Division Directors' decisions with respect to institutions' requests for review of material supervisory determinations also will be published.

I. Appeal Guidelines Generally

Appeals to the Office will be governed by these Guidelines. The Office, with the concurrence of the Legal Division, will retain discretion to waive any provision of the Guidelines for good cause. Supplemental rules governing the Office's operations may be adopted.

Institutions may request extensions of the time period for submitting appeals under these Guidelines from either the appropriate Division Director or the Office, as appropriate. If a filing under these Guidelines is due on a Saturday, Sunday, or a Federal holiday, the filing may be made on the next business day.

Institutions may request a stay of a supervisory action or determination from the Division Director while an appeal of that determination is pending. The request must be in writing and include the reason(s) for the stay. The Division Director has discretion to grant a stay and will generally decide whether to grant a stay within 21 days of receiving the institution's request, providing the institution with the reason(s) for his or her decision in writing. A stay may be granted subject to conditions, including time limitations, where appropriate.

J. Limitation on Agency Ombudsman

Except as otherwise provided by these Guidelines, the subject matter of a material supervisory determination for which either an appeal to the Office has been filed, or a final Office decision issued, is not eligible for consideration by the Ombudsman.

K. Coordination With State Regulatory Authorities

In the event that a material supervisory determination subject to a request for review is the joint product of the FDIC and a State regulatory authority, the Director, DCP, the Director, RMS, or the Director, CISR, as appropriate, will promptly notify the appropriate State regulatory authority of the request, provide the regulatory authority with a copy of the institution's

request for review and any other related materials, and solicit the regulatory authority's views regarding the merits of the request before making a determination. In the event that an appeal is subsequently filed with the Office, the Office will notify the institution and the State regulatory authority of its decision. Once the Office has issued its determination, any other issues that may remain between the institution and the State regulatory authority will be left to those parties to resolve.

L. Effect on Supervisory or Enforcement Actions

The use of the procedures set forth in these Guidelines by any institution will not affect, delay, or impede any formal or informal supervisory or enforcement action in progress during the appeal or affect the FDIC's authority to take any supervisory or enforcement action against that institution.

M. Effect on Applications or Requests for Approval

Any application or request for approval made to the FDIC by an institution that has appealed a material supervisory determination that relates to, or could affect the approval of, the application or request will not be considered until a final decision concerning the appeal is made unless otherwise requested by the institution.

N. Prohibition on Examiner Retaliation

FDIC policy prohibits any retaliation, abuse, or retribution by an agency examiner or any FDIC personnel against an institution. Such behavior against an institution that appeals a material supervisory determination constitutes unprofessional conduct and will subject the examiner or other personnel to appropriate disciplinary or remedial action. In light of this important principle, the Ombudsman will monitor the supervision process following an institution's submission of an appeal under these Guidelines. The Ombudsman will report to the Board on these matters periodically.

Institutions that believe they have been retaliated against are encouraged to contact the Regional Director for the appropriate FDIC region. Any institution that believes or has any evidence that it has been subject to retaliation may file a complaint with the Director, Office of the Ombudsman, Federal Deposit Insurance Corporation, 3501 Fairfax Drive, Suite E-2022, Arlington, Virginia, 22226, explaining the circumstances and the basis for such belief or evidence and requesting that the complaint be investigated and

appropriate disciplinary or remedial action taken. The Office of the Ombudsman will work with the appropriate Division Director to resolve the allegation of retaliation.

Federal Deposit Insurance Corporation.
By order of the Board of Directors.
Dated at Washington, DC, July 15, 2025.

Debra A. Decker,

Executive Secretary.

[FR Doc. 2025–13506 Filed 7–17–25; 8:45 am]

BILLING CODE 6714–01–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 August 4, 2025.

A. Federal Reserve Bank of Minneapolis (Mark Nagle, Assistant Vice President) 90 Hennepin Avenue,

Minneapolis, Minnesota 55480–0291.

Comments can also be sent electronically to MA@mpls.frb.org:

1. *Jeffrey T. Andersen, Chaska, Minnesota*; to join the Rauenhorst Family Trust Control Group, a group acting in concert, to acquire control of voting shares of Scale Holding Company ("Scale"), Minnetonka, Minnesota, by becoming a co-trustee of the Gerald Rauenhorst 2004 Children's Trust u/a/d/ December 23, 2004, Minnetonka, Minnesota, and the Grandchildren's Fidelity Trust u/a/d February 24, 2015, Minnetonka, Minnesota, which control Scale and thereby indirectly control Scale Bank, Edina, Minnesota.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2025–13555 Filed 7–17–25; 8:45 am]

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FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not

include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than August 18, 2025.

A. Federal Reserve Bank of Richmond (Brent B. Hassell, Assistant Vice President) P.O. Box 27622, Richmond, Virginia 23261. Comments can also be sent electronically to

Comments.applications@rich.frb.org:

1. *Bancshares of Carolina, Inc., Manning, South Carolina*; to become a bank holding company by acquiring The Bank of Clarendon, Manning, South Carolina.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2025–13554 Filed 7–17–25; 8:45 am]

BILLING CODE P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0326; Docket No. 2025–0001; Sequence No. 10]

Information Collection; General Services Administration Regulation; Construction Payrolls and Basic Records

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Notice; request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve the renewal of an existing information collection.

DATES: Submit comments on or before September 16, 2025.

ADDRESSES: Submit comments identified by Information Collection 3090–0326; Construction Payrolls and Basic Records to: <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by searching for "Information Collection 3090–0326; Construction Payrolls and Basic Records". Select the link "Submit a Comment" that corresponds with "Information Collection 3090–0326; Construction Payrolls and Basic Records". Follow the instructions provided at the "Submit a Comment" screen. Please include your name,

company name (if any), and “Information Collection 3090–0326; Construction Payrolls and Basic Records” on your attached document. If your comment cannot be submitted using <https://www.regulations.gov>, call or email the points of contact in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Instructions: Please submit comments only and cite Information Collection 3090–0326; Construction Payrolls and Basic Records, in all correspondence related to this collection. Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check www.regulations.gov, approximately two-to-three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Ms. Johnie McDowell, Senior Procurement Analyst, GSA, at telephone 202–718–6112 or via email at gsarpolicy@gsa.gov for clarification of content.

SUPPLEMENTARY INFORMATION:

A. Purpose

The Federal Acquisition Regulation (FAR) Clause 52.222–8 Payrolls and Basic Records requires United States construction contracts in excess of \$2,000 to submit weekly for each week in which any contract work is performed a copy of all payrolls to the Contracting Officer. The clause allows contractors to submit the required weekly payroll information using the DOL WH–347 form or any other form desired. GSA deviated from the FAR clause to allow these construction contractors to use an electronic means to submit the required weekly payroll data. The proposed revision will increase the efficiency of the weekly payroll certification process for the contractor, GSA and the contractor's employee through the use of an automated process. The current manual process for reviewing weekly certified payroll data requires an enormous amount of labor hours and has a large probability of human error, *i.e.* non-identification or delayed identification of errors in pay for covered workers. Delays in identifying payroll errors are costly to the contractor who will need to pay retroactive wage adjustments and the employee will have suffered reduced economic purchase power due to the error in wages.

B. Annual Reporting Burden

GSA bases the following burden estimates for certified payrolls on

SAM.gov reports for Fiscal Year 2023. The report indicated 182 construction contractors for GSA projects were subject to the Davis-Bacon or Related Act. GSA's automation of the data collection process will not increase the existing data collection burden from the DOL Wage and Hour Division (WHD) the Office of Management and Budget (OMB) Information Control No. 1235–0008, Davis-Bacon Certified Payroll or 1235–0018, Records to be kept by Employers—Fair Labor Standards Act.

Respondents: 182 (170 prime contractors plus 12 subcontractors).

Responses per Respondent: 52 (1 for each week of the year).

Total Annual Responses: 9,464 (182 respondents × 52 responses).

Hours per Response: 33 minutes (weighted average of 56 minutes (DOL estimated time to input information plus 1 minute recordkeeping for initial entry) + 31 minutes (estimated time to certify payroll in new system plus 1 minute recordkeeping)).

Total Burden Hours: 5,205 (9,464 annual responses × 33 minutes) ÷ 60 minutes).

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary, whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the Regulatory Secretariat Division by calling 202–501–4755 or emailing GSARegSec@gsa.gov. Please cite OMB Control No. 3090–0326, Construction Payrolls and Basic Records, in all correspondence.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2025–13525 Filed 7–17–25; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–25–1378; Docket No. CDC–2025–0124]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other federal agencies the opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed three-year extension to a generic information collection project titled Assessing Respirator Perceptions, Experiences, and Maintenance. NIOSH proposes using surveys, interviews, focus groups, and physiological monitoring to assess current perceptions in respirator use as well as gaps in respirator use, maintenance, and programs.

DATES: CDC must receive written comments on or before September 16, 2025.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2025–0124 by either of the following methods:

- **Federal eRulemaking Portal:** www.regulations.gov. Follow the instructions for submitting comments.
- **Mail:** Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to www.regulations.gov.

Please note: Submit all comments through the Federal eRulemaking portal or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS

H21–8, Atlanta, Georgia 30329; Telephone: 404–639–7570; Email: *omb@cdc.gov*.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

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;
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; and
5. Assess information collection costs.

Proposed Project

Assessing Respirator Perceptions, Experiences, and Maintenance (OMB

Control No. 0920–1378, Exp. 11/30/2025)—Extension—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC), National Institute for Occupational Safety and Health (NIOSH), is requesting approval of a three-year Extension for the Generic information collection request (ICR) titled “Assessing Respirator Perceptions, Experiences, and Maintenance.”

The National Personal Protective Technology Laboratory (NPPTL) is a division of NIOSH. NPPTL was established in 2001, at the request of Congress, with the mission of preventing disease, injury, and death for the millions of working men and women relying on personal protective technology (PPT). As the nation's respirator approver for all workplaces (42 CFR part 84), the development of NPPTL filled a need for improved personal protective equipment (PPE) and focused research into PPT. To this end, NPPTL conducts respiratory protection research and leads the development and revision of test methods necessary for respirator approval to prevent exposures to inhalation hazards, dermal hazards, and any other hazardous environmental threats within an occupational setting.

Federal regulations exist regarding the use of respirators in the workplace. The Occupational Safety and Health Administration (OSHA) requires employers whose hazard management includes the use of respirators to have a respiratory protection program, which has specified components. Thus, the information collected from human subjects about their use of respirators is generally consistent across NPPTL studies with only the use conditions changing (*e.g.*, respirator type or management implementation practices related to cleaning/decontamination, fit

testing, and training). NPPTL requests a three-year Extension to its Generic ICR package for information collected from individual workers and managers related to the perceptions, maintenance, and evaluation of respirator use on the job.

Different types of data collection including surveys, focus groups, interviews, and physiological monitoring will be used to: (1) assess workers' health and safety knowledge, attitudes, skills, and other attributes as they relate to their respiratory protection use and maintenance; (2) identify and overcome barriers that workers face while using respiratory protection to prevent exposure to contaminants and other hazards; (3) understand organizations' maintenance of respiratory protection programs (RPP), directives, and guidelines that support worker best practices; and (4) determine appropriate training, interventions, and programs that support activities around respirator use and maintenance. Data collection may focus on respirator types ubiquitous to the industry being studied, new to the industry being studied, or novel to any industry. These data collection efforts may occur either electronically or in the field.

Respondents are expected to include a variety of employees from occupations such as public safety and emergency response, healthcare, and social assistance occupations who wear or manage respirator use on the job. Expected respondent job roles include industrial hygienists, occupational health professionals, infection control professionals, physicians, nurse practitioners, nurses, infection preventionists, fire department chiefs, battalion chiefs, sheriffs, shift supervisors, firefighters, police officers, and paramedics.

CDC requests OMB approval for an estimated 13,071 burden hours. There is no cost to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Industry employees who wear respirators or oversee respirator use.	Informed consent	10,150	1	5/60	846
Industry employees who wear respirators or oversee respirator use.	Perceptions-based survey instrument	3,450	2	15/60	1,725
Industry employees who wear respirators or oversee respirator use.	Knowledge-based survey instrument	2,000	1	30/60	1,000

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Industry employees who wear respirators or oversee respirator use.	Interview/Focus group	250	2	1	500
Industry employees who wear a respirator as a part of their job.	Physiological Monitoring: Heart rate, blood pressure, blood oxygen saturation, breathing rate.	1,000	1	9	9,000
Total .....	.....	.....	.....	.....	13,071

Jeffrey M. Zirger,

*Lead, Information Collection Review Office,
Office of Public Health Ethics and
Regulations, Office of Science, Centers for
Disease Control and Prevention.*

[FR Doc. 2025–13507 Filed 7–17–25; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–25–0666; Docket No. CDC–2025–0091]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other federal agencies the opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled National Healthcare Safety Network (NHSN). NHSN provides facilities, states, regions, and the nation with data necessary to identify problem areas, measure the progress of prevention efforts, and ultimately eliminate healthcare-associated infections (HAIs) nationwide.

DATES: CDC must receive written comments on or before September 16, 2025.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2025–0091 by either of the following methods:

• **Federal eRulemaking Portal:** www.regulations.gov. Follow the instructions for submitting comments.

• **Mail:** Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to www.regulations.gov.

Please note: Submit all comments through the Federal eRulemaking portal (www.regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329; Telephone: 404–639–7570; Email: omb@cdc.gov.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

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;

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; and

5. Assess information collection costs.

Proposed Project

National Healthcare Safety Network (NHSN) (OMB Control No. 0920–0666, Exp. 12/31/2027)—Revision—National Center for Emerging and Zoonotic Infection Diseases (NCEZID), Centers for Disease Control and Prevention (CDC)

Background and Brief Description

The Division of Healthcare Quality Promotion (DHQP), National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC) collects data from healthcare facilities in the National Healthcare Safety Network (NHSN) under OMB Control No. 0920–0666. NHSN provides facilities, states, regions, and the nation with data necessary to identify problem areas, measure the progress of prevention efforts, and ultimately eliminate healthcare-associated infections (HAIs) nationwide. NHSN allows healthcare facilities to track blood safety errors and various healthcare-associated infection prevention practice methods such as healthcare personnel influenza vaccine status and corresponding infection control adherence rates.

NHSN currently has eight components: Patient Safety (PS), Healthcare Personnel Safety (HPS), Biovigilance (BV), Long-Term Care Facility (LTCF), Outpatient Procedure (OPC), Dialysis, Neonatal, and Medication Safety Component.

Data reported under the Patient Safety Component are used to determine the magnitude of the healthcare-associated adverse events and trends in the rates of the events, in the distribution of pathogens, and in the adherence to prevention practices. Data will help detect changes in the epidemiology of adverse events resulting from new medical therapies and changing patient risks. Additionally, reported data is being used to describe the epidemiology of antimicrobial use and resistance and to better understand the relationship of antimicrobial therapy to this rising problem.

Under the Healthcare Personnel Safety Component, protocols and data on events—both positive and adverse—are used to determine: (1) the magnitude of adverse events in healthcare personnel; and (2) compliance with immunization and sharps injuries safety guidelines.

Under the Biovigilance Component, data on adverse reactions and incidents associated with blood transfusions are reported and analyzed to provide national estimates of adverse reactions and incidents.

Under the Long-Term Care Facility Component, data is captured from skilled nursing facilities. Reporting methods under the LTCF component have been created by using forms from the PS Component as a model with modifications to specifically address the specific characteristics of LTCF residents and the unique data needs of these facilities reporting into NHSN. The Respiratory Tract Infection Form (RTI)—will not to be used by NHSN users, but as part of an EIP project with 4 EIP sites. The Form is titled *Denominators for Healthcare Associated Infections (HAIs): Respiratory Tract Infections*. The purpose of this form is to allow testing prior to introducing a new module and forms to NHSN users. The CDC's Epidemiology Research & Innovations Branch (ERIB) team will use the form to perform field testing of variables to explore the utilization, applicability, and data collection

burden associated with these variables. This process will inform areas of improvement prior to incorporating the new module, including protocol, forms, and instructions into NHSN.

The Dialysis Component offers a simplified user interface for dialysis users to streamline their data entry and analysis processes as well as provide options for expanding in the future to include dialysis surveillance in settings other than outpatient facilities.

The Outpatient Procedure Component (OPC) gathers data on the impact of infections and outcomes related to operative procedures performed in Ambulatory Surgery Centers (ASCs). The OPC is used to monitor two event types: Same Day Outcome Measures and Surgical Site Infections (SSIs).

The Neonatal Component focuses on premature neonates and the healthcare associated events that occur because of their prematurity. This component currently has one module, which includes Late Onset-Sepsis and Meningitis.

The Medication Safety Component tracks medication safety and adverse drug events that are among the most common causes of iatrogenic harm in U.S. hospitals.

NHSN has increasingly served as the operating system for HAI reporting compliance through legislation established by the states. As of July 2023, 37 states, the District of Columbia and the City of Philadelphia, Pennsylvania have opted to use NHSN as their primary system for mandated reporting. Reporting compliance is completed by healthcare facilities in their respective jurisdictions, with emphasis on those states and municipalities acquiring varying consequences for failure to use NHSN. Additionally, healthcare facilities in five U.S. territories (Puerto Rico, American Samoa, the U.S. Virgin Islands, Guam, and the Northern Mariana Islands) are voluntarily reporting to NHSN. Additional territories are projected to follow with similar use of NHSN for reporting purposes.

NHSN's data is used to aid in the tracking of HAIs and guide infection prevention activities/practices that protect patients. The Centers for Medicare and Medicaid Services (CMS) and other payers use these data to determine incentives for performance at

healthcare facilities across the US and surrounding territories, and members of the public may use some protected data to inform their selection among available providers. Each of these parties is dependent on the completeness and accuracy of the data. CDC and CMS work closely and are fully committed to ensuring complete and accurate reporting, which are critical for protecting patients and guiding national, state, and local prevention priorities. CMS collects some HAI data and healthcare personnel influenza vaccination summary data, which is done on a voluntary basis as part of its Fee-for-Service Medicare quality reporting programs, while others may report data required by a federal mandate.

Facilities that fail to report quality measure data are subject to partial payment reduction in the applicable Medicare Fee-for-Service payment system. CMS links their quality reporting to payment for Medicare-eligible acute care hospitals, inpatient rehabilitation facilities, long-term acute care facilities, oncology hospitals, inpatient psychiatric facilities, dialysis facilities, and ambulatory surgery centers. Facilities report HAI data and healthcare personnel influenza vaccination summary data to CMS via NHSN as part of CMS's quality reporting programs to receive full payment. Still, many healthcare facilities, even in states without HAI reporting legislation, submit limited HAI data to NHSN voluntarily.

NHSN's data collection updates continue to support the incentive programs managed by CMS. For example, survey questions support requirements for CMS' quality reporting programs. Additionally, CDC has collaborated with CMS on a voluntary National Nursing Home Quality Collaborative, which focuses on recruiting nursing homes to report HAI data to NHSN and to retain their continued participation.

The ICR was previously approved in April 2025 for 4,508,255 burden hours. The proposed changes in this Revision include modifications to 67 existing data collection forms and the addition of three new forms. CDC requests OMB approval for an estimated 4,453,792 annual burden hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form No. & name	Number of respondents	Number of responses per respondent	Average burden per response (hours)	Total burden (hours)
Infection Preventionist/Microbiologist	57.100 NHSN Registration Form	2,000	1	5/60	167
Infection Preventionist/Microbiologist	57.101 Facility Contact Information	2,000	1	10/60	333
Infection Preventionist/Microbiologist	57.102 NHSN Help Desk Customer Satisfaction Survey.	26,400	1	2/60	880
Infection Preventionist/Microbiologist	57.103 Patient Safety Component—Annual Hospital Survey.	5,400	1	138/60	12420
Infection Preventionist/Microbiologist	57.104 NHSN Facility Administrator Change Request Form.	800	1	5/60	67
Epidemiologists	57.105 Group Contact Information ..	1,000	1	5/60	83
Infection Preventionist/Microbiologist	57.106 Patient Safety Monthly Reporting Plan.	7,821	12	15/60	23463
Infection Preventionist/Microbiologist	57.108 Primary Bloodstream Infection (BSI).	6,000	12	43/60	51600
Infection Preventionist/Microbiologist	57.111 Pneumonia (PNEU)	1,800	2	33/60	1980
Infection Preventionist/Microbiologist	57.112 Ventilator-Associated Event (VAE).	5,463	8	31/60	22580
Infection Preventionist/Microbiologist	57.113 Pediatric Ventilator-Associated Event (PedVAE).	334	1	33/60	184
Infection Preventionist/Microbiologist	57.114 Urinary Tract Infection (UTI)	6,000	12	25/60	30000
Infection Preventionist/Microbiologist	57.115 Custom Event	600	91	38/60	34580
Infection Preventionist/Microbiologist	57.116 Denominators for Neonatal Intensive Care Unit (NICU).	1,100	12	240/60	52800
Infection Preventionist/Microbiologist	57.117 Denominators for Specialty Care Area (SCA)/Oncology (ONG).	500	12	300/60	30000
Infection Preventionist/Microbiologist	57.118 Denominators for Intensive Care Unit (ICU)/Other locations (not NICU or SCA).	5,500	60	300/60	1650000
Infection Preventionist/Microbiologist	57.120 Surgical Site Infection (SSI)	3,800	12	13/60	9880
Infection Preventionist/Microbiologist	57.121 Denominator for Procedure	3,800	12	13/60	9880
Epidemiologists	57.122 HAI Progress Report State Health Department Survey.	55	1	50/60	46
Pharmacist	57.123 Antimicrobial Use and Resistance (AUR)-Microbiology Data Electronic Upload Specification Tables-Initial Set-up.	2,200	1	4800/60	176000
Pharmacist	57.123 Antimicrobial Use and Resistance (AUR)-Microbiology Data Electronic Upload Specification Tables-Yearly Maintenance.	3,300	2	120/60	13200
Pharmacist	57.123 Antimicrobial Use and Resistance (AUR)-Microbiology Data Electronic Upload Specification Tables-Monthly.	5,500	12	5/60	5500
Pharmacist	57.124 Antimicrobial Use and Resistance (AUR)-Pharmacy Data Electronic Upload Specification Tables-Initial Set-up.	1,500	1	2400/60	60000
Pharmacist	57.124 Antimicrobial Use and Resistance (AUR)-Pharmacy Data Electronic Upload Specification Tables-Yearly Maintenance.	4,000	1	120/60	8000
Pharmacist	57.124 Antimicrobial Use and Resistance (AUR)-Pharmacy Data Electronic Upload Specification Tables-Monthly.	5,500	12	5/60	5500
Infection Preventionist/Microbiologist	57.126 MDRO or CDI Infection Form.	720	12	33/60	4752
Infection Preventionist/Microbiologist	57.127 MDRO and CDI Prevention Process and Outcome Measures Monthly Monitoring.	5,500	29	15/60	39875
Infection Preventionist/Microbiologist	57.128 Laboratory-identified MDRO or CDI Event.	4,800	12	23/60	22080
Infection Preventionist/Microbiologist	57.129 Adult Sepsis	50	12	28/60	280
Infection Preventionist/Microbiologist	57.130 Infectious Diseases of Public Health Concern.	3,650	365	35/60	777146
Information Technology	57.132 Patient Safety Component Digital Measure Reporting Plan (HOB, HT-CDI, VTE, Adult Sepsis, RPS, NVAP)-IT Initial Set up.	5,500	1	1620/60	148500

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondents	Form No. & name	Number of respondents	Number of responses per respondent	Average burden per response (hours)	Total burden (hours)
Information Technology	57.132 Patient Safety Component Digital Measure Reporting Plan (HOB, HT-CDI, VTE, Adult Sepsis, RPS, NVAP)-IT Yearly Maintenance.	5,500	1	1200/60	110000
Infection Preventionist/Microbiologist	57.132 Patient Safety Component Digital Measure Reporting Plan (HOB, HT-CDI, VTE, Adult Sepsis, RPS, NVAP)-Infection Preventionist.	5,500	4	10/60	3667
Infection Preventionist/Microbiologist	57.132 Patient Safety Digital Reporting Plan (RPS CSV).	5,500	365	2/60	66917
Infection Preventionist/Microbiologist	57.133 Patient Safety Attestation	3,500	1	10/60	583
Infection Preventionist/Microbiologist	57.137 Long-Term Care Facility Component—Annual Facility Survey.	6,270	1	135/60	14108
Infection Preventionist/Microbiologist	57.138 Laboratory-identified MDRO or CDI Event for LTCF.	286	24	22/60	2517
Infection Preventionist/Microbiologist	57.139 MDRO and CDI Prevention Process Measures Monthly Monitoring for LTCF.	738	12	10/60	1476
Infection Preventionist/Microbiologist	57.140 Urinary Tract Infection (UTI) for LTCF.	373	24	37/60	5520
Infection Preventionist/Microbiologist	57.141 Monthly Reporting Plan for LTCF.	546	12	5/60	546
Infection Preventionist/Microbiologist	57.142 Denominators for LTCF Locations.	724	12	35/60	5068
Infection Preventionist/Microbiologist	57.143 Prevention Process Measures Monthly Monitoring for LTCF.	434	12	5/60	434
Infection Preventionist/Microbiologist	57.145 Long Term Care Antimicrobial Use (LTC-AU) Module-Digital Upload Specification Tables.	16,500	12	5/60	16500
Infection Preventionist/Microbiologist	57.150 LTAC Annual Survey	395	1	100/60	658
Infection Preventionist/Microbiologist	57.151 Rehab Annual Survey	395	1	84/60	553
Occupational Health RN/Specialist ...	57.211 Weekly Healthcare Personnel Influenza Vaccination Cumulative Summary for Non-Long-Term Care Facilities-Manual.	117	12	25/60	585
Occupational Health RN/Specialist ...	57.211 Weekly Healthcare Personnel Influenza Vaccination Cumulative Summary for Non-Long-Term Care Facilities-.CSV.	3,080	12	20/60	12320
Occupational Health RN/Specialist ...	57.214 Annual Healthcare Personnel Influenza Vaccination Summary-Manual.	22,440	1	120/60	44880
Occupational Health RN/Specialist ...	57.214 Annual Healthcare Personnel Influenza Vaccination Summary-.CSV.	1,920	1	55/60	1760
Occupational Health RN/Specialist ...	57.215 Seasonal Survey on Influenza Vaccination Programs for Healthcare Personnel.	15,426	1	45/60	11570
Medical/Clinical Laboratory Technologist.	57.300 Hemovigilance Module Annual Survey.	57	1	30/60	29
Medical/Clinical Laboratory Technologist.	57.301 Adverse Reaction Investigation Form.	47	5	20/60	78
Medical/Clinical Laboratory Technologist.	57.302 Transfusion Transmitted Infections (TTI) Rapid Alert Form.	3	1	5/60	1
Medical/Clinical Laboratory Technologist.	57.303 Transfusion Transmitted Infections (TTI) Investigation Form.	3	1	60/60	3
Infection Preventionist/Microbiologist	57.400 Outpatient Procedure Component—Annual Ambulatory Surgery Center Survey.	350	1	10/60	58
Infection Preventionist/Microbiologist	57.401 Outpatient Procedure Component—Monthly Reporting Plan.	350	12	10/60	700
Infection Preventionist/Microbiologist	57.402 Outpatient Procedure Component Same Day Outcome Measures.	50	1	42/60	35

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondents	Form No. & name	Number of respondents	Number of responses per respondent	Average burden per response (hours)	Total burden (hours)
Infection Preventionist/Microbiologist	57.403 Outpatient Procedure Component—Denominators for Same Day Outcome Measures.	50	400	20/60	6667
Infection Preventionist/Microbiologist	57.404 Outpatient Procedure Component—SSI Denominator.	300	100	22/60	11000
Infection Preventionist/Microbiologist	57.405 Outpatient Procedure Component—Surgical Site (SSI) Event.	300	36	39/60	7020
Infection Preventionist/Microbiologist	57.408 Monthly Survey Patient Days & Nurse Staffing.	2,500	12	300/60	150000
Infection Preventionist/Microbiologist	57.500 Outpatient Dialysis Center Practices Survey.	6,900	1	149/60	17135
Infection Preventionist/Microbiologist	57.501 Dialysis Monthly Reporting Plan.	7,400	12	5/60	7400
Infection Preventionist/Microbiologist	57.502 Dialysis Event	7,400	30	49/60	181300
Infection Preventionist/Microbiologist	57.503 Denominator for Outpatient Dialysis.	7,400	12	10/60	14800
Infection Preventionist/Microbiologist	57.504 Prevention Process Measures Monthly Monitoring for Dialysis.	1,730	12	60/60	20760
Infection Preventionist/Microbiologist	57.507 Home Dialysis Center Practices Survey.	550	1	65/60	596
Information Technology	57.600 Neonatal Component FHIR Measure-Late Onset Sepsis Meningitis (LOSMEN) Module-IT Initial Set up.	5,500	1	1620/60	148500
Information Technology	57.600 Neonatal Component FHIR Measure-Late Onset Sepsis Meningitis (LOSMEN) Module-IT Yearly Maintenance.	5,500	1	1200/60	110000
Infection Preventionist/Microbiologist	57.600 Neonatal Component FHIR Measure-Late Onset Sepsis Meningitis (LOSMEN) Module-Infection Preventionist.	5,500	6	6/60	3300
Infection Preventionist/Microbiologist	57.600 Neonatal Component Late Onset Sepsis Meningitis (LOSMEN) Module CDA Data Collection-Infection Preventionist.	5,500	12	2/60	2200
Infection Preventionist/Microbiologist	57.601 Late Onset Sepsis/Meningitis Denominator Form: Late Onset Sepsis/Meningitis Denominator Form: Data Table for monthly electronic upload.	300	6	5/60	150
Infection Preventionist/Microbiologist	57.602 Late Onset Sepsis/Meningitis Event Form: Data Table for Monthly Electronic Upload.	300	6	5/60	150
Information Technology	57.700 Medication Safety-Digital Measure Reporting Plan (HYPO, HAKI, ORAE)-IT Initial Set up.	5,500	1	1620/60	148500
Information Technology	57.700 Medication Safety-Digital Measure Reporting Plan (HYPO, HAKI, ORAE)-IT Yearly Maintenance.	5,500	1	1200/60	110000
Infection Preventionist/Microbiologist	57.700 Medication Safety-Digital Measure Reporting Plan (HYPO, HAKI, ORAE)-Infection Preventionist.	5,500	4	10/60	3667
Infection Preventionist/Microbiologist	57.701 Medication Safety Component—Annual Hospital Survey.	10	1	180/60	30
Registered Nurse	57.800 Billing Code Data: 837I Upload.	5,500	4	5/60	1833
Epidemiologist	57.801 External Validation Summary Report.	20	2	15/60	10
Information Technology	57.802 Bed Capacity-IT Initial Set Up.	25	1	20/60	8
Information Technology	57.803 All Hazards	540	365	5/60	16425

Jeffrey M. Zirger,

Lead, Information Collection Review Office,
Office of Public Health Ethics and
Regulations, Office of Science, Centers for
Disease Control and Prevention.

[FR Doc. 2025-13512 Filed 7-17-25; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-25-1132; Docket No. CDC-2025-0090]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other federal agencies the opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Performance Progress and Monitoring Report (PPMR). The PPMR is designed to allow CDC to collect information related to CDC Awardee's budgets, strategies and activities, and the process and outcome performance measures outlined by the cooperative agreement programs, in order to evaluate partnerships and the work that is done on behalf of CDC.

DATES: CDC must receive written comments on or before September 16, 2025.

ADDRESSES: You may submit comments, identified by Docket No. CDC-2025-0090 by either of the following methods:

- **Federal eRulemaking Portal:** www.regulations.gov. Follow the instructions for submitting comments.
- **Mail:** Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21-8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to www.regulations.gov.

Please note: Submit all comments through the Federal eRulemaking portal

(www.regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21-8, Atlanta, Georgia 30329; phone: 404-639-7570; Email: omb@cdc.gov.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

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;
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; and
5. Assess information collection costs.

Proposed Project

Performance Progress and Monitoring Report (PPMR) (OMB Control No. 0920-1132, Exp. 3/31/2026)—Extension—Office of Science (OS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Each year, approximately 80% of the CDC's budget is distributed via

contracts, grants and cooperative agreements, from the Office of Financial Resources (OFR) to partners (Awardees) throughout the world in an effort to promote health, prevent disease, injury and disability and prepare for new health threats. OFR is responsible for the stewardship of these funds while providing excellent, professional services to our partners and stakeholders.

Currently, CDC uses the Performance Progress and Monitoring Report (PPMR, OMB Control No. 0920-1132, Expiration: 3/31/2026), a set of progress reporting forms for Non-Research awards to collect information semi-annually from Awardees regarding the progress made over specified time periods on CDC funded projects. The PPMR was originally modified from SF-PPR (OMB Control No. 0970-0406, Expiration: 10/31/2015), a similar progress report that was owned by the Administration for Children and Families (ACF) within the Department of Health and Human Services (HHS). The PPMR was created by CDC to provide an agency-wide collection tool that would be able to obtain data on the progress of CDC Awardees for the purposes of evaluation, and to bring the Awardee reporting procedure into compliance with the Paperwork Reduction Act (PRA).

The information collected enables the accurate, reliable, uniform, and timely submission to CDC of each Awardee's work plans and progress reports, including strategies, activities and performance measures. The information collected by the PPMR is designed to align with, and support the goals outlined for each of the CDC Awardees. Collection and reporting of the information will occur in an efficient, standardized, and user-friendly manner that will generate a variety of routine and customizable reports. The PPMR will allow each Awardee to summarize activities and progress towards meeting performance measures and goals over a specified time period specific to each award. CDC will also have the capacity to generate reports that describe activities across multiple Awardees. In addition, CDC will use the information collection to respond to inquiries from HHS, Congress and other stakeholder inquiries about program activities and their impact. The current submission process allows Awardees to submit a completed PDF version of the PPMR by uploading it to www.grants.gov, or directly to the programs at CDC that will be performing the evaluation.

This Extension request is being submitted to allow CDC to continue collection of this valuable information

from Awardees for an additional three years. There are no anticipated changes to the information collection

instruments or associated burden at this time. CDC requests OMB approval for an estimated 13,014 annual burden hours.

There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
CDC Award Recipients	Performance Progress and Monitoring Report (PPMR—Att. A–F).	5,200	1	2	10,400
CDC Award Recipients	Performance Progress and Monitoring Report (PPMR—Att. G).	1,632	1	5/60	136
NHSS Award Recipients	Performance Progress and Monitoring Report (PPMR—Att. A–F).	60	1	41	2,478
Total .....	.....	.....	.....	.....	13,014

Jeffrey M. Zirger,
*Lead, Information Collection Review Office,
Office of Public Health Ethics and
Regulations, Office of Science, Centers for
Disease Control and Prevention.*
[FR Doc. 2025–13508 Filed 7–17–25; 8:45 am]
BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND
HUMAN SERVICES

Centers for Disease Control and
Prevention

[30Day–25–24HD]

Agency Forms Undergoing Paperwork
Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled “Adverse Health Outcomes Associated with Medical Tourism Surveillance System” to the Office of Management and Budget (OMB) for review and approval. CDC previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on August 9, 2024 to obtain comments from the public and affected agencies. CDC received four comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

- (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (c) Enhance the quality, utility, and clarity of the information to be collected;
- (d) 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; and
- (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. 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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Adverse Health Outcomes Associated With Medical Tourism Surveillance System—New—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC)

Background and Brief Description

Millions of Americans travel abroad each year to get medical care. This practice of medical tourism is increasing, with even some U.S.-based health insurance companies sending patients abroad for medical care. Medical tourism has been associated with a variety of adverse health outcomes including serious infection, importation of antibiotic-resistant pathogens to the United States, and death.

Outbreaks among medical tourists can be difficult to identify for many reasons. Complications from treatment(s) and procedure(s) obtained abroad are underreported by U.S. healthcare facilities. Jurisdictions throughout the United States have varying policies on reporting medical tourism-related adverse health events to CDC that can lead to underreporting from some jurisdictions. Infections acquired from health care abroad may not be locally or nationally reportable. There is no national surveillance system or mechanism for states to link cases between jurisdictions for medical tourism-related adverse health outcomes. This makes it difficult to identify patients with exposures linked to the same clinic or provider abroad since they will be returning to different parts of the United States. Collaboration with state and local health departments is essential to detect outbreaks, and as a federal entity, CDC can fulfill this role. The information collected through this surveillance will help CDC detect outbreaks and trends in cases to identify

prevention measures and improve awareness of risks associated with medical tourism. State and local health departments will conduct surveys and

send them electronically to CDC. Data will be stored in an electronic database and extracted for further analysis.

CDC requests OMB approval for an estimated 438 annual burden hours. There is no cost to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
State/Local Health department staff	Form 1 Medical Tourism Case Intake Form (Part B—Medical Chart Abstraction).	50	15	5/60
Ill persons who have experienced an adverse health outcome related to medical tourism.	Form 1 Medical Tourism Case Intake Form (Part A—Interviews).	750	1	10/60
Ill persons who have experienced an adverse health outcome related to medical tourism.	Form 2 Medical Tourism Enhanced Surveillance Form.	500	1	0.5

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2025–13509 Filed 7–17–25; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-25–1381; Docket No. CDC–2025–0123]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other federal agencies the opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed extension to a previously approved information collection project titled Formative Respirator and Personal Protective Clothing Laboratory Testing. NIOSH proposes using questionnaires, physiological monitoring/measurements, anthropometric measurements, respirator fit measurements, self-perception data, and biomechanical measurements to assess gaps in respirator and personal protective clothing use among the United States working population.

DATES: CDC must receive written comments on or before September 16, 2025.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2025–0123 by either of the following methods:

- **Federal eRulemaking Portal:** www.regulations.gov. Follow the instructions for submitting comments.
- **Mail:** Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to www.regulations.gov.

Please note: Submit all comments through the Federal eRulemaking portal (www.regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329; Telephone: 404–639–7570; Email: omb@cdc.gov.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of

previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

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;
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; and
5. Assess information collection costs.

Proposed Project

Formative Respirator and Protective Clothing Laboratory Testing (OMB Control No. 0920–1381, Exp. 1/31/2026)—Extension—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC), National Institute for Occupational Safety and Health (NIOSH), is requesting approval of a three-year Extension to a previously approved Generic information

collection request (ICR) titled Formative Respirator and Personal Protective Clothing Laboratory Testing.

The National Personal Protective Technology Laboratory (NPPTL) is a division of NIOSH, which operates within the CDC. NIOSH is the federal institute specifically dedicated to generating new knowledge in the field of occupational safety and health and is responsible for transferring that knowledge into practice for the betterment of workers.

NPPTL was established in 2001, at the request of Congress, with the mission of preventing disease, injury, and death for the millions of working men and women relying on personal protective technology (PPT). PPT plays an important role in keeping many workers within various industries safe while performing their professional duties. To achieve their mission, NPPTL conducts scientific research, develops guidance and authoritative recommendations, disseminates information, and responds to requests for workplace health hazard evaluations. The development of NPPTL filled a need for improved PPT and focused research into PPT.

Respiratory protection is the cornerstone of NPPTL's efforts. One of the primary responsibilities of NPPTL is to test and approve respirators used in

U.S. occupational settings. This function ensures a standard level of quality and filtration efficiency for all respirators used within a U.S. workplace setting. The NPPTL Respirator Approval Program exists to increase the level of worker protection from airborne particulates, chemicals, and vapors.

In addition to respirators, NPPTL conducts research on other types of PPT, including chemical-resistant clothing, hearing protection, gloves, eye and face protective devices, hard hats, sensors to detect hazardous substances, and communication devices used for safe deployment of emergency workers. The NPPTL's PPT research examines exposure to inhalation hazards, dermal hazards, and any other hazardous environmental threats within an occupational setting.

PPT performance requirements and test methods are specified within: (1) federal regulations by NIOSH, the Food and Drug Administration (FDA), and the Mine Safety and Health Administration (MSHA); and (2) voluntary consensus standards published by organizations such as the American National Standards Institute (ANSI), American Society for Testing and Materials (ASTM) International, and International

Organization for Standardization (ISO). Thus, the information collected from human subjects in a laboratory setting is generally consistent across NPPTL studies with only the boundary conditions changing (*e.g.*, environmental conditions such as heat or humidity, human subject activity such as simulated surgery or climbing a ladder, and distance between two subjects communicating by spoken word). Additionally, novel PPT designs may be examined or compared to commercially available products under similar boundary conditions to examine adherence to regulations and/or standards. NPPTL requests an Extension of the Generic ICR package for laboratory-collected information for testing respirators and personal protective clothing.

NIOSH estimates that up to 1,500 individuals could be burdened per year. Recruitment for all laboratory studies includes individuals from the general population rather than specific industries or working status. These individuals are all adults between the ages of 18 and 65 years. CDC requests OMB approval for an estimated 11,903 annual burden hours. There is no cost to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Members of the general public.	Informed Consent	470	1	30/60	235
	Health Screening Questionnaire	470	6	1	2820
	Demographics Questionnaire	470	1	30/60	235
	<i>Job-related Data:</i> occupational Tasks, postures used, duration of exposure.	470	1	15/60	118
	<i>Physiological Measurements:</i> chest-worn heart rate monitor strap, COSMED Kb5, SQ2020-1F8 temperature logger, TOSCA 500 pulse oximeter, koken breathing waveform recording mask.	200	6	1.5	1800
	<i>Biological Measurements:</i> cortisol (stress) levels, pregnancy tests, hydration status, lipids, inflammatory markers, heat shock proteins.	100	6	15/60	150
	<i>Anthropometric Measurements:</i> calipers/digital measuring of facial and body dimensions.	500	1	15/60	125
	<i>Respirator Fit Measurements:</i> filter cassettes with air pumps, fit-testing equipment, QLFT/sodium saccharin solution.	225	100	15/60	5,625
	<i>Self-Perception Data:</i> level of exertion, perceived comfort level, heat sensation, fatigue.	500	6	15/60	750
	<i>Biomechanics Measurements:</i> force plate, stopwatch, accelerometers.	30	3	30/60	45
Total .....	.....	.....	.....	.....	11,903

Jeffrey M. Zirger,

Lead, Information Collection Review Office,
Office of Public Health Ethics and
Regulations, Office of Science, Centers for
Disease Control and Prevention.

[FR Doc. 2025–13511 Filed 7–17–25; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–25–1391; Docket No. CDC–2025–
0156]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and
Prevention (CDC), Department of Health
and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease
Control and Prevention (CDC), as part of
its continuing effort to reduce public
burden and maximize the utility of
government information, invites the
general public and other federal
agencies the opportunity to comment on
a continuing information collection, as
required by the Paperwork Reduction
Act of 1995. This notice invites
comment on a proposed information
collection project titled Enhancing Data-
driven Disease Detection in Newborns
(ED3N). This national newborn
screening (NBS) data platform serves as
a secure, central, and national data
sharing resource for the U.S. state and
territorial NBS community.

DATES: CDC must receive written
comments on or before September 16,
2025.

ADDRESSES: You may submit comments,
identified by Docket No. CDC–2025–
0156 by either of the following methods:

- **Federal eRulemaking Portal:**
www.regulations.gov. Follow the
instructions for submitting comments.
- **Mail:** Jeffrey M. Zirger, Information
Collection Review Office, Centers for
Disease Control and Prevention, 1600
Clifton Road NE, MS H21–8, Atlanta,
Georgia 30329.

Instructions: All submissions received
must include the agency name and
Docket Number. CDC will post, without
change, all relevant comments to
www.regulations.gov.

Please note: Submit all comments
through the Federal eRulemaking portal
(www.regulations.gov) or by U.S. mail to
the address listed above.

FOR FURTHER INFORMATION CONTACT: To
request more information on the

proposed project or to obtain a copy of
the information collection plan and
instruments, contact Jeffrey M. Zirger,
Information Collection Review Office,
Centers for Disease Control and
Prevention, 1600 Clifton Road NE, MS
H21–8, Atlanta, Georgia 30329;
Telephone: 404–639–7570; Email: omb@cdc.gov.

SUPPLEMENTARY INFORMATION: Under the
Paperwork Reduction Act of 1995 (PRA)
(44 U.S.C. 3501–3520), federal agencies
must obtain approval from the Office of
Management and Budget (OMB) for each
collection of information they conduct
or sponsor. In addition, the PRA also
requires federal agencies to provide a
60-day notice in the **Federal Register**
concerning each proposed collection of
information, including each new
proposed collection, each proposed
extension of existing collection of
information, and each reinstatement of
previously approved information
collection before submitting the
collection to the OMB for approval. To
comply with this requirement, we are
publishing this notice of a proposed
data collection as described below.

The OMB is particularly interested in
comments that will help:

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;
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; and
5. Assess information collection costs.

Proposed Project

Enhancing Data-Driven Disease
Detection in Newborns (ED3N) (OMB
Control No. 0920–1391, Exp. 4/30/
2026)—Revision—National Center for
Environmental Health (NCEH), Centers
for Disease Control and Prevention
(CDC).

Background and Brief Description

The Newborn Screening and
Molecular Biology Branch (NSMBB), in
the National Center for Environmental

Health (NCEH) Division of Laboratory
Science (DLS), has the only laboratory
in the world devoted to ensuring the
accuracy of newborn screening (NBS)
tests in every state and more than 78
countries. NSMBB supports NBS
programs by conducting research,
developing methods, and performing
analyses by using complex, state-of-the-
art molecular and biochemical
techniques for identifying risk factors
for diseases of public health importance.

Both NSMBB and state NBS programs
are experiencing increased data analytic
challenges associated with continued
expansion of the number of newborn
screening diseases, increased
complexity of disease detection, and
difficulties in correlating disease
markers with disease risk. Further, the
addition of late-onset diseases to NBS
panels necessitates a better way to
routinely capture clinical information
and outcomes so that NBS programs can
fully appreciate the spectrum of disease
they are detecting.

The NSMBB is requesting a three-year
Paperwork Reduction Act (PRA)
Extension for Enhancing Data-driven
Disease Detection in Newborns (ED3N),
the NBS data platform, that will address
these analytic and post-analytic
challenges and promote sharing of
molecular, biochemical, and clinical
information amongst NBS partners. The
information shared will help NSMBB
and newborn screening partners be
better equipped to assess disease risk
and will help harmonize approaches for
disease detection in newborns. Given
the rarity of newborn screening
diseases, it is imperative that data be
collected and analyzed at a national
level in order to glean useful insights
and to analyze trends. The NSMBB is
best suited to oversee this work given its
role in providing technical assistance to
NBS programs nationally.

Numerous studies along with
presentations by NBS programs suggest
that gaps in programmatic resources and
expertise are hampering the ability to
perform more complex data analytics
resulting in low positive predictive
values for a number of conditions
(which subsequently results in higher
false positive and negative rates and
downstream burden to families and the
medical system). Smaller-scale work on
the use of post-analytical tools such as
machine learning algorithms have
shown that incorporation of these
elements into newborn screening can
improve detection rates, while reducing
false positives. These studies, however,
have been limited to single sites and
have not been integrated into the daily
workflow of high-throughput NBS
programs. Without this project, NBS

programs will continue to be unable to keep up with the increasing complexity and future demands of screening, perpetuating inequities in screening across the nation.

The estimated annualized burden hours were determined as follows. There are 53 domestic NBS programs in the U.S. A “respondent” refers to a single NBS program. Given that data submission will ultimately be accomplished through automatic

electronic data transfer, each respondent’s burden hours were split into two estimates: (1) the one-time need to set-up, test, and implement the electronic data transfer mechanism; and (2) the ongoing automatic electronic data transfer occurring after initial set-up. Initial set-up time burden was estimated based on analysis of similar data transfer projects embarked upon by NBS programs as well as brief discussions with NBS Program

Laboratory Information Management System vendors. The one-time burden to set up the data transfer interface was estimated to be 40 hours total, annualized to 14 hours per year. Ongoing daily data submission burden for NBS programs was estimated assuming one minute per automatic transfer thereafter. CDC has estimated the total annualized burden for this project to be 1,064 hours per year.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hr)	Total burden (in hr)
Newborn Screening Programs	Set-up and initial submission of ED3N Data Elements.	53	1	14	742
	Ongoing transfer of ED3N Data Elements	53	364	1/60	322
Total .....	.....	53	.....	.....	1,064

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2025–13510 Filed 7–17–25; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Telehealth Resource Center Performance Measurement Tool, OMB No. 0915–0361—Revision

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 August 18, 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 Samantha Miller, the HRSA Information Collection Clearance Officer, at paperwork@hrsa.gov or call (301) 443–3983.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: Telehealth Resource Center Performance Measurement Tool, OMB No. 0915–0361—Revision.

Abstract: HRSA requests a revision of its approved Telehealth Resource Center (TRC) Performance Measurement Tool and renewal of the previously approved performance measures. TRCs deliver telehealth technical assistance under cooperative agreements awarded by HRSA’s Office for the Advancement of Telehealth, as authorized by section 330I(d)(2) of the Public Health Service Act (42 U.S.C. 254c–14(d)(2)). There are two types of HRSA TRC programs:

1. Two National TRC Programs focus on policy and technology.
2. Twelve Regional TRC Programs host activities and provide resources to rural and underserved areas.

HRSA TRCs

- Provide training and support,

- Publicize information and research findings,
- Support collaboration and partnerships,
- Promote effective partnerships, and
- Promote the use of telehealth by providing health care information and education to the public and medical specialists.

TRCs share expertise through individual consults, training, webinars, conference presentations, and the web. HRSA collects information using the TRC Performance Measurement Tool.

HRSA seeks to revise its approved information collection because the electronic system for submitting information to HRSA has changed from the Performance Improvement Management System to Data Collection Platform as a Service (DCP). Although the electronic system has changed, the information collected using the TRC Performance Measurement Tool has not changed and HRSA’s burden estimate remains the same.

A 60-day notice published in the **Federal Register** on May 15, 2025, vol. 90, No. 93; pp. 20677–79. There were no public comments.

Need and Proposed Use of the Information: To evaluate existing programs, recipients of the National and Regional TRC cooperative agreements submit data through HRSA’s DCP. The data are used to measure the effectiveness of technical assistance. There is one data reporting period each year; during this reporting period, data are reported for the previous 12 months of activity. TRCs have approximately 6 weeks to enter their data into the DCP system during each annual reporting

period. The instrument was developed to measure how the National and Regional TRCs meet the following goals:

- Improving access to needed services,

- Reducing rural and underserved population practitioner isolation,
- Improving health system productivity and efficiency, and
- Improving patient outcomes.

The TRCs currently report on existing performance data elements using the TRC Performance Measurement Tool. The performance measures assess how the TRC program meets its goals to:

- Expand the availability of telehealth services in underserved communities;
- Improve the quality, efficiency, and effectiveness of telehealth services;
- Promote knowledge exchange and dissemination about efficient and effective telehealth practices and technology; and

- Establish sustainable technical assistance centers providing quality, unbiased technical assistance for the development and expansion of effective

and efficient telehealth services in underserved communities.

Additionally, the TRC Performance Measurement Tool allows HRSA to:

- Determine the value added from the TRC cooperative agreements;
- Justify budget requests;
- Collect uniform, consistent data which enables HRSA to monitor programs;
- Provide guidance to grantees on important indicators to track over time for their own internal program management;
- Measure performance relative to HRSA's mission as well as individual goals and objectives of the program;
- Identify topics of interest for future special studies; and
- Identify changes in health care needs within rural and underserved communities, allowing programs to shift focus to meet those needs.

Likely Respondents: Likely respondents are telehealth associations, telehealth providers, rural and underserved health providers, clinicians

that deliver services via telehealth, technical assistance providers, and research organizations and academic medical centers that receive National or Regional TRC cooperative agreements.

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 *
TRC Performance Measurement Tool	14	42	588	0.07	41
Total	14	42	588	0.07	41

* Total Burden Hours are rounded up to the nearest whole number.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2025–13553 Filed 7–17–25; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2025–0002; Internal Agency Docket No. FEMA–B–2541]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or

regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: Comments are to be submitted on or before October 16, 2025.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location <https://hazards.fema.gov/femaportal/prelimdownload> and the respective Community Map Repository address listed in the tables below. Additionally,

the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at <https://msc.fema.gov> for comparison.

You may submit comments, identified by Docket No. FEMA–B–2541, to David Bascom, Acting Director, Engineering and Modeling Division, Risk Analysis, Planning & Information Directorate, FEMA, 400 C Street SW, Washington, DC 20472, or (email) david.bascom@fema.dhs.gov.

FOR FURTHER INFORMATION CONTACT:

David Bascom, Acting Director, Engineering and Modeling Division, Risk Analysis, Planning & Information Directorate, FEMA, 400 C Street SW, Washington, DC 20472, or (email) david.bascom@fema.dhs.gov; or visit the FEMA Mapping and Insurance eXchange (FMIX) online at https://www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section

110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements

outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at https://www.floodsrp.org/pdfs/srp_overview.pdf.

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where

applicable, FIS report for each community are available for inspection at both the online location <https://hazards.fema.gov/femaportal/prelimdownload> and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at <https://msc.fema.gov> for comparison. (Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Jeffrey Jackson,

Deputy Assistant Administrator, Federal Insurance Directorate, Resilience, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Anson County, North Carolina and Incorporated Areas Project: 13-04-6162S Preliminary Date: March 31, 2023	
Town of Peachland	Town Hall, 32 West Passaic Street, Peachland, NC 28133.
Unincorporated Areas of Anson County	Anson County Inspections and Permitting Department, 575 US Highway 52 South, Wadesboro, NC 28170.
Cabarrus County, North Carolina and Incorporated Areas Project: 13-04-6162S Preliminary Date: March 31, 2023	
Unincorporated Areas of Cabarrus County	Cabarrus County Planning Department, 65 Church Street South, Concord, NC 28025.
Chatham County, North Carolina and Incorporated Areas Project: 22-04-0025S Preliminary Date: March 31, 2023	
Unincorporated Areas of Chatham County	Chatham County Planning Department, 80-A East Street, Pittsboro, NC 27312.
Guilford County, North Carolina and Incorporated Areas Project: 22-04-0025S Preliminary Date: March 31, 2023	
City of High Point	Municipal Building, 211 South Hamilton Street, High Point, NC 27261.
Unincorporated Areas of Guilford County	Guilford County Planning Department, 400 West Market Street, Greensboro, NC 27401.
Montgomery County, North Carolina and Incorporated Areas Project: 22-04-0025S Preliminary Date: March 31, 2023	
Town of Biscoe	Town Hall, 110 West Main Street, Biscoe, NC 27209.
Town of Mount Gilead	Town Hall, 110 West Allenton Street, Mount Gilead, NC 27306.
Town of Star	Town Hall, 454 South Main Street, Star, NC 27356.
Town of Troy	Town Hall, 315 North Main Street, Troy, NC 27371.
Unincorporated Areas of Montgomery County	Montgomery County Central Permitting, 444 North Main Street, Troy, NC 27371.
Moore County, North Carolina and Incorporated Areas Project: 22-04-0025S Preliminary Date: March 31, 2023	
Unincorporated Areas of Moore County	Moore County Planning Department, 1048 Carriage Oaks Drive, Carthage, NC 28327.

Community	Community map repository address
Randolph County, North Carolina and Incorporated Areas Project: 22-04-0025S Preliminary Date: March 31, 2023	
City of Archdale	City Hall, 307 Balfour Drive, Archdale, NC 27263.
City of Asheboro	Planning and Zoning Department, 146 North Church Street, Asheboro, NC 27203.
City of Randleman	City Hall, 204 South Main Street, Randleman, NC 27317.
Town of Liberty	Town Hall, 126 South Fayetteville Street, Liberty, NC 27298.
Unincorporated Areas of Randolph County	Randolph County Planning Department, 204 East Academy Street, Asheboro, NC 27205.
Richmond County, North Carolina and Incorporated Areas Project: 22-04-0025S Preliminary Date: March 31, 2023	
City of Hamlet	City Hall, 201 Main Street, Hamlet, NC 28345.
City of Rockingham	City Hall, Planning Department, 514 Rockingham Road, Rockingham, NC 28379.
Unincorporated Areas of Richmond County	Richmond County Planning Department, 1401 Fayetteville Road, Rockingham, NC 28379.
Rowan County, North Carolina and Incorporated Areas Project: 13-04-6162S Preliminary Date: March 31, 2023 and March 21, 2024	
City of Salisbury	City Office Building, 132 North Main Street, Salisbury, NC 28144.
Town of China Grove	Town Hall, 333 North Main Street, China Grove, NC 28023.
Town of East Spencer	Town Hall, 105 South Long Street, East Spencer, NC 28039.
Town of Faith	Town Hall, 100 North Main Street, Faith, NC 28041.
Town of Granite Quarry	Municipal Building, 143 North Salisbury Avenue, Granite Quarry, NC 28146.
Town of Landis	Town Hall, 312 South Main Street, Landis, NC 28088.
Town of Rockwell	Town Hall, 202 East Main Street, Rockwell, NC 28138.
Town of Spencer	Town Hall, 460 South Salisbury Avenue, Spencer, NC 28159.
Unincorporated Areas of Rowan County	Rowan County Planning Department, 402 North Main Street, Salisbury, NC 28144.
Scotland County, North Carolina and Incorporated Areas Project: 22-04-0025S Preliminary Date: March 31, 2023	
Unincorporated Areas of Scotland County	Scotland County Inspections Department, 517 Peden Street, Laurinburg, NC 28352.
Stanly County, North Carolina and Incorporated Areas Project: 13-04-6162S Preliminary Date: March 31, 2023	
City of Albemarle	Planning and Development Services, 144 North 2nd Street, Albemarle, NC 28001.
Town of New London	Town Hall, 114 West Gold Street, New London, NC 28127.
Town of Oakboro	Town Hall, 109 North Main Street, #A, Oakboro, NC 28129.
Town of Richfield	Town Hall, 137 Highway 49 North, Richfield, NC 28137.
Unincorporated Areas of Stanly County	Stanly County Planning and Zoning Department, 1000 North First Street, Suite 13-B, Albermarle, NC 28001.
Surry County, North Carolina and Incorporated Areas Project: 22-04-0024S Preliminary Date: March 31, 2023	
City of Mount Airy	Planning Department, 300 South Main Street, Mount Airy, NC 27030.
Town of Elkin	Town Hall, 226 North Bridge Street, Elkin, NC 28621.
Town of Pilot Mountain	Town Hall, 124 West Main Street, Pilot Mountain, NC 27041.
Unincorporated Areas of Surry County	Surry County Central Permitting Center, 122 Hamby Road, Suite 144, Dobson, NC 27017.
Union County, North Carolina and Incorporated Areas Project: 13-04-6162S Preliminary Date: March 31, 2023 and March 21, 2024	
City of Monroe	Planning Department, 300 West Crowell Street, Monroe, NC 28112.
Town of Fairview	Fairview Town Hall, 7516 Concord Highway, Monroe, NC 28110.
Town of Hemby Bridge	Hemby Bridge Town Hall, 5811 Fairview-Indian Trail Road, Indian Trail, NC 28079.
Town of Indian Trail	Town Hall, 315 Matthews-Indian Trail Road, Indian Trail, NC 28079.
Town of Mineral Springs	Volunteer Fire and Rescue Department, 5804 Waxhaw Highway, Mineral Springs, NC 28112.
Town of Stallings	Planning and Zoning Department, 315 Stallings Road, Second Floor, Stallings, NC 28104.
Town of Unionville	Unionville Town Hall, 1102 Unionville Church Road, Monroe, NC 28110.

Community	Community map repository address
Town of Waxhaw	Town Hall, 4218 Waxhaw-Marvin Road, Waxhaw, NC 28173.
Town of Weddington	Town Hall, 1924 Weddington Road, Weddington, NC 28104.
Town of Wingate	Government Center, 101 West Wilson Street, Wingate, NC 28174.
Unincorporated Areas of Union County	Union County Planning Department, 500 North Main Street, Suite 70, Monroe, NC 28112.
Village of Marvin	Village Hall, 10006 Marvin School Road, Marvin, NC 28173.
Village of Wesley Chapel	Town Hall, 6490 Weddington Road, Wesley Chapel, NC 28104.

Wilkes County, North Carolina and Incorporated Areas
Project: 22-04-0024S Preliminary Date: March 31, 2023

Town of North Wilkesboro	Town Hall, 832 Main Street, North Wilkesboro, NC 28659.
Town of Wilkesboro	Town Hall, 203 West Main Street, Wilkesboro, NC 28697.
Unincorporated Areas of Wilkes County	Wilkes County Office Building, 110 North Street, Wilkesboro, NC 28697.

Yadkin County, North Carolina and Incorporated Areas
Project: 22-04-0024S Preliminary Date: March 31, 2023

Town of Jonesville	Town Hall, 1503 NC Highway 67, Jonesville, NC 28642.
Town of Yadkinville	Town Hall, 213 South Van Buren Street, Yadkinville, NC 27055.
Unincorporated Areas of Yadkin County	Yadkin County Manager's Office, 217 East Willow Street, Yadkinville, NC 27055.

[FR Doc. 2025-13544 Filed 7-17-25; 8:45 am]
 BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA-2025-0002; Internal Agency Docket No. FEMA-B-2542]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The current effective community number is shown in the table below and

must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at <https://msc.fema.gov> for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: David Bascom, Acting Director, Engineering and Modeling Division, Risk Analysis, Planning & Information Directorate, FEMA, 400 C Street SW, Washington, DC 20472, or (email) david.bascom@fema.dhs.gov; or visit the FEMA Mapping and Insurance eXchange (FMIX) online at <https://>

www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The

flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the

respective community map repository address listed in the table below.

Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at <https://msc.fema.gov> for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Jeffrey Jackson,

Deputy Assistant Administrator, Federal Insurance Directorate, Resilience, Federal Emergency Management Agency, Department of Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Alabama:						
Lee	City of Auburn (25–04–4206P).	The Honorable Ron Anders Jr., Mayor, City of Auburn, 144 Tichenor Avenue, Suite 1, Auburn, AL 36830.	City Hall, 144 Tichenor Avenue, Auburn, AL 36830.	https://msc.fema.gov/portal/advanceSearch .	Oct. 8, 2025	010144
Lee	Unincorporated areas of Lee County (25–04–4206P).	Jeff Colley, Chair, Lee County Board of Commissioners, P.O. Box 2266, Opelika, AL 36801.	Lee County Emergency Management Agency, 908 Avenue B, Opelika, AL 36801.	https://msc.fema.gov/portal/advanceSearch .	Oct. 8, 2025	010250
Madison	The City of Huntsville (24–04–5390P).	The Honorable Thomas Battle Jr., Mayor, City of Huntsville, P.O. Box 308, Huntsville, AL 35804.	City Hall, 308 Fountain Circle Southwest, 8th Floor, Huntsville, AL 35801.	https://msc.fema.gov/portal/advanceSearch .	Sep. 18, 2025	010153
Madison	Unincorporated areas of Madison County (24–04–5390P).	Mac McCutcheon, Chair, Madison County Board of Commissioners, 100 North Side Square, Suite 700, Huntsville, AL 35801.	Madison County Inspection Department, 266–C Shields Road, Huntsville, AL 35811.	https://msc.fema.gov/portal/advanceSearch .	Sep. 18, 2025	010151
Arizona: Pinal	City of Casa Grande (25–09–0247P).	The Honorable Lisa Navarro Fitzgibbons, Mayor, City of Casa Grande, 510 East Florence Boulevard, Casa Grande, AZ 85122.	City Hall, 510 East Florence Boulevard, Casa Grande, AZ 85122.	https://msc.fema.gov/portal/advanceSearch .	Sep. 12, 2025	040080
California:						
Riverside	City of Jurupa Valley (23–09–1402P).	The Honorable Brian Berkson, Mayor, City of Jurupa Valley, 8930 Limonite Avenue, Jurupa Valley, CA 92509.	City Hall, 8930 Limonite Avenue, Jurupa Valley, CA 92509.	https://msc.fema.gov/portal/advanceSearch .	Sep. 9, 2025	060286
Riverside	City of Menifee (25–09–0210P).	Armando G. Villa, City Manager, City of Menifee, 29844 Haun Road, Menifee, CA 92586.	City Hall, 29844 Haun Road, Menifee, CA 92586.	https://msc.fema.gov/portal/advanceSearch .	Sep. 12, 2025	060176
Riverside	City of Temecula (24–09–0182P).	The Honorable Brenden Kalfus, Mayor, City of Temecula, 41000 Main Street, Temecula, CA 92590.	City Hall, Public Works Department, 41000 Main Street, Temecula, CA 92590.	https://msc.fema.gov/portal/advanceSearch .	Sep. 22, 2025	060742
San Diego	City of Vista (24–09–0198P).	The Honorable John Franklin, Mayor, City of Vista, 200 Civic Center Drive, Vista, CA 92084.	Civic Center, 200 Civic Center Drive, Vista, CA 92084.	https://msc.fema.gov/portal/advanceSearch .	Sep. 8, 2025	060297
Colorado:						
Arapahoe	City of Aurora (24–08–0576P).	The Honorable Mike Coffman, Mayor, City of Aurora, 15151 East Alameda Parkway, Aurora, CO 80012.	Public Works Department, 15151 East Alameda Parkway, Suite 3200, Aurora, CO 80012.	https://msc.fema.gov/portal/advanceSearch .	Sep. 12, 2025	080002
Arapahoe	Unincorporated areas of Arapahoe County (24–08–0576P).	Leslie Summey, Chair, Arapahoe County Board of Commissioners, 5334 South Prince Street, Littleton, CO 80210.	Arapahoe County, Public Works and Development Department, 6924 South Lima Street, Centennial, CO 80112.	https://msc.fema.gov/portal/advanceSearch .	Sep. 12, 2025	080011
Gunnison	Unincorporated areas of Gunnison County (24–08–0251P).	Laura Puckett Daniels, Chair, Gunnison County Board of Commissioners, 200 East Virginia Avenue, Gunnison, CO 81230.	Gunnison County Administration Building, 200 East Virginia Avenue, Gunnison, CO 81230.	https://msc.fema.gov/portal/advanceSearch .	Sep. 12, 2025	080078
Pitkin	City of Aspen (24–08–0425P).	The Honorable Rachel Richards, Mayor, City of Aspen, 427 Rio Grande Place, Aspen, CO 81611.	Engineering Department, 427 Rio Grande Place, Aspen, CO 81611.	https://msc.fema.gov/portal/advanceSearch .	Sep. 23, 2025	080143

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Connecticut: Hartford.	Town of Manchester (24-01-0625P).	Steve Stephanou, Manager, Town of Manchester, 41 Center Street, Manchester, CT 06040.	Planning and Economic Development Department, 494 Main Street, Manchester, CT 06045.	https://msc.fema.gov/portal/advanceSearch .	Aug. 28, 2025	090031
Florida:						
Clay	Unincorporated areas of Clay County (25-04-0748P).	Betsy Condon, Chair, Clay County Board of Commissioners, P.O. Box 1366, Green Cove Springs, FL 32043.	Clay County Administration Building, 477 Houston Street, Green Cove Springs, FL 32043.	https://msc.fema.gov/portal/advanceSearch .	Oct. 10, 2025	120064
Duval	City of Jacksonville (24-04-7837P).	The Honorable Donna Deegan, Mayor, City of Jacksonville, 117 West Duval Street, Suite 400, Jacksonville, FL 32202.	City Hall, 117 West Duval Street, Suite 400, Jacksonville, FL 32202.	https://msc.fema.gov/portal/advanceSearch .	Oct. 3, 2025	120077
Effingham	Unincorporated areas of Effingham County (24-04-3325P).	Tim Callanan, Manager, Effingham County, 804 South Laurel Street, Springfield, GA 31329.	Effingham County Administrative Complex, 804 South Laurel Street, Springfield, GA 31329.	https://msc.fema.gov/portal/advanceSearch .	Oct. 2, 2025	130076
Indian River	Unincorporated areas of Indian River County (25-04-0747P).	Joseph Flescher, Chair, Indian River County Board of Commissioners, 1801 27th Street, Vero Beach, FL 32960.	Indian River Administration Building, 1801 27th Street, Vero Beach, FL 32960.	https://msc.fema.gov/portal/advanceSearch .	Oct. 14, 2025	120119
Monroe	Unincorporated areas of Monroe County (25-04-3449P).	The Honorable Jim Scholl, Mayor, Monroe County Board of Commissioners, 530 Whitehead Street, Key West, FL 33040.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	https://msc.fema.gov/portal/advanceSearch .	Oct. 10, 2025	125129
Orange	Unincorporated areas of Orange County (25-04-0014P).	The Honorable Jerry L. Demings, Mayor, Orange County, 201 South Rosalind Avenue, 5th Floor, Orlando, FL 32801.	Orange County Public Works Department, Stormwater Management Division, 4200 South John Young Parkway, Orlando, FL 32839.	https://msc.fema.gov/portal/advanceSearch .	Oct. 1, 2025	120179
Palm Beach ...	Unincorporated areas of Palm Beach County (24-04-7661P).	Verdenia C. Baker, Palm Beach County Administrator, 301 North Olive Avenue, Suite 1101, West Palm Beach, FL 33401.	Palm Beach County Vista Center, Building Division, 2300 North Jog Road, West Palm Beach, FL 33411.	https://msc.fema.gov/portal/advanceSearch .	Sep. 29, 2025	120192
St. Johns	Unincorporated areas of St. Johns County (24-04-7933P).	Junyao "Joy" Andrews, St. Johns County Administrator, 500 San Sebastian View, St. Augustine, FL 32084.	St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, FL 32084.	https://msc.fema.gov/portal/advanceSearch .	Oct. 8, 2025	125147
Kentucky: Jefferson	Metropolitan Government of Louisville and Jefferson County (25-04-2107X).	The Honorable Craig Greenberg, Mayor, Metropolitan Government of Louisville and Jefferson County, 527 West Jefferson Street, Louisville, KY 40202.	Louisville/Jefferson County Metropolitan Sewer District, 700 West Liberty Street, Louisville, KY 40203.	https://msc.fema.gov/portal/advanceSearch .	Sep. 2 2025	210120
Idaho: Canyon	Unincorporated areas of Canyon County (24-10-0627P).	Brad Holton, Chair, Canyon County Board of County Commissioners, 1115 Albany Street, Room 101, Caldwell, ID 83605.	Canyon County Development Services Department, 111 North 11th Avenue Room 310, Caldwell, ID 83605.	https://msc.fema.gov/portal/advanceSearch .	Sep. 12, 2025	160208
Illinois:						
Kendall	Unincorporated Areas of Kendall County (25-05-0705P).	Matt Kellogg, Chair, Kendall County Board, 807 West John Street, Yorkville, IL 60560.	Kendall County, Planning, Building and Zoning Department, 807 West John Street, Yorkville, IL 60560.	https://msc.fema.gov/portal/advanceSearch .	Sep. 19, 2025	170341
Kendall	Village of Oswego (25-05-0705P).	Ryan Kauffman, Village President, Village of Oswego, 100 Parkers Mill, Oswego, IL 60543.	Village Hall, 100 Parkers Mill, Oswego, IL 60543.	https://msc.fema.gov/portal/advanceSearch .	Sep. 19, 2025	170345
Louisiana: Lafayette.	Town of Duson (24-06-2322P).	The Honorable Johnny Thibodeaux, Mayor, Town of Duson, 498 Toby Mouton Road, Duson, LA 70529.	Town Hall, 498 Toby Mouton Road, Duson, LA 70529.	https://msc.fema.gov/portal/advanceSearch .	Sep. 18, 2025	220104

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Nevada: Clark	Unincorporated areas of Clark County (24–09–1045P).	Tick Segerblom, Chair, Clark County Board of Commissioners, 500 South Grand Central Parkway, Las Vegas, NV 89155.	Clark County Government Center, 500 South Grand Central Parkway, Las Vegas, NV 89155.	https://msc.fema.gov/portal/advanceSearch .	Sep. 2, 2025	320003
North Carolina: Durham.	City of Durham (25–04–0232P).	The Honorable Leonardo Williams, Mayor, City of Durham, 101 City Hall Plaza, Durham, NC 27701.	City Hall, 101 City Hall Plaza, City Hall Plaza, Durham, NC 27701.	https://msc.fema.gov/portal/advanceSearch .	Sept. 26, 2025. ..	370086.
South Carolina: Berkeley.	Unincorporated areas of Berkeley County (23–04–6045P).	Johnny Cribb, Supervisor, Berkeley County Council, 1003 North Highway 52, Moncks Corner, SC 29461.	Berkeley County Building and Codes Enforcement, 1003 North Highway 52, Moncks Corner, SC 29461.	https://msc.fema.gov/portal/advanceSearch .	Sep. 11, 2025	450029
Texas: Collin	Unincorporated areas of Collin County (25–06–0230P).	The Honorable Chris Hill, Collin County Judge, 2300 Bloomdale Road, 1st Floor, McKinney, TX 75071.	Collin County Engineering Building, 4690 Community Avenue, Suite 200, McKinney, TX 75071.	https://msc.fema.gov/portal/advanceSearch .	Sep. 2, 2025	480130
Hays	Unincorporated areas of Hays County (24–06–1529P).	The Honorable Ruben Becerra, Hays County Judge, 111 East San Antonio Street, Suite 300, San Marcos, TX 78666	Hays County Development Services Department, 2171 Yarrington Road, Suite 100, Kyle, TX 78640.	https://msc.fema.gov/portal/advanceSearch .	Oct. 2, 2025	480321
Guadalupe	City of Seguin (24–06–1142P).	The Honorable Donna Dodgen, Mayor, City of Seguin, 205 North River Street, Seguin, TX 78155.	City Hall, 205 North River Street, Seguin, TX 78155.	https://msc.fema.gov/portal/advanceSearch .	Sep. 29, 2025	485508
Guadalupe	Unincorporated areas of Guadalupe County (24–06–1142P).	The Honorable Kyle Kutscher, Guadalupe County Judge, 101 East Court Street, Seguin, TX 78155.	Guadalupe County Courthouse, 101 East Court Street, Seguin, TX 78155.	https://msc.fema.gov/portal/advanceSearch .	Sep. 29, 2025	480266
Kendall	Unincorporated areas of Kendall County (24–06–0477P).	The Honorable Shane Stolarczyk, Kendall County Judge, 201 East San Antonio Avenue, Suite 122, Boerne, TX 78006.	Kendall County Courthouse, 201 East San Antonio Avenue, Suite 101, Boerne, TX 78006.	https://msc.fema.gov/portal/advanceSearch .	Sep. 29, 2025	480417
Navarro	City of Corsicana (24–06–0096P).	The Honorable Mike Fletcher, Mayor, City of Corsicana, 200 North 12th Street, Corsicana, TX 75110.	City Hall, 200 North 12th Street, Corsicana, TX 75110.	https://msc.fema.gov/portal/advanceSearch .	Sep. 17, 2025	480498
Navarro	Unincorporated areas of Navarro County (24–06–0096P).	The Honorable H. M. Davenport, Jr., Navarro County Judge 300 West 3rd Avenue, Suite 102, Corsicana, TX 75110.	Navarro County Courthouse, 300 West 3rd Avenue, Corsicana, TX 75110.	https://msc.fema.gov/portal/advanceSearch .	Sep. 17, 2025	480950
Rockwall	City of Fate (24–06–1645P).	The Honorable David Billings, Mayor, City of Fate, 1900 C.D. Boren Parkway, Fate, TX 75087.	City Hall, 1900 C.D. Boren Parkway, Fate, TX 75087.	https://msc.fema.gov/portal/advanceSearch .	Oct. 10, 2025	480544
Utah: Washington	City of St. George (24–08–0300P).	The Honorable Michele Randall, Mayor, City of St. George, 175 East 200 North, St. George, UT 84770.	City Hall, 175 East 200 North, St. George, UT 84770.	https://msc.fema.gov/portal/advanceSearch .	Sep. 4, 2025	490177
Virginia: Independent City.	City of Fairfax (24–03–0442P).	The Honorable Catherine S. Read, Mayor, City of Fairfax, 10455 Armstrong Street, Room 316, Fairfax, VA 22030.	Department of Public Works, 10455 Armstrong Street, Fairfax, VA 22030.	https://msc.fema.gov/portal/advanceSearch .	Sep. 26, 2025	515524

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency****[Docket ID FEMA–2025–0002]****Changes in Flood Hazard Determinations**

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at <https://msc.fema.gov>.

FOR FURTHER INFORMATION CONTACT:

David Bascom, Acting Director, Engineering and Modeling Division, Risk Analysis, Planning & Information Directorate, FEMA, 400 C Street SW, Washington, DC 20472, or (email) david.bascom@fema.dhs.gov; or visit the FEMA Mapping and Insurance eXchange (FMIX) online at https://www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65. The current effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being

already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at <https://msc.fema.gov>.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Jeffrey Jackson,

Deputy Assistant Administrator, Federal Insurance Directorate, Resilience, Federal Emergency Management Agency, Department of Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Alabama:					
Limestone (FEMA Docket No.: B–2517).	City of Huntsville (24–04–7956P).	The Honorable Thomas Battle, Jr., Mayor, City of Huntsville, P.O. Box 308, Huntsville, AL 35804.	City Hall, 308 Fountain Circle Southwest, Huntsville, AL 35804.	Jul. 10, 2025	010153
Tuscaloosa (FEMA Docket No.: B–2520).	City of Northport (24–04–5206P).	The Honorable John Hinton, Mayor, City of Northport, 3500 McFarland Boulevard, Northport, AL 35476.	City Hall, 3500 McFarland Boulevard, Northport, AL 35476.	Jun. 20, 2025	010202
Tuscaloosa (FEMA Docket No.: B–2520).	City of Tuscaloosa (24–04–5206P).	The Honorable Walt Maddox, Mayor, City of Tuscaloosa, 2201 University Boulevard, Tuscaloosa, AL 35401.	City Hall, 2201 University Boulevard, Tuscaloosa, AL 35401.	Jun. 20, 2025	010203
Tuscaloosa (FEMA Docket No.: B–2520).	Unincorporated areas of Tuscaloosa County (24–04–5206P).	Ward "Rob" Robertson, III, Chair, Tuscaloosa County Commission, 714 Greensboro Avenue, Tuscaloosa, AL 35401.	Tuscaloosa County Courthouse, 714 Greensboro Avenue, Room 121, Tuscaloosa, AL 35401.	Jun. 20, 2025	010201
Arkansas:					
Pope (FEMA Docket No.: B–2506).	City of Russellville (24–06–1681P).	The Honorable Fred Teague, Mayor, City of Russellville, 203 South Commerce Avenue, Russellville, AR 72801.	City Hall, 203 South Commerce Avenue, Russellville, AR 72801.	May 15, 2025	050178
Sebastian (FEMA Docket No.: B–2510).	Unincorporated areas of Sebastian County (24–06–1908P).	The Honorable Steve Hotz, Sebastian County Judge, 35 South 6th Street, Room 106, Fort Smith, AR 72901.	Sebastian County Courthouse, 35 South 6th Street, Fort Smith, AR 72901.	Jun. 2, 2025	050462
Florida:					
Collier (FEMA Docket No.: B–2514).	City of Marco Island (24–04–6390P).	Michael McNees, Manager, City of Marco Island, 50 Bald Eagle Drive, Marco Island, FL 34145.	Building Services Department, 50 Bald Eagle Drive, Marco Island, FL 34145.	Jun. 16, 2025	120426
Manatee (FEMA Docket No.: B–2520).	City of Bradenton (24–04–4585P).	The Honorable Gene Brown, Mayor, City of Bradenton, 101 Old Main Street Bradenton, FL 34205.	Building Department, 101 Old Main Street Bradenton, FL 34205.	Jun. 9, 2025	120155

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Manatee (FEMA Docket No.: B-2520).	Unincorporated areas of Manatee County (23-04-6199P).	Charlie Bishop, Manatee County Administrator, 1112 Manatee Avenue West, Bradenton, FL 34205.	Manatee County Administration Building, 1112 Manatee Avenue West, Bradenton, FL 34205.	Jun. 19, 2025	120153
Monroe (FEMA Docket No.: B-2517).	Unincorporated areas of Monroe County (25-04-0146P).	The Honorable Holly Merrill Raschein, Mayor, Monroe County Board of Commissioners, 102050 Overseas Highway, Suite 234, Key Largo, FL 33037.	Monroe County Building Department, 2798 Overseas Highway, Suite 300 Marathon, FL 33050.	May 16, 2025	125129
Monroe (FEMA Docket No.: B-2522).	Village of Islamorada (24-04-5214P).	The Honorable Sharon Mahoney, Mayor, Village of Islamorada, 86800 Overseas Highway, Islamorada, FL 33036.	Building Department, 86800 Overseas Highway, Islamorada, FL 33036.	Jun. 20, 2025	120424
Orange (FEMA Docket No.: B-2510).	Unincorporated areas of Orange County (24-04-0093P).	The Honorable Jerry L. Demings, Mayor, Orange County, 201 South Rosalind Avenue, 5th Floor, Orlando, FL 32801.	Orange County Public Works Department, Stormwater Management Division, 4200 South John Young Parkway, Orlando, FL 32839.	Jun. 2, 2025	120179
Pasco (FEMA Docket No.: B-2517).	Unincorporated areas of Pasco County (24-04-5324P).	Ron Oakley, Chair, Pasco County Board of Commissioners, 8731 Citizens Drive, New Port Richey, FL 33525.	Building Construction Services Department, 8661 Citizens Drive, Suite 100, New Port Richey, FL 34654.	Jun. 23, 2025	120230
St. Johns (FEMA Docket No.: B-2510).	Unincorporated areas of St. Johns County (24-04-2968P).	Joy Andrews, St. Johns County Administrator, 500 San Sebastian View, St. Augustine, FL 32084.	St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, FL 32084.	Jun. 2, 2025	125147
St. Johns (FEMA Docket No.: B-2510).	Unincorporated areas of St. Johns County (24-04-5086P).	Joy Andrews, St. Johns County Administrator, 500 San Sebastian View, St. Augustine, FL 32084.	St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, FL 32084.	Jun. 4, 2025	125147
Seminole (FEMA Docket No.: B-2520).	City of Lake Mary (24-04-2032P).	Kevin Smith, Manager, City of Lake Mary, 100 North Country Club Road, Lake Mary, FL 32746.	Department of Public Works, 911 Wallace Court, Lake Mary, FL 32746.	Jun. 12, 2025	120416
Georgia:					
Clayton (FEMA Docket No.: B-2517).	Unincorporated areas of Clayton County (24-04-4762P).	The Honorable Alieka Anderson-Henry, Chair, Clayton County Board of Commissioners, 112 Smith Street, Annex 1, Jonesboro, GA 30236.	Clayton County Government Building, 112 Smith Street, Annex 1, Jonesboro, GA 30236.	May 29, 2025	130041
Seminole (FEMA Docket No.: B-2517).	City of Donalsonville (24-04-2309P).	The Honorable Ron Johnson Jr., Mayor, City of Donalsonville, 127 East 2nd Street, Donalsonville, GA 39845.	City Hall, 127 East 2nd Street, Donalsonville, GA 39845.	May 16, 2025	130164
Seminole (FEMA Docket No.: B-2517).	Unincorporated areas of Seminole County (24-04-2309P).	The Honorable Shelia Williams, Chair, Seminole County, Board of Commissioners, 230 Cherry Street, Donalsonville, GA 39845.	Seminole County Courthouse Annex, 230 Cherry Street, Donalsonville, GA 39845.	May 16, 2025	130387
Illinois: Richland (FEMA Docket No.: B-2510).	City of Olney (25-05-0277P).	The Honorable Mark Lambird, Mayor, City of Olney, 300 South Whittle Avenue, Olney, IL 62450.	City Hall, 300 South Whittle Avenue, Olney, IL 62450.	May 30, 2025	170581
Kansas:					
Johnson (FEMA Docket No.: B-2506).	City of Olathe (24-07-0011P).	The Honorable John Bacon, Mayor, City of Olathe, 100 East Santa Fe Street, Olathe, KS 66061.	City Hall, 100 East Santa Fe Street, Olathe, KS 66061.	May 28, 2025	200173
Johnson (FEMA Docket No.: B-2506).	City of Overland Park (24-07-0011P).	The Honorable Curt Skoog, Mayor, City of Overland Park, 8500 Santa Fe Drive, Overland Park, KS 66212.	City Hall, 8500 Santa Fe Drive, Overland Park, KS 66212.	May 28, 2025	200174
Louisiana: St. Martin (FEMA Docket No.: B-2514).	Town of Breaux Bridge (24-06-0802P).	The Honorable Ricky Calais, Mayor, Town of Breaux Bridge, 101 Berard Street, Breaux Bridge, LA 70517.	Town Hall, 101 Berard Street, Breaux Bridge, LA 70517.	Jun. 20, 2025	220180
Massachusetts: Essex (FEMA Docket No.: B-2514).	City of Gloucester (24-01-0549P).	The Honorable Greg Varga, Mayor, City of Gloucester, 9 Dale Avenue, Gloucester, MA 01930.	City Hall, 3 Pond Road, 2nd Floor, Gloucester, MA 01930.	Jun. 13, 2025	250082
Michigan: Kalamazoo (FEMA Docket No.: B-2510).	City of Portage (23-05-2858P).	The Honorable Patricia M. Randall, Mayor, City of Portage, 7900 South Westnedge Avenue, Portage, MI 49002.	City Hall, 7900 South Westnedge Avenue, Portage, MI 49002.	Jun. 9, 2025	260577
Minnesota: Dakota (FEMA Docket No.: B-2506).	City of Lakeville (23-05-1132P).	The Honorable Luke Helliier, Mayor, City of Lakeville, 20195 Holyoke Avenue, Lakeville, MN 55044.	City Hall, 20195 Holyoke Avenue, Lakeville, MN 55044.	May 5, 2025	270107
Missouri: Jackson (FEMA Docket No.: B-2506).	City of Kansas City (24-07-0136P).	The Honorable Quinton Lucas, Mayor, City of Kansas City, 414 East 12th Street, 29th Floor, Kansas City, MO 64106.	Planning and Development Department, 414 East 12th Street, Kansas City, MO 64106.	May 28, 2025	290173
New Mexico:					
Bernalillo (FEMA Docket No.: B-2510).	City of Albuquerque (24-06-0847P).	The Honorable Tim Keller, Mayor, City of Albuquerque, 400 Marquette Avenue Northwest, Albuquerque, NM 87103.	Planning Department, 600 2nd Street Northwest, Albuquerque, NM 87102.	Jun. 5, 2025	350002
Bernalillo (FEMA Docket No.: B-2510).	Unincorporated areas of Bernalillo County (24-06-0847P).	Cindy Chavez, Bernalillo County Manager, 415 Silver Avenue Southwest, 8th Floor, Albuquerque, NM 87102.	Bernalillo County Clerk's Office, 415 Silver Avenue Southwest, Albuquerque, NM 87102.	Jun. 5, 2025	350001

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
North Carolina: Mecklenburg (FEMA Docket No.: B-2514).	City of Charlotte (24-04-4185P).	The Honorable Vi Alexander Lyles, Mayor, City of Charlotte, 600 East 4th Street, Charlotte, NC 28202.	Mecklenburg County Stormwater Services Department, 2145 Suttle Avenue, Charlotte, NC 28208.	Jun. 18, 2025	370159
Texas: Collin (FEMA Docket No.: B-2510).	City of Carrollton (25-06-0171P).	The Honorable Steve Babick, Mayor, City of Carrollton, P.O. Box 110535, Carrollton, TX 75006.	City Hall, 1945 East Jackson Road, Carrollton, TX 75006.	Jun. 3, 2025	480167
Collin (FEMA Docket No.: B-2514).	City of Celina (24-06-1556P).	The Honorable Ryan Tubbs, Mayor, City of Celina, 142 North Ohio Street, Celina, TX 75009.	City Hall, 142 North Ohio Street, Celina, TX 75009.	Jun. 23, 2025	480133
Collin (FEMA Docket No.: B-2520).	City of Lavon (24-06-2255P).	The Honorable Vicki Sanson, Mayor, City of Lavon, 120 School Road, Lavon, TX 75166.	City Hall, 120 School Road, Lavon, TX 75166.	Jun. 9, 2025	481313
Collin (FEMA Docket No.: B-2510).	City of Plano (24-06-1256P).	The Honorable John B. Muns, Mayor, City of Plano, 1520 K Avenue, Plano, TX 75074.	City Hall, 1520 K Avenue, Plano, TX 75074.	Jun. 2, 2025	480140
Collin (FEMA Docket No.: B-2514).	City of Plano (24-06-1585P).	The Honorable John B. Muns, Mayor, City of Plano, 1520 K Avenue, Plano, TX 75074.	City Hall, 1520 K Avenue, Plano, TX 75074.	Jun. 23, 2025	480140
Collin (FEMA Docket No.: B-2520).	Unincorporated areas of Collin County (24-06-2255P).	The Honorable Chris Hill, Collin County Judge, 2300 Bloomdale Road, 1st Floor, McKinney, TX 75071.	Collin County Engineering and Building Department, 4690 Community Avenue, Suite 200, McKinney, TX 75071.	Jun. 9, 2025	480130
Denton (FEMA Docket No.: B-2522).	Town of Flower Mound (23-06-2563P).	James Childers, Manager, Town of Flower Mound, 2121 Cross Timbers Road, Flower Mound, TX 75028.	Town Hall, 2121 Cross Timbers Road, Flower Mound, TX 75028.	Jun. 23, 2025	480777
Denton (FEMA Docket No.: B-2522).	Unincorporated areas of Denton County (24-06-2435P).	The Honorable Andy Eads, Denton County Judge, 1 Courthouse Drive, Suite 3100, Denton, TX 76208.	Denton County Development Services Department, 3900 Morse Street Denton, TX 76208.	Jun. 23, 2025	480774
Tarrant (FEMA Docket No.: B-2514).	City of Fort Worth (24-06-1081P).	The Honorable Mattie Parker, Mayor, City of Fort Worth, 100 Fort Worth Trail, Fort Worth, TX 76102.	Department of Transportation and Public Works, 100 Fort Worth Trail, Fort Worth, TX 76102.	Jun. 20, 2025	480596
Travis (FEMA Docket No.: B-2514).	City of Austin (24-06-1389P).	T. C. Broadnax, Manager, City of Austin, P.O. Box 1088, Austin, TX 78767.	Austin Courthouse, 505 Barton Springs Road, Austin, TX 78704.	Jun. 23, 2025	480624
Travis (FEMA Docket No.: B-2514).	Unincorporated areas of Travis County (24-06-1389P).	The Honorable Andy Brown, Travis County Judge, P.O. Box 1748, Austin, TX 78767.	Travis County Transportation and Natural Resources, 700 Lavaca Street, 5th Floor Austin, TX 78701.	Jun. 23, 2025	481026

[FR Doc. 2025-13542 Filed 7-17-25; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA-2025-0002; Internal Agency Docket No. FEMA-B-2544]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting

Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: Comments are to be submitted on or before October 16, 2025.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location <https://hazards.fema.gov/femaportal/prelimdownload> and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA

Map Service Center at <https://msc.fema.gov> for comparison.

You may submit comments, identified by Docket No. FEMA-B-2544, to David Bascom, Acting Director, Engineering and Modeling Division, Risk Analysis, Planning & Information Directorate, FEMA, 400 C Street SW, Washington, DC 20472, or (email) david.bascom@fema.dhs.gov.

FOR FURTHER INFORMATION CONTACT:

David Bascom, Acting Director, Engineering and Modeling Division, Risk Analysis, Planning & Information Directorate, FEMA, 400 C Street SW, Washington, DC 20472, or (email) david.bascom@fema.dhs.gov; or visit the FEMA Mapping and Insurance eXchange (FMIX) online at https://www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered

an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at https://www.floodsrp.org/pdfs/srp_overview.pdf.

The watersheds and/or communities affected are listed in the tables below.

The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location <https://hazards.fema.gov/femaportal/prelimdownload> and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at <https://msc.fema.gov> for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Jeffrey Jackson,

Deputy Assistant Administrator, Federal Insurance Directorate, Resilience, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Carteret County, North Carolina and Incorporated Areas Project: 23-04-0017S Preliminary Date: March 28, 2024	
Town of Beaufort	Town Hall, 701 Front Street, Beaufort, NC 28516.
Town of Morehead City	City Hall, 1100 Bridges Street, Morehead City, NC 28557.
Town of Newport	Town Hall, 200 Howard Boulevard, Newport, NC 28570.
Unincorporated Areas of Carteret County	Carteret County Planning and Inspections, 3820 Bridges Street, Suite B, Morehead City, NC 28557.
Onslow County, North Carolina and Incorporated Areas Project: 23-04-0017S Preliminary Date: March 28, 2024 and July 31, 2024	
City of Jacksonville	City Hall, 815 New Bridge Street, Jacksonville, NC 28540.
Unincorporated Areas of Onslow County	Onslow County Floodplain Administration, 234 Northwest Corridor Boulevard, Jacksonville, NC 28540.

[FR Doc. 2025-13546 Filed 7-17-25; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA-2025-0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard

determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at <https://msc.fema.gov>.

FOR FURTHER INFORMATION CONTACT: David Bascom, Acting Director, Engineering and Modeling Division, Risk Analysis, Planning & Information Directorate, FEMA, 400 C Street SW, Washington, DC 20472, or (email) david.bascom@fema.dhs.gov; or visit

the FEMA Mapping and Insurance eXchange (FMIX) online at https://www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

The current effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that

are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at <https://msc.fema.gov>.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Jeffrey Jackson,

Deputy Assistant Administrator, Federal Insurance Directorate, Resilience, Federal Emergency Management Agency, Department of Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Alabama: Mobile (FEMA Docket No.: B-2517).	Unincorporated areas of Mobile County (24-04-5681P).	Connie Hudson Chair, Mobile County Commission, 205 Government Street, Mobile, AL 36644.	Mobile County Health Department, 1110 Schillinger Road North, Suite 100, Mobile, AL 36608	Jun. 5, 2025	015008
Florida: Lee (FEMA Docket No.: B-2510).	City of Bonita Springs (24-04-3955P).	The Honorable Rick Steinmeyer, Mayor, City of Bonita Springs, 9101 Bonita Beach Road, Bonita Springs, FL 34135.	City Hall, 9101 Bonita Beach Road, Bonita Springs, FL 34135.	May 12, 2025	120680
Lee (FEMA Docket No.: B-2510).	City of Fort Myers (24-04-2834P).	Marty Lawing, Manager, City of Fort Myers, 2200 2nd Street, Fort Myers, FL 33901.	City Hall, 2200 2nd Street, Fort Myers, FL 33901.	May 12, 2025	120680
Monroe (FEMA Docket No.: B-2501).	Unincorporated areas of Monroe County (25-04-0131P).	The Honorable Holly Merrill Raschein, Mayor, Monroe County Board of Commissioners, 102050 Overseas Highway, Suite 234, Key Largo, FL 33037.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	May 2, 2025	125129
Monroe (FEMA Docket No.: B-2506).	Unincorporated areas of Monroe County (25-04-0582P).	The Honorable Jim Scholl, Mayor, Monroe County Board of Commissioners, 102050 Overseas Highway, Suite 234, Key Largo, FL 33037.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	May 12, 2025	125129
Florida: St. Johns (FEMA Docket No.: B-2506).	Unincorporated areas of St. Johns County (24-04-1214P).	Joy Andrews, Administrator, St. Johns County, 500 San Sebastian View, St. Augustine, FL 32084.	St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, FL 32084.	May 16, 2025	125147
Sumpter (FEMA Docket No.: B-2506).	City of Wildwood (23-04-2629P).	Jason F. McHugh, Manager, City of Wildwood, 100 North Main Street, Wildwood, FL 34785.	Sumter County Administration Building, 7375 Powell Road, Wildwood, FL 34785.	May 23, 2025	120299
Sumpter (FEMA Docket No.: B-2506).	Unincorporated areas of Sumpter County (23-04-2629P).	Donald Wiley, Chair, Sumter County Board of Commissioners, 7375 Powell Road, Wildwood, FL 34785.	Sumter County Administration Building, 7375 Powell Road, Wildwood, FL 34785.	May 23, 2025	120296
Maine: Cumberland (FEMA Docket No.: B-2506).	Town of Scarborough (25-01-0009P).	April Sither, Chair, Town of Scarborough Council, P.O. Box 360, Scarborough, ME 04070.	Planning and Codes Department, 259 U.S. Highway 1, Scarborough, ME 04070.	May 19, 2025	230052
Minnesota: Todd (FEMA Docket No.: B-2506).	City of Long Prairie (24-05-0435P).	The Honorable David Wright, Mayor, City of Long Prairie, 615 Lake Street South, Long Prairie, MN 56347.	City Hall, 615 Lake Street South, Long Prairie, MN 56347.	May 15, 2025	270479
North Carolina: Buncombe (FEMA Docket No.: B-2510).	City of Asheville (23-04-6455P).	The Honorable Esther Manheimer, Mayor, City of Asheville, P.O. Box 7148, Asheville, NC 28802.	Stormwater Services and Utility, 161 South Charlotte Street, Asheville, NC 28801.	May 20, 2025	370032
Buncombe (FEMA Docket No.: B-2506).	City of Asheville (24-04-1389P).	The Honorable Esther Manheimer, Mayor, City of Asheville, P.O. Box 7148, Asheville, NC 28802.	Planning and Urban Design Department, 70 Court Plaza, Asheville, NC 28802.	Apr. 9, 2025	370032
Buncombe (FEMA Docket No.: B-2510).	Unincorporated areas of Buncombe County (23-04-6455P).	Amanda Edwards, Chair, Buncombe County Board of Commissioners, 200 College Street, Suite 300, Asheville, NC 28801.	Buncombe County Planning and Development Department, 46 Valley Street, Asheville, NC 28801.	May 20, 2025	370031
Buncombe (FEMA Docket No.: B-2506).	Unincorporated areas of Buncombe County (24-04-1389P).	Amanda Edwards, Chair, Buncombe County Board of Commissioners, 200 College Street, Suite 300, Asheville, NC 28801.	Buncombe County Planning and Development Department, 46 Valley Street, Asheville, NC 28801.	Apr. 9, 2025	370031
Cabarrus (FEMA Docket No.: B-2506).	City of Concord (24-04-4752P).	The Honorable William C. Dusch, Mayor, City of Concord P.O. Box 308, Concord, NC 28026.	GIS Division, 35 Cabarrus Avenue West, Concord, NC 28025.	Apr. 23, 2025	370037
Cabarrus. (FEMA Docket No.: B-2506).	City of Kannapolis (24-04-4752P).	The Honorable Darrell Hinnant, Mayor, City of Kannapolis, 401 Laureate Way, Kannapolis, NC 28081.	City Hall, 401 Laureate Way, Kannapolis, NC 28081.	Apr. 23, 2025	370469
Mecklenburg (FEMA Docket No.: B-2506).	City of Charlotte (24-04-3395P).	The Honorable Vi Alexander Lyles, Mayor, City of Charlotte, 600 East 4th Street, Charlotte, NC 28202.	Mecklenburg County Stormwater Services Department, 2145 Suttle Avenue, Charlotte, NC 28208.	May 14, 2025	370159

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Wake (FEMA Docket No.: B-2506).	Town of Apex (23-04-4722P).	The Honorable Jacques Gilbert, Mayor, Town of Apex, P.O. Box 250, Apex, NC 27502.	Engineering Department, 73 Hunter Street, Apex, NC 27502.	May 20, 2025	370467
Wake (FEMA Docket No.: B-2501).	Town of Wake Forest (24-04-4109P).	The Honorable Vivian A. Jones, Mayor, Town of Wake Forest, 301 South Brooks Street, Wake Forest, NC 27587.	Planning Department 301 South Brooks Street, 3rd Floor, Wake Forest, NC 27587.	Apr. 15, 2025	370244
South Carolina:					
Berkeley (FEMA Docket No.: B-2510).	City of Charleston (24-04-4598P).	The Honorable William S. Cogswell, Jr., Mayor, City of Charleston, 80 Broad Street, Charleston, SC 29401.	Building Inspection Department, 2 George Street, Suite 2100, Charleston, SC 29401.	May 15, 2025	455412
Berkeley (FEMA Docket No.: B-2510).	Unincorporated areas of Berkeley County (24-04-4598P).	Johnny Cribb, Supervisor, Berkeley County Council, 1003 North Highway 52, Moncks Corner, SC 29461.	Berkeley County Building and Codes Enforcement, 1003 North Highway 52, Moncks Corner, SC 29461.	May 15, 2025	450029
Bexar (FEMA Docket No.: B-2514).	City of San Antonio (24-06-0080P).	The Honorable Ron Nirenberg, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Department of Public Works, Storm Water Division, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	May 12, 2025	480045
Collin (FEMA Docket No.: B-2514).	City of Parker (24-06-0090P).	The Honorable Lee Pettie, Mayor, City of Parker, 5700 East Parker Road, Parker, TX 75002.	Public Works Department, 5700 East Parker Road, Parker, TX 75002.	May 12, 2025	480139
Collin (FEMA Docket No.: B-2514).	City of Plano (24-06-0090P).	The Honorable John B. Muns, Mayor, City of Plano, 1520 K Avenue, Plano, TX 75074.	City Hall, 1520 K Avenue, Plano, TX 75074.	May 12, 2025	480140
Texas: Kaufman (FEMA Docket No.: B-2510).	City of Terrell (24-06-1969P).	The Honorable Rick Carmona, Mayor, City of Terrell, P.O. Box 310, Terrell, TX 75160.	City Hall, 201 East Nash Street, Terrell, TX 75160.	May 19, 2025	480416
Midland (FEMA Docket No.: B-2501).	Unincorporated areas of Midland County (24-06-2040P).	The Honorable Terry Johnson, Midland County Judge, 500 North Loraine Street, Suite 1100, Midland, TX 79701.	Midland County Public Works Department, 500 North Loraine Street, Suite 1100, Midland, TX 79701.	Apr. 30, 2025	481239
Tarrant (FEMA Docket No.: B-2506).	City of Fort Worth (23-06-2131P).	The Honorable Mattie Parker, Mayor, City of Fort Worth, 100 Fort Worth Trail, Fort Worth, TX 76102.	Department of Transportation and Public Works, Stormwater Management Division, 100 Fort Worth Trail, Fort Worth, TX 76102.	May 12, 2025	480596
Waller (FEMA Docket No.: B-2514).	City of Katy (25-06-0318P).	The Honorable William H. Thiele, Mayor, City of Katy, P.O. Box 617, Katy, TX 77493.	City Hall, 910 Avenue C, Katy, TX 77493.	May 27, 2025	480301

[FR Doc. 2025-13541 Filed 7-17-25; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency****[Docket ID FEMA-2025-0002; Internal Agency Docket No. FEMA-B-2543]****Proposed Flood Hazard Determinations****AGENCY:** Federal Emergency Management Agency, Department of Homeland Security.**ACTION:** Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment

regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: Comments are to be submitted on or before October 16, 2025.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location <https://hazards.fema.gov/femaportal/prelimdownload> and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at <https://msc.fema.gov> for comparison.

You may submit comments, identified by Docket No. FEMA-B-2543, to David Bascom, Acting Director, Engineering and Modeling Division, Risk Analysis, Planning & Information Directorate, FEMA, 400 C Street SW, Washington,

DC 20472, or (email) david.bascom@fema.dhs.gov.

FOR FURTHER INFORMATION CONTACT:

David Bascom, Acting Director, Engineering and Modeling Division, Risk Analysis, Planning & Information Directorate, FEMA, 400 C Street SW, Washington, DC 20472, or (email) david.bascom@fema.dhs.gov; or visit the FEMA Mapping and Insurance eXchange (FMIX) online at https://www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other

Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of

experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at https://www.floodsrp.org/pdfs/srp_overview.pdf.

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location <https://>

hazards.fema.gov/femaportal/prelimdownload and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at <https://msc.fema.gov> for comparison. (Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Jeffrey Jackson,

Deputy Assistant Administrator, Federal Insurance Directorate, Resilience, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Nez Perce County, Idaho and Incorporated Areas Project: 20–10–0020S Preliminary Date: January 15, 2025	
City of Culdesac	City Hall, 100 Sixth Street, Culdesac, ID 83524.
City of Lapwai	City Hall, 315 South Main Street, Lapwai, ID 83540.
City of Lewiston	Community Development Services, 215 D Street, Lewiston, ID 83501.
City of Peck	City Hall, 120 West Howard Street, Peck, ID 83545.
Unincorporated Areas of Nez Perce County	Nez Perce County Courthouse, 1230 Main Street, Lewiston, ID 83501.
Nez Perce Tribe	Department of Natural Resources, 102 Agency Road, Lapwai, ID 83540.
Hood River County, Oregon and Incorporated Areas Project: 20–10–0024S Preliminary Date: August 30, 2024	
City of Cascade Locks	City Hall, 140 Southwest WaNaPa Street, Cascade Locks, OR 97014.
City of Hood River	City Hall, 211 2nd Street, Hood River, OR 97031.
Unincorporated Areas of Hood River County	Hood River County Building, 601 State Street, Hood River, OR 97031.

[FR Doc. 2025–13545 Filed 7–17–25; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. CISA–2025–0006]

Agency Information Collection

Activities: "Generic Clearance for the Collection of Qualitative Feedback on National Security and Emergency Preparedness Communications (NSEPC)"

AGENCY: Cybersecurity and Infrastructure Security Agency (CISA), Department of Homeland Security (DHS).

ACTION: 60-Day Notice and request for comments; Collection Request, (Request for OMB Control Number).

SUMMARY: The Emergency Communications Division within Cybersecurity and Infrastructure Security Agency (CISA) will submit the following Information Collection

Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted until September 16, 2025.

ADDRESSES: You may submit comments, identified by docket number Docket #CISA–2025–0006, at:

○ *Federal eRulemaking Portal:* <http://www.regulations.gov>. Please follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number Docket #CISA–2025–0006. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Antonio Branham, 202–981–1930, Antonio.branham@mail.cisa.dhs.gov.

SUPPLEMENTARY INFORMATION: Executive Order 12862 directs Federal agencies to provide service to the public that matches or exceeds the best service available in the private sector. Congress passed Public Law 109–295 in 2006, which included Subtitle D, SEC. 671 'Emergency Communications', also referred to as the '21st Century Emergency Communications Act of 2006'. The legislation established the Department of Homeland Security (DHS) Office of Emergency Communications, which was retitled in 2018 as the Emergency Communications Division (ECD) (hereafter "the Agency") within CISA, to spearhead the development and implementation efforts, on behalf of emergency responders and government officials across public and private sectors, of an extensive approach to advancing national interoperable communications capabilities.

Under Subtitle D, SEC. 1801. Office of Emergency Communications, 6 U.S.C. 571(c), the following requirements and responsibilities were established for the Director for Emergency Communications to:

(4) conduct extensive, nationwide outreach to support and promote the ability of emergency response providers and relevant government officials to continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters.

(5) conduct extensive nationwide outreach and foster the development of interoperable emergency communications capabilities by state, regional, local, and tribal governments, emergency responders, public safety agencies, and by regional consortia thereof.

(8) promote the development of standard operating procedures and best practices with respect to use of interoperable emergency communications capabilities for incident response and facilitate the sharing of information on such best practices for achieving, maintaining, and enhancing interoperable emergency communications capabilities for such response.

(9) coordinate, in cooperation with the National Communications System, the establishment of a national response capability with initial and ongoing planning, implementation, and training for the deployment of communications equipment for relevant state, local, and tribal governments and emergency response providers in the event of a catastrophic loss of local and regional emergency communications services.

(13) develop and update periodically, as appropriate, a National Emergency Communications Plan under section 572 of this title;

(14) perform such other duties of the Department necessary to support and promote the ability of emergency response providers and relevant government officials to continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters; and

(15) perform other duties of the Department necessary to achieve the goal of and maintain and enhance interoperable emergency communications capabilities

Sec. 1802. 6 U. S. C. § 572 (a)–(c) requires the Director of Emergency Communications, in cooperation with state, local, and tribal governments, federal departments and agencies, emergency response providers, and the private sector, develop no later than 180 days after the completion of the baseline assessment under section 573 of this

title, and periodically update, a National Emergency Communications Plan to support, promote, accelerate, and attain interoperable emergency communications nationwide.

To meet the statutory requirements of 6 U.S.C. 573, the collection of information is necessary to due to the requirement of continuous examinations of nationwide emergency communications capabilities. 6 U. S. C § 573 (a) requires the DHS Secretary to conduct an assessment of Federal, State, local, and tribal governments that (1) defines the range of capabilities needed by emergency response providers and relevant government officials, (3) assesses the current available capabilities to meet such communications needs; (4) identifies the gap between such current capabilities and defined requirements; at least every five years.

To continuously work to ensure that programs are effective and meet customers' needs, the Cybersecurity and Infrastructure Security Agency Emergency Communications Division (hereafter "the Agency") seeks to obtain OMB approval through the generic clearance process to collect qualitative and quantitative feedback on national security and emergency preparedness communications. Qualitative feedback means information that provides useful insights on perceptions and opinions but are not statistical surveys that yield quantitative results that can be generalized to the population of study.

This information is an imperative requirement to address the multifaceted national emergency and critical infrastructure plans and interagency coordination to implement, support, protect, strengthen, and enhance emergency communications capabilities. Enabling and improving efforts to garner customer and stakeholder feedback in an efficient, and timely manner is vital to the security of the nation to establish uniform policies, standards, and guidelines for integrating emergency communications across federal infrastructure protection and risk management within all 16 infrastructure sectors.

It will allow for insight into customer and stakeholder perceptions, experiences and expectations, and to focus attention on areas where emergency communications, public safety training, or changes or in operations might improve ECD initiatives. The collections from the NSEPC will allow for ongoing, collaborative, and actionable communications between the Agency and its customers and stakeholders while simultaneously contributing

directly to the improvement of program management.

Improving agency programs requires the consistency of ongoing assessment of service delivery, meaning a systematic review of the operation of a program compared to a set of explicit or implicit standards, as a way of contributing to the continuous improvement of the program. The Agency will collect, analyze, and interpret information gathered through this generic clearance to identify strengths and weaknesses of current services and make improvements in service delivery based on feedback. The respondent pool consists of, but is not limited to, federal, state, local, tribal, territorial and industry users of emergency communications priority services. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency's services will be unavailable. The Agency will only submit a collection for approval under this generic clearance if it meets the following conditions:

- Information gathered will be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency. (If released, appropriate Agency procedures will be followed);
- Information gathered will not be used for the purpose of substantially informing influential policy decisions;
- Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study;
- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are non-controversial and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future; and
- With the exception of information needed to provide remuneration for participants of focus groups and cognitive laboratory studies, personally identifiable information (PII) is collected only to the extent necessary and is not retained.

If these conditions are not met, the Agency will submit an information collection request to OMB for approval through the normal PRA process. To obtain approval for a collection that meets the conditions of this generic clearance, a standardized form will be submitted to OMB along with supporting documentation (e.g., a copy of the comment card). The submission will have automatic approval unless OMB identifies issues within 5 business days.

The types of collections that this generic clearance covers include, but are not limited to:

- Customer satisfaction surveys/feedback surveys
- Customer comment cards/complaint forms
- Self-Assessment questionnaire
- Small panel/discussion groups of customers, potential customers, or other stakeholders

The Agency has established a manager/managing entity to serve for this generic clearance and will conduct an independent review of each information collection to ensure compliance with the terms of this clearance prior to submitting each collection to OMB. If appropriate, agencies will collect information electronically and/or use online collaboration tools to reduce burden. Small business or other small entities may be involved in these efforts, but the Agency will minimize the burden on them of information collections approved under this clearance by sampling, asking for readily available information, and using short, easy-to-complete information collection instruments. Without these types of feedback, the Agency will not have timely information to adjust its services to meet customer needs. If a confidentiality pledge is deemed useful and feasible, the Agency will only include a pledge of confidentiality that is supported by authority established in statute or regulation, that is supported by disclosure and data security policies that are consistent with the pledge, and that does not unnecessarily impede sharing of data with other agencies for compatible confidential use. If the agency includes a pledge of confidentiality, it will include a citation for the statute or regulation supporting the pledge. There are no program changes since the previous OMB approval.

This is a new information collection request.

The Office of Management and Budget is particularly interested in comments which:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected;

4. Minimize the burden of the collection of information on those who are to respond, including through utilization of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Analysis

Agency: Cybersecurity and Infrastructure Security Agency (CISA), Department of Homeland Security (DHS).

Title: Generic Clearance for the Collection of Qualitative Feedback on National Security and Emergency Preparedness Communications (NSEPC).

OMB Number: 1670–NEW.

Frequency: Quarterly.

Affected Public: Federal, State, Local, Tribal, Territorial, And Industry Users of National Security and Emergency Preparedness Communications Public Safety Services.

Number of Respondents: 10,000,000 (customer satisfaction/feedback surveys), 1,899,000 (customer comment cards/complaint forms), 100,000 (self-assessment questionnaire), 1,000 (small panel/discussion groups).

Estimated Time per Respondent: 30 minutes (customer satisfaction/feedback surveys), 10 minutes (customer comment cards/complaint forms), 30 minutes (self-assessment questionnaire), 1 hour (small panel/discussion groups).

Total Burden Hours: 5,368,133.

Annualized Respondent Cost: \$292,350,840.

Total Annualized Government Cost: \$68,076.83.

Robert J. Costello,

Chief Information Officer, Department of Homeland Security, Cybersecurity and Infrastructure Security Agency.

[FR Doc. 2025–13566 Filed 7–17–25; 8:45 am]

BILLING CODE 9111–LF–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. CISA–2025–0003]

Agency Information Collection Activities: The Office for Bombing Prevention (OBP)—Technical Analysis

AGENCY: Cybersecurity and Infrastructure Security Agency (CISA), Department of Homeland Security (DHS).

ACTION: 60-Day notice and request for comments; ICR request, 1670–NEW for comment.

SUMMARY: The Office for Bombing Prevention (OBP) within Cybersecurity and Infrastructure Security Agency (CISA) will submit the following new Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review.

DATES: Comments are encouraged and will be accepted until September 16, 2025.

ADDRESSES: You may submit comments, identified by docket number Docket #CISA–2025–0003, at:

○ *Federal eRulemaking Portal:* <http://www.regulations.gov>. Please follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number Docket #CISA–2025–0003. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Jeffrey Dade, jeffrey.dade@mail.cisa.dhs.gov, 771–202–2611.

SUPPLEMENTARY INFORMATION: This ICR is comprised of the following three related collections: (1) Unit Level Assessment Tool, (2) Technical Assistance Program Stakeholder Nomination Form, and (3) Technical Assistance Stakeholder Feedback Forms. Comprised within the Technical Assistance Stakeholder Feedback Forms are the following six forms: (1) BMAP Stakeholder Feedback Form, (2) Explosive Blast Modeling Stakeholder Feedback Form, (3) Technical Assistance Post Assessment Feedback Form, BMAP Outreach Mobile Data Form, (5) Explosive Blast Modeling Request Form, and (6) Explosives Detection Canine Handler/Team Needs and Application Survey.

CISA is authorized to collect the information requested in this ICR

pursuant to 6 U.S.C. 652, including the authority provided by 6 U.S.C. 652(c)(5), (11) (authorizing CISA to provide certain assistance to federal and non-federal entities to enhance the security and resiliency of critical infrastructure) and 6 U.S.C. 652(c)(10) (generally authorizing CISA to engage in stakeholder outreach and engagement).

Unit Level Assessment Tool (ULAT)

ULAT provides State, local, tribal and territorial law enforcement stakeholders a method to identify their level of capability to prevent, protect, mitigate, and respond to an IED threat. It also provides Federal stakeholders an overarching view of the Nation's collective counter-IED capabilities. Stakeholder voluntarily provide information on their capabilities to Office for Bombing Prevention (OBP) personnel and contractors. These individuals travel to locations across the Nation to gather the requisite information. OBP personnel and contractors facilitate initial baseline assessments, either face to-face or via webinar, in order to get stakeholders familiar with the ULAT system, provide clarifying information, and answer questions. Federal, State, local, tribal, and territorial law enforcement personnel with a counter- IED mission assist ULA personnel to coordinate a training location for personnel from the four disciplines (bomb squads, explosives detection canine, special weapons and tactics teams (SWAT), and dive units) to take their respective assessment. The OBP facilitator begins by conducting a short brief on the reasons for ULA's and how it can help them as units.

Unit Level Assessments consist of various question sets, including sets related to personnel, operations, equipment, training, and exercising (POETE). The OBP and ULA team used federal requirements (FEMA Resource Typing) to create the overarching list of questions in the question sets. Where there were no requirements, OBP and ULA worked with subject matter experts to identify best practices to create the assessments.

The first group of questions in the assessment focus on the profile of the unit, *i.e.*, the number of technicians/handlers; primary assignment versus collateral duty assignment; number of IED responses in the past twelve (12) months; number of special events in the past twelve (12) months. The rest of the question sets are delineated by the following tasks: Implement Intelligence/ Information Gathering and Dissemination; Implement Bombing Incident Prevention and Response

Plans; Incident Analysis; Incident Mitigation; Access Threat Area; Contain or Mitigate Hazards; Conduct Scene Investigations; and Maintain Readiness.

Each discipline's questionnaire only includes question sets specific to that discipline. This means that while multiple disciplines may have the same question set title, the questions may not be the same. This tailoring allows for a large question pool, while ensuring specificity depending on the discipline being assessed.

The information from each individual unit is collected into the database. Upon completion of inputting the unit information, a capabilities analysis report is created for the unit commander. The report identifies current capabilities, existing gaps, and makes recommendations for closing those gaps. Additionally, the ULA utilizing the ULAT program, allows the unit commander to identify the most efficient and effective purchases of resources to close those gaps. At the State, regional, and National-levels, the data is aggregated within the selected discipline and provides a snapshot of the counter-IED capabilities across the discipline. OBP also intends to identify the lowest, highest, median, and average capability levels across units, States, regions, disciplines, and the Nation. This data will be used to provide snapshots of the C-IED capabilities and gaps to inform decision-makers on policy decisions, resource allocation for capability enhancement, and crisis management. Data collected will be used in readiness planning, as well as steady-state and crisis decision support during threats or incidents. ULA data will assist operational decision-makers and resource providers in developing investment justifications that support State homeland security strategies and national priorities.

All responses are collected by electronic means via the virtual assessment program. While the actual data collection is done in the ULAT database through the Counter I-ED Operational Data Analytics (CODA), OBP personnel facilitate the collection of the data by assisting users in a face-to-face discussion or webinar. It is current ULA policy to not accept the ULAT questionnaires in paper format. If there is a power outage at the event site or if the website is down due to technical reasons, facilitators have copies of the paper format for stakeholders to continue filling out. Facilitators do not collect these hard copies. Stakeholders keep them to update the electronic assessment when they next access it.

Technical Assistance Program (TAP) Stakeholder Nomination Form

The TAP Stakeholder Nomination form will be used to assist OBP in the selection of Stakeholders for each Fiscal Year (FY). We take recommendations from IOD personnel and stakeholders to assist in the selection of jurisdictions that will receive OBP Technical Assistance the following FY.

Technical Assistance Stakeholder Feedback Forms

(1) BMAP Stakeholder Feedback Form

Information for this program is being requested to enhance bombing prevention outreach through a voluntary stakeholder feedback form. This stakeholder feedback form would be digital in format and provided to point-of-sale businesses and FSLTT personnel who assist with the program or that have been contacted by BMAP in an effort to spread awareness of suspicious purchasing behavior and suspicious activity related to the acquisition of BMM. This voluntary feedback form would be provided to the point-of-sale business virtually and will only request input based on the experience that the business had with the BMAP team and its ability to conduct outreach. This feedback form will provide vital information which is necessary to streamline and improve processes and will allow BMAP to better target stores that sell BMM moving forward. This feedback form will also allow for an improvement of delivery of BMAP products and provide insight on the jurisdictions that the team visits.

(2) Explosive Blast Modeling (EBM) Stakeholder Feedback Form

The EBM Stakeholder Feedback Form will be used to gauge metrics of the program using the Likert score and assesses OBP annual goals and receives responses regarding actionable recommendations.

(3) Technical Assistance Post Assessment Feedback Form

Information for this program is being requested to assess, re-assess, and validate OBPs Technical Assistance Program pertaining to the delivery of training, products, tools and services to enhance bombing prevention capabilities through a voluntary stakeholder feedback form. This voluntary post assessment feedback form would be digital in format and provided to federal, state, local, tribal, and territorial (FSLTT) stakeholders who have requested OBPs resources through the Technical Assistance Program (TAP). TAP aims to develop

and deliver comprehensive preparedness assistance, training, tools, and specialized assistance to a wide variety of stakeholders, to enhance the Nation's security and resiliency against explosive attacks, and to determine specific needs for assistance in managing IED risks and supporting C-IED response. TAP coordinates across OBP and relevant partners to provide communities with to meet their preparedness needs. This voluntary TAP Post Assessment Feedback form would be provided to FSLTT stakeholders virtually and will only request input based on the experience that the FSLTT stakeholders experienced with OBP personnel supporting their communities. This feedback form will provide vital information which is necessary to streamline and improve processes and will allow OBP to better deliver Technical Assistance.

(4) Bomb-Making Awareness Program (BMAP) BOM-D (BMAP Outreach Mobile-Data)) Form

Information for this program is being requested in an effort to enhance bombing prevention outreach throughout the retail community which houses or sells bomb making material (BMM). This information would be collected by Federal State, Local, Tribal, and Territorial (FSLTT) law enforcement personnel and those designated by FSLTT officials to act on their behalf. Information will be used to coordinate efforts with appropriate FSLTT partners who work in the first responder, law enforcement, and bombing prevention realm. Information will be collected by FSLTT partners through electronic methods and will be physically input into this form by FSLTT partners. Information will be collected from business listings located online as well as physical locations identified by FSLTT partners. Information will also be collected by business cards or other means provided to FSLTT partners by businesses who participate.

(5) Explosive Blast Modeling Program (EBM) Request Form

The Explosive Blast Modeling Program Request Form will be used to collect stakeholder location and facility specific information on entities who want the EBM service conducted. This information will be used to contact the stakeholders in order to schedule EBM.

(6) Explosive Detection Canine Handler/Team (EDCT) Needs and Application Survey Form

Providing this EDCT Form to police, fire, corrections, and military entities will enhance the ability of DHS/OBP to accomplish goals related to the DHS Canine and Equine Governance Board while also informing OBP's understanding of the capabilities of the aforementioned entities to provide critical infrastructure security.

The Office of Management and Budget is particularly interested in comments which:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

This is a new collection (1670-NEW) request.

Analysis

Agency: Cybersecurity and Infrastructure Security Agency (CISA), Department of Homeland Security (DHS).

Title: Office for Bombing Prevention Technical Analytics.

OMB Number: 1670-NEW.

Frequency: Annually or less.

Affected Public: Federal, state, local, and tribal government entities, and business or other for-profit.

Number of Respondents: 7,589.

Estimated Time per Respondent: 35 minutes.

Total Burden Hours: 5,057 hours.

Total Burden Cost: \$301,337.

Total Annualized Government Cost: \$301,337.

Robert J. Costello,

Chief Information Officer, Department of Homeland Security, Cybersecurity and Infrastructure Security Agency.

[FR Doc. 2025-13567 Filed 7-17-25; 8:45 am]

BILLING CODE 9111-LF-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS-R7-ES-2025-0025; FXES111607MRG01-256-FF07CAMM00]

Marine Mammals; Letters of Authorization To Take Pacific Walruses, Polar Bears, and Northern Sea Otters in Alaska, in 2024

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of issuance.

SUMMARY: In accordance with the Marine Mammal Protection Act of 1972, as amended, the U.S. Fish and Wildlife Service (FWS) issues letters of authorization (LOA) for the nonlethal take of polar bears and Pacific walruses incidental to oil and gas industry exploration, development, and production activities in the Beaufort Sea and the adjacent northern coast of Alaska. The FWS also issues LOAs for the nonlethal take of northern sea otters incidental to pile driving and marine construction activities in the Gulf of Alaska. This notice announces the LOAs issued in calendar year 2024. The LOAs stipulate conditions and methods that minimize impacts to polar bears, Pacific walruses, and northern sea otters from these activities.

ADDRESSES:

Accessing documents: You may view the letters of authorization at <https://www.regulations.gov> under Docket No. FWS-R7-ES-2025-0025. Alternatively, you may request these documents from the person listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT:

Stephanie Burgess, Ph.D., Regulatory Program Lead, by U.S. mail at U.S. Fish and Wildlife Service, 1011 East Tudor Road MS-341, Anchorage, AK 99503; by email at r7mmmregulatory@fws.gov; or by telephone at (907) 786-3800. 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: On August 5, 2021, the U.S. Fish and Wildlife Service (FWS) published in the **Federal Register** a final rule (86 FR 42982) establishing regulations that allow us to authorize the nonlethal, incidental, unintentional take of small numbers of polar bears (*Ursus maritimus*) and

Pacific walruses (*Odobenus rosmarus divergens*) during year-round oil and gas industry exploration, development, and production activities in the Beaufort Sea and adjacent northern coast of Alaska. These incidental take regulations are located in subpart J in part 18 of title 50 of the Code of Federal Regulations (CFR) and are effective through August 5, 2026. The rule prescribed a process under which we issue letters of authorization (LOA) to applicants

conducting activities as described under the provisions of the regulations.

Each LOA stipulates conditions or methods that are specific to the activity and location. Holders of the LOAs must use methods and conduct activities in a manner that minimizes, to the greatest extent practicable, adverse impacts on Pacific walruses and polar bears and their habitat, and on the availability of these marine mammals for subsistence purposes. No intentional take or lethal

incidental take is authorized under these regulations.

In accordance with section 101(a)(5)(A) of the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*) and our regulations at 50 CFR part 18, subpart J, in 2024, we issued LOAs to the companies in the Beaufort Sea and adjacent northern coast of Alaska shown in table 1.

TABLE 1—LETTERS OF AUTHORIZATION ISSUED FOR OIL AND GAS DEVELOPMENT ACTIVITIES IN THE BEAUFORT SEA, ALASKA, IN 2024

Company	Project	LOA #
Eni U.S. Operating Company, Inc	Oil and gas drilling and production within the Nikaitchuq and Oooguruk Units on Alaska's North Slope.	24–INC–01.
Alyeska Pipeline Service Company	Operation and maintenance of the Trans Alaska Pipeline System, which extends from Pump Station 1 in the Prudhoe Bay Oilfield to the Valdez Marine Terminal.	24–INC–02.
Oil Search Alaska, LLC	Oil and gas exploration and development within and adjacent to the Pikka Unit area and oil and gas exploration on Oil Search Alaska operated leaseholds on Alaska's North Slope.	24–INC–03.
Hilcorp Alaska, LLC	Year-round oil and gas exploration, production, development, and support activities in the Milne Point, Duck Island (Endicott), Northstar Island, Prudhoe Bay, and Point Thomson operation areas located in the Beaufort Sea incidental take regulations area of the North Slope of Alaska.	24–INC–04.
Hilcorp Alaska, LLC	An amendment request dated October 3, 2024, for 24–INC–04 to include oil and gas drilling, maintenance, and production activities within the Nikaitchuq and Oooguruk Units on the North Slope of Alaska that were formerly conducted by Eni U.S. Operating Company, Inc (Eni) under 24–INC–01.	24–INC–04 (amended).
Conoco Phillips Alaska Inc	Incidental take of polar bears and Pacific walruses that may occur during ConocoPhillips Alaska Inc.'s field-wide operations in the Colville River, Greater Mooses Tooth, Quokka, Horseshoe, Pikka, Southern Miluveach, Bear Tooth, and Kuparuk River Units and non-unitized land on the North Slope of Alaska.	24–INC–05.
Glacier Oil and Gas	Incidental take of polar bears and Pacific walruses during oil and gas exploration, development, and production activities associated with the Badami Oilfield on the North Slope of Alaska.	24–INC–06.
ASRC Consulting & Environmental Services, LLC.	Incidental take of polar bears that may occur during ASRC Consulting & Environmental Services, LLC's (ACES) operation, deconstruction, and demobilization of a production test facility, well plug and abandonment, post-operation data monitoring, and site clearance for a methane hydrate project on the Kuparuk State 7–11–12 gravel pad within the Prudhoe Bay Unit on the North Slope of Alaska.	24–INC–07.
Conoco Phillips Alaska Inc	Incidental take of polar bears and Pacific walruses that may occur during ConocoPhillips Alaska, Inc.'s (CPAI) oil and gas activities associated with the Willow Development project in the Bear Tooth, Greater Mooses Tooth, Colville River, and Kuparuk River Units and non-unitized lands east of the Colville River on the North Slope of Alaska.	24–INC–08.
ASRC Consulting & Environmental Services, LLC.	Incidental take of polar bears that may occur during ASRC Consulting & Environmental Services, LLC's (ACES) ice road, snow trail, and ice pad construction, ice road and snow trail transportation, and oil and gas exploration well drilling on the North Slope of Alaska.	24–INC–09.

On April 19, 2023, the FWS published in the **Federal Register** a final rule (88 FR 24115) establishing regulations that allow us to authorize the nonlethal, incidental, unintentional take of small numbers of northern sea otters (*Enhydra lutris kenyoni*) during marine construction and pile-driving activities in coastal waters surrounding eight United States Coast Guard (USCG) facilities in the Gulf of Alaska. These incidental take regulations are located in subpart L in part 18 of title 50 of the

CFR and are effective through May 19, 2028. The rule prescribed a process under which we issue LOAs to the USCG conducting activities as described under the provisions of the regulations.

Each LOA stipulates conditions or methods that are specific to the activity and location. Holders of the LOAs must use methods and conduct activities in a manner that minimizes, to the greatest extent practicable, adverse impacts on northern sea otters and their habitat, and on the availability of northern sea

otters for subsistence purposes. No intentional take or lethal incidental take is authorized under these regulations.

In accordance with section 101(a)(5)(A) of the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*) and our regulations at 50 CFR part 18, subpart L, in 2024, we issued two LOAs to the USCG for their activities in the Gulf of Alaska, as shown in table 2.

TABLE 2—LETTERS OF AUTHORIZATION ISSUED TO THE U.S. COAST GUARD (USCG) FOR MARINE CONSTRUCTION AND PILE-DRIVING ACTIVITIES IN THE GULF OF ALASKA

Company	Project	LOA #
USCG	Incidental take of small numbers of northern sea otters that may occur during activities associated with pile driving and marine construction activities in Cordova, Alaska.	24-CG-01.
USCG	Incidental take of small numbers of northern sea otters that may occur during activities associated with pile driving and marine construction activities at USCG Station Kodiak, Alaska.	24-CG-02.

Authority: We issue this notice under the authority of the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*).

Peter Fasbender,

Assistant Regional Director, Fisheries and Ecological Services, Alaska Region.

[FR Doc. 2025-13485 Filed 7-17-25; 8:45 am]

BILLING CODE 4333-15-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS-R7-ES-2025-0021;
FXES111607MRG01-256-FF07CMM00]

Marine Mammals; Proposed Incidental Harassment Authorization for the Southern Beaufort Sea Stock of Polar Bears and Pacific Walruses in West Harrison Bay, AK; Draft Environmental Assessment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of application; notice of availability of proposed authorization and draft environmental assessment; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, in response to a request under the Marine Mammal Protection Act of 1972, as amended, from Narwhal LLC, propose to authorize nonlethal, incidental take by harassment of small numbers of Pacific walruses (*Odobenus rosmarus divergens*) and Southern Beaufort Sea (SBS) polar bears (*Ursus maritimus*) between August 1, 2025, and July 31, 2026. The applicant requested this authorization for take by harassment that may result from activities associated with shallow hazard surveys, preliminary field surveys, exploratory drilling operations, and summer cleanup activities in West Harrison Bay, Alaska. This proposed authorization, if finalized, will be for up to 15 takes of walruses and 13 takes of polar bears by Level B harassment only. No take by injury or mortality is requested, expected, or proposed to be authorized. We invite comments on the proposed incidental harassment authorization and the accompanying

draft environmental assessment from the public and local, State, Tribal, and Federal agencies.

DATES: Comments must be received by August 18, 2025.

ADDRESSES:

Document availability: You may view supplemental information at <https://www.regulations.gov> under Docket No. FWS-R7-ES-2025-0021. Alternatively, you may request these documents from the person listed under **FOR FURTHER INFORMATION CONTACT**.

Comment submission: You may submit comments on the proposed authorization by one of the following methods:

- **Electronic submission:** Go to the Federal eRulemaking Portal: <https://www.regulations.gov>. In the Search box, enter FWS-R7-ES-2025-0021, which is the docket number for this rulemaking action. Then, click on the Search button. On the resulting page, in the panel on the left side of the screen, under the Document Type heading, check the Notice box to locate this document. You may submit a comment by clicking on “Comment.” Comments must be submitted to <https://www.regulations.gov> before 11:59 p.m. (Eastern Time) on the date specified in **DATES**.

- **U.S. mail:** Public Comments Processing, Attn: Docket No. FWS-R7-ES-2025-0021, U.S. Fish and Wildlife Service, MS: PRB (JAO/3W), 5275 Leesburg Pike, Falls Church, VA 22041-3803.

We request that you send comments only by the methods described above. We will post all comments at <https://www.regulations.gov>. You may request that we withhold personal identifying information from public review; however, we cannot guarantee that we will be able to do so. See Request for Public Comments for more information.

FOR FURTHER INFORMATION CONTACT:

Stephanie Burgess, by email at r7mmmregulatory@fws.gov, by telephone at 907-786-3800, or by U.S. mail at U.S. Fish and Wildlife Service, MS 341, 1011 East Tudor Road, Anchorage, AK 99503. 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

Section 101(a)(5)(D) of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361, *et seq.*), authorizes the Secretary of the Interior (Secretary) to allow, upon request, the incidental, but not intentional, taking by harassment of small numbers of marine mammals in response to requests by U.S. citizens (as defined in title 50 of the Code of Federal Regulations (CFR) in part 18, at 50 CFR 18.27(c)) engaged in a specified activity (other than commercial fishing) in a specified geographic region during a period of not more than 1 year. The Secretary has delegated authority for implementation of the MMPA to the U.S. Fish and Wildlife Service (FWS or we). According to the MMPA, the FWS shall allow this incidental taking by harassment if we make findings that the total of such taking for the 1-year period:

- (1) is of small numbers of marine mammals of a species or stock;
- (2) will have a negligible impact on such species or stocks; and
- (3) will not have an unmitigable adverse impact on the availability of the species or stock for taking for subsistence use by Alaska Natives.

If the requisite findings are made, we issue an authorization that sets forth the following, where applicable:

- (a) permissible methods of taking;
- (b) means of effecting the least practicable adverse impact on the species or stock and its habitat and the availability of the species or stock for subsistence uses; and
- (c) requirements for monitoring and reporting of such taking by harassment, including, in certain circumstances,

requirements for the independent peer review of proposed monitoring plans or other research proposals.

The term “take” means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill, any marine mammal. “Harassment” for activities other than military readiness activities or scientific research conducted by or on behalf of the Federal Government means any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (the MMPA defines this as “Level A harassment”), or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (the MMPA defines this as “Level B harassment”).

The terms “negligible impact” and “unmitigable adverse impact” are defined in 50 CFR 18.27 (*i.e.*, regulations governing small takes of marine mammals incidental to specified activities) as follows: “Negligible impact” is an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival. “Unmitigable adverse impact” means an impact resulting from the specified activity: (1) that is likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by (i) causing the marine mammals to abandon or avoid hunting areas, (ii) directly displacing subsistence users, or (iii) placing

physical barriers between the marine mammals and the subsistence hunters; and (2) that cannot be sufficiently mitigated by other measures to increase the availability of marine mammals to allow subsistence needs to be met.

The term “small numbers” is also defined in 50 CFR 18.27. However, we do not rely on that definition here as it conflates “small numbers” with “negligible impacts.” We recognize “small numbers” and “negligible impacts” as two separate and distinct requirements when reviewing requests for incidental harassment authorizations (IHA) under the MMPA (see *Natural Res. Def. Council, Inc. v. Evans*, 232 F. Supp. 2d 1003, 1025 (N.D. Cal. 2003)). Instead, for our small numbers determination, we estimate the likely number of marine mammals to be taken and evaluate if that number is small relative to the size of the species or stock.

The term “least practicable adverse impact” is not defined in the MMPA or its enacting regulations. For this IHA, we ensure the least practicable adverse impact by requiring mitigation measures that are effective in reducing the impact of specified activities, but not so restrictive as to make specified activities unduly burdensome or impossible to undertake and complete.

If the requisite findings are made, we shall issue an IHA, which may set forth the following, where applicable: (i) permissible methods of taking; (ii) other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for

taking for subsistence uses by coastal-dwelling Alaska Natives (if applicable); and (iii) requirements for monitoring and reporting take by harassment.

Summary of Request

On November 4, 2024, the FWS received a request on behalf of Narwhal LLC (ECO49 Consulting LLC 2024) for authorization to take by nonlethal incidental harassment Pacific walrus (*Odobenus rosmarus divergens*) and Southern Beaufort Sea (SBS) polar bears (*Ursus maritimus*) during shallow hazard surveys (SHS), preliminary field surveys, exploratory drilling operations, and summer cleanup activities in West Harrison Bay, Alaska, for a period between August 1, 2025, and July 31, 2026. Their request also included a proposed Polar Bear and Pacific Walrus Safety, Awareness, and Interaction Plan. The FWS requested further information on March 10, 2025. We discussed with the applicant operational timelines, project area modifications, and mitigation measures. Narwhal submitted a revised application on April 3, 2025. The FWS deemed the revised request dated April 2025 (received by the FWS April 3, 2025; hereafter referred to as the “Request”), adequate and complete on April 10, 2025.

Description of Specified Activities and Specified Geographic Region

The specified activities described in the request consist of SHS, preliminary field surveys, exploratory drilling operations, and summer cleanup activities in West Harrison Bay, Alaska (figures 1 and 2, below; ECO49 Consulting LLC 2024).

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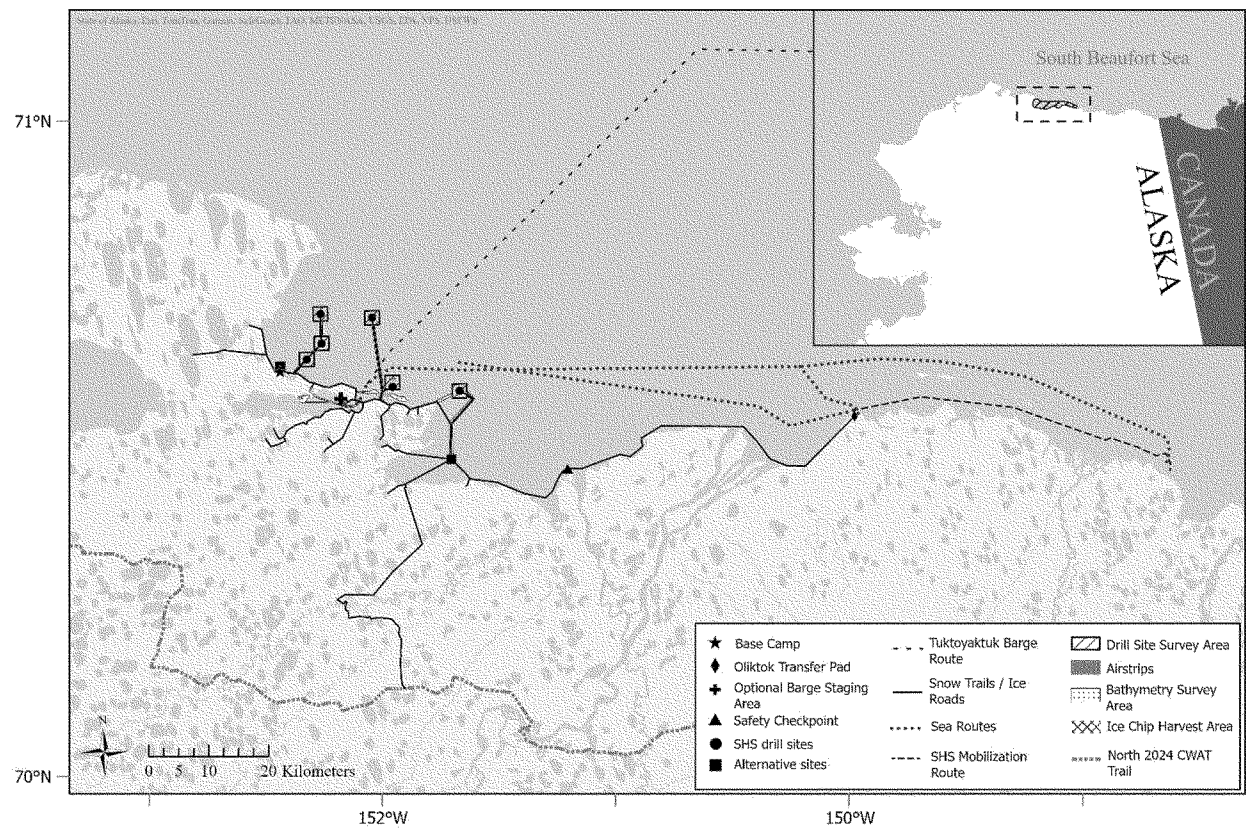


Figure 1—Specific geographic region of the proposed exploratory drilling operations and associated activities in West Harrison Bay, Alaska

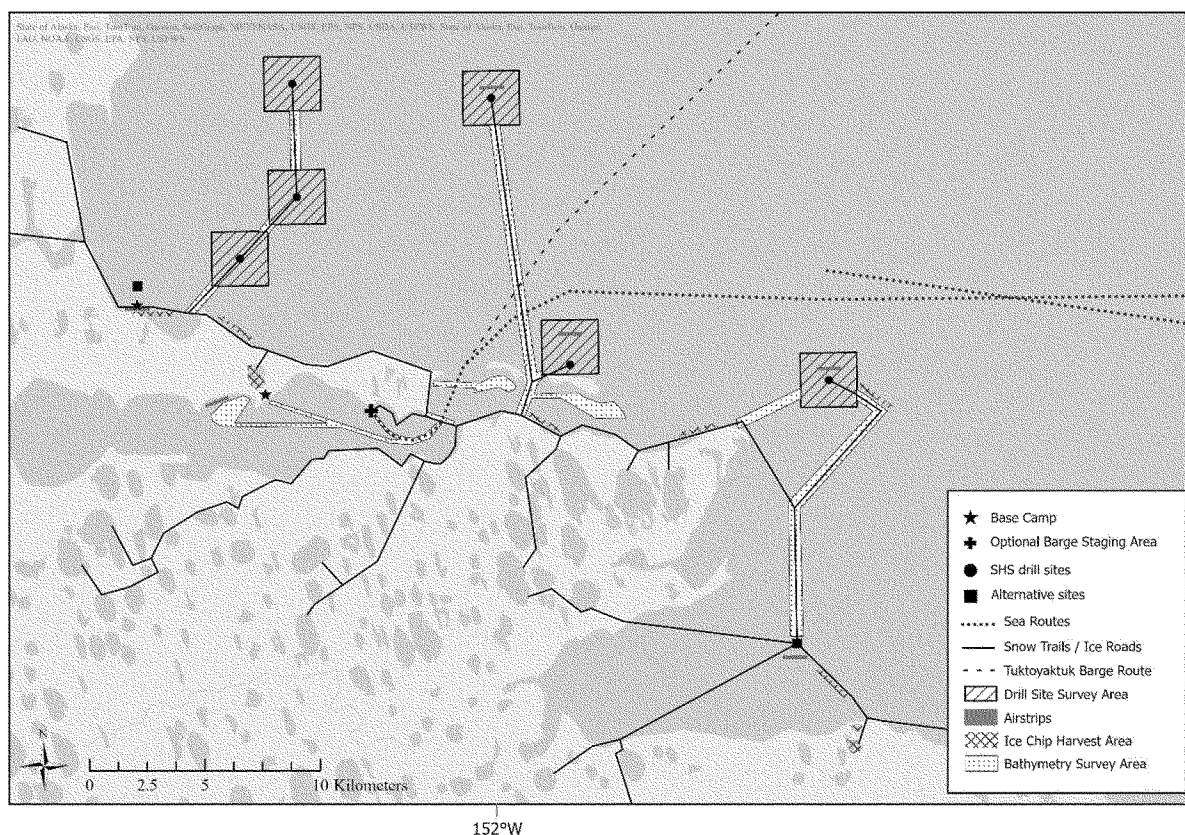


Figure 2 - Enhanced view to display greater detail of West Harrison Bay within the specified geographic region.

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Archeological

Narwhal will conduct airborne archeological surveys of areas with potential soil disturbance, including shallow offshore areas. Surveys will be conducted via helicopter maintaining a minimum flight altitude of 457 m (except for landing/take-off or when forced lower by unsafe weather conditions), with aerial transect widths of approximately 1.3 kilometers (km) (0.8 miles [mi]). If necessary, the archeological survey crew will land to investigate landforms that may contain cultural or historical resources. During these surveys, helicopters will be based out of Deadhorse, Alaska. Surveys are expected to last approximately three days, with one flight per day. These surveys must occur during the snow-free season, which is typically mid-to late-July through early-September.

Lake Surveys and Thermistor Installation

To support ice road and ice pad construction, Narwhal will extract freshwater from lakes inland from West Harrison Bay. These lakes have been preliminarily identified in the request as the large lakes found along Narwhal's

proposed water access roads (see figures 1 and 2). However, to confirm that the lakes are sufficient water sources, Narwhal will conduct lake surveys beginning on August 1, 2025, and lasting 15 days. To conduct the surveys, crews of up to four personnel will transit via helicopter maintaining a minimum flight altitude of 457 m (except for landing/take-off or when forced lower by unsafe weather conditions), originating from Deadhorse, and then on foot along proposed tundra access routes, where they will collect fish, bathymetric, and water quality data from each proposed freshwater supply lake. During lake surveys, thermistors (temperature sensors) may be installed in the tundra to depths of 30 centimeters (cm) (11.8 inches [in]) along tundra access routes to confirm that soil temperature is acceptable to support tundra travel during lake access in the winter.

Shallow Hazard Surveys

Narwhal will evaluate the subsea strata in the areas of proposed offshore exploration wells. Beginning in August 2025, Narwhal will use an echosounder/fathometer, side scan sonar, sub-bottom profiler, sparker, mini vibrocore

sampler, and a 1,721-cubic-centimeter (cm³) (105-cubic-inch [in³]) generator and injector airgun to perform SHS at each of the six proposed offshore exploratory well locations within West Harrison Bay (see figures 1 and 2). These investigations will enable site selection for exploratory drilling based on the most suitable seafloor and subsurface characteristics. The surveys will collect data on the bathymetry of the area, and also include side-scan sonar, sub-bottom profiling, high-resolution three-dimensional (3D) seismic imaging, and possibly vibrocore sediment sampling. These instruments will also be used to evaluate the potential for offshore archeological resources in the proposed well locations. Two additional sites are in 0.6 meters (m) (2 feet [ft]) of water depth or less and will be evaluated using alternative techniques approved by the AOGCC rather than techniques used for deeper water. Of the eight potential drilling locations, Narwhal anticipates drilling no more than five wells during January to April 2026. The sixth, seventh and eighth sites will serve as alternate drilling locations.

The SHS program will be mobilized by vessel out of West Dock in Prudhoe

Bay or from Oliktok Point. Periodic resupply, logistics support, and personnel transfers for the SHS program are planned to originate from Oliktok Point. Narwhal estimates daily vessel trips between Oliktok Point and the West Harrison Bay work area will be required over a period of 45 days during SHS operations. The 3D seismic survey will require one vessel equipped with a single airgun, one vessel responsible for deploying and retrieving geophones on the seafloor, and one to two support vessels for berthing crew and expediting. The non-3D seismic SHS work (bathymetry, sub-bottom profiler, side scan sonar, and sparker) will be conducted from a single vessel, with the possible inclusion of one additional vessel for additional berth capacity, if necessary. The berthing vessel may transit to Oliktok Point during the day, if necessary, to pick up supplies or transport personnel.

The sound-producing instruments for SHS include an echosounder/fathometer, a side-scan sonar, a sub-bottom profiler, and a sparker. The echosounder and side-scan sonar will be operated at a frequency at or above 200 kilohertz (kHz). The sub-bottom profiler and sparker will produce sounds within a frequency range of 2 kHz to 16 kHz and 300 hertz (Hz) to 1.5 kHz, respectively, and at an estimated sound source level of 202 decibels referenced to a pressure of 1 microPascal (dB re 1 μ Pa). This sound production, however, will be highly directional and focused within a beam width of 20 degrees.

Vibracore sampling may be required at the exploratory drilling locations. Narwhal intends to use a mini vibracore sampler that is designed for shallow water. Sampling would entail a core barrel oscillated by an electric motor into the sediment for 1 to 2 minutes at a time, with the entire coring process lasting up to 1 hour. Similar vibracoring equipment has been shown to create a sound pressure level (SPL) of 187.4 dB re 1 μ Pa in the Chukchi Sea at a frequency range of 10 kHz to 20 kHz (Chorney et al. 2011).

The SHS program will also include high-resolution 3D seismic surveys at the proposed exploratory well locations. Surveys will be completed using a 1,721-cm³ (105-in³) generator and injector airgun that is towed behind a survey vessel perpendicularly over a series of geophone sound receivers that have been anchored to the seafloor. Geophones will be embedded at a maximum depth of 2 m (6.6 ft) in a grid pattern. The airgun will fire every 12.5 m (41 ft) along the track lines, resulting in firing once every 6–7 seconds while

traveling at a speed of approximately 2 m (6.6 ft) per second.

Narwhal submitted with their request a sound transmission loss model for the anticipated noise produced by the airgun. Using the Gundalf Designer software package, Narwhal's contracted acousticians modeled the peak sound pressure level (SPL) anticipated from a single airgun shot to be 231.0 dB re 1 μ Pa at 1 m (3.3 ft) from the sound source (ECO49 Consulting LLC 2024). The cumulative (unweighted) sound exposure level (SEL_{CUM}) was also assessed using 192 airgun shots (which represented one transect line) and was 193.0 dB re 1 μ Pa² at 1 m (3.3 ft) from the sound source. Approximately 480 geophones will be deployed per potential drilling location, and they will be spaced every 50 m (164 ft). Geophones will be anchored into the seafloor using a wood or metal pole to a maximum depth of 2 m (6.6 ft). The survey will occur in a sequence of geophone placement for 2 days, followed by airgun deployment for 1 or 2 days (for up to 12 hours per day). While airgun deployment occurs, the next grid of geophones will be laid in a second location, and during airgun deployment at the second location, geophones will be retrieved from the first location. This sequence of events will continue for approximately 30 days.

Advance Equipment Staging

Equipment may be staged in advance of winter activities, to reduce the total number of all-terrain vehicle (ATV) trips and time required for mobilizing project equipment to West Harrison Bay. If equipment is staged in advance, approximately 120 fewer trips will be needed from Oliktok Point to West Harrison Bay. This would allow Narwhal to begin ice road and ice pad construction operations in early December 2025 before the sea ice road from Oliktok Point to West Harrison Bay is complete.

Equipment will potentially be staged in one of two locations. The first location uses an existing gravel airstrip on the Kogru River, which would be covered with a series of interlocking tundra mats as early as August 2025. Barges would then offload materials from the Kogru River onto the tundra mats and airstrip. This option is dependent upon sufficient water depths in the Kogru River near the airstrip. Bathymetry surveys will be conducted as described above to determine the option's suitability. The second option would involve the placement of six to eight empty barges, a camp barge, and fuel barge in a protected location in

West Harrison Bay. These barges would be frozen in place in the fall of 2025. The barges would be anchored to the beach and tied together to provide a continuous staging platform for equipment. Barges may also be anchored into the seafloor, which consists of fine-grained clay and silt, at a depth of 0.5–2 m (1.6–6.6 ft).

Approximately 378,541 liters (100,000 gallons) of fuel would be staged during the advanced staging process. A two-person caretaker crew would remain onsite from September 15 until November 15 to monitor fuel and cargo. This crew would have a small skid camp equipped with a generator, kitchen, bunks, shower, waterless toilet, and heat. All food waste and trash would be kept inside and stored in secure containers. The personnel would be resupplied by a helicopter on a weekly basis, and would also be equipped with bear deterrence equipment, emergency response equipment, and communications. The barges would be monitored after December 1, 2025, by the startup crew onsite to conduct early development tasks for the project and prepare the equipment and materials for deployment to the first construction location if advanced staging is used.

Maternal Den Surveys and Den Exclusion Zones

Narwhal will conduct two aerial infrared (AIR) maternal den surveys to identify active polar bear dens in the area. The surveyors will use AIR cameras on fixed-wing aircraft with flights flown between 244–457 m (800–1,500 ft) above ground level at a speed of <185 km per hour (km/h) (<115 miles per hour [mph]). These surveys will be concentrated on areas within 1.6 km (1 mi) of project activities that would be suitable for polar bear denning activity such as drainages, banks, bluffs, or other areas of topographic relief. The first survey will be conducted between December 1 and December 25, 2025, and the second survey will be conducted between December 15, 2025, and January 10, 2026, with a minimum of 24 hours between surveys.

Narwhal will avoid an 805 m operational exclusion zone around known polar bear dens during the denning season (November to April, or until the female and cubs leave the area). Should previously unknown occupied dens be discovered within 805 m of activities, local work will immediately cease. All personnel and vehicles will be moved beyond the den exclusion zone, to the extent practical. Narwhal will contact the FWS for guidance and to evaluate these instances

on a case-by-case basis to determine the appropriate action. Potential actions may include rerouting of access trails or roads, cessation, or modification of work, conducting additional monitoring or other avoidance practices. Narwhal will coordinate with the FWS and implement additional measures specified by the FWS.

Coastal Sea Ice Trail

As soon as there is stable, grounded sea ice, construction will begin on a coastal sea ice road from Oliktok Point to West Harrison Bay to assist in equipment mobilization. Construction is estimated to begin in early December 2025. A small, 15- to 20-person camp will be created on a 0.008-square-kilometer (km²) (0.003-square-mile [mi²]) ice pad adjacent to Oliktok Point on grounded sea ice. The crew will then continue constructing a sea ice road over the Colville River Delta, which will require thickening to support heavy equipment in three to four channels of the Colville River. Thickening will take approximately 25 days. Approximately six seawater pumping units will travel in six trips to the Colville River Delta from Oliktok Point and remain in the general location during the thickening phase of construction. Crews will take approximately six trips per day between Oliktok Point and the western edge of the delta for resupply. After the Colville River crossings are thickened, the remainder of the sea ice road will be completed in approximately 5 days. The second segment of road construction will require a smaller, two-person crew and two ATVs to scout the road and create spatial reference points. Total construction of the coastal sea ice trail is expected to take 30 days.

Equipment Mobilization

All equipment, including Rolligons, Steiger tractors, PistenBullys, Tucker Sno-Cats, ATVs, and a drilling rig, will be moved to West Harrison Bay over the coastal sea ice road. Camp and ice construction equipment will be transported first, followed by exploratory drilling equipment. The coastal sea ice road is anticipated to have vehicle traffic from the time of its construction to the approximate end of demobilization on May 5, 2026.

Local Sea Ice Road/Trail and Sea Ice Pad Construction

Narwhal will construct local sea ice roads or trails in West Harrison Bay to support drilling operations. Sea ice roads are created by clearing and grading snow, then pumping seawater through drilled holes in the ice to achieve the desired ice thickness.

Freshwater is often used to strengthen the top layer of ice on the road. Nearby freshwater lakes will be used as the source of freshwater, which will be accessed by constructing onshore ice roads and trails (see figures 1 and 2). Alternatively, sea ice trails may be created and used by tracked vehicles, which do not require capping with fresh water. The final decision to construct sea ice trails versus sea ice roads will be determined by several factors including freshwater availability, the availability of ATV-compatible equipment (e.g., skid mounted vac unit versus vac truck on wheels), and project schedule. Regardless of whether roads or trails are constructed, freshwater access is required for ice pad construction, exploratory drilling operations, and use in camp.

Onshore ice trails/roads will be constructed on land to access freshwater lakes. Initial ground disturbance activities including staking and packing snow, flooding, grading, and other construction activities may begin as soon as the first week of December 2025 if advance staging occurs. If advanced staging does not occur, construction will begin in early January 2026. Narwhal may choose to construct a northward spur trail originating from the North Slope Borough Community Winter Access Trail (CWAT; figure 1). The construction of this spur would provide Narwhal an additional route of mobilization and demobilization if environmental conditions prevent construction of the sea ice trail. The FWS considered the spur in our analyses, however, Narwhal is not requesting authorization for take incidental to activities on the CWAT. All ice road and/or trail construction will be initiated by March 1, 2026.

Ice pad construction will be concurrent with the construction of ice trails or roads and will take approximately 2 to 3 weeks depending on water depth and ambient temperatures. After ice thickening, ice pads will consist of a circular area of raised, grounded ice with a diameter of approximately 220 m (722 ft). In-depth construction methodology is available in Narwhal's associated IHA request (ECO49 Consulting LLC 2024).

Temporary Airstrip and Camp Facilities

Narwhal will construct temporary airstrips on grounded sea ice adjacent to each ice pad for the four easternmost well sites (figures 1 and 2). An additional airstrip will be constructed adjacent to one of the two potential base camp sites (figure 2). Only one base camp sea ice airstrip will be constructed, however we analyzed the

impacts of both options in our take estimates to avoid underestimating impacts from potential activities. Construction of each temporary airstrip will entail plowing snow off the sea ice to provide a smooth surface for aircraft and installing perimeter lighting for visual flight operations. Initially, aircraft equipped with skis will likely be utilized until a freshwater cap can be placed on the airstrip to allow for landings by wheeled aircraft. The airstrip will be 23 m (75.5 ft) wide and 915 m (3,002 ft) long and, if necessary, may be extended to 1,525 m (5,003 ft) in length prior to exploratory drilling operations. Aircraft will use temporary airstrips as early as December 6, 2025, through demobilization by May 5, 2026. Camp facilities will be comprised of modules approximately 3.7 m (12 ft) wide by 18 m (59 ft) long set side by side with an estimated camp footprint size of 100 m (328 ft) by 50 m (164 ft). Sufficient space will be allotted to this area to maintain clear site lines for early detection of polar bears in the vicinity.

General Aircraft Activity Considerations

Narwhal will utilize both fixed-wing and rotary aircraft during their operations. Except for take-off and landing, aircraft will not operate at altitudes lower than 457 m within 805 m of polar bears or walrus observed on ice, land, or in water. Helicopters will not hover, circle, or land within this distance. When weather conditions do not allow a 457-m flying altitude, aircraft may be operated below this altitude for the minimum duration necessary to maintain aircraft safety. Aircraft will not fly over any identified Pacific walrus haulouts. Aircraft will not fly directly over or within 805 m of areas of known polar bear or walrus concentrations unless aircraft departure to avoid freeze up, medical supply delivery, fuel resupply, or other unforeseen critical health or safety concerns require. Aircraft routes will be planned to minimize potential conflicts with active or projected polar bear or walrus subsistence hunting activity as determined through community consultations. Aircraft will not land within 805 m of observed polar bears or walrus. If a polar bear or group of bears is observed while the aircraft is grounded, personnel will board the aircraft and leave the area. Aircraft will not be operated in such a way as to separate members of a group of polar bears or walrus from other members of the group.

Exploratory Drilling

Drilling operations will begin following successful sea ice road and ice

pad construction. The exploratory drilling rig will be assembled on site over a period of 7 to 10 days. Following assembly, drilling is estimated to take 21 to 30 days per well, including moving to a new site. Operations will occur 24 hours a day. Rig moves between sites are anticipated to take 5 days or fewer and require 60 truck trips. Drilling is expected to take approximately 86 days in total. All exploratory wells will be plugged and abandoned during the 2025–2026 winter season.

Demobilization and Summer Cleanup

All project equipment and materials will be removed from the West Harrison Bay area following completion of exploratory drilling. Demobilization will require up to 200 ATV trips from the drilling locations to Oliktok Point. Once the tundra is snow-free in July 2025, Narwhal will clean up debris associated with the project using a small helicopter crew. One helicopter, originating in Deadhorse, will fly for approximately 6 hours per day, to complete six trips with an estimated total of 60 landing events and 60 take-off events. Helicopter will maintain a minimum flight altitude of 457 m except for landing or take-off events or if forced lower by unsafe weather conditions.

Description of Marine Mammals in the Specified Geographic Region

The SBS polar bears and Pacific walrus are the only marine mammal species under the FWS's jurisdiction likely to be found within the specified geographic region. Information on range, stocks, biology, and climate impacts on Pacific walrus and SBS polar bears can be found in the supplemental information (available as described above in **ADDRESSES** section).

Potential Impacts of the Specified Activities on Marine Mammals

Surface-Level Impacts on Polar Bears

Disturbance impacts on polar bears are influenced by the type, duration, intensity, timing, and location of the source of disturbance. Disturbance from the specified activities would originate primarily from helicopter overflights, tundra travel, vessel activity, seismic data acquisition, mobilization and operation of camp facilities, and cleanup activities. The noises, sights, and smells produced by these activities could elicit variable responses from polar bears, ranging from avoidance to attraction. When disturbed by noise, animals may respond behaviorally by walking, running, or swimming away from a noise source, or physiologically

via increased heart rates or hormonal stress responses (Harms et al. 1997; Tempel and Gutiérrez 2003). However, individual response to noise disturbance can be based on previous interactions, sex, age, and maternal status (Andersen and Aars 2008; Dyck and Baydack 2004). Noise and odors could also attract polar bears to work areas. Attracting polar bears to these locations could result in human-polar bear interactions, unintentional harassment, intentional hazing, or possible lethal take in defense of human life. This proposed IHA would authorize only the nonlethal, incidental, unintentional take of polar bears that may result from the specified activities and would require mitigation measures to manage attractants in work areas and reduce the risk of human-polar bear interactions.

Human-Polar Bear Interactions

A larger percentage of polar bears are spending more time on land during the open water season, which may increase the risk for human-polar bear interactions (Atwood et al. 2015; Rode et al. 2022). Polar bear interaction plans, personnel training, attractants management, and polar bear monitoring are mitigation measures used to reduce human-polar bear interactions and minimize the risks to polar bears and humans when interactions occur. Efficient management of attractants (e.g., human food, garbage) can prevent polar bears from associating humans with food, which lowers the risk of human-polar bear interactions (Atwood and Wilder 2021). Polar bear interaction plans detail the policies and procedures that will be implemented by Narwhal to avoid attracting and interacting with polar bears as well as minimizing impacts to the polar bears. Interaction plans also detail how to respond to the presence of polar bears, the chain of command and communication, and required training for personnel. Information gained from monitoring polar bears near industrial infrastructure and activities can be useful for better understanding polar bear distribution, behavior, and interactions with humans. Technology that may be used to facilitate detection and monitoring of polar bears includes bear monitors and thermal cameras. It is possible that human-polar bear interactions may occur during the specified activities, and mitigation measures will be implemented by Narwhal to minimize the risk of human-polar bear interactions during the specified activities.

From mid-July to mid-November, SBS polar bears can be found in large

numbers and high densities on barrier islands, along the coastline, and in the nearshore waters of the Beaufort Sea, particularly on and around Barter and Cross Islands (Wilson et al. 2017). This distribution leads to a significantly higher number of human-polar bear interactions on land and at offshore structures during the open-water season than other times of the year. Polar bears that remain on the multi-year pack ice are not typically present in the ice-free areas where vessel traffic occurs, as barges and vessels associated with industry activities travel in open water and avoid large ice floes.

On land, most polar bear observations occur within 2 km (1.2 mi) of the coastline based on polar bear monitoring reports. Facilities within the offshore and coastal areas are more likely to be approached by polar bears, and they may act as physical barriers to polar bear movements. As polar bears encounter these facilities, the chances for human-polar bear interactions increase. However, polar bears have frequently been observed crossing existing roads and causeways and they appear to traverse the human-developed areas as easily as the undeveloped areas based on monitoring reports.

Effects of Aircraft Overflights on Polar Bears

Polar bears experience increased noise and visual stimuli when fixed-wing aircraft or helicopters fly above them, which may elicit a biologically significant behavioral response. Sound frequencies produced by aircraft will likely fall within the hearing range of polar bears (Nachtigall et al. 2007) and will be audible to polar bears during flyovers or when operating in proximity to polar bears. Polar bears likely have acute hearing, with previous sensitivities demonstrated between 1.4 and 22.5 kHz (tests were limited to 22.5 kHz) (Nachtigall et al. 2007). When exposed to high-energy sound, this hearing range may become impaired temporarily (called temporary threshold shift, or TTS) or permanently (PTS). A PTS occurs when noise exposure causes damage to hair cells within the inner ear system (Ketten 2012). Although the effects of PTS are, by definition, permanent, PTS does not equate to total hearing loss. A TTS is a noise-induced threshold shift in hearing sensitivity that fully recovers over time (Finneran 2015). Species-specific TTS and PTS thresholds have not been established for polar bears at this time, but TTS and PTS thresholds have been established for the general group “other marine carnivores,” which includes polar bears (Southall et al. 2019). Through a series

of systematic modeling procedures and extrapolations, Southall et al. (2019) generated modified noise exposure thresholds for both in-air and underwater sound (table 1, table 2).

TABLE 1—TEMPORARY THRESHOLD SHIFT (TTS) AND PERMANENT THRESHOLD SHIFT (PTS) THRESHOLDS FOR IN-AIR SOUNDS ESTABLISHED BY SOUTHALL ET AL. (2019) THROUGH MODELING AND EXTRAPOLATION FOR “OTHER MARINE CARNIVORES,” WHICH INCLUDES POLAR BEARS

TTS			PTS		
Non-impulsive	Impulsive		Non-impulsive	Impulsive	
SEL _{CUM}	SEL _{CUM}	Peak SPL	SEL _{CUM}	SEL _{CUM}	Peak SPL
157	146	170	177	161	176

Note: Values are weighted for other marine carnivores' hearing thresholds and given in cumulative sound exposure level (SEL_{CUM} dB re 20μPa) for impulsive and nonimpulsive sounds, and unweighted peak sound pressure level in air (dB re 20μPa) for impulsive sounds only.

Federal Aviation Administration test aircraft produced sound at all frequencies measured (50 Hz to 10 kHz) (Healy 1974). At frequencies centered at 5 kHz, jets flying at 300 m (984 ft) produced 1/3 octave band noise levels of 84 to 124 dB, propeller-driven aircraft produced 75 to 90 dB, and helicopters produced 60 to 70 dB (Richardson et al. 1995). Thus, the frequency and level of airborne sounds typically produced by aircraft are unlikely to cause TTS or PTS unless polar bears are very close to the sound source.

Although neither TTS nor PTS is anticipated during the specified activities, impacts from aircraft overflights have the potential to elicit biologically significant behavioral responses from polar bears. Exposure to aircraft overflights is expected to result in short-term behavior changes, such as walking running, or ceasing to rest and, therefore, has the potential to be energetically costly. Polar bears observed during intentional aircraft overflights conducted to study impacts of aircraft on polar bear responses, with an average flight altitude of 143 m (469 ft), exhibited biologically meaningful behavioral responses during 66.6 percent of aircraft overflights. These behavioral responses were significantly correlated with the aircraft's altitude, the bear's location (e.g., coastline, barrier island), and the bear's activity (Quigley 2022; Quigley et al. 2024). Polar bears associated with dens exhibited various responses that ranged

from increased head movement and observation of the disturbance to the initiation of rapid movement and/or den abandonment when exposed to aircraft flying at altitudes of 150 m or less (Larson et al. 2020). Aircraft activities can impact polar bears across all seasons; however, aircraft have a greater potential to disturb both individuals and groups of polar bears on land during the summer and fall. These onshore polar bears are primarily fasting or seeking alternative terrestrial foods (Cherry et al. 2009; Griffen et al. 2022), and polar bear responses to aircraft overflights may result in metabolic costs to limited energy reserves. To reduce potential disturbance of polar bears during aircraft activities, mitigation measures, such as minimum flight altitudes over polar bears and their frequently used areas and flight restrictions around known polar bear aggregations, will be conducted when safe to perform these operations during aircraft activities.

Underwater Sounds

Noise exposure criteria for identifying underwater noise levels capable of causing Level A harassment (injury) to marine mammal species, including polar bears and walruses, have been established using the same methods as those used by the National Marine Fisheries Service (NMFS) (Southall et al. 2019). These criteria are based on estimated levels of sound exposure capable of causing a permanent shift in hearing sensitivity (i.e., a permanent

threshold shift (PTS) (NMFS 2018)). A PTS occurs when noise exposure causes damage to hair cells within the inner ear system (Ketten 2012). Although the effects of PTS are, by definition, permanent, PTS does not equate to total hearing loss.

Sound exposure thresholds incorporate two metrics of exposure: the peak level of instantaneous exposure likely to cause PTS, and the cumulative sound exposure level (SEL_{CUM}) during a 24-hour period. They also include weighting adjustments for the sensitivity of different species to varying frequencies. PTS-based injury criteria were developed from theoretical extrapolation of observations of temporary threshold shifts (TTS) detected in lab settings during sound exposure trials (Finneran 2015). A TTS is a noise-induced threshold shift in hearing sensitivity that fully recovers over time (Finneran 2015). Southall et al. (2019) developed TTS thresholds for polar bears and walruses, both of which are included in the “other marine carnivores” category, of 188 dB SEL_{CUM} for impulsive underwater sounds and 199 dB SEL_{CUM} for nonimpulsive (continuous) underwater sounds. Based on these analyses, Southall et al. (2019) predict that PTS for polar bears and walruses will occur at 232 dB peak or 203 dB SEL_{CUM} for impulsive underwater sound and 219 dB SEL_{CUM} for nonimpulsive underwater sound (table 2).

TABLE 2—TEMPORARY THRESHOLD SHIFT (TTS) AND PERMANENT THRESHOLD SHIFT (PTS) THRESHOLDS FOR IN-WATER SOUNDS ESTABLISHED BY SOUTHALL ET AL. (2019) THROUGH MODELING AND EXTRAPOLATION FOR “OTHER MARINE CARNIVORES,” WHICH INCLUDES POLAR BEARS AND WALRUSES

TTS			PTS		
Non-impulsive	Impulsive		Non-impulsive	Impulsive	
SEL _{CUM}	SEL _{CUM}	Peak SPL	SEL _{CUM}	SEL _{CUM}	Peak SPL
199	188	226	219	203	232

Note: Values are weighted for other marine carnivores' hearing thresholds and given in cumulative sound exposure level (SEL_{CUM} dB re 20μPa) for impulsive and nonimpulsive sounds, and unweighted peak sound pressure level in water (dB 1μPa) for impulsive sounds only.

The NMFS (2018) Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing does not identify thresholds for avoidance of Level B harassment, but NMFS has adopted a 160-dB threshold for Level B harassment from exposure to impulsive noise and a 120-dB threshold for continuous noise (HESS 1999; NOAA 2005). These thresholds were developed from observations of mysticete (baleen) whales responding to airgun operations (e.g., Malme et al. 1983; Malme and Miles 1983; Richardson et al. 1986, 1995) and from equating Level B harassment with noise levels capable of causing TTS in lab settings.

We have evaluated the NMFS-recommended Level B harassment thresholds and determined that the threshold of 120 dB for nonimpulsive noise is not applicable to polar bears or walruses. The 120-dB threshold is based on studies in which gray whales (*Eschrichtius robustus*) were exposed to experimental playbacks of industrial noise (Malme et al. 1983; Malme and Miles 1983). During these playback studies, southern sea otter (*Enhydra lutris nereis*) responses to industrial noise were also monitored (Riedman 1983, 1984). While gray whales exhibited avoidance to industrial noise at the 120-dB threshold, there was no evidence of disturbance reactions or avoidance in southern sea otters. Southall et al. (2019) includes sea otters, polar bears, and walruses in the same marine mammal hearing group of “other marine carnivores,” so a potential polar bear or walrus response to 120-dB underwater sound is likely more similar to that of sea otters than gray whales. Thus, given the different range of frequencies to which “other marine carnivores” and “low frequency cetaceans” are sensitive (Southall et al. 2019), the NMFS 120-dB threshold based on gray whale behavior is not appropriate for predicting behavioral responses for polar bears or walruses, particularly for low-frequency sound. Based on the best available scientific

information about other marine carnivores, which include polar bears and walruses, the FWS has set 160 dB of received underwater sound—for both impulsive and nonimpulsive sound sources—as a threshold for take by Level B harassment.

The NMFS (2024) has recently updated their Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing utilizing the work of Southall et al. (2019). The FWS is evaluating the new auditory injury criteria from NMFS to determine whether they are appropriate for FWS trust species. Pending the outcome of those evaluations, the FWS will continue to use the previous version of the technical guidance (NMFS 2018) in our estimates of potential harassment via underwater sound.

Effects of In-Water Activities on Polar Bears

In-water sources of sound, such as bathymetric surveys, side-scan sonar, vibrocore sampling, high-resolution 3D seismic surveys, or vessel noises are unlikely to disturb polar bears. While exposure to high levels of underwater sound may cause changes in behavior, temporary or permanent changes in hearing sensitivity, or discomfort, polar bears do not typically swim with their heads under water. Additionally, the marine portion of the specified activities will only occur during the open-water season in relatively ice-free, open water, or during the winter months on sea ice. Though polar bears have been observed in open water miles from the ice edge or ice floes, the encounters are relatively rare (although the frequency of such observations may increase due to sea ice change). If bears encounter Narwhal's operations in open water, the effects of such encounters would likely include no more than short-term behavioral disturbance.

While polar bears swim in and hunt from open water, they spend less time in the water than most marine mammals. Stirling (1974) reported that

polar bears observed near Devon Island during late July and early August spent 4.1 percent of their time swimming and an additional 0.7 percent engaged in aquatic stalking of prey. More recently, application of tags equipped with time-depth recorders indicate that aquatic activity of polar bears is greater than was previously thought. In a study published by Lone et al. (2018), 75 percent of polar bears swam daily during open-water months, with animals spending 9.4 percent of their time in July in the water. Both coastal and pack-ice-dwelling animals were tagged, and there were no significant differences in the time spent in the water by animals in the two different habitat types. While polar bears typically swim with their ears above water, there are occasions when a polar bear may dive and therefore have its ears below the surface (Lone et al. 2018).

The specified activities may introduce substantial levels of noise into the marine environment at sound levels capable of causing a behavioral change or temporary or permanent damage to polar bear hearing (table 2). However, the majority of the sound-producing instruments that will be used for SHS do not produce in-water sound above the threshold designated for Level B harassment or they do not produce sound within the hearing range of polar bears. The echosounder and side-scan sonar will be operated at a frequency at or above 200 kilohertz (kHz), which is outside the hearing range for polar bears (Southall et al. 2019). The sub-bottom profiler and sparker will produce sounds within the hearing range of polar bears (2 kHz to 16 kHz and 300 hertz (Hz) to 1.5 kHz, respectively), and at an estimated sound source level above the Level B harassment threshold (202 decibels referenced to a pressure of 1 microPascal (dB re 1μPa)); however, this sound production will be highly directional and focused within a beam width of 20 degrees. The areas of increased sound (>160 dB re 1 μPa, or the Level B harassment threshold) due to airgun sound transmission will be up

to 3,188 m (10,459 ft) away from seismic source vessels, but the area in which sound would exceed PTS (or Level A harassment) thresholds would be no more than 10 m (33 ft) from the sound source.

Polar bear behavior is expected to be impacted by the presence of humans and equipment. In 2012 during the open-water season, Shell USA, Inc (Shell) vessels encountered a few polar bears swimming in ice-free water more than 112.6 km (70 mi) offshore in the Chukchi Sea. In those instances, the bears were observed to either swim away from or approach the Shell vessels, sometimes swimming around a stationary vessel before leaving. In at least one encounter, a polar bear approached, touched, and investigated a stationary vessel from the water before swimming away. We anticipate that polar bears that encounter vessels during the specified activities may have an evasive or curious response, similar to these reports. However, neither curious investigation nor swimming away are likely to result in the polar bear diving, which is typically seen during hunting. Further, we do not anticipate bears diving from ice floes into the water, as West Harrison Bay is anticipated to be ice free during high-resolution 3D seismic surveys.

Effects to Denning Polar Bears

Known polar bear dens around the oil fields and other areas of the North Slope are monitored by the FWS. These dens may be discovered opportunistically or through tracking of tagged individuals. However, these sites are only a small percentage of the total active polar bear dens for the SBS stock in any given year. Potential maternal polar bear dens may also be identified using AIR surveys. These surveys are conducted annually by North Slope operators in coordination with the FWS. If potential den locations are identified, operators who are operating under an incidental take authorization are required to coordinate with the FWS to avoid activity or potential disturbance within a designated distance of these areas. However, an unknown polar bear den may be encountered during Narwhal's activities. In instances when a previously unknown den is discovered near North Slope activities, the FWS has provided guidance to operators to implement mitigation measures such as an activity exclusion zone around the den and 24-hour monitoring of the den site.

The responses of denning polar bears to disturbance and the consequences of these responses can vary throughout the denning process. We divide the denning

period into four stages when considering impacts of disturbance: den establishment, early denning, late denning, and post-emergence; definitions and descriptions are provided by Woodruff et al. (2022a) and are also located in the 2021–2026 Beaufort Sea *Incidental Take Regulations* (ITR) (86 FR 42982, August 5, 2021). The stage at which harassment occurs defines the level of disturbance response (Level B harassment, Level A harassment, or Lethal) attributed to either the sow or cub(s), along with the probability of the specific response occurring (see *Denning Analysis*).

Impacts of the Specified Activities on Polar Bear Prey Species

Information on the potential impacts of the specified activities on polar bear prey species can be found in Supplemental Information to this document (available as described above in ADDRESSES).

Walrus: Human-Walrus Encounters

Pacific walruses (also referred to hereafter as “walruses”) do not inhabit the Beaufort Sea frequently. The likelihood of encountering walruses during industry operations is low and limited to the open-water season. During the time period of this IHA, industry operations may occasionally encounter small groups of walruses swimming in open water or hauled out onto ice floes or along the coast. Industry monitoring data have reported 49 walruses between 1995 and 2023, with only a few instances of disturbance to those walruses (AES Alaska 2015; USFWS unpublished data). If walruses are encountered during the activities proposed in this IHA, the interaction could potentially result in disturbance.

Anecdotal observations by walrus hunters and researchers suggest that males tend to be more tolerant of disturbances than females, and individuals tend to be more tolerant than groups. Females with dependent calves are considered least tolerant of disturbances. In the Chukchi Sea, disturbance events are known to cause walrus groups to abandon land or ice haulouts and occasionally result in trampling injuries or cow-calf separations, both of which are potentially fatal. Calves and young animals at terrestrial haulouts are particularly vulnerable to trampling injuries. However, due to the lack of previous walrus haulouts in West Harrison Bay, the most likely potential impacts of the specified activities include displacement from preferred foraging areas, increased stress, energy expenditure, interference with feeding,

and masking of communications. Any impact of human presence on walruses is likely to be limited to a few individuals due to their geographic range and seasonal distribution.

The reaction of walruses to vessel traffic is dependent upon vessel type, distance, speed, and previous exposure to disturbances. Walruses in the water appear to be less readily disturbed by vessels than walruses hauled out on land or ice. Furthermore, barges and vessels associated with industry activities travel in open water and avoid large ice floes or land where walruses are likely to be found. In addition, walruses can use a vessel as a haulout platform. In 2009, during industry activities in the Chukchi Sea, an adult walrus was observed hauled out on the stern of a vessel.

Walrus: Effects of In-Water Activities

Walruses hear sounds both in in-air and in-water. They have been shown to hear from 60 Hz to 23 kHz in air (Reichmuth et al. 2020). Tests of underwater hearing have shown their range to be between 1 kHz and 12 kHz with greatest sensitivity at 12 kHz (Kastelein et al. 2002). The underwater hearing abilities of the Pacific walrus have not been studied sufficiently to develop species-specific criteria for preventing harmful exposure. However, sound level thresholds have been developed for members of the “other marine carnivore” group of marine mammals (tables 1 and 2).

The specified activities may introduce substantial levels of noise into the marine environment at sound levels capable of causing a behavioral change or temporary or permanent damage to walrus hearing (table 2). However, the majority of the sound-producing instruments that will be used for SHS do not produce in-water sound above the threshold designated for Level B harassment or they do not produce sound within the hearing range of walruses. The echosounder and side-scan sonar will be operated at a frequency at or above 200 kilohertz (kHz), which is outside the hearing range for walruses (Southall et al. 2019). The sub-bottom profiler and sparker will produce sounds within the hearing range of walruses (2 kHz to 16 kHz and 300 hertz (Hz) to 1.5 kHz, respectively), and at an estimated sound source level above the Level B harassment threshold (202 dB re 1μPa); however, this sound production will be highly directional and focused within a beam width of 20 degrees. The areas of increased sound (≤ 160 dB re 1 μPa, or the Level B harassment threshold) due to airgun sound transmission will be up to 3,188

m (10,459 ft) away from seismic source vessels, but the area in which sound would exceed PTS (or Level A harassment) thresholds would be no more than 10 m (33 ft) from the sound source.

If walrus are present within the Level B harassment threshold up to 3,188 m (10,459 ft) away from seismic source vessels, noise may prevent ordinary communication between individuals and prevent them from locating one another. The noise may also prevent walrus from using potential habitats in West Harrison Bay and may have the potential to alter the frequency or duration of biologically significant behaviors such as feeding, foraging, or nursing. The most likely response of walrus to acoustic disturbances in open water would be for animals to move away from the source of the disturbance. Displacement from a preferred feeding area may reduce foraging success, increase stress levels, and increase energy expenditures.

Walrus: Effects of Aircraft Overflights

Aircraft overflights may disturb walrus. Reactions to aircraft vary with range, aircraft type, and flight pattern, as well as walrus age, sex, and group size. Adult females, calves, and immature walrus tend to be more sensitive to aircraft disturbance. Walrus are particularly sensitive to changes in engine noise and are more likely to stampede when planes turn or fly low overhead. Researchers conducting aerial surveys for walrus in sea ice habitats have observed little reaction to fixed-winged aircraft above 457 m (1,500 ft) (USFWS unpublished data). Although the intensity of the reaction to noise is variable, walrus are probably most susceptible to disturbance by fast-moving and low-flying aircraft (100 m (328 ft) above ground level) or aircraft that change or alter speed or direction. In the Chukchi Sea, there are recent examples of walrus being disturbed by aircraft flying in the vicinity of haulouts. It appears that walrus are more sensitive to disturbance when hauled out on land versus sea ice. However, as Pacific walrus only occur in low numbers in the South Beaufort Sea, with no known mass haulout sites, the impacts of aircraft are expected to be negligible.

Estimated Take

Definitions of Incidental Take Under the Marine Mammal Protection Act

Below we provide the circumstances under which the three types of take of polar bears or walrus may occur. The FWS does not anticipate and is not

authorizing either Level A harassment or lethal take as a part of this proposed IHA; however, an explanation of these take types is provided for context and background.

Lethal Take

Human activity may result in biologically significant impacts to polar bears. In the most serious interactions (e.g., vehicle collision, running over an unknown den causing its collapse), human actions can result in the mortality of polar bears. We also note that, while not considered incidental, in situations where there is an imminent threat to human life, polar bears may be killed. Additionally, though not considered incidental, polar bears have been accidentally killed during efforts to deter polar bears from a work area for safety and from direct chemical exposure (81 FR 52276, August 5, 2016). Unintentional disturbance of a female polar bear by human activity during the denning season may cause the female to abandon her cubs in the den before the cubs can survive on their own. Either scenario may result in the incidental lethal take of the cubs. Incidental lethal take of Pacific walrus could occur if the animal were directly struck by a vessel or trampled by other walrus in a human-caused stampede at a walrus haulout site.

Level A Harassment

Human activity may result in the injury of walrus or polar bears. Level A harassment, for nonmilitary readiness activities, is defined as any act of pursuit, torment, or annoyance that has the potential to injure a marine mammal or marine mammal stock in the wild.

Numerous actions can cause take by Level A harassment of polar bear cubs during the denning period, such as creating a disturbance that separates mothers from dependent cubs (Amstrup 2003), inducing early den emergence during the late denning period (Amstrup and Gardner 1994; Rode et al. 2018), instigating early departure from the den site during the post-emergence period (Andersen et al. 2024), or repeatedly interrupting the nursing or resting of cubs to the extent that it impacts the cubs' body condition. As with lethal take, walrus are most vulnerable to Level A harassment when congregated in haulouts. The risk of stampede-related injuries increases with the number of animals hauled out and with the duration spent on coastal haulouts. Calves and young are the most vulnerable to suffer injuries and/or mortality (88 FR 53510, August 8, 2023).

Level B Harassment

Level B harassment for nonmilitary readiness activities is defined as any act of pursuit, torment, or annoyance that has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, feeding, or sheltering. Changes in behavior that disrupt biologically significant behaviors or activities for the affected animal are indicative of take by Level B harassment under the MMPA. Such reactions include, but are not limited to, the following:

- Fleeing (running or swimming away from a human or a human activity);
- Displaying a stress-related behavior such as jaw or lip-popping, front leg stomping, vocalizations, circling, intense staring, or salivating for polar bears;
- Abandoning or avoiding preferred movement corridors such as ice floes, leads, polynyas, a segment of coastline, barrier islands, or other resting sites;
- Abandoning prey or feeding areas;
- Using a longer or more difficult route of travel instead of the intended path;
- Interrupting breeding, sheltering, or feeding;
- Moving away at a fast pace (adult) and polar bear cubs or walrus calves struggling to keep up;
- Temporary, short-term cessation of nursing or resting (cubs or calves);
- Ceasing to rest repeatedly or for a prolonged period (adults);
- Loss of hunting opportunity due to disturbance of prey; or
- Any interruption in normal polar bear denning behavior that does not cause injury, den abandonment, or early departure of the female polar bears with cubs from the den site.

This list is not meant to encompass all possible behaviors; other behavioral responses may be indicative of take by Level B harassment. Relatively minor changes in behavior such as the animal raising its head or temporarily changing its direction of travel are not likely to disrupt biologically important behavioral patterns, and the FWS does not view such minor changes in behavior as indicative of a take by Level B harassment. It is also important to note that eliciting behavioral responses that equate to take by Level B harassment repeatedly may result in Level A harassment.

Pacific Walrus: All Interactions

With the low occurrence of walrus in the Beaufort Sea and the adoption of the mitigation measures required by this

IHA, the FWS concludes that the only anticipated effects from the specified activities in the Beaufort Sea would be short-term behavioral alterations of small numbers of walrus. All walrus encounters within the geographic area in the past 10 years have been of solitary walrus or groups of two. The closest sighting of a grouping larger than two was outside the specified geographical area in 2013, when a vessel encountered a group of 15 walrus. Thus, while highly unlikely that a group of walrus will be encountered during the proposed activities, we estimate that no more than 15 Pacific walrus will be taken by Level B harassment during the specified activities. Harassment of no more than 15 Pacific walrus may occur from behavioral responses to vessels, or from behavioral changes in response to noise greater than 160 dB re 1 μ Pa created by high-resolution 3D seismic imaging.

Polar Bear: Surface-Based Interactions

Impact Area

To assess the area of potential impact from the project activities, we calculate the area affected by project activities where harassment is possible. We refer to this area as a zone or area of influence. Behavioral response rates of polar bears to disturbances are highly variable, and data to support the relationship between distance to polar bears and disturbance is limited. Dyck and Baydack (2004) found sex-based differences in the frequencies of vigilance bouts of polar bears in the presence of vehicles on the tundra. However, in their summary of polar bear behavioral response to ice-breaking vessels in the Chukchi Sea, Smultea et al. (2016) found no difference between reactions of males, females with cubs, or females without cubs. During the FWS's coastal aerial surveys, 99 percent of polar bears that responded in a way that indicated possible Level B harassment (polar bears that were running or began to run when detected or swim in response to the aircraft) did so within 1.6 km (1 mi), as measured from the ninetieth percentile horizontal detection distance from the flight line. Similarly, Andersen and Aars (2008) found that female polar bears with cubs (the most conservative group observed) began to walk or run away from approaching snowmobiles at a mean distance of 1,534 m (0.95 mi). Thus, while future research into the reaction of polar bears to anthropogenic disturbance may indicate a different zone of potential impact is appropriate, the current literature suggests that the application of a 1.6-km (1.0-mi) disturbance zone

will encompass the vast majority of polar bear harassment events.

Estimated Harassment

We estimated Level B harassment using the spatio-temporally specific encounter rates and temporally specific harassment rates derived in the 2021–2026 *Beaufort Sea ITR* (86 FR 42982, August 5, 2021) in conjunction with Narwhal's project operations footprint. Table 3 provides the definition for each variable used in the take formulas. Using the approaches described above, we estimated the total number of polar bears expected to be harassed by surface-based interactions during the proposed IHA period as a total of three bears (table 10).

TABLE 3—DEFINITIONS OF VARIABLES USED IN TAKE ESTIMATES OF NON-DENNING POLAR BEARS IN WEST HARRISON BAY, ALASKA

Variable	Definition
B_{es}	Bears encountered in zone of potential impact for the entire season.
a_c	Coastal exposure area.
a_i	Inland exposure area.
r_o	Occupancy rate.
e_{co}	Coastal open water season bear-encounter rate in bears/season.
e_{io}	Inland open water season bear-encounter rate in bears/season.
e_{ci}	Coastal ice season bear-encounter rate in bears/season.
e_{ii}	Inland ice season bear-encounter rate in bears/season.
t_i	Ice season harassment rate.
B_i	Number of estimated Level B harassment events.

The variables defined above were used in a series of formulas to ultimately estimate the total harassment from surface-level interactions. Encounter rates were originally calculated as polar bears encountered per square kilometer per season. As a part of their request, Narwhal provided the FWS with geospatial files indicating the location of all proposed ice roads, ice pads, tundra travel, vessel routes, staging areas, and SHS. The request also included the percent of time each component of the specified activities would be occupied by humans. These files were buffered by 1.6 km (1 mi) to calculate the area of disturbance.

Impact areas were multiplied by the appropriate encounter rate to obtain the number of polar bears expected to be encountered in an area of interest per season (B_{es}). The equation below (equation 1) provides an example of the calculation of polar bears encountered

in the ice season for an area of interest in the coastal zone.

Equation 1

$$B_{es} = a_c * e_{ci}$$

To generate the number of estimated Level B harassments for each area of interest, we multiplied the number of polar bears in the area of interest per season by the proportion of the season the area is occupied, the rate of occupancy, and the harassment rate (equation 2).

Equation 2

$$B_i = B_{es} * S_p * r_o * t_i$$

Aircraft Impacts on Polar Bears

Polar bears in the project area will likely be exposed to the visual and auditory stimulation associated with the applicant's fixed-wing and helicopter activities; however, these impacts are likely to be minimal and short-term. Aircraft activities may cause disruptions in the normal behavioral patterns of polar bears as either an auditory or visual stimulus, thereby resulting in incidental Level B harassment. To reduce the likelihood that polar bears are disturbed by aircraft, Narwhal has committed to multiple mitigation measures, such as minimum flight altitudes over polar bears, avoiding known areas of polar bear congregations, and restrictions on sudden changes to aircraft movements and direction. Once mitigated, such disturbances are expected to have no more than short-term, temporary, and minor impacts on individual polar bears.

Estimating Harassment Rates of Aircraft Activities

Harassment rates during aircraft activities were estimated using results from studies of fixed-wing aircraft and helicopter overflights (Quigley 2022; Quigley et al. 2024). In these studies, aerial searches along the northern coast of Alaska between Point Barrow and the western Canadian border were flown and polar bears were approached at different altitudes. Polar bears that did not exhibit behavioral changes consistent with harassment were then re-approached at progressively lower altitudes, reaching as low as 30 m (100 ft). Researchers recorded behavioral changes during these approaches and evaluated if and when Level B harassment occurred. Covariates examined were polar bear location ("barrier island" or "mainland"), initial behavior ("active" or "inactive"), group size, whether the polar bear belonged to a family group, and the number of previous overflights (*i.e.*, how many

times the group was re-approached to elicit a behavioral change). A Bayesian imputation approach accounted for polar bears that exhibited a behavioral change consistent with harassment on their first approach, thus lacking an identified altitude at which no harassment occurred due to a lack of a “non-harassment” observation. Their final model included location, activity level, and the number of previous overflights as predictors of the altitude at which a polar bear was harassed. For

our aircraft impacts analysis, we used harassment rates estimated for active polar bears observed on barrier islands, as they had the highest rates of harassment. We further assumed that no previous overflights were conducted. We provide harassment rates for the following five categories of flights: take-offs, landings, low-altitude flights (defined as those between 122 m [400 ft] and 305 m [1,000 ft] altitude), mid-altitude flights (defined as those between 305 m [1,000 ft] and 457 m [1,500 ft] altitude), and high-altitude

flights (defined as those between 457 m [1,500 ft] and 610 m [2,000 ft] altitude). Harassment rates were assigned to each of these flight categories using the harassment rate for the lowest altitude in the category (*e.g.*, for low-altitude flights, the harassment rate estimated for 122 m [400 ft] was used). This binning method of using the lowest altitude harassment rate in the bin allowed our estimates to be inclusive of possible changes in altitude due to variable flight conditions (table 4).

TABLE 4—HARASSMENT RATES FOR THE FIVE CATEGORIES OF FLIGHTS FOR FIXED-WING AIRCRAFT AND HELICOPTER OVERFLIGHTS

Flight category	Fixed-wing	Helicopter
Take-offs	0.99	>0.99
Landings	0.99	>0.99
Low-Altitude Flights (122–305 m)	0.86	>0.99
Mid-Altitude Flights (305–457 m)	0.03	0.82
High-Altitude Flights (457–610 m)	<0.01	0.05

Note: The rates in this table are based on Quigley et al. (2024). We used the harassment rate associated with 30 m (100 ft) for take-offs and landings.

Estimating Area of Impact for Aircraft Activities

For each category of the flight path (*i.e.*, take-off, low-altitude travel, mid-altitude travel, high-altitude travel, and landing), we calculated an impact area and duration of impact using flight hours or flight path information provided in the Request. We used flights logs available through FlightAware (<https://www.flightaware.com>), a website that maintains flight logs in the public domain, to estimate impact areas and flight hours for take-offs and landings. We estimated a take-off distance of 2.41 km (1.5 mi) that would be impacted for 10 minutes. We estimated a landing distance of 4.83 km (3 mi) per 305 m (1,000 ft) of altitude that would be impacted for 10 minutes per landing. To estimate the impact area of traveling segments, we subtracted the take-off and landing areas from the total area of the flight path. The duration of impact for traveling flights was either provided in the Request or calculated using the length of the flight and a conservative flight speed of 129 km/h (80 mph), which was approximately 1.5 minutes per 3.22 km (2 mi) of the flight path. All take-offs, landings, and traveling segments were then spatially referenced

to determine whether they were within the coastal or inland zones. The coastal zone is defined as the offshore and onshore areas within 2 km (1.2 mi) of the coastline, and the inland zone is defined as the onshore area greater than 2 km (1.2 mi) from the coastline. If no location or flight hour information was provided, flight paths were approximated based on the information provided in the Request. Of the flight paths that were described or addressed through assumptions, we marked the approximate flight path take-off and landing locations using ArcGIS Pro, and the flight paths were drawn. Once spatially referenced, all flight paths were buffered by 1.6 km (1 mi), which is consistent with aircraft surveys conducted by the FWS and U.S. Geological Survey (USGS) between August and October during most years from 2000 to 2014 (Schliebe et al. 2008; Atwood et al. 2015; Wilson et al. 2017). In these surveys, 99 percent of groups of polar bears that exhibited behavioral responses consistent with Level B harassment were observed within 1.6 km (1 mi) of the aircraft. To calculate the total number of Level B harassment events estimated due to the specified activities, we calculated the number of flight hours for each

flight category (*i.e.*, take-offs, low-altitude travel, mid-altitude travel, high-altitude travel, and landings) for each zone and season combination. These values were then used to calculate the proportion of the season that aircraft occupied their impact areas (*i.e.*, take-off area, landing area, or traveling segment impact areas). This proportion-of-season metric is equivalent to the occupancy rate (r_o) generated for surface-level interaction harassment estimates. The total impact area for each of the flight categories was multiplied by the zone and season-specific polar bear encounter rate (table 5) to determine the number of polar bears expected in that area for the season (*i.e.*, B_{es} , as seen in equation 1). This number was then multiplied by the proportion of the season to determine the number of polar bears expected in that area when flights are occurring, and the appropriate harassment rate based on flight altitude to estimate the number of polar bears that may be harassed as a result of the flights (as seen in equation 2). Table 6 shows a summary of aircraft operations during the specified activities and the values used to estimate Level B harassment of polar bears during aircraft operations.

TABLE 5—SEASONAL POLAR BEAR ENCOUNTER RATES BY ZONE

Coastal Zone Seasonal Encounter Rate	
Ice Season (November 12–July 18)	0.05 bears/km ²

TABLE 5—SEASONAL POLAR BEAR ENCOUNTER RATES BY ZONE—Continued

Open-water Season (July 19–November 11)	1.48 bears/km ²
Inland Zone Seasonal Encounter Rate	
Ice Season (November 12–July 18)	0.004 bears/km ²
Open-water Season (July 19–November 11)	0.005 bears/km ²

Note: This table is adapted from the 2021–2026 Beaufort Sea ITR (86 FR 42982, August 5, 2021).

Estimated Harassment from Aircraft Activities

Using the approaches described above, we estimated the total number of

polar bears expected to be harassed by the aircraft activities during the proposed IHA period as a total of two bear (table 6).

TABLE 6—ESTIMATED LEVEL B HARASSMENT OF POLAR BEARS IN PROJECT AREA BY YEAR AS A RESULT OF AIRCRAFT OPERATIONS DURING THE PROPOSED REGULATORY PERIOD

Activity	Ice season		Open-water season			
	Startup crew support	Operational support	Barge caretaker resupply	Lake survey	Archaeology survey	Summer clean-up and stick picking
Aircraft type	Helicopter	Fixed wing	Helicopter	Helicopter	Helicopter	Helicopter.
Altitude *	Low	High	Low	Low	Low	Low.
Total Flights	4	137	22	10	3	6.
Proportion of Season	0.0007	0.0326	0.0040	0.0109	0.0032	0.0130.
Proportion of Flight in Coastal Zone	0.33	0.38	0.33	0.26	0.38	0.35.
Proportion of Flight in Inland Zone	0.67	0.62	0.67	0.74	0.62	0.65.
Total Encounter Rate (bears/km ² /season) **	0.019	0.021	0.492	0.389	0.566	0.521.
Harassment Rate	0.99	0.05	0.99	0.99	0.99	0.99.
Flight Time Harassment	1.14×10^{-04}	2.85×10^{-04}	1.60×10^{-02}	3.42×10^{-02}	1.49×10^{-02}	5.48×10^{-02} .
Total Takeoffs and Landings combined	8	274	44	136	24	120.
Landing Time/Season	0.00011	0.00381	0.00133	0.00412	0.00073	0.0036.
Landing Time Harassment	0.00013	0.00446	0.04627	0.03754	0.02515	0.1257.
Takeoff Time/Season	0.00011	0.00381	0.00133	0.00412	0.00073	0.0036.
Takeoff Time Harassment	8.75×10^{-05}	0.00300	0.03108	0.02521	0.01689	0.0844.
Number Level B Harassment of Activity	0.00033	0.00774	0.09340	0.09691	0.05690	0.2650.
Total number of Level B harassments during Ice Season.	1		Total number of Level B harassments during Open Season		1	
Total number of level B harassments across all aircraft activities				2		

* High-altitude flight is defined as between 457 m [1,500 ft] and 610 m [2,000 ft] altitude. Low altitude is defined as between 122 m [400 ft] and 305 m [1,000 ft] altitude. There are no mid-altitude flights considered for this project.

** Accounts for unequal encounter rates over coastal and inland zones.

Denning Analysis

Below we provide a complete description, and results of the polar bear den simulation model used to assess impacts to denning polar bears from disturbance associated with all phases of the specified activities. In our denning analysis, we used the analytical method described in the 2024–2025 Bureau of Land Management Incidental Harassment Authorization (BLM IHA) (90 FR 2718, January 13, 2025).

Den Simulation

We simulated dens across the entire North Slope of Alaska, ranging from the areas identified as denning habitat (Durner et al. 2006, 2013; Durner and Atwood 2018) contained within the National Petroleum Reserve–Alaska (NPR–A) in the west to the Canadian border in the east. To simulate dens on the landscape, we relied on the estimated number of dens in three different regions of northern Alaska

provided by Atwood et al. (2020). These included the NPR–A, the area between the Colville and Canning Rivers (CC), and Arctic National Wildlife Refuge (NWR). Den simulations for this proposed IHA were conducted following the exact methodology described previously in the 2024–2025 BLM IHA (90 FR 2718, January 13, 2025).

Impact Area of Specified Activities

The model developed by Wilson and Durner (2020) provides a template for estimating the level of potential impact on denning polar bears during the specified activities while also considering the natural denning ecology of polar bears in the region. Previous iterations of the denning analysis model, including those utilized in the 2021–2026 Beaufort Sea ITR (86 FR 42982, August 5, 2021) and 2023–2024 BLM IHA (88 FR 88943, December 26, 2023), assumed that during all denning

periods, any polar bears within dens within 1.6 km (1 mi) from project activities could exhibit a disturbance response if exposed to industrial stimuli. However, for this IHA, as in the 2024–2025 BLM IHA (90 FR 2718, January 13, 2025), we refined that broad assumption to account for denning data that have been collected subsequent to the promulgation of the 2021–2026 Beaufort Sea ITR. Since 2021, four known dens (monitored in 2022 and 2023) have occurred near human activity. Of the four newly observed dens, three were extremely close to human activity (<50 m [<164 ft]), yet the sows remained in their dens until the late denning period. We updated polar bear disturbance probabilities and litter size distributions with the information from these dens, then re-examined the historic dens that were used to create disturbance probabilities. We found that the distances between human activity and polar bear dens during the early

denning period were considerably closer than those observed during other denning periods. Specifically, of the 17 dens within the case studies that were exposed to human activity during the early denning period, only one was potentially disturbed at a distance greater than 800 m (2,625 ft). This single den record also had imprecise information on the distance to human activity, so activity was assumed to occur within 1,610 m (5,282 ft) of the den and was likely closer. The historic dens analyzed during the den establishment, late denning, and post-emergence periods did not follow this pattern. For those dens, disturbance distances commonly exceeded 805 m (2,641 ft). Evidence derived from dens exposed to human activity during the early denning period, including both new den records and historic dens, illustrates the reluctance of sows to abandon their maternal den/cubs in response to exposure to stimuli from nearby activity, and supports the concept that sows may be more risk tolerant during the early denning period. Additionally, sows may be less affected by sound from outside activities during the early denning period because dens are typically closed during that time, which can affect propagation of noise into the den (Owen et al. 2020). Given this evidence, we modified the denning analysis model to adjust the impact area for the early denning period to range from 0 to 805 m (0 to 2,641 ft). As a result, dens that were simulated to be within 805 m (2,641 ft) of human activity could be disturbed during all denning periods, while dens between 806 and 1610 m (2,644 and 5,282 ft) away from human activity could only be disturbed during the den establishment, late denning, and post-emergence periods.

AIR Surveys

We assumed that all operational and transit areas that will be utilized during denning season would have two AIR surveys flown prior to beginning any operations (figures 1 and 2). The first survey would occur between December 1 and December 25, 2025, and the second survey between December 15, 2025, and January 10, 2026, with a minimum of 24 hours between surveys. During each iteration of the model, each AIR survey was randomly assigned a probability of detecting dens using detection probabilities previously described in the 2024–2025 BLM IHA (90 FR 2718, January 13, 2025).

Model Implementation

For each iteration of the model, we first determined which dens were

exposed to the specified activities. Dens that were simulated to be within 805 m (2,641 ft) of human activity could be disturbed during all denning periods, while dens within 806–1610 m (2,644–5,282 ft) of human activity could only be disturbed during the den establishment, late denning, and post-emergence periods. Dens detected during AIR survey were excluded if activity did not occur prior to AIR survey. We identified the stage in the denning period when the exposure occurred based on the date range of the activities the den was exposed to: den establishment (*i.e.*, initial entrance into den until cubs are born), early denning (*i.e.*, birth of cubs until they are 60 days old), late denning (*i.e.*, date cubs are 60 days old until den emergence) and post-emergence (*i.e.*, the date of den emergence until permanent departure from the den site). We then determined whether the exposure elicited a response by the denning polar bear based on probabilities derived from the reviewed case studies (Woodruff et al. 2022b), which were updated with data from the dens monitored in 2022 and 2023 using the methods described in Woodruff et al. (2022a).

Specifically, we divided the number of cases that documented responses associated with either a Level B harassment (*i.e.*, potential to cause a disruption of behavioral patterns), Level A harassment (*i.e.*, potential to injure an animal), or lethal take (*e.g.*, cub abandonment) of polar bears by the total number of cases with that combination of period and exposure type (table 7). Level B harassment was applicable to both adults and cubs, if present, whereas Level A harassment and lethal take were applicable to only cubs. AIR surveys were not considered to be a source of potential impact. In thousands of hours of AIR surveys conducted in northern Alaska over the last decade, we are not aware of a single instance of a polar bear abandoning its den during the early denning period due to an AIR survey overflight. These responses would be readily observable on the thermal cameras, and the fact that none have been observed indicates that den abandonment very likely does not occur given the brief duration of the aircraft overflight as well as the distance and altitude of the aircraft from the den site. Recent peer-reviewed research further supports the model assumption that AIR surveys are not a source of harassment (Quigley et al. 2024).

For dens exposed to activity, we used a multinomial distribution with the probabilities of different levels of take for that period (table 7) to determine whether a den was disturbed or not. If

a lethal take was simulated to occur, a den was not allowed to be disturbed again during the subsequent denning periods because the outcome of that denning event was already determined.

The level of impact associated with a disturbance varied according to the severity and timing of the exposure (table 7). Exposures that resulted in emergence from dens prior to cubs reaching 60 days of age were considered lethal takes of cubs. If an exposure resulted in a Level A harassment during the late denning period, we first assigned that den a new random emergence date from a uniform distribution that ranged between the first date of exposure during the late denning period and the original den emergence date. We then determined whether that den was disturbed during the post-emergence period, but the probability of disturbance was dependent on whether or not a den was disturbed (*i.e.*, Level A harassment) during the late denning period (table 7). If an exposure resulted in a Level A harassment during the post-emergence period, we assigned the den a new time spent at the den site post-emergence from a uniform distribution that ranged from 0 to the original simulated time at the den post-emergence.

Recent research suggests that litter survival is related to the date of den emergence and time spent at the den post-emergence (Andersen et al. 2024), with litters having higher survival rates the later they emerge in the spring, and the longer they spend at the den site after emergence. To determine if whether dens that were disturbed during the late denning and/or post-emergence period(s) experienced Level A harassment, we relied on estimates of litter survival in the spring following den emergence, derived from the analysis of empirical data on the dates of emergence from the den and departure from the den site (Andersen et al. 2024). These estimates are dependent on the date of emergence and time spent at the den site post-emergence. For each den disturbed during the late denning and/or post-emergence periods, we obtained a random sample of regression coefficients from the posterior distribution and calculated the probability of a litter surviving approximately 100 days post-emergence with the following equation:

Equation 3

$$\text{logit}(s) = \beta_0 + \beta_1 \text{emerge} + \beta_2 \text{depart}$$

where s is the probability of at least one cub being alive approximately 100 days post-emergence, β_0 is the intercept coefficient, β_1 is the coefficient associated with the Julian date of

emergence (*emerge*), and β_2 is the coefficient associated with the number of days the family group stayed at the den site post-emergence before departing (*depart*). These probabilities are based on estimates of litter survival derived from the analysis of empirical data on the dates of emergence from the

den and departure from the den site (Andersen et al. 2024).

We developed the code to run this model in program R (R Core Development Team 2020) and ran 10,000 iterations of the model (*i.e.*, Monte Carlo simulation) to derive the estimated number of dens disturbed and associated levels of harassment. We

then determined the number of cubs that would have lethal take, Level A harassment, and Level B harassment, and the number of females that would experience Level B harassment. Table 7 shows the probability of an exposure resulting in the types of harassment of denning polar bears.

TABLE 7—PROBABILITY THAT AN EXPOSURE ELICITED A RESPONSE BY DENNING POLAR BEARS THAT WOULD RESULT IN LEVEL B HARASSMENT, LEVEL A HARASSMENT, LETHAL TAKE, OR NO TAKE

Denning period	None (sow or cub(s))	Level B (sow)	Level B (cub(s))	Level A (cub(s))	Lethal (cub(s))
Den Establishment	0.750	0.250	0.000	0.000	0.000
Early Denning	0.923	0.077	0.000	0.000	0.077
Late Denning	0.684	0.316	0.000	0.316	0.000
Post Emergence—Previously Undisturbed Den	0.000	1.000	0.316	0.684	0.000
Post Emergence—Previously Disturbed Den	0.000	1.000	0.667	0.333	0.000

Note: Level B harassment was applicable to both adults and cubs, if present; Level A harassment and lethal take were applicable to cubs only and were not possible during the den establishment period, which ended with the birth of the cubs. During the early denning period, there was no Level A harassment for cubs, only lethal take. We provide two sets of take probabilities for the post-emergence period. The first (Post-emergence—Undisturbed) is the set of probabilities when a den has not been disturbed during the late denning period. The second (Post-emergence—Disturbed) is the set of probabilities for a den that was disturbed during the late denning period (Rode et al. 2018; Andersen et al. 2024).

Model Results

In the denning model both sows and cubs may experience Level B harassment, however, only cubs can experience either Level A harassment or lethal take (see *Model Implementation* and table 7 for further detail). The distributions of model results for Level B harassments, Level A harassments, and Lethal takes, were non-normal and heavily skewed. The heavily skewed nature of these distributions suggests that the mean value is not representative

of the most common model result. Therefore, mean is not an appropriate measure of potential denning related harassments. However, the median value, which is the midpoint value of a frequency distribution of all model results, is a more precise estimator of common model results when the distribution displays a non-normal and heavily skewed pattern. In all three take scenarios, Level B harassment, Level A harassment, and Lethal take, the median value was zero (0), with 95 percent confidence intervals ranging between 0–

2 for both Level B and Level A harassment, and from 0–1 for Lethal take (table 8). Table 8 also shows the probability of Level B harassment was the highest (0.220), followed by Level A harassment (0.123), lowest for lethal take (0.018). As a result of these model outputs, we anticipate zero (0), and therefore do not authorize any, Level B harassment, Level A harassment, or Lethal take associated with denning polar bears during the 1-year period of this proposed IHA.

TABLE 8—RESULTS OF THE DEN DISTURBANCE MODEL FOR ANY GIVEN WINTER OF PROPOSED ACTIVITY

Level of harassment/take	Estimates *			
	Probability	Mean	Median	95% CI
Level B Harassment	0.22	0.28	0	0–2
Level A Harassment	0.12	0.23	0	0–2
Lethal Take	0.02	0.03	0	0–1

Note: * Estimates are provided for the probability, mean, median, and 95 percent Confidence Intervals (CI) for Level B harassment, Level A harassment, and Lethal take. The probabilities represent the probability of ≥1 take of a bear occurring during a given winter.

Maritime Activities

Narwhal's specified activities include maritime transport of personnel and equipment (*i.e.*, barging and resupply) and activities to actively survey the project area (*i.e.*, bathymetric and -high-resolution 3D seismic surveys). The bathymetric and seismic surveys will introduce sound into the water as described in this Proposed IHA under "Description of Specified Activities and Specified Geographic Region". Except for the 1,721-cm³ (105-in³) airgun that will be used in the high-resolution 3D

seismic surveys, the equipment will either produce sound at a frequency outside of the hearing range of polar bears, or in an extremely directed and narrow area. Narwhal has indicated the airgun will create impulsive noise at approximately 231.0 dB re 1μPa peak SPL, and its use will result in ≥160 dB re 1μPa noise in an area up to 3,188 m (10,459 ft) surrounding the sound source. As described in "Potential Impacts of the Specified Activities on Marine Mammals," polar bears experiencing underwater noise ≥ 160 dB re 1μPa may exhibit behavioral

responses that are indicative of Level B harassment. However, polar bears rarely swim with their heads under water unless diving or actively hunting. We do not anticipate polar bears to be actively diving or hunting within 3,188 m (10,459 ft) of survey vessels in the water. Thus, we do not estimate that harassment due to ensonification will occur as a result of the specified activities. However, the applicant has included in their request the estimated harassment of polar bears through behavioral change in response to in-water sound.

We estimated the number of polar bears that may exhibit Level B harassment resulting from interactions with vessel traffic in a manner similar to that used to generate aircraft disturbance estimates. Narwhal has supplied the highest expected number of trips that may be taken during specified activities, including placement of staging barges and resupply of summer surveys in West Harrison Bay. While resupply trips may originate from West Dock in Prudhoe Bay or from Oliktok Point, we conservatively used the longer trip originating from West Dock in harassment estimates. The impact area of the barge/tug combination moves in its route from one

location to the next. We estimated a 16.5-km² (6.37-mi²) take area for vessels, which accounts for the greatest footprint anticipated, that of a barge, tow, and tug with a length of 200 m (656 ft) and a width of 100 m (328 ft), and a 1.6-km (1-mi) buffer surrounding the vessels. When a finite number of trips was supplied, we calculated the total hours of impact using an average vessel speed of two knots (3.7 km/hr). Polar bears are known to spend a biologically consequential portion of their time in coastal waters (Stirling 1974; Lone et al. 2018) and no polar bear-specific study has been conducted to establish an in-water only encounter rate. Furthermore, bear densities likely vary spatially from

near shore to deeper waters. Therefore, we used the same coastal zone seasonal encounter rates for the open water season as described in “*Estimating Area of Impact for Aircraft Activities*” to conduct our vessel analysis. The hours of impact were then used to calculate the proportion of the open-water season that would be impacted (table 9). We acknowledge that the coastal zone seasonal encounter rate is a conservative estimate for an in-water encounter rate, especially for deeper offshore waters. However, without data developed specifically for an estimation of polar bears in-water densities it presents the best available data.

TABLE 9—CALCULATION OF THE TOTAL NUMBER OF BARGE AND TUG VESSEL TRIP HOURS AND THE PROPORTION OF THE SEASON POLAR BEARS MAY BE IMPACTED IN A 16.5-KM² IMPACT AREA BY BARGE/TUG PRESENCE

Vessel activity	Hours per day or event	Number of days or events	Area of impact	Proportion of season	Encounter rate	Harassment rate	Number of harassments
Barge Deployment	119	1 trip	132 km ²	0.04	1.48	0.19	1.6
Resupply Vessels from West Dock	39	45 trips	16.5 km ²	0.62	1.48	0.19	2.9
Bathymetry Vessels	12	18 days	33 km ²	0.07	1.48	0.19	0.7
High Resolution Seismic Support Vessel	12	30 days	49.5 km ²	0.13	1.48	0.19	1.8
High Resolution Seismic Source Vessels	12	30 days	24.4 km ²	0.13	1.48	0.19	0.9
Total Estimated Level B Harassments							7.9

The number of estimated takes was then calculated using equation 2, in which the impact area is multiplied by encounter rate, proportion of season, and harassment rate for the open-water season. The final number of estimated Level B harassment events from barge/tug trips and potential interactions between seismic vessels and polar bears was 7.9, rounded to eight polar bears for the duration of activities.

Sum of Take From All Sources

The applicant proposes to conduct SHS, preliminary field surveys, exploratory drilling operations, and summer cleanup activities in West Harrison Bay, Alaska, from August 1, 2025, through July 31, 2026. A summary of total estimated take for both walrus and polar bears via Level B harassment during the project by source is provided in table 10. Neither lethal take nor Level A harassment would occur outside of denning polar bears because the level of sound and visual stimuli experienced by polar bears on the surface or in the water would not be significant enough to result in injury or death. Denning polar bears, however, may be subject to repeated exposures, significant energy expenditure from den abandonment or departure, or potential impacts to a cub if the den is abandoned or departed prematurely. The probability of greater than or equal to one Level A harassment

or lethal take is 0.171 and 0.032, respectively. As a result of these model outputs, we do not anticipate nor authorize any Level B harassment, Level A harassment, or Lethal take associated with denning polar bears during the 1-year period of this proposed IHA.

TABLE 10—TOTAL ESTIMATED TAKES BY LEVEL B HARASSMENT OF POLAR BEARS AND PACIFIC WALRUSES BY SOURCE

Source	Number of estimated Level B harassments
Polar bears	
Bears on the surface	3
Vessel activities	8
Winter activities—Denning bears	0
Aircraft activities	2
Polar bear total	13
Pacific walrus	
Vessel activities	15
Pacific walrus total	15

Critical Assumptions

In order to conduct this analysis and estimate the potential amount of Level B harassment, several critical assumptions were made.

Level B harassment is equated herein with behavioral responses that indicate harassment or disturbance. There is likely a portion of animals that respond in ways that indicate some level of disturbance but do not experience significant biological consequences. Our estimates do not account for variable responses by polar bear age and sex; however, sensitivity of denning polar bears was incorporated into the analysis. The available information suggests that polar bears are generally resilient to low levels of disturbance. Females with dependent young and juvenile polar bears are physiologically the most sensitive (Andersen and Aars 2008) and most likely to experience harassment from disturbance. There is not enough information on composition of the SBS polar bear stock in the specified project area to incorporate individual variability based on age and sex or to predict its influence on harassment estimates. Our estimates are derived from a variety of sample populations with various age and sex structures, and we assume the exposed population will have a similar composition and that, therefore, the response rates are applicable.

The estimates of behavioral response presented here do not account for the individual movements of animals away from the project area or differential response of animals to noise or human

presence due to past experiences. Our assessment assumes animals remain stationary (*i.e.*, density does not change). There is not enough information about the movement of polar bears in response to specific disturbances to refine this assumption.

The SBS polar bears do create maternal dens on the sea ice, and the specified activities may occur on sea ice close to the shoreline. The den simulation used in our analysis does not simulate dens on the sea ice. However, the portions of the sea ice that may be impacted by the specified activities are shore-fast ice, which does not typically move in a way that creates pressure ridges needed to create sufficient denning habitat.

Determinations and Findings

In making these findings, we considered the best available scientific information, including: the biological and behavioral characteristics of the species; the most recent information on species distribution and abundance within the area of the specified activities, the current and expected future status of the stock (including existing and foreseeable human and natural stressors), the potential sources of disturbance caused by the project; and the potential responses of marine mammals to this disturbance. In addition, we reviewed applicant-provided materials; information in our files and datasets, published reference materials, and information provided by species experts.

Small Numbers

For our small numbers determination, we consider whether the estimated number of polar bears and Pacific walrus to be subjected to incidental take are respectively small relative to the population size of the species or stock.

1. As stated previously, walrus are extralimital in the Beaufort Sea, with nearly the entire walrus population found in the Chukchi and Bering Seas. Industry monitoring reports have observed no more than 49 walrus between 1995 and 2023, with only a few observed instances of disturbance to those walrus (AES Alaska 2015; USFWS unpublished data). Between those years, observations were typically of a single or two animals, often separated by several years. At most, only a tiny fraction of the Pacific walrus population—which is comprised of hundreds of thousands of animals (Beatty et al. 2022)—may be found in areas potentially affected by Narwhal's specified activities. We do not anticipate that seasonal movements of a

few walrus into the Beaufort Sea will significantly increase over the 1-year period of this IHA. The estimated take of 15 Pacific walrus per year from a population numbering approximately 257,193 animals represents 0.005 percent of that population ($(15 \div 257,193) \times 100 \approx 0.005$ percent). We therefore find that the industry activities specified in Narwhal's request would result in only a small number of incidental harassments of walrus.

We estimate that Narwhal's proposed specified activities in the specified geographic region will cause no more than harassment (Level B) to 13 polar bears during the 1-year period of this proposed IHA (see *Sum of Take from All Sources*). Take of 13 animals is 1.4 percent of the best available estimate of the current SBS stock size of 907 animals (Bromaghin et al. 2015; Atwood et al. 2020; $((13 \div 907) \times 100 \approx 1.4$ percent) and represents a "small number" of polar bears of that stock.

2. The footprint of the specified activities within the specified geographic region is small relative to the range of the Pacific walrus and the SBS stock of polar bear. Walrus and SBS polar bears range well beyond the boundaries of the proposed IHA region. As such, the IHA region itself represents only a subset of the potential area in which these species may occur. Thus, the FWS concludes that a small portion of the Pacific walrus and SBS polar bear populations may be present in the specified geographic region during the time of the specified activities.

Small Number Conclusion

We propose a finding that take of up to 15 Pacific walrus and 13 SBS polar bears represents a small number of each stock.

Negligible Impact

For our negligible impacts determination, we consider the following:

1. The documented impacts of previous activities similar to the specified activities on Pacific walrus and polar bears, and, taking into consideration the baseline of existing impacts from factors such as oil and gas activities in the area and other ongoing or proposed incidental take authorizations, suggests that the types of specified activities will have minimal effects on Pacific walrus and polar bears. Additionally, the effects will be limited to short-term, temporary behavioral changes, or minor injury. Furthermore, our analyses do not indicate, nor do we anticipate, any take by Level A harassment or lethal take of either Pacific walrus or polar bears

during the 1-year period of this proposed IHA. Therefore, we anticipate that the specified activities will not have lasting impacts that could significantly affect an individual Pacific walrus or polar bear's health, reproduction, or survival. The limited extent of anticipated impacts on Pacific walrus and polar bears—*i.e.*, temporary and minor behavioral disturbances associated with Level B harassment—is unlikely to adversely affect annual rates of Pacific walrus or polar bear survival or recruitment.

2. The distribution and habitat use patterns of Pacific walrus and polar bears indicate that relatively few Pacific walrus and polar bears will occur in the specified areas of activity at any time and, therefore, few Pacific walrus and polar bears are likely to be affected.

3. Narwhal has committed to the implementation of monitoring requirements and mitigation measures designed to reduce the potential impacts of their operations on Pacific walrus and polar bears. Den detection surveys for polar bears, along with, adaptive mitigation and management responses based on real-time monitoring information (described in this proposed authorization) will be used to avoid or minimize interactions with either Pacific walrus or polar bears and, therefore, limit potential disturbance of these species.

We also consider the conjectural or speculative impacts associated with these specified activities. The specific congressional direction described below justifies balancing the probability of such impacts with their severity: If potential effects of a specified activity are conjectural or speculative, a finding of negligible impact may be appropriate. A finding of negligible impact may also be appropriate if the probability of occurrence is low, but the potential effects may be significant. In this case, the probability of occurrence of impacts must be balanced with the potential severity of harm to the species or stock when determining negligible impact. In applying this balancing test, the FWS will thoroughly evaluate the risks involved and the potential impacts on marine mammal populations. Such determination will be made based on the best available scientific information (54 FR 40338, September 29, 1989, quoting 53 FR 8473, March 15, 1988, and 132 Cong. Rec. S 16305 (October 15, 1986)).

The potential effects of most concern here, specific to polar bears, is the mortality of polar bear cubs that could result from disturbances during certain periods of the denning season. The FWS estimated that the probability of greater

than or equal to one lethal take that is likely to result in the mortality of a denning polar bear is zero within the 1-year period of this proposed IHA. Therefore, the FWS does not anticipate any lethal take will occur during the IHA period. If a den is disturbed and lethal take were to occur, this take would be limited to only cubs during the denning period. Denning females, the demographic group most important to annual recruitment, are limited to take by Level B harassment. Therefore, the number of potentially available reproductive females that would contribute to recruitment for the SBS stock would remain unaffected if a den disturbance were to result in the mortality of the cubs.

The SBS stock of polar bears is currently estimated as 907 polar bears (Bromaghin et al. 2015, 2021; Atwood et al. 2020). The loss of one litter ranges from 0 percent (0 cubs) to approximately 0.33 percent (3 cubs) of the annual SBS stock size of polar bears $((0 \text{ cubs to } 3 \text{ cubs}) \div 907) \times 100 \approx 0 \text{ to } 0.33$. Cub litter survival was estimated at 50 percent (90 percent CI: 33–67 percent) for the SBS stock during 2001–2006 (Regehr et al. 2010). A female may lose her litter for several reasons separate from den disturbance. The determining factor for polar bear stock growth is adult female survival (Eberhardt 1990). Consequently, the loss of female cubs has a greater impact on annual recruitment rates for the SBS stock of polar bears compared to male cubs. If a den disturbance were to result in the mortality of the entire litter, the female would be available to breed during the next mating season and could produce another litter during the next denning season.

Based on our projected zero cub mortality associated with these specified activities, and the recognition that even if a den is disturbed, the number of potentially affected cubs would be minimal and the number of reproductive females in the stock would remain the same, the FWS does not anticipate that the conjectural or speculative impacts associated with these specified activities warrant a finding of non-negligible impact or otherwise preclude issuance of this proposed IHA. The potential effects of greatest concern to walrus are associated with human-induced stampedes at walrus coastal haulout sites. Hauled out walrus tend to be in close physical contact, with groups ranging from a few animals up to tens of thousands of individuals—the largest aggregations occurring at land haulouts (Gilbert 1999, Monson et al. 2013, USFWS 2017). Intra-specific trauma at coastal haulouts

is a known source of injury and mortality (Garlich-Miller et al. 2011). The risk of stampede-related injuries increases with the number of animals hauled out and with the duration spent on coastal haulouts. Calves and young are the most vulnerable to suffer injuries and/or mortality (USFWS 2017). There has never been a reported large coastal haulout site located in the South Beaufort Sea, nor is there any reason to suspect a large coastal haulout may occur in the near future given the extremely low density and transient nature of walrus in the region. Therefore, the FWS does not anticipate that the conjectural or speculative impacts associated with these specified activities warrant a finding of non-negligible impact or otherwise preclude issuance of this proposed IHA.

We reviewed the effects of the specified activities on polar bears, including impacts from surface interactions, aircraft overflights, and den disturbance. We also reviewed the effects of the specified activities on Pacific walrus including vessel activity, which is the primary source of potential exposure during the specified activities. Based on our review of these potential impacts, past monitoring reports, and the biology and natural history of polar bears, we anticipate that such effects will be limited to short-term behavioral disturbances.

We have evaluated climate change regarding Pacific walrus and polar bears as part of the environmental baseline. Climate change is a global phenomenon and was considered as the overall driver of effects that could alter Pacific walrus and polar bear habitat and behavior. The FWS is currently involved in research to understand how climate change may affect Pacific walrus and polar bears. As we gain a better understanding of climate change effects, we will incorporate the information in future authorizations.

We find that the impacts of these specified activities cannot be reasonably expected to, and are not reasonably likely to, adversely affect either Pacific walrus or SBS polar bears through effects on annual rates of recruitment or survival. We therefore find that the total of the taking estimated above and proposed for authorization will have a negligible impact on Pacific walrus and SBS polar bears.

Impact on Subsistence Use

Based on past community consultations, locations of hunting areas, no anticipated overlap of hunting areas and industry projects, and the best scientific information available, including monitoring data from similar

activities, we propose a finding that take caused by the specified activities will not have an unmitigable adverse impact on the availability of walrus or polar bears for taking for subsistence uses during the proposed timeframe.

While walrus and polar bears represent a small portion, in terms of the number of animals, of the total subsistence harvest for the Utqiagvik, Nuiqsut, and Kaktovik communities, their harvest is important to Alaska Natives. The project activities are in close proximity to an established industrial area, with the closest known common polar bear harvest locations greater than 70 km (43.5 mi) away. Walrus harvest from Nuiqsut and Kaktovik is opportunistic, and none of the walrus harvests for Utqiagvik, Nuiqsut, or Kaktovik from 2014 through 2022 have occurred within the area of specified activities. Narwhal has committed to notify the Village of Kaktovik and Village of Nuiqsut of the planned activities and document any discussions of potential conflict. Narwhal will make reasonable efforts to ensure that activities do not interfere with subsistence hunting and that adverse effects on the availability of walrus or polar bears are minimized. Should such a concern be voiced, Narwhal will develop a plan of cooperation (POC) that identifies measures to minimize any adverse effects. The POC will ensure that project activities will not have an unmitigable adverse impact on the availability of the species or stock for subsistence uses. This POC must provide the procedures addressing how Narwhal will work with the affected Alaska Native communities and what actions will be taken to avoid interference with subsistence hunting of walrus or polar bears, as warranted.

The FWS is not aware of information that indicates that walrus or polar bears will be deterred from hunting areas or impacted by the specified project activities in any way that diminishes their availability for subsistence use.

Least Practicable Adverse Impact

We evaluated the practicability and effectiveness of mitigation measures based on the nature, scope, and timing of the specified activities; the best available scientific information; and monitoring data during industry activities in the specified geographic region. We propose a finding that the mitigation measures included within Narwhal's request will ensure least practicable adverse impacts on walrus and polar bears and also ensure no unmitigable adverse impacts to the

availability of polar bears or walruses for subsistence use.

Polar bear den surveys at the beginning of the winter season; the resulting 805 m (0.5-mi) operational exclusion zone around all known polar bear dens, 24-hour monitoring of any den site located within the 805 m buffer of activity; and restrictions on the timing and types of activities in the vicinity of dens will minimize impacts to denning female polar bears and their cubs during this critical period. Minimum flight elevations over polar bear areas and flight restrictions around observed polar bears and known polar bear dens will reduce the potential for aircraft disturbing polar bears. Finally, Narwhal will implement mitigation measures to prevent the presence and impact of attractants in camps, such as the use of wildlife-resistant waste receptacles, daily food waste incineration, and storage of hazardous materials in drums or other secure containers. These measures are outlined in a polar bear interaction plan that was developed in coordination with the FWS and is part of Narwhal's application for this IHA. Based on the information we currently have regarding den and aircraft disturbance and polar bear attractants, we concluded that the mitigation measures outlined in Narwhal's request (ECO49 Consulting LLC 2024) and incorporated into this authorization will minimize impacts from the specified SHS, preliminary field surveys, exploratory drilling operations, and summer cleanup activities to the extent practicable.

Several additional potential mitigation measures were considered but determined to be not practicable. These measures are listed below:

- *Required use of helicopters for AIR surveys*—Use of helicopters to survey active dens might lead to greater levels of disturbance and take compared to fixed-wing aircraft. Additionally, there is no published data to indicate increased den detection efficacy of helicopter AIR.

- *Grounding all flights if they must fly below 457 m (1,500 ft)*—Requiring all aircraft to maintain an altitude of 457 m (1,500 ft) at all times is not possible, as some operations may require flying below 457 m (1,500 ft) to perform necessary inspections or maintain safety of flight crew. Aircraft are required to fly above 457 m (1,500 ft) at all times within 805 m (0.5 mi) of an observed polar bear unless there is an emergency or critical logistical need, such as medical supply delivery or fuel resupply.

- *Spatial and temporal restrictions on surface activity*—Some spatial and

temporal restrictions of operations were included in Narwhal's request; however, imposing further restrictions would risk preventing the accomplishment of project objectives.

- *One-mile buffer around all known polar bear denning habitat*—Creating one-mile (1.6-km) buffers around all known polar bear denning habitat is not practicable, as much of Narwhal's proposed survey area occurs within 1.6 km (1 mi) of denning habitat; thus, to exclude all areas within 1.6 km (1 mi) of denning habitat would preclude surveys from occurring.

- *One-mile exclusionary buffer around dens detected within project area*—establishing a 1.6 km (1-mi) exclusionary buffer around located den sites was deemed impracticable due to: (1) potential conflict with ringed seal mitigation measures as required by the National Marine Fisheries Service (NMFS); (2) risks to human health and safety imposed by moving the sea ice road away from grounded sea ice; and (3) logistical impracticalities. However, Narwhal will establish an 805 m (0.5 mi) exclusionary buffer around any dens located within the project area and provide 24-hour monitoring of a den site located within an exclusionary buffer. Narwhal's project activities utilize coastal areas that may overlap with both polar bear and ringed seal habitat. Travel routes will be conducted on grounded sea ice whenever possible. Should a den be discovered in the coastal area, a 1.6 km (1-mi) buffer could force the travel route off of the grounded sea ice, which has the potential to disturb ringed seal layers and is in conflict with NMFS mitigation measures. Additionally, a road not on grounded sea ice may not be able to support the transit load, resulting in risks to human health and safety.

- *Prohibition of driving over high-relief areas, embankments, or stream and river crossings*—While the denning habitat must be considered during tundra travel, complete prohibition is not practicable for operational and safety reasons (e.g., not being able to access project areas or evacuating personnel via the fastest route possible in an emergency).

- *Use of a broader definition of "denning habitat" for operational offsets*—There is no available data to support broadening the defining features of denning habitat beyond that established by the USGS. Such a redefinition would cause an increase in the area surveyed for maternal dens, and the associated increase in potential harassment of polar bears on the surface would outweigh the mitigative benefits.

- *Establishment of corridors for sow and cub transit to the sea ice*—As there is no data to support the existence of natural transit corridors to the sea ice, establishment of corridors in the IHA area would be highly speculative. Therefore, there would be no mitigative benefit realized by their establishment.

- *Requirement of third-party neutral marine mammal observers*—The applicant has committed to the use of a dedicated lead marine mammal observer and other project personnel serving as designated marine mammal observers during high-resolution seismic surveys. However, operational constraints prevent the applicant from hiring third-party marine mammal observers for all operations due to space considerations. Additional crew may also require additional transit vehicles or larger vessels, which could increase disturbance.

- *Require a mandatory shutdown or power-down if a polar bear or walrus enters the 160-dB ensonification zone*—Vessels will avoid polar bears and walruses in the water to the extent practicable; however, the size of the Level B ensonification zone (3,188 m (10,459 ft) from the sound source) created by the airgun is too big to effectively observe and a walrus or polar bear may enter the Level B zone without being seen. The Level A ensonification zones are so small (10 m (33 ft) or less from the sound source) that the sound pressure levels associated with Level A harassment are inside the vessel's footprint and would not be exceeded at any measurable distance from the source vessel.

- *Require all activities to cease if a walrus or polar bear is injured or killed until an investigation is completed*—The FWS has incorporated into this proposed authorization reporting requirements for all polar bear interactions. While it may aid in any subsequent investigation, ceasing all activities may not be possible or safe in certain circumstances, and thus will not be mandated.

- *Require use of den detection dogs*—It is not feasible or safe to require scent-trained dogs to detect dens due to the large spatial extent that would need to be surveyed within activity areas.

- *Require the use of handheld or vehicle-mounted Forward Looking Infrared (FLIR)*—The efficacy rates for AIR have been found to be four times more likely to detect dens than ground-based FLIR (handheld or vehicle-mounted FLIR) due to impacts of blowing snow on detection. Narwhal has incorporated into their mitigation measures the use of handheld or vehicle-mounted FLIR when transiting

rivers occurring in suitable denning habitat, but it is not practicable to use the equipment during all transit.

References Cited

A list of the references cited in this notice may be found at <https://www.regulations.gov> under Docket No. FWS-R7-ES-2025-0021.

Required Determinations

National Environmental Policy Act (NEPA)

We have prepared a draft environmental assessment in accordance with the NEPA (42 U.S.C. 4321 *et seq.*). We have preliminarily concluded that authorizing the nonlethal, incidental, unintentional take by Level B harassment of up to 15 individuals from the Pacific walrus population and 13 individuals from the SBS stock of polar bears in the specified geographic region during the specified activities during the regulatory period would not significantly affect the quality of the human environment and, thus, preparation of an environmental impact statement for this incidental harassment authorization is not required by section 102(2) of NEPA or its implementing regulations. We are accepting comments on the draft environmental assessment as specified above in **DATES** and **ADDRESSES**.

Endangered Species Act (ESA)

Under the Endangered Species Act (16 U.S.C. 1536(a)(2)), all Federal agencies are required to ensure the actions they authorize are not likely to jeopardize the continued existence of any threatened or endangered species or result in destruction or adverse modification of critical habitat. Prior to issuance of a final IHA, the FWS will complete intra-Service consultation under section 7 of the ESA on our proposed issuance of an IHA. These evaluations and findings will be made available on the FWS's website at: <https://ecos.fws.gov/ecp/report/biological-opinion>.

Government-to-Government Consultation

It is our responsibility to communicate and work directly on a Government-to-Government basis with federally recognized Tribes in developing programs for healthy ecosystems. We are also required to consult with Alaska Native Claims Settlement Act (ANCSA) Corporations in certain circumstances. We seek their full and meaningful participation in evaluating and addressing conservation concerns for protected species. It is our goal to remain sensitive to Alaska

Native culture, and to make information available to Alaska Natives. Our efforts are guided by the following policies and directives:

(1) The Native American Policy of the Service (January 20, 2016);

(2) The Alaska Native Relations Policy (currently in draft form; see 87 FR 66255, November 3, 2022);

(3) Executive Order 13175 (January 9, 2000);

(4) Department of the Interior Secretary's Orders 3206 (June 5, 1997), 3225 (January 19, 2001), 3317 (December 1, 2011), 3342 (October 21, 2016), and 3403 (November 15, 2021), as well as Director's Order 227 (September 8, 2022);

(5) Alaska Government-to-Government Policy (a departmental memorandum issued January 18, 2001); and

(6) Department of the Interior's policies on consultation with Alaska Native Tribes and Organizations.

We have evaluated possible effects of the proposed IHA on federally recognized Alaska Native Tribes and ANCSA Corporations. The FWS has determined that authorizing the Level B harassment of up to 15 walrus and 13 polar bears from Narwhal's specified activities would not have any Tribal implications or ANCSA Corporation implications and, therefore, Government-to-Government consultation or Government-to-ANCSA Corporation consultation is not necessary. However, we invite continued discussion, either about the project and its impacts or about our coordination and information exchange throughout the IHA/POC public comment process.

Paperwork Reduction Act

This rule does not contain any new collection of information that requires approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). OMB has previously approved the information collection requirements associated with IHAs and assigned OMB Control Number 1018-0194 (expires 8/31/2026). 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.

Proposed Authorization

We propose to authorize the nonlethal, incidental take by Level B harassment of 15 individuals from the Pacific walrus population and 13 individuals from the SBS stock of polar bears. Authorized take will be limited to disruption of behavioral patterns that

may be caused by the shallow hazard surveys, preliminary field surveys, exploratory drilling operations, and summer cleanup activities by Narwhal, LLC in West Harrison Bay, Alaska, from August 1, 2025, through July 31, 2026. We do not anticipate or authorize any take by Level A harassment, injury, or death to polar bears resulting from these activities.

A. General Conditions for the IHA for Narwhal

1. Activities must be conducted in the manner described in the Revised Request dated April 2025 (received by the FWS April 3, 2025) for an IHA and in accordance with all applicable conditions and mitigation measures. The taking of walrus or polar bears whenever the required conditions, mitigation, monitoring, and reporting measures are not fully implemented as required by the IHA is prohibited. Failure to follow the measures specified both in the revised request and within this proposed authorization may result in the modification, suspension, or revocation of the IHA.

2. If project activities cause unauthorized take (*i.e.*, take of more than 15 walrus or 13 polar bears from the SBS stock, a form of take other than Level B harassment, or take of one or more polar bears through methods not described in the IHA), Narwhal must take the following actions:

- i. Cease its activities immediately (or reduce activities to the minimum level necessary to maintain safety);
- ii. Report the details of the incident to the FWS within 48 hours; and
- iii. Suspend further activities until the FWS has reviewed the circumstances and determined whether additional mitigation measures are necessary to avoid further unauthorized taking.

3. All operations managers, vehicle operators, and vessel operators must receive a copy of this IHA and maintain access to it for reference at all times during project work. These personnel must understand, be fully aware of, and be capable of implementing the conditions of the IHA at all times during project work.

4. This IHA will apply to activities associated with the proposed project as described in this document and in Narwhal's revised request. Changes to the proposed project without prior authorization may invalidate the IHA.

5. Narwhal's revised request is approved and fully incorporated into this IHA unless exceptions are specifically noted herein. The revised request includes:

- i. Narwhal's *Request for Incidental Harassment Authorization Under the*

Marine Mammal Protection Act for Exploration Activities in West Harrison Bay, Alaska, dated November 2024 and revised April 2025 (revised application received by the FWS April 3, 2025), which includes Narwhal's *Polar Bear and Pacific Walrus Safety, Awareness, and Interaction Plan*, and geospatial files.

6. Operators will allow FWS personnel or the FWS's designated representative to visit project work sites to monitor for impacts to walruses or polar bears and subsistence uses of walruses or polar bears at any time throughout project activities so long as it is safe to do so. "Operators" are all personnel operating under Narwhal's authority, including all contractors and subcontractors.

Narwhal must implement the following policies and procedures to avoid interactions and minimize to the greatest extent practicable any adverse impacts on walruses or polar bears, their habitat, and the availability of these marine mammals for subsistence uses.

B. General Avoidance Measures

7. Narwhal must cooperate with the FWS and other designated Federal, State, and local agencies to monitor and mitigate the impacts of activities on walruses and polar bears.

8. Trained and qualified personnel must be designated to monitor at all times for the presence of walruses and polar bears, initiate mitigation measures, and monitor, record, and report the effects of the activities on walruses and polar bears. Narwhal must provide all operators with polar bear awareness training prior to their participation in project activities.

9. An FWS-approved polar bear and Pacific walrus safety, awareness, and interaction plan must be on file with the FWS's Marine Mammal Management office and available on site. The interaction plan must include:

- i. A description of the proposed activity (*i.e.*, a summary of the plan of operations during the proposed activity);
- ii. A food, waste, and other attractants management plan;
- iii. Personnel training policies, procedures, and materials;
- iv. Site-specific polar bear interaction risk evaluation and mitigation measures;
- v. Polar bear and walrus avoidance and encounter procedures; and
- vi. Polar bear and walrus observation and reporting procedures.

Narwhal must contact potentially affected subsistence communities and hunter organizations to discuss potential conflicts caused by the activities and provide the FWS

documentation of communications as described in D. *Measures to Reduce Impacts to Subsistence Users*.

10. *Mitigation measures for aircraft.* Narwhal must undertake the following activities to limit disturbance from aircraft activities:

i. Operators of support aircraft shall, at all times, conduct their activities at the maximum distance practicable from concentrations of walruses or polar bears.

ii. Fixed-wing aircraft operations within the IHA area must maintain a minimum altitude of 457 m (1,500 ft) above ground level when safe and operationally possible. Helicopter operations within the IHA area will maintain a minimum altitude of 457 m (1,500 ft) above ground level when safe and operationally possible to scan the work area before making landings.

iii. Under no circumstances, other than an emergency, will aircraft operate at an altitude lower than 457 m (1,500 ft) within 805 m (0.5 mi) of a polar bear or walrus observed on ice or land measured in a straight line between the polar bear and the ground directly underneath the aircraft. Helicopters may not hover or circle above such areas or within 805 m (0.5 mi) of such areas. Unless weather conditions or operational constraints necessitate operation of aircraft at altitudes below 457 m (1,500 ft), the operator must avoid areas of known polar bear or walrus concentrations and should take precautions to avoid flying directly over or within 805 m (0.5 mi) of these areas.

iv. Aircraft may not be operated in such a way as to separate individual polar bears or walruses from a group (*i.e.*, two or more individuals).

11. *Mitigation measures for winter activities.* Narwhal must undertake the following activities to limit disturbance around known polar bear dens:

i. Narwhal must conduct two aerial infrared (AIR) surveys of all denning habitat located within 1.6 km (1 mi) of specified activities in an attempt to identify maternal polar bear dens. The first survey obtained must occur between December 1 and December 25, 2025, and the second survey obtained must occur between December 15, 2025, and January 10, 2026, with at least 24 hours occurring between the completion of the first survey and the beginning of the second survey. Surveys must not be conducted during daytime or times when weather conditions significantly hinder visibility (*e.g.*, blowing snow, precipitation, or airborne moisture). A scientist with experience in real-time aerial infrared interpretation must be onboard during all flights. All AIR survey videos must be made available to

the FWS within 48 hours of survey completion.

ii. All observed or suspected polar bear dens must be reported to the FWS prior to the initiation of activities.

iii. If a suspected den site is located, Narwhal will immediately consult with the FWS to analyze the data and determine if additional surveys or mitigation measures are required. The FWS will determine whether the suspected den is to be treated as a putative den for the purposes of this IHA.

iv. Operators must observe an 805 m (0.5 mi) operational exclusion zone around all putative polar bear dens during the denning season (November through April, or until the female and cubs leave the areas). Should a suspected den be discovered within 805 m (0.5 mi) of activities, work must cease, and the FWS contacted for guidance. The FWS will evaluate these instances on a case-by-case basis to determine the appropriate action. Potential actions may range from cessation or modification of work to conducting additional monitoring, and the holder of the authorization must comply with any additional measures specified.

v. In determining the denning habitat that requires surveys, use the den habitat map developed by the USGS. A map of potential coastal polar bear denning habitat can be found at https://www.usgs.gov/centers/asc/science/polar-bear-maternal-denning?qt-science_center_objects=4#qt-science_center_objects.

vi. During the emergence season, February 15 to April 15, ATV travel along the coastal sea ice road must include a lead ATV equipped with a vehicle-mounted or hand-held thermal imaging device to scan for sows with cubs that are moving to the sea ice. Should sows and cubs of the year be seen, traffic must be halted to allow their unimpeded travel to the sea ice.

12. *Mitigation measures for in-water activities.*

i. Prior to and during airboat use, Narwhal must assess the access route for polar bears. While workers are transiting in the airboat, a designated occupant must be assigned to scan the surrounding area for marine mammals.

ii. Vessels must always maintain the maximum distance possible from polar bears and walruses. Vessels should never approach within an 805-m (0.5-mi) radius of polar bears or walruses unless it is an emergency.

iii. Vessels must take all practical measures (*i.e.*, reduce speed, change course heading) to avoid approaching polar bears or walruses in the water,

avoid separating individual polar bears or walruses from a group, encircling polar bears or walruses, and impeding movement of polar bears or walruses.

iv. When operationally feasible, vessels should engage in methods to limit vessel noise, such as reducing speed, performing regular vessel maintenance, using fewer vessels, and/or implementing vessel-quieting technologies (e.g., propeller design, wake improvement devices, propulsion enhancement measures, hull treatment solutions).

v. During seismic operations, Narwhal must designate a marine mammal observer aboard the source vessel that will monitor the area surrounding the seismic sound source. In the event that a walrus or polar bear is seen, Narwhal must report the encounter to the FWS following the requirements in *C. Monitoring*.

C. Monitoring

13. Operators must provide on-site observers and implement the FWS-approved polar bear and Pacific walrus safety, awareness, and interaction plan to apply mitigation measures, monitor the project's effects on polar bears and subsistence uses, and evaluate the effectiveness of mitigation measures.

14. All on-site observers shall complete an FWS-provided training course designed to familiarize individuals with monitoring and mitigation activities identified in the polar bear and Pacific walrus safety, awareness, and interaction plan.

15. On-site observers must be present during all operations and must record all Pacific walrus and polar bear observations, identify and document potential harassment, and work with personnel to implement appropriate mitigation measures.

16. Operators shall cooperate with the FWS and other designated Federal, State, and local agencies to monitor the impacts of project activities on walruses and polar bears. Where information is insufficient to evaluate the potential effects of activities on walruses and polar bears and the subsistence use of this species, Narwhal may be required to participate in joint monitoring efforts to address these information needs and ensure the least practicable impact to this resource.

D. Measures To Reduce Impacts to Subsistence Users

Narwhal must conduct its activities in a manner that, to the greatest extent practicable, minimizes adverse impacts on the availability of walruses and polar bears for subsistence uses.

18. Narwhal will be required to develop an FWS-approved POC if, through community consultation, concerns are raised regarding impacts to subsistence harvest or Alaska Native Tribes and Organizations.

19. If required, Narwhal will implement the FWS-approved POC.

20. Prior to conducting the work, Narwhal will take the following steps to reduce potential effects on subsistence harvest of walruses and polar bears:

- i. Avoid work in areas of known polar bear subsistence harvest;
- ii. Notify the Native Village of Kaktovik and the Native Village of Nuiqsit of the proposed project activities;
- iii. Work to resolve any concerns of potentially affected Alaska Native Tribal Organizations and Corporations regarding the project's effects on subsistence hunting of walruses and polar bears;
- iv. If any unresolved or ongoing concerns of potentially affected Alaska Native Tribal Organizations and Corporations remain, modify the POC in consultation with the FWS and subsistence stakeholders to address these concerns; and
- v. Implement FWS-required mitigation measures that will reduce impacts to subsistence users and their resources.

E. Reporting Requirements

Narwhal must report the results of monitoring to the FWS Marine Mammals Management office via email at fw7_mmm_reports@fws.gov.

21. *Activity progress reports.* Narwhal must notify the FWS at least 48 hours prior to the onset of activities;

22. *Walrus observation reports.* Narwhal must report, within 48 hours, all observations of walruses during any activity. Upon request, monitoring report data must be provided in a common electronic format (to be approved by the FWS). Information in the observation report must include, but is not limited to:

- i. Date, time, and location of each walrus sighting;
- ii. Number of walruses;
- iii. Sex and age (if known);
- iv. Observer name and contact information;
- v. Weather, visibility, sea state, and sea ice conditions at the time of observation;
- vi. Estimated range at closest approach;
- vii. Industry activity at time of sighting;
- viii. Behavior of animals sighted;
- ix. Description of the encounter;
- x. Duration of the encounter; and

xi. Mitigation actions taken.

23. *Polar bear observation reports.* Narwhal must report, within 48 hours, all observations of polar bears and potential polar bear dens during any project activities. Upon request, monitoring report data must be provided in a common electronic format (to be specified by the FWS). Information in the observation report must include, but need not be limited to:

- i. Date and time of each observation;
- ii. Locations of the observer and polar bears (GPS coordinates if possible);
- iii. Number of polar bears;
- iv. Sex and age class—adult, subadult, cub (if known);
- v. Observer name and contact information;
- vi. Weather, visibility, and, if at sea, sea state and sea ice conditions at the time of observation;
- vii. Estimated closest distance of polar bears from personnel and facilities;
- viii. Type of work being conducted at time of sighting;
- ix. Possible attractants present;
- x. Polar bear behavior—initial behavior when first observed (e.g., walking, swimming, resting, etc.);
- xi. Potential reaction—behavior of polar bear potentially in response to presence or activity of personnel and equipment;
- xii. Description of the encounter;
- xiii. Duration of the encounter; and
- xiv. Mitigation actions taken.

24. *Human-polar bear interaction reports.* Narwhal must report all human-polar bear interaction incidents immediately, and not later than 48 hours after the incident. Human-polar bear interactions include:

- i. Any situation in which there is a possibility for unauthorized take. For instance, when project activities exceed those included in an IHA, when a mitigation measure was required but not enacted, or when injury or death of a polar bear occurs. Reports must include all information specified for an observation report in condition 23 above, a complete detailed description of the incident, and any other actions taken.
 - ii. Injured, dead, or distressed polar bears that are clearly not associated with project activities (e.g., animals found outside the project area, previously wounded animals, or carcasses with moderate to advanced decomposition or scavenger damage) must also be reported to the FWS immediately, and not later than 48 hours after discovery. Photographs, video, location information, or any other available documentation must be included.
25. *Final report.* The results of monitoring and mitigation efforts

identified in the marine mammal avoidance and interaction plan must be submitted to the FWS for review within 90 days of the expiration of this IHA. Upon request, final report data must be provided in a common electronic format (to be specified by the FWS). Information in the final report must include, but need not be limited to:

- i. Copies of all observation reports submitted under the IHA;
- ii. A summary of the observation reports;
- iii. A summary of monitoring and mitigation efforts including areas, total hours, total distances, and distribution;
- iv. Analysis of factors affecting the visibility and detectability of walruses and polar bears during monitoring;
- v. Analysis of the effectiveness of mitigation measures;
- vi. A summary and analysis of the distribution, abundance, and behavior of all walruses and polar bears observed; and
- vii. Estimates of take in relation to the specified activities.

Request for Public Comments

If you wish to comment on this proposed authorization, the associated draft environmental assessment, or both documents, you may submit your comments by either of the methods described in **ADDRESSES**. Please identify if you are commenting on the proposed authorization, draft environmental assessment, or both, make your comments as specific as possible, confine them to issues pertinent to the documents, and explain the reason for any changes you recommend. Where possible, your comments should reference the specific section or paragraph that you are addressing. The FWS will consider all comments that are received before the close of the comment period (see **DATES**). The FWS does not anticipate extending the public comment period beyond the 30 days required under section 101(a)(5)(D)(iii) of the MMPA.

Comments, including names and street addresses of respondents, will become part of the administrative record for this proposal. Before including your address, telephone number, email address, or other personal identifying information in your comment, be advised that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comments to withhold your personal identifying information from

public review, we cannot guarantee that we will be able to do so.

Peter Fasbender,

Assistant Regional Director for Fisheries and Ecological Services, Alaska Region.

[FR Doc. 2025–13488 Filed 7–17–25; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000
256S180110; S2D2S SS08011000
SX064A000 25XS01520]

Determination of Valid Existing Rights Within the Monongahela National Forest, West Virginia

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

ACTION: Notice of decision.

SUMMARY: This notice announces our decision on a request for a determination of valid existing rights (VER) under section 522(e) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). We have determined that South Fork Coal Company, LLC (SFCC) possesses VER for a haul road within the boundaries of the Monongahela National Forest (MNF), West Virginia. This decision will allow SFCC to maintain a West Virginia surface coal mining and reclamation permit for the road in question and to use the road to access and haul coal from a surface mine located on adjacent private lands.

DATES: Effective Date: July 18, 2025.

FOR FURTHER INFORMATION CONTACT: Mr. Justin Adams, Director, Charleston Field Office, Telephone: (304) 977–7177 Email: osm-chfo@osmre.gov.

SUPPLEMENTARY INFORMATION:

- I. What is the nature of the VER determination request?
- II. What legal requirements apply to this request?
- III. What information is available relevant to the basis for the request?
- IV. How We Processed the Request
- V. How We Made Our Decision
- VI. What public comments were received?
- VII. How can I appeal the determination?
- VIII. Where are the records of this determination available?

I. What is the nature of the VER determination request?

On September 18, 2024, Babst/Calland Attorneys at Law (Babst/Calland) submitted a request for a determination of VER on behalf of South Fork Coal Company, LLC (SFCC) from the Office of Surface Mining

Reclamation and Enforcement (OSMRE) that SFCC has valid existing rights to receive and hold a mining permit for the northern 1.2-mile portion of an existing road located within the Monongahela National Forest (MNF), known as Forest Service Road 249. Babst/Calland is seeking a determination that SFCC has VER under paragraph (c)(1) and/or (c)(2) of the Federal definition of VER in the SMCRA implementing regulations in 30 CFR 761.5 to use the existing road as an access and haul road for its Rocky Run Surface Coal Mine, which is on property adjacent to the MNF.

On March 20, 2025, we published a notice in the **Federal Register** (90 FR 13194) in which we provided an opportunity for the public to comment on the request for a determination of VER to use an existing United States Forest Service (USFS) road as a coal mine access and haul road across Federal lands within the boundaries of the MNF. The comment period closed on April 21, 2025. We received numerous comments that we discuss in Part VI, below.

II. What legal requirements apply to this request?

Section 522(e)(2) of SMCRA, 30 U.S.C. 1272(e)(2), prohibits surface coal mining operations on Federal lands within the boundaries of any national forest, with two exceptions. The first exception pertains to surface operations and impacts incidental to an underground coal mine. The second relates to surface operations on lands within national forests west of the 100th meridian. Neither of those exceptions applies to the request now under consideration.

The introductory paragraph of section 522(e) also provides two general exceptions to the prohibitions on surface coal mining operations in that section. Those exceptions apply to operations in existence on the date of enactment of SMCRA (August 3, 1977) and to land for which a person has VER. Because SMCRA does not define VER, we subsequently adopted regulations defining VER. On December 17, 1999 (64 FR 70766), we adopted a revised definition of VER, established a process for submission and review of requests for VER determinations, and otherwise modified the regulations implementing section 522(e). At 30 CFR 761.16(a), we published a table clarifying which agency (OSMRE or the State regulatory authority) is responsible for making a VER determination and which definition (State or Federal) will apply. That table specifies that OSMRE is responsible for VER determinations for Federal lands within national forests

and that the Federal VER definition in 30 CFR 761.5 applies to those determinations.

Paragraph (c) of the Federal definition of VER contains the standards applicable to VER for roads that lie within the definition of surface coal mining operations. 30 CFR 761.5. SFCC is seeking a VER determination under paragraph (c)(1) or, in the alternative, paragraph (c)(2). Paragraph (c)(1) provides that a person who claims VER to use or construct a road across the surface of lands protected by 30 CFR 761.11 or section 522(e) of SMCRA must demonstrate that the “road existed when the land upon which it is located came under the protection of 30 CFR 761.11 or 30 U.S.C. 1272(e), and the person has a legal right to use the road for surface coal mining operations.” *Id.* Paragraph (c)(2) allows the applicant to demonstrate that a properly recorded right of way or easement existed when the land came under such protection and, under the document creating the right of way or easement and subsequent conveyances, the applicant has a legal right to use a road across the right of way or easement for surface coal mining operations. *Id.*

III. What information is available relevant to the basis for the request?

The following information has been submitted by Babst/Calland or obtained from the USFS or the West Virginia Department of Environmental Protection (WVDEP):

1. The 1.2-mile segment of road designated as Forest Service Road 249 exists on land to which the VER determination pertains.

2. Ownership of the surface property rights to the Forest Service Road 249 (and the surrounding area) was conveyed by Cherry River Boom and Lumber Company to the United States government by deed dated October 9, 1934, which is recorded in the office of the Clerk of Pocahontas County, West Virginia in deed book 70, page 332.8.

3. A chain of conveyances from 1959 through 2016 which show certain property interests transferring from Cherry River Boom and Lumber Company, through several corporate entities, to Weyerhaeuser Company.

4. SFCC has a mineral lease with Highland Mineral Resources, LLC, an affiliate of Weyerhaeuser Company, and a separate mineral lease with WPP, LLC.

5. The land upon which Forest Service Road 249 is located was in Federal ownership as part of the MNF when the land came under the protection of 30 U.S.C. 1272(e) on August 3, 1977, the date of enactment of SMCRA.

6. The Forest Service Road 249 is visible and shown on the United States Geological Survey (USGS) map from 1972, in the lower left-hand portion (beginning near the words, “Sugartree Bench Mtn”).

7. The USFS issued SFCC a road use permit for the use of Forest Service Road 249, through Permit No. FS-7700-41 as a coal access and haul road on September 29, 2021.

8. A letter from the USFS dated April 29, 2025, reflecting the USFS’s evaluation of SFCC’s application, along with accompanying attachments that include, in relevant part, a deed from Preston S. Clark and Josephine Clark to Cherry River Boom and Lumber Company dated October 3, 1900, an opinion from the U.S. Department of Agriculture, Office of General Counsel, dated March 31, 1994, and a warranty deed from Walter D. Helmick and Rita Helmick to the United States of America dated September 30, 1998.

IV. How We Processed the Request

We received the VER request on September 23, 2024, and determined it was administratively complete on September 24, 2024. That review did not include an assessment of the technical or legal adequacy of the materials submitted with the request.

As required by 30 CFR 761.16(d)(1), we published a notice in the **Federal Register** seeking public comment on the merits of the request on March 20, 2025 (90 FR 13194). We also published notices on March 27, 2025, in the *Pocahontas Times*, a newspaper of general circulation in Pocahontas County, West Virginia. By the close of the public comment period on April 21, 2025, we received 2,391 public comments. By letter dated April 29, 2025, we received comments from the USFS about SFCC’s application.

After we received the USFS’s letter, we reviewed the materials submitted with the request, all comments received in response to this VER and other notices, and other relevant, reasonably available information and determined that the record was sufficiently complete and adequate to support a decision on the merits of the request. We evaluated the record in accordance with the requirements at 30 CFR 761.16(e) as to whether the requestor has demonstrated VER for the proposed access and haul road. For the reasons discussed below, we have determined that the requestor has demonstrated VER.

V. How We Made Our Decision

As we stated above, SFCC sought a VER determination under paragraph

(c)(1) or, in the alternative, paragraph (c)(2) of the definition of VER at 30 CFR 761.5. Paragraph (1) provides that applicants have VER if they can demonstrate that the road existed when the land upon which it is located came under the protection of § 761.11 or 30 U.S.C. 1272(e), and they have a legal right to use the road for surface coal mining operations. Accordingly, we first examined all information submitted by SFCC, the USFS, and interested parties for evidence that Forest Service Road 249 existed on August 3, 1977. The primary basis for SFCC’s assertion that Forest Service Road 249 existed before August 3, 1977, is a USGS map from 1973, showing Forest Service Road 249 in the lower left-hand portion (beginning near the words, “Sugartree Bench Mtn”). The road starts in Greenbrier County, crosses the border into Pocahontas County and thereafter connects to another road (which current maps indicate is Pocahontas County Route 29/4, also known as Briary Knob Road) northwest of Briary Knob.

We also reviewed a Road Right-of-Way Map from the USFS with the markings “Posted to 9/1/68” and an accompanying record entitled, “ROAD RIGHT OF WAY STATUS TABULAR RECORD,” prepared in May of 1972 and last revised July 31, 2001. The USFS Map also appears to show Forest Service Road 249 in the lower left-hand portion (beginning near the words “Sugartree Bench Mountain”), appearing with empty circles and the number 3, also encircled. While the meander of the road on the USFS Map differs slightly from that in the USGS Map, the meander of Pocahontas County Route 29/4 and the border between Pocahontas and Greenbrier Counties are identifiable, and the road’s relation to these points is consistent. According to the USFS Map legend, the empty circles over the road indicate a Special Use Permit or easement from the United States, and the number 3 indicates an entry on the Tabular Record. Entry Number 3 on the Tabular Record indicates that in October 1973, the USFS granted a Special Use Permit or Easement for the 1.19-mile portion of road to the Sewell Coal Company for the purpose of access to private land. Although it is not certain when Forest Service Road 249 was constructed, based upon the USGS and USFS maps, we have determined that the approximately 1.2 mile long road segment exists on the land to which the VER determination pertains, and the road existed when the land on which it is located within the MNF came under the protection of 30 CFR 761.11 and

section 522(e) of SMCRA on August 3, 1977, the date of enactment of SMCRA.

Next, we examined all information submitted by SFCC, the USFS, and interested parties for evidence that SFCC has a legal right to use the road for surface coal mining operations. The “legal right” standard was added to the definition of VER on December 17, 1999 (64 FR 70766, 70832). In the preamble to that revision of the definition of VER, we stated that a person must demonstrate a legal right to use the road for surface coal mining operations. *See* 64 FR 70791. That is, even though a road existed on August 3, 1977, that fact alone does not give the applicant the right to use the road for surface coal mining operations. In prior determinations, we have also explained that the term “legal right” is not defined, and, therefore, various circumstances, such as holding a permit or obtaining a legal easement, would qualify as a “legal right.” *See* 71 FR 70531 (Dec. 5, 2006) (approving VER on the basis of a valid USFS Road Use Permit); 74 FR 57699 (Nov. 9, 2009) (same with USFS Special Use Permit). Here, SFCC applied for and received USFS Road Use Permit No. FS-7700-41 on September 29, 2021 (RUP). Through Road Use Permit No. FS-7700-41, the USFS granted SFCC use of Forest Service Road 249 “from intersection with County Route 29/4 to terminus (total length 1.2 miles)” for commercial hauling. Therefore, we conclude that the September 29, 2021, Road Use Permit from the USFS is sufficient to prove that SFCC has a legal right to use the road for surface coal mining operations. Our findings and conclusion were corroborated by the USFS’s evaluation.

SFCC also claims it has VER under the standard in 30 CFR 761.5(c)(2), which allows the applicant to demonstrate that a properly recorded right of way or easement existed when the land came under the protection of 30 CFR 761.11 or 30 U.S.C. 1272(e) and, under the document creating the right of way or easement and subsequent conveyances, the applicant has a legal right to use a road across the right of way or easement for surface coal mining operations. To analyze this claim, we first examined all information submitted by SFCC, the USFS, and interested parties, as well as our own records.

SFCC claims that it has a properly recorded right of way or easement by virtue of the reservation of mineral rights and related right to use roads for the purpose of mining and timber operations by the Cherry River Boom and Lumber Company in a deed dated October 9, 1934, conveying the surface property rights to the USFS. SFCC then

asserts that Cherry River Boom and Lumber Company conveyed its remaining surface and mineral interests to W.M. Ritter Lumber Company by deed dated June 22, 1959. From there, SFCC set forth in its application a chain of conveyances through various corporate entities that it asserts demonstrate that it currently holds these rights.

According to the USFS in its April 29, 2025, letter, the mineral rights on the subject property were reserved prior to the conveyance to Cherry River Boom and Lumber Company and could not have been (and was not) conveyed from Cherry River Boom and Lumber Company to W.M. Ritter Lumber Company in 1959. The USFS also explained that, through civil litigation, USFS reunified the property under Federal ownership by deed recorded in 1998. While the opinion of the USFS is not binding on our determination, its conclusions are consistent with our own records and our review of SFCC’s submission materials. In our examination, we found that the property on which the majority of Forest Service Road 249 lies (excluding only a small portion near the intersection with County Route 29/4) was the subject of several VER determinations in the 1980s and 1990s, *see, e.g.*, 55 FR 51355 (Dec. 13, 1990), 62 FR 53798 (Oct. 1997), and 62 FR 66126, n.1 (Dec. 17, 1997). The property is known in various documents as the Clark 179-acre tract, Tract 372, or the Killingsworth Tract. According to the USFS’s review, in those prior VER requests, owners of the 179-acre tract Preston S. and Josephine Clark had reserved for themselves the mineral rights when they conveyed the surface estate to Cherry River Boom and Lumber Company by deed dated October 3, 1900. Therefore, the mineral rights were outstanding at the time of the 1934 conveyance by Cherry River Boom and Lumber Company to the USFS, and Cherry River Boom and Lumber Company could neither have reserved the mineral interest in the 179-acre tract for itself nor did it have that interest to convey to W.M. Ritter Lumber Company in 1959. This is also consistent with our reading of the legal description and accompanying maps of the 1959 deed, which omits the Clark 179-acre tract in its property line description and accompanying map. Accordingly, we conclude that SFCC did not make a demonstration that it has VER under the standard provided at 30 CFR 761.5(c)(2).

Because SFCC only needed to demonstrate VER under either paragraph (c)(1) or (c)(2) of the definition of VER in 30 CFR 761.5 and based upon the information above, we

have determined that SFCC does have VER under paragraph (c)(1) to use the 1.2-mile portion of road, known as Forest Service Road 249, across a portion of the MNF, for surface coal mining operations. This decision is based solely on the finding that the road was in existence at this location and within the MNF before the enactment of SMCRA, and that the applicant has a legal right to use this road for surface coal mining operations under the road use permit issued by the USFS on September 29, 2021.

This finding is in accordance with the definition of VER pertaining to roads found at 30 CFR 761.5(c)(1).

VI. What public comments were received?

We accepted public comments for 30 days ending on April 21, 2025. In that time, we received 2,391 written comments opposing the approval of the VER determination; most of the submissions were identical or contained only slight variations. Most of the remaining comments were more individualized but raised similar concerns or were generally opposed to the proposed mining operation without providing any information relevant to determining the VER claim. One commenter raised additional specific objections to the VER claim, which we will address in detail below. Most of the comments expressed issues with previous mining violations by SFCC and considered that to be evidence of future violation. They also alleged that SFCC has not provided any credible or specific evidence to meet the standard for VER required under SMCRA. Specifically, commenters asserted that under Federal law, operators must show a recorded haul-road easement or equivalent property interest existing before SMCRA took effect in order to haul coal through the national forest, and that SFCC cannot substantiate such a claim. Commenters also assert that the USFS allowed SFCC to haul coal without issuing the Road Use Permit in compliance the National Environmental Policy Act (NEPA) or the Endangered Species Act (ESA).

We appreciate the comments received and reiterate that we must follow the regulatory process for VER determination requests as outlined in 30 CFR 761.16(e)(2), which requires us, OSMRE, as the responsible agency, to determine whether the applicant has demonstrated VER. The standards for determining whether an applicant has valid existing rights for mine roads are articulated at 30 CFR 761.5(c), discussed above, and reiterated at 30 CFR 761.16(b)(4). Regarding comments

raising SFCC's compliance with SMCRA, an applicant's SMCRA compliance history is not mentioned in the VER regulations as a factor for our consideration and, thus, is outside the scope of our review; our determination is strictly an analysis of whether an applicant has made a demonstration that a particular legal right exists as set forth in the Federal regulations. Next, as we discuss above, the term "legal right" is not defined and may be satisfied by something like a Road Use Permit or other permit or grant issued by an authorizing agent even after SMCRA's enactment. Therefore, comments alleging SFCC's lack of "easement or equivalent property interest" fail to account for SFCC's Road Use Permit from the USFS.

Regarding compliance with NEPA and the ESA in issuing the Road Use Permit, such an independent evaluation of the USFS's compliance with those statutes is outside the scope of our authority and the analysis required in 30 CFR part 761. The record before us indicates that the USFS issued the permit to SFCC on September 29, 2021. Nothing in the record indicates that the permit has been revoked by the USFS or its validity otherwise enjoined by a court of competent jurisdiction. Absent evidence of those events, we must accept the permit as lawfully issued. One commenter noted that the Road Use Permit is currently subject to legal challenge in the United States District Court, District of Columbia (Civil Action No. 1:24-cv-00087) based on alleged noncompliance with Federal laws. While the current litigation could impact the validity of the permit, our determination is based on the present validity and only extends so long as the permit remains valid.

The same commenter also asserts that the permit is "facially" invalid, but provides no support for that assertion, and our review has found nothing on the face of the permit that would undermine its validity. The commenter further asserts that OSMRE and USFS have failed to comply with a Memorandum of Understanding (MOU) executed between the agencies in 1990. The basis for the commenter's claim appears to be that USFS failed to consult with OSMRE to decide VER before issuing the Road User Permit. However, the MOU does not require such a consultation because, while a current Road Use Permit for a road that existed when the land upon which it is located came under the protection of SMCRA may be necessary to demonstrate VER under 30 CFR 761.5, and VER is necessary for issuance of a mining permit from the appropriate

regulatory authority before coal mining activities may begin, neither a VER determination nor the mining permit are required before the Road Use Permit is issued. Consultation outlined under the MOU is intended to help OSMRE to decide whether VER exists, which may be premised on USFS's property rights or permits. See 71 FR 70531, 70534 (Dec. 5, 2006) (addressing similar comment).

Relatedly, the commenter seems to assert that the Road Use Permit must have been issued prior to time that the land upon which the road is issued came under the protection of SMCRA. However, commenter appears to conflate the four independent bases for a VER determination under 30 CFR 761.5(c)(1)–(4). Even though subsections (c)(2), (c)(3), and (c)(4) may require some form of pre-SMCRA permit or property right, subsection (c)(1), at issue here, requires only that the road pre-exist the protection afforded under SMCRA, and allows for the right to be granted later in time. The commenter repeatedly cites our 2006 and 2009 determinations in the Daniel Boone National Forest to support their opposition to VER in this case but these two determinations in fact support OSMRE's determination here. In our 2006 determination, the USFS Road Use Permit was issued on May 18, 2006, and we found that there was a valid existing right under 761.5(c)(1) because the road pre-existed SMCRA and the applicant demonstrated a legal right to use that road at the time of the VER request. *Id.* at 70533–34 (explaining that the regulations require that the applicant "has" (not "had") a legal right to use the road). Similarly, in our 2009 determination, the road pre-existed SMCRA and the USFS Special Use Permit was issued on June 26, 2009, and was valid at the time of the VER request. See 74 FR 57699, 57700 (Nov. 9, 2009).

The commenter also made several claims related to the lack of specificity in the property records and conveyances submitted by SFCC. Since the available records were sufficient to determine that severance of mineral interests predates the 1934 Deed and that mineral rights on the subject property could not have been (and was not) conveyed from Cherry River Boom and Lumber Company to W.M. Ritter Lumber Company in 1959, we agree with commenters that the records submitted by SFCC do not support a demonstration under 30 CFR 761.5(c)(2). The commenter's remaining points are that USFS's current processing of a new special use permit application to replace the 2021 road use permit from SFCC is an admission that

the 2021 road use permit is invalid, that the appropriate order of authorizations was not followed in this instance, and that our resulting cessation order was appropriately issued and that therefore VER cannot be obtained. As stated above, SFCC currently has a valid road use permit and concerns raised about the special use permit application is outside the scope of our authority to independently determine or are not bases upon which we can deny whether VER exists. Finally, our cessation order related to the company's failure to obtain a VER determination from OSMRE prior to the issuance of a surface coal mining permit does not address the merits of their VER application.

The commenter also argues that SFCC did not demonstrate VER under the remaining subsections of the definition of VER (30 CFR 761.5(a), (b), (c)(3) or (c)(4)), and that SFCC has failed to apply for VER for Forest Service Road 223 (Bear Run Road). SFCC applied for a determination of VER for Forest Service Road 249 under 30 CFR 761.5(c)(1) and (c)(2), and therefore comments related to other roads and other bases of VER are not germane to our determination here. Additionally, OSMRE treated the commenter's assertion about Bear Run Road as a citizen complaint under 30 CFR part 842 and responded accordingly.

Finally, most of the commenters also requested a 30-day extension to the public comment period so that interested parties could more closely review SFCC's application materials and understand the issues at stake. We decided not to extend or reopen the public comment period given the nature of the comments we received, particularly in light of our findings regarding the relevant property ownership history, those corroborating findings made by the USFS, and the standards controlling our review.

VII. How can I appeal the determination?

Our determination that VER exists is subject to administrative and judicial review under 30 CFR 775.11 and 775.13 of the Federal regulations. See 30 CFR 761.16(f).

VIII. Where are the Records of this determination available?

Our records on this determination are available for your inspection at the Charleston Field Office. You may arrange an inspection by contacting the

Field Office Director listed under **FOR FURTHER INFORMATION CONTACT**.

Ben Owens,

Acting Regional Director, Interior Regions 1 & 2.

[FR Doc. 2025–13558 Filed 7–17–25; 8:45 am]

BILLING CODE 4310–05–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1364 (Enforcement)]

Certain Blood Flow Restriction Devices With Rotatable Windlasses and Components Thereof; Notice of a Commission Determination Not To Review an Initial Determination Granting a Joint Motion for Termination of the Enforcement Proceeding Based on Settlement; Termination of the Enforcement Proceeding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined not to review an initial determination (“ID”) (Order No. 33) of the presiding administrative law judge (“ALJ”) granting a joint motion to terminate the enforcement proceeding based on settlement. The enforcement proceeding is hereby terminated.

FOR FURTHER INFORMATION CONTACT: Joelle P. Justus, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2593. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted the underlying investigation on May 31, 2023, based on a complaint, as supplemented, filed by Composite Resources, Inc. and North American Rescue, LLC (collectively, “Complainants”). 88 FR 34893–95 (May 31, 2023). The Commission determined to investigate 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, or the sale within the United States after importation of certain blood flow restriction devices with rotatable windlasses and components thereof that infringe certain claims of U.S. Patent Nos. 7,842,067 (“the ‘067 Patent”), 8,888,807 (“the ‘807 Patent”), and 10,016,203 (“the ‘203 Patent”); as well as United States Trademark Registration Nos. 3,863,064 and 5,064,378 (“the Asserted Trademarks”). The complaint further alleges whether a domestic industry exists. *Id.* The Commission also determined to investigate alleged violations of section 337 based upon the importation into the United States, and in the sale of, certain blood flow restriction devices with rotatable windlasses and components thereof that infringe certain trade dress (“Asserted Trade Dress”) in violation of Section 43(a) of the Lanham Act (15 U.S.C. 1125) the threat or effect of which is to destroy or substantially injure a domestic industry. *Id.* at 34893–94. The Commission’s notice of investigation named thirty (30) respondents. *Id.* at 34894. The Office of Unfair Import Investigations (“OUII”) was also named as a party. *Id.*

Two named respondents were terminated based on the entry of consent orders. *See* Order No. 7 (Aug. 9, 2023), *unreviewed by* Comm’n Notice (Sept. 5, 2023); Order No. 13 (Oct. 3, 2023), *unreviewed by* Comm’n Notice (Nov. 2, 2023). Twelve (12) named respondents were terminated based on withdrawal of the complaint after those respondents were unable to be served. *See* Order No. 10 (Aug. 22, 2023), *unreviewed by* Comm’n Notice (Sept. 20, 2023). The remaining respondents were found in default. *See* Order No. 11 (Aug. 29, 2023), *unreviewed by* Comm’n Notice (Sept. 22, 2023).

Complainants withdrew many of their patent infringement allegations, including all allegations with respect to the ‘807 and ‘203 Patents. *See* Order No. 14 (Nov. 2, 2023), *unreviewed by* Comm’n Notice (Dec. 4, 2023); Order No. 19 (Jan. 25, 2024), *unreviewed by* Comm’n Notice (Feb. 15, 2024).

On September 30, 2024, the Commission determined to issue (1) a general exclusion order prohibiting the unlicensed entry of blood flow restriction devices with rotatable windlasses and components thereof that infringe one or more of claims 1, 4, 15, and/or 16 of the ‘067 patent; (2) a limited exclusion order with respect to the defaulting respondents for infringement of the Asserted

Trademarks and Asserted Trade Dress; and (3) cease and desist orders (“CDOs”) directed to certain respondents with respect to infringement of claims 1, 4, 15 and/or 16 of the ‘067 Patent, the Asserted Trademarks, and the Asserted Trade Dress. *See* 89 FR 80930–31 (Oct. 4, 2024); Corrected Comm’n Op. (Oct. 8, 2024).

The Commission instituted an enforcement proceeding in this investigation on March 21, 2025, based upon a complaint filed by Complainants. 90 FR 13390–91 (Mar. 21, 2025). The complaint alleges that Rhino Inc. and Wuxi Emsrun Technology Co., Ltd. (“Wuxi Emsrun”) have continued to sell certain products in violation of the CDOs entered against them. *Id.* at 13391. Rhino and Wuxi Emsrun were named as respondents in the enforcement proceeding, and OUII was also named as a party. *Id.*; Comm’n Order (Mar. 17, 2025).

On June 23, 2025, Complainants, Wuxi Emsrun, and Rhino filed a joint motion to terminate the investigation based on certain settlement agreements. The parties submitted both confidential and public versions of the settlement agreements with the joint motion. On June 24, 2025, OUII filed a response in support of the motion to terminate. On June 26, 2025, the ALJ issued the subject ID (Order No. 33), granting the joint motion to terminate. The ALJ found that the motion complied with the requirements of Commission Rule 210.21(b)(1) (19 CFR 210.21(b)(1)), and that there are no extraordinary circumstances that would prevent the requested termination. Order No. 33 at 1–2. The ALJ also found there is no evidence indicating that terminating the investigation based on the agreements would be contrary to the public interest. *Id.* at 2. No petitions for review of the subject ID were filed.

The Commission has determined not to review the subject ID. The enforcement proceeding is hereby terminated.

The Commission vote for this determination took place on July 14, 2025.

This action is taken under the authority of 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: July 16, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–13517 Filed 7–17–25; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE**[OMB Number 1125–0012]****Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Previously Approved Collection; Title—Non-Profit Religious, Charitable, Social Service, or Similar Organization (Form EOIR–31)****AGENCY:** Executive Office for Immigration Review, Department of Justice.**ACTION:** 30-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 30 days until August 18, 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: Justine Fuga, Associate General Counsel, Office of the General Counsel, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041, telephone: (703)–305–0265, EOIR.PRA.Comments@usdoj.gov or Justine.Fuga@usdoj.gov.**SUPPLEMENTARY INFORMATION:** The proposed information collection was previously published in the **Federal Register** at 90 FR 12176, allowing a 60-day comment period. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of 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;
- 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 1125–0012. This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view DOJ, 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 of a previously approved collection.

2. Title of the Form/Collection:

Request for New Recognition, Renewal of Recognition, Extension of Recognition of a Non-profit Religious, Charitable, Social Service, or Similar Organization.

3. Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: The agency form number is EOIR–31, and the sponsoring DOJ component is EOIR.

4. Affected public who will be asked or required to respond, as well as a brief abstract: Affected Public: Non-profit organizations seeking initial recognition, renewal of recognition, or extension of recognition to be recognized as legal service providers by the Assistant Director for Policy (or the Assistant Director for Policy's delegate) at EOIR. Abstract: This information collection will allow an organization to request initial and renewed recognition of the organization to appear in immigration proceedings before EOIR

and/or the Department of Homeland Security (DHS), or to request an extension of recognition from a designated office to another location. This information collection is necessary to determine whether an organization meets the eligibility requirements for recognition pursuant to 8 U.S.C. 1103, 1229a, 1362 and 8 CFR 1292.11–19. Requests can be made using a fillable .pdf application or electronic submission. EOIR has made non-substantive changes to the current Form EOIR–31. These changes include revisions to the form's Privacy Act notice; addition of the expiration date for OMB approval on the form; updates to the address to which applications can be submitted; and addition of an alternative method by which applications can be submitted.

5. Obligation to Respond: The information requested on this form is authorized by 8 U.S.C. 1103, 1229a, 1362 and 8 CFR 1292.11–19 in order to determine whether an organization has established eligibility for recognition to provide representation through accredited representatives who appear on behalf of clients in immigration proceedings before EOIR's immigration courts, EOIR's Board of Immigration Appeals (BIA), and/or DHS. This is a voluntary collection of information and will be used by EOIR to assess an organization's eligibility for recognition; however, failure to provide the requested information may preclude consideration of a recognition request.

6. Total Estimated Number of Respondents: It is estimated that 210 respondents will complete the form annually for initial recognition, 90 respondents will complete the form annually for renewal of recognition, and 20 respondents will complete the form annually for requests to extend recognition to another office location.

7. Estimated Time per Respondent: It is estimated that it will take an average of 2 hours per response for initial recognition, an average of 7 hours per response for renewal of recognition, and an average of 2 hours per response for requests to extend recognition to another office location.

8. Frequency: It is estimated that respondents will complete the form annually.

9. Total Estimated Annual Time Burden: 1,055 hours.

10. Total Estimated Annual Other Costs Burden: \$0.

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency	Total annual responses	Time per response	Total annual burden (hours)
Initial EOIR–31 Applications	210	1/annually	210	2 hrs	420 hrs.
Renewal EOIR–31 Applications	90	1/annually	90	7 hrs	630 hrs.
Extension EOIR–31 Applications	20	1/annually	20	2 hrs	40 hrs.
<i>Totals</i>	<i>320</i>	.....	<i>320</i>	.....	<i>1,090 hrs.</i>

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: July 16, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025–13518 Filed 7–17–25; 8:45 am]

BILLING CODE 4410–30–P

DEPARTMENT OF JUSTICE

[OMB Number 1125–0013]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Previously Approved Collection; Title—Request by Organization for Accreditation or Renewal of Accreditation of Non-Attorney Representative (Form EOIR–31A)

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: 30-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 30 days until August 18, 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: Justine Fuga, Associate General Counsel, Office of the General Counsel, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041, telephone:

(703)–305–0265, *EOIR.PRA.Comments@usdoj.gov* or *Justine.Fuga@usdoj.gov*.

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register** at 90 FR 12178, allowing a 60-day comment period. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of 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;
- 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 1125–0013. This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view DOJ, 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 of a previously approved collection.

2. *Title of the Form/Collection:* Request by Organization for Accreditation or Renewal Accreditation of Non-Attorney Representative.

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* The agency form number is EOIR–31A, and the sponsoring DOJ component is EOIR.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* *Affected Public:* Non-profit organizations seeking accreditation or renewal of accreditation of its representatives by the Assistant Director for Policy (or the Assistant Director for Policy's delegate) at EOIR.

Abstract: This information collection will allow an organization to seek initial or renewed accreditation of a non-attorney representative to appear in immigration proceedings before EOIR and/or the Department of Homeland Security (DHS). This information collection is necessary to determine whether a representative meets the eligibility requirements for accreditation pursuant to 8 U.S.C. 1103, 1229a, 1362 and 8 CFR 1292.11–19. Requests can be made using a fillable .pdf application or electronic submission. EOIR has made non-substantive changes to the current Form EOIR–31A. These changes include revisions to the form's Privacy Act notice; addition of the expiration date for OMB approval on the form; updates to the address to which applications can be submitted; and addition of an alternative method by which applications can be submitted.

5. *Obligation to Respond:* The information requested on this form is authorized by 8 U.S.C. 1103, 1229a,

1362 and 8 CFR 1292.11–19 in order to determine whether the organization has established a practitioner’s eligibility to represent clients in immigration proceedings before EOIR’s immigration courts, EOIR’s Board of Immigration Appeals (BIA), and/or DHS. This is a voluntary collection of information and will be used by EOIR to assess an organization’s eligibility for recognition and a representative’s eligibility for

accreditation; however, failure to provide the requested information may preclude consideration of an accreditation request.

6. *Total Estimated Number of Respondents:* It is estimated that 747 respondents will complete the form annually for initial accreditation and 314 respondents will complete the form annually for renewal of accreditation.

7. *Estimated Time per Respondent:* It is estimated that it will take an average

of 3 hours per response for initial accreditation and an average of 7 hours per response for renewal of accreditation.

8. *Frequency:* It is estimated that respondents will complete the form annually.

9. *Total Estimated Annual Time Burden:* 4,439 hours.

10. *Total Estimated Annual Other Costs Burden:* \$0.

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency	Total annual responses	Time per response (hours)	Total annual burden (hours)
Initial EOIR–31A Applications	747	1/annually	747	3	2,241
Renewal EOIR–31A Applications	314	1/annually	314	7	2,198
Totals	1,061	.....	1,061	.....	4,439

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: July 16, 2025.

Darwin Arceo,
Department Clearance Officer for PRA, U.S. Department of Justice.
[FR Doc. 2025–13519 Filed 7–17–25; 8:45 am]

BILLING CODE 4410–30–P

“Currently under 30-day Review—Open for Public Comments” or by using the search function.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency’s estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Nicole Bouchet by telephone at 202–693–0213, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: This collection will allow states participating in the BLS Unemployment Insurance Wage Records Data Sharing Program to request data from other participating states for statistical research. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 5, 2025 (90 FR 19006).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject

to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

Agency: DOL–BLS.
Title of Collection: BLS Wage Records Data Application.
OMB Control Number: 1220–0NEW.
Affected Public: State, Local and Tribal Governments.
Total Estimated Number of Respondents: 20.
Total Estimated Number of Responses: 20.
Total Estimated Annual Time Burden: 3 hours.
Total Estimated Annual Other Costs Burden: \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,
Senior Paperwork Reduction Act Analyst.
[FR Doc. 2025–13532 Filed 7–17–25; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; BLS Wage Records Data Application

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Bureau of Labor Statistics (BLS)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before August 18, 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

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Lead in Construction Standard

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Occupational Safety & Health Administration (OSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before August 18, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Nicole Bouchet by telephone at 202–693–0213, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: The standard requires employers to train employees about the hazards of lead, monitor employee exposure, provide medical surveillance, and maintain accurate records of employee exposure to lead. These records will be used by employers, employees, physicians and the Government to ensure that employees are not harmed by exposure to lead in the workplace. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on February 28, 2025 (90 FR 10952).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency’s estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that

information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OSHA.

Title of Collection: Lead in

Construction Standard.

OMB Control Number: 1218–0189.

Affected Public: Private Sector—

Businesses or other for-profits.

Total Estimated Number of

Respondents: 175,399.

Total Estimated Number of

Responses: 8,905,576.

Total Estimated Annual Time Burden: 1,348,499 hours.

Total Estimated Annual Other Costs Burden: \$86,496,074.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2025–13530 Filed 7–17–25; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Coke Oven Emissions Standard

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Occupational Safety & Health Administration (OSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before August 18, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Nicole Bouchet by telephone at 202–693–0213, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: The purpose of this standard and its information collection requirements is to provide protection for workers from the adverse effects associated with occupational exposure to coke oven

emissions. Employers must monitor worker exposure, reduce worker exposure to permissible exposure limits, and provide medical examinations and other information to workers pertaining to coke oven emissions. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on February 28, 2025 (90 FR 10954).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency’s estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OSHA.

Title of Collection: Coke Oven Emissions Standard.

OMB Control Number: 1218–0128.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 1,196.

Total Estimated Number of Responses: 17,087.

Total Estimated Annual Time Burden: 34,409 hours.

Total Estimated Annual Other Costs Burden: \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2025-13531 Filed 7-17-25; 8:45 am]

BILLING CODE 4510-26-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[NASA Document Number: 25-025; NASA Docket Number: NASA-2025-0036]

Name of Information Collection: NASA Assurance of Civil Rights Compliance

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of a reinstatement of an agency information collection.

SUMMARY: NASA, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (PRA).

DATES: Comments are due by September 16, 2025.

ADDRESSES: Written comments and recommendations for this information collection should be sent within 60 days of publication of this notice at <http://www.regulations.gov> and search for the title of this collection.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to NASA PRA Clearance Officer, Stayce Hoult, NASA Headquarters, 300 E Street SW, JC0000, Washington, DC 20546, phone 256-714-8575, or email stayce.d.hoult@nasa.gov or hq-ocio-pra-program@mail.nasa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Aeronautics and Space Administration (NASA) Office and Equal Opportunity and the Office of Procurement, in accordance with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, requires grant awardees to submit an assurance of non-discrimination (NASA Form 1206) as part of their initial grant application package.

The requirement for assurance of nondiscrimination compliance associated with federally assisted programs is long standing, derives from

civil rights implementing regulations, and extends to the grant recipient's sub-grantees, contractors, successors, transferees, and assignees. Grant selectees are required to submit compliance information triennially when their award period exceeds 36 consecutive months. This information collection will also be used to enable NASA to conduct post-award civil rights compliance reviews.

II. Methods of Collection

Electronic.

III. Data

Title: NASA Assurance of Civil Rights Compliance.

OMB Number: 2700-0148.

Type of Review: Extension of a previously approved information collection.

Affected Public: Business, other for-profit, or not-for-profit.

Estimated Annual Number of Activities: 250.

Estimated Number of Respondents per Activity: 1.

Annual Responses: 250.

Estimated Time per Response: 4 hours.

Estimated Total Annual Burden Hours: 1,000 hours.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Stayce Hoult,

PRA Clearance Officer, National Aeronautics and Space Administration.

[FR Doc. 2025-13502 Filed 7-17-25; 8:45 am]

BILLING CODE 7510-13-P

NATIONAL CREDIT UNION ADMINISTRATION

Renewal of Agency Information Collection of a Previously Approved Collection; Request for Comments

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice of submission to the Office of Management and Budget.

SUMMARY: The NCUA has approved the publication of a proposal to extend for three years the NCUA Call Report (Form 5300), which is a currently approved information collection, for public comment. Revised instructions are included to improve clarity and accurate reporting. As required by the Paperwork Reduction Act of 1995, The NCUA is submitting the following extension of the currently approved information collection to the Office of Management and Budget (OMB) for renewal. The revised instructions are proposed to take effect with the September 30, 2025, report date.

DATES: Comments must be received on or before August 18, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice. You may submit written comments on the information collection by any of the following methods:

Federal Register Portal: <https://www.federalregister.gov> Find this information collection by searching for "National Credit Union Administration", then selecting "Past 90 days", and scrolling through the list of documents.

Regulations.gov: <https://www.regulations.gov/search?filter=ncua> Find this information collection by scrolling through the search results and looking for NCUA Call Report 2025-Q3.

Rulemakings and Proposals for Comment: <https://ncua.gov/regulation-supervision/rulemakings-proposals-comment> NCUA will post a link to the [regulations.gov](https://www.regulations.gov) web page where you can submit a comment by selecting Comment.

Mail: 1775 Duke Street, Suite 5067, Alexandria, Virginia 22314.

Fax: 703-519-8161.

Email: PRAComments@NCUA.gov.

Instructions: All submissions must be identified by the OMB Control Number 3133-0004 or by Document Number (Please send comments by one method only).

FOR FURTHER INFORMATION CONTACT:

Copies of the submission may be obtained by contacting Dacia Rogers at (703) 518-6547. You may also view the

entire information collection request at www.reginfo.gov. Enhanced content is also available from the Notice on the **Federal Register** website (www.federalregister.gov). In addition, copies of the Call Report Form and Instructions can be obtained at the NCUA's website (<https://ncua.gov/regulation-supervision/regulatory-reporting/cuonline>).

SUPPLEMENTARY INFORMATION:

The NCUA is proposing a three-year extension of the NCUA Form 5300 Call Report with revised instructions.

OMB Number: 3133-0004.

Title: NCUA Form 5300 Call Report.

Type of Review: Extension of a currently approved collection.

Abstract: Sections 106 and 202 of the Federal Credit Union Act require federally insured credit unions (FICUs) to make financial and other reports to the NCUA. Section 741.5 describes the submission method FICUs must use to provide information to NCUA. NCUA Form 5300, Call Report, is used to file quarterly financial and statistical data through NCUA's online portal, CUOnline. The financial and statistical information provided by credit unions is essential to NCUA in carrying out its responsibility for supervising federal credit unions. This information facilitates NCUA monitoring of credit unions with share accounts insured by the National Credit Union Share Insurance Fund (Share Insurance Fund).

Form 5300 Call Report—Proposed Changes and Comments Received

In the April 23, 2025¹ notice, the NCUA did not propose any revisions to the Call Report Form. However, the NCUA proposed revisions to the 5300 Call Report Instructions to improve clarity and accurate reporting. The comment period for the April 2025 notice ended on June 23, 2025. The NCUA received three comment letters.

One commenter suggested that the NCUA expand the information collected related to reciprocal deposits. The NCUA will consider expanding reciprocal deposit data the next time changes are made to the Call Report form.

One commenter suggested we improve the disclosure of changes by reducing the technical instructions to plain language or flowcharts. The NCUA will consider providing additional information on final changes when the instructions are released in early September.

One commenter requested to be notified if changes are made during the approval process and provided

important insight into how the Call Report data is used. They did not have any objections to the proposed changes.

After considering the comments received the NCUA will proceed with the proposed changes to the Call Report Instructions.

Affected Public: Private sector: Not-for-profit institutions.

Respondents: All FICUs.

Estimated Number of Respondents: 4,411.

Estimated Number of Responses per Respondent: 4.

Estimated Total Annual Responses: 17,644.

Estimated Hours per Response: 4.

Estimated Total Annual Burden Hours: 70,576.

Reason for Change: The number of respondents decreased.

The proposed revisions to the Form 5300 instructions in this notice would not have a material impact on the existing burden estimates.

Legal Basis and Need for Collections: The Call Report Form 5300 information collections are mandatory under 12 U.S.C. 1756, 1766, and 1782. Except for select sensitive items, the Call Report Form 5300 is not given confidential treatment.

The data credit unions report on the Call Report is essential to the NCUA's supervision and regulation of federal credit unions. This information also facilitates the NCUA's monitoring of other credit unions with Share Insurance Fund coverage for share accounts.

Credit unions submit quarterly Call Report data to the NCUA. Call Report data serves a regulatory or public policy purpose by assisting the NCUA in fulfilling its mission of ensuring the safety and soundness of individual credit unions and the credit union system, protecting consumer financial rights, as well as agency-specific missions affecting federal and state-chartered credit unions, such as ensuring financial stability and administering share insurance.

There are no proposed changes to the Form 5300 Call Report. However, the NCUA is proposing revisions to the 5300 Call Report Instructions to improve clarity and accurate reporting. These revisions are captured on page two of the draft 5300 Call Report Instructions.

Request for Comments:

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record. The public is invited to submit comments concerning: (a)

whether the proposed revisions to the instructions for the collection of information that are the subject of this notice are necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information as proposed to be revised, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

By the National Credit Union Administration Board.

Melane Conyers-Ausbrooks,
Secretary of the Board.

[FR Doc. 2025-13529 Filed 7-17-25; 8:45 am]

BILLING CODE 7535-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-615; NRC-2024-0146]

Tennessee Valley Authority; Clinch River Nuclear Site, Unit 1; Notice of Intent To Prepare a Supplement to Environmental Impact Statement

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is providing public notice that it will prepare a supplement to the Early Site Permit (ESP) Environmental Impact Statement (EIS) to evaluate the environmental impacts for a construction permit (CP) requested by Tennessee Valley Authority (TVA) for the Clinch River Nuclear (CRN) Site, Unit 1.

DATES: July 18, 2025.

ADDRESSES: Please refer to Docket ID NRC-2024-0146 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to <https://regulations.gov> and search for Docket ID NRC-2024-0146. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301-415-1003; email: Bridget.Curran@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

¹ 90 FR 17084.

- *NRC's Agencywide Documents Access and Management System (ADAMS)*: You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. The ADAMS accession number for each document referenced in this document (if it is available in ADAMS) is provided the first time that it is referenced.

- *NRC's PDR*: The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

- *Public Library*: A copy of the CP application, including the environmental report for the CRN Site, Unit 1, is available for public review at the Oak Ridge Public Library, 1401 Oak Ridge Turnpike, Oak Ridge, TN 37830.

FOR FURTHER INFORMATION CONTACT: Madelyn Nagel, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-0371; email: Madelyn.Nagel@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Discussion

By letters dated April 28, 2025 (ADAMS Accession No. ML25118A209) and May 20, 2025 (ADAMS Accession No. ML25140A063), TVA submitted to the NRC, pursuant to part 50 of title 10 of the *Code of Federal Regulations* (10 CFR), "Domestic Licensing of Production and Utilization Facilities," an application for a CP to construct a GE Hitachi BWRX-300 at the CRN Site, to be built in Roane County, Tennessee. The CP application references the ESP for the CRN Site, Unit 1, which was issued in 2019 (NUREG-2226, ADAMS Package Accession No. ML19087A266). Submittal of the application initiates the NRC's proposed action of determining whether to grant the CP. A notice of receipt and availability of the complete application was published in the **Federal Register** on June 10, 2025 (90 FR 24425). By letter dated June 12, 2025 (ADAMS Accession No. ML25156A058), NRC informed TVA of its acceptance

and docketing of Part 1 of the application. A notice of acceptance for docketing of the complete application and opportunity to request a hearing was published in the **Federal Register** on July 15, 2025 (90 FR 31709). The purpose of this notice is to inform the public that the NRC will prepare a supplement to the ESP EIS to evaluate the environmental impacts for the proposed issuance of the CP, as required by 10 CFR 51.92(b). The NRC staff will not conduct scoping for the supplement to the EIS prepared for the ESP at the CRN Site, Unit 1. This is in accordance with 10 CFR 51.92(d), which states that a scoping process for a supplement to an EIS is not required.

The regulations in 36 CFR 800.8(c), "Coordination with The National Environmental Policy Act," allow agencies to use their National Environmental Policy Act of 1969 (42 U.S.C. 4321, *et seq.*) process to fulfill the requirements of Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. 300101, *et seq.*) (NHPA). Therefore, pursuant to 36 CFR 800.8(c), the NRC staff intends to use its process and the documentation required for the preparation of the supplement to the ESP EIS for the proposed action to comply with Section 106 of the NHPA in lieu of the procedures set forth in 36 CFR 800.3 through 800.6.

The NRC staff will also prepare and issue for comment, the draft supplement to the EIS, which will be the subject of a separate **Federal Register** notice.

Dated: July 15, 2025.

For the Nuclear Regulatory Commission.

Jacob Zimmerman,

Acting Director, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2025-13465 Filed 7-17-25; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-440; NRC-2025-0511]

Vistra Operations Company, LLC; Perry Nuclear Power Plant, Unit No. 1; Exemption

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) staff has issued an exemption from the requirement in NRC regulations that would otherwise require the application for renewal of Facility Operating License No. NFP-58

for Perry Nuclear Power Plant, Unit No. 1, to be referred to the Advisory Committee on Reactor Safeguards for a review and report, with any report being made part of the record of the application and made available to the public, except to the extent that security classification prevents disclosure.

DATE: The exemption was issued on July 7, 2025.

ADDRESSES: Please refer to Docket ID NRC-2025-0511 when contacting the NRC staff about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website*: Go to <https://www.regulations.gov> and search for Docket ID NRC-2025-0511. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301-415-1003; email: Bridget.Curran@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS)*: You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- *NRC's PDR*: The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Vaughn Thomas, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-5897; email: Vaughn.Thomas@nrc.gov.

SUPPLEMENTARY INFORMATION: The text of the exemption is attached.

Dated: July 16, 2025.

For the Nuclear Regulatory Commission.
Vaughn Thomas,
*Project Manager, License Renewal Projects
 Branch, Division of New and Renewed
 Licenses, Office of Nuclear Reactor
 Regulation.*

Attachment—Exemption

NUCLEAR REGULATORY COMMISSION

Docket No. 50–440

Vistra Operations Company, LLC, Perry Nuclear Power Plant, Unit No. 1, Exemption

I. Background

Vistra is the holder of Facility Operating License No. NFP–58 for Perry. The license provides, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now or hereafter in effect. The NRC issued the initial operating license for Perry, Unit 1 on November 13, 1986. Unit 1 is a General Electric boiling water reactor designated BWR/6 with a Mark III containment and a licensed thermal power of 3,756 megawatts thermal (MWt). Perry is located along the southern shoreline of Lake Erie on an ancient lake plain approximately 50 feet above low lake level in a rural area of Lake County, Ohio.

Prior to a license transfer to Vistra, on July 3, 2023, Energy Harbor Nuclear Corporation submitted to the U.S. Nuclear Regulatory Commission (NRC) an application for renewal of the Perry Facility Operating License, pursuant to Title 10 of the Code of Federal Regulations Part 54, “Requirements for Renewal of Operating Licenses for Nuclear Power Plants” requesting renewal for a period of 20 years beyond the current facility operating license expiration on November 7, 2026. A final decision on the application is expected on or about July 7, 2025.

Under 10 CFR 54.25, “[e]ach renewal application will be referred to the Advisory Committee on Reactor Safeguards for a review and report. Any report will be made part of the record of the application and made available to the public, except to the extent that security classification prevents disclosure.” The December 31, 1991, rulemaking that promulgated 10 CFR 54.25 (Nuclear Power Plant License Renewal, (56 FR 64,943, 64,966)) noted that review by the ACRS review was desirable but such review was not required by statute.

On May 23, 2025, the President issued Executive Order (E.O.) 14300 (90 FR 22587), “Ordering the Reform of the Nuclear Regulatory Commission,” and

section 4(b) of E.O. 14300 says: “Review by ACRS of permitting and licensing issues shall focus on issues that are truly novel or noteworthy.”

On May 29, 2025, the NRC Staff issued a Safety Evaluation Report (SER) (ML25148A362) documenting the staff’s review of the application. Section 5 of the SER described the plan to meet 10 CFR 54.25 by referring the application to the ACRS, and the plan for the staff and the applicant to attend a meeting of the full committee of the ACRS to discuss the renewal application. Because the NRC Staff identified no issues in this license renewal application review that are novel or noteworthy, and the NRC is now granting an exemption to the requirement in section 54.25 to send the application to the ACRS for review, the planned actions in Section 5 of the SER will not occur.

II. Action

In light of E.O. 14300, the status of the review of the license renewal application for Perry, and the fact that the NRC Staff found no novel or noteworthy issues in the application that would benefit from ACRS review, the Staff of the Nuclear Regulatory Commission determined that a staff-initiated exemption to 10 CFR 54.25 was warranted and should be granted. Pursuant to 10 CFR 54.15 “Specific exemptions,” exemptions from the requirements of 10 CFR part 54 may be granted by the Commission in accordance with 10 CFR 50.12. Per 10 CFR 50.12(a), “The Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of the regulations of this part,” when certain conditions are met. Further, per 10 CFR 50.12(a)(2), the Commission will not consider granting an exemption unless special circumstances are present. Under 10 CFR 50.12(b)(vi), special circumstances are present whenever there is present any other material circumstance not considered when the regulation was adopted for which it would be in the public interest to grant an exemption, but if such condition is relied on exclusively for satisfying paragraph (a)(2), then the exemption may not be granted until the Executive Director for Operations has consulted with the Commission. The staff has determined that those criteria are met and an exemption from 10 CFR 54.25 may be granted for the reasons explained below.

III. Discussion

As described in 10 CFR 1.13, the ACRS was established by the Atomic

Energy Act of 1954, as amended. Among other things, the ACRS reviews and reports on safety studies and applications for construction permits and facility operating licenses and reviews any generic issues or other matters referred to it by the Commission for advice.

Paragraph 10 CFR 54.25, as originally promulgated in 1991, requires that “[e]ach renewal application will be referred to the Advisory Committee on Reactor Safeguards for a review and report. Any report will be made part of the record of the application and made available to the public, except to the extent that security classification prevents disclosure.” The 1991 rulemaking notice explained (56 FR at 64,966) the background of the requirement thusly:

Section 182.b of the AEA states:
 The ACRS shall review each application under section 103 or section 104b. for a construction permit or an operating license for a facility, any application under section 104c. for a construction permit or an operating license for a testing facility, any application under section 104a. or c. specifically referred to it by the Commission, and any application for an amendment to a construction permit or an amendment to an operating license under section 103 or 104a., b., or c. specifically referred to it by the Commission * * *

Section 182.b does not explicitly refer to applications for renewal of an operating license as requiring ACRS review. However, The Commission believes that review by the ACRS is desirable. Accordingly, § 54.25 of the final rule requires ACRS review of a license renewal application.

The Commission has not changed 10 CFR 54.25 since its initial issuance in 1991. Further, no subsequent amendments of the AEA have set forth a requirement for the ACRS to review an application for a renewed license.

10 CFR 54.15, “Specific exemptions,” states, “[e]xemptions from the requirements of this part may be granted by the Commission in accordance with 10 CFR 50.12.” Pursuant to 10 CFR 50.12(a)(1), “Specific exemptions,” the Commission may, “upon application by any interested person or upon its own initiative, grant exemptions from the requirements of the regulations of this part, which are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security.”

Exemptions Are Authorized by Law

For an exemption to be authorized by law the item to be exempted cannot be required by statute. The requirement in 10 CFR 54.25 is not required by the Atomic Energy Act, nor required by any other law. As noted by Commission in

1991 (56 FR at 64,966), the AEA does not explicitly refer to applications for renewal of an operating license as requiring ACRS review. This remains true today. Accordingly, the NRC finds that the exemption is authorized by law.

Exemption Will Not Present an Undue Risk to the Public Health and Safety

The standards and criteria that must be met before the Commission issues a renewed license are not affected by an exemption to 10 CFR 54.25. After an exemption to 54.25, the regulation at 10 CFR 54.29 will continue to set forth the safety criteria that must be met before a renewed license may be issued by the Commission. The staff, which has a robust process for reviewing applications for renewed licenses, has completed its detailed review of how Perry's application addressed the standards of 10 CFR 54.29 (and other relevant regulations). The result of the safety review is documented in a safety evaluation report. The already-completed reviews by the NRC staff that confirmed that the application did not contain anything truly novel or noteworthy thereby assuring that an exemption from 54.25's requirement to refer the application to ACRS will not present an undue risk to public health and safety.

Exemption is Consistent With the Common Defense and Security

The NRC staff has determined that the exemption from ACRS review of the license renewal application does not impact common defense and security in large part because the common defense and security are not within the scope of license renewal review that is concerned with aging effects. When promulgating revisions to the license renewal rules (60 FR 22461, 22,463–64) in 1995, the Commission re-affirmed its philosophy that the existing regulatory process is adequate to ensure that the licensing bases of all currently operating plants provides and maintains an acceptable level of safety so that operation will not be inimical to public health and safety or common defense and security. The exemption from ACRS review otherwise required by 10 CFR 54.25 does not alter any common defense or security matter or regulation. Thus, the exemption is consistent with common defense and security.

Special Circumstances Are Present

Pursuant to 10 CFR 50.12(a)(2), the Commission will not consider granting an exemption unless special circumstances are present. 10 CFR 50.12(a)(2)(vi) states that special circumstances are present when,

“[t]here is present any other material circumstance not considered when the regulation was adopted for which it would be in the public interest to grant an exemption. If such condition is relied on exclusively for satisfying paragraph (a)(2) of this section, the exemption may not be granted until the Executive Director for Operations has consulted with the Commission.”

The 2025 Executive Order 14300 did not, of course, exist when 10 CFR 54.25 was promulgated in 1991. Thus E.O. 14300 was not, and could not, be considered when 10 CFR 54.25 was issued with a blanket requirement that renewal applications be referred to ACRS. Section 4(b) of E.O. 14300 says: “Review by ACRS of permitting and licensing issues shall focus on issues that are truly novel or noteworthy.” The NRC Staff determined that there were no novel or noteworthy issues in the Perry license renewal application. To make a determination that the Perry application contained no novel or noteworthy issues, the Staff drew upon its experience with 89 approved license renewal applications and 12 approved subsequent license renewal applications. When those past reviews identified a novel or noteworthy issues (e.g., issues related to buried gray cast iron piping), the Staff took appropriate action. However, no such issues are present in the Perry application. Accordingly, because the Commission did not specifically refer this application for ACRS review, there are no truly novel or noteworthy issues in the Perry application, and E.O. 14300 was recently issued, the NRC Staff finds that special circumstances are present. Thus, given that following the E.O. is in the public interest, the E.O. represents the special circumstance under 10 CFR 50.12(a)(2)(vi) and an exemption from 54.25 is warranted. In fulfillment of 10 CFR 50.12(a)(2)(vi), the EDO consulted with the Commission.

Environmental Consideration

This exemption removes the requirement in 10 CFR 54.25 to refer the renewal application to the Advisory Committee on Reactor Safeguards for a review and report, with any report being made part of the record of the application and made available to the public, except to the extent that security classification prevents disclosure. The NRC Staff has determined that this exemption does not have an effect on the human environment and therefore, a categorical exclusion under 10 CFR 51.22 is appropriate.

Under 10 CFR 51.22(c) licensing, regulatory, and administrative actions eligible for categorical exclusion shall

meet the following criterion: The action belongs to a category of actions which the Commission, by rule or regulation, has declared to be a categorical exclusion, after first finding that the category of actions does not individually or cumulatively have a significant effect on the human environment. Under 10 CFR 51.22(c)(25) categories of actions that are categorical exclusions include granting of an exemption from the requirements of any regulation of this 10 CFR Chapter I, provided that (i) there is no significant hazards consideration; (ii) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; (iii) there is no significant increase in individual or cumulative public or occupational radiation exposure; (iv) there is no significant construction impact; (v) there is no significant increase in the potential for or consequences from radiological accidents; and (vi) the requirements from which an exemption is sought involving an item listed in 10 CFR 51.22(c)(25)(vi)(A)–(I); 10 CFR 51.22(c)(25)(vi)(A), (B), and (I) are “recordkeeping requirements,” “reporting requirements,” and “other requirements of an administrative, managerial, or organizational nature,” respectively. As explained below, these criteria are satisfied.

An exemption involves no significant hazards consideration, if as provided in 10 CFR 50.92(c), operation of the facility in accordance with the proposed exemption would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. This exemption has no bearing on operation of the facility and the Staff identified no novel or noteworthy issues for ACRS review. Referring (or declining to refer) the application to the ACRS does not change any manner in which the facility would operate, and accordingly the factors above are met. The requirement in 10 CFR 54.25 for the application to be referred to the ACRS for review and report, with any report being made part of the record of the application fit within 10 CFR 51.22(c)(25)(vi)(A), (B), and (I) in that they involve “recordkeeping requirements,” “reporting requirements,” and “other requirements of an administrative, managerial, or organizational nature.” Accordingly, an exemption from 10 CFR 54.25 meets the eligibility criteria for

categorical exclusion set forth in 10 CFR 51.22(c)(25). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the exemption.

IV. Conclusions

Accordingly, the Commission has determined that, pursuant to 10 CFR 54.15 “Specific exemptions,” (stating that exemptions from the requirements of 10 CFR part 54 may be granted by the Commission in accordance with 10 CFR 50.12), an exemption from 10 CFR 54.25 requirement to send the Perry license renewal application to the ACRS for review is granted. The standards of 10 CFR 50.12(a) are met in that the exemption from 10 CFR 54.25 is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security, and special circumstances are present, and the EDO has consulted with the Commission. Therefore, the renewal application is no longer required to be referred to the Advisory Committee on Reactor Safeguards for a review and report. The planned steps to meet 10 CFR 54.25 described in Section 5 of the May 29, 2025 SER (ML25148A362) are no longer needed and will not be taken.

The exemption is effective upon issuance.

Dated at Rockville, Maryland, this 7th day of July 2025

For the Nuclear Regulatory Commission.
/RA/

Michele Sampson,
Director, Division of New and Renewed
Licenses, Office of Nuclear Reactor
Regulation.

[FR Doc. 2025-13556 Filed 7-17-25; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-255; NRC-2025-0313]

Holtec Palisades, LLC; Palisades Nuclear Plant; License Amendment Application

AGENCY: Nuclear Regulatory
Commission.

ACTION: Opportunity to comment,
request a hearing, and petition for leave
to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC, the Commission) is considering issuance of an amendment to Renewed Facility Operating License (RFOL) No. DPR-20, that was requested by Holtec Palisades, LLC, for the Palisades Nuclear Plant (Palisades,

PNP). The amendment would change the fire protection program license condition to allow for an extension of the full compliance date.

DATES: Submit comments by August 18, 2025. Requests for a hearing or petitions for leave to intervene must be filed by September 16, 2025.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website.

- *Federal rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2025-0313. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301-415-1003; email: Bridget.Curran@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* Office of Administration, Mail Stop: TWFN-7-A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

Justin C. Poole, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2048; email: Justin.Poole@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2025-0313 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2025-0313.

- *NRC’s Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to

PDR.Resource@nrc.gov. The license amendment request is available in ADAMS under Accession No. ML25175A275.

- *NRC’s PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2025-0313 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <https://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Introduction

The NRC is considering issuance of an amendment to RFOL No. DPR-20 for Palisades, located in Van Buren County, Michigan. The proposed amendment would modify the PNP fire protection program license conditions 2.C.(3) and 2.C.(3)(c)2. Specifically, the proposed amendment would modify 2.C.(3)(c)2 to revise the full compliance date from “the fourth full operating cycle after NRC approval” to “the fifth full operating cycle after NRC approval” to allow an extension for the implementation of the remaining modifications necessary to achieve full compliance within paragraph 50.48(c) of title 10 of the *Code of Federal Regulations* (10 CFR), “National Fire Protection Association Standard NFPA 805.” The proposed amendment would also modify license condition 2.C.(3) to

make reference to this license amendment request and subsequent NRC safety evaluation.

Before issuance of the proposed license amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and NRC's regulations.

The NRC has made a proposed determination that the license amendment request involves no significant hazards consideration. Under the NRC's regulations in 10 CFR 50.92, "Issuance of amendment," this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), "Notice for public comment," the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change to the PNP RFOL to change the full compliance date for the fire protection program transition license condition to allow additional time for the implementation of the remaining modifications necessary to achieve full compliance with 10 CFR 50.48(c) is administrative in nature. This change does not alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The proposed change does not require any plant modifications which affect the performance capability of the structures, systems, and components relied upon to mitigate the consequences of postulated accidents and has no impact on the probability or consequences of an accident previously evaluated.

Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change to the PNP RFOL to change the full compliance date for the fire protection program transition license condition to allow

additional time for the implementation of the remaining modifications necessary to achieve full compliance with 10 CFR 50.48(c) is administrative in nature. This proposed change does not alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The proposed change does not require any plant modifications which affect the performance capability of the structures, systems, and components relied upon to mitigate the consequences of postulated accidents and does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Therefore, this change does not create the possibility of a new or different kind of accident from an accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change to the PNP RFOL to change the full compliance implementation date for the fire protection program transition license condition to allow additional time for implementation of the remaining modifications necessary to achieve full compliance with 10 CFR 50.48(c) is administrative in nature. Plant safety margins are established through limiting conditions for operation, limiting safety system settings, and safety limits specified in the technical specifications. Because there is no change to established safety margins as a result of this change, the proposed change does not involve a significant reduction in a margin of safety.

Therefore, this change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the license amendment request involves no significant hazards consideration.

The NRC is seeking public comments on this proposed determination that the license amendment request involves no significant hazards consideration. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 60-day notice period. However, if circumstances change during the notice period, such that

failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

III. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's "Agency Rules of Practice and Procedure" in 10 CFR part 2. Interested persons should consult 10 CFR 2.309. If a petition is filed, the presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

Petitions must be filed no later than 60 days from the date of publication of this notice in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii).

If a hearing is requested and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration, which will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place

before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h) no later than 60 days from the date of publication of this notice. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

For information about filing a petition and about participation by a person not a party under 10 CFR 2.315, see ADAMS Accession No. ML20340A053 (<https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML20340A053>) and on the NRC's public website at <https://www.nrc.gov/about-nrc/regulatory/adjudicatory/hearing.html#participate>.

IV. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including documents filed by an interested State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof that requests to participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as further discussed, is granted. Detailed guidance on electronic submissions is located in the "Guidance for Electronic Submissions to the NRC" (ADAMS Accession No. ML13031A056) and on the NRC's public website at <https://www.nrc.gov/site-help/e-submittals.html>.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at Hearing.Docket@nrc.gov, or by telephone at 301-415-1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its

counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at <https://www.nrc.gov/site-help/e-submittals/getting-started.html>. After a digital ID certificate is obtained and a docket created, the participant must submit adjudicatory documents in Portable Document Format. Guidance on submissions is available on the NRC's public website at <https://www.nrc.gov/site-help/electronic-sub-ref-mat.html>. A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. ET on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email confirming receipt of the document. The E-Filing system also distributes an email that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the "Contact Us" link located on the NRC's public website at <https://www.nrc.gov/site-help/e-submittals.html>, by email to MSHD.Resource@nrc.gov, or by a toll-free call at 1-866-672-7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., ET, Monday through Friday, except Federal holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 CFR 2.302(b)-(d). Participants filing adjudicatory documents in this manner are responsible for serving their

documents on all other participants. Participants granted an exemption under 10 CFR 2.302(g)(2) must still meet the electronic formatting requirement in 10 CFR 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 CFR 2.302(g)(1).

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available at <https://adams.nrc.gov/ehd>, unless excluded pursuant to an order of the presiding officer. If you do not have an NRC-issued digital ID certificate as previously described, click "cancel" when the link requests certificates and you will be automatically directed to the NRC's electronic hearing docket where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include copyrighted materials in their submission.

For further details with respect to this action, see the application for license amendment dated June 24, 2025.

Attorney for licensee: Erin Connolly, Corporate Counsel—Legal, Holtec International, Krishna P. Singh Technology Campus, 1 Holtec Blvd., Camden, NJ 08104.

NRC Branch Chief: Ilka Berrios.

Dated: July 16, 2025.

For the Nuclear Regulatory Commission.

Ilka Berrios,

*Acting Chief, Plant Licensing Branch III,
Division of Operating Reactor Licensing,
Office of Nuclear Reactor Regulation.*

[FR Doc. 2025-13501 Filed 7-17-25; 8:45 am]

BILLING CODE 7590-01-P

POSTAL REGULATORY COMMISSION

[Docket No. C2024-13; Presiding Officer's Ruling No. 19]

Scheduling of Settlement Conference and Oral Argument

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is providing notice that a settlement conference and oral argument are being scheduled.

DATES: *Live Settlement Videoconference:* July 22, 2025, at 11 a.m., eastern daylight time, virtual. *Live Oral Argument Videoconference:* July 24, 2025, at 11 a.m., eastern daylight time, virtual.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202-789-6820.

SUPPLEMENTARY INFORMATION:

I. Background and Analysis

II. Ruling

I. Background and Analysis

After Complainants filed a motion requesting oral argument, the Presiding Officer has determined that the factors listed in 39 CFR 3010.332 allow for—and indeed, favor—holding oral argument.¹ The Presiding Officer will conduct a settlement conference between the parties on Tuesday, July 22, 2025, at 11 a.m. Oral arguments will occur on Thursday, July 24, 2025, at 11 a.m.

II. Ruling

1. Complainants' Motion for Oral Argument etc., filed July 7, 2025, is granted.

2. A settlement videoconference will be conducted before the Presiding Officer on Tuesday, July 22, 2025, at 11 a.m.

3. Oral argument will be conducted before the Presiding Officer on Thursday, July 24, 2025, at 11 a.m.

4. The Secretary shall arrange for the publication of this ruling (or abstract thereof) in the **Federal Register**.

Erica A. Barker,
Secretary.

[FR Doc. 2025-13538 Filed 7-17-25; 8:45 am]

BILLING CODE 7710-FW-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35680; File No. 812-15784]

Ellington Credit Company, et al.

July 16, 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: Ellington Credit Company, Ellington Credit Company Management LLC, Ellington Global Asset Management, LLC, Ellington Financial Management LLC, Ellington Management Group, 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 8, 2025, and amended on July 3, 2025, and July 7, 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 August 11, 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: c/o Richard Horowitz, Esq. and Matthew Barsamian, Esq., Dechert LLP, *richard.horowitz@dechert.com* and *matthew.barsamian@dechert.com*.

FOR FURTHER INFORMATION CONTACT: Adam Large, Senior Special Counsel, Laura Solomon, Senior Counsel, or Daniele Marchesani, Assistant Chief Counsel, at (202) 551-6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to

Applicants' second amended application, dated July 7, 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. 2025-13557 Filed 7-17-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103464; File No. SR-CboeEDGX-2025-052]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule Regarding Dedicated Cores

July 15, 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 July 7, 2025, Cboe EDGX Exchange, Inc. ("Exchange" or "EDGX") 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 its fee schedule to adopt fees for Dedicated Cores. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (http://markets.cboe.com/us/options/regulation/rule_filings/edgx/), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

¹ Motion for Oral Argument etc., July 7, 2025 (Motion).

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 its fee schedule to adopt fees for Dedicated Cores.³

By way of background, the Exchange recently began allowing Users⁴ to assign a Single Binary Order Entry ("BOE") logical order entry port⁵ to a single dedicated Central Processing Unit (CPU Core) ("Dedicated Core"). Historically, CPU Cores had been shared by logical order entry ports (*i.e.*, multiple logical ports from multiple firms may connect to a single CPU Core). Use of Dedicated Cores however, can provide reduced latency, enhanced throughput, and improved performance since a firm using a Dedicated Core is utilizing the full processing power of a CPU Core

instead of sharing that power with other firms. This offering is completely voluntary and is available to all Users that wish to purchase Dedicated Cores. Users may utilize BOE logical order entry ports on shared CPU Cores, either in lieu of, or in addition to, their use of Dedicated Core(s). As such, Users are able to operate across a mix of shared and dedicated CPU Cores which the Exchange believes provides additional risk and capacity management. Further, Dedicated Cores are not required nor necessary to participate on the Exchange and as such Users may opt not to use Dedicated Cores at all.

The Exchange proposes to assess the following monthly fees for Users that wish to use Dedicated Cores and adopt a maximum limit. First, the Exchange proposes to provide up to two Dedicated Cores to all Users who wish to use Dedicated Cores, at no additional cost. In the event that a User voluntarily chooses to use more than two Dedicated Cores, only then would the Exchange assess the following fees: \$650 per Dedicated Core for 3–15 Dedicated Cores; \$850 per Dedicated Core for 16–30 Dedicated Cores; and \$1,050 per Dedicated Core for 31 or more Dedicated Cores. The proposed fees are progressive and the Exchange proposes to include the following example in the Fees Schedule to provide clarity as to how the fees will be applied. Particularly, the Exchange will provide the following example: if a User were to purchase 16 Dedicated Cores, it will be charged a total of \$9,300 per month ($\$0 * 2$) + ($\$650 * 13$) + ($\$850 * 1$). The Exchange also proposes to make clear in the Fees Schedule that the monthly fees are assessed and applied in their entirety and are not prorated. The Exchange notes the current standard fees assessed for BOE Logical Ports, whether used with Dedicated or shared CPU cores, will remain applicable and unchanged.⁶

Since the Exchange currently has a finite amount of physical space in its data centers in which its servers (and therefore corresponding CPU Cores) are located, the Exchange also proposes to prescribe a maximum limit on the number of Dedicated Cores that Users may purchase each month. The purpose of establishing these limits is to manage the allotment of Dedicated Cores in a fair manner and to prevent the Exchange from being required to expend large amounts of limited resources in order to provide an unlimited number of Dedicated Cores. The Exchange

previously established a limit for Members of a maximum number of 60 Dedicated Cores and Sponsoring Members a limit of a maximum number of 25 Dedicated Cores for each of their Sponsored Access relationships.⁷ The Exchange has since been able to procure additional space in its third-party data center, as well as procure additional servers with CPU Cores and the Exchange has a better understanding of User demand relative to its available space since the initial launch of Dedicated Cores. After seeing increased User demand, the Exchange proposed to increase the cap and provided that Members will be limited to a maximum number of 80 Dedicated Cores and Sponsoring Members will be limited to a maximum number of 35 Dedicated Cores for each of their Sponsored Access relationships.⁸ The Exchange noted at that time that it would continue monitoring Dedicated Core interest by all Users and allotment availability with the goal of increasing these limits to meet Users' needs if and when the demand is there and/or the Exchange is able to accommodate additional Dedicated Cores. Since then, the Exchange has determined that it is able to accommodate an increased cap relative to current demand. As such, the Exchange proposed to increase the cap to 120 Dedicated Cores for Members, effective December 1, 2024.⁹ Sponsoring Members will continue to be limited to a maximum of 35 Dedicated Cores for each of their Sponsored Access relationships.¹⁰

⁷ See Securities Exchange Act Release No. 100471 (July 9, 2024) 89 FR 57454 (July 15, 2024) (SR-CboeEDGX-2024-043).

⁸ See Securities Exchange Act Release No. 101305 (October 10, 2024) 89 FR 83720 (October 17, 2024) (SR-CboeEDGX-2024-061).

⁹ The prescribed maximum quantity of Dedicated Cores for Members applies regardless of whether that Member purchases the Dedicated Cores directly from the Exchange and/or through a Service Bureau. In a Service Bureau relationship, a customer allows its MPID to be used on the ports of a technology provider, or Service Bureau. One MPID may be allowed on several different Service Bureaus.

¹⁰ The fee tier(s) applicable to Sponsoring Members are determined on a per Sponsored Access relationship basis and not on the combined total of Dedicated Cores across Sponsored Users. For example, under the proposed changes, a Sponsoring Member that has three Sponsored Access relationships is entitled to a total of 105 Dedicated Cores for those 3 Sponsored Access relationships but would be assessed fees separately based on the 35 Dedicated Cores for each Sponsored User (instead of combined total of 105 Dedicated Cores). For example, a Sponsoring Member with 3 Sponsored Access relationships would pay \$30,450 per month if each Sponsored Access relationship purchased the maximum 35 Dedicated Cores. More specifically, the Sponsoring Member would be provided 2 Dedicated Cores at no additional cost for each Sponsored User under Tier 1 (total of 6

³ The Exchange initially adopted pricing for Dedicated Cores on July 1, 2024 (SR-CboeEDGX-2024-043). On August 1, 2024, the Exchange withdrew that filing and submitted SR-CboeEDGX-2024-051. On business date September 30, 2024, the Exchange withdrew that filing and submitted SR-CboeEDGX-2024-061. On November 26, 2024, the Exchange withdrew that filing and submitted SR-CboeEDGX-2024-080. On January 24, 2025, the Exchange withdrew that filing and submitted SR-CboeEDGX-2025-006. On March 13, 2025, the Exchange withdrew that filing and submitted SR-CboeEDGX-2025. On May 7, 2025, the Exchange withdrew that filing and submitted SR-CboeEDGX-2025-037. On July 2, 2025, the Exchange withdrew that filing and submitted this filing.

⁴ A User may be either a Member or Sponsored Participant. The term "Member" shall mean any registered broker or dealer that has been admitted to membership in the Exchange, limited liability company or other organization which is a registered broker or dealer pursuant to Section 15 of the Act, and which has been approved by the Exchange. A Sponsored Participant may be a Member or non-Member of the Exchange whose direct electronic access to the Exchange is authorized by a Sponsoring Member subject to certain conditions. See Exchange Rule 11.3.

⁵ Users may currently connect to the Exchange using a logical port available through an application programming interface ("API"), such as the Binary Order Entry ("BOE") protocol. A BOE logical order entry port is used for order entry.

⁶ The Exchange currently assesses \$550 per port per month. Port fees will also continue to be assessed on the first two Dedicated Cores that Users receive at no additional cost. See Cboe EDGX Equities Fee Schedule.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.¹¹ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹² requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹³ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4)¹⁴ of the Act, which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities.

The Exchange believes the proposal is reasonable because the Exchange is offering *all* Users voluntarily choose wishes to utilize Dedicated Cores up to two Dedicated Cores at no additional cost. Notably, as of the beginning of May, of the Members that currently maintain Dedicated Cores, 20% maintain only 1 or 2 Dedicated Cores and therefore pay no additional fees.¹⁵ The Exchange believes the proposed fees are reasonable because Dedicated Cores provide a valuable service in that it can provide reduced latency, enhanced throughput, and improved performance compared to use of a shared CPU Core since a firm using a

Dedicated Core is utilizing the full processing power of a CPU Core. The Exchange also emphasizes however, that the use of Dedicated Cores is not necessary for trading and as noted above, is entirely optional. Users can also continue to access the Exchange through shared CPU Cores at no additional cost. Indeed, as of the beginning of May, 36% of the Exchange’s Members currently use Dedicated Cores, and as noted above, of those who do, 20% take only 1 or 2 Dedicated Cores at no additional cost. Depending on a firm’s specific business needs, the proposal enables Users to choose to use Dedicated Cores in lieu of, or in addition to, shared CPU Cores (or as emphasized, not use Dedicated Cores at all). If a User finds little benefit in having Dedicated Cores based on its business model and trading strategies, or determines Dedicated Cores are not cost-efficient for its needs or does not provide sufficient value to the firm, such User may continue its use of the shared CPU Cores, unchanged. The Exchange is not aware of any specific reason (operational or otherwise) why a firm would not partake in the use of the one to two free Dedicated Cores the Exchange offers. Indeed the Exchange does not believe that the set up a firm would undertake to use free Dedicated Cores offered by the Exchange is prohibitively difficult or burdensome; ultimately, whether or not a firm avails itself of the free Dedicated Cores is a business decision, and some firms may decide that the impact that Dedicated Cores may have is simply not beneficial or necessary to how that firm operates. The Exchange also has no plans to eliminate shared CPU Cores nor to require Users to purchase Dedicated Cores.

The Exchange has seen general interest in Dedicated Cores from a variety of market participants, with varying size and business models. Such market participants include proprietary trading firms (who tend to be more latency sensitive), as well as sell-side market participants and buy-side market participants (who tend to be less latency sensitive). For background, proprietary trading firms utilize their own capital to trade without taking outside money from clients. Due to the nature of their respective businesses, the Exchange has classified proprietary trading firms as latency sensitive, and other groups, such as buy-side hedge funds, sell-side banks and sell-side non-banks (such as agency brokers) as non-latency sensitive. Proprietary trading firms’ strategies may range from, market making, to relative value trading and

arbitrage- these all rely on profiting from general market activity and, generally, requires faster entry and exit into trades and positions making proprietary trading firms more latency sensitive than other market segments. Buy-side hedge funds, banks and agency brokers are not as latency sensitive as, generally, the strategy for hedge funds is based on overall long-term positioning in the market and banks and agency brokers may profit from commissions of customer order flow; both are generally strategies that are not reliant on speed to the same extent proprietary trading firms are. Further, Users have various reasons for obtaining Dedicated Cores. Some Users for example, may be seeking to further reduce latency or increased execution determinism, whereas others may use Dedicated Cores as a general risk mitigation by siloing their respective activity. For example, by using the Dedicated Core(s) to silo its respective activity, a firm may be able to mitigate risk during periods of heightened volatility as the firm will not need to compete for a shared resource (*i.e.*, the shared core). Of further note, as of the beginning of May, only 67% of Members that are propriety trading firms (who again, generally tend to be more latency sensitive) utilize Dedicated Cores, and of that 67%, 25% are only utilizing the 1 to 2 free Dedicated Cores available to all Users. As mentioned above, some non-latency sensitive firms have chosen to also adopt Dedicated Cores. As of the beginning of May, 20% of Members that are not latency sensitive utilize Dedicated Cores, and of that 20%, 11% are only utilizing the 1 to 2 free Dedicated Cores available to all Users.

The lack of universal, or even widespread, adoption by all such users therefore demonstrates that purchasing Dedicated Cores is not effectively a requirement to compete for any one type of market participant, including latency sensitive market participants. Instead, Dedicated Cores are an optional and voluntary connectivity offering, which market participants are free to choose whether or not to utilize based on whether they meet their unique business needs. Moreover, the Exchange has received overwhelming positive feedback and support for Dedicated Cores from the firms that have chosen to utilize these in furtherance of their respective needs, with some Users even noting that they have moved more of their order flow to the Exchange and its affiliated equities exchanges (the “Equities Exchanges”) as they have noticed both better fills and greater consistency of order execution at the

Dedicated Cores at no additional cost) and provided an additional 8 Dedicated Cores at \$650 each for each Sponsored User, 5 Dedicated Cores at \$850 each for each Sponsored User and 20 Dedicated Cores at \$1,050 each for each Sponsored User (combined total of 99 additional Dedicated Cores).

¹¹ 15 U.S.C. 78f(b).

¹² 15 U.S.C. 78f(b)(5).

¹³ *Id.*

¹⁴ 15 U.S.C. 78f(b)(4).

¹⁵ The Exchange notes that its numbers only include Members since it does not have the same level of insight into customer segments for Sponsored Access.

Equities Exchanges. This demonstrates that despite any incurred costs for Users that choose to purchase Dedicated Cores, it is ultimately a net win for them as they benefit from better execution. The Exchange believes it also demonstrates that Users find the proposed fees to be both reasonable and have benefited from purchasing or, are alternatively benefiting from the proposed one or two free Dedicated Cores available at no additional cost. The Exchange believes this is shown by both the level of demand for Dedicated Cores and the feedback from market participants that have used Dedicated Cores for its unique business needs, including as described above. The Exchange also believes it's notable that no negative comment letters in connection with the proposed pricing have been received since the Exchange first filed proposed fees for Dedicated Cores back on July 1, 2024.

Additionally, as noted earlier, Users can (and many have) decide that utilizing even a free Dedicated Core is not needed for their business. The Exchange also notes it has not received any feedback for Users that raise concerns over the barrier to entry to use Dedicated Cores, including notably the free Dedicated Cores—nor is the Exchange aware of any reason why a firm would ultimately choose not to use the free Dedicated Cores, other than it is not necessary for its business. Ultimately, this is a business decision that each User must make and is best suited to determine and will ultimately depend on the priorities and strategies of that User's respective business needs.

The Exchange also notes that at least one other exchange also has a comparable offering.¹⁶ The Nasdaq Stock Market, LLC ("Nasdaq"), introduced the Dedicated Ouch Port Infrastructure in 2014¹⁷ which allows a member firm to assign up to 30 of its OUCH ports to a dedicated server infrastructure for its exclusive use.¹⁸ The Dedicated OUCH server handles only the subscribing member firm's message traffic sent through their ports on the Dedicated OUCH to Nasdaq's system.¹⁹ Similarly, as previously described, a Dedicated Core only handles that subscribing firm's messaging activity. Nasdaq notes that

with its Dedicated OUCH offering, member firms can develop a tailored solution by controlling their message traffic in order to optimize their trading strategies.²⁰ As described above with Dedicated Cores, one of the benefits is greater execution determinism as subscribers only need to account for their order flow when using a Dedicated Core, similar to the existing Nasdaq Dedicated OUCH offering. In addition to using Dedicated Cores and Dedicated OUCH for the purpose of greater execution determinism, firms may also use either offering for greater risk mitigation as, with either offering, the subscribing firm only needs to take their specific messaging traffic into account. Nasdaq notes as well that its Dedicated OUCH offering is wholly optional and therefore member firms are not compelled to subscribe and that its offering is pro-competitive as it adds an additional connectivity option available to Nasdaq members.²¹ Similar to the Dedicated OUCH offering, the Exchange has noted that no User is required to purchase or to use the two free Dedicated Cores offered to all Users.

Despite these similarities, there are some differences. Specifically, with the Nasdaq OUCH offering, a member firm would need to purchase an entire server, of which, 30 OUCH ports could be utilized on the Dedicated OUCH server—a participant may purchase up to four Dedicated OUCH servers based on its needs.²² In contrast, the Exchange's offering allows for a purchase by cores (as opposed to an entire server), allowing a participant to more efficiently scale its business by purchasing only the number of cores that it needs. Ultimately, the Exchange's offering is more akin to a service offering while the Nasdaq offering is more akin to an infrastructure offering (and as such, the pricing structure does differ)—both offerings better enable a firm to utilize the full processing power of a CPU Core.

A Dedicated OUCH Port Infrastructure subscription is available to a member firm for a fee of \$5,000 per month, which is in addition to the standard fees assessed for each OUCH port. A one-time installation fee of \$5,000 is assessed to subscribers for each Dedicated OUCH Port Server

subscription.²³ In contrast, the Exchange offers 1–2 Dedicated Cores at no cost, making this widely available to any participant who may find a benefit from using this offering. Additionally, by the Exchange not charging an installation fee upfront, participants are able to try the offering at no cost, by receiving up to two Dedicated Cores at no cost to the User. The Exchange's model allows for widespread participation by all who wish to use Dedicated Cores—the steep initial cost of Nasdaq's model of spending, at a minimum, \$10,000 for the first month requires a heavy investment, which in the case of smaller participants, may not be feasible. In contrast, the Exchange's model of providing up to two Dedicated Cores at no cost, allows participants to easily utilize this service if they believe it is helpful for their business needs. Moreover, the Exchange's service offering also provides more Users with more modest CPU capacity needs a zero-cost option, as well as the ability to buy only as many Dedicated Cores that they need, whereas Nasdaq's Dedicated OUCH offering requires a User to buy all cores offered on a single server (even if a firm does not have the corresponding full amount of 30 ports), with no discounted or fee waiver for the first two cores, as well as no ability to buy fewer cores than necessary.

Lastly, the Exchange emphasizes that order processing itself is not affected by the introduction of Dedicated Cores. No relevant changes are intended to the matching engine, which is, and remains, the main component of the Exchange's infrastructure being responsible for the actual processing of orders. While Users of Dedicated Cores may notice a latency reduction, this is an inherent byproduct of introducing improved technology.²⁴

The Exchange also believes that the proposed Dedicated Core fees are equitable and not unfairly discriminatory because they continue to be assessed uniformly to similarly situated Users in that all Users who choose to purchase Dedicated Cores will be subject to the same proposed tiered fee schedule. Moreover, all Users are entitled to up to 2 Dedicated Cores at no additional cost and as previously

¹⁶ See The Nasdaq Stock Market, Equity 7 Pricing Schedule, Section 115(g)(3), Dedicated Ouch Port Infrastructure.

¹⁷ See Securities Exchange Act Release No. 70693 (October 16, 2013), 78 FR 62761 (October 22, 2013) (SR-NASDAQ-2013-131).

¹⁸ See *supra* note 15.

¹⁹ See Securities Exchange Act Release No. 70036 (July 25, 2013), 78 FR 45993 (July 30, 2013) (SR-NASDAQ-2013-097).

²⁰ *Id.*

²¹ *Id.*

²² See <https://nasdaqtrader.com/Trader.aspx?id=OUCH#:~:text=Each%20server%20can%20house%20up%20to%20a%20maximum,Nasdaq%20Market%20Sales%20at%20%20B1%20800%20846%200477>.

²³ See The Nasdaq Stock Market Rulebook, Equity 7 Pricing Schedule.

²⁴ Moreover, there has been a longstanding history of exchanges providing enhanced technology where the latency reduction that follows is a natural result. For example, other exchanges may offer a variety of co-location services where subscribers of these services may benefit from lower latency based on the specific offering they choose based on their business needs. See e.g., The Nasdaq Stock Market General 8 Connectivity, Section 1 Co-Location Services (demonstrating a range of cabinet offerings).

discussed, as of the beginning of May, 20% of all Members that take Dedicated Cores (including both latency sensitive and non-latency sensitive Members) take only 1 or 2 Dedicated Cores at no additional cost. The Exchange believes the proposed ascending fee structure is also reasonable, equitable and not unfairly discriminatory as it is designed so that firms that use a higher allotment of the Exchange's finite number of Dedicated Cores pay higher rates, rather than placing that burden on market participants that have more modest needs who will have the flexibility of obtaining Dedicated Cores at lower price points in the lower tiers. As such, the proposed fees do not favor certain categories of market participants in a manner that would impose a burden on competition; rather, the ascending fee structure reflects the (finite) resources consumed by the various needs of market participants—that is, the lowest Dedicated Core consuming Users pay the least, and highest Dedicated Core consuming Users pay the most. The Exchange believes that such pricing further creates a lower barrier to entry for all Users, making this service widely available to all who deem it helpful for their business, including those with more modest needs. Other exchanges similarly assess higher fees to those that consume more Exchange resources.²⁵ Moreover, those consuming more Dedicated Cores do so if they find a benefit in having higher quantities of Dedicated Cores based on their respective business needs. The proposed tier structure is also designed to encourage firms to manage their needs in a fair manner and to prevent the Exchange from being required to expend large amounts of limited resources in order to provide an additional number of Dedicated Cores or put the Exchange in a position that it cannot accommodate demand. Moreover, as discussed above and in more detail below, the Exchange cannot currently offer an unlimited number of Dedicated Cores due in part to physical space constraints in the third-party data center. The Exchange believes the proposed ascending fee structure is therefore another appropriate means, in conjunction with an established cap, to manage this finite resource and ensure the resource is apportioned more fairly.

The Exchange believes it is reasonable to limit the number of Dedicated Cores Users can purchase because the Exchange has a finite amount of space in its third-party data centers to

accommodate CPU cores, including Dedicated Cores. The Exchange must also take into account timing and cost considerations in procuring additional Dedicated Cores and related hardware such as servers, switches, optics and cables, as well as the readiness of the Exchange's data center space to accommodate additional Dedicated Cores in the Exchange's respective Order Handler Cabinets.²⁶ Moreover, procuring data center space has grown to be more challenging than it was five years ago with the increased demand for data center space. For example, the U.S. colocation data center market has doubled in size in just four years. In addition to the Exchange's rollout of Dedicated Cores, the Exchange is mindful of its other business areas and the need to continue to be mindful of its existing, external restraints in procuring additional space in this area. The Exchange has, and will continue to, monitor market participant demand and space availability and endeavor to adjust the limit if and when the Exchange is able to acquire additional space and power within the third-party data centers and/or CPU Cores to accommodate additional Dedicated Cores.²⁷ The Exchange monitors its capacity and data center space and thus is in the best place to determine these limits and modify them as appropriate in response to changes to this capacity and space, as well as market demand. For example, the Exchange's affiliate Cboe EDGA Exchange, Inc. has increased the prescribed maximum limit three times since the launch of Dedicated Cores on its exchange on February 26, 2024 as a result of evaluating the demand relative to Dedicated Cores availability.²⁸ The proposed increased limits continue to apply uniformly to similarly situated market participants (*i.e.*, all Members are subject to the same limit and all Sponsored Participants are subject to the same limit, respectively). The Exchange believes it's not unfairly discriminatory to provide for different limits for different types of Users. For example, the Exchange believes it's not unfairly discriminatory to provide for an

initial lower limit to be allocated for Sponsored Participants because unlike Members, Sponsored Participants are able to access the Exchange without paying a Membership Fee. Members also have more regulatory obligations and risk that Sponsored Participants do not. For example, while Sponsored Participants must agree to comply with the Rules of the Exchange, it is the Sponsoring Member of that Sponsored Participant that remains ultimately responsible for all orders entered on or through the Exchange by that Sponsored Participant. The industry also has a history of applying fees differently to Members as compared to Sponsored Participants.²⁹ Lastly, the Exchange believes its proposed maximum limits, and distinction between Members and Sponsored Participants, is another appropriate means to help the Exchange manage its allotment of Dedicated Cores and better ensure this finite resource is apportioned fairly.

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 intramarket competition that is not necessary in furtherance of the purposes of the Act because the proposed tiered fee structure will apply equally to all similarly situated Users that choose to use Dedicated Cores. As discussed above, Dedicated Cores are optional and Users may choose to utilize Dedicated Cores, or not, based on their views of the additional benefits and added value provided by utilizing a Dedicated Core. The Exchange believes the proposed fees will be assessed proportionately to the potential value or benefit received by Users with a greater number of Dedicated Cores and notes that Users may determine at any time to cease using Dedicated Cores. As discussed, Users can also continue to access the Exchange through shared CPU Cores at no additional cost. Finally, all Users will be entitled to two Dedicated Cores at no additional cost.

Next, the Exchange believes the proposed rule change does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market, including competition for exchange memberships. Market Participants have numerous alternative venues that they may participate on, including 15 other

²⁶ The Exchange notes that it cannot currently convert shared CPU cores into Dedicated Cores.

²⁷ As of the beginning of May, the Exchange has two Users that takes Dedicated Cores at or near the maximum limits, and the average number of Dedicated Cores used for the Exchange is 22.

²⁸ See Securities Exchange Act Release No. 99983 (April 17, 2024), 89 FR 30418 (April 23, 2024) (SR-CboeEDGA-2024-014); Securities Exchange Act Release No. 100300 (June 10, 2024), 89 FR 50653 (June 14, 2024) (SR-CboeEDGA-2024-020); and Securities Exchange Act Release No. 100736 (August 21, 2024), 89 FR 67696 (August 15, 2024) (SR-CboeEDGA-2024-032).

²⁹ See *e.g.*, Securities Exchange Act Release No. 68342 (December 3, 2012), 77 FR 73096 (December 7, 2012) (SR-CBOE-2012-114); and Securities Exchange Act Release No. 66082 (January 3, 2012), 77 FR 1101 (January 9, 2012) (SR-C2-2011-041).

²⁵ See *e.g.*, Cboe U.S. Options Fee Schedule, BZX Options, Options Logical Port Fees, Ports with Bulk Quoting Capabilities.

equities exchanges, as well as off-exchange venues, where comparable products are available for trading. Indeed, participants can readily choose to submit their order flow to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. Further, as described above, Nasdaq also already provides a similar offering.³⁰

Moreover, 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.”³¹ The fact that this market is competitive has also 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 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’. . . .”³² Accordingly, the Exchange does not believe its proposed change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act³³ and paragraph (f) of Rule 19b-4³⁴ thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission’s internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CboeEDGX-2025-052 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-CboeEDGX-2025-052. 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-CboeEDGX-2025-052 and should be submitted on or before August 8, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³⁵

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-13480 Filed 7-17-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235-0462]

Proposed Collection; Comment Request; Extension: Rule 604

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (“SEC” or “Commission”) is soliciting comments on the proposed collection of information.

Rule 604, 17 CFR 242.604, requires specialists and market makers to publish customer limit orders that are priced superior to the bids or offers being displayed by each such specialist or market maker.¹ Customer limit orders that match the bid or offer being displayed by a specialist or market maker must be published if the limit price also matches the national best bid or offer (“NBBO”) and the size of the customer limit order is more than *de minimis* (i.e., more than 10% of the specialist’s or market maker’s displayed size).

The information collection in Rule 604 is mandatory and is a third party disclosure requirement. The information

³⁰ See The Nasdaq Stock Market, Equity 7 Pricing Schedule, Section 115(g)(3), Dedicated Ouch Port Infrastructure.

³¹ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

³² *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)).

³³ 15 U.S.C. 78s(b)(3)(A).

³⁴ 17 CFR 240.19b-4(f).

³⁵ 17 CFR 200.30-3(a)(12).

¹ See Securities Exchange Act Release No. 37619A (September 6, 1996), 61 FR 48290 (September 12, 1996).

collected and disclosed pursuant to Rule 604 is necessary to facilitate the establishment of a national market system for securities. The information is useful to investors because the publication of trading interest that improves specialists' and market makers' quotes presents investors with improved execution opportunities and improved access to the best available prices when they buy or sell securities.

The Commission estimates that approximately 30 respondents will respond to the collection of information requirements each time they receive a displayable customer limit order. The Commission further estimates that a respondent will receive a customer limit order, on average, 37,460.31 times per trading day with an estimate average time of 0.001 second per quote update. Accordingly, assuming 252 days in a trading year, an average 2.62 hours per year per respondent, the Commission estimates that the total annual burden for all respondents is 78.7 hours.

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.

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

Please direct your written comments on this 60-Day Collection Notice to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg via email to PaperworkReductionAct@sec.gov by September 16, 2025. There will be a second opportunity to comment on this SEC request following the **Federal Register** publishing a 30-Day Submission Notice.

Dated: July 16, 2025.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-13524 Filed 7-17-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103460; File No. SR-EMERALD-2025-16]

Self-Regulatory Organizations; MIAX Emerald, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Certificate of Incorporation of the Exchange's Ultimate Parent Company, Miami International Holdings, Inc.

July 15, 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 July 10, 2025, MIAX Emerald, LLC ("MIAX Emerald" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the certificate of incorporation (defined below) of the Exchange's ultimate parent company, Miami International Holdings, Inc. (the "Corporation"), in connection with a reverse stock split (defined below).

The text of the proposed rule change is available on the Exchange's website at <https://www.miaxglobal.com/markets/us-options/emerald-options/rule-filings>, at the Exchange's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Corporation was originally formed on November 14, 2007 as a new ultimate holding company for the Exchange's affiliate, Miami International Securities Exchange, LLC ("MIAX").³ The Corporation intends to amend and restate its current certificate of incorporation (the "Current Certificate of Incorporation")⁴ to effect a reverse stock split (described below) and adopt these changes as its new Amended and Restated Certificate of Incorporation (the "New Certificate of Incorporation"). The amendments will be achieved through the filing with the State of Delaware of a certificate of amendment for the New Certificate of Incorporation (the "Effective Time").

The current capital structure of the Corporation is comprised of 625,000,000 authorized shares, consisting of 400,000,000 shares of voting Common Stock; 200,000,000 shares of Nonvoting Common Stock; and 25,000,000 shares of Preferred Stock.⁵ The Current Certificate of Incorporation includes limitations on ownership percentages in any class of capital stock of the Corporation, which limitations will carry over to the New Certificate of Incorporation. In particular, subject to certain exceptions described below, for so long as the Corporation shall control, directly or indirectly, a Controlled National Securities Exchange⁶ (i.e., the Exchange and any of its affiliated national securities exchanges, described below):

³ See Securities Exchange Act Release No. 68341 (December 3, 2012), 77 FR 73065 (December 7, 2012) (File No. 10-207) (Exhibit C) (In the Matter of the Application of Miami International Securities Exchange, LLC for Registration as a National Securities Exchange: Findings, Opinion, and Order of the Commission).

⁴ See Amended and Restated Certificate of Incorporation of Miami International Holdings, Inc., dated October 15, 2015, available at https://www.miaxglobal.com/sites/default/files/page-files/MIH_Amended_Restated_Certificate_of_Incorporation_10152015.pdf.

⁵ See Current Certificate of Incorporation, Article Fourth, Section A.(i)-(iii). At the time of this filing, the only series of Preferred Stock issued and outstanding is Series B Preferred Stock, which is limited to 10,000,000 shares of Series B Preferred Stock. The Corporation previously eliminated its Series A Preferred Stock. See Current Certificate of Incorporation, Article Fourth, Sections C.-D.

⁶ The term "Controlled National Securities Exchange" means a national securities exchange, including but not limited to Miami International Securities Exchange, LLC, or facility thereof. See Current Certificate of Incorporation, Article Eighth.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

(i)(A) No Person,⁷ either alone or together with its Related Persons,⁸ may own, directly or indirectly, of record or beneficially, shares constituting more than forty percent (40%) of any class of capital stock of the Corporation;

(i)(B) No Exchange Member, either alone or together with its Related Persons, may own, directly or indirectly, of record or beneficially, shares constituting more than twenty percent (20%) of any class of capital stock of the Corporation; and

(i)(C) No Person, either alone or together with its Related Persons, at any time may, directly, indirectly or pursuant to any voting trust, agreement, plan or other arrangement, vote or cause the voting of shares of the capital stock of the Corporation or give any consent or proxy with respect to shares representing more than twenty percent (20%) of the voting power of the then issued and outstanding capital stock of the Corporation, nor may any Person, either alone or together with its Related Persons, enter into any agreement, plan or other arrangement with any other Person, either alone or together with its Related Persons, under circumstances that would result in the shares of capital stock of the Corporation that are subject to such agreement, plan or other arrangement not being voted on any matter

⁷ For purposes of the limitations described in Article Ninth of the Current Certificate of Incorporation, the term "Person" shall mean a natural person, partnership, corporation, limited liability company, entity, government, or political subdivision, agency or instrumentality of a government. See Current Certificate of Incorporation, Article Ninth(a)(i).

⁸ For purposes of the limitations described in Article Ninth of the Current Certificate of Incorporation, the term "Related Persons" shall mean with respect to any Person: (A) any "affiliate" of such Person (as such term is defined in Rule 12b-2 under the Act); (B) any other Person with which such first Person has any agreement, arrangement or understanding (whether or not in writing) to act together for the purpose of acquiring, voting, holding or disposing of shares of the capital stock of the Corporation; (C) in the case of a Person that is a company, corporation or similar entity, any executive officer (as defined under Rule 3b-7 under the Act) or director of such Person and, in the case of a Person that is a partnership or limited liability company, any general partner, managing member or manager of such Person, as applicable; (D) in the case of any Person that is a registered broker or dealer that has been admitted to membership in a Controlled National Securities Exchange (an "Exchange Member"), any Person that is associated with the Exchange Member (as determined using the definition of "person associated with a member" as defined under Section 3(a)(21) of the Act); (E) in the case of a Person that is a natural person and Exchange Member, any broker or dealer that is also an Exchange Member with which such Person is associated; (F) in the case of a Person that is a natural person, any relative or spouse of such Person, or any relative of such spouse who has the same home as such Person or who is a director or officer of the Corporation or any of its parents or subsidiaries; (G) in the case of a Person that is an executive officer (as defined under Rule 3b-7 under the Act) or a director of a company, corporation or similar entity, such company, corporation or entity, as applicable; and (H) in the case of a Person that is a general partner, managing member or manager of a partnership or limited liability company, such partnership or limited liability company, as applicable. See Current Certificate of Incorporation, Article Ninth(a)(ii).

or matters or any proxy relating thereto being withheld, where the effect of such agreement, plan or other arrangement would be to enable any Person, either alone or together with its Related Persons, to vote, possess the right to vote or cause the voting of shares of the capital stock of the Corporation which would represent more than twenty percent (20%) of said voting power.⁹

Subject to additional provisions described below, the limitations in clauses (b)(i)(A) and (b)(i)(C) of the Ninth Article of the Current Certificate of Incorporation (listed above) shall not apply in the case of any class of stock that does not have the right by its terms to vote in the election of members of the Board of Directors of the Corporation or on other matters that may require the approval of the holders of voting shares of the Corporation (other than matters affecting the rights, preferences or privileges of said class of stock). Further, the limitations in clauses (b)(i)(A) and (b)(i)(C) (listed above) (except with respect to Exchange Members and their Related Persons) of the Ninth Article of the Current Certificate of Incorporation may be waived by the Board of the Corporation pursuant to a resolution duly adopted by the Board, if, in connection with the taking of such action, the Board adopts a resolution stating that it is the determination of such Board that such action will not impair the ability of the Exchange to carry out its functions and responsibilities as an "exchange" under the Act, and the rules and regulations promulgated thereunder; that it is otherwise in the best interests of the Corporation, its stockholders and the Exchange and that it will not impair the ability of the Commission to enforce the Act and the rules and regulations promulgated thereunder, and such resolution shall not be effective until it is filed with and approved by the Commission. In making the determinations referred to in the immediately preceding sentence, the Board may impose on the Person in question and its Related Persons such conditions and restrictions as it may in its sole discretion deem necessary, appropriate or desirable in furtherance of the objectives of the Act and the rules and regulations promulgated thereunder, and the governance of the Exchange.¹⁰

The Current Certificate of Incorporation provides the following additional provisions limiting ownership in the Corporation. Notwithstanding the provisions

⁹ See Current Certificate of Incorporation, Article Ninth(b)(i)(A)–(C).

¹⁰ See Current Certificate of Incorporation, Article Ninth(b)(ii)(A)–(B).

described in the paragraph immediately above (clauses (b)(ii)(A) and (b)(ii)(B) of Article Ninth of the Current Certificate of Incorporation), in any case where a Person, either alone or together with its Related Persons, would own or vote more than any of the above percentage limitations upon consummation of any proposed sale, assignment or transfer of the Corporation's capital stock, such sale, assignment or transfer shall not become effective until the Board of Directors of the Corporation shall have determined, by resolution, that such Person and its Related Persons are not subject to any applicable "statutory disqualification" (within the meaning of Section 3(a)(39) of the Act). In addition, any Person that either alone or together with its Related Persons proposes to own, directly or indirectly, of record or beneficially, shares of the capital stock of the Corporation constituting more than forty percent (40%) of the outstanding shares of any class of capital stock of the Corporation, or to exercise voting rights, or grant any proxies or consents with respect to shares of the capital stock of the Corporation constituting more than twenty percent (20%) of the voting power of the then issued and outstanding shares of capital stock of the Corporation, shall have delivered to the Board of Directors of the Corporation a notice in writing, not less than forty-five (45) days (or any shorter period to which said Board shall expressly consent) before the proposed ownership of such shares, or the proposed exercise of said voting rights or the granting of said proxies or consents, of its intention to do so.¹¹

The Exchange, on behalf of the Corporation, now proposes to amend the Current Certificate of Incorporation in connection with a reverse stock split, pursuant to which each two (2) shares of Common Stock, Nonvoting Common Stock and Series B Preferred Stock outstanding and held of record by each stockholder of the Corporation (including treasury shares) immediately prior to the Effective Time shall, automatically and without any further action on the part of the Corporation or the respective holders thereof, be reclassified and combined into one (1) validly issued, fully paid and non-assessable share of Common Stock, Nonvoting Common Stock or Series B Preferred Stock, as applicable (the "Reverse Stock Split"). No fractional shares shall be issued in connection with the Reverse Stock Split. Instead, any fractional shares that would

¹¹ See Current Certificate of Incorporation, Article Ninth(b)(iii)–(iv).

otherwise be issuable as a result of the Reverse Stock Split will be rounded up to the nearest whole share, and adjustments to outstanding awards under the Corporation's equity incentive plans shall be made in accordance with the terms and conditions of such plans. Each certificate that immediately prior to the Effective Time represented shares of Common Stock, Nonvoting Common Stock or Series B Preferred Stock ("Old Certificates"), shall thereafter represent that number of shares into which the shares of Common Stock, Nonvoting Common Stock or Series B Preferred Stock represented by the Old Certificate shall have been combined, subject to the rounding of fractional share interests as described above. The authorized number of shares, and par value per share of Common Stock, Nonvoting Common Stock, Preferred Stock and Series B Preferred Stock, shall not be affected by the Reverse Stock Split.¹²

The Exchange notes that the Corporation does not propose to amend the number of shares that the Corporation is authorized to issue. The Exchange also notes that, since the proposed Reverse Stock Split will be effectuated without any change to the number of shares the Corporation is authorized to issue, the Corporation could issue more capital stock without seeking additional authorizations, thereby impacting the holdings of the current shareholders in relation to the number of shares outstanding. The proposed Reverse Stock Split was also subject to the following stockholder consents: (i) approval from the holders of a majority of the shares of the outstanding Voting Common Stock, and (ii) approval thereof from holders of two-thirds of the outstanding shares of the Series B Preferred Stock, voting as a separate class.¹³

The purpose of this rule filing is to submit to the Commission for review the New Certificate of Incorporation, which includes the proposed

amendments to effect the Reverse Stock Split, described above. The changes described herein relate to the Current Certificate of Incorporation of the Corporation only, not to the governance of the Exchange or any of its affiliates—MIAX PEARL, LLC ("MIAX Pearl"), MIAX Sapphire, LLC ("MIAX Sapphire"), or MIAX. The Exchange will continue to be governed by its existing certificate of formation, limited liability company agreement, and by-laws.¹⁴ The stock in, and voting power of, the Exchange will continue to be directly and solely held by the Corporation.¹⁵ The capital stock (*i.e.*, Voting Common Stock, Nonvoting Common Stock and Series B Preferred Stock) ownership and voting limitations described above will continue to apply upon the effectiveness of the New Certificate of Incorporation. Other exchange groups have effected stock splits for their parent corporations; accordingly, this type of proposal is not new or novel.¹⁶

2. Statutory Basis

The Exchange believes that its proposal is consistent with the requirements of the Act and rules and regulations thereunder that are applicable to a national securities exchange and, in particular, with the requirements of Section 6(b)(1) of the Act, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its Members¹⁷ and

¹⁴ The Exchange's current certificate of formation, limited liability company agreement, and by-laws are available on the Exchange's website, available at <https://www.miaxglobal.com/markets/us-options/all-options-exchanges/corporate-organization>.

¹⁵ See Amended and Restated By-Laws of the Exchange, Article I, Definitions, subparagraph (v), available at <https://www.miaxglobal.com/markets/us-options/all-options-exchanges/corporate-organization> (providing that the Corporation is the sole LLC Member of the Exchange). The term "LLC Member" means any person who maintains a direct ownership interest in the Exchange. The sole LLC Member of the Exchange shall be Miami International Holdings, Inc. *Id.*

¹⁶ See, *e.g.*, Securities Exchange Act Release No. 77601 (April 13, 2016), 81 FR 23060 (April 19, 2016) (SR-BatsBZX-2016-07) (effecting a forward stock split). The Exchange notes that one difference compared to the Bats BZX filing is that each of the subsidiary exchanges of Bats Global Markets, Inc. filed to increase the number of shares Bats Global Markets, Inc. was authorized to issue in connection with the forward stock split. The Exchange does not propose to amend the number of shares that the Corporation is authorized to issue with this filing. See also Securities Exchange Act Release Nos. 77608 (April 13, 2016), 81 FR 23062 (April 19, 2016) (SR-BatsEDGA-2016-05); 77600 (April 13, 2016), 81 FR 23021 (April 19, 2016) (SR-BatsBYX-2016-04); and 77612 (April 13, 2016), 81 FR 23072 (April 19, 2016) (SR-BatsEDGX-2016-10).

¹⁷ See Exchange Rule 100.

persons associated with its Members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange.¹⁸

In particular, the Exchange believes that the proposed changes are consistent with Section 6(b)(1) of the Act because the New Certificate of Incorporation will retain, without modifications, the provisions regarding limitations on ownership and total voting power that currently exist.¹⁹ These provisions are designed to prevent any stockholder, including any Member of the Exchange (or its affiliates) along with its Related Persons, from exercising undue control over the operations of the Exchange (or its affiliates) upon the effectiveness of the Reverse Stock Split. The Exchange believes these limitations will ensure that the Exchange will be able to carry out its regulatory obligations under the Act. As described above, the proposed changes are certain administrative and structural changes to the Current Certificate of Incorporation and these changes do not impact the ownership restrictions, voting restrictions, or governance of the Exchange (or its affiliates).²⁰

In addition, the proposed changes are similar to changes that were made by Bats Global Markets, Inc. ("Bats") and its subsidiary national securities exchanges in 2016; however, Bats effected a forward stock split and authorized the issuance of new shares, instead of a reverse stock split, as proposed herein.²¹ Accordingly, the Exchange believes its proposal is consistent with the requirements of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change imposes any burden on competition. The proposed changes are not being made to address a competitive issue. Rather, as described above, the proposed changes are to make certain administrative and structural changes to the Current Certificate of Incorporation. These changes do not impact the ownership

¹⁸ 15 U.S.C. 78f(b).

¹⁹ The Exchange notes that the Corporation does not propose to amend the number of shares that the Corporation is authorized to issue. As such, the Corporation could issue more capital stock following the Reverse Stock Split, thereby impacting the holdings of the current shareholders in relation to the number of shares outstanding.

²⁰ The Exchange also proposes to amend the execution page of the Current Certificate of Incorporation to add that the Corporation filed an Amended and Restated Certificate of Incorporation with the Secretary of the State of Delaware on October 16, 2015, and renumber subsequent paragraphs accordingly.

²¹ See *supra* note 16.

¹² The par value of each share of Common Stock, Nonvoting Common Stock, and Preferred Stock will continue to be \$0.001 per share. See Current Certificate of Incorporation, Article Fourth, Subparagraph A.(i)–(iii).

¹³ On May 19, 2025, the Corporation mailed a Notice of Request for Stockholder Approval and Stockholder Consent Solicitation for Stockholder Approval of Reverse Stock Split and Amended and Restated Certificate of Incorporation to record holders of Voting Common Stock and the Series B Preferred Stock as of the close of business on May 15, 2025. On June 9, 2025, the Corporation received approval thereof from holders of (i) at least a majority of the shares of the outstanding Voting Common Stock, and (ii) at least two-thirds of the outstanding shares of the Series B Preferred Stock. Accordingly, the Corporation received all necessary shareholder approvals required to amend the Current Certificate of Incorporation to effect the Reverse Stock Split.

restrictions, voting restrictions, or governance of the Exchange (or its affiliates). Further, the proposed changes are similar to changes that were made by Bats and its subsidiary national securities exchanges in 2016,²² which changes the Commission did not suspend or disapprove. Therefore, the Exchange believes its substantively similar changes do not impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, it has become effective pursuant to Section 19(b)(3)(A) of the Act²³ and Rule 19b-4(f)(6)²⁴ thereunder.

A proposed rule change filed under Rule 19b-4(f)(6)²⁵ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),²⁶ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative upon filing. The Exchange states that the proposed changes will allow the Corporation to adopt the New Certificate of Incorporation, which reflects administrative and structural amendments to the Current Certificate of Incorporation, and that the proposed changes do not impact the ownership restrictions, voting restrictions, or governance of the Exchange. The

Exchange also states the proposed changes are similar to changes that were made by Bats and its subsidiary national securities exchanges in 2016.²⁷ For these reasons, and because the proposed rule change does not raise any novel regulatory issues, the Commission finds that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.²⁸

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-EMERALD-2025-16 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to file number SR-EMERALD-2025-16. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the

Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-EMERALD-2025-16 and should be submitted on or before August 8, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁹

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-13479 Filed 7-17-25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103468; File No. SR-SAPPHIRE-2025-30]

Self-Regulatory Organizations; MIAX Sapphire, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Make Minor Non-Substantive Changes to the Exchange's Rulebook

July 15, 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 July 10, 2025, MIAX Sapphire, LLC ("MIAX Sapphire" or the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

²⁹ 17 CFR 200.30-3(a)(12), (59).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

²² See *supra* note 16.

²³ 15 U.S.C. 78s(b)(3)(A).

²⁴ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

²⁵ 17 CFR 240.19b-4(f)(6).

²⁶ 17 CFR 240.19b-4(f)(6)(iii).

²⁷ See *supra* note 16.

²⁸ For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the title page of the Exchange's Rulebook and header information contained on each page throughout.

The text of the proposed rule change is available on the Exchange's website at <https://www.miaxglobal.com/markets/us-options/miax-sapphire/rule-filings> and at the Exchange's principal office.

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 title on the title page of its Rulebook from "MIAX Sapphire Options Exchange Rules" to "MIAX Sapphire Options Exchange Rulebook." Additionally, the Exchange proposes to amend the header information contained on each consecutive page of the Rulebook from "MIAX Sapphire Options Exchange Rules" to "MIAX Sapphire Options Exchange Rulebook." The proposed changes are intended to align the title and header information of the Exchange's Rulebook with the naming conventions used for the rulebooks of the Exchange's affiliates.³ The proposed rule changes are to promote consistency across the Exchange's and its affiliates' rulebooks.

2. Statutory Basis

The proposed rule changes further the objectives of Section 6(b)(5)⁴ of the Act. In particular, they are designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, foster cooperation and coordination with

persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, protect investors and the public interest.

In particular, the Exchange believes the proposed changes are designed to promote just and equitable principles of trade and remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, protect investors and the public interest because the proposed rule changes will provide greater clarity to Members and the public regarding the Exchange's Rulebook by aligning the title and header information of the Exchange's Rulebook with the naming conventions used for the rulebooks of the Exchange's affiliates. It is in the public interest for the Exchange's Rulebook to be accurate and consistent.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intramarket Competition

The Exchange believes the proposed rule changes do not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule changes are not intended to address competitive issues but rather is concerned solely with aligning the title and header information of the Exchange's Rulebook with the naming conventions used for the rulebooks of the Exchange's affiliates. This is to promote consistency across the Exchange's and its affiliates' rulebooks.

Intermarket Competition

The Exchange believes the proposed rule changes do not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule changes are not intended to address competitive issues but rather is concerned solely with aligning the title page and headers of the Exchange's Rulebook with the naming conventions used for the rulebooks of the Exchange's affiliates. This is to promote consistency across the Exchange's and its affiliates' rulebooks.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act⁵ and Rule 19b-4(f)(6)⁶ thereunder. Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) become operative for 30 days after the date of filing, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act⁷ and Rule 19b-4(f)(6)⁸ thereunder.

A proposed rule change filed under Rule 19b-4(f)(6)⁹ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),¹⁰ the Commission may designate a shorter time if such action is consistent with protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Exchange states that the proposed changes will permit the Exchange to immediately align the title and header information of the Exchange's Rulebook with the naming conventions used for the rulebooks of the Exchange's affiliates in order to improve the consistency across the Exchange's and its affiliates' rulebooks. For these reasons, and because this proposal does not raise any novel regulatory issues, the Commission finds that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the 30-day operative delay and

⁵ 15 U.S.C. 78s(b)(3)(A).

⁶ 17 CFR 240.19b-4(f)(6).

⁷ 15 U.S.C. 78s(b)(3)(A).

⁸ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires the Exchange to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

⁹ 17 CFR 240.19b-4(f)(6).

¹⁰ 17 CFR 240.19b-4(f)(6)(iii).

³ The Exchange's affiliates include MIAX PEARL, LLC ("MIAX Pearl"), MIAX Emerald, LLC ("MIAX Emerald"), and Miami International Securities Exchange, LLC ("MIAX").

⁴ 15 U.S.C. 78f(b)(5).

designates the proposal operative upon filing.¹¹

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-SAPPHIRE-2025-30 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-SAPPHIRE-2025-30. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection.

All submissions should refer to file number SR-SAPPHIRE-2025-30 and should be submitted on or before August 8, 2025

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹²

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-13474 Filed 7-17-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103459; File No. SR-PEARL-2025-34]

Self-Regulatory Organizations; MIA X PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Certificate of Incorporation of the Exchange's Ultimate Parent Company, Miami International Holdings, Inc.

July 15, 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 July 10, 2025, MIA X PEARL, LLC ("MIA X Pearl" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the certificate of incorporation (defined below) of the Exchange's ultimate parent company, Miami International Holdings, Inc. (the "Corporation"), in connection with a reverse stock split (defined below).

The text of the proposed rule change is available on the Exchange's website at <https://www.miaxglobal.com/markets/us-options/pearl-options/rule-filings>, at MIA X Pearl's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, MIA X Pearl included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these

statements may be examined at the places specified in Item IV below. MIA X Pearl has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Corporation was originally formed on November 14, 2007 as a new ultimate holding company for the Exchange's affiliate, Miami International Securities Exchange, LLC ("MIA X").³ The Corporation intends to amend and restate its current certificate of incorporation (the "Current Certificate of Incorporation")⁴ to effect a reverse stock split (described below) and adopt these changes as its new Amended and Restated Certificate of Incorporation (the "New Certificate of Incorporation"). The amendments will be achieved through the filing with the State of Delaware of a certificate of amendment for the New Certificate of Incorporation (the "Effective Time").

The current capital structure of the Corporation is comprised of 625,000,000 authorized shares, consisting of 400,000,000 shares of voting Common Stock; 200,000,000 shares of Nonvoting Common Stock; and 25,000,000 shares of Preferred Stock.⁵ The Current Certificate of Incorporation includes limitations on ownership percentages in any class of capital stock of the Corporation, which limitations will carry over to the New Certificate of Incorporation. In particular, subject to certain exceptions described below, for so long as the Corporation shall control, directly or indirectly, a Controlled National Securities Exchange⁶ (i.e., the

³ See Securities Exchange Act Release No. 68341 (December 3, 2012), 77 FR 73065 (December 7, 2012) (File No. 10-207) (Exhibit C) (In the Matter of the Application of Miami International Securities Exchange, LLC for Registration as a National Securities Exchange: Findings, Opinion, and Order of the Commission).

⁴ See Amended and Restated Certificate of Incorporation of Miami International Holdings, Inc., dated October 15, 2015, available at https://www.miaxglobal.com/sites/default/files/page-files/MIH_Amended_Restated_Certificate_of_Incorporation_10152015.pdf.

⁵ See Current Certificate of Incorporation, Article Fourth, Section A.(i)-(iii). At the time of this filing, the only series of Preferred Stock issued and outstanding is Series B Preferred Stock, which is limited to 10,000,000 shares of Series B Preferred Stock. The Corporation previously eliminated its Series A Preferred Stock. See Current Certificate of Incorporation, Article Fourth, Sections C.-D.

⁶ The term "Controlled National Securities Exchange" means a national securities exchange, including but not limited to Miami International

¹¹ For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹² 17 CFR 200.30-3(a)(12) and (59).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

Exchange and any of its affiliated national securities exchanges, described below):

(i)(A) No Person,⁷ either alone or together with its Related Persons,⁸ may own, directly or indirectly, of record or beneficially, shares constituting more than forty percent (40%) of any class of capital stock of the Corporation;

(i)(B) No Exchange Member, either alone or together with its Related Persons, may own, directly or indirectly, of record or beneficially, shares constituting more than twenty percent (20%) of any class of capital stock of the Corporation; and

(i)(C) No Person, either alone or together with its Related Persons, at any time may, directly, indirectly or pursuant to any voting trust, agreement, plan or other arrangement, vote or cause the voting of shares of the capital stock of the Corporation or give any consent or proxy with respect to shares representing more than twenty percent (20%) of the voting power of the then issued and outstanding capital stock of the Corporation, nor may any Person, either alone or together with its Related Persons, enter into any agreement, plan or other arrangement with any other Person, either alone or together

Securities Exchange, LLC, or facility thereof. *See* Current Certificate of Incorporation, Article Eighth.

⁷ For purposes of the limitations described in Article Ninth of the Current Certificate of Incorporation, the term "Person" shall mean a natural person, partnership, corporation, limited liability company, entity, government, or political subdivision, agency or instrumentality of a government. *See* Current Certificate of Incorporation, Article Ninth(a)(i).

⁸ For purposes of the limitations described in Article Ninth of the Current Certificate of Incorporation, the term "Related Persons" shall mean with respect to any Person: (A) any "affiliate" of such Person (as such term is defined in Rule 12b-2 under the Act); (B) any other Person with which such first Person has any agreement, arrangement or understanding (whether or not in writing) to act together for the purpose of acquiring, voting, holding or disposing of shares of the capital stock of the Corporation; (C) in the case of a Person that is a company, corporation or similar entity, any executive officer (as defined under Rule 3b-7 under the Act) or director of such Person and, in the case of a Person that is a partnership or limited liability company, any general partner, managing member or manager of such Person, as applicable; (D) in the case of any Person that is a registered broker or dealer that has been admitted to membership in a Controlled National Securities Exchange (an "Exchange Member"), any Person that is associated with the Exchange Member (as determined using the definition of "person associated with a member" as defined under Section 3(a)(21) of the Act); (E) in the case of a Person that is a natural person and Exchange Member, any broker or dealer that is also an Exchange Member with which such Person is associated; (F) in the case of a Person that is a natural person, any relative or spouse of such Person, or any relative of such spouse who has the same home as such Person or who is a director or officer of the Corporation or any of its parents or subsidiaries; (G) in the case of a Person that is an executive officer (as defined under Rule 3b-7 under the Act) or a director of a company, corporation or similar entity, such company, corporation or entity, as applicable; and (H) in the case of a Person that is a general partner, managing member or manager of a partnership or limited liability company, such partnership or limited liability company, as applicable. *See* Current Certificate of Incorporation, Article Ninth(a)(ii).

with its Related Persons, under circumstances that would result in the shares of capital stock of the Corporation that are subject to such agreement, plan or other arrangement not being voted on any matter or matters or any proxy relating thereto being withheld, where the effect of such agreement, plan or other arrangement would be to enable any Person, either alone or together with its Related Persons, to vote, possess the right to vote or cause the voting of shares of the capital stock of the Corporation which would represent more than twenty percent (20%) of said voting power.⁹

Subject to additional provisions described below, the limitations in clauses (b)(i)(A) and (b)(i)(C) of the Ninth Article of the Current Certificate of Incorporation (listed above) shall not apply in the case of any class of stock that does not have the right by its terms to vote in the election of members of the Board of Directors of the Corporation or on other matters that may require the approval of the holders of voting shares of the Corporation (other than matters affecting the rights, preferences or privileges of said class of stock). Further, the limitations in clauses (b)(i)(A) and (b)(i)(C) (listed above) (except with respect to Exchange Members and their Related Persons) of the Ninth Article of the Current Certificate of Incorporation may be waived by the Board of the Corporation pursuant to a resolution duly adopted by the Board, if, in connection with the taking of such action, the Board adopts a resolution stating that it is the determination of such Board that such action will not impair the ability of the Exchange to carry out its functions and responsibilities as an "exchange" under the Act, and the rules and regulations promulgated thereunder; that it is otherwise in the best interests of the Corporation, its stockholders and the Exchange and that it will not impair the ability of the Commission to enforce the Act and the rules and regulations promulgated thereunder, and such resolution shall not be effective until it is filed with and approved by the Commission. In making the determinations referred to in the immediately preceding sentence, the Board may impose on the Person in question and its Related Persons such conditions and restrictions as it may in its sole discretion deem necessary, appropriate or desirable in furtherance of the objectives of the Act and the rules and regulations promulgated thereunder, and the governance of the Exchange.¹⁰

⁹ *See* Current Certificate of Incorporation, Article Ninth(b)(i)(A)–(C).

¹⁰ *See* Current Certificate of Incorporation, Article Ninth(b)(ii)(A)–(B).

The Current Certificate of Incorporation provides the following additional provisions limiting ownership in the Corporation. Notwithstanding the provisions described in the paragraph immediately above (clauses (b)(ii)(A) and (b)(iii)(B) of Article Ninth of the Current Certificate of Incorporation), in any case where a Person, either alone or together with its Related Persons, would own or vote more than any of the above percentage limitations upon consummation of any proposed sale, assignment or transfer of the Corporation's capital stock, such sale, assignment or transfer shall not become effective until the Board of Directors of the Corporation shall have determined, by resolution, that such Person and its Related Persons are not subject to any applicable "statutory disqualification" (within the meaning of Section 3(a)(39) of the Act). In addition, any Person that either alone or together with its Related Persons proposes to own, directly or indirectly, of record or beneficially, shares of the capital stock of the Corporation constituting more than forty percent (40%) of the outstanding shares of any class of capital stock of the Corporation, or to exercise voting rights, or grant any proxies or consents with respect to shares of the capital stock of the Corporation constituting more than twenty percent (20%) of the voting power of the then issued and outstanding shares of capital stock of the Corporation, shall have delivered to the Board of Directors of the Corporation a notice in writing, not less than forty-five (45) days (or any shorter period to which said Board shall expressly consent) before the proposed ownership of such shares, or the proposed exercise of said voting rights or the granting of said proxies or consents, of its intention to do so.¹¹

The Exchange, on behalf of the Corporation, now proposes to amend the Current Certificate of Incorporation in connection with a reverse stock split, pursuant to which each two (2) shares of Common Stock, Nonvoting Common Stock and Series B Preferred Stock outstanding and held of record by each stockholder of the Corporation (including treasury shares) immediately prior to the Effective Time shall, automatically and without any further action on the part of the Corporation or the respective holders thereof, be reclassified and combined into one (1) validly issued, fully paid and non-assessable share of Common Stock, Nonvoting Common Stock or Series B

¹¹ *See* Current Certificate of Incorporation, Article Ninth(b)(iii)–(iv).

Preferred Stock, as applicable (the “Reverse Stock Split”). No fractional shares shall be issued in connection with the Reverse Stock Split. Instead, any fractional shares that would otherwise be issuable as a result of the Reverse Stock Split will be rounded up to the nearest whole share, and adjustments to outstanding awards under the Corporation’s equity incentive plans shall be made in accordance with the terms and conditions of such plans. Each certificate that immediately prior to the Effective Time represented shares of Common Stock, Nonvoting Common Stock or Series B Preferred Stock (“Old Certificates”), shall thereafter represent that number of shares into which the shares of Common Stock, Nonvoting Common Stock or Series B Preferred Stock represented by the Old Certificate shall have been combined, subject to the rounding of fractional share interests as described above. The authorized number of shares, and par value per share of Common Stock, Nonvoting Common Stock, Preferred Stock and Series B Preferred Stock, shall not be affected by the Reverse Stock Split.¹²

The Exchange notes that the Corporation does not propose to amend the number of shares that the Corporation is authorized to issue. The Exchange also notes that, since the proposed Reverse Stock Split will be effectuated without any change to the number of shares the Corporation is authorized to issue, the Corporation could issue more capital stock without seeking additional authorizations, thereby impacting the holdings of the current shareholders in relation to the number of shares outstanding. The proposed Reverse Stock Split was also subject to the following stockholder consents: (i) approval from the holders of a majority of the shares of the outstanding Voting Common Stock, and (ii) approval thereof from holders of two-thirds of the outstanding shares of the Series B Preferred Stock, voting as a separate class.¹³

¹² The par value of each share of Common Stock, Nonvoting Common Stock, and Preferred Stock will continue to be \$0.001 per share. See Current Certificate of Incorporation, Article Fourth, Subparagraph A.(i)–(iii).

¹³ On May 19, 2025, the Corporation mailed a Notice of Request for Stockholder Approval and Stockholder Consent Solicitation for Stockholder Approval of Reverse Stock Split and Amended and Restated Certificate of Incorporation to record holders of Voting Common Stock and the Series B Preferred Stock as of the close of business on May 15, 2025. On June 9, 2025, the Corporation received approval thereof from holders of (i) at least a majority of the shares of the outstanding Voting Common Stock, and (ii) at least two-thirds of the outstanding shares of the Series B Preferred Stock. Accordingly, the Corporation received all necessary shareholder approvals required to amend the

The purpose of this rule filing is to submit to the Commission for review the New Certificate of Incorporation, which includes the proposed amendments to effect the Reverse Stock Split, described above. The changes described herein relate to the Current Certificate of Incorporation of the Corporation only, not to the governance of the Exchange or any of its affiliates—MIAX Emerald, LLC (“MIAX Emerald”), MIAX Sapphire, LLC (“MIAX Sapphire”), or MIAX. The Exchange will continue to be governed by its existing certificate of formation, limited liability company agreement, and by-laws.¹⁴ The stock in, and voting power of, the Exchange will continue to be directly and solely held by the Corporation.¹⁵ The capital stock (*i.e.*, Voting Common Stock, Nonvoting Common Stock and Series B Preferred Stock) ownership and voting limitations described above will continue to apply upon the effectiveness of the New Certificate of Incorporation. Other exchange groups have effected stock splits for their parent corporations; accordingly, this type of proposal is not new or novel.¹⁶

2. Statutory Basis

The Exchange believes that its proposal is consistent with the requirements of the Act and rules and regulations thereunder that are applicable to a national securities exchange and, in particular, with the requirements of Section 6(b)(1) of the

Current Certificate of Incorporation to effect the Reverse Stock Split.

¹⁴ The Exchange’s current certificate of formation, limited liability company agreement, and by-laws are available on the Exchange’s website, available at <https://www.miaxglobal.com/markets/us-options/all-options-exchanges/corporate-organization>.

¹⁵ See Amended and Restated By-Laws of the Exchange, Article I, Definitions, subparagraph (x), available at <https://www.miaxglobal.com/markets/us-options/all-options-exchanges/corporate-organization> (providing that the Corporation is the sole LLC Member of the Exchange). The term “LLC Member” means any person who maintains a direct ownership interest in the Exchange. The sole LLC Member of the Exchange shall be Miami International Holdings, Inc. *Id.*

¹⁶ See, *e.g.*, Securities Exchange Act Release No. 77601 (April 13, 2016), 81 FR 23060 (April 19, 2016) (SR–BatsBZX–2016–07) (effecting a forward stock split). The Exchange notes that one difference compared to the Bats BZX filing is that each of the subsidiary exchanges of Bats Global Markets, Inc. filed to increase the number of shares Bats Global Markets, Inc. was authorized to issue in connection with the forward stock split. The Exchange does not propose to amend the number of shares that the Corporation is authorized to issue with this filing. See also Securities Exchange Act Release Nos. 77608 (April 13, 2016), 81 FR 23062 (April 19, 2016) (SR–BatsEDGA–2016–05); 77600 (April 13, 2016), 81 FR 23021 (April 19, 2016) (SR–BatsBYX–2016–04); and 77612 (April 13, 2016), 81 FR 23072 (April 19, 2016) (SR–BatsEDGX–2016–10).

Act, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its Members¹⁷ and persons associated with its Members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange.¹⁸

In particular, the Exchange believes that the proposed changes are consistent with Section 6(b)(1) of the Act because the New Certificate of Incorporation will retain, without modifications, the provisions regarding limitations on ownership and total voting power that currently exist.¹⁹ These provisions are designed to prevent any stockholder, including any Member of the Exchange (or its affiliates) along with its Related Persons, from exercising undue control over the operations of the Exchange (or its affiliates) upon the effectiveness of the Reverse Stock Split. The Exchange believes these limitations will ensure that the Exchange will be able to carry out its regulatory obligations under the Act. As described above, the proposed changes are certain administrative and structural changes to the Current Certificate of Incorporation and these changes do not impact the ownership restrictions, voting restrictions, or governance of the Exchange (or its affiliates).²⁰

In addition, the proposed changes are similar to changes that were made by Bats Global Markets, Inc. (“Bats”) and its subsidiary national securities exchanges in 2016; however, Bats effected a forward stock split and authorized the issuance of new shares, instead of a reverse stock split, as proposed herein.²¹ Accordingly, the Exchange believes its proposal is consistent with the requirements of the Act.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change imposes any burden on competition. The proposed changes are not being made to address

¹⁷ See Exchange Rule 100.

¹⁸ 15 U.S.C. 78f(b).

¹⁹ The Exchange notes that the Corporation does not propose to amend the number of shares that the Corporation is authorized to issue. As such, the Corporation could issue more capital stock following the Reverse Stock Split, thereby impacting the holdings of the current shareholders in relation to the number of shares outstanding.

²⁰ The Exchange also proposes to amend the execution page of the Current Certificate of Incorporation to add that the Corporation filed an Amended and Restated Certificate of Incorporation with the Secretary of the State of Delaware on October 16, 2015, and renumber subsequent paragraphs accordingly.

²¹ See *supra* note 16.

a competitive issue. Rather, as described above, the proposed changes are to make certain administrative and structural changes to the Current Certificate of Incorporation. These changes do not impact the ownership restrictions, voting restrictions, or governance of the Exchange (or its affiliates). Further, the proposed changes are similar to changes that were made by Bats and its subsidiary national securities exchanges in 2016,²² which changes the Commission did not suspend or disapprove. Therefore, the Exchange believes its substantively similar changes do not impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, it has become effective pursuant to Section 19(b)(3)(A) of the Act²³ and Rule 19b-4(f)(6)²⁴ thereunder.

A proposed rule change filed under Rule 19b-4(f)(6)²⁵ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),²⁶ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative upon filing. The Exchange states that the proposed changes will allow the Corporation to adopt the New Certificate of Incorporation, which reflects

administrative and structural amendments to the Current Certificate of Incorporation, and that the proposed changes do not impact the ownership restrictions, voting restrictions, or governance of the Exchange. The Exchange also states the proposed changes are similar to changes that were made by Bats and its subsidiary national securities exchanges in 2016.²⁷ For these reasons, and because the proposed rule change does not raise any novel regulatory issues, the Commission finds that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.²⁸

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-PEARL-2025-34 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to file number SR-PEARL-2025-34. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's

internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-PEARL-2025-34 and should be submitted on or before August 8, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁹

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-13478 Filed 7-17-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103463; File Nos. SR-NYSE-2025-17; SR-NYSEAMER-2025-28; SR-NYSEARCA-2025-35; SR-NYSETEX-2025-07; SR-NYSENAT-2025-10]

Self-Regulatory Organizations; New York Stock Exchange LLC; NYSE American LLC; NYSE Arca, Inc.; NYSE Texas, Inc.; NYSE National, Inc.; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Changes To Amend the Connectivity Fee Schedule To Add Hardware Procurement and Managed Services

July 15, 2025.

On May 13, 2025, New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Texas, Inc., and NYSE National, Inc. ("Exchanges") each filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities

²² See *supra* note 16.

²³ 15 U.S.C. 78s(b)(3)(A).

²⁴ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

²⁵ 17 CFR 240.19b-4(f)(6).

²⁶ 17 CFR 240.19b-4(f)(6)(iii).

²⁷ See *supra* note 16.

²⁸ For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

²⁹ 17 CFR 200.30-3(a)(12), (59).

Exchange Act of 1934 (“Act”)¹ and Rule 19b–4 thereunder,² a proposed rule change to amend the connectivity fee schedule to add and establish fees for hardware procurement services and managed services in the colocation halls at the Mahwah Data Center. The proposed rule changes were published for comment in the **Federal Register** on June 2, 2025.³ The Commission has not received any comments on the proposed rule changes.

Section 19(b)(2) of the Act⁴ provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule changes should be disapproved. The 45th day after publication of the notices for these proposed rule changes is July 17, 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 changes so that it has sufficient time to consider the proposed rule changes. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁵ designates August 31, 2025, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule changes (File Nos. SR–NYSE–2025–17; SR–NYSEAMER–2025–28; SR–NYSEARCA–2025–35; SR–NYSETEX–2025–07; SR–NYSENAT–2025–10).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–13471 Filed 7–17–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103466; File No. SR–PEARL–2025–33]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Make Clarifying Changes to Exchange Rule 2611, Odd and Mixed Lots

July 15, 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 July 3, 2025, MIAX PEARL, LLC (“MIAX Pearl” or the “Exchange”)³ filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to change to make two minor clarifying changes to Exchange Rule 2611, Odd and Mixed Lots. These changes are to remove a single misleading word and include more precise rule cross-references. This proposed rule change applies to MIAX Pearl Equities, an equities trading facility of the Exchange.

The text of the proposed rule change is available on the Exchange’s website at <https://www.miaxglobal.com/markets/us-equities/pearl-equities/rule-filings> and at MIAX Pearl’s principal office.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, MIAX Pearl included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. MIAX Pearl has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ All references to “MIAX Pearl” in this filing are to MIAX Pearl Equities, the equities trading facility of MIAX PEARL, LLC. See Exchange Rule 1901.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to make two minor clarifying changes to Exchange Rule 2611, Odd and Mixed Lots. These changes are to remove a single misleading word and include more precise rule cross-references. The Exchange does not propose to amend existing functionality. Rather, it simply seeks to make two minor modifications to Exchange Rule 2611(c) to make it easier to understand.

Subparagraph (c) of Exchange Rule 2611 provides that “[f]or an order that is partially routed to an away market on arrival, if any returned quantity of the order joins resting odd lot quantity of the original order and the returned and resting quantity, either alone or together with other odd lot sized orders, would be displayed as a new BBO, both the returned and resting quantity will be assigned a new timestamp in accordance Exchange Rules 2616 and 2617(b)(6).” Use of the word “new” before the word “timestamp” can be misleading since the returned routed order would not receive a new timestamp in accordance with Exchange Rules 2616 and 2617(b)(6) should it join any remaining resting portion of the original order, as described below.

In sum, Exchange Rule 2611(c) states that the unexecuted portion of a returned routed order that join the resting odd lot quantity of the original order and the returned and resting quantity, either alone or together with other odd lot sized orders, would be displayed as a new BBO would receive a new timestamp in accordance with Exchange Rules 2616 and 2617(b)(6). However, pursuant to Exchange Rules 2616 and 2617(b)(6), a new timestamp is only provided to the unexecuted portion of a routed order when the original order is no longer resting on the MIAX Pearl Equities Book.⁴ Specifically, both Exchange Rules 2616(a)(3)(i)(B) and 2617(b)(6)(iv) provide that for an order that is partially routed to an away Trading Center⁵ on arrival, the portion that is not routed is assigned a timestamp. If any unexecuted portion of the order returns to the MIAX Pearl Equities Book and joins any remaining resting portion of the original order, the

⁴ The term “MIAX Pearl Equities Book” shall mean the electronic book of orders in equity securities maintained by the System. See Exchange Rule 1901.

⁵ The term “Trading Center” shall have the same meaning as in Rule (600)(b)(106) of Regulation NMS. See Exchange Rule 100.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See Securities Exchange Act Release Nos. 103129 (May 27, 2025), 90 FR 23393 (SR–NYSE–2025–17); 103125 (May 27, 2025), 90 FR 23387 (SR–NYSEAMER–2025–28); 103126 (May 27, 2025), 90 FR 23401 (SR–NYSEARCA–2025–35); 103128 (May 27, 2025), 90 FR 23391 (SR–NYSETEX–2025–07); 103127 (May 27, 2025), 90 FR 23409 (SR–NYSENAT–2025–10).

⁴ 15 U.S.C. 78s(b)(2).

⁵ *Id.*

⁶ 17 CFR 200.30–3(a)(31).

returned portion of the order is assigned the same timestamp as the resting portion of the order. In such case, the unexecuted returned portion of a routed order is not assigned a new timestamp, which causes the use of the word “new” in Exchange Rule 2611(c) to be misleading. The only time the unexecuted returned portion of a routed order is assigned a new timestamp pursuant to Exchange Rules 2616(a)(3)(i)(B) and 2617(b)(6)(iv) is when the resting portion of the original order has already executed and any unexecuted portion of the order returns to the MLAX Pearl Equities Book. The Exchange, therefore, proposes to simply remove the word “new” from before the word “timestamp” in Exchange Rule 2611(c) since the unexecuted portion of a routed order would not receive a “new” timestamp should it join any remaining resting portion of the original order according to Exchange Rules 2616(a)(3)(i)(B) and 2617(b)(6)(iv).

Lastly, the Exchange proposes to further amend Exchange Rule 2611(c) to provide more precise rule references to Exchange Rules 2616 and 2617(b)(6). The Exchange proposes to expand these cross references to include more precise subparagraphs by referring to each rule as Exchange Rules 2616(a)(3)(i)(B) and 2617(b)(6)(iv).

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,⁶ in general, and furthers the objectives of Section 6(b)(1) ⁷ in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange. The Exchange also believes that the proposed rule change is consistent with Section 6(b)(5) ⁸ of the Act in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange proposes to make two minor clarifying changes to Exchange Rule 2611. One is to remove a single misleading word and the second it to

include more precise rule cross-references. The Exchange does not propose to amend existing functionality. Rather, it simply seeks to make these two minor modifications to Exchange Rule 2611(c) described above to make it easier to understand. These proposed non-substantive changes would ensure that the Exchange’s rule is not misleading and easier to understand. In addition, the proposed rule changes would reduce potential investor and market participant confusion and therefore remove impediments to and perfect the mechanism of a free and open market and a national market system by ensuring that investors and market participants can more easily navigate, understand and comply with the Exchange’s rules. The Exchange also believes that the proposed rule changes would remove impediments to and perfects the mechanism of a free and open market by ensuring that persons subject to the Exchange’s jurisdiction, regulators, and the investing public can more easily navigate and understand the Exchange’s rules. The proposed rule changes would not be inconsistent with the public interest and the protection of investors because investors will not be harmed and in fact would benefit from the increased transparency and clarity, thereby reducing potential confusion.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intramarket Competition

The Exchange believes the proposed rule changes do not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule changes are not intended to address competitive issues but rather are concerned solely with removing a single misleading word and including more precise rule cross-references with no proposed changes to related functionality.

Intermarket Competition

The Exchange believes the proposed rule changes do not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule changes are not intended to address competitive issues but rather are concerned solely with removing a single misleading word and including more precise rule cross-references with

no proposed changes to related functionality.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act ⁹ and Rule 19b-4(f)(6) ¹⁰ thereunder. Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act ¹¹ and Rule 19b-4(f)(6) ¹² thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission’s internet comment form (<https://www.sec.gov/rules/sro.shtml>); or

⁹ 15 U.S.C. 78s(b)(3)(A).

¹⁰ 17 CFR 240.19b-4(f)(6).

¹¹ 15 U.S.C. 78s(b)(3)(A).

¹² 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires the Exchange to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(1).

⁸ 15 U.S.C. 78f(b)(5).

• Send an email to rule-comments@sec.gov. Please include file number SR-PEARL-2025-33 on the subject line.

Paper Comments

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-PEARL-2025-33. 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 filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection.

All submissions should refer to file number SR-PEARL-2025-33 and should be submitted on or before August 8, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹³

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-13472 Filed 7-17-25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103467; File No. SR-CboeEDGA-2025-019]

Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule Regarding Dedicated Cores

July 15, 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 July 7, 2025, Cboe EDGA Exchange, Inc. ("Exchange" or "EDGA") 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 its fee schedule to adopt fees for Dedicated Cores. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (http://markets.cboe.com/us/equities/regulation/rule_filings/edga/), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its fee schedule to adopt fees for Dedicated Cores.³

³ The Exchange initially introduced Dedicated Cores and corresponding pricing on March 1, 2024 (SR-CboeEDGA-2024-008). On March 20, 2024, the Exchange refiled the proposed fees (SR-CboeEDGA-2024-009). The Exchange amended the Dedicated Cores fees on April 1, 2024 (SR-CboeEDGA-2024-012). On April 12, 2024, the Exchange withdrew that filing and submitted SR-CboeEDGA-2024-014. On May 13, 2024, the Exchange withdrew SR-CboeEDGA-2024-009. On June 3, 2024, the Exchange also withdrew SR-CboeEDGA-014 and SR-CboeEDGA-2024-020. On August 1, the Exchange withdrew that filing and submitted SR-CboeEDGA-2024-032. On business date September 30, 2024, the Exchange withdrew that filing and submitted SR-CboeEDGA-2024-039. On November 26, 2024, the Exchange withdrew that filing and submitted SR-CboeEDGA-2024-048. On January 24, 2025, the Exchange withdrew that filing and submitted SR-CboeEDGA-2025-001. On March 13, 2025, the Exchange withdrew that filing and submitted SR-CboeEDGA-2025-006. On May 7, 2025, the Exchange withdrew that filing and submitted SR-CboeEDGA-2025-011. On July 2, 2025, the Exchange withdrew that filing and submitted this filing.

By way of background, the Exchange recently began to allow Users⁴ to assign a Single Binary Order Entry ("BOE") logical order entry port⁵ to a single dedicated Central Processing Unit (CPU Core) ("Dedicated Core"). Historically, CPU Cores had been shared by logical order entry ports (*i.e.*, multiple logical ports from multiple firms may connect to a single CPU Core). Use of Dedicated Cores however, can provide reduced latency, enhanced throughput, and improved performance since a firm using a Dedicated Core is utilizing the full processing power of a CPU Core instead of sharing that power with other firms. This offering is completely voluntary and is available to all Users that wish to purchase Dedicated Cores. Users may utilize BOE logical order entry ports on shared CPU Cores, either in lieu of, or in addition to, their use of Dedicated Core(s). As such, Users are able to operate across a mix of shared and dedicated CPU Cores which the Exchange believes provides additional risk and capacity management. Further, Dedicated Cores are not required nor necessary to participate on the Exchange and as such Users may opt not to use Dedicated Cores at all.

The Exchange proposes to assess the following monthly fees for Users that wish to use Dedicated Cores and adopt a maximum limit. First, the Exchange proposes to provide up to two Dedicated Cores to all Users who wish to use Dedicated Cores, at no additional cost. In the event that a User voluntarily chooses to use more than two Dedicated Cores, only then would the Exchange assess the following fees: \$650 per Dedicated Core for 3-10 Dedicated Cores; \$850 per Dedicated Core for 11-15 Dedicated Cores; and \$1,050 per Dedicated Core for 16 or more Dedicated Cores. The proposed fees are progressive and the Exchange proposes to include the following example in the Fees Schedule to provide clarity as to how the fees will be applied. Particularly, the Exchange will provide the following example: if a User were to purchase 11 Dedicated Cores, it will be charged a

⁴ A User may be either a Member or Sponsored Participant. The term "Member" shall mean any registered broker or dealer that has been admitted to membership in the Exchange, limited liability company or other organization which is a registered broker or dealer pursuant to Section 15 of the Act, and which has been approved by the Exchange. A Sponsored Participant may be a Member or non-Member of the Exchange whose direct electronic access to the Exchange is authorized by a Sponsoring Member subject to certain conditions. See Exchange Rule 11.3.

⁵ Users may currently connect to the Exchange using a logical port available through an application programming interface ("API"), such as the Binary Order Entry ("BOE") protocol. A BOE logical order entry port is used for order entry.

¹³ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

total of \$6,050 per month $(\$0 * 2) + (\$650 * 8) + (\$850 * 1)$. The Exchange also proposes to make clear in the Fees Schedule that the monthly fees are assessed and applied in their entirety and are not prorated. The Exchange notes the current standard fees assessed for BOE Logical Ports, whether used with Dedicated or shared CPU cores, will remain applicable and unchanged.⁶

Since the Exchange currently has a finite amount of physical space in its data centers in which its servers (and therefore corresponding CPU Cores) are located, the Exchange also proposes to prescribe a maximum limit on the number of Dedicated Cores that Users may purchase each month. The purpose of establishing these limits is to manage the allotment of Dedicated Cores in a fair manner and to prevent the Exchange from being required to expend large amounts of limited resources in order to provide an unlimited number of Dedicated Cores. The Exchange previously established a limit for Members of a maximum number of 60 Dedicated Cores and Sponsoring Members a limit of a maximum number of 25 Dedicated Cores for each of their Sponsored Access relationships.⁷ The Exchange has since been able to procure additional servers with CPU Cores and also has a better understanding of User demand relative to its available space and available Dedicated Cores since the initial launch of Dedicated Cores. After seeing increased User demand, the Exchange proposed to increase that cap and provided that Members will be limited to a maximum number of 80 Dedicated Cores and Sponsoring Members will be limited to a maximum number of 35 Dedicated Cores for each of their Sponsored Access relationships.⁸ The Exchange noted at that time that it would continue monitoring Dedicated Core interest by all Users and allotment availability with the goal of increasing these limits to meet Users' needs if and when the demand is there and/or the Exchange is able to accommodate additional Dedicated Cores. Since then, the Exchange has determined that it is able to accommodate an increased cap relative to current demand. As such, the Exchange proposed to increase the cap to 120 Dedicated Cores for Members,

effective December 1, 2024.⁹ Sponsoring Members will continue to be limited to a maximum of 35 Dedicated Cores for each of their Sponsored Access relationships.¹⁰

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.¹¹ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹² requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹³ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with

⁹ The prescribed maximum quantity of Dedicated Cores for Members applies regardless of whether that Member purchases the Dedicated Cores directly from the Exchange and/or through a Service Bureau. In a Service Bureau relationship, a customer allows its MPID to be used on the ports of a technology provider, or Service Bureau. One MPID may be allowed on several different Service Bureaus.

¹⁰ The fee tier(s) applicable to Sponsoring Members are determined on a per Sponsored Access relationship basis and not on the combined total of Dedicated Cores across Sponsored Users. For example, under the proposed changes, a Sponsoring Member that has three Sponsored Access relationships is entitled to a total of 105 Dedicated Cores for those 3 Sponsored Access relationships but would be assessed fees separately based on the 35 Dedicated Cores for each Sponsored User (instead of combined total of 105 Dedicated Cores). For example, a Sponsoring Member with 3 Sponsored Access relationships would pay \$30,450 per month if each Sponsored Access relationship purchased the maximum 35 Dedicated Cores. More specifically, the Sponsoring Member would be provided 2 Dedicated Cores at no additional cost for each Sponsored User under Tier 1 (total of 6 Dedicated Cores at no additional cost) and provided an additional 8 Dedicated Cores at \$650 each for each Sponsored User, 5 Dedicated Cores at \$850 each for each Sponsored User and 20 Dedicated Cores at \$1,050 each for each Sponsored User (combined total of 99 additional Dedicated Cores).

¹¹ 15 U.S.C. 78f(b).

¹² 15 U.S.C. 78f(b)(5).

¹³ *Id.*

Section 6(b)(4)¹⁴ of the Act, which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities.

The Exchange believes the proposal is reasonable because the Exchange is offering *all* Users who voluntarily choose to utilize Dedicated Cores up to two Dedicated Cores at no additional cost. Notably, as of the beginning of May, of the Members that currently maintain Dedicated Cores, 38% maintain only 1 or 2 Dedicated Cores and therefore pay no additional fees.¹⁵ The Exchange believes the proposed fees are reasonable because Dedicated Cores provide a valuable service in that it can provide reduced latency, enhanced throughput, and improved performance compared to use of a shared CPU Core since a firm using a Dedicated Core is utilizing the full processing power of a CPU Core. The Exchange also emphasizes however, that the use of Dedicated Cores is not necessary for trading and as noted above, is entirely optional. Users can also continue to access the Exchange through shared CPU Cores at no additional cost. Indeed, as of the beginning of May, only 36% of the Exchange's Members currently use Dedicated Cores and as noted above, of those 36%, 38% take only 1 or 2 Dedicated Cores at no additional cost. Depending on a firm's specific business needs, the proposal enables Users to choose to use Dedicated Cores in lieu of, or in addition to, shared CPU Cores (or as emphasized, not use Dedicated Cores at all). If a User finds little benefit in having Dedicated Cores based on its business model and trading strategies, or determines Dedicated Cores are not cost-efficient for its needs or does not provide sufficient value to the firm, such User may continue its use of the shared CPU Cores, unchanged. The Exchange is not aware of any specific reason (operational or otherwise) why a firm would not partake in the use of the one to two free Dedicated Cores the Exchange offers. Indeed the Exchange does not believe that the set up a firm would undertake to use free Dedicated Cores offered by the Exchange is prohibitively difficult or burdensome; ultimately, whether or not a firm avails itself of the free Dedicated Cores is a business decision, and some firms may decide that the impact that Dedicated

¹⁴ 15 U.S.C. 78f(b)(4).

¹⁵ The Exchange notes that its numbers only include Members since it does not have the same level of insight into customer segments for Sponsored Access.

⁶ The Exchange currently assesses \$550 per port per month. Port fees will also continue to be assessed on the first two Dedicated Cores that Users receive at no additional cost. See Cboe EDGA Equities Fee Schedule.

⁷ See Securities Exchange Act Release No. 100300 (June 10, 2024), 89 FR 50653 (June 14, 2024) (SR-CboeEDGA-2024-020).

⁸ See Securities Exchange Act Release No. 101304 (October 10, 2024), 89 FR 83748 (October 17, 2024) (SR-CboeEDGA-2024-039).

Cores may have is simply not beneficial or necessary to how that firm operates. The Exchange also has no plans to eliminate shared CPU Cores nor to require Users to purchase Dedicated Cores.

The Exchange has seen general interest in Dedicated Cores from a variety of market participants, with varying size and business models. Such market participants include proprietary trading firms (who tend to be more latency sensitive), as well as sell-side market participants and buy-side market participants (who tend to be less latency sensitive). For background, proprietary trading firms utilize their own capital to trade without taking outside money from clients. Due to the nature of their respective businesses, the Exchange has classified proprietary trading firms as latency sensitive, and other groups, such as buy-side hedge funds, sell-side banks and sell-side non-banks (such as agency brokers) as non-latency sensitive. Proprietary trading firms' strategies may range from, market making, to relative value trading and arbitrage—these all rely on profiting from general market activity and, generally, requires faster entry and exit into trades and positions making proprietary trading firms more latency sensitive than other market segments. Buy-side hedge funds, banks and agency brokers are not as latency sensitive as, generally, the strategy for hedge funds is based on overall long-term positioning in the market, and banks and agency brokers may profit from commissions of customer order flow; both are generally strategies that are not reliant on speed to the same extent proprietary trading firms are. Further, Users have various reasons for obtaining Dedicated Cores. Some Users for example, may be seeking to further reduce latency or increase execution determinism, whereas others may use Dedicated Cores as a general risk mitigation by siloing their respective activity. For example, by using the Dedicated Core(s) to silo its respective activity, a firm may be able to mitigate risk during periods of heightened volatility as the firm will not need to compete for a shared resource (*i.e.*, the shared core). Of further note, as of the beginning of May, only 68% of Members that are propriety trading firms (who again, generally tend to be more latency sensitive) utilize Dedicated Cores, and of that 68%, 40% are only utilizing the 1 to 2 free Dedicated Cores available to all Users. As mentioned above, some non-latency sensitive firms have chosen to also adopt Dedicated Cores. As of the beginning of May, 21% of Members that

are not latency sensitive utilize Dedicated Cores, and of that 21%, 33% are only utilizing the 1 to 2 free Dedicated Cores available to all Users.

The lack of universal, or even widespread, adoption by all such users therefore demonstrates that purchasing Dedicated Cores is not effectively a requirement to compete for any one type of market participant, including latency sensitive market participants. Instead, Dedicated Cores are an optional and voluntary connectivity offering, which market participants are free to choose whether or not to utilize based on whether they meet their unique business needs. Moreover, the Exchange has received overwhelming positive feedback and support for Dedicated Cores from the firms that have chosen to utilize these in furtherance of their respective needs, with some Users even noting that they have moved more of their order flow to the Exchange and its affiliated equities exchanges (the "Equities Exchanges") as they have noticed both better fills and greater consistency of order execution at the Equities Exchanges. This demonstrates that despite any incurred costs for Users that choose to purchase Dedicated Cores, it is ultimately a net win for them as they benefit from better execution. The Exchange believes it also demonstrates that Users find the proposed fees to be both reasonable and have benefited from purchasing or, are alternatively benefiting from the proposed one or two free Dedicated Cores available at no additional cost. The Exchange believes this is shown by both the level of demand for Dedicated Cores and the feedback from market participants that have used the Dedicated Cores for its unique business needs, including as described above. The Exchange also believes it's notable that no negative comment letters in connection with the proposed pricing have been received since the Exchange first filed proposed fees for Dedicated Cores back on March 1, 2024. Additionally, as noted earlier, Users can (and many have) decide that utilizing even a free Dedicated Core is not needed for their business. The Exchange also notes it has not received any feedback for Users that raise concerns over the barrier to entry to use Dedicated Cores, including notably the free Dedicated Cores—nor is the Exchange aware of any reason why a firm would ultimately choose not to use the free Dedicated Cores, other than it is not necessary for its business. Ultimately, this is a business decision that each User must make and is best suited to determine and will ultimately depend on the

priorities and strategies of that User's respective business needs.

The Exchange also notes that at least one other exchange also has a comparable offering.¹⁶ The Nasdaq Stock Market, LLC ("Nasdaq"), introduced the Dedicated Ouch Port Infrastructure in 2014¹⁷ which allows a member firm to assign up to 30 of its OUCH ports to a dedicated server infrastructure for its exclusive use.¹⁸ The Dedicated OUCH server handles only the subscribing member firm's message traffic sent through their ports on the Dedicated OUCH to Nasdaq's system.¹⁹ Similarly, as previously described, a Dedicated Core only handles that subscribing firm's messaging activity. Nasdaq notes that with its Dedicated OUCH offering, member firms can develop a tailored solution by controlling their message traffic in order to optimize their trading strategies.²⁰ As described above with Dedicated Cores, one of the benefits is greater execution determinism as subscribers only need to account for their order flow when using a Dedicated Core, similar to the existing Nasdaq Dedicated OUCH offering. In addition to using Dedicated Cores and Dedicated OUCH for the purpose of greater execution determinism, firms may also use either offering for greater risk mitigation as, with either offering, the subscribing firm only needs to take their specific messaging traffic into account. Nasdaq notes as well that its Dedicated OUCH offering is wholly optional and therefore member firms are not compelled to subscribe and that its offering is pro-competitive as it adds an additional connectivity option available to Nasdaq members.²¹ Similar to the Dedicated OUCH offering, the Exchange has noted that no User is required to purchase or to use the two free Dedicated Cores offered to all Users.

Despite these similarities, there are some differences. Specifically, with the Nasdaq OUCH offering, a member firm would need to purchase an entire server, of which, 30 OUCH ports could be utilized on the Dedicated OUCH server—a participant may purchase up to four Dedicated OUCH servers based

¹⁶ See The Nasdaq Stock Market, Equity 7 Pricing Schedule, Section 115(g)(3), Dedicated Ouch Port Infrastructure.

¹⁷ See Securities Exchange Act Release No. 70693 (October 16, 2013), 78 FR 62761 (October 22, 2013) (SR-NASDAQ-2013-131).

¹⁸ See *supra* note 15.

¹⁹ See Securities Exchange Act Release No. 70036 (July 25, 2013), 78 FR 45993 (July 30, 2013) (SR-NASDAQ-2013-097).

²⁰ *Id.*

²¹ *Id.*

on its needs.²² In contrast, the Exchange's offering allows for a purchase by cores (as opposed to an entire server), allowing a participant to more efficiently scale its business by purchasing only the number of cores that it needs. Ultimately, the Exchange's offering is more akin to a service offering while the Nasdaq offering is more akin to an infrastructure offering (and as such, the pricing structure does differ)—both offerings better enable a firm to utilize the full processing power of a CPU Core.

A Dedicated OUCH Port Infrastructure subscription is available to a member firm for a fee of \$5,000 per month, which is in addition to the standard fees assessed for each OUCH port. A one-time installation fee of \$5,000 is assessed to subscribers for each Dedicated OUCH Port Server subscription.²³ In contrast, the Exchange offers 1–2 Dedicated Cores at no cost, making this widely available to any participant who may find a benefit from using this offering. Additionally, by the Exchange not charging an installation fee upfront, participants are able to try the offering at no cost, by receiving up to two Dedicated Cores at no cost to the User. The Exchange's model allows for widespread participation by all who wish to use Dedicated Cores—the steep initial cost of Nasdaq's model of spending, at a minimum, \$10,000 for the first month requires a heavy investment, which in the case of smaller participants, may not be feasible. In contrast, the Exchange's model of providing up to two Dedicated Cores at no cost, allows participants to easily utilize this service if they believe it is helpful for their business needs. Moreover, the Exchange's service offering also provides more Users with more modest CPU capacity needs a zero-cost option, as well as the ability to buy only as many Dedicated Cores that they need, whereas Nasdaq's Dedicated OUCH offering requires a User to buy all cores offered on a single server (even if a firm does not have the corresponding full amount of 30 ports), with no discounted or fee waiver for the first two cores, as well as no ability to buy fewer cores than necessary.

Lastly, the Exchange emphasizes that order processing itself is not affected by the introduction of Dedicated Cores. No relevant changes are intended to the matching engine, which is, and remains,

the main component of the Exchange's infrastructure being responsible for the actual processing of orders. While Users of Dedicated Cores may notice a latency reduction, this is an inherent byproduct of introducing improved technology.²⁴

The Exchange also believes that the proposed Dedicated Core fees are equitable and not unfairly discriminatory because they continue to be assessed uniformly to similarly situated Users in that all Users who choose to purchase Dedicated Cores will be subject to the same proposed tiered fee schedule. Moreover, all Users are entitled to up to 2 Dedicated Cores at no additional cost and as previously discussed, as of the beginning of May, 38% of all Members that take Dedicated Cores (including both latency sensitive and non-latency sensitive Members) take only 1 or 2 Dedicated Cores at no additional cost. The Exchange believes the proposed ascending fee structure is also reasonable, equitable and not unfairly discriminatory as it is designed so that firms that use a higher allotment of the Exchange's finite number of Dedicated Cores pay higher rates, rather than placing that burden on market participants that have more modest needs who will have the flexibility of obtaining Dedicated Cores at lower price points in the lower tiers. As such, the proposed fees do not favor certain categories of market participants in a manner that would impose a burden on competition; rather, the ascending fee structure reflects the (finite) resources consumed by the various needs of market participants—that is, the lowest Dedicated Core consuming Users pay the least, and highest Dedicated Core consuming Users pay the most. The Exchange believes that such pricing further creates a lower barrier to entry for all Users, making this service widely available to all who deem it helpful for their business, including those with more modest needs. Other exchanges similarly assess higher fees to those that consume more Exchange resources.²⁵ Moreover, those consuming more Dedicated Cores do so if they find a benefit in having higher quantities of Dedicated Cores based on their

respective business needs. The proposed tier structure is also designed to encourage firms to manage their needs in a fair manner and to prevent the Exchange from being required to expend large amounts of limited resources in order to provide an additional number of Dedicated Cores or put the Exchange in a position that it cannot accommodate demand.

Moreover, as discussed above and in more detail below, the Exchange cannot currently offer an unlimited number of Dedicated Cores due in part to physical space constraints in the third-party data center. The Exchange believes the proposed ascending fee structure is therefore another appropriate means, in conjunction with an established cap, to manage this finite resource and ensure the resource is apportioned more fairly.

The Exchange believes it is reasonable to limit the number of Dedicated Cores Users can purchase because the Exchange has a finite amount of space in its third-party data centers to accommodate CPU cores, including Dedicated Cores. The Exchange must also take into account timing and cost considerations in procuring additional Dedicated Cores and related hardware such as servers, switches, optics and cables, as well as the readiness of the Exchange's data center space to accommodate additional Dedicated Cores in the Exchange's respective Order Handler Cabinets.²⁶ Moreover, procuring data center space has grown to be more challenging than it was five years ago with the increased demand for data center space. For example, the U.S. colocation data center market has doubled in size in just four years. In addition to the Exchange's rollout of Dedicated Cores, the Exchange is mindful of its other business areas and the need to continue to be mindful of its existing, external restraints in procuring additional space in this area. The Exchange has, and will continue to, monitor market participant demand and space availability and endeavor to adjust the limit if and when the Exchange is able to acquire additional space and power within the third-party data centers and/or additional CPU Cores to accommodate additional Dedicated Cores.²⁷ The Exchange monitors its capacity and data center space and thus is in the best place to determine these limits and modify them as appropriate in response to changes to this capacity and space, as well as

²² See <https://nasdaqtrader.com/Trader.aspx?id=OUCH#:~:text=Each%20server%20can%20house%20up%20to%20a%20maximum,Nasdaq%20Market%20Sales%20at%202B1%20800%20846%200477>.

²³ See The Nasdaq Stock Market Rulebook, Equity 7 Pricing Schedule.

²⁴ Moreover, there has been a longstanding history of exchanges providing enhanced technology where the latency reduction that follows is a natural result. For example, other exchanges may offer a variety of co-location services where subscribers of these services may benefit from lower latency based on the specific offering they choose based on their business needs. See e.g., The Nasdaq Stock Market General 8 Connectivity, Section 1 Co-Location Services (demonstrating a range of cabinet offerings).

²⁵ See e.g., Cboe U.S. Options Fees Schedule, BZX Options, Options Logical Port Fees, Ports with Bulk Quoting Capabilities.

²⁶ The Exchange notes that it cannot currently convert shared CPU cores into Dedicated Cores.

²⁷ As of the beginning of May, the Exchange does not have any Users that take Dedicated Cores at or near the maximum limits and the average number of Dedicated Cores used for the Exchange is 11.

market demand. Indeed, since the launch of Dedicated Cores on February 26, 2024, the Exchange has already increased the prescribed maximum limit three times not including the increase proposed herein, as a result of evaluating the demand relative to Dedicated Cores availability and procuring additional physical space and CPU Cores.²⁸ The proposed increased limits continue to apply uniformly to similarly situated market participants (*i.e.*, all Members are subject to the same limit and all Sponsored Participants are subject to the same limit, respectively). The Exchange believes it's not unfairly discriminatory to provide for different limits for different types of Users. For example, the Exchange believes it's not unfairly discriminatory to provide for an initial lower limit to be allocated for Sponsored Participants because unlike Members, Sponsored Participants are able to access the Exchange without paying a Membership Fee. Members also have more regulatory obligations and risk that Sponsored Participants do not. For example, while Sponsored Participants must agree to comply with the Rules of the Exchange, it is the Sponsoring Member of that Sponsored Participant that remains ultimately responsible for all orders entered on or through the Exchange by that Sponsored Participant. The industry also has a history of applying fees differently to Members as compared to Sponsored Participants.²⁹ Lastly, the Exchange believes its proposed maximum limits, and distinction between Members and Sponsored Participants, is another appropriate means to help the Exchange manage its allotment of Dedicated Cores and better ensure this finite resource is apportioned fairly.

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 intramarket competition that is not necessary in furtherance of the purposes of the Act because the proposed tiered fee structure will apply equally to all similarly situated Users that choose to use Dedicated Cores. As discussed above, Dedicated Cores are

optional and Users may choose to utilize Dedicated Cores, or not, based on their views of the additional benefits and added value provided by utilizing a Dedicated Core. The Exchange believes the proposed fee will be assessed proportionately to the potential value or benefit received by Users with a greater number of Dedicated Cores and notes that Users may determine at any time to cease using Dedicated Cores. As discussed, Users can also continue to access the Exchange through shared CPU Cores at no additional cost. Finally, all Users will be entitled to two Dedicated Cores at no additional cost.

Next, the Exchange believes the proposed rule change does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market, including competition for exchange memberships. Market Participants have numerous alternative venues that they may participate on, including 15 other equities exchanges, as well as off-exchange venues, where comparable products are available for trading. Indeed, participants can readily choose to submit their order flow to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. Further, as described above, Nasdaq also already provides a similar offering.³⁰

Moreover, 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.”³¹ The fact that this market is competitive has also 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 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’”³² Accordingly, the Exchange does not believe its proposed change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act³³ and paragraph (f) of Rule 19b-4³⁴ thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CboeEDGA-2025-019 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange

²⁸ See Securities Exchange Act Release No. 99983 (April 17, 2024), 89 FR 30418 (April 23, 2024) (SR-CboeEDGA-2024-014); Securities Exchange Act Release No. 100300 (June 10, 2024), 89 FR 50653 (June 14, 2024) (SR-CboeEDGA-2024-020) and Securities Exchange Act Release No. 100736 (August 15, 2024), 89 FR 67696 (August 21, 2024) (SR-CboeEDGA-2024-032).

²⁹ See *e.g.*, Securities Exchange Act Release No. 68342 (December 3, 2012), 77 FR 73096 (December 7, 2012) (SR-CBOE-2012-114) and Securities Exchange Act Release No. 66082 (January 3, 2012), 77 FR 1101 (January 9, 2012) (SR-C2-2011-041).

³⁰ See The Nasdaq Stock Market, Equity 7 Pricing Schedule, Section 115(g)(3), Dedicated Ouch Port Infrastructure.

³¹ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

³² *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)).

³³ 15 U.S.C. 78s(b)(3)(A).

³⁴ 17 CFR 240.19b-4(f).

Commission, 100 F Street NE,
Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeEDGA–2025–019. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission’s internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission’s Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeEDGA–2025–019 and should be submitted on or before August 8, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³⁵

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025–13473 Filed 7–17–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–103457; File No. SR–
NYSEARCA–2025–39]**

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Adopt New Rule 5.2–E(j)(9) To Permit the Generic Listing and Trading of Multi- Class Exchange-Traded Fund Shares

July 15, 2025.

On May 28, 2025, 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 adopt NYSE Arca Rule 5.2–E(j)(9) to permit the generic listing and trading of Multi-Class Exchange-Traded Fund Shares. The proposed rule change was published for comment in the **Federal Register** on June 10, 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 July 25, 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 September 8, 2025, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See Securities Exchange Act Release No. 103189 (June 4, 2025), 90 FR 24463. The Commission has received no comments regarding the proposed rule change.

⁴ 15 U.S.C. 78s(b)(2).

⁵ 15 U.S.C. 78s(b)(2).

rule change (File No. SR–NYSEARCA–2025–39).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025–13476 Filed 7–17–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–103465; File No. SR–LTSE–
2025–14]**

Self-Regulatory Organizations; Long- Term Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule To Adopt Certain Connectivity Fees for Cross-Connects at the Primary, Disaster Recovery, and Test Environment Facilities

July 15, 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 July 3, 2025, Long-Term Stock Exchange, Inc. (“LTSE” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Securities and Exchange Commission (“Commission”) a proposed rule change to amend proposes to amend the LTSE Fee Schedule (the “Fee Schedule”) to establish Section C and adopt Connectivity Fees for Cross-Connects at the Primary, Disaster Recovery and Test Environment facilities. The Exchange also proposes to adopt Connectivity Fees for Logical Connectivity (all environments), effective July 3, 2025.³

⁶ 17 CFR 200.30–3(a)(31).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See Securities Exchange Act Release No. 34–103074 (May 20, 2025) 90 FR 22345 (May 27, 2025) (SR–LTSE–2025–07), which was filed on May 12, 2025, and replaced SR–LTSE–2025–04. See Securities Exchange Act Release No. 34–102732 (March 26, 2025) 90 FR 14400 (April 1, 2025) (SR–LTSE–2025–04), which was filed on March 14, 2025, and replaced SR–LTSE–2025–01. See Securities Exchange Act Release No. 34–102322 (February 3, 2025), 90 FR 9175 (February 7, 2025) (SR–LTSE–2025–01). SR–LTSE–2025–01 replaced

³⁵ 17 CFR 200.30–3(a)(12).

The text of the proposed rule change is available at the Exchange's website at <https://longtermstockexchange.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 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 self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to establish a new section (C. Connectivity Fees) in the Long-Term Stock Exchange Fee Schedule. Prior to the launch of the new trading system on September 23, 2024, the Exchange offered connectivity (both physical and logical) at no cost to all market participants. With the launch of the new trading system and the significant costs detailed below, the Exchange determined it was reasonable and appropriate to begin to charge market participants for their connectivity to the Exchange. The Exchange notes that the transition between trading systems required all market participants to set up new connectivity to the new trading system, and after the successful launch the Exchange decommissioned all the historical connections within the old trading system. The Exchange also notes that market participants were not charged simultaneously for both their old connections and new connections during the transition as the Exchange never charged for connectivity to the old trading system.

SR-LTSE-2024-09 which was filed on November 27, 2024, and replaced SR-LTSE-2024-07. See Securities Exchange Act Release Nos. 34-101851 (December 9, 2024), 89 FR 101057 (December 13, 2024) (SR-LTSE-2024-09) and 34-101320 (October 11, 2024), 89 FR 83731 (October 17, 2024) (SR-LTSE-2024-07). The fees were initially adopted in SR-LTSE-2024-06, see Securities Exchange Act Release No. 34-101226 (October 1, 2024), 89 FR 81587 (October 8, 2024) (SR-LTSE-2024-06). The Exchange is now withdrawing and replacing this filing with SR-LTSE-2025-14.

Cross-Connect Fees

The Exchange proposes to offer to both Members⁴ and non-Members the option to utilize a 10 Gigabit ("Gb") ultra-low latency ("ULL") fiber cross-connection to the Exchange's Primary and Disaster Recovery facilities, as well as a 10Gb ULL fiber cross-connection to the Test Environment. The Exchange proposes to establish a Cross-Connect fee of \$5,500 per 10Gb physical interface per month that will be assessed to Members and non-Members for connecting to the Primary facility. The Exchange proposes to establish a Cross-Connect fee of \$2,750 per 10Gb physical interface per month that will be assessed to Members and non-Members for connecting to either the Disaster Recovery facility or the Test Environment.

Monthly network connectivity fees for Members and non-Members for connectivity will be assessed in any month the Member or non-Member is credentialed to use any of the LTSE Application Programming Interfaces ("APIs") in the Primary facility, Disaster Recovery facility or Test Environment.⁵

Port Fees

The Exchange proposes to establish a \$450 fee for all Logical Connectivity sessions. These application sessions, commonly known as ports, are utilized to perform a particular function on the Exchange, such as order entry or order cancellation, receipt of drop copies, proprietary market data dissemination, or requesting data to be backfilled (*i.e.*, "gap ports"). All market participants (Members and non-Members) will be charged per session per month. The Exchange will waive the fees for three sessions per month per market participant which the Exchange believes will encourage Members to connect to the Exchange's backup trading systems and to conduct appropriate testing of their use of the Exchange.

In proposing to charge fees for connectivity to LTSE, the Exchange has sought to be especially diligent in assessing those fees in a transparent way against its own aggregate costs of providing the related services, and also carefully and transparently assessing the impact on market participants—both generally and in relation to other market

participants, *i.e.*, to assure the fee will not create a financial burden on any participant and will not have an undue impact in particular on smaller market participants and competition among market participants in general. The Exchange believes that this level of diligence and transparency is called for by the requirements of Section 19(b)(1) under the Act,⁶ and Rule 19b-4 thereunder,⁷ with respect to the types of information self-regulatory organizations ("SROs") should provide when filing fee changes, and Section 6(b) of the Act,⁸ which requires, among other things, that exchange fees be reasonable and equitably allocated,⁹ not designed to permit unfair discrimination,¹⁰ and that they not impose a burden on competition not necessary or appropriate in furtherance of the purposes of the Act.¹¹ This rule change proposal addresses those requirements, and the analysis and data in each of the sections that follow are designed to clearly and comprehensively show how they are met.¹²

Cost Analysis

The Exchange notes it operates a unique model where the LTSE trading system and certain associated services are provided on an outsourced basis by MEMX Technologies LLC ("MEMX Technologies").¹³ As such, a large portion of the Exchange's technology costs, including those related to connectivity, are incorporated into the overall fees that the Exchange pays MEMX Technologies as part of its multi-year arrangement to provide a trading

⁶ 15 U.S.C. 78s(b)(1).

⁷ 17 CFR 240.19b-4.

⁸ 15 U.S.C. 78f(b).

⁹ 15 U.S.C. 78f(b)(4).

¹⁰ 15 U.S.C. 78f(b)(5).

¹¹ 15 U.S.C. 78f(b)(8).

¹² In 2019, Commission staff published guidance suggesting the types of information that SROs may use to demonstrate that their fee filings comply with the standards of the Act ("Fee Guidance"). While LTSE understands that the Fee Guidance does not create new legal obligations on SROs, the Fee Guidance is consistent with LTSE's view about the type and level of transparency that exchanges should meet to demonstrate compliance with their existing obligations when they seek to charge new fees. See Staff Guidance on SRO Rule Filings Relating to Fees (May 21, 2019), available at <https://www.sec.gov/about/staff-guidance-sro-rule-filings-fees>.

¹³ The Exchange and MEMX Technologies executed a Development, License and Services Agreement on January 23, 2024, with accompanying Schedules (collectively, the "DLSA"). MEMX Technologies, an affiliate of the MEMX Exchange, is in the business of developing technology systems for use in the financial industry. See SR-LTSE-2024-03, *supra* note 3 [sic].

⁴ The term "Member" shall mean any registered broker or dealer that has been admitted to membership in the Exchange. See LTSE Rule 1.160.

⁵ As proposed, fees for connectivity services would be assessed based on each active connectivity service product at the close of business on the first day of each month. If a product is canceled prior to such fee being assessed, then the Member will not be obligated to pay the applicable product fee.

system and associated services.¹⁴ Because of this arrangement, the Exchange does not possess the same level of specificity for cost drivers related to connectivity as other exchanges have detailed within their own similar filings. However, the Exchange recognizes that the fees it pays MEMX Technologies are for the services MEMX Technologies provides to the Exchange and the associated costs incurred by MEMX Technologies. These services and costs include maintaining a team of highly skilled network engineers, fees charged to MEMX Technologies by the third-party data center operator for the servers and equipment LTSE utilizes, costs associated with projects and initiatives designed to improve overall network performance and stability, and costs associated with fully supporting advances in infrastructure and expansion of network level services, including customer monitoring, alerting and reporting. There are also significant technology expenses related to establishing and maintaining information security services, enhanced network monitoring and customer reporting, as well as Regulation SCI mandated processes, associated with the MEMX Technologies network technology that are borne by the Exchange. Most of the specific expenses for connectivity services and the Exchange's DSLA with MEMX Technologies are combined, and therefore the Exchange discusses these expenses, and the portion allocated to connectivity as part of the "Third-Party Expenses" Cost Driver below.

Further, while the Exchange has been operating since September 2020, it only entered the DLSA with MEMX

Technologies in January of 2024 and launched the new trading system in September 2024. Therefore, the Exchange's most recent publicly available financial statement (2023 Audited Unconsolidated Financial Statement) does not reflect LTSE's actual current costs associated with the development and operation of connectivity on LTSE, as the costs associated with the MEMX system began in 2024. Accordingly, the Exchange believes it is more appropriate to justify its fees utilizing a recent monthly billing cycle and extrapolated annualized costs on a going-forward basis.

LTSE recently calculated its aggregate monthly costs for providing connectivity services to the Exchange at approximately \$596,840 for 2025.¹⁵ Because LTSE offered all connectivity free of charge from its launch in September 2020 until October of 2024, LTSE has borne 100% of all connectivity costs. Now, in order to cover some of the aggregate costs of providing connectivity to market participants (both Members and non-Members),¹⁶ the Exchange is proposing to modify its Fee Schedule and charge the fees for connectivity detailed herein.

In order to determine the Exchange's costs for providing the services associated with connectivity, the Exchange conducted an extensive review in which the Exchange analyzed every expense item in the Exchange's general expense ledger to determine whether each such expense relates to the services associated with the connectivity and, if such expense did so relate, what portion (or percentage) of such expense actually supports those services. The sum of all such portions

of expenses represents the total cost of the Exchange to provide the services associated with connectivity. For the avoidance of doubt, no expense amount was allocated twice. The Exchange is also providing detailed information regarding the Exchange's cost allocation methodology—namely, information that explains the Exchange's rationale for determining that it was reasonable to allocate certain expenses described in this filing towards the total cost to the Exchange to provide connectivity.

The Exchange believes that the Connectivity Fees are fair and reasonable because they will only cover a portion of the total annual expense that the Exchange projects to incur with providing the services associated with connectivity versus the total annual revenue the Exchange projects to collect in connection with providing those services. Based on connectivity services usage as of May 1st, 2025, as well as projected use through the remainder of the year, the Exchange would generate monthly revenues for 2025 of approximately \$475,000, which will result in a loss for the Exchange.

Costs Related To Offering Connectivity

The following chart details the individual line-item costs considered by LTSE to be related to offering connectivity as well as the percentage of the Exchange's overall costs per year that such costs represent for such area (e.g., as set forth below, the Exchange allocated approximately 15% of its overall Human Resources cost to offering connectivity for a total of \$490,213 per year of costs related to providing connectivity).

Cost drivers	Allocated monthly costs	Allocated yearly costs	% of all
Third-Party Expenses	\$539,276	\$6,471,312	60
Human Resources	40,851	490,213	8
Data Center	15,713	188,552	31
Total	595,840	7,150,076	

Below are additional details regarding each of the line-item costs considered by LTSE to be related to offering connectivity.

¹⁴ The DSLA with MEMX Technologies entails both fixed and variable costs. The Exchange used both types of costs when determining aggregated monthly costs detailed below.

¹⁵ The aggregate monthly costs were determined by taking the individual cost drivers detailed below

Third-Party Expenses

As discussed above, LTSE has undertaken a unique model where it has outsourced its trading system and related technology to a third-party technology provider, MEMX Technologies. With this arrangement

and their yearly costs and dividing by twelve months.

¹⁶ Types of market participants that obtain connectivity services from the Exchange but are not Members include service bureaus and extranets. Service bureaus offer technology-based services to

LTSE receives, among other things, (1) access to technology used to complete connections to the Exchange and to connect to external markets, (2) physical connectivity in the data centers where MEMX Technologies maintains equipment for LTSE use—such as

other companies for a fee, including order entry services to Members, and thus, may access application sessions on behalf of one or more Members. Extranets offer physical connectivity services to Members and non-Members.

dedicated space, security services, cooling and power, (3) use of physical ports and logical ports, and (4) use of physical assets and software, which also includes assets used for testing and monitoring of infrastructure. MEMX Technologies provides personnel to support the use and operation of the LTSE trading platform including but not limited to, monitoring the network, managing system development and testing, facilitating connection changes and access changes, as well as performing normal maintenance operations. The Exchange has an additional third-party vendor which assists the Exchange with services related to member gateways. Together these two third-parties account for all the Third-Party expenses detailed above.

The Exchange's Third-Party expenses for providing connectivity include both fixed and variable. For the fixed costs, the Exchange took the annual costs for each of these two third-party providers to determine what portion (or percentage) of these costs related to providing connectivity and thus bears a relationship that is, "in nature and closeness," directly related to offering connectivity. There are four major core technology cost buckets associated with operating the Exchange: (1) the Member Gateways which include physical and logical connectivity, (2) connectivity to the Securities Information Processor ("SIP"), (3) the Trading Engine, and (4) any downstream services which include system reporting, etc. The Exchange then reviewed each of these technology cost buckets in great detail and determined the percentage each of these buckets should be allocated to the total cost of the third-party expense, with Member Gateways, the SIP and the Trading Engine each accounting for 30% of the costs related to a third-party provider, and downstream services being allocated the remaining 10%. Using this breakdown for both third-party providers, the Exchange determined the portion of each of these costs that was associated with providing market data, connectivity services or neither. Here, the Exchange determined that most of the allocation for the cost of the Gateways (25%) should be associated with the cost of offering connectivity, as well as 5% (of the overall 10%) for the cost of downstream services. Blended together, the Exchange allocated 29% of its fixed Third-Party costs to offering connectivity.

The variable costs that are directly related to offering connectivity are 100% allocated to connectivity within the overall Third-Party costs. Including

the variable costs with the fixed costs, the Exchange allocated 60% of its Third-Party costs to offering connectivity.

Human Resources

In addition to the cost of personnel of outsourced third-party providers that are allocated in the Third-Party Expense section above, LTSE then calculated an allocation of LTSE employee time for employees whose functions include providing and maintaining connectivity and performance thereof (technical operations personnel, market operations personnel, and software engineering personnel). The Exchange notes that while MEMX Technologies maintains its own network support services, due to the Exchange's independent regulatory oversight obligations, the Exchange and its staff provide certain direct network support services to Members and non-Members, including network monitoring, reporting and support services.

The Exchange also allocated Human Resources costs to provide connectivity to a limited subset of LTSE personnel with ancillary functions related to establishing and maintaining such connectivity (such as information security and finance personnel), for which the Exchange allocated cost on an employee-by-employee basis (*i.e.*, only including those personnel who do support functions related to providing connectivity) and then applied a smaller allocation to such employees. Blended together, Human Resources costs to provide connectivity accounted for 8% of all Human Resource costs. The Exchange notes that it has fewer than fifty (50) employees, and each department leader has direct knowledge of the time spent by each employee with respect to the various tasks necessary to operate the Exchange. The estimates of Human Resources cost were therefore determined by consulting with such department leaders, determining which employees are involved in tasks related to providing connectivity, and confirming that the proposed allocations were reasonable based on an understanding of the percentage of their time such employees devote to tasks related to providing connectivity. The Exchange notes that senior level executives were only allocated Human Resources costs to the extent the Exchange believed they are involved in overseeing tasks related to providing connectivity. The Human Resources cost was calculated using a blended rate of compensation reflecting salary, equity and bonus compensation, benefits, payroll taxes, and 401(k) matching contributions.

Data Center

In addition to the data center costs incurred by MEMX Technologies which are allocated in the Third-Party Expenses above, the Exchange also maintains its own footprint in a third-party data center.¹⁷ Data center costs include an allocation of the costs the Exchange incurs to monitor its trading platform (including the Primary facility, Disaster Recovery facility and Test Environment facility) as well as the costs to maintain its equipment in the data center. The Exchange does not own the data center facilities but, instead, leases space in a data center operated by a third-party.

The Exchange has two third-party vendors that account for the Data Center expenses. Consistent with the exercise above, the Exchange took the annual costs for each of these two Data Center vendors to determine what portion (or percentage) of these costs related to offering connectivity and thus bears a relationship that is, "in nature and closeness," directly related to connectivity. Costs that are allocated to connectivity include services such as network packet capture for performance monitoring, security information and event management, network connectivity and security monitoring. The Exchange then reviewed each of the technology cost buckets detailed above and determined the percentage each of these buckets should be allocated to the total cost of the Data Center expenses, with Member Gateways, the SIP and the Trading Engine each accounting for 30% of the costs related to a third-party provider, and downstream services being allocated the remaining 10%. Using this breakdown for all Data Center vendors the Exchange determined the portion of each of these costs was associated with providing market data, connectivity services or neither. Here, the Exchange determined that the 15% allocation for the cost of the Member Gateway (of the overall 30%) should be associated with the cost of providing connectivity. Additionally, the Exchange determined an allocation of 12% (of the overall 30%) for the cost of the Trading Engine was appropriate to associate with the cost of providing connectivity, as well as 4% (of the overall 10%) should be associated with the cost to provide downstream services. Blended together that is 31% of the overall data center expenses.

Physical Connectivity Fees

With the launch of the new trading platform, LTSE required Members and

¹⁷ LTSE has a presence in the Secaucus NY4 data center that is operated by Equinix.

non-Members to establish all new connections (both physical and logical) to the Exchange in order to transmit orders to and receive information through the new trading platform. Members and non-Members can also choose to connect to LTSE indirectly through physical connectivity maintained by a third-party extranet.¹⁸ Extranet physical connections may provide access to one or multiple Members and non-Members on a single connection. Users of LTSE physical connectivity services (both Members and non-Members) seeking to establish one or more connections with the Exchange submit a request directly to Exchange personnel. Upon receipt of the completed instructions, LTSE establishes the physical connections requested by the market participant. The number of physical connections assigned to each firm as of May 1st, 2025, ranges from one to three, depending on the scope and scale of the firm's trading activity on the Exchange as determined by the firm, including the firm's determination of the need for redundant connectivity. The Exchange notes that 58% of its Members do not maintain a physical connection directly with the Exchange in the Primary facilities (though many such Members have connectivity through a third-party provider) and another 42% have one or more physical connections to the Exchange in the Primary facilities.

As described above, to cover a portion the aggregate costs of providing physical connectivity to Members and non-Members, as described below, the Exchange is proposing to charge a fee of \$5,500 per month for each physical connection in the Primary facility and a fee of \$2,750 per month for each physical connection in the Disaster Recovery and Test Environment facilities. There is no requirement that any Member or non-Member maintain a specific number of physical connections and a Member or non-Member may choose to maintain as many or as few of such connections as each Member or non-Member deems appropriate. The Exchange notes, however, that pursuant to Rule 2.250 (Mandatory Participation in Testing of Backup Systems), the Exchange does require a small number of Members to connect and participate in functional and performance testing as announced by the Exchange, which occurs at least once every 12 months. Specifically, Members that have been

determined by the Exchange to contribute a meaningful percentage of the Exchange's overall volume must participate in mandatory testing of the Exchange's backup systems (*i.e.*, such Members must connect to the Disaster Recovery facility). The Exchange notes that Members that have been designated are still able to use third-party providers of connectivity to access the Exchange at its Disaster Recovery facility in that these Members do not each have to purchase a separate connection to the Disaster Recovery facility. Four of the designated Members use a third-party provider instead of connecting directly to the Disaster Recovery facility through connectivity provided by the Exchange. Nonetheless, because some Members are required to connect to the Disaster Recovery facility pursuant to Rule 2.250 and to encourage Members and non-Members to connect to the Disaster Recovery facility generally, the Exchange has proposed to charge one-half of the fee for a physical connection in the Primary facility. Further, other exchanges also provide lower connectivity fees for connections to their respective disaster recovery facilities.¹⁹

While Members are required to connect to the Test Environment for initial protocol certification and may be required to connect to the Test Environment at other times throughout the year (*i.e.*, if the Exchange adopts a new order type that requires testing), they do not have to connect directly and can use an extranet provider to connect or access the LTSE Test Environment directly.

The proposed fee will not apply differently based upon the size or type of the market participant but rather based upon the number of physical connections a Member or non-Member requests, which number is based upon factors deemed relevant by each firm (either a Member, service bureau or extranet). The Exchange believes these factors include the costs to maintain connectivity, business model and choices Members and non-Members make in how to participate on the Exchange, as further described below. The proposed connectivity fees are designed to permit the Exchange to cover a portion of costs allocated to providing connectivity services. The Exchange also reiterates that the Exchange did not charge any fees for connectivity services prior to October 2024, and its allocation of costs to physical connections was part of a

holistic allocation that also allocated costs to other core services without double-counting any expenses. As noted above, the Exchange proposes a lower rate of \$2,750 per month for physical connections at its Disaster Recovery facility and Test Environment. The Exchange has proposed this lower rate for Disaster Recovery and Test Environment connectivity in order to encourage Members and non-Members to establish and maintain such connections. Also, as noted above, a small number of Members are required pursuant to Rule 2.4 to connect and participate in testing of the Exchange's backup systems, and the Exchange believes it is appropriate to provide a lower rate for physical connections at the Disaster Recovery facility given this requirement. The Exchange notes that this rate is well below the cost of providing such services and the Exchange will offer connectivity to the Disaster Recovery facility and Test Environment without recouping the full amount of such cost through connectivity services.

Logical Connectivity Fees

Similar to other exchanges, LTSE offers its Members application sessions, also known as logical ports, for order entry and receipt of trade execution reports and order messages. Members can also choose to connect to LTSE indirectly through a session maintained by a third-party service bureau. Service bureau sessions may provide access to one or multiple Members on a single session. Users of LTSE connectivity services (both Members and non-Members) seeking to establish one or more application sessions with the Exchange shall submit a request to the Exchange. Upon receipt of the completed instructions, LTSE assigns the Member or non-Member the number of sessions requested. The number of sessions assigned to each Member as of September 30, 2024, ranges from one (1) to more than 58 depending on the scope and scale of the Member's trading activity on the Exchange (either through a direct connection or through a service bureau) as determined by the Member. For example, by using multiple sessions, Members can segregate order flow from different internal desks, business lines, or customers. The Exchange does not impose any minimum or maximum requirements for how many application sessions a Member or service bureau can maintain, and it is not proposing to impose any minimum or maximum session requirements for its Members or their service bureaus.

¹⁸ The Exchange notes that these third-party extranet providers were also required to establish new connections to LTSE as all of the old connections were deemed obsolete with the launch of the new trading platform.

¹⁹ See, e.g., the CBOE BZX equities fee schedule, available at https://markets.cboe.com/us/equities/membership/fee_schedule/bzx/.

As described above, to cover a portion of the aggregate costs of providing application sessions to Members and non-Members, as described below, the Exchange is proposing to charge a fee of \$450 per session per month. The Exchange notes that it is proposing to waive the fees for Members and non-Members for their first three sessions, so that market participants can have no cost to initiate order entry in all three environments (Primary, Disaster Recovery and Test Environments). Further, the Exchange believes that providing three free sessions will encourage Members to connect to the Exchange's backup trading systems and to conduct appropriate testing of their use of the Exchange.

The proposed fee of \$450 per month for each Logical Connectivity session is designed to permit the Exchange to cover some of the costs allocated to providing application sessions.

The proposed fee is also designed to encourage Members and non-Members to be efficient with their application session usage, thereby resulting in a corresponding increase in the efficiency that the Exchange would be able to realize in managing its aggregate costs for providing connectivity services. There is no requirement that any Member maintain a specific number of application sessions and a Member may choose to maintain as many or as few of such ports as each Member deems appropriate. The platform has been designed such that each logical connectivity session can handle a significant amount of message traffic (*i.e.*, over 50,000 orders per second), and has no application flow control or order throttling.

The proposed fee will not apply differently based upon the size or type of the market participant but rather based upon the number of application sessions a Member or non-Member requests, which number is based upon factors deemed relevant by each firm (either a Member or service bureau on behalf of a Member). The Exchange believes these factors include the costs to maintain connectivity and choices Members make in how to segment or allocate their order flow.²⁰

²⁰ The Exchange understands that some Members (or service bureaus) may also request more sessions to enable the ability to send a greater number of simultaneous order messages to the Exchange by spreading orders over more Order Entry Ports, thereby increasing throughput (*i.e.*, the potential for more orders to be processed in the same amount of time). The degree to which this usage of sessions provides any throughput advantage is based on how a particular market participant sends order messages to LTSE, however the Exchange notes that the architecture reduces the impact or necessity of such a strategy. All sessions on LTSE provide the

Proposed Fees—Additional Discussion

As discussed above, the proposed fees for connectivity services do not by design apply differently to different types or sizes of Members or non-Members. As discussed in more detail in the Statutory Basis section, the Exchange believes that the likelihood of higher fees for certain Members or non-Members subscribing to connectivity services usage than others is not unfairly discriminatory because it is based on objective differences in usage of connectivity services among different Members and non-Members. The Exchange's costs for connectivity services are directly proportional to the number of connections utilized. Members and non-Members with higher message traffic and/or Members and non-Members with more complicated connections established with the Exchange: (1) consume the most bandwidth and resources of the network; (2) transact the vast majority of the volume on the Exchange; and (3) require the high-touch network support services provided by the Exchange and its technology service provider, including network monitoring, reporting and support services, resulting in a much higher cost to the Exchange to provide such connectivity services. For these reasons, LTSE believes it is not unfairly discriminatory for the Members and non-Members with higher message traffic and/or Members and non-Members with more complicated connections to pay a higher share of the total connectivity services fees. While Members and non-Members with a business model that results in higher relative inbound message activity or more complicated connections are projected to pay higher fees, the level of such fees is based solely on the number of physical connections and/or application sessions deemed necessary by the Member and non-Members and not on the business model or type of firm. The Exchange notes that the correlation between message traffic and usage of connectivity services is not completely aligned because Members and non-Members individually determine how many physical connections and application sessions to request, and Members and non-Members may make different decisions on the appropriate ways based on facts unique to their individual businesses. The Exchange believes that a Member, even with high message traffic, would

same throughput, and as noted above, the throughput is likely adequate even for a market participant sending a significant amount of volume at a fast pace and is not artificially throttled or limited in any way by the Exchange.

be able to conduct business on the Exchange with a relatively small connectivity services footprint.

Finally, the fees for connectivity services will help to encourage connectivity services usage in a way that aligns with the Exchange's regulatory obligations. As a national securities exchange, the Exchange is subject to Regulation Systems Compliance and Integrity ("Reg SCI").²¹ Reg SCI Rule 1001(a) requires that the Exchange establish, maintain, and enforce written policies and procedures reasonably designed to ensure (among other things) that its Reg SCI systems have levels of capacity adequate to maintain the Exchange's operational capability and promote the maintenance of fair and orderly markets.²² By encouraging market participants to be efficient with their usage of connectivity services, the fees will support the Exchange's Reg SCI obligations in this regard by ensuring that unused application sessions are available to be allocated based on individual Member or non-Member needs and as the Exchange's overall order and trade volumes increase. This will encourage market participants to purchase only what they need. Additionally, because the Exchange will charge a lower rate for a physical connection to the Disaster Recovery and Test Environment facilities and will waive the first three logical connectivity sessions each month, the proposed fee structure will further support the Exchange's Reg SCI compliance by reducing the potential impact of a disruption should the Exchange be required to switch to its Disaster Recovery Facility and encouraging Members to engage in any necessary system testing with low or no cost imposed by the Exchange.²³

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6(b) ²⁴ of the Act in general and furthers the

²¹ 17 CFR 242.1000–1007.

²² 17 CFR 242.1001(a).

²³ While some Members might directly connect to the Disaster Recovery or Test Environment Facilities and incur the proposed \$2,750 per month fee, there are other ways to connect to the Exchange, such as through a service bureau or extranet, and because the Exchange is waiving fees for the first three logical connectivity sessions, a Member connecting through another method would not incur any fees charged directly by the Exchange. However, the Exchange notes that a third-party service provider providing connectivity to the Exchange likely would charge a fee for providing such connectivity; such fees are not set by or shared in by the Exchange.

²⁴ 15 U.S.C. 78f.

objectives of Section 6(b)(4)²⁵ of the Act in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. Additionally, the Exchange believes that the proposed fees are consistent with the objectives of Section 6(b)(5)²⁶ of the Act in that they are designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to a free and open market and national market system, and, in general, to protect investors and the public interest, and, particularly, are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed fees for connectivity services to LTSE are reasonable, equitable and not unfairly discriminatory because, as described above, the proposed pricing for connectivity services is directly related to the relative costs to the Exchange to provide those respective services and does not impose a barrier to entry to smaller participants.

As detailed above, the Exchange recognizes that there are various business models and varying sizes of market participants conducting business on the Exchange. The Exchange's costs for connectivity services are directly proportional to the number of connections utilized. Members and non-Members with higher message traffic and/or Members and non-Members with more complicated connections established with the Exchange: (1) consume the most bandwidth and resources of the network; (2) transact the vast majority of the volume on the Exchange; and (3) require the high-touch network support services provided by the Exchange and its technology service provider, including network monitoring, reporting and support services, resulting in a much higher cost to the Exchange to provide such connectivity services.

Accordingly, the Exchange believes the allocation of the proposed fees that increase based on the number of physical connections or application sessions is reasonable based on the resources consumed by the respective type of market participant (*i.e.*, lowest resource consuming Members and non-Members will pay the least, and highest resource consuming Members and non-Members will pay the most),

particularly since higher resource consumption translates directly to higher costs to the Exchange.

With regard to reasonableness, the Exchange understands that when appropriate given the context of a proposal the Commission has taken a market-based approach to examine whether the SRO making the proposal was subject to significant competitive forces in setting the terms of the proposal. In looking at this question, the Commission considers whether the SRO has demonstrated in its filing that: (i) there are reasonable substitutes for the product or service; (ii) "platform" competition constrains the ability to set the fee; and/or (iii) revenue and cost analysis shows the fee would not result in the SRO taking supra-competitive profits. If the SRO demonstrates that the fee is subject to significant competitive forces, the Commission will next consider whether there is any substantial countervailing basis to suggest the fee's terms fail to meet one or more standards under the Exchange Act. If the filing fails to demonstrate that the fee is constrained by competitive forces, the SRO must provide a substantial basis, other than competition, to show that it is consistent with the Exchange Act, which may include production of relevant revenue and cost data pertaining to the product or service.

LTSE believes the proposed fees for connectivity services are fair and reasonable as a form of cost recovery for the Exchange's aggregate costs of offering connectivity services to Members and non-Members. The proposed fees are expected to generate monthly revenue of approximately \$475,000²⁷ providing partial cost recovery to the Exchange for the aggregate costs of offering connectivity services, based on a methodology that narrowly limits the cost drivers that are allocated to those closely and directly related to the particular service. In addition, this revenue will allow the Exchange to continue to offer, to enhance, and to continually refresh its infrastructure as necessary to offer a state-of-the-art trading platform. The Exchange also believes the proposed fee is a reasonable means of encouraging firms to be efficient in the connectivity services they reserve for use, with the benefits to overall system efficiency to the extent Members and non-Members consolidate their usage of connectivity

services or discontinue subscriptions to unused physical connectivity.

The Exchange further believes that the proposed fees, as they pertain to purchasers of each type of connectivity alternative, constitute an equitable allocation of reasonable fees charged to the Exchange's Members and non-Members and are allocated fairly amongst the types of market participants using the facilities of the Exchange.

As described above, the Exchange believes the proposed fees are equitably allocated because the Exchange's costs for connectivity services are directly proportional to the number of connections utilized. Members and non-Members with higher message traffic and/or Members and non-Members with more complicated connections established with the Exchange: (1) consume the most bandwidth and resources of the network; (2) transact the vast majority of the volume on the Exchange; and (3) require the high-touch network support services provided by the Exchange and its technology service provider, including network monitoring, reporting and support services, resulting in a much higher cost to the Exchange to provide such connectivity services.

Commission staff previously noted that the generation of supra-competitive profits is one of several potential factors in considering whether an exchange's proposed fees are consistent with the Act.²⁸ As described in the Fee Guidance, the term "supra-competitive profits" refers to profits that exceed the profits that can be obtained in a competitive market. The proposed fee structure would not result in excessive pricing or supra-competitive profits for the Exchange. As stated above, the proposed fee structure is merely designed to permit the Exchange to cover some of the costs allocated to providing connectivity services. Thus, the Exchange believes that its proposed pricing for Connectivity Fees is fair, reasonable, and equitable. Accordingly, the Exchange believes that its proposal is consistent with Section 6(b)(4) of the Act because the proposed fees will permit recovery of the Exchange's costs and will not result in excessive pricing or supra-competitive profit.

The proposed fees for connectivity services will allow the Exchange to cover a portion of costs incurred by the Exchange for offering connectivity to Members and non-Members. As detailed above, the Exchange has numerous internal and third-party expenses associated with providing connectivity, including maintaining necessary

²⁵ 15 U.S.C. 78f(b)(4).

²⁶ 15 U.S.C. 78f(b)(5).

²⁷ As stated above, the Exchange launched its new trading platform on September 23, 2024. This expected revenue is based on connectivity services usage as of May 1st, 2025, as well as projected use through the remainder of the year.

²⁸ See Fee Guidance, *supra* note 13 [sic].

hardware and other network infrastructure as well as network monitoring and support services; without such hardware, infrastructure, monitoring and support the Exchange would be unable to offer the connectivity services. Further, the Exchange routinely works with MEMX Technologies to improve the performance of the network's hardware and software. The costs associated with maintaining and enhancing a state-of-the-art exchange network is a significant portion of the overall expense of the technology provider's services, and thus the Exchange believes that it is reasonable and appropriate to help offset those costs by adopting fees for connectivity services. The Exchange's Cost Analysis estimates the monthly costs to provide connectivity services at approximately \$600,000. Based on connectivity services usage as of May 1st, 2025, as well as projected use through the remainder of the year, the Exchange would generate monthly revenues for 2025 of approximately \$475,000, which will result in a loss for the Exchange. Even if the Exchange earns that amount or incrementally more, the Exchange believes the proposed fees for connectivity services are fair and reasonable because they will not result in excessive pricing or supra-competitive profit, when comparing the total expense of LTSE associated with providing connectivity services versus the total projected revenue of the Exchange associated with network connectivity services.

The Exchange notes that another exchange offers similar connectivity options to market participants and that the Exchange's proposed connectivity fees are lower.²⁹ The Exchange further notes that this exchange charges for all logical connectivity sessions and does not offer the three free sessions per month the Exchange is proposing to offer.³⁰

In conclusion, the Exchange submits that its proposed fee structure satisfies the requirements of Sections 6(b)(4) and 6(b)(5) of the Act³¹ for the reasons discussed above in that it provides for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities, does not permit unfair discrimination between customers, issuers, brokers, or dealers, and is designed 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, particularly as the proposal neither targets nor will it have a disparate impact on any particular category of market participant.

The Exchange notes that the Cost Analysis was based on the Exchange's first year of outsourcing the LTSE trading system and certain associated services and projections. As such, the Exchange believes that its costs will remain relatively similar in future years. It is possible however that such costs will either decrease or increase. To the extent the Exchange sees growth in use of connectivity services it will receive additional revenue to offset future cost increases. However, if use of connectivity services is static or decreases, the Exchange might not realize the revenue that it anticipates or needs in order to cover applicable costs. Accordingly, the Exchange is committing to conduct a one-year review after implementation of these fees. The Exchange expects that it may propose to adjust fees at that time, to increase fees in the event that revenues fail to cover costs and a reasonable mark-up of such costs. Similarly, the Exchange would propose to decrease fees in the event that revenue materially exceeds our current projections. In addition, the Exchange will periodically conduct a review to inform its decision making on whether a fee change is appropriate (e.g., to monitor for costs increasing/decreasing or subscribers increasing/decreasing, etc. in ways that suggest the then-current fees are becoming dislocated from the prior cost-based analysis) and would propose to increase fees in the event that revenues fail to cover its costs and a reasonable mark-up, or decrease fees in the event that revenue or the mark-up materially exceeds our current projections. In the event that the Exchange determines to propose a fee change, the results of a timely review, including an updated cost estimate, will be included in the rule filing proposing the fee change. More generally, we believe that it is appropriate for an exchange to refresh and update information about its relevant costs and revenues in seeking any future changes to fees, and the Exchange commits to do so.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,³² the Exchange does not believe that the proposed rule change would

impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intramarket Competition

The Exchange does not believe that the proposed rule change to establish connectivity fees would place certain market participants at the Exchange at a relative disadvantage compared to other market participants because the proposed connectivity pricing is associated with relative usage of the Exchange by each market participant and does not impose a barrier to entry to smaller participants. The Exchange believes its proposed pricing is reasonable and lower than what another exchange charges and, when coupled with the availability of third-party providers that also offer connectivity solutions, that participation on the Exchange is affordable for all market participants, including smaller trading firms. As described above, the connectivity services purchased by market participants typically increase based on their additional message traffic and/or the complexity of their operations. The market participants that utilize more connectivity services typically utilize the most bandwidth, and those are the participants that consume the most resources from the network. Accordingly, the proposed fees for connectivity services do not favor certain categories of market participants in a manner that would impose a burden on competition; rather, the allocation of the proposed fees for connectivity reflects the network resources consumed by the various size of market participants and the costs to the Exchange of providing such connectivity services.

Intermarket Competition

The Exchange does not believe the proposed fees for connectivity to LTSE place an undue burden on competition on other SROs that is not necessary or appropriate. Additionally, another exchange has similar connectivity alternatives for their participants, but with higher rates to connect.³³ The Exchange is also unaware of any assertion that the proposed fees for connectivity services would somehow unduly impair its competition with other exchanges. In sum, LTSE's proposed fees for connectivity for Members and non-Members are comparable to and generally lower than fees charged by another exchange for the same or similar services.

²⁹ See, e.g., the MEMX Connectivity fee schedule, available at <https://info.memxtrading.com/connectivity-fees/>.

³⁰ See *id.*

³¹ 15 U.S.C. 78f(b)(4) and (5).

³² 15 U.S.C. 78f(b)(8).

³³ See supra note 31 [sic].

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

This proposed rule change establishes dues, fees or other charges among its members and, as such, may take effect upon filing with the Commission pursuant to Section 19(b)(3)(A)(ii) of the Act³⁴ and paragraph (f)(2) of Rule 19b-4 thereunder.³⁵ Accordingly, the proposed rule change would take effect upon filing with the Commission.

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-LTSE-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-LTSE-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-LTSE-2025-14 and should be submitted on or before August 8, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³⁶

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-13481 Filed 7-17-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103461; File No. SR-SAPPHIRE-2025-28]

Self-Regulatory Organizations; MIAx Sapphire, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Certificate of Incorporation of the Exchange's Ultimate Parent Company, Miami International Holdings, Inc.

July 15, 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 July 10, 2025, MIAx Sapphire, LLC ("MIAx Sapphire" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is

publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the certificate of incorporation (defined below) of the Exchange's ultimate parent company, Miami International Holdings, Inc. (the "Corporation"), in connection with a reverse stock split (defined below).

The text of the proposed rule change is available on the Exchange's website at <https://www.miaxglobal.com/markets/us-options/miax-sapphire/rule-filings>, at the Exchange's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Corporation was originally formed on November 14, 2007 as a new ultimate holding company for the Exchange's affiliate, Miami International Securities Exchange, LLC ("MIAx").³ The Corporation intends to amend and restate its current certificate of incorporation (the "Current Certificate of Incorporation")⁴ to effect a reverse stock split (described below) and adopt these changes as its new Amended and Restated Certificate of Incorporation (the "New Certificate of Incorporation"). The

³ See Securities Exchange Act Release No. 68341 (December 3, 2012), 77 FR 73065 (December 7, 2012) (File No. 10-207) (Exhibit C) (In the Matter of the Application of Miami International Securities Exchange, LLC for Registration as a National Securities Exchange: Findings, Opinion, and Order of the Commission).

⁴ See Amended and Restated Certificate of Incorporation of Miami International Holdings, Inc., dated October 15, 2015, available at https://www.miaxglobal.com/sites/default/files/page-files/MIH_Amended_Restated_Certificate_of_Incorporation_10152015.pdf.

³⁴ 15 U.S.C. 78s(b)(3)(A)(ii).

³⁵ 17 CFR 240.19b-4(f)(2).

³⁶ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

amendments will be achieved through the filing with the State of Delaware of a certificate of amendment for the New Certificate of Incorporation (the “Effective Time”).

The current capital structure of the Corporation is comprised of 625,000,000 authorized shares, consisting of 400,000,000 shares of voting Common Stock; 200,000,000 shares of Nonvoting Common Stock; and 25,000,000 shares of Preferred Stock.⁵ The Current Certificate of Incorporation includes limitations on ownership percentages in any class of capital stock of the Corporation, which limitations will carry over to the New Certificate of Incorporation. In particular, subject to certain exceptions described below, for so long as the Corporation shall control, directly or indirectly, a Controlled National Securities Exchange⁶ (i.e., the Exchange and any of its affiliated national securities exchanges, described below):

(i)(A) No Person,⁷ either alone or together with its Related Persons,⁸ may own, directly

⁵ See Current Certificate of Incorporation, Article Fourth, Section A.(i)–(iii). At the time of this filing, the only series of Preferred Stock issued and outstanding is Series B Preferred Stock, which is limited to 10,000,000 shares of Series B Preferred Stock. The Corporation previously eliminated its Series A Preferred Stock. See Current Certificate of Incorporation, Article Fourth, Sections C.–D.

⁶ The term “Controlled National Securities Exchange” means a national securities exchange, including but not limited to Miami International Securities Exchange, LLC, or facility thereof. See Current Certificate of Incorporation, Article Eighth.

⁷ For purposes of the limitations described in Article Ninth of the Current Certificate of Incorporation, the term “Person” shall mean a natural person, partnership, corporation, limited liability company, entity, government, or political subdivision, agency or instrumentality of a government. See Current Certificate of Incorporation, Article Ninth(a)(i).

⁸ For purposes of the limitations described in Article Ninth of the Current Certificate of Incorporation, the term “Related Persons” shall mean with respect to any Person: (A) any “affiliate” of such Person (as such term is defined in Rule 12b–2 under the Act); (B) any other Person with which such first Person has any agreement, arrangement or understanding (whether or not in writing) to act together for the purpose of acquiring, voting, holding or disposing of shares of the capital stock of the Corporation; (C) in the case of a Person that is a company, corporation or similar entity, any executive officer (as defined under Rule 3b–7 under the Act) or director of such Person and, in the case of a Person that is a partnership or limited liability company, any general partner, managing member or manager of such Person, as applicable; (D) in the case of any Person that is a registered broker or dealer that has been admitted to membership in a Controlled National Securities Exchange (an “Exchange Member”), any Person that is associated with the Exchange Member (as determined using the definition of “person associated with a member” as defined under Section 3(a)(21) of the Act); (E) in the case of a Person that is a natural person and Exchange Member, any broker or dealer that is also an Exchange Member with which such Person is associated; (F) in the case of a Person that is a natural person, any relative or spouse of such

or indirectly, of record or beneficially, shares constituting more than forty percent (40%) of any class of capital stock of the Corporation;

(i)(B) No Exchange Member, either alone or together with its Related Persons, may own, directly or indirectly, of record or beneficially, shares constituting more than twenty percent (20%) of any class of capital stock of the Corporation; and

(i)(C) No Person, either alone or together with its Related Persons, at any time may, directly, indirectly or pursuant to any voting trust, agreement, plan or other arrangement, vote or cause the voting of shares of the capital stock of the Corporation or give any consent or proxy with respect to shares representing more than twenty percent (20%) of the voting power of the then issued and outstanding capital stock of the Corporation, nor may any Person, either alone or together with its Related Persons, enter into any agreement, plan or other arrangement with any other Person, either alone or together with its Related Persons, under circumstances that would result in the shares of capital stock of the Corporation that are subject to such agreement, plan or other arrangement not being voted on any matter or matters or any proxy relating thereto being withheld, where the effect of such agreement, plan or other arrangement would be to enable any Person, either alone or together with its Related Persons, to vote, possess the right to vote or cause the voting of shares of the capital stock of the Corporation which would represent more than twenty percent (20%) of said voting power.⁹

Subject to additional provisions described below, the limitations in clauses (b)(i)(A) and (b)(i)(C) of the Ninth Article of the Current Certificate of Incorporation (listed above) shall not apply in the case of any class of stock that does not have the right by its terms to vote in the election of members of the Board of Directors of the Corporation or on other matters that may require the approval of the holders of voting shares of the Corporation (other than matters affecting the rights, preferences or privileges of said class of stock). Further, the limitations in clauses (b)(i)(A) and (b)(i)(C) (listed above) (except with respect to Exchange Members and their Related Persons) of the Ninth Article of the Current Certificate of Incorporation may be waived by the Board of the Corporation pursuant to a resolution duly adopted

Person, or any relative of such spouse who has the same home as such Person or who is a director or officer of the Corporation or any of its parents or subsidiaries; (G) in the case of a Person that is an executive officer (as defined under Rule 3b–7 under the Act) or a director of a company, corporation or similar entity, such company, corporation or entity, as applicable; and (H) in the case of a Person that is a general partner, managing member or manager of a partnership or limited liability company, such partnership or limited liability company, as applicable. See Current Certificate of Incorporation, Article Ninth(a)(ii).

⁹ See Current Certificate of Incorporation, Article Ninth(b)(i)(A)–(C).

by the Board, if, in connection with the taking of such action, the Board adopts a resolution stating that it is the determination of such Board that such action will not impair the ability of the Exchange to carry out its functions and responsibilities as an “exchange” under the Act, and the rules and regulations promulgated thereunder; that it is otherwise in the best interests of the Corporation, its stockholders and the Exchange and that it will not impair the ability of the Commission to enforce the Act and the rules and regulations promulgated thereunder, and such resolution shall not be effective until it is filed with and approved by the Commission. In making the determinations referred to in the immediately preceding sentence, the Board may impose on the Person in question and its Related Persons such conditions and restrictions as it may in its sole discretion deem necessary, appropriate or desirable in furtherance of the objectives of the Act and the rules and regulations promulgated thereunder, and the governance of the Exchange.¹⁰

The Current Certificate of Incorporation provides the following additional provisions limiting ownership in the Corporation. Notwithstanding the provisions described in the paragraph immediately above (clauses (b)(ii)(A) and (b)(ii)(B) of Article Ninth of the Current Certificate of Incorporation), in any case where a Person, either alone or together with its Related Persons, would own or vote more than any of the above percentage limitations upon consummation of any proposed sale, assignment or transfer of the Corporation’s capital stock, such sale, assignment or transfer shall not become effective until the Board of Directors of the Corporation shall have determined, by resolution, that such Person and its Related Persons are not subject to any applicable “statutory disqualification” (within the meaning of Section 3(a)(39) of the Act). In addition, any Person that either alone or together with its Related Persons proposes to own, directly or indirectly, of record or beneficially, shares of the capital stock of the Corporation constituting more than forty percent (40%) of the outstanding shares of any class of capital stock of the Corporation, or to exercise voting rights, or grant any proxies or consents with respect to shares of the capital stock of the Corporation constituting more than twenty percent (20%) of the voting power of the then issued and

¹⁰ See Current Certificate of Incorporation, Article Ninth(b)(ii)(A)–(B).

outstanding shares of capital stock of the Corporation, shall have delivered to the Board of Directors of the Corporation a notice in writing, not less than forty-five (45) days (or any shorter period to which said Board shall expressly consent) before the proposed ownership of such shares, or the proposed exercise of said voting rights or the granting of said proxies or consents, of its intention to do so.¹¹

The Exchange, on behalf of the Corporation, now proposes to amend the Current Certificate of Incorporation in connection with a reverse stock split, pursuant to which each two (2) shares of Common Stock, Nonvoting Common Stock and Series B Preferred Stock outstanding and held of record by each stockholder of the Corporation (including treasury shares) immediately prior to the Effective Time shall, automatically and without any further action on the part of the Corporation or the respective holders thereof, be reclassified and combined into one (1) validly issued, fully paid and non-assessable share of Common Stock, Nonvoting Common Stock or Series B Preferred Stock, as applicable (the "Reverse Stock Split"). No fractional shares shall be issued in connection with the Reverse Stock Split. Instead, any fractional shares that would otherwise be issuable as a result of the Reverse Stock Split will be rounded up to the nearest whole share, and adjustments to outstanding awards under the Corporation's equity incentive plans shall be made in accordance with the terms and conditions of such plans. Each certificate that immediately prior to the Effective Time represented shares of Common Stock, Nonvoting Common Stock or Series B Preferred Stock ("Old Certificates"), shall thereafter represent that number of shares into which the shares of Common Stock, Nonvoting Common Stock or Series B Preferred Stock represented by the Old Certificate shall have been combined, subject to the rounding of fractional share interests as described above. The authorized number of shares, and par value per share of Common Stock, Nonvoting Common Stock, Preferred Stock and Series B Preferred Stock, shall not be affected by the Reverse Stock Split.¹²

The Exchange notes that the Corporation does not propose to amend the number of shares that the Corporation is authorized to issue. The

Exchange also notes that, since the proposed Reverse Stock Split will be effectuated without any change to the number of shares the Corporation is authorized to issue, the Corporation could issue more capital stock without seeking additional authorizations, thereby impacting the holdings of the current shareholders in relation to the number of shares outstanding. The proposed Reverse Stock Split was also subject to the following stockholder consents: (i) approval from the holders of a majority of the shares of the outstanding Voting Common Stock, and (ii) approval thereof from holders of two-thirds of the outstanding shares of the Series B Preferred Stock, voting as a separate class.¹³

The purpose of this rule filing is to submit to the Commission for review the New Certificate of Incorporation, which includes the proposed amendments to effect the Reverse Stock Split, described above. The changes described herein relate to the Current Certificate of Incorporation of the Corporation only, not to the governance of the Exchange or any of its affiliates—MIAx PEARL, LLC ("MIAx Pearl"), MIAx Emerald, LLC ("MIAx Emerald"), or MIAx. The Exchange will continue to be governed by its existing certificate of formation, limited liability company agreement, and by-laws.¹⁴ The stock in, and voting power of, the Exchange will continue to be directly and solely held by the Corporation.¹⁵ The capital stock (*i.e.*, Voting Common Stock, Nonvoting Common Stock and Series B Preferred Stock) ownership and voting limitations described above will continue to apply

¹³ On May 19, 2025, the Corporation mailed a Notice of Request for Stockholder Approval and Stockholder Consent Solicitation for Stockholder Approval of Reverse Stock Split and Amended and Restated Certificate of Incorporation to record holders of Voting Common Stock and the Series B Preferred Stock as of the close of business on May 15, 2025. On June 9, 2025, the Corporation received approval thereof from holders of (i) at least a majority of the shares of the outstanding Voting Common Stock, and (ii) at least two-thirds of the outstanding shares of the Series B Preferred Stock. Accordingly, the Corporation received all necessary shareholder approvals required to amend the Current Certificate of Incorporation to effect the Reverse Stock Split.

¹⁴ The Exchange's current certificate of formation, limited liability company agreement, and by-laws are available on the Exchange's website, available at <https://www.miaxglobal.com/markets/us-options/all-options-exchanges/corporate-organization>.

¹⁵ See Amended and Restated By-Laws of the Exchange, Article I, Definitions, subparagraph (v), available at <https://www.miaxglobal.com/markets/us-options/all-options-exchanges/corporate-organization> (providing that the Corporation is the sole LLC Member of the Exchange). The term "LLC Member" means any person who maintains a direct ownership interest in the Exchange. The sole LLC Member of the Exchange shall be Miami International Holdings, Inc. *Id.*

upon the effectiveness of the New Certificate of Incorporation. Other exchange groups have effected stock splits for their parent corporations; accordingly, this type of proposal is not new or novel.¹⁶

2. Statutory Basis

The Exchange believes that its proposal is consistent with the requirements of the Act and rules and regulations thereunder that are applicable to a national securities exchange and, in particular, with the requirements of Section 6(b)(1) of the Act, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its Members¹⁷ and persons associated with its Members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange.¹⁸

In particular, the Exchange believes that the proposed changes are consistent with Section 6(b)(1) of the Act because the New Certificate of Incorporation will retain, without modifications, the provisions regarding limitations on ownership and total voting power that currently exist.¹⁹ These provisions are designed to prevent any stockholder, including any Member of the Exchange (or its affiliates) along with its Related Persons, from exercising undue control over the operations of the Exchange (or its affiliates) upon the effectiveness of the Reverse Stock Split. The Exchange believes these limitations will ensure that the Exchange will be able to carry out its regulatory obligations under the Act. As described above, the proposed changes are certain administrative and structural changes to the Current Certificate of Incorporation and these changes do not impact the ownership

¹⁶ See, *e.g.*, Securities Exchange Act Release No. 77601 (April 13, 2016), 81 FR 23060 (April 19, 2016) (SR-BatsBZX-2016-07) (effecting a forward stock split). The Exchange notes that one difference compared to the Bats BZX filing is that each of the subsidiary exchanges of Bats Global Markets, Inc. filed to increase the number of shares Bats Global Markets, Inc. was authorized to issue in connection with the forward stock split. The Exchange does not propose to amend the number of shares that the Corporation is authorized to issue with this filing. See also Securities Exchange Act Release Nos. 77608 (April 13, 2016), 81 FR 23062 (April 19, 2016) (SR-BatsEDGA-2016-05); 77600 (April 13, 2016), 81 FR 23021 (April 19, 2016) (SR-BatsBYX-2016-04); and 77612 (April 13, 2016), 81 FR 23072 (April 19, 2016) (SR-BatsEDGX-2016-10).

¹⁷ See Exchange Rule 100.

¹⁸ 15 U.S.C. 78ff(b).

¹⁹ The Exchange notes that the Corporation does not propose to amend the number of shares that the Corporation is authorized to issue. As such, the Corporation could issue more capital stock following the Reverse Stock Split, thereby impacting the holdings of the current shareholders in relation to the number of shares outstanding.

¹¹ See Current Certificate of Incorporation, Article Ninth(b)(iii)–(iv).

¹² The par value of each share of Common Stock, Nonvoting Common Stock, and Preferred Stock will continue to be \$0.001 per share. See Current Certificate of Incorporation, Article Fourth, Subparagraph A.(i)–(iii).

restrictions, voting restrictions, or governance of the Exchange (or its affiliates).²⁰

In addition, the proposed changes are similar to changes that were made by Bats Global Markets, Inc. (“Bats”) and its subsidiary national securities exchanges in 2016; however, Bats effected a forward stock split and authorized the issuance of new shares, instead of a reverse stock split, as proposed herein.²¹ Accordingly, the Exchange believes its proposal is consistent with the requirements of the Act.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change imposes any burden on competition. The proposed changes are not being made to address a competitive issue. Rather, as described above, the proposed changes are to make certain administrative and structural changes to the Current Certificate of Incorporation. These changes do not impact the ownership restrictions, voting restrictions, or governance of the Exchange (or its affiliates). Further, the proposed changes are similar to changes that were made by Bats and its subsidiary national securities exchanges in 2016,²² which changes the Commission did not suspend or disapprove. Therefore, the Exchange believes its substantively similar changes do not impose any burden on competition.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the

public interest, it has become effective pursuant to Section 19(b)(3)(A) of the Act²³ and Rule 19b-4(f)(6)²⁴ thereunder.

A proposed rule change filed under Rule 19b-4(f)(6)²⁵ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),²⁶ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative upon filing. The Exchange states that the proposed changes will allow the Corporation to adopt the New Certificate of Incorporation, which reflects administrative and structural amendments to the Current Certificate of Incorporation, and that the proposed changes do not impact the ownership restrictions, voting restrictions, or governance of the Exchange. The Exchange also states the proposed changes are similar to changes that were made by Bats and its subsidiary national securities exchanges in 2016.²⁷ For these reasons, and because the proposed rule change does not raise any novel regulatory issues, the Commission finds that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.²⁸

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

²³ 15 U.S.C. 78s(b)(3)(A).

²⁴ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

²⁵ 17 CFR 240.19b-4(f)(6).

²⁶ 17 CFR 240.19b-4(f)(6)(iii).

²⁷ See *supra* note 16.

²⁸ For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule’s impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission’s internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-SAPPHIRE-2025-28 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-SAPPHIRE-2025-28. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission’s internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission’s Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-SAPPHIRE-2025-28 and should be submitted on or before August 8, 2025.

²⁰ The Exchange also proposes to amend the execution page of the Current Certificate of Incorporation to add that the Corporation filed an Amended and Restated Certificate of Incorporation with the Secretary of the State of Delaware on October 16, 2015, and renumber subsequent paragraphs accordingly.

²¹ See *supra* note 16.

²² See *supra* note 16.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁹

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-13469 Filed 7-17-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103458; File No. SR-MIAX-2025-32]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Certificate of Incorporation of the Exchange's Ultimate Parent Company, Miami International Holdings, Inc.

July 15, 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 July 10, 2025, Miami International Securities Exchange, LLC ("MIAX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the certificate of incorporation (defined below) of the Exchange's ultimate parent company, Miami International Holdings, Inc. (the "Corporation"), in connection with a reverse stock split (defined below).

The text of the proposed rule change is available on the Exchange's website at <https://www.miaxglobal.com/markets/us-options/all-options-exchanges/rule-filings>, at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed

any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Corporation was originally formed on November 14, 2007 as a new ultimate holding company for the Exchange.³ The Corporation intends to amend and restate its current certificate of incorporation (the "Current Certificate of Incorporation")⁴ to effect a reverse stock split (described below) and adopt these changes as its new Amended and Restated Certificate of Incorporation (the "New Certificate of Incorporation"). The amendments will be achieved through the filing with the State of Delaware of a certificate of amendment for the New Certificate of Incorporation (the "Effective Time").

The current capital structure of the Corporation is comprised of 625,000,000 authorized shares, consisting of 400,000,000 shares of voting Common Stock; 200,000,000 shares of Nonvoting Common Stock; and 25,000,000 shares of Preferred Stock.⁵ The Current Certificate of Incorporation includes limitations on ownership percentages in any class of capital stock of the Corporation, which limitations will carry over to the New Certificate of Incorporation. In particular, subject to certain exceptions described below, for so long as the Corporation shall control, directly or indirectly, a Controlled National Securities Exchange⁶ (i.e., the

Exchange and any of its affiliated national securities exchanges, described below):

(i)(A) No Person,⁷ either alone or together with its Related Persons,⁸ may own, directly or indirectly, of record or beneficially, shares constituting more than forty percent (40%) of any class of capital stock of the Corporation;

(i)(B) No Exchange Member, either alone or together with its Related Persons, may own, directly or indirectly, of record or beneficially, shares constituting more than twenty percent (20%) of any class of capital stock of the Corporation; and

(i)(C) No Person, either alone or together with its Related Persons, at any time may, directly, indirectly or pursuant to any voting trust, agreement, plan or other arrangement, vote or cause the voting of shares of the capital stock of the Corporation or give any consent or proxy with respect to shares representing more than twenty percent (20%) of the voting power of the then issued and outstanding capital stock of the Corporation, nor may any Person, either alone or together with its Related Persons, enter into any agreement, plan or other arrangement with any other Person, either alone or together

Securities Exchange, LLC, or facility thereof. See Current Certificate of Incorporation, Article Eighth.

⁷ For purposes of the limitations described in Article Ninth of the Current Certificate of Incorporation, the term "Person" shall mean a natural person, partnership, corporation, limited liability company, entity, government, or political subdivision, agency or instrumentality of a government. See Current Certificate of Incorporation, Article Ninth(a)(i).

⁸ For purposes of the limitations described in Article Ninth of the Current Certificate of Incorporation, the term "Related Persons" shall mean with respect to any Person: (A) any "affiliate" of such Person (as such term is defined in Rule 12b-2 under the Act); (B) any other Person with which such first Person has any agreement, arrangement or understanding (whether or not in writing) to act together for the purpose of acquiring, voting, holding or disposing of shares of the capital stock of the Corporation; (C) in the case of a Person that is a company, corporation or similar entity, any executive officer (as defined under Rule 3b-7 under the Act) or director of such Person and, in the case of a Person that is a partnership or limited liability company, any general partner, managing member or manager of such Person, as applicable; (D) in the case of any Person that is a registered broker or dealer that has been admitted to membership in a Controlled National Securities Exchange (an "Exchange Member"), any Person that is associated with the Exchange Member (as determined using the definition of "person associated with a member" as defined under Section 3(a)(21) of the Act); (E) in the case of a Person that is a natural person and Exchange Member, any broker or dealer that is also an Exchange Member with which such Person is associated; (F) in the case of a Person that is a natural person, any relative or spouse of such Person, or any relative of such spouse who has the same home as such Person or who is a director or officer of the Corporation or any of its parents or subsidiaries; (G) in the case of a Person that is an executive officer (as defined under Rule 3b-7 under the Act) or a director of a company, corporation or similar entity, such company, corporation or entity, as applicable; and (H) in the case of a Person that is a general partner, managing member or manager of a partnership or limited liability company, such partnership or limited liability company, as applicable. See Current Certificate of Incorporation, Article Ninth(a)(ii).

³ See Securities Exchange Act Release No. 68341 (December 3, 2012), 77 FR 73065 (December 7, 2012) (File No. 10-207) (Exhibit C) (In the Matter of the Application of Miami International Securities Exchange, LLC for Registration as a National Securities Exchange: Findings, Opinion, and Order of the Commission).

⁴ See Amended and Restated Certificate of Incorporation of Miami International Holdings, Inc., dated October 15, 2015, available at https://www.miaxglobal.com/sites/default/files/page-files/MIH_Amended_Restated_Certificate_of_Incorporation_10152015.pdf.

⁵ See Current Certificate of Incorporation, Article Fourth, Section A.(i)-(iii). At the time of this filing, the only series of Preferred Stock issued and outstanding is Series B Preferred Stock, which is limited to 10,000,000 shares of Series B Preferred Stock. The Corporation previously eliminated its Series A Preferred Stock. See Current Certificate of Incorporation, Article Fourth, Sections C.-D.

⁶ The term "Controlled National Securities Exchange" means a national securities exchange, including but not limited to Miami International

²⁹ 17 CFR 200.30-3(a)(12), (59).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

with its Related Persons, under circumstances that would result in the shares of capital stock of the Corporation that are subject to such agreement, plan or other arrangement not being voted on any matter or matters or any proxy relating thereto being withheld, where the effect of such agreement, plan or other arrangement would be to enable any Person, either alone or together with its Related Persons, to vote, possess the right to vote or cause the voting of shares of the capital stock of the Corporation which would represent more than twenty percent (20%) of said voting power.⁹

Subject to additional provisions described below, the limitations in clauses (b)(i)(A) and (b)(i)(C) of the Ninth Article of the Current Certificate of Incorporation (listed above) shall not apply in the case of any class of stock that does not have the right by its terms to vote in the election of members of the Board of Directors of the Corporation or on other matters that may require the approval of the holders of voting shares of the Corporation (other than matters affecting the rights, preferences or privileges of said class of stock). Further, the limitations in clauses (b)(i)(A) and (b)(i)(C) (listed above) (except with respect to Exchange Members and their Related Persons) of the Ninth Article of the Current Certificate of Incorporation may be waived by the Board of the Corporation pursuant to a resolution duly adopted by the Board, if, in connection with the taking of such action, the Board adopts a resolution stating that it is the determination of such Board that such action will not impair the ability of the Exchange to carry out its functions and responsibilities as an “exchange” under the Act, and the rules and regulations promulgated thereunder; that it is otherwise in the best interests of the Corporation, its stockholders and the Exchange and that it will not impair the ability of the Commission to enforce the Act and the rules and regulations promulgated thereunder, and such resolution shall not be effective until it is filed with and approved by the Commission. In making the determinations referred to in the immediately preceding sentence, the Board may impose on the Person in question and its Related Persons such conditions and restrictions as it may in its sole discretion deem necessary, appropriate or desirable in furtherance of the objectives of the Act and the rules and regulations promulgated thereunder, and the governance of the Exchange.¹⁰

⁹ See Current Certificate of Incorporation, Article Ninth(b)(i)(A)–(C).

¹⁰ See Current Certificate of Incorporation, Article Ninth(b)(ii)(A)–(B).

The Current Certificate of Incorporation provides the following additional provisions limiting ownership in the Corporation. Notwithstanding the provisions described in the paragraph immediately above (clauses (b)(ii)(A) and (b)(ii)(B) of Article Ninth of the Current Certificate of Incorporation), in any case where a Person, either alone or together with its Related Persons, would own or vote more than any of the above percentage limitations upon consummation of any proposed sale, assignment or transfer of the Corporation’s capital stock, such sale, assignment or transfer shall not become effective until the Board of Directors of the Corporation shall have determined, by resolution, that such Person and its Related Persons are not subject to any applicable “statutory disqualification” (within the meaning of Section 3(a)(39) of the Act). In addition, any Person that either alone or together with its Related Persons proposes to own, directly or indirectly, of record or beneficially, shares of the capital stock of the Corporation constituting more than forty percent (40%) of the outstanding shares of any class of capital stock of the Corporation, or to exercise voting rights, or grant any proxies or consents with respect to shares of the capital stock of the Corporation constituting more than twenty percent (20%) of the voting power of the then issued and outstanding shares of capital stock of the Corporation, shall have delivered to the Board of Directors of the Corporation a notice in writing, not less than forty-five (45) days (or any shorter period to which said Board shall expressly consent) before the proposed ownership of such shares, or the proposed exercise of said voting rights or the granting of said proxies or consents, of its intention to do so.¹¹

The Exchange, on behalf of the Corporation, now proposes to amend the Current Certificate of Incorporation in connection with a reverse stock split, pursuant to which each two (2) shares of Common Stock, Nonvoting Common Stock and Series B Preferred Stock outstanding and held of record by each stockholder of the Corporation (including treasury shares) immediately prior to the Effective Time shall, automatically and without any further action on the part of the Corporation or the respective holders thereof, be reclassified and combined into one (1) validly issued, fully paid and non-assessable share of Common Stock, Nonvoting Common Stock or Series B

Preferred Stock, as applicable (the “Reverse Stock Split”). No fractional shares shall be issued in connection with the Reverse Stock Split. Instead, any fractional shares that would otherwise be issuable as a result of the Reverse Stock Split will be rounded up to the nearest whole share, and adjustments to outstanding awards under the Corporation’s equity incentive plans shall be made in accordance with the terms and conditions of such plans. Each certificate that immediately prior to the Effective Time represented shares of Common Stock, Nonvoting Common Stock or Series B Preferred Stock represented by the Old Certificate shall have been combined, subject to the rounding of fractional share interests as described above. The authorized number of shares, and par value per share of Common Stock, Nonvoting Common Stock, Preferred Stock and Series B Preferred Stock, shall not be affected by the Reverse Stock Split.¹²

The Exchange notes that the Corporation does not propose to amend the number of shares that the Corporation is authorized to issue. The Exchange also notes that, since the proposed Reverse Stock Split will be effectuated without any change to the number of shares the Corporation is authorized to issue, the Corporation could issue more capital stock without seeking additional authorizations, thereby impacting the holdings of the current shareholders in relation to the number of shares outstanding. The proposed Reverse Stock Split was also subject to the following stockholder consents: (i) approval from the holders of a majority of the shares of the outstanding Voting Common Stock, and (ii) approval thereof from holders of two-thirds of the outstanding shares of the Series B Preferred Stock, voting as a separate class.¹³

¹² The par value of each share of Common Stock, Nonvoting Common Stock, and Preferred Stock will continue to be \$0.001 per share. See Current Certificate of Incorporation, Article Fourth, Subparagraph A.(i)–(iii).

¹³ On May 19, 2025, the Corporation mailed a Notice of Request for Stockholder Approval and Stockholder Consent Solicitation for Stockholder Approval of Reverse Stock Split and Amended and Restated Certificate of Incorporation to record holders of Voting Common Stock and the Series B Preferred Stock as of the close of business on May 15, 2025. On June 9, 2025, the Corporation received approval thereof from holders of (i) at least a majority of the shares of the outstanding Voting Common Stock, and (ii) at least two-thirds of the outstanding shares of the Series B Preferred Stock. Accordingly, the Corporation received all necessary

The purpose of this rule filing is to submit to the Commission for review the New Certificate of Incorporation, which includes the proposed amendments to effect the Reverse Stock Split, described above. The changes described herein relate to the Current Certificate of Incorporation of the Corporation only, not to the governance of the Exchange or any of its affiliates—MIAx PEARL, LLC (“MIAx Pearl”), MIAx Emerald, LLC (“MIAx Emerald”), or MIAx Sapphire, LLC (“MIAx Sapphire”). The Exchange will continue to be governed by its existing certificate of formation, limited liability company agreement, and by-laws.¹⁴ The stock in, and voting power of, the Exchange will continue to be directly and solely held by the Corporation.¹⁵ The capital stock (i.e., Voting Common Stock, Nonvoting Common Stock and Series B Preferred Stock) ownership and voting limitations described above will continue to apply upon the effectiveness of the New Certificate of Incorporation. Other exchange groups have effected stock splits for their parent corporations; accordingly, this type of proposal is not new or novel.¹⁶

2. Statutory Basis

The Exchange believes that its proposal is consistent with the requirements of the Act and rules and regulations thereunder that are applicable to a national securities exchange and, in particular, with the requirements of Section 6(b)(1) of the

shareholder approvals required to amend the Current Certificate of Incorporation to effect the Reverse Stock Split.

¹⁴ The Exchange's current certificate of formation, limited liability company agreement, and by-laws are available on the Exchange's website, available at <https://www.miaxglobal.com/markets/us-options/all-options-exchanges/corporate-organization>.

¹⁵ See Amended and Restated By-Laws of the Exchange, Article I, Definitions, subparagraph (x), available at https://www.miaxglobal.com/miax_amended_and_restated_by_laws.pdf (providing that the Corporation is the sole LLC Member of the Exchange). The term “LLC Member” means any person who maintains a direct ownership interest in the Exchange. The sole LLC Member of the Exchange shall be Miami International Holdings, Inc. *Id.*

¹⁶ See, e.g., Securities Exchange Act Release No. 77601 (April 13, 2016), 81 FR 23060 (April 19, 2016) (SR-BatsBZX-2016-07) (effecting a forward stock split). The Exchange notes that one difference compared to the Bats BZX filing is that each of the subsidiary exchanges of Bats Global Markets, Inc. filed to increase the number of shares Bats Global Markets, Inc. was authorized to issue in connection with the forward stock split. The Exchange does not propose to amend the number of shares that the Corporation is authorized to issue with this filing. See also Securities Exchange Act Release Nos. 77608 (April 13, 2016), 81 FR 23062 (April 19, 2016) (SR-BatsEDGA-2016-05); 77600 (April 13, 2016), 81 FR 23021 (April 19, 2016) (SR-BatsBYX-2016-04); and 77612 (April 13, 2016), 81 FR 23072 (April 19, 2016) (SR-BatsEDGX-2016-10).

Act, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its Members¹⁷ and persons associated with its Members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange.¹⁸

In particular, the Exchange believes that the proposed changes are consistent with Section 6(b)(1) of the Act because the New Certificate of Incorporation will retain, without modifications, the provisions regarding limitations on ownership and total voting power that currently exist.¹⁹ These provisions are designed to prevent any stockholder, including any Member of the Exchange (or its affiliates) along with its Related Persons, from exercising undue control over the operations of the Exchange (or its affiliates) upon the effectiveness of the Reverse Stock Split. The Exchange believes these limitations will ensure that the Exchange will be able to carry out its regulatory obligations under the Act. As described above, the proposed changes are certain administrative and structural changes to the Current Certificate of Incorporation and these changes do not impact the ownership restrictions, voting restrictions, or governance of the Exchange (or its affiliates).²⁰

In addition, the proposed changes are similar to changes that were made by Bats Global Markets, Inc. (“Bats”) and its subsidiary national securities exchanges in 2016; however, Bats effected a forward stock split and authorized the issuance of new shares, instead of a reverse stock split, as proposed herein.²¹ Accordingly, the Exchange believes its proposal is consistent with the requirements of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change imposes any burden on competition. The proposed changes are not being made to address

¹⁷ See Exchange Rule 100.

¹⁸ 15 U.S.C. 78f(b).

¹⁹ The Exchange notes that the Corporation does not propose to amend the number of shares that the Corporation is authorized to issue. As such, the Corporation could issue more capital stock following the Reverse Stock Split, thereby impacting the holdings of the current shareholders in relation to the number of shares outstanding.

²⁰ The Exchange also proposes to amend the execution page of the Current Certificate of Incorporation to add that the Corporation filed an Amended and Restated Certificate of Incorporation with the Secretary of the State of Delaware on October 16, 2015, and renumber subsequent paragraphs accordingly.

²¹ See *supra* note 16.

a competitive issue. Rather, as described above, the proposed changes are to make certain administrative and structural changes to the Current Certificate of Incorporation. These changes do not impact the ownership restrictions, voting restrictions, or governance of the Exchange (or its affiliates). Further, the proposed changes are similar to changes that were made by Bats and its subsidiary national securities exchanges in 2016,²² which changes the Commission did not suspend or disapprove. Therefore, the Exchange believes its substantively similar changes do not impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, it has become effective pursuant to Section 19(b)(3)(A) of the Act²³ and Rule 19b-4(f)(6)²⁴ thereunder.

A proposed rule change filed under Rule 19b-4(f)(6)²⁵ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),²⁶ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative upon filing. The Exchange states that the proposed changes will allow the Corporation to adopt the New Certificate of Incorporation, which reflects

²² See *supra* note 16.

²³ 15 U.S.C. 78s(b)(3)(A).

²⁴ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

²⁵ 17 CFR 240.19b-4(f)(6).

²⁶ 17 CFR 240.19b-4(f)(6)(iii).

administrative and structural amendments to the Current Certificate of Incorporation, and that the proposed changes do not impact the ownership restrictions, voting restrictions, or governance of the Exchange. The Exchange also states the proposed changes are similar to changes that were made by Bats and its subsidiary national securities exchanges in 2016.²⁷ For these reasons, and because the proposed rule change does not raise any novel regulatory issues, the Commission finds that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.²⁸

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-MIAX-2025-32 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to file number SR-MIAX-2025-32. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's

internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-MIAX-2025-32 and should be submitted on or before August 8, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁹

Sherry R. Haywood,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103462; File No. SR-NYSEAMER-2025-40]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Establishing Limited Underwriting Members

July 15, 2025.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 ("Act"),² and Rule 19b-4 thereunder,³ notice is hereby given that on July 7, 2025, NYSE American LLC ("NYSE American" or the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The

Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes (1) a new Section 208 ("Principal Underwriter") in the NYSE American Company Guide establishing requirements for the engagement of the principal underwriter by an issuer seeking approval for initial listing in connection with a transaction involving an underwriter; (2) amendments to Rule 2—Equities and a new Rule 310—Equities establishing a category of market participant granted access to the Exchange for the limited purpose of performing underwriting activity as a principal underwriter and imposing related requirements for principal underwriting activity; and (3) to delete certain rule references in Section 2.02 of the operating agreement and make related technical, conforming and non-substantive changes. 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 a new Section 208 ("Principal Underwriter") of the NYSE American Company Guide (the "Guide"), requiring that any issuer applying to list in connection with a transaction involving an underwriter must have a principal underwriter that is a member organization as defined in Rule 2—Equities ("Member," "Membership," "Member Firm," etc.) or a Limited Underwriting Member, as defined in proposed Rule 2(k)—Equities. The Exchange also proposes

²⁷ See *supra* note 16.

²⁸ For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

²⁹ 17 CFR 200.30-3(a)(12), (59).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

amendments to Rule 2—Equities and a new Rule 310—Equities titled “Limited Underwriting Members and Associated Persons” establishing a category of market participant that is a member of the Financial Industry Regulatory Authority (“FINRA”) and that would qualify as a “Limited Underwriting Member” for purposes of proposed Section 208 of the Guide. Proposed Section 208 is based on Section 108.00 (Principal Underwriter) in the New York Stock Exchange (“NYSE”) Listed Company Manual (“NYSE Manual”) and proposed Rule 310—Equities is based on NYSE Rule 310 (Limited Underwriting Members and Associated Persons), which in turn were based on Rule 5210 and General 3, Rule 1031 of the rules of The Nasdaq Stock Market LLC (“Nasdaq”), respectively.

Finally, the Exchange proposes to delete certain rule references in Section 2.02 of the Thirteenth Amended and Restated Operating Agreement of the Exchange (the “Operating Agreement”) and make related technical, conforming and non-substantive changes.

Background and Proposed Rule Change

In 2024, Nasdaq created a new, non-trading limited underwriter membership class and imposed related requirements for principal underwriting activity.⁴ The impetus for the rule change came from the critical role underwriters play as gatekeepers to the capital markets in connection with the trading of newly issued securities.⁵ Generally, exchanges rely on underwriters to select the selling syndicate and ensure that the shares are placed in a way that is reasonably designed to allow liquid trading, consistent with exchange listing requirements and the successful introduction of the company to the

market place.⁶ There is currently no requirement that underwriters of companies going public on the Exchange be NYSE American member organizations and, unless the underwriter is also an Exchange member organization, the Exchange currently does not have authority to require responses to investigative inquiries or to enforce its rules directly against non-member underwriters.

The Exchange’s affiliate NYSE recently adopted a new Section 108.00 of the NYSE Manual, requiring that any issuer applying to list in connection with a transaction involving an underwriter must have a principal underwriter that is a member organization as defined in NYSE Rule 2 or a Limited Underwriting Member, as defined in NYSE Rule 2(k), as well as a new NYSE Rule 310 establishing a category of market participant that is a FINRA member and that would qualify as a “Limited Underwriting Member” for purposes of proposed Section 108.00 of the NYSE Manual. Section 108.00 of the NYSE Manual was based on Nasdaq Rule 5210 and NYSE Rule 310 was based on General 3, Nasdaq Rule 1031.⁷

The Exchange similarly proposes to establish a category of market participant known as “Limited Underwriting Member” that would be granted access to the Exchange for the limited purpose of acting as a principal underwriter⁸ (an “Initial Listing Principal Underwriter”) of an underwritten public offering in connection with which a company seeks to list on the Exchange. As with the Nasdaq and NYSE rules, access to the Exchange for this limited purpose would not confer trading privileges on Limited Underwriting Members. As a result, this category of market participant would not constitute a traditional Exchange membership under Rule 2(b)(i)—Equities, insofar as only a registered broker or dealer qualified and approved as a “member organization” pursuant to Rule 311—Equities (Formation and Approval of Member Organizations) can acquire and hold an Exchange-issued equity trading permit

(“ETP”) under Rule 2.2E (Qualification of Applicants).⁹

Rather, Limited Underwriting Members would fall within Rule 2(b)(ii)—Equities, which provides that a member organization also includes any registered broker or dealer which does not own a trading license and agrees to be regulated by the Exchange as a member organization and which the Exchange has agreed to regulate.¹⁰ For the avoidance of doubt, the Exchange proposes to amend Rule 2(b)(ii)—Equities to make explicit that member organization as defined therein would include a Limited Underwriting Member.¹¹

To effectuate these changes, the Exchange would amend Rule 2—Equities as follows. First, the Exchange would add the clause “, including Limited Underwriting Members as defined herein” at the end of Rule 2(b)(ii)—Equities. As amended, Rule 2(b)(ii)—Equities would provide (additions italicized):

The term “member organization” also includes any registered broker or dealer which does not own a trading license and

⁹ An “ETP Holder” means a member organization that has been issued an ETP. See Rule 1.1E (Definitions). A Limited Underwriting Member cannot be an ETP Holder.

¹⁰ Because the proposed rules would establish the authority for the Exchange to require responses to investigative inquiries and take appropriate enforcement action when a Limited Underwriting Member violates one of the rules enumerated in proposed Rule 310(c)(1)—Equities, Limited Underwriting Members would be “members” of a national securities exchange under the Act based on their agreement to be regulated by the Exchange in connection with underwriting activity. See 15 U.S.C. 78c(a)(3)(A)(iv) (“The term ‘member’ when used with respect to a national securities exchange means . . . any other registered broker or dealer which agrees to be regulated by such exchange and with respect to which the exchange undertakes to enforce compliance with the provisions of this chapter, the rules and regulations thereunder, and its own rules.”). See the discussion of Rule 310—Equities, Supplementary Material .01, *infra*. Under Rule 2(a)—Equities, a “member,” when used to denote a natural person, means a natural person associated with a member organization who has been approved by the Exchange and designated by such member organization to effect transactions on the floor of the Exchange or any facility thereof.

¹¹ The Operating Agreement would include Limited Underwriting Members as Member Organizations. See Operating Agreement Article II, Section 2.02 (Rules; Supervision of Member Organizations) (defining “Member Organizations” as “members and member organizations . . . of the [Exchange]”). Limited Underwriting Members would therefore have the right to nominate, and vote for, petition candidates for election as Non-Affiliated Directors under the Operating Agreement, as do all other current Member Organizations. See Operating Agreement, Article II, Section 2.03(a) (Board). Given that the existing Operating Agreement provisions apply equally to Limited Underwriting Members, the proposal provides for the fair representation of members in the selection of directors and the administration of the Exchange consistent with the requirements of section 6(b)(3) of the Act. See 15 U.S.C. 78f(b)(6).

⁴ See Securities Exchange Act Release No. 99846 (March 22, 2024), 89 FR 21629 (March 28, 2024) (SR–NASDAQ–2023–022) (Notice of Filing of Amendment No. 3 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment Nos. 2 and 3, To Create a New, Non-Trading Limited Underwriter Membership Class and Impose Related Requirements for Principal Underwriting Activity) (“Release No. 99846”).

⁵ See *id.*, 89 FR at 21629–30. In 2022, the Exchange and its affiliate NYSE published a joint regulatory memorandum highlighting the important role of underwriters as gatekeepers in the IPO process and the applicability of market rules and the federal securities laws. See NYSE American RM–22–10 and NYSE RM–22–18, dated November 17, 2022, available at [https://www.nyse.com/publicdocs/nyse/markets/nyse-american/rule-interpretations/2022/NYSER_Reg_Memo_-_Regulatory_Scrutiny_in_Connection_with_IPOs_\(2022.11.17_final\).pdf](https://www.nyse.com/publicdocs/nyse/markets/nyse-american/rule-interpretations/2022/NYSER_Reg_Memo_-_Regulatory_Scrutiny_in_Connection_with_IPOs_(2022.11.17_final).pdf). FINRA and Nasdaq published similar bulletins around the same time. See <https://www.finra.org/rules-guidance/notices/22-25>; <https://www.nasdaqtrader.com/MicroNews.aspx?id=ERA2022-9>.

⁶ See Release No. 99846, 89 FR at 21630.

⁷ See Securities Exchange Act Release No. 102877 (April 17, 2025), 90 FR 17107 (April 23, 2025) (SR–NYSE–2025–14) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change of New Section 108.00 in the NYSE Listed Company Manual) (“Release No. 102877”).

⁸ “Principal underwriter” will have the same definition used in Rule 405 promulgated under the Securities Act of 1933 (“Securities Act”), *i.e.*, an underwriter in privity of contract with the issuer of the securities as to which he is underwriter. The term “issuer” in the definition of “principal underwriter” has the meaning given in Sections 2(4) and 2(11) of the Securities Act. See 17 CFR 230.405.

agrees to be regulated by the Exchange as a member organization and which the Exchange has agreed to regulate, *including Limited Underwriting Members as defined herein.*

Second, the Exchange would add a new subsection (k) that would provide that the term “Limited Underwriting Member” means a registered broker or dealer that is subject to the jurisdiction of the Exchange solely for purposes of Rule 310—Equities and the rules enumerated in Rule 310(c)(1)—Equities. The proposed definition is the same as NYSE Rule 2(k) and substantially similar to General 1, Nasdaq Rule 1(b)(20) defining a “Limited Underwriting Member” as a broker or dealer admitted to limited underwriting membership in Nasdaq. The Exchange does not propose to adopt language similar to General 3, Nasdaq Rule 1031(c)(1), which provides that for purposes of interpreting and applying its rules relating to Limited Underwriting Members, references to “Member,” “Members,” or “membership” shall be functionally equivalent to “Limited Underwriting Member,” “Limited Underwriting Members,” or “limited underwriting membership” respectively. The Exchange believes that the proposed amendments to Rule 2(b)(ii)—Equities render it unnecessary for the Exchange to adopt the language from the Nasdaq rule.

The Exchange would also add a new Rule 310—Equities titled “Limited Underwriting Members and Associated Persons” governing eligibility, access and rules applicable to proposed Limited Underwriting Members. As proposed, any registered broker or dealer with a disciplinary history satisfactory to the Exchange would be eligible for approval by the Exchange to operate as a Limited Underwriting Member, except such registered brokers or dealers as are excluded under Rule 342(e) (Association of Members, Member Organizations, and Persons Associated With Member Organizations) of the Office Rules.¹² The proposed language is the same as NYSE Rule 310(a)(1) and substantially the same as General 3, Nasdaq Rule 1031(a)(1) and (c)(2) except for the explicit requirement that proposed Limited Underwriting Members have a disciplinary history acceptable to the Exchange.¹³

¹² See proposed Rule 310(a)(i)—Equities (Eligibility to Become Limited Underwriting Members and Associated Persons).

¹³ In order to make a determination of the firm’s eligibility for purposes of proposed Rule 310(a)—Equities, as part of the application process to become a Limited Underwriting Member, the Exchange would determine whether the Limited

Additionally, the associated persons of Limited Underwriting Members that will be responsible for activity of the Limited Underwriting Member as an Initial Listing Principal Underwriter for purposes of Section 310(b)—Equities must be identified on the application. Like the NYSE and Nasdaq rule, any person shall be eligible to become an Associated Person of a Limited Underwriting Member, except such persons as are excluded under Rule 342(e) of the Office Rules.¹⁴ Once again, the proposed language is the same as NYSE Rule 310(a)(ii) and substantially the same as General 3, Nasdaq Rule 1031(a)(2) and (c)(2).

Pursuant to proposed Rule 310(b)—Equities (Access to the Exchange), approval by the Exchange to operate as a Limited Underwriting Member provides no rights to transact on the Exchange. As proposed, approval by the Exchange of a firm to operate as a Limited Underwriting Member would solely permit such firm to act as a principal underwriter (an “Initial Listing Principal Underwriter”) of an underwritten public offering in connection with which a company seeks to list on the Exchange. A firm that is not an Exchange member organization cannot act as an Initial Listing Principal Underwriter unless such firm is a Limited Underwriting Member. These requirements are the same as NYSE Rule 310(b) and similar to Nasdaq Rule General 3, Nasdaq Rule 1031(b).

The Exchange proposes to apply a limited ruleset to Limited Underwriting Members and their associated persons aimed at maintaining the fairness and integrity of the underwriting process on the Exchange. Like the NYSE and Nasdaq, the Exchange proposes to apply: (1) conduct rules relevant to underwriting activity; (2) supervision rules; (3) applicable fee-related rules; and (4) disciplinary rules. Finally, although Nasdaq applied certain administrative, business continuity, and

Underwriting Member was a FINRA member in good standing and examine the prospective applicant’s relevant regulatory history, which would include an assessment of any open or ongoing disciplinary or other regulatory matters by FINRA, the Commission or any other regulator. Associated persons of Limited Underwriting Members that would be responsible for the Limited Underwriting Member’s activity on the Exchange as an Initial Listing Principal Underwriter for purposes of Rule 310(b)—Equities would be similarly identified and vetted as part of the application process. Pursuant to proposed Rule 310(c)(2)—Equities discussed below, Limited Underwriting Members must at all times be FINRA members and associated persons of Limited Underwriting Members must at all times be properly qualified and registered under FINRA rules.

¹⁴ See proposed Rule 310(a)(ii)—Equities.

registration-related rules (for example, certain rules set forth in Nasdaq General 2 and 4), the Exchange, like its affiliate NYSE, does not propose applying analogous Exchange rules (where such rules exist), because Limited Underwriting Members already would be subject to similar requirements under FINRA rules.

Specifically, the Exchange proposes to provide in proposed Rule 310(c)(1)—Equities (Rules Applicable to Limited Underwriting Members) that Limited Underwriting Members and their associated persons would be subject only to the following rules:

Definitions and Powers of the Board of Directors

General and Floor Rules

Definitions

- Rule 0 (Regulation of the Exchange and its Member Organizations)
- Rule 1 (Affiliation between Exchange and a Member Organization)

Part I—General Rules

- Rule 16 (Business Conduct)
- Rule 41 (Collection of and Failure to Pay Exchange Fees)

Office Rules

Section 4. Employees and Admission of Members and Member Organizations

- Rule 342(e) (Association of Members, Member Organizations, and Persons Associated With Member Organizations)

Section 10. Disciplinary Rules

- Rules 8000–8330 (Disciplinary Rules (Investigations and Sanctions)), with the exception of Rule 8211 (Automated Submission of Trading Data Requested by the Exchange)
- Rules 9000–9870 (Disciplinary Rules (Procedural)) with the exception of Rule 9557 (Procedures for Regulating Activities Under Rules 470, 471, 4110—Equities, 4120—Equities and 4130—Equities Regarding a Member or Member Organization Experiencing Financial or Operational Difficulties)

Section 16. Exchange Distributions and Exchange Acquisitions

- Rule 570A (Notification Requirements for Offerings of Listed Securities)

Section 18. Offenses and Sanctions Guidelines

- Rule 600 (Other Offenses)

Equities Rules

- Rule 2B—Equities (No Affiliation between Exchange and any Member Organization)

- Rule 308—Equities (Acceptability Proceedings)
- Rule 2010—Equities (Standards of Commercial Honor and Principles of Trade)
- Rule 2020—Equities (Use of Manipulative, Deceptive or Other Fraudulent Devices)
- Rule 3110—Equities (Supervision)
- Rule 3120—Equities (Supervisory Control Systems)
- Rule 3220—Equities (Influencing or Rewarding Employees of Others)
- Rule 5190—Equities (Notification Requirements for Offering Participants)
- Rule 6140—Equities (Other Trading Practices)

Proposed Rules Applicable to Limited Underwriting Members

The Exchange proposes to apply Rule 0 (Regulation of the Exchange and its Member Organizations) to Limited Underwriting Members in order to apply requirements related to the Exchange's Regulatory Services Agreement with FINRA set forth in subsection (a) as well as the requirements in subsection (b) that Exchange Rules apply to all member organizations and persons associated with member organizations, and that persons associated with a member organization have the same duties and obligations as a member organization under Exchange Rules.

The Exchange proposes to apply Rule 1 (Affiliation between Exchange and a Member Organization) in order to apply the limitations on affiliation between the Exchange and a Limited Underwriting Member.

The Exchange proposes to apply Rule 16 (Business Conduct) so that Limited Underwriting Members would be subject at all times to the requirement to adhere to the principles of good business practice in the conduct of business affairs.

The Exchange proposes applying Rule 41 to facilitate the Exchange's ability to collect fees for Limited Underwriting Members.¹⁵

The Exchange would apply Rule 342(e) (Association of Member Organizations, and Persons Associated With Member Organizations) to Limited Underwriting Members and their associated persons. As noted above,

under proposed Rule 310(a)(i)—Equities, registered brokers or dealers subject to Rule 342(e) would be ineligible to become a Limited Underwriting Member. Under proposed Rule 310(a)(ii)—Equities, persons subject to Rule 342(e) would similarly be ineligible to be associated with a Limited Underwriting Member. Applying Rule 342(e) to Limited Underwriting Members and their associated persons would cover statutory disqualifications that could arise after a broker or dealer becomes a Limited Underwriting Member.

Rules 8000–8330 and Rules 9000–9870¹⁶ contain the Exchange's disciplinary rules, which would govern the initiation of disciplinary proceedings against proposed Limited Underwriting Members for violations of the rules set forth in proposed Rule 310(c)(1). The Exchange proposes to specifically exclude Rule 8211 and Rule 9557. Rule 8211 relates to members submission of trade data. Rule 9557 relates to procedures for regulating activities under Rules 470, 471, 4110—Equities, 4120—Equities and 4130—Equities. Rules 470 and 4110—Equities relate to member organizations capital compliance; Rule 471 sets forth restrictions to business expansion while certain net capital conditions continue to exist; and Rules 4120—Equities and 4130—Equities relate to carrying or clearing members. Rule 8211 and Rule 9557 are thus not relevant to underwriting activity.

Rule 570A (Notification Requirements for Offerings of Listed Securities) requires a member or member organization that acts as the lead underwriter of any offering in a listed security to make certain notifications to

the Exchange within specified timeframes.

Rule 600 (Other Offenses) of the Office Rules provides that a member organization, among others, violates the provisions of the Rule if it commits any of the 10 enumerated offenses which include, among other things, making a material misstatement to the Exchange, failing to observe high standards of commercial honor and just and equitable principles of trade, and committing acts detrimental to the interest or welfare of the Exchange.¹⁷

Rule 2B—Equities (No Affiliation between Exchange and any Member Organization) in order to apply the limitations on affiliation between the Exchange and a Limited Underwriting Member.

The Exchange proposes to apply Rule 308—Equities (Acceptability Proceedings) to proposed Limited Underwriting Members in order to permit challenges to Exchange disapprovals of Limited Underwriting Member applications.

The Exchange also proposes to apply certain rules to Limited Underwriting Members and their associated persons that set forth the general standards by which members, member organizations must abide. Specifically, Rule 2010—Equities requires members and member organizations to observe high standards of commercial honor and just and equitable principles of trade in the conduct of their business. Similarly,

¹⁷ See Rule 600(4), (6) & (7), respectively. Member organizations also violate Rule 600 if they violate any provision of the Act or any rule or regulation thereunder (*id.* at (1)); any of its agreements with the Exchange (*id.* at (2)); any provision of any Rule adopted by the Exchange's Board of Directors (*id.* at (3)); effects any transaction in, or induces the purchase or sale of, any security by means of any manipulative, deceptive or other fraudulent device or contrivance (*id.* at (5)); makes any purchases or sales or offers of purchase or sale of securities for the purpose of upsetting the equilibrium of the market or bringing about a condition in which prices will not fairly reflect market values, or assisting in making any such purchases or sales with knowledge of such purpose, or being, with such knowledge, a party to or assisting in carrying out any plan or scheme for the making of such purchases or sales or offers of purchase or sale (*id.* at (8)); makes a misstatement or omission of fact on its application for membership or approval, or on any financial statement, report, or other submission filed with the Exchange (*id.* at (9)); or refuses or fails to comply with a request of the Exchange to submit its books and records (including those books and records with respect to which such member organization or covered person has access and control) to the Exchange, any other self-regulatory organization, any contract market, any registered futures association, or any foreign self-regulatory organization or association with which the Exchange has entered into an agreement or to furnish information to or to appear or testify before the Exchange or such other organization or association, as specified above, or fails to take any of the foregoing actions on the date or within the time period that the Exchange requires (*id.* at (10)).

¹⁵ The Exchange proposes to establish fees for Limited Underwriting Members in a separate rule filing once proposed Rule 310—Equities is operative. Proposed Limited Underwriting Members would be subject to the same requirements of Rule 41(b) of the Office Rules for failure to pay a fee or any other sum due to the Exchange within forty-five days after the same becomes payable, including suspension or denial of access to some or all of the facilities of the Exchange.

¹⁶ These rules, as well as Rule 600 discussed below, also apply to "covered persons." NYSE American Rule 9120(g) defines "covered person" to mean a "member, principal executive, approved person, registered or non-registered employee of a member organization or an ATP Holder, or other person (excluding a member organization) subject to the jurisdiction of the Exchange." The term was drafted to appropriately capture all persons subject to the legacy disciplinary rules and preserve the Exchange's scope of jurisdiction at the time the Rule 8000 and Rule 9000 Series were adopted. See Securities Exchange Act Release No. 77241 (February 26, 2016), 81 FR 11311, 11318 (March 3, 2016) (SR-NYSEMKT-2016-30) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change Adopting Investigation, Disciplinary, Sanction, and Other Procedural Rules That Are Modeled on the Rules of the New York Stock Exchange LLC and Certain Conforming and Technical Changes). Under NYSE American Rule 2(a)—Equities, the term "member" means a natural person associated with a member organization who has been approved by the Exchange and designated by such member organization to effect transactions on the floor of the Exchange or any facility thereof. See *id.*

Rule 2020—Equities prohibits members and member organizations from effecting any transaction in, or inducing the purchase or sale of, any security by means of any manipulative, deceptive or other fraudulent device or contrivance.

Rule 3110—Equities requires each member organization to establish and maintain a system to supervise the activities of each associated person that is reasonably designed to achieve compliance with applicable securities laws and regulations and with applicable Exchange rules. Rule 3120—Equities requires each member organization to have a system of supervisory control policies and procedures that tests and verifies that member organization's supervisory procedures are reasonably designed with respect to the activities of the member organization and its associated persons, to achieve compliance with applicable securities laws and regulations, and with applicable Exchange rules. The Exchange believes it is important to apply these provisions on supervision as it would provide the Exchange with authority to assess whether a Limited Underwriting Member has adequate supervisory systems and written supervisory procedures in place.

Rule 3220—Equities prohibits members, member organizations, or persons associated with a member organization from directly or indirectly giving or permitting to be given anything of value, including gratuities, in excess of one hundred dollars per individual per year to any person, principal, proprietor, employee, agent or representative of another person where such payment or gratuity is in relation to the business of the employer of the recipient of the payment or gratuity. Under the rule, a gift of any kind is considered a gratuity. The Exchange believes that applying these provisions against a Limited Underwriting Member would mitigate the risks of bribery and undue influence that the rule was intended to address.

Rule 5190—Equities sets forth notice requirements applicable to all member organizations participating in offerings of securities for purposes of monitoring compliance with the provisions of SEC Regulation M. In addition to the requirements under Rule 5190—Equities, member organizations also must comply with all applicable rules governing the withdrawal of quotations in accordance with SEC Regulation M. The Exchange believes that applying Rule 5190—Equities to Limited Underwriting Members would be appropriate given the important role Rule 5190—Equities plays in

maintaining the quality of and public confidence in the Exchange's marketplace and the initial public offering ("IPO") process and the prevention of fraudulent and manipulative acts and practices.

Finally, Rule 6140—Equities prohibits manipulation of NMS securities (a "designated security") involving wash sales, excessive trading or manipulative operations involving a pool, syndicate or joint account as well as the making or circulation and dissemination of any statement or information concerning a designated security that the member or member organization knows or has reasonable grounds for believing is false or misleading or would improperly influence the market price of such security. The Rule further prohibits the holding of any interest or participation in any joint account for buying or selling designated security unless such joint account is promptly reported to the Exchange.

Proposed Rule 310(c)(1)—Equities would provide that these rules would apply to all Limited Underwriting Members and their associated persons in the same manner that these rules apply to member organizations and persons associated with a member organization. Persons associated with a Limited Underwriting Member would also have the same duties and obligations under these rules as a Limited Underwriting Member under these rules.

Finally, proposed Rule 310(c)(2)—Equities would provide that Limited Underwriting Members must at all times be FINRA members in good standing and that associated persons of Limited Underwriting Members must at all times be properly qualified and registered under FINRA rules.

The proposed list of rules applicable to Limited Underwriting Members is not intended to be comprehensive or foreclose the possibility of modifying the list in the future. The Exchange represents that it will consider whether additional existing rules that are not proposed in the limited ruleset for Limited Underwriting Members or new rules are warranted as the Exchange gains more experience in applying the rules proposed.

Like the NYSE and Nasdaq, the Exchange proposes to apply only those rules it deems appropriate to a firm serving as a principal underwriter, including those rules it deems critical to such firms, in an effort to impose minimal burden on Limited Underwriting Members, while still allowing the Exchange to have regulatory authority over such

Members.¹⁸ The Exchange acknowledges that there are additional rules that the Exchange does not propose to apply to proposed Limited Underwriting Members. However, since proposed Limited Underwriting Members do not have trading privileges on the Exchange, the Exchange has sought to avoid applying all those Exchange rules applicable to member organizations that primarily relate to trading activity and thus not relevant to the activities of Limited Underwriting Members or are duplicative of FINRA requirements.

Rules Inapplicable to Limited Underwriting Members

The Exchange does not propose to apply the following Rules to Limited Underwriting Members at this time because they relate to trading, settlement and/or operational matters on the Exchange and/or are otherwise not relevant to underwriting activity:

General and Floor Rules Under Definition and Powers of the Board of Directors

- Definitions (Rules 0–37)
- Part I-General Rules (Rules 3–31, 40–41, 50, 60–65)¹⁹

Office Rules

Section 1 (Organizations)

- Rules 300–319

Section 2 (Member Offices)

- Rules 320–324

Section 3 (Fidelity Bonds)

- Rule 330

Section 4 (Employees and Admissions of Members and Member Organizations)

- Rules 340–349

*Section 4A (Registration)*²⁰

- Rules 2.1210–2.1230

Section 5 (Joint Accounts)

- Rules 360–365

Section 6 (Collection of Commission and Fees)

¹⁸ See Release No. 99846, 89 FR at 21631; Release No. 102877, 90 FR at 17111.

¹⁹ The Rules in Part II were deleted.

²⁰ Rules 300–319 (Organizations), Rules 320–324 (Member Offices), Rules 340–349 (Employees and Admission of Members and Member Organization), Rules 350–359B (Admission of Members and Member Organizations) and Rules 2.1210–2.1230 (Registration) govern the operation of a member organizations and its offices and employees, including continuing education requirements for registered persons (Rule 341A), that are not relevant to the activities of Limited Underwriting Members and generally duplicative of relevant FINRA membership requirements. See, e.g., FINRA Rules 1210 (Registration Requirements) and 1240 (Continuing Education). The Exchange has harmonized its continuing education requirements and related registration requirements with FINRA's rules. See Securities Exchange Act Release No. 95061 (June 7, 2022), 87 FR 35806 (June 13, 2022) (SR-NYSE-2022-23).

- Rules 380–401
- Section 7 (Conduct of Accounts)*
- Rules 410–432
- Section 8 (Reports of Financial Condition)*
- Rules 440–449
- Section 9 (Margin Rules)*
- Rules 460–472
- Section 10. Disciplinary Rules*
- Rule 8211 (Automated Submission of Trading Data Requested by the Exchange)
- Rule 9557 (Procedures for Regulating Activities Under Rules 470, 471, 4110—Equities, 4120—Equities and 4130—Equities Regarding a Member or Member Organization Experiencing Financial or Operational Difficulties)
- Section 11. Advertising*
- Rules 480–485
- Section 12. Wires and Other Means of Communication*
- Rules 500–507
- Section 13. Reports*
- Rules 520–521 ²¹
- Section 14. Secondary Distributions*
- Rules 550–552 ²²
- Section 16. Exchange Distributions and Exchange Acquisitions*
- Rule 570A ²³
- Section 17. Proxies*
- Rules 574–585
- Rule 6800. Consolidated Audit Trail Compliance Rule*
- Rules 6810–6900

Arbitration Rules

- Rules 600–624

Contracts in Securities Rules

- Section 1. General Rules on Securities Contracts*
- Rules 700–704
- Section 2. Exchange of Tickets and Comparisons*
- Rules 719–731A
- Section 3. Delivery of Securities*
- Rules 748–778
- Section 4. Closing Contracts*
- Rules 780–798
- Section 5. Marking to the Market and Mutual Deposits*
- Rules 810–817
- Section 6. Dividends and Interest*
- Rules 830–832
- Section 7. Reclamation*
- Rule 850
- Section 7A. Interest—Added to Contract Price*
- Rules 858–859
- Section 8. Money and Security Loans*
- Rules 860–890

Equities Rules

- Rule 0—Equities (Applicability and Phase-In);

- Rules 1E–13E (Cash Equities Pillar Platform Rules);
- Rule 2—Equities—Rule 14—Equities (Definition of Terms);
- Rule 2A—Equities (Jurisdiction);
- Rule 22—Equities (Disqualification Because of Personal Interest);
- Rule 56—Equities (Unit of Trading—Rights);
- Rule 63—Equities—Rule 86—Equities (Auction Market-Bids and Offers); ²⁴
- Rule 137—Equities (Written Contracts);
- Rule 137A—Equities (Samples of Written Contracts);
- Rule 138—Equities (Give-Ups);
- Rule 139—Equities (Recording);
- Rule 140—Equities (Members Closing Contracts—Conditions);
- Rule 141—Equities (Fail to Deliver’ Confirmations);
- Rule 142—Equities (Effect on Contracts of Errors in Comparison, etc.); ²⁵
- Rule 165—Equities—Rule 168—Equities (Marking to Market); ²⁶
- Rule 175—Equities—Rule 227—Equities (Settlement of Contracts); ²⁷
- Rules 236—Equities—251—Equities (Dividends, Interest, Rights, etc.);
- Rule 255—Equities—Rule 259—Equities (Due-Bills); ²⁸
- Rule 265—Equities—Rule 275—Equities (Reclamation); ²⁹
- Rule 280—Equities—Rule 295—Equities (Closing Contracts);
- Rule 296—Equities (Liquidation of Securities Loans and Borrowings); ³⁰
- Rule 297—Equities—Rule 299C—Equities (Miscellaneous Floor Procedure);
- Rule 304—Equities—Rule 324—Equities (Admission of Members);
- Rule 341—Equities—Rule 387—Equities (Offices and Employees);
- Rule 402—Equities—Rule 412—Equities (Conduct of Accounts); ³¹
- Rule 416—Equities—Rule 422—Equities (Financial Statements and Reports);
- Rules 430—Equities—434—Equities (Margins);
- Rule 435—Equities (Miscellaneous Prohibitions); ³²

²⁴ Rules 500–507 (Wires and Other Means of Communication) were rescinded.

²⁵ Rule 143—Equities—Rule 164—Equities are marked “Reserved.”

²⁶ Rule 167—Equities—Rule 174—Equities are marked “Reserved.”

²⁷ Rule 228—Equities—Rule 234—Equities are marked “Reserved.”

²⁸ Rule 260—Equities—Rule 264—Equities are marked “Reserved.”

²⁹ Rule 274—Equities and Rule 276—Equities—Rule 279—Equities are marked “Reserved.”

³⁰ Rule 295—Equities and Rule 297—Equities—Rule 299—Equities are marked “Reserved.”

³¹ Rule 403—Equities is marked “Reserved.”

³² Rule 436—Equities—Rule 437—Equities are marked “Reserved.”

- Rule 440C—Equities (Short Sale Borrowing and Delivery Requirements);
- Rule 450—Equities—Rule 459—Equities (Proxies);
- Rule 465—Equities (Company Report to Stockholders); ³³
- Rule 471—Equities—Rule 496—Equities (Communications With The Public); ³⁴
- Rule 497—Equities (Additional Requirements for Listed Securities Issued by ICE or its Affiliates);
- Rule 2040—Equities (Payments to Unregistered Persons);
- Rule 2070—Equities (Transactions Involving Exchange Employees);
- Rule 2090—Equities (Know Your Customer);
- Rule 2111—Equities (Suitability);
- Rule 2150—Equities (Improper Use of Customers’ Securities or Funds; Prohibition Against Guarantees and Sharing in Accounts);
- Rule 2210—Equities (Communications with the Public);
- Rule 2212—Equities (Use of Investment Companies Rankings in Retail Communications);
- Rule 2232—Equities (Customer Confirmations);
- Rule 2262—Equities (Disclosure of Control Relationship with Issuer);
- Rule 2266—Equities (SIPC Information);
- Rule 2269—Equities (Disclosure of Participation or Interest in Primary or Secondary Distribution);
- Rule 3130—Equities (Annual Certification of Compliance and Supervisory Processes);
- Rule 3150—Equities (Holding of Customer Mail);
- Rule 3170—Equities (Tape Recording of Registered Persons by Certain Firms);
- Rule 3220—Equities (Influencing or Rewarding Employees of Others);
- Rule 3230—Equities (Telemarketing);
- Rule 3240—Equities (Borrowing From or Lending to Customers);
- Rule 3250—Equities (Designation of Accounts);
- Rule 3270—Equities (Outside Business Activities of Registered Persons);
- Rule 3310—Equities (Anti-Money Laundering Compliance Program);
- Rule 4110—Equities (Capital Compliance);
- Rule 4120—Equities (Regulatory Notification and Business Curtailment);

³³ Rules 466—Equities—Rule 471—Equities are marked “Reserved.”

³⁴ It should be noted that Limited Underwriting Members would be subject to similar rules directly by virtue of their FINRA membership. *See e.g.*, FINRA Rule 2210 (Communications with the Public). Note that Rule 473—Equities—Rule 496—Equities are marked “Reserved.”

²¹ Rules 466—Equities—Rule 471—Equities are marked “Reserved.”

²² Rule 560 under Section 15 (Special Offerings and Special Bids) was rescinded.

²³ Rule 570 was rescinded.

- Rule 4130—Equities (Regulation of Activities of Section 15C Member Organizations Experiencing Financial and/or Operational Difficulties);
- Rule 4140—Equities (Audit);
- Rule 4150—Equities (Guarantees by, or Flow Through Benefits for, Member Organizations);
- Rule 4311—Equities (Carrying Agreements);
- Rule 4360—Equities (Fidelity Bonds);
- Rule 4370—Equities (Business Continuity Plans and Emergency Contact Information);
- Rule 4521—Equities (Notifications, Questionnaires and Reports);
- Rule 4522—Equities (Periodic Security Counts, Verifications and Comparisons);
- Rule 4523—Equities (Assignment of Responsibility for General Ledger Accounts and Identification of Suspense Accounts);
- Rule 4530—Equities (Reporting Requirements);
- Rule 4560—Equities (Short-Interest Reporting);
- Rule 5210—Equities (Publication of Transactions and Quotations);
- Rule 5220—Equities (Disruptive Quoting and Trading Activity Prohibited);
- Rule 5290—Equities (Order Entry and Execution Practices); and
- Rule 5320—Equities (Prohibition Against Trading Ahead of Customer Orders).

Proposed Supplementary Material

Proposed Rule 310—Equities would include two supplementary material.

First, Rule 310—Equities, Supplementary Material .01 would provide that, consistent with the definition of “member” in the Securities Exchange Act of 1934, a Limited Underwriting Member agrees to be regulated by the Exchange and is subject to the jurisdiction of the Exchange for purposes of interpreting and applying the above rules to Limited Underwriting Members and their associated persons.

Second, proposed Rule 310—Equities, Supplementary Material .02 would provide that, for the purposes of this rule, the term “associated person” shall have the same meaning as the terms “person associated with a member” or “associated person of a member” as defined in Article I (rr) of the FINRA ByLaws.

The Exchange would avoid applying any Exchange rules not specified in proposed Rule 310(c)(1)—Equities. As previously noted, the Exchange does not propose to apply rules that would apply to member organizations, such as registration, qualification, and continuing education requirements,

including requirements for persons engaged in the securities business of a member, that Nasdaq applies to its Limited Underwriting Members and their associated persons. Further, the Exchange does not propose to apply the Rule 6800 Series of the Office Rules to Limited Underwriting Members because those govern consolidated audit trail compliance and would not apply to underwriting activity. The Exchange’s arbitration rules would apply to Limited Underwriting Members by virtue of their FINRA membership and would thus be duplicative of FINRA requirements. The additional Exchange rules that Limited Underwriting Members would not be subject to under the proposal primarily relate to trading activity and are, therefore, not relevant to the activities of Limited Underwriting Members due to their lack of access to trade on the Exchange. While there are additional rules that it could propose to apply to Limited Underwriting Members, the Exchange only proposes a limited ruleset intended primarily to provide the Exchange with the authority to require information directly from the Limited Underwriting Members and enhance its tools for oversight with respect to the role the underwriter plays in connection with a company listing on the Exchange. The Exchange does not intend to create comprehensive rules to regulate underwriting activity.

In addition, the Exchange would impose a new requirement in its Guide based on Nasdaq Rule 5210(l)(ii) and Section 108 of the NYSE Listed Company Manual in a new Section 208 requiring each Company applying for initial listing in connection with a transaction involving an underwriter to have a principal underwriter that is a member organization as defined in Rule 2—Equities or a Limited Underwriting Member, as defined in Rule 2(k)—Equities. In proposed Section 208(i), the Exchange would also specify that “principal underwriter” shall have the same definition used in Rule 405 promulgated under the Securities Act of 1933.³⁵ Proposed Section 208(i) would be substantially similar to Nasdaq Rule 5210(l)(i).

The rule would cross reference the definition of “Limited Underwriting Member,” which would be added to Rule 2(k)—Equities and would define Limited Underwriting Member to mean a registered broker or dealer that is subject to the jurisdiction of the Exchange solely for purposes of Rule 310—Equities and the rules enumerated in Rule 310(c)(1)—Equities.

³⁵ See note 8, *supra*.

Proposed Changes to the Operating Agreement

The Exchange would amend Operating Agreement Section 2.02 (Rules; Supervision of Member Organizations) to remove references to Rules 2, 18, 24, and 25.

The first sentence of Section 2.02 provides that the Board shall have general supervision over members and member organizations. Parentheticals in that sentence say that “members” and “member organizations” are defined in Rules 18 and 24, respectively, and “approved persons” is defined in Rule 25. However, Rules 18, 24 and 25 have been deleted. The references are therefore obsolete and are proposed to be deleted and not replaced so that the Operating Agreement would remain correct even if the numbering of the Rules changed.

The second sentence of Section 2.02 sets forth certain powers of the Board. In it, it refers to the definition of a “designated market maker” in “Rule 2 of the Company Rules.” Although the reference is correct, the Exchange would similarly delete it for the sake of consistency and so that the Operating Agreement would remain correct even if the numbering of the Rules changed.

The proposed changes to Section 2.02 of the Operating Agreement would be consistent with the same section in the operating agreement of the New York Stock Exchange LLC, which does not include any references to rules of the New York Stock Exchange.³⁶

The Exchange proposes to make the following non-substantive technical and conforming changes to the title, recitals, and signature page of the Operating Agreement:³⁷

- Update references to the “Thirteenth Amended and Restated Operating Agreement” to the “Fourteenth Amended and Restated Operating Agreement.”
- Update the dates in the introduction and signature line.
- Update the recitals.

Implementation

The Exchange would establish fees for Limited Underwriting Members pursuant to a separate fee filing. The Exchange proposes that the instant filing would become operative 30 days following the effective day of the fee

³⁶ See Fourteenth Amended and Restated Operating Agreement of New York Stock Exchange LLC, Section 2.02.

³⁷ See Securities Exchange Act Release No. 97057 (March 7, 2023), 88 FR 15484 (March 13, 2023) (SR-NYSEAMER-2023-15) (Notice of Filing and Immediate Effectiveness of Proposed Change To Amend Article II, Section 2.03(b) of Its Operating Agreement).

filing. The Exchange will announce the implementation date by Trader Update.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,³⁸ in general, and furthers the objectives of Section 6(b)(5) of the Act,³⁹ in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest by strengthening the Exchange's ability to oversee and police its marketplace. In addition, the Exchange believes that the proposed rule change is designed to provide a fair procedure for prohibiting or limiting any person with respect to access to services offered by the Exchange or a member thereof consistent with the objectives of Section 6(b)(7).⁴⁰

As discussed above, the proposal would create a new category of market participant for registered broker-dealers with a disciplinary history satisfactory to the Exchange that seek to act as a principal underwriter of a transaction in connection with which an issuer seeks to be admitted to listing on the Exchange. Firms approved by the Exchange to operate as Limited Underwriting Members on the Exchange would not have rights to transact on the Exchange. Rather, such firms would submit to limited Exchange jurisdiction for the purpose of acting as an underwriter on the Exchange. The Exchange believes that this is reasonable because proposed Limited Underwriting Members would not be admitted to the Exchange for trading or any other purpose than acting as an Initial Listing Principal Underwriter.

As proposed, the Exchange would apply only those rules specified in proposed Rule 310(c)(1)—Equities to Limited Underwriting FINRA Members, which would include fees, business conduct standards, supervision, notification requirements for offering participants and disciplinary rules. The Exchange believes that subjecting the proposed new category of principal underwriters to Exchange jurisdiction for such specified rules supports fair and orderly markets, which protects investors and the public interest,

consistent with Section 6(b)(5) of the Act.⁴¹ In this regard, the proposal would subject Limited Underwriting Members to the Exchange's disciplinary rules, which would provide the Exchange with the authority to require documents and information from such underwriters. In addition, these underwriters would be subject to various conduct rules governing their activities on the Exchange, including the requirements to observe just and equitable principles of trade, establish and maintain a system to supervise the activities of associated persons, and to test and verify that the system is reasonably designed. The Exchange believes that imposing these rules, as well as the other rules included in proposed Rule 310—Equities, on principal underwriters will strengthen the Exchange's ability to carry out its oversight responsibilities and deter potential violative conduct, such as fraud or manipulation, thereby protecting investors and the public interest. Further, the Exchange believes that it is appropriate and consistent with the protection of investors and the public interest that the rules specifically excluded from proposed Rule 310—Equities not be imposed on proposed Limited Underwriting Members because those rules are, as discussed above, either inapplicable to the activities a principal underwriter would be permitted to conduct on the Exchange and/or proposed Limited Underwriting Members would be subject to similar rules by virtue of their FINRA membership. As noted above, proposed Limited Underwriting Members must at all times be FINRA members in good standing, and their associated persons must at all times properly qualified and registered under FINRA rules, rendering them at all times subject to FINRA rules, all applicable rules of the Commission and the rules of any other self-regulatory organization of which it is a member.

The Exchange believes that the proposed rule change is not designed to permit unfair discrimination between customers, issuers, brokers and dealers, consistent with Section 6(b)(5) ⁴² of the Act. The Exchange's proposal to subject Limited Underwriting Members to a limited set of rules and exclude certain rules applicable to member organizations is not designed to permit unfair discrimination between brokers and dealers because being permitted to act as an underwriter on the Exchange under the proposed arrangement does not confer the same benefits as a traditional Exchange membership under

Rule 2(b)(i)—Equities, and, therefore, does not warrant application of the same ruleset. Moreover, all Limited Underwriting Members would be subject to the same specified rules set forth in proposed Rule 310—Equities (c)(1). In addition, the proposed changes will apply equally to all similarly situated Limited Underwriting Members, and therefore are not designed to permit unfair discrimination. Similarly, the proposed changes to the Guide will apply equally to all similarly situated companies applying for initial listing in connection with a transaction involving an underwriter on the Exchange and therefore, are thus not designed to permit unfair discrimination.

Finally, the proposed changes to the Operating Agreement would remove impediments to and perfect the mechanism of a free and open market by removing obsolete references, ensuring that the Operating Agreement remained correct even if there was a change in the rule number for the definition of designated market maker, and making non-substantive technical and conforming changes to the title, recitals and signature page of the Operating Agreement, thereby ensuring that persons subject to the Exchange's jurisdiction, regulators, and the investing public can more easily navigate and understand the governing documents. The proposed changes to the Operating Agreement also would not be inconsistent with the public interest and the protection of investors because investors will not be harmed and in fact would benefit from increased transparency and clarity, thereby reducing potential confusion.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address competitive issues but rather is intended to apply standards and qualifications to permit certain principal underwriters to access to the Exchange for the sole purpose of acting as a principal underwriter of an underwritten public offering in connection with which a company seeks to list on the Exchange and to apply a limited ruleset consistent with the purpose of a limited underwriting membership that does not confer any access to trading on the Exchange and only permits such member to act as a principal underwriter for a company applying to initially list on the

³⁸ 15 U.S.C. 78f(b).

³⁹ 15 U.S.C. 78f(b)(5).

⁴⁰ 15 U.S.C. 78f(b)(7).

⁴¹ 15 U.S.C. 78f(b)(5).

⁴² 15 U.S.C. 78f(b)(5).

Exchange. As noted above, although the Exchange proposes to subject Limited Underwriting Members to a limited set of rules, being permitted to act as an underwriter on the Exchange under the proposed arrangement and for no other purpose does not confer the same benefits as a standard Exchange membership and does not warrant application of the same ruleset. Applying a limited ruleset to proposed Limited Underwriting Members is therefore justified. All Limited Underwriting Members would be subject to the same specified rules. Likewise, the proposed changes to the Guide will apply equally to all similarly situated companies applying for initial listing in connection with a transaction involving an underwriter on the Exchange.

The proposed changes to the Operating Agreement are not meant to have an impact on competition. They are meant solely to remove obsolete references, ensure that the Operating Agreement remains correct even if there is a change in the rule number for the definition of designated market maker, and make non-substantive technical and conforming changes to the title, recitals, and signature page.

Moreover, the Exchange does not expect that its proposal will have an adverse impact on competition among exchanges for members. The Exchange believes the proposed rule changes, taken together, will strengthen the Exchange's ability to carry out its role and responsibilities as a self-regulatory organization and deter potential violative conduct. As such, the Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section

19(b)(3)(A) of the Act⁴³ and Rule 19b-4(f)(6) thereunder.⁴⁴

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSEAMER-2025-40 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to file number SR-NYSEAMER-2025-40. 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

⁴³ 15 U.S.C. 78s(b)(3)(A).

⁴⁴ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NYSEAMER-2025-40 and should be submitted on or before August 8, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁴⁵

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-13470 Filed 7-17-25; 8:45 am]

BILLING CODE 8011-01-P

DEPARTMENT OF STATE

[Public Notice:12775]

Review and Amendment of the Foreign Terrorist Organization Designation of Lashkar-e-Tayyiba

Based upon a review of the Administrative Record assembled pursuant to Section 219(a)(4)(C) of the Immigration and Nationality Act, as amended (8 U.S.C. 1189(a)(4)(C)) ("INA"), and in consultation with the Attorney General and the Secretary of the Treasury, I conclude that the circumstances that were the basis for the designation of Lashkar-e-Tayyiba (and other aliases) as a Foreign Terrorist Organization have not changed in such a manner as to warrant revocation of the designation and that the national security of the United States does not warrant a revocation of the designation. I have also concluded that there is a sufficient factual basis to find that the following are additional aliases of the aforementioned organization (and other aliases): The Resistance Front; TRF; Kashmir Resistance Front; and Kashmir Resistance.

Therefore, I hereby determine that the designation of the aforementioned organization, pursuant to Section 219 of the INA (8 U.S.C. 1189), shall be maintained. Additionally, pursuant to Section 219(b) of the INA, as amended

⁴⁵ 17 CFR 200.30-3(a)(12).

(8 U.S.C. 1189(b)), I hereby amend the designation of the aforementioned organization (and other aliases) to include the following new aliases: The Resistance Front; TRF; Kashmir Resistance Front; Kashmir Resistance.

This determination shall be published in the **Federal Register**. The amendment goes into effect upon publication.

Dated: 07/02/2025.

Marco Rubio,

Secretary of State.

[FR Doc. 2025–13565 Filed 7–17–25; 8:45 am]

BILLING CODE 4710–AD–P

DEPARTMENT OF STATE

[Public Notice: 12776]

Amendment of the Specially Designated Global Terrorist Designation of Lashkar-e-Tayyiba

Based upon a review of the administrative record assembled in this matter, and in consultation with the Attorney General and the Secretary of the Treasury, I have concluded that there is a sufficient factual basis to find that Lashkar-e-Tayyiba uses the additional aliases The Resistance Front; TRF; Kashmir Resistance Front; and Kashmir Resistance. Therefore, pursuant to Section 1 of E.O. 13224, I hereby amend the designation of Lashkar-e-Tayyiba as a Specially Designated Global Terrorist to include the following new aliases: The Resistance Front; TRF; Kashmir Resistance Front; and Kashmir Resistance.

This determination shall be published in the **Federal Register**.

Dated: 07/02/2025.

Marco Rubio,

Secretary of State.

[FR Doc. 2025–13562 Filed 7–17–25; 8:45 am]

BILLING CODE 4710–AD–P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 1346X]

West Belt Railway, LLC—Discontinuance of Service Exemption—in the City of St. Louis and St. Louis County, Mo

On June 30, 2025, West Belt Railway, LLC (WBRY), a Class III rail carrier, filed a petition under 49 U.S.C. 10502 for exemption from the prior approval requirements of 49 U.S.C. 10903 to

discontinue service over: (1) the West Belt Industry Lead (the WBIL) from approximately milepost 1.07 at Adelaide Avenue to the end of track at approximately milepost 9.54; and (2) the Central Belt Industrial Lead from its point of connection to the WBIL at approximately milepost 9.54 to the end of track, all located in the City of St. Louis, and St. Louis County, Mo. (the Lines). The Lines traverse U.S. Postal Service Zip Codes 63147, 63155, 63120, 63121, 63133, 63130, and 63132.

WBRY has operated over the Lines under the terms of a lease with the Lines' owner, Terminal Railroad Association of St. Louis (TRRA). (Pet. 2); *see W. Belt Ry.—Lease & Operation Exemption Including Interchange Commitment—Terminal R.R. Ass'n of St. Louis*, FD 35972 (STB served Dec. 1, 2015). WBRY and TRRA have recently agreed to terminate the lease and arrange for TRRA to resume service over the Lines in place of WBRY. (Pet. 2.) In accordance with its obligations under the lease agreement, WBRY seeks authorization through its petition to discontinue its common carrier status and attendant obligations on the Lines. (*Id.*) WBRY asserts that no customer on the Lines will be deprived of common carrier service as a consequence of WBRY's proposed discontinuance. (*Id.*) WBRY states that it does not believe that the Lines contain federally granted rights-of-way and that any documentation in its possession regarding federally granted rights-of-way will be made available promptly to those requesting it. (*Id.* at 4.)

Citing *Manufacturers Railway Company—Discontinuance Exemption—in St. Louis County, Mo.*, AB 1075X (STB served Feb. 5, 2013) and *Central Texas & Colorado River Railway, LLC—Discontinuance Exemption—in McCulloch, San Saba, Mills, & Lampasas Counties, Tex.*, AB 1272X (STB served Apr. 27, 2022), WBRY asserts that it is entitled to relief from labor protective conditions because WBRY is seeking discontinuance of service over the entirety of its system and will have no residual interest in railroad assets or any other regulated operations.

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by October 17, 2025.

Because this is a discontinuance proceeding and not an abandonment,

interim trail use/railbanking and public use conditions are not appropriate. Because there will be environmental review during any subsequent abandonment, this discontinuance does not require an environmental review. *See* 49 CFR 1105.6(c)(5), 1105.8(b).

Any offer of financial assistance (OFA) for subsidy under 49 CFR 1152.27(b)(2) will be due no later than 120 days after the filing of the petition for exemption, or 10 days after service of a decision granting the petition for exemption, whichever occurs sooner.¹ Persons interested in submitting an OFA must first file a formal expression of intent to file an offer by July 28, 2025, indicating the intent to file an OFA for subsidy and demonstrating that they are preliminarily financially responsible. *See* 49 CFR 1152.27(c)(1)(i).

All filings in response to this notice must refer to Docket No. AB 1346X and must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street, SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on WBRY's representative, Robert A. Wimbish, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606. Replies to the petition are due on or before August 7, 2025.

Persons seeking further information concerning discontinuance procedures may contact the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245–0238 or refer to the full abandonment and discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis at (202) 245–0294. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245–0245.

Board decisions and notices are available at www.stb.gov.

Decided: July 15, 2025.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Aretha Laws-Byrum,
Clearance Clerk.

[FR Doc. 2025–13493 Filed 7–17–25; 8:45 am]

BILLING CODE 4915–01–P

¹ The filing fee for OFAs can be found at 49 CFR 1002.2(f)(25).

**OFFICE OF THE UNITED STATES
TRADE REPRESENTATIVE**

[Docket No. USTR–2025–0043]

**Initiation of Section 301 Investigation:
Brazil's Acts, Policies, and Practices
Related to Digital Trade and Electronic
Payment Services; Unfair, Preferential
Tariffs; Anti-Corruption Enforcement;
Intellectual Property Protection;
Ethanol Market Access; and Illegal
Deforestation; Hearing; and Request
for Public Comments**

AGENCY: Office of the United States Trade Representative (USTR).

ACTION: Notice of initiation of investigation and a hearing, and a request for comments.

SUMMARY: In accordance with the specific direction of the President, on July 15, 2025 the U.S. Trade Representative initiated an investigation into Brazil's acts, policies, and practices related to digital trade and electronic payment services; unfair, preferential tariffs; anti-corruption enforcement; intellectual property protection; ethanol market access; and illegal deforestation. The Section 301 Committee is holding a public hearing and seeking public comments in connection with this investigation.

DATES:

July 15, 2025: The U.S. Trade Representative initiated the investigation.

July 17, 2025: USTR will open the docket for submission of written comments.

August 18, 2025, at 11:59 p.m. EDT: To be assured of consideration, submit written comments, requests to appear at the hearing, along with a summary of the testimony, by this date.

September 3, 2025, at 10.00 a.m.: USTR will hold a public hearing in the main hearing room of the U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, beginning at 10 a.m. If necessary, the hearing may continue on the next business day.

Seven calendar days after the last day of the public hearing: Due date for submission of post-hearing rebuttal comments.

ADDRESSES: Submit documents in response to this notice, including written comments, hearing appearance requests, summaries of testimony, and post-hearing rebuttal comments through the online USTR portal: <https://comments.ustr.gov/s/>.

FOR FURTHER INFORMATION CONTACT: For general questions about this notice contact Philip Butler and Megan

Grimball, Chairs of the Section 301 Committee; or Megan Paster, Assistant General Counsel at 202.395.5725.

SUPPLEMENTARY INFORMATION:

I. Brazil's Acts, Policies, and Practices

The Section 301 investigation will initially focus on the issue areas discussed below.

A. Digital Trade and Electronic Payment Services

Evidence indicates that Brazil engages in a variety of acts, policies, and practices that may undermine the competitiveness of U.S. companies engaged in digital trade and electronic payment services. For example, the Brazilian Supreme Court recently voted to make social media companies liable for illegal postings by their users, even absent a court order to remove that content, but includes within the scope of such "illegal" postings a broad range of speech, including political speech. This regime could trigger the preemptive takedown of content and restrictions on a wide array of speech, as well as significantly increase the risk of economic harm to U.S. social media companies. Additionally, Brazilian courts have issued secret orders instructing U.S. social media companies to censor thousands of posts and de-platform dozens of political critics, including U.S. persons, for lawful speech on U.S. soil. When U.S. and U.S.-headquartered companies have refused to comply with these orders, Brazilian courts have imposed substantial fines on U.S. and U.S.-headquartered companies, ordered the suspension of U.S. and U.S.-headquartered platforms in Brazil, and threatened U.S. and U.S.-headquartered company executives with arrest or criminal prosecution.

More generally, evidence indicates that these acts, policies, and practices may undermine the competitiveness of U.S. companies engaged in digital trade and electronic payment services, for example, by raising risks or costs for U.S. businesses, restricting the ability of U.S. companies to provide services or engage in normal business practices, decreasing the revenue and returns on investments of those U.S. companies, assigning increased regulatory burdens and compliance costs on those U.S. companies, or creating advantages for domestic Brazilian competitors.

For example, Brazil imposes overly broad restrictions on the transfer of personal data outside Brazil, including to the United States, that may not adequately account for routine business purposes. These restrictions may prevent a business from securely

processing data or providing services from U.S. servers. Additionally, Brazil also appears to engage in a number of unfair practices with respect to electronic payment services, including but not limited to advantaging its government-developed electronic payment services.

B. Brazil's Unfair, Preferential Tariffs

Brazil has lowered tariffs on an unfair, preferential basis by entering into partial-scope preferential trade arrangements with certain large trading partners, while disadvantaging the United States by applying higher tariffs to U.S. imports. Under these arrangements, Brazil accords lower, preferential tariff treatment only to certain large trading partners in specific sectors, including sectors in which these trading partners are globally competitive. At the same time, Brazil maintains high most-favored nation (MFN) tariffs that apply to U.S. exports. In 2024, Brazil had a 12.2 percent simple average MFN applied rate, compared to the United States' 3.3 percent simple average MFN rate.

In particular, Brazil accords to India and Mexico preferential tariff treatment that it does not accord to the United States. This preferential treatment covers thousands of tariff lines for Mexico and hundreds of tariff lines for India at tariff rates that are between 10 and 100 percent lower than Brazil's MFN rate. This preferential treatment applies to hundreds of products across multiple sectors, such as agricultural products, motor vehicles and parts, minerals, chemicals, and machinery. In 2023, Brazil imported approximately \$5.5 billion in imports at these preferential tariff rates—\$4.6 billion from Mexico and \$1.0 billion from India. Products covered by preferential tariffs included nearly \$1.7 billion in motor vehicles and motor vehicle parts from Mexico. Nearly all of Brazil's imports of motor vehicles and parts from Mexico were subject to no tariffs, while Brazil's imports of these products from the United States were subject to MFN rates, almost all of which are between 14 and 35 percent.

Brazil accords this preferential treatment pursuant to bilateral agreements with large trading partners covering only discrete sectors. In 2024, Brazil's gross domestic product (GDP) exceeded \$2.1 trillion, and it imported over \$274 billion of goods and exported over \$339 billion. In 2024, Mexico exported \$617.8 billion of goods, and India exported over \$447 billion. Furthermore, Brazil, Mexico, and India are already advanced and globally competitive in many of the sectors

covered by preferential tariff treatment. For example, Mexico is one of the largest global vehicle producers, and India is one of the world's leading chemical producers. Nonetheless, Mexican vehicles and Indian chemicals receive preferential tariff treatment from Brazil while U.S. vehicles and chemicals are subject to Brazil's MFN rate.

When Brazil applies lower tariffs on goods of other large and competitive economies, while continuing to subject U.S. goods to its high, MFN rates, U.S. exports are denied a level playing field in Brazil's market. This can suppress U.S. exports and economic output, with negative consequences for employment and domestic production.

C. Anti-Corruption Enforcement

Evidence suggests that Brazil's efforts to fight corruption have weakened considerably in some areas. For example, reports indicate that prosecutors have engaged in opaque agreements to provide leniency to companies engaged in corruption and indicate conflicts of interest in judicial decisions. In a highly publicized case involving the bribery of public officials for public projects and money laundering, rulings by a Supreme Court justice to throw out the convictions have drawn widespread criticism. Evidence indicates that Brazil's lack of enforcement of anti-corruption measures and lack of transparency may disadvantage U.S. companies engaged in trade and investment in Brazil and raises concerns in relation to norms relating to fighting bribery and corruption, such as under *Protocol to the Agreement on Trade and Economic Cooperation Between the Government of the United States of America and the Government of the Federative Republic of Brazil Relating to Trade Rules and Transparency*, Annex III or the *Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, done at Paris, December 19, 1997*.

D. Intellectual Property Protection

Brazil engages in a variety of acts, policies, and practices that apparently deny adequate and effective protection and enforcement of intellectual property rights. For example, Brazil has failed to effectively address widespread importation, distribution, sale, and use of counterfeit goods, modified gaming consoles, illicit streaming devices, and other circumvention devices. Counterfeiting remains widespread because enforcement raids are not followed by deterrent-level remedies or penalties and long-term disruption of

these illicit business practices. The Rua 25 de Março area has for decades remained one of the largest markets for counterfeit goods despite raids targeting this area.

As another example, the overall average pendency of patent applications remains high, particularly for biopharmaceutical patent applications. The impact of the current average patent application pendency of almost 7 years (and 9.5 years for pharmaceutical patents granted between 2020 and 2024) is to cut into the patent term. In addition, the failure to effectively address piracy of copyrighted content remains a significant barrier to the adoption of legitimate content distribution channels. Brazil's failure to address such issues harms American workers whose livelihoods are tied to America's innovation- and creativity-driven sectors.

E. Ethanol Market Access

The United States suffers from higher tariffs on ethanol by Brazil and from imbalanced trade resulting from Brazil's decision to abandon the reciprocal, virtually duty-free treatment that promoted the development of both of our industries and to flourishing and mutually beneficial trade. Brazil and the United States are the two largest ethanol producers in the world. In 2024, the United States produced an estimated 16.1 billion gallons of ethanol, while Brazil produced nearly 8.8 billion gallons—figures that together make up 80 percent of the world's total ethanol production. The United States competes with Brazil in global sales of agricultural commodities that serve as feedstocks for biofuels such as ethanol and biodiesel, including corn and soybeans. In Brazil, the main feedstock for ethanol production is sugarcane, followed by corn. Brazil's corn ethanol production has been rapidly increasing since 2017.

Between 2010 and 2017, Brazil and the United States each took action to establish virtually duty-free bilateral trade of ethanol. In 2010, Brazil suspended its 20 percent tariff on imported ethanol, a move that was supported by Brazil's ethanol industry. In 2011, the United States allowed the "blender" tax credit to U.S. ethanol producers and the \$0.54/gallon surcharge on ethanol imports to expire. These actions permitted bilateral ethanol trade to flourish.

However, beginning in September 2017, Brazil abandoned this mutually beneficial approach, in a way that disadvantaged the United States in particular, which supplies the majority of Brazil's imports of ethanol. Since then, U.S. ethanol producers have, at

times, faced steep and unfair Brazilian import tariffs on their products.

Brazil first imposed a tariff-rate quota (TRQ) of 600 million liters annually in 2017, with an out-of-quota rate of 20 percent on imports of ethanol. In September 2019, the TRQ was expanded to 750 million liters annually, but the TRQ expired in December 2020, causing all ethanol imports to face a 20 percent rate, which later changed to 18 percent in November 2021. The expiry of the TRQ and significantly higher Brazilian tariff rates have had a negative impact on the previously robust bilateral ethanol trade. Brazil temporarily eliminated its ethanol tariff from March 23, 2022, to January 31, 2023, but then reinstated the tariff at 16 percent. Effective January 1, 2024, Brazil set its tariff rate on ethanol at 18 percent, where it remains.

These tariff rates have had demonstrable impacts on U.S. ethanol exports to Brazil. U.S. ethanol exports to Brazil peaked at \$761 million in 2018, but fell to \$140,000 in 2023, and were \$53 million in 2024, suggesting that U.S. ethanol producers are at a significant disadvantage under the current tariff system.

F. Illegal Deforestation

Evidence indicates that Brazil's lack of effective enforcement of its environmental laws and regulations has contributed to illegal deforestation in Brazil, and Brazilian ranchers and farmers have made use of such illegally deforested land by using it for agricultural production for livestock and a wide range of crops, including corn and soybeans. Conversion of illegally deforested land for agricultural production provides an unfair competitive advantage to agricultural exports by lowering costs and expanding availability of land inputs.

Brazil is a major competitor of the United States in global sales of agricultural products, including beef, corn, and soybeans. When China engages in economic coercion and restricts or prohibits U.S. agricultural exports, Brazilian producers readily backfill those products. Although the United States has an overall trade surplus with Brazil in goods and services, the U.S. trade deficit with Brazil for agricultural products has risen steeply in recent years, from approximately US\$3 billion in 2020 to US\$7 billion in 2024.

Agricultural production, particularly for soy plantations and cattle ranches, has been one of the main drivers of deforestation in Brazil, and deforestation reached a 15-year high in 2021. Brazil's enforcement efforts have

not stopped illegal deforestation, and previously deforested land has not been restored, despite some efforts by Brazil recently to strengthen its environmental laws as well as enforcement of those laws. While deforestation rates have declined in recent years, deforestation rates in 2024 were nevertheless estimated to be about 3,403 hectares per day. Evidence indicates that up to 91 percent of such deforestation could be illegal. Agricultural products produced on previously illegally deforested land may also continue to compete with U.S. products.

Reports also suggest that illegal logging is occurring at significant levels in Brazil. In fact, reports estimate that more than one third of all Amazonian timber is estimated to be of illegal origin, either because it is illegally harvested from protected lands or it is harvested without the appropriate permits and approvals. There is documented evidence of the extensive use of forced labor within the context of illegal deforestation. Evidence also suggests that Brazilian producers use legitimate timber production sites as fronts, along with fraudulent transport documents, to launder illegal timber illegally harvested elsewhere. Corruption in the system also undermines Brazil's enforcement of laws designed to prevent illegal deforestation, as evidence indicates that timber harvested illegally is disguised as legal through fraudulent paperwork schemes and bribery of Brazilian officials. Evidence further indicates that Brazil has ineffectively enforced environmental laws and regulations meant to prevent illegally harvested timber from entering the market. Sanctioned production sites have continued to sell timber to U.S. buyers, and Brazilian timber exporters that have been fined have been able to continue trading products on the global market. Illegal timber enters the U.S. market in violation of laws such as the Lacey Act, and can be sold at lower prices, thereby creating an unfair advantage over U.S. products that are harvested legally.

II. Initiation of Section 301 Investigation

Section 302(b)(1)(A) of the Trade Act of 1974, as amended (Trade Act), authorizes the U.S. Trade Representative to initiate an investigation to determine whether an act, policy, or practice of a foreign country is actionable under Section 301 of the Trade Act. Actionable matters under Section 301 include acts, policies, and practices of a foreign country that are unreasonable or discriminatory and burden or restrict U.S. commerce. An

act, policy, or practice is unreasonable if, while not necessarily in violation of, or inconsistent with, the international legal rights of the United States, it is otherwise unfair and inequitable.

On July 15, 2025, in accordance with the specific direction of the President, the U.S. Trade Representative initiated a Section 301 investigation to examine whether Brazil's acts, policies, and practices related to digital trade and electronic payment services; unfair, preferential tariffs; anti-corruption enforcement; intellectual property protection; ethanol market access; and illegal deforestation are unreasonable or discriminatory and burden or restrict U.S. commerce. Pursuant to Section 302(b)(1)(B) of the Trade Act, USTR has consulted with appropriate advisory committees and the inter-agency Section 301 Committee. Pursuant to Section 303(a) of the Trade Act, USTR is requesting consultations with the Government of Brazil.

Pursuant to Section 304 of the Trade Act, USTR must determine whether the acts, policies, or practices under investigation are actionable under Section 301. If that determination is affirmative, the U.S. Trade Representative must determine whether action is appropriate, and if so, what action to take.

III. Request for Public Comments

You may submit written comments on any issue covered by the investigation. In particular, USTR invites comments regarding:

Digital Trade and Electronic Payment Services

- The acts, policies, or practices of Brazil that may undermine the competitiveness of U.S. companies engaged in digital trade or electronic payment services.
- The extent to which Brazil's acts, policies, or practices discriminate against or unfairly disadvantage U.S. companies engaged in digital trade or electronic payment services.

Unfair, Preferential Tariffs

- The acts, policies, or practices of Brazil which accord lower, preferential tariff treatment only to certain large trading partners in specific sectors, including sectors in which these trading partners are globally competitive.
- The extent to which Brazil's acts, policies, or practices discriminate against or unfairly disadvantage U.S. exports and economic output.

Anti-Corruption Enforcement

- The extent to which Brazil's enforcement of anti-corruption is not sufficient.
- The extent to which Brazil's lack of enforcement of anti-corruption measures disadvantage U.S. companies engaged in trade and investment in Brazil.

Intellectual Property Protection

- The acts, policies, and practices of Brazil that deny adequate and effective protection and enforcement of intellectual property rights.
- The extent to which Brazil's acts, policies, or practices discriminate against or unfairly disadvantage American workers whose livelihoods are tied to American's innovation- and creativity-driven sectors.
- Other acts, policies, and practices of Brazil relating to the protection or enforcement of intellectual property rights that may discriminate against or unfairly disadvantage U.S. businesses.

Ethanol Market Access

- The extent to which Brazil's tariff rates or any related regulations on ethanol discriminate against or unfairly disadvantage U.S. ethanol producers.
- Other acts, policies, or practices of Brazil that may discriminate against or unfairly disadvantage U.S. producers of ethanol, biofuels, or related products.

Illegal Deforestation

- The extent to which Brazil has laws and regulations to effectively address illegal deforestation, use of illegally deforested land for agricultural production, and illegal logging taking place in its territory.
- The extent to which Brazil is effectively enforcing laws and regulations to address illegal deforestation, use of illegally deforested land for agricultural production, and illegal logging taking place in its territory.
- The extent to which agricultural products are being produced on illegally deforested land and are being exported, directly or through downstream agricultural products, to the United States or other markets.
- The extent to which Brazilian products, including lumber and wooden furniture, are being made with timber harvested illegally and are being exported to the United States or other markets.
- Other acts, policies, or practices of Brazil related to illegal deforestation that may discriminate against or unfairly disadvantage U.S. businesses.

General

- Whether there are any other acts, policies, and practices of Brazil related to the production of goods and services referenced in this notice that discriminate against or unfairly disadvantage U.S. businesses.
- Whether Brazil's acts, policies, and practices identified in this initiation notice are unreasonable or discriminatory.
- Whether Brazil's acts, policies, and practices identified in this initiation notice burden or restrict U.S. commerce, and if so, the nature and level of the burden or restriction. This would include economic assessments of the burden or restriction on U.S. commerce.
- Whether Brazil's acts, policies, and practices identified in this initiation notice are actionable under Section 301(b) of the Trade Act, and what action, if any, should be taken, including tariff and non-tariff actions.

To be assured of consideration, USTR must receive written comments by 11:59 p.m. EDT on August 18, 2025. Additional instructions on how to submit written comments are provided below in Part V.

IV. Hearing Participation

The Section 301 Committee will convene a public hearing on September 3, 2025, and if needed, the hearing will continue on September 4, 2025. To testify at the hearing, you must submit a request to appear using the electronic portal at <https://comments.ustr.gov/s/>, following the instructions in Part V below. Requests to appear must include a summary of testimony, and may be accompanied by a prehearing submission. Remarks at the hearing are limited to five minutes to allow for possible questions from the Section 301 Committee. All submissions must be in English. To be assured of consideration, USTR must receive your request to appear and summary of the testimony by August 18, 2025.

Post-hearing rebuttal comments, which should be limited to rebutting or supplementing testimony presented at the hearing, may be submitted within seven calendar days after the last day of the public hearing. Rebuttal comments must be submitted using the electronic portal at <https://comments.ustr.gov/s/>, following the instructions in Part V below.

V. Submissions Instructions

Interested persons must submit written comments, requests to appear at the hearing, summaries of testimony, and post-hearing rebuttal comments using the appropriate docket on the

portal at <https://comments.ustr.gov/s/>. To make a submission, use the docket on the portal entitled 'Request for Comments on the Section 301 Investigation of Acts, Policies, and Practices of Brazil Related to Digital Trade and Electronic Payment Services; Unfair, Preferential Tariffs; Anti-Corruption Enforcement; Intellectual Property Protection; Ethanol Market Access; and Illegal Deforestation,' docket number USTR-2025-0043. Interested persons wishing to provide testimony at the hearing must submit a notification of intent and summary of testimony using the docket entitled 'Request to Appear at the Hearing on the Section 301 Investigation of Acts, Policies, and Practices of Brazil Related to Digital Trade and Electronic Payment Services; Unfair, Preferential Tariffs; Anti-Corruption Enforcement; Intellectual Property Protection; Ethanol Market Access; and Illegal Deforestation,' docket number USTR-2025-0044.

You do not need to establish an account to submit comments or a notification of intent to testify. The first screen allows you to enter identification and contact information. Third party organizations such as law firms, trade associations, or customs brokers should identify the full legal name of the organization they represent and identify the primary point of contact for the submission. Information fields are optional. However, USTR may not consider your comment or request if insufficient information is provided. Fields with a gray Business Confidential Information (BCI) notation are for BCI information that will not be made publicly available. Fields with a green (Public) notation will be viewable by the public. After entering the identification and contact information, you can complete the remainder of the comment, or any portion of it, by clicking 'Next.' You may upload documents at the end of the form and indicate whether USTR should treat the documents as business confidential or public information. Any page containing BCI must be clearly marked 'BUSINESS CONFIDENTIAL' on the top of that page and the submission should clearly indicate, via brackets, highlighting, or other means, the specific information that is BCI. If you request business confidential treatment, you must certify in writing that the information would not customarily be released to the public. Parties uploading attachments containing BCI also must submit a public version of their comments. If these procedures are not sufficient to protect BCI or otherwise protect business interests, please contact

the USTR Section 301 support line at 202.395.5725 to discuss whether alternative arrangements are possible. USTR will post attachments uploaded to the docket for public inspection, except for properly designated BCI. You can view submissions on USTR's electronic portal at <https://comments.ustr.gov/s/>.

Jennifer Thornton,

General Counsel, Office of the United States Trade Representative.

[FR Doc. 2025-13498 Filed 7-17-25; 8:45 am]

BILLING CODE 3390-F4-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No.: FAA-2025-1010; Summary Notice No. 2025-44]

Petition for Exemption; Summary of Petition Received; Total Flight Solutions

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 August 7, 2025.

ADDRESSES: Send comments identified by docket number FAA-2025-1010 using any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://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 <http://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 <http://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: Kara White 202–267–3793, 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–2025–1010

Petitioner: Total Flight Solutions

Section(s) of 14 CFR Affected: Part 141 Appendix I 4(j)(2)(ii).

Description of Relief Sought: Total Flight Solutions is requesting relief from part 141, appendix I, paragraph (4)(j)(2)(ii) to the extent necessary to allow for a course of training to add an airplane single-engine class rating to a commercial pilot certificate that includes 10 hours of commercial pilot flight training in a technically advanced airplane, instead of the current requirement of 10 hours of commercial pilot flight training in an airplane that has retractable landing gear, flaps, and a controllable pitch propeller, or is turbine-powered.

[FR Doc. 2025–13467 Filed 7–17–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No.: FAA–2025–1060; Summary Notice No. –2025–45]

Petition for Exemption; Summary of Petition Received; Jeffrey Jacob

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 July 28, 2025.

ADDRESSES: Send comments identified by docket number FAA–2025–1060 using any of the following methods:

• **Federal eRulemaking Portal:** Go to <http://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 <http://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 <http://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: Nia Daniels, 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–2025–1060.

Petitioner: Jeffrey Jacob.

Section of 14 CFR Affected: § 65.75(a).

Description of Relief Sought: Jeffrey Jacob is petitioning for an exemption from Title 14 Code of Federal Regulations § 65.75(a) to replace the written test for the Airframe and Powerplant (A&P) Mechanic certification with an alternative evaluation method due to learning differences and test-related anxiety. He proposes a comprehensive oral and practical assessment that evaluates understanding and safety awareness. [FR Doc. 2025–13468 Filed 7–17–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No.: FAA–2025–1022; Summary Notice No. –2025–47]

Petition for Exemption; Summary of Petition Received; Association of Fish and Wildlife Agencies

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 July 28, 2025.

ADDRESSES: Send comments identified by docket number FAA–2025–1022 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://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 <http://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 <http://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: Nia Daniels, (202) 267–9677, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

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–2025–1022.

Petitioner: Association of Fish and Wildlife Agencies.

Section of 14 CFR Affected:
§ 91.108(c)(2).

Description of Relief Sought: The Association of Fish and Wildlife Agencies is seeking an exemption from

Title 14 CFR 91.108(c)(2) to use a supplemental restraint system (SRS) that includes a harness and lanyard to keep the individual's torso secured inside the aircraft for public use operations. This exemption is requested from the rule mentioned above to allow the torso to extend outside the aircraft, which is necessary for safely aiming and discharging equipment, such as nets and darts, during aerial wildlife capture operations.

[FR Doc. 2025–13475 Filed 7–17–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent of Waiver With Respect to Land; Bemidji Regional Airport, Bemidji, Minnesota

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The FAA is considering a proposal to change approximately 1.37 acres of airport land from aeronautical use to non-aeronautical use and to authorize the sale of airport property located at Bemidji Regional Airport, Bemidji, Minnesota. The aforementioned land is not needed for aeronautical use. The subject parcel is located on the southeast side of the airport and is used for agricultural purposes. The airport sponsor proposes selling the property to the City of Bemidji for road right-of-way and a roadway/roundabout.

DATES: Comments must be received on or before August 18, 2025.

ADDRESSES: All requisite and supporting documentation will be made available for review by appointment at the FAA Dakota-Minnesota Airports District Office, Mark Schrader, Program Manager, 2301 University Drive, Bld. 23B, Bismarck, North Dakota. Telephone: (701) 323–7384.

Written comments on the Sponsor's request may be submitted using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- *Mail:* Mark Schrader, Program Manager, Federal Aviation Administration, Dakota-Minnesota Airports District Office, 2301 University Drive, Bld. 23B, Bismarck, ND 58504.

- *Hand Delivery:* Deliver to mail address above between 8 a.m. and 5 p.m. Monday through Friday, excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Mark Schrader, Program Manager, Federal Aviation Administration, Dakota-Minnesota Airports District Office, 2301 University Drive, Bld. 23B, Bismarck, North Dakota. Telephone Number: (701) 323–7384.

SUPPLEMENTARY INFORMATION: In accordance with section 47107(h) of Title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

The subject property is located within Airport Parcels 1 and 2 and is currently used for agricultural purposes and approach surface protection. Airspace rights will be retained for continued approach surface protection. A portion of the airport perimeter road and fence are also located within the subject property. The Minnesota Department of Transportation will construct a new fence and new perimeter road along the adjusted airport property boundary once the subject property is released from airport property. Airport Parcel 1 was incorporated into city limits by Ordinance 338, dated August 2, 1949. Airport Parcel 2 was acquired in 1977 with Airport Development Aid Program (ADAP) grant number ADAP–01. An appraisal of the approximate 1.37-acre property was conducted and the airport sponsor will receive fair market value for the proposed sale.

The disposition of proceeds from the sale of this airport property will be in accordance with section 47107(b) of Title 49, United States Code.

This notice announces that the FAA is considering the release of the subject airport property at the Bemidji Regional Airport, Bemidji, Minnesota from federal land covenants, subject to a reservation for continuing right of flight as well as restrictions on the released property as required in FAA Order 5190.6B section 22.16. Approval does not constitute a commitment by the FAA to financially assist in the disposal of the subject airport property nor a determination of eligibility for grant-in-aid funding from the FAA.

Legal Description

All those parts of Government Lot 2, Section 6, Township 146 North, Range 33 West, and the Southwest Quarter of the Southeast Quarter and the Southeast Quarter of the Southwest Quarter of Section 31, Township 147 North, Range 33 West, all in Beltrami County, Minnesota, described as follows:

Beginning at the Right of Way Boundary Corner B118, MINNESOTA DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY PLAT NO. 04–5, according to the recorded plat thereof; thence North 68 degrees 58 minutes 25 seconds West, assigned bearing along northeasterly right of way line of said plat, a distance of 425.38 feet to Right of Way Boundary Corner B17; thence North 58 degrees 10 minutes 28 seconds West, along said northeasterly right of way line, a distance of 177.79 feet; thence North 31 degrees 15 minutes 08 seconds East, 88.22 feet; thence South 58 degrees 15 minutes 03 seconds East, 120.25 feet; thence southeasterly 93.21 feet along a tangential curve concave to the northeast, having a radius of 498.00 feet, and a central angle of 10 degrees 43 minutes 26 seconds; thence South 68 degrees 58 minutes 29 seconds East, tangent to the last described curve, 353.38 feet; thence southeasterly and southerly 171.36 feet along a tangential curve concave to the southwest, having a radius of 147.00 feet, and a central angle of 66 degrees 47 minutes 28 seconds, to the northeasterly right of way line of MINNESOTA

DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY PLAT NO. 04–2, according to the recorded plat thereof; thence North 68 degrees 58 minutes 25 seconds West, along said northeasterly right of way line, a distance of 114.94 feet to the point of beginning.

Issued in Minneapolis, Minnesota on July 15, 2025.

E. Lindsay Terry,

Manager, Dakota-Minnesota Airports District Office, FAA, Great Lakes Region.

[FR Doc. 2025–13466 Filed 7–17–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2019–0013]

Renewal Package From the State of Texas to the Surface Transportation Project Delivery Program and Proposed Second Renewed Memorandum of Understanding (MOU) Assigning Environmental Responsibilities to the State

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

ACTION: Notice of correction.

SUMMARY: This notice corrects information contained in the **Federal Register** notice announcing the amended renewal package from the Texas Department of Transportation (TxDOT) requesting participation in the Surface Transportation Project Delivery Program (Program). That notice

contained incorrect information regarding ongoing Tribal consultation.

FOR FURTHER INFORMATION CONTACT: For FHWA: Edward Ofori by email at Edward.Ofori@dot.gov, by telephone at 512–536–5902. FHWA Texas Division Office's normal business hours are 8 a.m. to 4:30 p.m. (Central Time), Monday–Friday, except for Federal holidays. For the State of Texas: Doug Booher by email at Doug.Booher@txdot.gov or by telephone at 512–466–7435. State business hours are the same as above although State holidays may not completely coincide with Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

On Friday, June 20, 2025, at 90 FR 26403, FHWA published a notice announcing the amended renewal package from TxDOT requesting participation in the Program. In the description of responsibilities for Tribal coordination, that notice incorrectly stated that FHWA and TxDOT had received requests for formal consultations with several Tribes regarding the proposed renewal of the MOU and were engaged in ongoing consultations. FHWA and TxDOT have not received such requests and there is no active, ongoing consultation with Tribes. FHWA and TxDOT will consider the comments submitted when making its decision on the proposed MOU. Any final renewal MOU approved by FHWA may include changes based on substantive comments and consultations relating to the revised renewal MOU.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

(Authority: 23 U.S.C. 327; 42 U.S.C. 4331, 4332; 23 CFR 771.117; 40 CFR 1507.3, 1508.4.)

Gloria M. Shepherd,

Executive Director, Federal Highway Administration.

[FR Doc. 2025–13462 Filed 7–17–25; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0147]

Qualification of Drivers: Skill Performance Evaluation Program; Virginia Department of Motor Vehicles Application for Exemption Renewal; Correction

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of provisional renewal of exemption; correction.

SUMMARY: FMCSA corrects its July 7, 2025, notice provisionally renewing an exemption for truck and bus drivers who are licensed in the Commonwealth of Virginia and need a Skill Performance Evaluation (SPE) Certificate to operate commercial motor vehicles (CMV) in interstate commerce. The expiration date for the provisional renewal was incorrectly published as July 8, 2030. The correct expiration date is January 8, 2026.

DATES: This correction is effective July 18, 2025.

FOR FURTHER INFORMATION CONTACT: Ms. Evangela Hollowell, Medical Programs Division, (202) 366–2551, FMCSAMedical@dot.gov. If you have questions on viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION: On July 7, 2025, FMCSA published a notice announcing the provisional renewal of an exemption for truck and bus drivers who are licensed in the Commonwealth of Virginia and need a SPE Certificate to operate CMVs in interstate commerce (90 FR 29928). The exemption enables interstate CMV drivers who are licensed in Virginia and are subject to the Federal SPE certificate requirements to continue to fulfill the Federal requirements with a State-issued SPE certificate that qualifies such drivers to operate CMVs in interstate commerce. The notice incorrectly indicated that the expiration date of the provisional renewal is July 8, 2030. Through this notice, FMCSA corrects the expiration date.

In FR Doc. 2025–12550 appearing on page 29928 in the **Federal Register** of July 7, 2025, the following correction is made:

1. On page 29928, in the first column, under the dates section, “The provisional renewal of the exemption is effective from July 8, 2025, through July 8, 2030.” is corrected to read “The

provisional renewal of the exemption is effective from July 8, 2025, through January 8, 2026.”

Issued under authority delegated in 49 CFR 1.87.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2025–13560 Filed 7–17–25; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2010–0034]

Port Authority Trans-Hudson’s Request To Amend Its Positive Train Control Safety Plan and Positive Train Control System

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of availability and request for comments.

SUMMARY: This document provides the public with notice that, on July 8, 2025, Port Authority Trans-Hudson (PATH) submitted a request for amendment (RFA) to its FRA-approved Positive Train Control Safety Plan (PTCSP). As this RFA may involve a request for FRA’s approval of proposed material modifications to an FRA-certified positive train control (PTC) system, FRA is publishing this notice and inviting public comment on the railroad’s RFA to its PTCSP.

DATES: FRA will consider comments received by August 7, 2025. FRA may consider comments received after that date to the extent practicable and without delaying implementation of valuable or necessary modifications to a PTC system.

ADDRESSES:

Comments: Comments may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and the applicable docket number. The relevant PTC docket number for this host railroad is Docket No. FRA–2010–0034. For convenience, all active PTC dockets are hyperlinked on FRA’s website at <https://railroads.dot.gov/research-development/program-areas/train-control/ptc/railroads-ptc-dockets>. All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information.

FOR FURTHER INFORMATION CONTACT:

Gabe Neal, Staff Director, Signal, Train Control, and Crossings Division, telephone: 816–516–7168, email: Gabe.Neal@dot.gov.

SUPPLEMENTARY INFORMATION: In general, title 49 United States Code (U.S.C.) section 20157(h) requires FRA to certify that a host railroad’s PTC system complies with title 49 Code of Federal Regulations (CFR) part 236, subpart I, before the technology may be operated in revenue service. Before making certain changes to an FRA-certified PTC system or the associated FRA-approved PTCSP, a host railroad must submit, and obtain FRA’s approval of, an RFA to its PTCSP under 49 CFR 236.1021.

Under 49 CFR 236.1021(e), FRA’s regulations provide that FRA will publish a notice in the **Federal Register** and invite public comment, in accordance with 49 CFR part 211, if an RFA includes a request for approval of a material modification of a signal or train control system. Accordingly, this notice informs the public that, on July 8, 2025, PATH submitted an RFA to its PTCSP for its Communication Based Train Control, which seeks FRA’s approval to implement a software update to PATH’s Automatic Train Control current revenue system software, including Automatic Train Supervision (ATS) software, Zone Controller (ZC) database, and Carborne Controller database updates, and will be deployed on all ZC territories of the PATH system along with the ATS system, in accordance with PATH’s vendor code development process. That RFA is available in Docket No. FRA–2010–0034.

Interested parties are invited to comment on PATH’s RFA to its PTCSP by submitting written comments or data. During FRA’s review of this railroad’s RFA, FRA will consider any comments or data submitted within the timeline specified in this notice and to the extent practicable, without delaying implementation of valuable or necessary modifications to a PTC system. *See* 49 CFR 236.1021; *see also* 49 CFR 236.1011(e). Under 49 CFR 236.1021, FRA maintains the authority to approve, approve with conditions, or deny a railroad’s RFA to its PTCSP at FRA’s sole discretion.

Privacy Act Notice

In accordance with 49 CFR 211.3, FRA solicits comments from the public to better inform its decisions. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL–

14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. *See* <https://www.regulations.gov/privacy-notice> for the privacy notice of [regulations.gov](https://www.regulations.gov). To facilitate comment tracking, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. If you wish to provide comments containing proprietary or confidential information, please contact FRA for alternate submission instructions.

Issued in Washington, DC.

Carolyn R. Hayward-Williams,

Director, Office of Railroad Systems and Technology.

[FR Doc. 2025–13460 Filed 7–17–25; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2024–0026]

Grant of Petitions for Renewal of Temporary Exemptions From Shoulder Belt Requirement for Side-Facing Seats on Motorcoaches

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of grant of petitions for renewal of temporary exemptions.

SUMMARY: In accordance with our regulations, NHTSA is granting 13 petitions for renewal of temporary exemptions from the requirement to install Type 2 seat belts (*i.e.*, shoulder belts) at side-facing seats on motorcoaches. The 13 petitioners are final-stage manufacturers of entertainer-type motorcoaches, seeking temporary exemptions from the shoulder belt requirement of Federal Motor Vehicle Safety Standard (FMVSS) No. 208, “Occupant crash protection,” for side-facing seats. The granted exemptions permit the petitioners to continue to install Type 1 seat belts (lap belt only) at side-facing seating positions, instead of Type 2 seat belts (lap and shoulder belts) required by FMVSS No. 208. After reviewing the petitions and the comments received, the agency has determined that the requested exemption renewals are warranted to enable each petitioner to sell vehicles whose overall level of safety or impact protection is at least equal to that of a nonexempted vehicle.

DATES: The exemption applies to the petitioners’ motorcoaches produced from June 1, 2024 until June 1, 2026.

FOR FURTHER INFORMATION CONTACT:

Callie Roach, Office of the Chief Counsel, NCC-200, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. Email: callie.roach@dot.gov Fax: 202-366-3820.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Authority and Procedures for Temporary Exemption
- III. FMVSS No. 208
- IV. Petitions From the 13 Manufacturers
- V. Receipt Notice Seeking Comments
- VI. Agency Analysis and Decision

I. Background

This notice grants 13 petitions submitted by All Access Coach Leasing LLC, Amadas Coach, Creative Mobile Interiors, D&S Classic Coach Inc., Farber Specialty Vehicles, Florida Coach, Inc., Geomarc, Inc., Integrity Interiors LLC, Encore Luxury Coach Leasing, Inc.,¹ Pioneer Coach Interiors LLC, Roberts Brothers Coach Company, Russell Coachworks LLC, and Ultra Coach Inc., requesting temporary exemptions from the shoulder belt requirement of FMVSS No. 208, "Occupant crash protection," for side-facing seats on motorcoaches.

As background, NHTSA is responsible for promulgating and enforcing FMVSSs designed to improve motor vehicle safety. Generally, a manufacturer may not manufacture for sale, sell, offer for sale, or introduce or deliver for introduction into interstate commerce a vehicle that does not comply with all applicable FMVSS.² There are limited exceptions to this general prohibition.³ One path permits manufacturers to petition NHTSA for an exemption for noncompliant vehicles under a specified set of statutory bases.⁴ The details of these bases, and under which basis the 13 petitions are granted, are provided in the sections of this notice that follow.

II. Authority and Procedures for Temporary Exemption

The National Traffic and Motor Vehicle Safety Act (Safety Act), codified at 49 U.S.C. chapter 301, authorizes the Secretary of Transportation to exempt motor vehicles, on a temporary basis

and under specified circumstances, and on terms the Secretary considers appropriate, from a FMVSS or bumper standard. This authority and circumstances are set forth at 49 U.S.C. 30113. The Secretary has delegated the authority for implementing this section to NHTSA.⁵

The Safety Act authorizes the Secretary to grant, in whole or in part, a temporary exemption to a vehicle manufacturer if the Secretary makes one of four specified findings.⁶ The Secretary must also look comprehensively at the request for exemption and find that the exemption is consistent with the public interest and with the objectives of the Safety Act.⁷

The Secretary must evaluate the petition for exemption under at least one of the following bases:

(i) Compliance would cause substantial economic hardship, and the manufacturer tried to comply in good faith;

(ii) the exemption would make easier the development or field evaluation of a new motor vehicle safety feature, and the safety level is equal to the safety level of the standard;

(iii) the exemption would make the development or field evaluation of a low-emission motor vehicle easier, and the safety level of the vehicle is not unreasonably lowered; or

(iv) compliance would prevent the manufacturer from selling a motor vehicle with an overall safety level at least equal to the overall safety level of nonexempt vehicles.⁸

NHTSA established 49 CFR part 555, *Temporary Exemption from Motor Vehicle Safety and Bumper Standards*, to implement the statutory provisions concerning temporary exemptions, including renewals of temporary exemptions. Under Part 555 subpart A, a vehicle manufacturer seeking an exemption or renewal of an exemption must submit a petition for exemption containing specified information. The requirements in 49 CFR 555.5 state that the petitioner must set forth the basis of the petition by providing the information required under 49 CFR 555.6, and the reasons why the exemption would be in the public interest and consistent with the objectives of the Safety Act. A petition submitted on the basis that the applicant is otherwise unable to sell a vehicle whose overall level of safety or impact protection is at least equal to

that of a nonexempt vehicle must include the information specified in 49 CFR 555.6(d). A manufacturer is eligible for an exemption under this basis only if NHTSA determines the exemption is for not more than 2,500 vehicles to be sold in the U.S. in any 12-month period. An exemption under this basis may be granted for not more than two years, but may be renewed upon reapplication.⁹

Under 49 CFR 555.8(e), "[i]f an application for renewal of temporary exemption that meets the requirements of § 555.5 has been filed not later than 60 days before the termination date of an exemption, the exemption does not terminate until the Administrator grants or denies the application for renewal." NHTSA notes that the 13 petitions for renewal were submitted by the deadline stated in 49 CFR 555.8(e).

III. FMVSS No. 208

On November 25, 2013, NHTSA published a final rule amending FMVSS No. 208 to require seat belts for each passenger seating position in all new over-the-road buses (OTRBs) (regardless of gross vehicle weight rating (GVWR)), and all other buses with GVWRs greater than 11,793 kilograms (kg) (26,000 pounds (lb)) (with certain exclusions).¹⁰

In the notice of proposed rulemaking (NPRM) preceding the final rule, NHTSA proposed to permit manufacturers the option of installing either a Type 1 (lap belt) or a Type 2 (lap and shoulder belt) on side-facing seats.¹¹ The proposed option was consistent with a provision in FMVSS No. 208 that allows lap belts for side-facing seats on buses with a GVWR of 4,536 kg (10,000 lb) or less. NHTSA proposed the option because the agency was unaware of any demonstrable increase in associated risk of lap belts compared to lap and shoulder belts on side-facing seats. In the NPRM, NHTSA noted that "a study commissioned by the European Commission regarding side-facing seats on minibuses and motorcoaches found that due to different seat belt designs, crash modes and a lack of real-world data, it cannot be determined whether a lap belt or a lap/shoulder belt would be the most effective."¹²

However, after the NPRM was published, the Motorcoach Enhanced

⁹ 555.8(b) and 555.8(e).

¹⁰ 78 FR 70415 (November 25, 2013); response to petitions for reconsideration, 81 FR 19902 (April 6, 2016). The final rule became effective November 28, 2016 for buses manufactured in a single stage, and a year later for buses manufactured in more than one stage.

¹¹ 75 FR at 50971 (August 18, 2010).

¹² http://ec.europa.eu/enterprise/automotive/projects/safety_considerations_long_stg.pdf, cited in the NPRM at 75 FR at 50971–50972.

¹ Encore Luxury Coach Leasing, Inc. was formerly known as Nitetrain Coach Company, Inc. Both the original petition and renewal petition were submitted under the name "Nitetrain Coach Company, Inc." Since submitting its petition, the company has changed its name and notified NHTSA. Accordingly, NHTSA's response to Nitetrain Coach Company Inc.'s petition is now directed to Encore Luxury Coach Leasing, Inc.

² 49 U.S.C. 30112(a)(1).

³ 49 U.S.C. 30112(b); 49 U.S.C. 30113; 49 U.S.C. 30114.

⁴ 49 U.S.C. 30113.

⁵ 49 CFR 1.95.

⁶ 49 U.S.C. 30113(b)(3).

⁷ 49 U.S.C. 30113(b)(3)(A).

⁸ 49 U.S.C. 30113(b)(3)(B).

Safety Act of 2012 was enacted as part of the Moving Ahead for Progress in the 21st Century Act ((MAP-21), Public Law 112-141 (July 6, 2012)). Section 32703(a) of MAP-21 directed the Secretary of Transportation (authority delegated to NHTSA) to “prescribe regulations requiring safety belts to be installed in motorcoaches at each designated seating position.”¹³ As MAP-21 defined “safety belt” to mean an integrated lap and shoulder belt, the final rule amended FMVSS No. 208 to require lap and shoulder belts at all designated seating positions, including side-facing seats, on OTRBs.¹⁴

Even as it did so, however, the agency reiterated its view that “the addition of a shoulder belt at [side-facing seats on light vehicles] is of limited value, given the paucity of data related to side facing seats.”¹⁵ The agency also noted that Australian Design Rule ADR 5/04, “Anchorages for Seatbelts” specifically prohibits shoulder belts for side-facing seats.¹⁶ Given that background, and believing that few OTRBs would have side-facing seats, NHTSA stated in the November 2013 final rule that manufacturers may petition NHTSA for a temporary exemption under 49 CFR part 555 to install lap belts instead of lap and shoulder belts at side-facing seats.¹⁷ NHTSA stated that the basis for any petition for exemption from this requirement would be that the applicant is unable to sell a bus whose overall level of safety is at least equal to that of a non-exempted vehicle and that NHTSA would be receptive to the argument that lap belts provide an equivalent level of safety to lap/shoulder belt combinations for side-facing seats.¹⁸

Since issuing the November 2013 final rule, NHTSA has granted temporary exemptions to sixteen final stage manufacturers of entertainer buses for the same shoulder belt requirement

of FMVSS No. 208 for side-facing seats on entertainer buses.¹⁹

In a recent decision notice granting one of these exemptions, NHTSA’s rationale for granting the exemption cited the uncertainties about shoulder belts on side-facing seats, the relatively small number of side-facing seats on buses subject to the November 2013 final rule, and that FMVSS No. 208 does not require shoulder belts on side-facing seats on any other vehicle type.²⁰ NHTSA stated that it believes the potential safety risk at issue is theoretical, as explained in the November 2013 final rule, and the agency cannot affirmatively conclude, based on available information, that shoulder belts on side-facing seats are associated with a demonstrated risk of serious neck injuries in front crashes. NHTSA also stated that it believes a shoulder belt is of limited value on side-facing seats for the reasons explained in the final rule and further explained that it believed granting the exemption was consistent with the public interest and the Safety Act.

IV. Receipt of Petitions

In accordance with 49 U.S.C. 30113 and the procedures in 49 CFR part 555, 13 final-stage manufacturers of entertainer motorcoaches submitted individual, mostly identical petitions asking NHTSA for renewals of their temporary exemptions from the shoulder belt requirement of FMVSS No. 208 for side-facing seats on their vehicles. The petitioners sought renewal of their exemptions to allow them to continue installing Type 1 seat belts (lap belt only) at side-facing seating

positions, instead of Type 2 seat belts (lap and shoulder belts) as required by FMVSS No. 208. NHTSA granted the 13 exemptions in a **Federal Register** notice published on June 1, 2022 (87 FR 33299) and the exemptions expired on June 1, 2024. The basis for each of the renewal petitions, like their original petitions, is that compliance would prevent the petitioner from selling a motor vehicle with an overall safety level at least equal to the overall safety level of nonexempted vehicles (49 CFR 555.6(d)).

The petitioners are listed alphabetically as follows: All Access Coach Leasing LLC; Amadas Coach; Creative Mobile Interiors; D&S Classic Coach Inc.; Encore Luxury Coach Leasing, Inc. (formerly known as Nitetrain Coach Company, Inc.); Farber Specialty Vehicles; Florida Coach, Inc.; Geomarc, Inc.; Integrity Interiors LLC; Pioneer Coach Interiors LLC; Roberts Brothers Coach Company; Russell Coachworks LLC; and Ultra Coach Inc.

Each petitioner states that it is a final-stage manufacturer of entertainer-type motorcoaches and is responsible for ensuring the completed vehicle meets the FMVSS. Each petitioner also states that it typically receives a bus shell²¹ and customizes it to meet the needs of its entertainer clients and other specialized customers. Each petitioner states that it “builds out the complete interior” of the bus shell, including: roof escape hatch; fire suppression systems (interior living space, rear tires, electrical panels, bay storage compartments, and generator); ceiling, side walls and flooring; seating; electrical system, generator, inverter and house batteries; interior lighting; interior entertainment equipment; heating, ventilation and cooling system; galley with potable water, cooking equipment, refrigerators, and storage cabinets; bathroom and showers; and sleeping positions.

Pursuant to 49 CFR 555.6(d), an application must provide “[a] detailed analysis of how the vehicle provides the overall level of safety or impact protection at least equal to that of nonexempted vehicles.”

Each petitioner reiterates, as part of their justification that the vehicles provide an overall level of safety equivalent to that of a nonexempted

¹³ MAP-21 states at § 32702(6) that “the term ‘motorcoach’ has the meaning given the term ‘over-the-road bus’ in section 3038(a)(3) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note), but does not include a bus used in public transportation provided by, or on behalf of, a public transportation agency; or a school bus, including a multifunction school activity bus.” Section 3038(a)(3) (49 U.S.C. 5310 note) states: “The term ‘over-the-road bus’ means a bus characterized by an elevated passenger deck located over a baggage compartment.”

¹⁴ For side-facing seats on buses other than OTRBs, in the final rule NHTSA permitted either lap or lap/shoulder belts at the manufacturer’s option.

¹⁵ 78 FR at 70448, quoting from the agency’s Anton’s Law final rule which required lap/shoulder belts in forward-facing rear seating positions of light vehicles, 59 FR 70907.

¹⁶ 78 FR 70416, 70448

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ The 16 final stage manufacturers of entertainer buses to which NHTSA has granted temporary exemptions for the same shoulder belt requirement of FMVSS No. 208 for side-facing seats on entertainer buses include the 13 manufacturers discussed in this notice. The first petition was submitted by Hemphill Brothers Leasing Company, LLC (Hemphill). (Notice of receipt of petition, 84 FR 11735 (Mar. 28, 2019); notice of grant of petition, 84 FR 69966 (Nov. 14, 2019)). In its original petition, Hemphill stated that 39 “other petitioners” were covered by it. Later, NHTSA granted the 13 petitions submitted by All Access Coach Leasing LLC, Amadas Coach, Creative Mobile Interiors, D&S Classic Coach Inc., Farber Specialty Vehicles, Florida Coach, Inc., Geomarc, Inc., Integrity Interiors LLC, Nitetrain Coach Company, Inc. (now known as Encore Luxury Coach Leasing, Inc.), Pioneer Coach Interiors LLC, Roberts Brothers Coach Company, Russell Coachworks LLC, and Ultra Coach Inc. (Notice of receipt of the petitions, 85 FR 51550 (Aug. 20, 2022); notice of grant of petitions, 87 FR 33299 (June 1, 2022)). Most recently, NHTSA granted an exemption to Beat the Street Interiors, Inc. (BTS) (Notice of receipt of petition, 88 FR 25445 (Apr. 26, 2024); notice of grant of petition, 88 FR 78093 (Nov. 14, 2023)) and Legacy Limousines and Luxury Coaches (Notice of receipt, 89 FR 87722 (Nov. 4, 2024), notice of grant of petition, 90 FR 7234 (Jan. 1, 2025)).

²⁰ 88 FR 25445.

²¹ Each petition describes the bus shell as generally containing the following components: exterior frame; driver’s seat; dash cluster, speedometer, emissions light and emissions diagnosis connector; exterior lighting, headlights, marker lights, turn signals lights, and brake lights; exterior glass, windshield and side lights with emergency exits; windshield wiper system; braking system; tires, tire pressure monitoring system and suspension; and engine and transmission.

vehicle, statements made in NHTSA's 2013 final rule as well as excerpts from the agency's discussion in the June 2022 **Federal Register** notice granting temporary exemptions to the 13 petitioners. Specifically, each petitioner cites NHTSA's statement that it "believes a shoulder belt is of limited value on side-facing seats for the reasons explained in the [November 2013] final rule". Each petitioner also cites NHTSA's conclusion that "[g]iven the uncertainties about shoulder belts on side-facing seats, the few side-facing seats there are on buses subject to the November 2013 final rule, and that FMVSS No. 208 does not require shoulder belts on side-facing seats on any other vehicle type, NHTSA is granting the petitions for temporary exemption." Each petitioner states that the considerations and conclusions from the 2022 grant are still pertinent. Additional details are provided in the petitions, which may be located in the docket identified at the top of this document.

Pursuant to 49 CFR 555.5(b)(7), petitioners must state why granting an exemption allowing it to install Type 1 instead of Type 2 seat belts in side-facing seats would be in the public interest and consistent with the objectives of the Safety Act. Each petitioner states that granting an exemption would allow the petitioner the option to continue providing seat belts at side-facing seating positions that are equivalent to or exceed the safety performance of Type 2 belts under the requirements in FMVSS No. 208 (S4.4.5.1.2(c)). Each petitioner also cites NHTSA's statements from the 2022 grant notice in which NHTSA stated that it believes that granting the petitioners' exemption requests is consistent with the public interest and that granting the exemptions would provide relief to small businesses by providing "an objective standard that is easy for manufacturers to understand and meet."

In support of the petitions, each petitioner also states that only a small number of entertainer-type motorcoaches with side-facing seats are manufactured in the U.S. market each year and that number of vehicles they would produce within any 12-month period would be well below the 2,500 limit in part 555.

Each petitioner also indicates that it expects to seek to renew this exemption, if granted, at the end of the exemption period. In support of this intention, each petitioner notes the agency's apparent lack of research, testing, or analysis to justify the use of Type 2 belts on side-facing seats in over-the-road-buses.

V. Notice of Receipt and Comments Received

On July 2, 2024, NHTSA published a notice announcing receipt of the 13 petitions and requesting public comment.²² NHTSA received six comments, one from the American Bus Association and five from petitioners: Florida Coach, Inc.; Pioneer Coach Interiors LLC; Roberts Brothers Coach; Senators Coaches, Inc. (whose affiliate Geomarc, Inc. is one of the petitioners); and Encore Luxury Coach Leasing, Inc. (the petitioner formerly known as Nitetrain Coach Company, Inc.). Each of the six comments supported granting the petitions.

VII. Agency Analysis and Decision

After reviewing the petitions and the comments received, NHTSA is granting the 13 renewal petitions. Granting the petitions will enable each of the petitioners to sell a vehicle whose overall level of safety or impact protection is at least equal to that of a nonexempted vehicle.

In the rulemaking implementing MAP-21's mandate for seat belts on motorcoaches, NHTSA's proposal in the NPRM was to allow manufacturers an option of installing Type 1 (lap belt) or Type 2 (lap and shoulder belt) on side-facing seats. The proposal was consistent with a provision in FMVSS No. 208 that allows lap belts for side-facing seats on buses with a GVWR of 4,536 kg (10,000 lb) or less. NHTSA proposed the option because the agency was unaware of any demonstrable increase in associated risk of lap belts compared to lap and shoulder belts on side-facing seats.²³ As noted in the summary above, NHTSA finalized the requirement for Type 2 seat belts in side-facing positions because of a congressional mandate to do so. In that final rule, NHTSA finalized the requirement for Type 2 seat belts in side-facing positions, while also noting that the agency would be receptive to a petition for a temporary exemption that argues that lap belts provide an equivalent level of safety to lap/shoulder belt combinations for side-facing seats.

The petitioners do not provide information supporting their beliefs about the potential that Type 2 seat belts in side-facing seats can cause injuries beyond reciting what NHTSA said on the matter in the 2013 final rule. Accordingly, NHTSA believes that the potential safety risk at issue is theoretical at this point; as explained in

the November 2013 final rule,²⁴ the agency cannot affirmatively conclude, based on available information, that shoulder belts on side-facing seats are associated with a demonstrated risk of serious neck injuries in frontal crashes. However, at the same time, NHTSA believes a shoulder belt is of limited value on side-facing seats for the reasons explained in the final rule. Given the uncertainties about shoulder belts on side-facing seats, the few side-facing seats there are on buses subject to the November 2013 final rule, and that FMVSS No. 208 does not require shoulder belts on side-facing seats on any other vehicle type, NHTSA is granting the petitions to renew the temporary exemptions.

The grants will permit the petitioners to continue to install Type 1 seat belts (lap belt only) at side-facing seating positions, instead of Type 2 seat belts (lap and shoulder belts) at those positions, on the entertainer-type motorcoaches it manufactures. The exemptions do not apply to forward-facing designated seating positions on the petitioners' vehicles. Under FMVSS No. 208, the forward-facing seating positions must have Type 2 seat belts.

NHTSA believes that granting the petitioners' exemption renewal requests is consistent with the public interest. The exemption will enable the applicants to sell buses whose overall level of safety is at least equal to that of non-exempted vehicles. Much of the petitioners' analysis for why granting its petition is in the public interest relies on NHTSA's own analysis in the rulemaking mandating Type 2 seat belts in side-facing seats. Chief among that analysis is the fact that NHTSA stated that it did not have enough data available at the time to demonstrate that the Type 2 seat belt for side-facing seats was more than of limited value. This may change with future research, but since it has not yet, NHTSA agrees that granting this petition is in the public interest.

Granting these petitions is also consistent with the Safety Act. The requested exemptions will not impact general motor vehicle safety because the exempted buses will provide overall safety at least equal to that of nonexempted buses. Further, the petitioners produce a small number of affected vehicles annually. The petitioners did not specify exactly how many buses they would manufacture under the exemption, but several commenters, including the American Bus Association (ABA), have noted that fewer than 100 entertainer-type

²² 89 FR 54958.

²³ 75 FR 50958 at pages 50971–72 (August 18, 2010).

²⁴ 78 FR 7041 at pages 70447–48.

motorcoaches with side-facing seats are manufactured annually. Thus, NHTSA concludes that the petitioners will annually manufacture very few vehicles relative to the 2,500 per manufacturer limit set forth in the Safety Act. Further, as explained below, in accordance with 49 CFR 555.9 and § 30113(h) of the Safety Act, prospective purchasers will also be notified of the exemption prior to making their purchasing decisions. The vehicles must have a label notifying prospective purchasers that the vehicles are exempted from the shoulder belt requirement of FMVSS No. 208 for side-facing seats. NHTSA believes that this combination of factors reinforce that this grant notice is consistent with the Safety Act.

VIII. Labeling

Under 49 CFR 555.9(b), a manufacturer of an exempted vehicle must securely affix to the windshield or side window of each exempted vehicle a label containing a statement that the vehicle meets all applicable FMVSSs in effect on the date of manufacture “except for Standard Nos. [Listing the standards by number and title for which an exemption has been granted] exempted pursuant to NHTSA Exemption No. ____.” This label notifies prospective purchasers about the exemption and its subject. Under § 555.9(c)(2), this information must also be included on the vehicle’s certification label.²⁵

The text of § 555.9 does not expressly indicate how the required statement on the two labels should read in situations in which an exemption covers part, but not all, of an FMVSS. In this case, NHTSA believes that a blanket statement that the vehicle has been exempted from Standard No. 208, without an indication that the exemption is limited to the shoulder belt on side-facing seats, could be confusing. A purchaser might incorrectly believe that the vehicle has been exempted from all FMVSS No. 208 requirements. For this reason, NHTSA believes the two labels should read in relevant part, “except for the shoulder belt requirement for side-facing seats (Standard No. 208, Occupant Crash Protection), exempted pursuant to NHTSA Exemption No. § ____.”

²⁵ 49 CFR 555.9(c)(2) refers to § 567.5(c)(7)(iii) as the regulation setting forth the certification statement final-stage manufacturers are to use in their certification labels. That reference to § 567.5(c)(7)(iii) is outdated; it should be to § 567.5(d)(2)(v)(A). The certification label requirements for final-stage manufacturers formerly were in § 567(c)(7)(iii) but the requirements were moved to § 567.5(d)(2)(v)(A) (see 70 FR 7433 (Feb. 14, 2005)).

IX. Grant of Petitions

In accordance with 49 U.S.C. 30113(b)(3)(B)(iv), the applicants are granted two-year renewals of their NHTSA Temporary Exemptions, as follows: EX 21–01 (All Access Coach Leasing LLC), 21–02 (Amadas Coach), 21–03 (Creative Mobile Interiors), 21–04 (D&S Classic Coach Inc.), 21–05 (Farber Specialty Vehicles), 21–06 (Florida Coach, Inc.), 21–07 (Geomarc, Inc.), 21–08 (Integrity Interiors LLC), 21–09 (Encore Luxury Coach Leasing, Inc., formerly known as Nitetrain Coach Company, Inc.), 21–10 (Pioneer Coach Interiors LLC), 21–11 (Roberts Brothers Coach Company), 21–12 (Russell Coachworks LLC), and 21–13 (Ultra Coach Inc.), from the shoulder belt requirement of 49 CFR 571.208 for side-facing seats on its motorcoaches. The exemptions shall remain effective until June 1, 2026.

Authority: 49 U.S.C. 30113; delegation of authority at 49 CFR 1.95 and 501.5.

Peter Simshauser,
Chief Counsel.

[FR Doc. 2025–13571 Filed 7–17–25; 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; Submission for OMB Review; Interagency Appraisal Complaint Form

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 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 the respondent is 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, “Interagency Appraisal Complaint Form.” The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: Comments must be received by August 18, 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: 1557–0314, 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) 293–4835.

Instructions: You must include “OCC” as the agency name and “1557–0314” 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.

Written comments and recommendations for the proposed information collection should also be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. You can find this information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

You may review comments and other related materials that pertain to this information collection following the close of the 30-day comment period for this notice by the method set forth in the next bullet.

- **Viewing Comments Electronically:** Go to www.reginfo.gov. Hover over the “Information Collection Review” tab and click on “Information Collection Review” from the drop-down menu. From the “Currently under Review” drop-down menu, select “Department of Treasury” and then click “submit.” This information collection can be located by searching OMB control number “1557–0314” or “Interagency Appraisal Complaint Form.” 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. The OCC asks the OMB to extend its approval of the collection in this notice.

Title: Interagency Appraisal Complaint Form.

OMB Control No.: 1557–0314.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Description: Section 1473(p) of the Dodd-Frank Wall Street Reform and Consumer Protection Act¹ provides that if the Appraisal Subcommittee (ASC) of the Federal Financial Institutions Examination Council (FFIEC) determines, six months after enactment of that section (*i.e.*, January 21, 2011), that no national hotline exists to receive complaints of non-compliance with appraisal independence standards and Uniform Standards of Professional Appraisal Practice (USPAP), then the ASC shall establish and operate such a hotline (ASC Hotline). The ASC Hotline shall include a toll-free telephone number and an email address. Section 1473(p) further directs the ASC to refer complaints received through the ASC Hotline to the appropriate government bodies for further action, which may include referrals to OCC, the Federal Reserve Board (Board), the Federal Deposit Insurance Corporation (FDIC), the National Credit Union Administration (NCUA), the Bureau of Consumer Financial Protection (CFPB), and state agencies. The ASC determined that a national appraisal hotline did not exist at a meeting held on January 12, 2011, and a notice of that determination was published in the **Federal Register** on January 28, 2011, (76 FR 5161). As a result, the ASC established a hotline to refer complaints to appropriate state and Federal regulators.

Representatives from the OCC, the Board, the FDIC, the NCUA (Agencies), and the CFPB met and established a process to facilitate the referral of complaints received through the ASC Hotline to the appropriate Federal financial institution regulatory agency or agencies. The Agencies developed the Interagency Appraisal Complaint Form to collect information necessary to take further action on the complaint. The CFPB incorporated the process into one of their existing systems.

The Interagency Appraisal Complaint Form was developed for use by those who wish to file a formal, written complaint that an entity subject to the jurisdiction of one or more of the Agencies has failed to comply with the appraisal independence standards or USPAP. The Interagency Appraisal Complaint Form is designed to collect information necessary for the Agencies to take further action on a complaint from an appraiser, other individual, financial institution, or other entities. The Agencies use the information to take further action on the complaint to the extent the complaint relates to an issue within their jurisdiction.

Estimated Frequency of Response: On occasion.

Estimated Number of Respondents: 65.

Estimated Burden per Response: 0.5 hours.

Estimated Total Annual Burden: 32.5 hours.

Comments: On May 14, 2025, the OCC published a 60-day notice for this information collection, (90 FR 20550). No comments were received.

Comments continue to be 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. 2025–13526 Filed 7–17–25; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0043]

Agency Information Collection Activity Under OMB Review: Application Request To Add and/or Remove Dependents

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden, and it includes the actual data collection instrument.

DATES: Comments and recommendations for the proposed information collection should be sent by August 18, 2025.

ADDRESSES: To submit comments and recommendations for the proposed information collection, please type the following link into your browser: www.reginfo.gov/public/do/PRAMain, select "Currently under Review—Open for Public Comments", then search the list for the information collection by Title or "OMB Control No. 2900–0043."

FOR FURTHER INFORMATION CONTACT: VA PRA information: Dorothy Glasgow, 202–461–1084, VAPRA@va.gov.

SUPPLEMENTARY INFORMATION:

Title: Application Request to Add and/or Remove Dependents (VA Form 21–686c).

OMB Control Number: 2900–0043. <https://www.reginfo.gov/public/do/PRASearch>.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 21–686c is used to gather the necessary information to determine eligibility for additional benefits for dependents. Without this information, entitlement to these benefits could not be determined.

No changes have been made to this form. The respondent burden has increased due to the estimated number of receivables averaged over the past year.

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

¹ Dodd-Frank Wall Street Reform and Consumer Protection Act section 1473, Public Law 111–203, 124 Stat. 1376, July 21, 2010; 12 U.S.C. 3351(i).

control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at: 90 FR 20216, May 12, 2025.

Affected Public: Individuals or Households.

Estimated Annual Burden: 267,769 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 535,538 per year.

Authority: 44 U.S.C. 3501 *et seq.*

Dorothy Glasgow,
Acting, VA PRA Clearance Officer, Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.
[FR Doc. 2025–13503 Filed 7–17–25; 8:45 am]
BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Veterans’ Advisory Committee on Rehabilitation, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. Ch. 10, that a meeting for the Veterans’ Advisory Committee on Rehabilitation (hereinafter the Committee) will be held virtually on Tuesday and Wednesday, August 26–27, 2025. The meeting will begin at 11:00 a.m. EST and adjourn at 3:30 p.m. EST on both days. The meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the rehabilitation needs of Veterans with disabilities and the administration of VA’s rehabilitation programs.

On August 26–27, 2025, the Committee will receive briefings on various VA programs designed to enhance the rehabilitative potential of Veterans with disabilities. In addition,

the Committee will discuss and explore potential recommendations to be included in the next annual report.

Members of the public may attend virtually using the following Microsoft Teams link by computer or mobile app at https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZmQ4NDMwMzktODc1NC00NmRiLTlhYjMtYTA0ODhjM2JjZDg0%40thread.v2/0?context=%7b%22Tid%22%3a%22e95f1b23-abaf-45ee-821d-b7ab251ab3bf%22%2c%22Oid%22%3a%22fe5d9e91-e299-4a08-bad7-e86176037a15%22%7d The Meeting ID: 255 610 714 349 5 and Passcode: W2r7qK34. You can also join by phone: 1–872–701–0185. Phone Conference ID: 110 964 502#.

As time is limited, individuals wishing to make public comments can contact VARACGWVI@va.gov in advance to reserve time during the public comment period or submit written comments (max. 2 pages).

Members of the public may submit written statements (max. 2 pages) until Friday, August 22, 2025, for the Committee’s review to Ms. Latrese Thompson, Designated Federal Officer, Veterans Benefits Administration (28), 1800 G Street NW, Washington, DC 20006, or at VACOR.VBACO@va.gov. In the communication, writers must identify themselves and state the organization, association, or person(s) they represent. The meeting will also include time reserved for public comments before the meeting closes. Each public comment speaker will be held to a 3–5-minute limit, or as time permits. Individuals wishing to seek additional information should contact Ms. Latrese Thompson, Designated Federal Officer, at VACOR.VBACO@va.gov.

Dated: July 16, 2025.

LaTonya L. Small,
Federal Advisory Committee Management Officer.
[FR Doc. 2025–13540 Filed 7–17–25; 8:45 am]
BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Cost of Living Adjustments for Service-Connected Benefits

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: As required by the Veterans’ Compensation Cost-of-Living Adjustment Act of 2024, Public Law 118–130, the Department of Veterans Affairs (VA) is hereby giving notice of adjustments in certain benefit rates. These adjustments affect the compensation program.

DATES: These adjustments became effective on December 1, 2024, the date provided by Public Law 118–130.

FOR FURTHER INFORMATION CONTACT: Claire Starke, Veterans Benefits Administration, (202) 461–9700.

SUPPLEMENTARY INFORMATION:

As required, section 2 of Public Law 118–130 provides for an increase in each of the rates in 38 U.S.C. 1114, 1115(1), and 1162. VA is required to increase these benefit rates by the same percentage as increases in the benefit amounts payable under title II of the Social Security Act. The increased rates are required to be published in the **Federal Register**.

The Social Security Administration has announced that there will be a 2.5% cost-of-living increase in Social Security benefits for 2025. Therefore, applying the same percentage, the following rates for VA’s compensation program became effective on December 1, 2024:

Disability evaluation percent	Monthly rate
Disability Compensation [38 U.S.C. 1114]	
10	\$175.51
20	346.95
30	537.42
40	774.16
50	1102.04
60	1395.93
70	1759.19
80	2044.89
90	2297.96
100	3831.30
(38 U.S.C. 1114(k) through (t)):	
38 U.S.C. 1114(k)	\$136.06
38 U.S.C. 1114(l)	4767.34
38 U.S.C. 1114(m)	5261.24
38 U.S.C. 1114(n)	5985.06
38 U.S.C. 1114(o)	6689.81

Disability evaluation percent	Monthly rate
38 U.S.C. 1114(p)	6689.81
38 U.S.C. 1114(r)	2869.41; 4274.85
38 U.S.C. 1114(s)	4288.45
38 U.S.C. 1114(t)	4274.85
Additional Compensation for Dependents [38 U.S.C. 1115(1)]	
38 U.S.C. 1115(1):	
38 U.S.C. 1115(1)(A)	\$213.61
38 U.S.C. 1115(1)(B)	370.05; 106.14
38 U.S.C. 1115(1)(C)	142.85; 106.14
38 U.S.C. 1115(1)(D)	171.44
38 U.S.C. 1115(1)(E)	409.53
38 U.S.C. 1115(1)(F)	342.85
Clothing Allowance [38 U.S.C. 1162] \$1024.50 per year	

Signing Authority

The Secretary of Veterans Affairs approved this document on July 10, 2025, and authorized its submission to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Taylor N. Mattson,

*Alternate Federal Register Liaison Officer,
Department of Veterans Affairs.*

[FR Doc. 2025–13484 Filed 7–17–25; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS**Health Systems Research Scientific Merit Review Board; Federal Register Notice of Meeting**

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. 10, that a meeting of the Health Systems Research (HSR) Scientific Merit Review Board will be held August 27, 2025, from 12–1:30 p.m. EST, via WebEx. The meeting will be partially closed to the public, with an open portion from 12–12:15 p.m. The closed portion, from 12:15–1:30 p.m., will be used for scientific review and discussion, examination of, and reference to the research applications. Discussions will involve staff and consultant critiques of research proposals. Discussions will

also cover the scientific merit of each proposal and the qualifications of the personnel conducting the studies, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Additionally, premature disclosure of research information could significantly obstruct implementation of proposed agency action regarding the research proposals. As provided by Public Law 92–463 subsection 10(d), and amended by Public Law 94–409, closing the committee meeting is in accordance with Title 5 U.S.C. 552b(c) (6) and (9)(B).

The objective of the Board is to provide for the fair and equitable selection of the most meritorious research projects for support by VA research funds and to offer advice for research program officials on program priorities and policies. The ultimate objective of the Board is to ensure through recommendations the high quality and mission relevance of VA's legislatively mandated Health Systems Research Program.

Board members will advise the Deputy Chief Research and Development Officer for Investigators, Scientific Review, and Management (ISRM), and the Acting Chief Research and Development Officer on the scientific and technical merit, mission relevance, and protection of human subjects of the proposals submitted to HSR. The Board does not consider

grants, contracts, or other forms of extramural research.

Members of the public may attend the open portion of the meeting from 12–12:15 p.m. EST via WebEx (in listen-only mode, as the time limited agenda does not allow for public comment or presentations). To attend the open portion of the meeting, the public may dial the WebEx phone number (1–833–558–0712) and enter the meeting access code (2826 915 6913).

Written comments from members of the public should be sent to Tiffin Ross-Shepard, Designated Federal Officer, HSR, U.S. Department of Veterans Affairs (14RDH), 810 Vermont Avenue NW, Washington, DC 20420, or to Tiffin.Ross-Shepard@va.gov at least five days before the meeting. The written public comments will be shared with the Board members. The public may not attend the closed portion of the meeting, as disclosure of research information could significantly obstruct implementation of proposed agency action regarding the research proposals (per Pub. L. 92–463 subsection 10(d) and amended by Pub. L. 94–409, closing the meeting is in accordance with Title 5 U.S.C. 552b(c) (6) and (9)(B).

Dated: July 16, 2025.

LaTonya L. Small,

Federal Advisory Committee Management Officer.

[FR Doc. 2025–13527 Filed 7–17–25; 8:45 am]

BILLING CODE 8320–01–P



FEDERAL REGISTER

Vol. 90

Friday,

No. 136

July 18, 2025

Part II

Department of the Treasury

Office of the Comptroller of the Currency

12 CFR Parts 24, 25, and 35

Federal Reserve System

12 CFR Parts 207 and 228

Federal Deposit Insurance Corporation

12 CFR Parts 345 and 346

Community Reinvestment Act Regulations; Proposed Rule

DEPARTMENT OF THE TREASURY**Office of the Comptroller of the Currency****12 CFR Parts 24, 25, and 35**

[Docket ID OCC–2025–0005]

RIN 1557–AF30

FEDERAL RESERVE SYSTEM**12 CFR Parts 207 and 228****Regulation BB**

[Docket No. R–1869]

RIN 7100–AG95

FEDERAL DEPOSIT INSURANCE CORPORATION**12 CFR Parts 345 and 346**

RIN 3064–AG13

Community Reinvestment Act Regulations

AGENCY: The Office of the Comptroller of the Currency, Treasury; the Board of Governors of the Federal Reserve System; and the Federal Deposit Insurance Corporation.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of the Comptroller of the Currency (OCC), the Board of Governors of the Federal Reserve System (Board), and the Federal Deposit Insurance Corporation (FDIC) (collectively, the agencies) propose to amend their Community Reinvestment Act (CRA) regulations by rescinding the final rule titled “Community Reinvestment Act” published in the *Federal Register* on February 1, 2024, and replacing it with the agencies’ CRA regulations in effect on March 29, 2024, with certain conforming and technical amendments. The agencies are also proposing technical amendments to their regulations implementing the CRA sunshine requirements of the Federal Deposit Insurance Act, and the OCC is proposing technical amendments to its Public Welfare Investments regulation.

DATES: Comments must be received on or before August 18, 2025.

ADDRESSES: Comments should be directed to the agencies as follows:

OCC: Commenters are encouraged to submit comments through the Federal eRulemaking Portal. Please use the title “Community Reinvestment Act Regulations” to facilitate the organization and distribution of the comments. You may submit comments by any of the following methods:

- *Federal eRulemaking Portal—Regulations.gov:* Go to <https://regulations.gov>. Enter “Docket ID OCC–2025–0005” in the Search Box and click “Search.” Public comments can be submitted via the “Comment” box below the displayed document information or by clicking on the document title and then clicking the “Comment” box on the top-left side of the screen. For help with submitting effective comments please click on “Commenter’s Checklist.” For assistance with the *Regulations.gov* site, please call (877) 378–5457 (toll free) or (703) 454–9859 Monday–Friday, 9 a.m.–5 p.m. EST or email regulations@erulemakinghelpdesk.com.

- *Mail:* Chief Counsel’s Office, Attention: Comment Processing, Office of the Comptroller of the Currency, 400 7th Street SW, suite 3E–218, Washington, DC 20219.

- *Hand Delivery/Courier:* 400 7th Street SW, suite 3E–218, Washington, DC 20219.

Instructions: You must include “OCC” as the agency name and “Docket ID OCC–2025–0005” in your comment. In general, the OCC will enter all comments received into the docket and publish the comments on the *Regulations.gov* website 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.

You may review comments and other related materials that pertain to this action by the following method:

- *Viewing Comments Electronically—Regulations.gov:* Go to <https://regulations.gov>. Enter “Docket ID OCC–2025–0005” in the Search Box and click “Search.” Click on the “Documents” tab and then the document’s title. After clicking the document’s title, click the “Browse Comments” tab. Comments can be viewed and filtered by clicking on the “Sort By” drop-down on the right side of the screen or the “Refine Results” options on the left side of the screen. Supporting materials can be viewed by clicking on the “Documents” tab and filtered by clicking on the “Sort By” drop-down on the right side of the screen or the “Refine Documents Results” options on the left side of the screen.” For assistance with the *Regulations.gov* site, please call (877) 378–5457 (toll free) or (703) 454–9859

Monday–Friday, 9 a.m.–5 p.m. EST or email regulations@erulemakinghelpdesk.com.

The docket may be viewed after the close of the comment period in the same manner as during the comment period.

Board: You may submit comments, identified by Docket No. R–1869 and RIN 7100–AG95, by any of the following methods:

- *Agency Website:* <https://www.federalreserve.gov/apps/proposals/>. Follow the instructions for submitting comments, including attachments. *Preferred Method.*

- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

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

- *Other Means:* publiccomments@frb.gov. You must include the docket number in the subject line of the message.

Comments received are subject to public disclosure. In general, comments received will be made available on the Board’s website at <https://www.federalreserve.gov/apps/proposals/> without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would be not appropriate for public disclosure. Public comments may also be viewed electronically or in person in Room M–4365A, 2001 C St. NW, Washington, DC 20551, between 9 a.m. and 5 p.m. during Federal business weekdays.

FDIC: You may submit comments, identified by RIN 3064–AG13, by any of the following methods:

- *Agency Website:* <https://www.fdic.gov/resources/regulations/federal-register-publications>. Follow instructions for submitting comments on the agency website.

- *Email:* comments@fdic.gov. Include RIN 3064–AG13 on the subject line of the message.

- *Mail:* Jennifer M. Jones, Deputy Executive Secretary, Attention: Comments RIN 3064–AG13, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

- *Hand Delivery/Courier:* Comments may be hand delivered to the guard station at the rear of the 550 17th Street NW building (located on F Street NW) on business days between 7 a.m. and 5 p.m.

Public Inspection: Comments received, including any personal

information provided, may be posted without change to <https://www.fdic.gov/resources/regulations/federal-register-publications>. Commenters should submit only information that the commenter wishes to make available publicly. The FDIC may review, redact, or refrain from posting all or any portion of any comment that it may deem to be inappropriate for publication, such as irrelevant or obscene material. The FDIC may post only a single representative example of identical or substantially identical comments, and in such cases will generally identify the number of identical or substantially identical comments represented by the posted example. All comments that have been redacted, as well as those that have not been posted, that contain comments on the merits of the notice will be retained in the public comment file and will be considered as required under all applicable laws. All comments may be accessible under the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT:

OCC: Heidi Thomas, Senior Counsel, or Emily Boyes, Counsel, Chief Counsel's Office, (202) 649-5490; Onjil T. McEachin, Director for CRA and Fair Lending Policy, Office of the Chief National Bank Examiner, (202) 649-5470; or Chandni G. Ohri, Director for Community Development, Office of Community and Industry Relations, (202) 649-6420, 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.

Board: Amal Patel, Senior Counsel, Jaydee DiGiovanni, Counsel, and Taz George, Manager, Division of Consumer and Community Affairs; Cody Gaffney, Counsel, Legal Division; at (202) 452-3000. For users of text telephone systems (TTY) or any TTY-based Telecommunications Relay Services, please call 711 from any telephone, anywhere in the United States.

FDIC: Cassandra Duhaney, Counsel, Legal Division, cduhaney@fdic.gov; Alys V. Brown, Senior Attorney, Legal Division, alybrown@fdic.gov; Patience R. Singleton, Senior Policy Analyst, Supervisory Policy Branch, Division of Depositor and Consumer Protection, psingleton@fdic.gov; Kristopher M. Rengert, Senior Policy Analyst, Supervisory Policy Branch, Division of Depositor and Consumer Protection, krengert@fdic.gov, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

I. Introduction

The agencies are proposing to rescind the CRA final rule issued on October 24, 2023, and published in the **Federal Register** on February 1, 2024,¹ as subsequently amended² (2023 CRA Final Rule). The agencies also are proposing to replace the 2023 CRA Final Rule with regulations adopted by the agencies and the former Office of Thrift Supervision (OTS) on May 4, 1995,³ as amended,⁴ and as published in the Electronic Code of Federal Regulations (eCFR) as of March 29, 2024 (1995 CRA regulations), with conforming amendments to the agencies' definition of "small bank" and technical amendments to the OCC's definition of "small bank" and transition provisions. The agencies are also proposing technical amendments to their regulations implementing the CRA sunshine requirements of the Federal Deposit Insurance Act, and the OCC is proposing technical amendments to its Public Welfare Investments regulation. If adopted, the proposal would restore certainty in the CRA framework for stakeholders and limit regulatory burden on banks,⁵ while ensuring that banks continue to focus on the purpose of the CRA.

As explained in greater detail below, banks currently operate under the framework of the 1995 CRA regulations. Therefore, the agencies anticipate that transition considerations associated with the proposed recodification of the 1995 CRA regulations would be *de minimis*. The agencies believe the recodification of the 1995 CRA regulations would best achieve the agencies' objectives at this time, as discussed below.

II. Background

The CRA

Congress enacted the CRA⁶ in 1977 based on its findings that: "(1) regulated

financial institutions are required by law to demonstrate that their deposit facilities serve the convenience and needs of the communities in which they are chartered to do business; (2) the convenience and needs of communities include the need for credit services as well as deposit services; and (3) regulated financial institutions have continuing and affirmative obligation[s] to help meet the credit needs of the local communities in which they are chartered."⁷ Accordingly, the purpose of the CRA is to require the agencies to encourage regulated financial institutions⁸ "to help meet the credit needs of the local communities in which they are chartered consistent with the safe and sound operation of the institutions."⁹

To achieve this purpose, the CRA requires the agencies to "assess [an] institution's record of meeting the credit needs of its entire community, including low- and moderate-income neighborhoods, consistent with the safe and sound operation of such institution."¹⁰ Upon completing this assessment, the statute requires the agencies to "prepare a written evaluation of the institution's record of meeting the credit needs of its entire community, including low- and moderate-income neighborhoods."¹¹ The statute further provides that each agency must "take such record into account in its evaluation of an application for a deposit facility by such institution."¹²

The Agencies' Regulatory Framework

The CRA directs the agencies to publish regulations to carry out the purposes of the CRA.¹³ In general, the agencies' CRA regulations, first promulgated in 1978, establish the standards under which the agencies evaluate banks' CRA performance.¹⁴ The agencies' 1995 CRA regulations

⁷ 12 U.S.C. 2901(a).

⁸ The CRA defines "regulated financial institution," to mean an insured depository institution as defined in 12 U.S.C. 1813(c)(2). See 12 U.S.C. 2902(2).

⁹ 12 U.S.C. 2901(b).

¹⁰ 12 U.S.C. 2903(a)(1).

¹¹ 12 U.S.C. 2906(a).

¹² 12 U.S.C. 2903(a)(2).

¹³ 12 U.S.C. 2905. Pursuant to Title III of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111-203, 124 Stat. 1376, 1522 (2010), the OTS's CRA rulemaking authority for all savings associations transferred to the OCC and the OTS's CRA supervisory authority for State savings associations transferred to the FDIC. As a result, the OCC's CRA regulation applies to both State and Federal savings associations, in addition to national banks, and the FDIC enforces the OCC's CRA regulation with respect to State savings associations.

¹⁴ 43 FR 47144 (Oct. 12, 1978).

¹ 89 FR 6574 (Feb. 1, 2024).

² 89 FR 22060 (Mar. 29, 2024).

³ 60 FR 22156 (May 4, 1995). The OCC reissued its 1995 CRA regulation, as amended, with non-substantive changes on December 15, 2021. See 86 FR 71328. For purposes of this **SUPPLEMENTARY INFORMATION**, reference to the 1995 CRA regulations includes the OCC's 2021 CRA final rule.

⁴ See e.g., 70 FR 44256 (Aug. 2, 2005); 75 FR 61035 (Oct. 4, 2010); 82 FR 55734 (Nov. 24, 2017).

⁵ For purposes of this **SUPPLEMENTARY INFORMATION**, the term "bank" includes insured national banks, Federal and State savings associations, and certain Federal branches of foreign banks as defined in proposed 12 CFR 25.11; insured State nonmember banks and certain insured State branches of foreign banks as defined in 12 CFR 345.11; and State member banks and certain uninsured State branches of foreign banks, as defined in 12 CFR 228.11).

⁶ Public Law 95-128, 91 Stat. 1147 (1977) (codified at 12 U.S.C. 2901 *et seq.* (as amended)).

significantly revised and clarified the 1978 regulations.¹⁵ Periodically, the agencies have jointly updated and revised the 1995 CRA regulations with minimal significant alterations to the overall regulatory framework.¹⁶ The OCC issued a separate CRA final rule in May 2020, but rescinded it in December 2021.¹⁷

The 2023 CRA Final Rule

On May 5, 2022, the agencies issued a joint notice of proposed rulemaking to modernize their regulations implementing the CRA.¹⁸ After considering public comments received, the agencies issued the 2023 CRA Final Rule on October 24, 2023.

Under the 2023 CRA Final Rule, as fully implemented:¹⁹

- Large banks (institutions with assets of at least \$2 billion as of December 31 in both of the prior two calendar years) would be subject to four performance tests: the Retail Lending Test; the Retail Services and Products Test; the Community Development Financing Test; and the Community Development Services Test.

- Intermediate banks (institutions with assets of at least \$600 million as of December 31 in both of the prior two calendar years and less than \$2 billion as of December 31 in either of the prior two calendar years) would be subject to two performance tests: the Retail Lending Test and the Intermediate Bank Community Development Test.

- Small banks (institutions with assets less than \$600 million as of December 31 in either of the prior two calendar years) would be subject to the Small Bank Lending Test.

- Limited purpose banks (institutions that do not extend closed-end home mortgage loans, small business loans, small farm loans, or automobile loans to customers, except on an incidental and accommodation basis) would be subject to the Community Development Financing Test for Limited Purpose Banks.

- Generally, banks operating under an approved strategic plan would be

subject to the same performance tests they would have been subject to in the absence of a plan; the plan itself could include additions or modifications to tailor the applicable performance tests to the bank's business model.

- The agencies would continue to evaluate banks' performance in the areas surrounding their main office, branches, or deposit-taking remote service facilities (*i.e.*, facility-based assessment areas). In addition, the agencies would evaluate the retail lending performance of certain large banks in areas outside their facility-based assessment areas where they have concentrations of retail loans (*i.e.*, retail lending assessment areas) and the retail lending performance of large banks and certain intermediate and small banks in the nationwide area outside their facility-based assessment areas and retail lending assessment areas (*i.e.*, outside retail lending areas). Further, the agencies would consider community development loans, community development investments, and community development services both inside and outside of a bank's facility-based assessment areas.

- Large banks would be required to collect, maintain, and report certain data to enable evaluation under the applicable performance tests.

- With respect to community development:

- The rule specified in detail the categories of bank activities that would qualify for CRA consideration as a community development loan, community development investment, or community development service;

- The agencies would provide an illustrative, non-exhaustive list of examples of loans, investments, and services that qualify for community development consideration and a process for banks to inquire whether a particular loan, investment, or service is eligible for consideration; and

- The agencies would consider impact and responsiveness factors when evaluating a bank's community development loans, community development investments, and community development services.

As adopted, the 2023 CRA Final Rule would have become effective on April 1, 2024; however, most substantive provisions of the rule would not have become applicable until January 1, 2026, or January 1, 2027. During this transition period, the 2023 CRA Final Rule specified that the 1995 CRA regulations, as reproduced in Appendix G of the 2023 CRA Final Rule, would remain applicable.

On March 21, 2024, the agencies issued a supplemental rule to the 2023

CRA Final Rule.²⁰ The supplemental rule extended the applicability dates of the facility-based assessment area and public file provisions of the 2023 CRA Final Rule from April 1, 2024, to January 1, 2026. The supplemental rule also included some technical, non-substantive amendments to the 2023 CRA Final Rule and related regulations and corrected a citation to the OCC's CRA regulation.

Several plaintiffs jointly filed suit against the agencies in the U.S. District Court for the Northern District of Texas challenging aspects of the 2023 CRA Final Rule on February 5, 2024,²¹ and subsequently requested a preliminary injunction on February 9, 2024.²² On March 29, 2024, the district court granted plaintiffs' request and enjoined the agencies from enforcing the 2023 CRA Final Rule against the plaintiffs, pending resolution of the litigation. The district court's order also extended the 2023 CRA Final Rule's effective date of April 1, 2024, along with all other implementation dates, day for day for each day the injunction remains in place.²³

On April 18, 2024, the agencies appealed the district court's preliminary injunction to the U.S. Court of Appeals for the Fifth Circuit.²⁴ However, on March 28, 2025, during the pendency of the appeal, the agencies made an unopposed motion to stay the appeal pending completion of a new rulemaking that would propose rescinding the enjoined 2023 CRA Final Rule and reinstating the CRA framework that existed prior to the 2023 CRA Final Rule.²⁵ The agencies publicly announced this intention the same day.²⁶ On April 1, 2025, the Fifth

²⁰ See *supra* note 2.

²¹ Complaint, *Tex. Bankers Ass'n v. Office of the Comptroller of the Currency*, No. 2:24-cv-00025-Z (N.D. Tex. Feb. 5, 2024), ECF No. 4.

²² Plaintiffs' Motion for a Preliminary Injunction, *Tex. Bankers Ass'n v. Office of the Comptroller of the Currency*, No. 2:24-cv-00025-Z (N.D. Tex. Feb. 9, 2024), ECF No. 19.

²³ *Tex. Bankers Ass'n v. Office of the Comptroller of the Currency*, 728 F. Supp. 3d 412 (N.D. Tex. 2024).

²⁴ Defendants' Notice of Appeal, *Tex. Bankers Ass'n v. Office of the Comptroller of the Currency*, No. 2:24-cv-00025-Z (N.D. Tex. Apr. 18, 2024), ECF No. 79.

²⁵ Defendants-Appellants' Unopposed Motion to Stay Pending Completion of New Rulemaking Proceedings, *Tex. Bankers Ass'n v. Bd. of Governors of the Fed. Reserve Sys.*, No. 24-10367 (5th Cir. Mar. 28, 2025), ECF No. 165.

²⁶ See OCC, "Agencies Announce Intent to Rescind 2023 Community Reinvestment Act Final Rule" (Mar. 28, 2025), <https://www.occ.treas.gov/news-issuances/news-releases/2025/nr-ia-2025-26.html>; Board, "Agencies Announce Intent to Rescind 2023 Community Reinvestment Act Final Rule" (Mar. 28, 2025), <https://www.federalreserve.gov/newsevents/pressreleases/bcreg20250328a.htm>; FDIC, "Agencies Announce

¹⁵ See *supra* note 3.

¹⁶ For a complete discussion of the agencies' actions with respect to amending their CRA regulations, see the **SUPPLEMENTARY INFORMATION** section of the 2023 CRA Final Rule, 89 FR at 6580.

¹⁷ On May 20, 2020, the OCC issued a final rule to revise and update its CRA regulation. 85 FR 34734 (June 5, 2020). On December 15, 2021, the OCC published a subsequent final rule that rescinded its 2020 CRA regulation and replaced it with a CRA regulation based on those that the agencies jointly issued in 1995, as amended. See *supra* note 3.

¹⁸ 87 FR 33884 (June 3, 2022).

¹⁹ For a complete overview of the 2023 CRA Final Rule, see the **SUPPLEMENTARY INFORMATION** section of the rule, 89 FR at 6574-6579.

Circuit granted the agencies' motion.²⁷ In light of this preliminary injunction, the agencies are not supervising for, or applying, any provisions of the 2023 CRA Final Rule.

III. Proposed Rescission of 2023 CRA Final Rule

The agencies' reconsideration of the 2023 CRA Final Rule is precipitated primarily by the uncertainty created by the pending litigation.²⁸ Specifically, since the injunction was entered, the agencies have observed confusion and inconsistent understandings among stakeholders regarding the status of the CRA regulatory and supervisory landscape.

Accordingly, the agencies have reconsidered the status of the CRA regulatory framework with two major objectives in mind: (1) restoring certainty in the CRA regulatory framework for stakeholders; and (2) limiting regulatory burden on banks. Further, the agencies took into account that any changes to the proposed CRA regulatory framework must continue to focus on the CRA's purpose—encouraging banks to help meet the credit needs of the local communities in which they are chartered consistent with the safe and sound operation of the banks. The agencies' assessment of these objectives, as well as additional considerations that informed the agencies' reconsideration of the CRA regulatory framework, are discussed below.

Agency Objectives

Restoring Certainty. The agencies believe that returning to the regulatory framework established by the 1995 CRA regulations is the most effective way to provide certainty regarding the applicable CRA requirements. Since the issuance of the preliminary injunction enjoining the 2023 CRA Final Rule, the agencies' observations are that not all stakeholders understand whether they should prepare to comply with the 2023 CRA Final Rule or even which regulatory framework is currently applicable. Proceeding with the litigation, particularly given its early stage, would maintain these uncertain circumstances for an indefinite period

and would therefore be inconsistent with the objective of restoring certainty in the CRA regulatory framework.

The agencies also understand that despite the fact that the 2023 CRA Final Rule is now enjoined and might not go into effect, banks might be devoting resources toward preparing for the 2023 CRA Final Rule that could otherwise be allocated toward helping to meet the credit needs of banks' communities. Returning to the 1995 CRA regulations at this time, in the agencies' view, would confirm for banks that they do not need to allocate resources for this purpose. Thus, this approach could better facilitate the purpose of the CRA—encouraging banks to meet the credit needs of the local communities in which they are chartered consistent with the safe and sound operation of those banks.

The agencies' view that returning to the framework established by the 1995 CRA regulations would best restore certainty is also informed by the circumstances preceding the litigation. The agencies have individually and collectively engaged in several iterations of information gatherings and CRA rulemaking processes since 2018 aimed at modernizing the CRA framework and increasing the clarity and consistency of CRA evaluations. These efforts have resulted in a shifting CRA regulatory landscape, in particular, for national banks and savings associations.²⁹ This regulatory environment may have affected the planning, development, and management of banks' CRA programs, which can require multi-year strategies to align qualifying activities with CRA performance evaluation periods. Continuing the litigation would prolong the period during which banks will need to consider impending changes in the regulatory framework while managing their CRA programs. Further, if the litigation continues, banks may need to anticipate and plan for potential contingencies in which all or a part of the 2023 CRA Final Rule could eventually become applicable. In light of this context, the agencies believe that returning to the 1995 CRA regulations at this time would restore much needed certainty for banks and other stakeholders.

Limiting Regulatory Burden. When issuing the 2023 CRA Final Rule, the agencies sought to balance the increased regulatory burden imposed by the revised framework with benefits associated with the agencies' policy objectives for updating the CRA framework. The agencies also recognized that a subset of banks would

have additional regulatory requirements under the 2023 CRA Final Rule relative to the 1995 CRA regulations.

Furthermore, all banks would have incurred near-term costs associated with reviewing the 2023 CRA Final Rule to ensure that their policies; procedures; and data collection, maintenance, and reporting processes would be compliant.

In contrast, because banks are currently subject to and examined under the 1995 CRA regulations, the agencies expect that any new regulatory burden associated with recodifying those regulations will be *de minimis*. Further, the 1995 CRA regulations represent an established regulatory framework that is familiar to CRA stakeholders.³⁰ Therefore, although the agencies' reasons for modernizing the CRA framework remain valid, the agencies believe that replacing the 2023 CRA Final Rule with the 1995 CRA regulations would better limit overall regulatory burden on banks at this time given the totality of the circumstances.

For all the foregoing reasons, the agencies believe that the need to restore certainty and limit regulatory burden supports the decision to propose rescission of the 2023 CRA Final Rule and recodify the 1995 CRA regulations. Further, the agencies believe that recodifying the 1995 CRA regulations will continue to support the purpose of the CRA.

Additional Agency Considerations

The following considerations also informed the agencies' review of the CRA regulatory framework and the proposal to return to the 1995 CRA regulations.

Change in Policy. The agencies acknowledge that rescinding the 2023 CRA Final Rule would represent a change in policy. However, the agencies note that many of the provisions in the 2023 CRA Final Rule were included in, or substantially based on, the 1995 CRA regulations or reflected existing agency supervisory policies. With respect to those provisions of the 2023 CRA Final Rule, the proposal therefore does not reflect a significant change in policy. These provisions include: many aspects of the regulatory definitions; facility-

Intent to Rescind 2023 Community Reinvestment Act Final Rule" (Mar. 28, 2025), <https://www.fdic.gov/news/press-releases/2025/agencies-announce-intent-rescind-2023-community-reinvestment-act-final>.

²⁷ Order, *Tex. Bankers Ass'n v. Bd. of Governors of the Fed. Reserve Sys.*, No. 24–10367 (5th Cir. Apr. 1, 2025), ECF No. 174.

²⁸ The agencies also note that a change in agency priorities at the FDIC and OCC has taken place since the agencies adopted the 2023 CRA Final Rule.

²⁹ See *supra* note 17.

³⁰ See, e.g., Laurie Goodman, *et al.*, "Under the Current CRA Rules, Banks Earn Most of Their CRA Credit through Community Development and Single-Family Mortgage Lending," Urban Institute (July 9, 2020), <https://www.urban.org/urban-wire/under-current-cra-rules-banks-earn-most-their-cra-credit-through-community-development-and-single-family-mortgage-lending>; Daniel Ringo, Board, "Revitalize or Stabilize? Does Community Development Financing Work?," Finance and Economics Discussion Series 2020–029 (Apr. 2020), <https://www.federalreserve.gov/econres/feds/files/2020029pap.pdf>.

based assessment areas; the Small Bank Performance Test; the Intermediate Bank Community Development Test; the effect of CRA performance on applications; the public file requirements; the public notice requirements; and some data collection, maintenance, and reporting requirements. Moreover, rescinding the 2023 CRA Final Rule and recodifying the 1995 CRA regulations would not, in practice, result in a change for banks because the agencies are currently applying the 1995 CRA regulations to banks.

Further, the agencies believe that any reliance interests vested in the 2023 CRA Final Rule are as yet *de minimis* because the rule was enjoined prior to its effective and applicability dates. Put simply, the 2023 CRA Final Rule has never applied to any bank.

Transition Issues. The agencies believe that transition considerations associated with implementing the proposal would likewise be *de minimis*. The agencies currently evaluate bank CRA performance under the 1995 CRA regulations because the 2023 CRA Final Rule never took effect. Therefore, the agencies expect that a recodification of the 1995 CRA regulations will have a negligible transitional impact on all CRA stakeholders.

Alternatives Considered

Although there are potential alternatives to rescinding the 2023 CRA Final Rule and returning to the 1995 CRA regulations, the agencies believe that these alternatives do not best meet the agencies' objectives in reconsidering the CRA framework at this time.

One alternative the agencies considered was maintaining the 2023 CRA Final Rule. However, the agencies believe that this alternative would be unviable. As discussed above, maintaining the 2023 CRA Final Rule would potentially require continuing with protracted litigation, thereby extending the current uncertainty related to the applicable CRA regulatory framework. Ultimately, that litigation could result in changes to or a voiding of the 2023 CRA Final Rule, imposing further uncertainty over an extended period. As also discussed above, the agencies believe that maintaining the 2023 CRA Final Rule could result in banks expending resources to implement the rule without knowing whether all or part of the rule would survive the legal challenge.

Another alternative the agencies considered was proposing to replace the 2023 CRA Final Rule with a new CRA framework that is materially different from the framework contained in the

2023 CRA Final Rule. However, proposing to establish a materially revised framework would involve undertaking an extensive regulatory process, which would not be consistent with the agencies' objective of restoring certainty in the near term. The agencies believe that recodifying the 1995 CRA regulations at this time would provide a more predictable environment and best position stakeholders to manage any possible future regulatory developments.

Lastly, the agencies reviewed the option of proposing targeted amendments to the 2023 CRA Final Rule. However, the agencies considered that, because the 2023 CRA Final Rule is structured in a comprehensive, layered format with interdependent provisions, removing only certain provisions would be incompatible with the operational structure of the rule. For example, proposing to remove the retail lending assessment area provision would also require the agencies to propose related changes to provisions concerning: the Retail Lending Test overall; outside retail lending areas; affiliate lending; strategic plans; public file requirements; appendix A of the 2023 CRA Final Rule (Calculations for the Retail Lending Test); the manner in which conclusions and ratings are calculated for all applicable performance tests under appendices C and D; and data collection, maintenance, and reporting requirements.

Furthermore, by proposing to amend the 2023 CRA Final Rule instead of rescinding it and replacing it with the 1995 CRA regulations, an established CRA framework, the agencies would be embarking upon a potentially lengthy period of rulemaking-related activities, thereby continuing the uncertainty for CRA stakeholders. Therefore, the agencies do not believe that it is feasible to amend the 2023 CRA Final Rule in a way that meets the agencies' objectives of restoring certainty.

Accordingly, the agencies believe that rescinding the entire 2023 CRA Final Rule and recodifying the 1995 CRA regulations is the best approach at this time to accomplish the agencies' objectives of restoring certainty and limiting regulatory burden while meeting the purpose of the CRA—encouraging banks to help meet the credit needs of the local communities in which they are chartered consistent with the safe and sound operation of those banks.

IV. Description of the Proposed Rule

The proposal would recodify the 1995 CRA regulations currently applicable to

banks, as published in the eCFR as of March 29, 2024, with updated asset-size thresholds for the definition of “small bank” to reflect the agencies' inflation adjustments for 2025.³¹ (As described elsewhere in this **SUPPLEMENTARY INFORMATION**, the OCC's proposed regulatory text also includes technical amendments to its definition of “small bank” and its transition provisions.) As such, the proposal includes the provisions described below.

Standards for Assessing Performance

The proposal provides the following different methods to evaluate a bank's CRA performance depending on bank asset size and business strategy:

- Small banks that are not intermediate small banks—defined as banks with assets of less than \$402 million as of December 31 of either of the prior two calendar years—would be evaluated under a lending test and may receive an “Outstanding” rating based only on their retail lending performance. Qualified investments, services, and delivery systems that enhance credit availability in a bank's assessment areas may be considered for an “Outstanding” rating, but only if the bank meets or exceeds the lending test criteria in the small bank performance standards.
- Intermediate small banks—defined as small banks with assets of at least \$402 million as of December 31 of both of the prior two calendar years and less than \$1.609 billion as of December 31 of either of the prior two calendar years—would be evaluated under the lending test for small banks and a community development test. The intermediate small bank community development test would evaluate all community development activities combined.
- Large banks—those banks with assets of at least \$1.609 billion as of December 31 of both of the prior two calendar years—would be evaluated under separate lending, investment, and service tests. The lending and service tests would consider both retail and community development activities, and the investment test would focus on qualified investments. To facilitate the agencies' CRA analysis, large banks would be required to report annually certain data on community development loans, small business loans, and small

³¹ The agencies annually adjust the CRA asset-size thresholds based on the annual percentage change in a measure of the Consumer Price Index. The bank asset-size thresholds set forth in this proposed rule are accurate through December 31, 2025. See 89 FR 106480 (Dec. 30, 2024) (Board and FDIC); OCC Bulletin 2024–36 (Dec. 23, 2024), <https://www.occ.treas.gov/news-issuances/bulletins/2024/bulletin-2024-36.html> (OCC).

farm loans. Small banks and intermediate small banks would not be required to report these data unless they opt into being evaluated under the large bank lending tests.

- Designated wholesale banks (those engaged in only incidental retail lending) and limited purposes banks (those offering a narrow product line to a regional or broader market) would be evaluated under a standalone community development test.

- Banks of any size could elect to be evaluated under a strategic plan that sets out measurable, annual goals for lending, investment, and service activities to achieve a “Satisfactory” or an “Outstanding” rating. A strategic plan would need to be developed with community input and approved by the appropriate Federal financial supervisory agency.

The proposal provides that the agencies could also consider applicable performance context information to develop their analyses and conclusions when conducting CRA examinations.³² Performance context would comprise a broad range of economic, demographic, and bank- and community-specific information that examiners review to calibrate a bank’s CRA evaluation to its communities. Consistent with the statute, the proposed regulations would not require banks to make loans or investments or to provide services that are inconsistent with safe and sound operations.³³

Assigned Ratings

In general, the agencies would assign banks’ CRA ratings under the applicable performance tests and standards (e.g., for large banks, the lending, investment, and service tests).³⁴ The evaluation of a bank’s CRA performance would be adversely affected by evidence of discriminatory or other illegal credit practices.³⁵

Assessment Areas

The proposal would require a bank to delineate one or more assessment areas in which the bank’s record of meeting its CRA obligations is evaluated. Specifically, the proposed regulatory text would require a bank to delineate assessment areas generally consisting of (1) one or more metropolitan statistical areas (MSAs) or metropolitan divisions or (2) one or more contiguous political subdivisions³⁶ in which the bank has its

main office, branches, and, as applicable, deposit-taking automated teller machines (ATMs)³⁷ or remote service facilities (RSFs),³⁸ as well as the surrounding geographies³⁹ (i.e., census tracts) in which the bank has originated or purchased a substantial portion of its loans (including home mortgage loans, small business loans, small farm loans, and any other loans the bank chooses, such as consumer loans, on which the bank elects to have its performance assessed).⁴⁰

Qualifying Activities

The proposal, along with the *Interagency Questions and Answers Regarding Community Reinvestment*, provide detailed information, including applicable definitions and descriptions, regarding activities that are eligible for CRA consideration in the evaluation of a bank’s CRA performance. Banks that are evaluated under a performance test that includes a review of their retail activities would be assessed in connection with retail lending activity (e.g., home mortgage loans, small business loans, small farm loans, and consumer loans)⁴¹ and, where applicable, retail banking service activities (e.g., the current distribution of a bank’s branches in geographies of different income levels, and the availability and effectiveness of the bank’s alternative systems for delivering banking services to low- and moderate-income geographies and individuals).⁴²

Banks evaluated under a performance test that includes a review of their community development activities would be assessed with respect to community development lending, qualified investments, and community development services, which must have a primary purpose of community development.⁴³

Other Provisions

The proposal also includes the following provisions:

- The agencies would be required to consider the effect of a bank’s CRA performance on certain banking applications.⁴⁴ In connection with a

Regarding Community Reinvestment, 81 FR 48506 (July 25, 2016).

³⁷ See proposed 12 CFR 25.41(c)(2) (OCC); proposed 12 CFR 228.41(c)(2) (Board).

³⁸ See proposed 12 CFR 345.41(c)(2) (FDIC).

³⁹ See proposed 12 CFR __.41.

⁴⁰ See proposed 12 CFR __.41.

⁴¹ See proposed 12 CFR __.12(j), (l), (v), and (w).

⁴² See generally proposed 12 CFR __.21 through __.27; see also proposed 12 CFR __.24(d).

⁴³ See proposed 12 CFR __.12(g), (h), (i), and (t); see also proposed 12 CFR __.21 through __.27.

⁴⁴ See proposed 12 CFR __.29. The covered applications are aligned with the definition of

banking application, interested parties could submit comments regarding the bank’s CRA performance. Furthermore, a bank’s CRA performance could be the basis for denying or conditioning approval of such applications.

- A bank would be required to collect, maintain, and report certain data to enable agencies to evaluate its CRA performance.⁴⁵ Small banks and intermediate small banks would generally be exempt from these requirements.

- A bank would be required to maintain certain information related to CRA performance in its public file.⁴⁶ The proposed public file provision specifies what information must be included, where information in the public file must be made available for public inspection, and the provision of copies.

- A bank would be required to maintain the proposed public notice contained in appendix B in the public lobby of its main office and in each of its branches.⁴⁷

- As required by the CRA,⁴⁸ a bank could receive positive CRA consideration for low-cost education loans provided to low-income borrowers and activities in cooperation with minority- or women-owned financial institutions and low-income credit unions.⁴⁹

- The agencies would be required to publish a schedule of planned CRA examinations.⁵⁰

OCC Provisions

As in the OCC’s 1995 CRA regulation, the proposal includes provisions that apply only to the OCC. Specifically, the proposed OCC regulation includes two transition provisions that have been applicable since January 1, 2022, the effective date of the OCC’s 2021 CRA final rule, with technical corrections. First, in assessing a bank’s performance, the OCC would consider any investment, loan, or service that is eligible for CRA consideration at the time the bank conducted the activity.⁵¹ Second, a strategic plan in effect as of December 31, 2021, would remain in effect, except that provisions of the plan that are not consistent with the OCC’s CRA regulation in effect as of January 1, 2022, are void, unless amended. These transition provisions are necessary

“application for a deposit facility” found in 12 U.S.C. 2902(3).

⁴⁵ See proposed 12 CFR __.42.

⁴⁶ See proposed 12 CFR __.43.

⁴⁷ See proposed 12 CFR __.44.

⁴⁸ 12 U.S.C. 2903(b) and (d).

⁴⁹ See proposed 12 CFR __.21(e) and (f).

⁵⁰ See proposed 12 CFR __.45.

⁵¹ See proposed 12 CFR __.51.

³² See proposed 12 CFR __.21(b).

³³ See proposed 12 CFR __.21(d).

³⁴ See proposed 12 CFR __.28(a) and (b).

³⁵ See proposed 12 CFR __.28(c).

³⁶ Political subdivisions include cities, counties, towns, townships, and Indian reservations. See § __.41(c)(1)—1, *Interagency Questions and Answers*

because the OCC had adopted and then rescinded the final rule it issued in 2020. In both these provisions, the OCC proposes a technical amendment to apply them to savings associations as well as national banks. This change would correct a drafting error in the OCC's 2021 CRA final rule.⁵²

In addition, the proposal includes subpart E, Prohibition Against Use of Interstate Branches Primarily for Deposit Production. This subpart implements section 109 of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994, 12 U.S.C. 1835a, which only applies to certain national banks and Federal branches of a foreign bank. Subpart E redesignates but does not amend subpart F of the 2023 CRA Final Rule. The Board and the FDIC include these provisions in separate regulations.⁵³

V. Other Proposed Amendments

CRA Sunshine Regulations

The agencies are proposing conforming changes to their regulations implementing the CRA sunshine requirements of the Federal Deposit Insurance Act⁵⁴ (CRA Sunshine Regulations).⁵⁵ The CRA Sunshine Regulations currently cross-reference to the agencies' CRA regulations in appendix G of the 2023 CRA Final Rule. The proposed amendments would remove all references to appendix G so that the CRA Sunshine Regulations would instead cross-reference to the proposed recodification of each agency's respective 1995 CRA regulation.

OCC Amendments

The OCC is proposing several clarifying amendments and a technical correction to the definition of "small bank" in 12 CFR 25.12(u). First, the OCC proposes to clarify that the dollar amounts included in the definition would only apply for calendar year 2025. Second, the OCC proposes to indicate that the annual adjustments to the thresholds included in the definition are published on the OCC's website. Since 2020, the OCC has announced the new asset-size thresholds for this definition each year by publication of an OCC Bulletin on OCC.gov and does not amend § 25.12(u) with the new thresholds. Together, these proposed amendments would ensure that stakeholders are informed that the asset-size thresholds in the

definition are not current for years other than 2025 and direct stakeholders to where they can obtain the current thresholds. The OCC intends for these amendments to provide additional clarity and transparency. Third, the OCC is proposing to remove "appropriate Federal banking agency" in the definition so that the provision provides that only the OCC updates this asset-size threshold annually. Part 25 defines "appropriate Federal banking agency" to be the OCC and the FDIC. However, only the OCC updates the asset-size thresholds in the "small bank" definition of part 25.

In addition, the OCC is proposing conforming amendments to its Public Welfare Investment regulation, 12 CFR part 24. Part 24 currently refers to the OCC's CRA regulation, 12 CFR part 25, as appendix G of the 2023 CRA Final Rule. The proposed amendment would remove all references to appendix G so that part 24 would instead cross-reference to the proposed recodification of the OCC's 1995 CRA regulation.⁵⁶

VI. Request for Comments

The agencies request feedback on all aspects of the proposed rule.⁵⁷

VII. Regulatory Analysis

Regulatory Flexibility Act

OCC. The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (RFA), requires an agency to consider the impact of its proposed rules on small entities. In connection with a proposed rule, the RFA generally requires an agency to prepare an Initial Regulatory Flexibility Analysis (IRFA) describing the impact of the rule on small entities, unless the head of the agency certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities and publishes such certification along with a statement providing the factual basis for such certification in the **Federal Register**. An IRFA must contain: (1) a description of the reasons why action by the agency is

being considered; (2) a succinct statement of the objectives of, and legal basis for, the proposed rule; (3) a description of and, where feasible, an estimate of the number of small entities to which the proposed rule will apply; (4) a description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities that will be subject to the requirements and the type of professional skills necessary for preparation of the report or record; (5) an identification, to the extent practicable, of all relevant Federal rules that may duplicate, overlap with, or conflict with the proposed rule; and (6) a description of any significant alternatives to the proposed rule that accomplish its stated objectives.

The OCC currently supervises 1,030 institutions (commercial banks, trust companies, Federal savings associations, and branches or agencies of foreign banks),⁵⁸ of which approximately 609 are small entities under the RFA.⁵⁹

Because of the preliminary injunction enjoining the 2023 CRA Final Rule, the OCC used the 1995 CRA regulations as the baseline in its RFA analysis. Using this baseline, the OCC estimates the cost of the proposal to be *de minimis* because the proposed rule would return to the 1995 regulation, which is currently applicable to banks. Therefore, the OCC certifies that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities. Accordingly, an initial Regulatory Flexibility Analysis is not required.

Board. The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (RFA), requires an agency to consider whether the rules it proposes will have a significant economic impact on a substantial number of small entities. In connection with a proposed rule, the RFA generally requires an agency to prepare an Initial

⁵⁸ Based on data accessed using the OCC's Financial Institutions Data Retrieval System on May 8, 2025.

⁵⁹ The OCC bases its estimate of the number of small entities on the Small Business Administration's size thresholds for commercial banks and savings institutions, and trust companies, which are \$850 million and \$47 million, respectively. Consistent with the General Principles of Affiliation, 13 CFR 121.103(a), the OCC counted the assets of affiliated financial institutions when determining if it should classify an OCC-supervised institution as a small entity. The OCC used average quarterly assets in 2024 to determine size because a "financial institution's assets are determined by averaging the assets reported on its four quarterly financial statements for the preceding year." See footnote 8 of the U.S. Small Business Administration's *Table of Size Standards*.

⁵² See *supra* note 3.

⁵³ See 12 CFR 208.7 (Board); 12 CFR part 369 (FDIC).

⁵⁴ Codified at 12 U.S.C. 1831y.

⁵⁵ 12 CFR parts 35 (OCC); 12 CFR 207 (Regulation G) (Board); and 12 CFR 346 (FDIC).

⁵⁶ The Board's public welfare investment regulation does not cite to its CRA regulation and thus does not need to be amended. See 12 CFR 208.22. The FDIC does not have public welfare investment regulations.

⁵⁷ The agencies note that they are currently engaged in the review of all their regulations under the Economic Growth and Regulatory Paperwork Reduction Act (EGRPRA), 12 U.S.C. 3311, which, in general, requires the agencies to conduct a review of their regulations not less frequently than once every 10 years to identify outdated or otherwise unnecessary regulatory requirements imposed on banks. As part of this review, the agencies are requesting comment on their CRA regulations. See: <https://egrp.ra.ffiec.gov/federal-register-notice/fedreg-index.html>. The agencies generally expect to consider any EGRPRA comments received on their CRA regulations separately from this rulemaking.

Regulatory Flexibility Analysis (IRFA) describing the impact of the rule on small entities, unless the head of the agency certifies that the proposal will not have a significant economic impact on a substantial number of small entities and publishes such certification along with a statement providing the factual basis for such certification in the **Federal Register**. An IRFA must contain (i) a description of the reasons why action by the agency is being considered; (ii) a succinct statement of the objectives of, and legal basis for, the proposal; (iii) a description of, and, where feasible, an estimate of the number of small entities to which the proposal will apply; (iv) a description of the projected reporting, recordkeeping, and other compliance requirements of the proposal, including an estimate of the classes of small entities that will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; (v) an identification, to the extent practicable, of all relevant Federal rules that may duplicate, overlap with, or conflict with the proposal; and (vi) a description of any significant alternatives to the proposal that accomplish its stated objectives and minimize any significant economic impact of the proposal on small entities.

The Board is providing an IRFA with respect to the proposal. The Board invites comment on all aspects of this IRFA.

1. Reasons Action Is Being Considered

The Board proposes to rescind the 2023 CRA Final Rule and replace it with the 1995 CRA regulations, with conforming amendments to the definition of “small bank.” Together with the other agencies, the Board believes that the proposal would restore certainty in the CRA framework for stakeholders and limit regulatory burden on banks, while ensuring that banks continue to focus on the purpose of the CRA. As described above, banks currently operate under the framework of the 1995 regulations.

2. Objectives of and Legal Basis for the Proposal

Section 806 of the CRA (12 U.S.C. 2905) requires the Board to publish regulations to carry out the purposes of the CRA.

The Board’s and the other agencies’ reconsideration of the 2023 CRA Final Rule is precipitated primarily by the uncertainty created by the pending litigation. Accordingly, the agencies have reconsidered the status of the CRA regulatory framework with two major objectives in mind: (1) restoring

certainty in the CRA regulatory framework for stakeholders; and (2) limiting regulatory burden on banks. Further, the agencies took into account that any changes to the proposed CRA regulatory framework must continue to focus on the CRA’s purpose—encouraging banks to help meet the credit needs of the local communities in which they are chartered consistent with the safe and sound operation of the banks. The agencies’ assessment of these objectives, as well as additional considerations that informed the agencies’ reconsideration of the CRA regulatory framework, are discussed in section III of this **SUPPLEMENTARY INFORMATION**.

3. Description and Estimate of the Number of Small Entities

Board-supervised institutions that would be subject to the proposed rule are State member banks (as defined in section 3(d)(2) of the Federal Deposit Insurance Act) and uninsured State branches of foreign banks (other than limited branches) resulting from certain acquisitions under the International Banking Act. Banks that do not perform commercial or retail banking services by granting credit to the public in the ordinary course of business would not be subject to the proposal.

The Board generally uses the industry-specific size standards adopted by the SBA for purposes of estimating the number of small entities to which a proposal would apply.⁶⁰ The SBA has adopted size standards that provide that depository institutions with average assets of less than \$850 million over the preceding year (based on the institution’s four quarterly financial statements) are considered small entities.⁶¹ The Board estimates that approximately 446 Board-supervised small entities would be subject to the proposed rule.⁶²

4. Description of Compliance Requirements

The proposal would recodify the 1995 CRA regulations currently applicable to banks, with updated asset-size thresholds for the definition of “small bank” to reflect the agencies’ inflation

adjustments for 2025. In general, the CRA framework establishes the performance tests and standards that the Board uses to assess a bank’s CRA performance and adopts related requirements (including reporting, recordkeeping, disclosure, and other compliance requirements) to facilitate CRA evaluations. A fuller description of the proposal, including reporting, recordkeeping, disclosure, and other compliance requirements, is provided in sections IV and VII (Paperwork Reduction Act) of this **SUPPLEMENTARY INFORMATION**.

5. Duplicative, Overlapping, and Conflicting Rules

The Board is not aware of any federal rules that may duplicate, overlap with, or conflict with the proposal.

6. Significant Alternatives Considered

As an alternative to the proposal, the Board (together with the other agencies) considered maintaining the 2023 CRA Final Rule, proposing to replace the 2023 CRA Final Rule with a new CRA framework that is materially different from the framework contained in the 2023 CRA rule, and proposing targeted amendments to the 2023 CRA Final Rule. The agencies’ analysis of each of these alternatives is discussed in section III of this **SUPPLEMENTARY INFORMATION**.

FDIC. The RFA generally requires an agency, in connection with a proposed rule, to prepare and make available for public comment an initial regulatory flexibility analysis that describes the impact of the proposed rule on small entities.⁶³ However, an IRFA is not required if the agency certifies that the proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The Small Business Administration (SBA) has defined “small entities” to include banking organizations with total assets of less than or equal to \$850 million.⁶⁴ Generally, the FDIC considers a significant economic impact to be a quantified effect in excess of 5 percent of total annual salaries and benefits or

⁶³ 5 U.S.C. 601 *et seq.*

⁶⁴ The SBA defines a small banking organization as having \$850 million or less in assets, where an organization’s “assets are determined by averaging the assets reported on its four quarterly financial statements for the preceding year.” See 13 CFR 121.201 (as amended by 87 FR 69118, effective December 19, 2022). In its determination, the “SBA counts the receipts, employees, or other measure of size of the concern whose size is at issue and all of its domestic and foreign affiliates.” See 13 CFR 121.103. Following these regulations, the FDIC uses an insured depository institution’s affiliated and acquired assets, averaged over the preceding four quarters, to determine whether the insured depository institution is “small” for the purposes of RFA.

⁶⁰ See 13 CFR 121.201. Consistent with the SBA’s General Principles of Affiliation, the Board generally includes the assets of all domestic and foreign affiliates toward the applicable size threshold when determining whether to classify a particular entity as a small entity. See 13 CFR 121.103.

⁶¹ See 13 CFR 121.201 (sectors 522110–522180).

⁶² The Board’s estimate is based on total assets reported on Forms FR Y–9 (Consolidated Financial Statements for Holding Companies) and FFIEC 041 (Consolidated Reports of Condition and Income) for 2024.

2.5 percent of total noninterest expenses. The FDIC believes that effects in excess of one or more of these thresholds typically represent significant economic impacts for FDIC-supervised institutions. The FDIC believes that the proposed rule is unlikely to have a significant impact on a substantial number of small entities. The FDIC's rationale for its determination is discussed below.

As of December 31, 2024, there are 2,854 FDIC-supervised IDIs, of which 2,122 are "small entities" under the RFA.⁶⁵ Of these, 2,116 are subject to the CRA and covered by the proposal. As discussed in the **SUPPLEMENTARY INFORMATION**, the proposal would return the CRA examination framework to the framework in place prior to the adoption of the 2023 CRA Final Rule. The 2023 CRA Final Rule was enjoined by court order on March 29, 2024, therefore it never went into effect and small entities have instead been subject to the CRA framework in the proposed rule. Thus, if the proposal is adopted, small entities would experience no change in their CRA examination framework. Therefore, the FDIC certifies that the proposed rule will not have a significant impact on a substantial number of small entities.

The FDIC invites comments on all aspects of the supporting information provided in this RFA section. The FDIC is particularly interested in comments on any significant effects on small entities that the agency has not identified.

OCC Unfunded Mandates Reform Act

The OCC has analyzed the proposed rule under the factors in the Unfunded Mandates Reform Act of 1995 (UMRA).⁶⁶ Under this analysis, the OCC considered whether the proposed rule includes a 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 in any one year (\$187 million as adjusted annually for inflation). Pursuant to section 202 of the UMRA,⁶⁷ if a proposed rule meets this UMRA threshold, the OCC would need to prepare a written statement that includes, among other things, a cost-benefit analysis of the proposal.

Because the 2023 CRA Final Rule did not take effect, the OCC used the 1995 CRA regulations as the baseline in its UMRA analysis. Using this baseline, the OCC estimates the cost of the proposal to be *de minimis* because the proposed

rule would return to the 1995 regulation, which is currently applicable to banks. Therefore, the OCC concludes that the proposed rule would not result in an expenditure of \$187 million or more annually by state, local, and tribal governments, or by the private sector, and thus would not meet the UMRA threshold. Accordingly, the OCC has not prepared the written statement described in UMRA.

Riegle Community Development and Regulatory Improvement Act of 1994

Pursuant to section 302(a) of the Riegle Community Development and Regulatory Improvement Act of 1994, 12 U.S.C. 4802(a), in determining the effective date and administrative compliance requirements for new regulations that impose additional reporting, disclosure, or other requirements on insured depository institutions, the agencies will consider, consistent with principles of safety and soundness and the public interest: (1) any administrative burdens that the proposed rule would place on depository institutions and customers of depository institutions; and (2) the benefits of the proposed rule. The agencies request comment on any administrative burdens that the proposed rule would place on depository institutions, including small depository institutions, and their customers, and the benefits of the proposed rule that the agencies should consider in determining the effective date and administrative compliance requirements for a final rule.

Executive Orders 12866 and 14192

Executive Order 12866, as amended, provides that the Office of Information and Regulatory Affairs (OIRA) will review all "significant regulatory actions" as defined therein. OIRA has determined that this proposal is not a "significant regulatory action" for purposes of Executive Order 12866. The proposal, if finalized as proposed, is not expected to be an Executive Order 14192 regulatory action.

Plain Language

Section 722 of the Gramm-Leach-Bliley Act requires the agencies to use plain language in all proposed and final rules published after January 1, 2000. The agencies invite comment on how to make this proposed rule easier to understand.

For example:

- Have the agencies organized the material to inform your needs? If not, how could the agencies present the proposed rule more clearly?

- Are the requirements in the proposed rule clearly stated? If not, how could the proposal be more clearly stated?

- Does the proposed regulation contain technical language or jargon that is not clear? If so, which language requires clarification?

- Would a different format (grouping and order of sections, use of headings, paragraphing) make the proposed regulation easier to understand? If so, what changes would achieve that?

- Is this section format adequate? If not, which of the sections should be changed and how?

- What other changes can the agencies incorporate to make the proposed regulation easier to understand?

Paperwork Reduction Act

Certain provisions of the proposed rule contain "collections of information" within the meaning of the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501 through 3521. In accordance with the requirements of the PRA, the agencies may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid OMB control number. The information collections contained in the proposed rule have been submitted to OMB for review and approval by the OCC and the FDIC under section 3507(d) of the PRA, 44 U.S.C. 3507(d), and § 1320.11 of OMB's implementing regulations, 5 CFR part 1320. The Board reviewed the proposed rule under the authority delegated to the Board by OMB. The agencies are proposing to extend for three years, with revision, these information collections.

Title of Information Collection: OCC, Community Reinvestment Act; Board, Reporting, Recordkeeping, and Disclosure Requirements Associated with Regulation BB; FDIC, Community Reinvestment Act.

OMB Control Numbers: OCC 1557–0160; Board 7100–0197; FDIC 3064–0092.

Frequency of Response: On occasion.
Affected Public: Businesses or other for-profits.

Respondents:

OCC: National banks, Federal savings associations, Federal branches and agencies.

FDIC: All insured state nonmember banks, insured state-licensed branches of foreign banks, insured state savings associations, and bank service providers.

Board: All state member banks (as defined in 12 CFR 208.2(g)), bank holding companies (as defined in 12

⁶⁵ FDIC Call Report Data, December 31, 2024.

⁶⁶ 2 U.S.C. 1531 *et seq.*

⁶⁷ 2 U.S.C. 1532.

U.S.C. 1841), savings and loan holding companies (as defined in 12 U.S.C. 1467a), foreign banking organizations (as defined in 12 CFR 211.21(o)), foreign banks that do not operate an insured branch, state branch or state agency of a foreign bank (as defined in 12 U.S.C. 3101(11) and (12)), Edge or agreement corporations (as defined in 12 CFR 211.1(c)(2) and (3)), and bank service providers.

The information collection requirements in the proposed rule are as follows:

Reporting Requirements

§ __.25(b)—Request for designation as a wholesale or a limited purpose bank. The appropriate Federal banking agency would assess a wholesale or a limited purpose bank record of helping to meet the credit needs of its assessment area(s) under the community development test for wholesale or limited purpose banks through its community development lending, qualified investments, or community development services.⁶⁸ In order to receive a designation as a wholesale or limited purpose bank, a bank would be required to file a request, in writing, with the appropriate Federal banking agency at least three months prior to the proposed effective date of the designation.⁶⁹

§ __.27—Strategic plan. A bank could elect to be assessed under a strategic plan if the bank has submitted the plan to the appropriate Federal banking agency as provided for in proposed § __.27, the appropriate Federal banking agency has approved the plan, the plan is in effect, and the bank has been operating under an approved plan for at least one year.⁷⁰ The appropriate Federal banking agency's approval of a plan would not affect the bank's obligation, if any, to comply with the data reporting requirements under proposed § __.42.⁷¹ The plan could have a term of no more than five years and any multiyear plan would be required to include annual interim measurable goals; a bank with more than one assessment area could prepare a single plan for all of its assessment areas or one or more plans for one or more of its assessment areas; and affiliated institutions could prepare a joint plan if the plan provides measurable goals for each institution.⁷² Before submitting a plan to the appropriate Federal banking agency or amending a plan during its term, a bank would be required to seek

suggestions from members of the public in its assessment area(s), formally solicit public comment for at least 30 days, and during the period of formal public comment make copies of the plan available for public review at its offices in assessment areas covered by the plan at no cost and by mail for a reasonable cost.⁷³ The bank would be required to submit its plan to the appropriate Federal banking agency at least three months prior to the proposed effective date of the plan and also submit with its plan a description of its informal efforts to seek suggestions from members of the public, any written public comment received, and, if the plan was revised in light of the comment received, the initial plan as released for public comment.⁷⁴ A strategic plan would be required to include measurable goals for helping meet the credit needs of each assessment area covered by the plan, addressing lending, investment, and service activities, as appropriate.⁷⁵ A bank could submit additional information to the appropriate Federal banking agency on a confidential basis, but the goals stated in the plan would be required to be sufficiently specific to enable the public and the appropriate Federal banking agency to judge the merits of the plan.⁷⁶ A plan would be required to specify goals that constitute "Satisfactory" performance and could specify goals that constitute "Outstanding" performance.⁷⁷ If a bank fails to meet substantially its own goals for "Satisfactory" performance, the bank could elect in its plan to be evaluated under the applicable performance test(s) specified in the regulation.⁷⁸ The appropriate Federal banking agency would act upon a plan within 60 calendar days after the agency receives the complete plan and other material that would be required under proposed § __.27(e).⁷⁹ During the term of a plan, a bank could request the appropriate Federal banking agency to approve an amendment to the plan on grounds that there has been a material change in circumstances and the bank would be required to develop an amendment to a previously approved plan in accordance with the public participation requirements of proposed § __.27(d).⁸⁰ The appropriate Federal banking agency would approve the goals and assesses

performance under a plan as provided for in appendix A (Ratings).⁸¹

§ __.42(b)(1)–(3)—Loan information required to be reported. A bank, except a small bank or a bank that was a small bank during the prior calendar year, would be required to report annually by March 1 to the appropriate Federal banking agency in machine-readable form (as prescribed by the agency) the following data for the preceding calendar year.⁸²

Small business and small farm loan data. For each geography in which the bank originated or purchased a small business or a small farm loan, it would be required to report the aggregate number and amount of loans:

- with an amount at origination of \$100,000 or less;
- with an amount at origination of more than \$100,000 but less than or equal to \$250,000;
- with an amount at origination of more than \$250,000; and
- to businesses and farms with gross annual revenues of \$1 million or less (using the revenues that the bank considered in making its credit decision).⁸³

Community development loan data. The aggregate number and aggregate amount of community development loans originated or purchased in the preceding calendar year.⁸⁴

Home mortgage loans. If the bank is subject to reporting of home mortgage loan data under Regulation C, it would be required to report annually by March 1 to the appropriate Federal banking agency in machine-readable form (as prescribed by the agency) certain home mortgage loan data.⁸⁵ The paperwork burden for providing this data is associated with other clearances.⁸⁶

§ __.42(d)—Data on affiliate lending. A bank that elected to have the appropriate Federal banking agency consider loans by an affiliate, for purposes of the lending test or the community development test or an approved strategic plan, would be required to collect, maintain, and report for those loans the data that the bank would have collected, maintained, and reported pursuant to proposed § __.42(a)–(c) had the loans been originated or purchased by the bank. For home mortgage loans, the bank would also be required to be prepared to

⁸¹ Proposed 12 CFR __.27(i).

⁸² Proposed 12 CFR __.42(b).

⁸³ Proposed 12 CFR __.42(b)(1).

⁸⁴ Proposed 12 CFR __.42(b)(2).

⁸⁵ Proposed 12 CFR __.42(b)(3).

⁸⁶ See HMDA Loan/Application Register (FR HMDA LAR; OMB No. 7100–0247 (Board) and OMB No. 3170–0008 (Consumer Financial Protection Bureau [CFPB])).

⁷³ Proposed 12 CFR __.27(d) and (h).

⁷⁴ Proposed 12 CFR __.27(e).

⁷⁵ Proposed 12 CFR __.27(f)(1).

⁷⁶ Proposed 12 CFR __.27(f)(2).

⁷⁷ Proposed 12 CFR __.27(f)(3).

⁷⁸ Proposed 12 CFR __.27(f)(4).

⁷⁹ Proposed 12 CFR __.27(g).

⁸⁰ Proposed 12 CFR __.27(h).

⁶⁸ Proposed 12 CFR __.25(a).

⁶⁹ Proposed 12 CFR __.25(b).

⁷⁰ Proposed 12 CFR __.27(a)(1) and (e).

⁷¹ Proposed 12 CFR __.27(b).

⁷² Proposed 12 CFR __.27(c).

identify the home mortgage loans reported under Regulation C by the affiliate.⁸⁷

§ __.42(e)—*Data on lending by a consortium or a third party.* A bank that elects to have the appropriate Federal banking agency consider community development loans made by a consortium or a third party, for purposes of the lending test or the community development test or an approved strategic plan, must report for those loans the data that the bank would have reported under proposed § __.42(b)(2) had the loans been originated or purchased by the bank.⁸⁸

§ __.42(f)—*Small banks electing evaluation under the lending, investment, and service tests.* A bank that qualifies for evaluation under the small bank performance standards but elects evaluation under the lending, investment, and service test would be required to collect, maintain, and report the data required for other banks pursuant to proposed § __.42(a)–(b).

§§ __.41 and __.42(g)—*Assessment area delineation.* Each bank would be required to delineate one or more assessment areas within which the appropriate Federal banking agency would evaluate its record of helping to meet the credit needs of its community.⁸⁹ A bank, except a small bank or bank that was a small bank during the prior calendar year, would also be required to collect and report to the appropriate Federal banking agency by March 1 of each year a list for each assessment area showing the geographies within the area.⁹⁰ Assessment areas for wholesale or limited purpose banks would be required to consist generally of one or more MSAs or metropolitan divisions (using the MSA or metropolitan division boundaries that were in effect as of January 1 of the calendar year in which the delineation is made) or one or more contiguous political subdivisions, such as counties, cities, or towns.⁹¹ Assessment areas for a bank other than a wholesale or limited purpose bank would be required to consist generally of one or more MSAs or metropolitan divisions (using the MSA or metropolitan division boundaries that were in effect as of January 1 of the calendar year in which the delineation is made) or one or more contiguous political subdivisions, such as counties, cities, or towns.⁹² Assessment areas for

a bank other than a wholesale or limited purpose bank would also be required to include the geographies in which a bank has its main office, branches, and deposit-taking automated teller machines, as well as the surrounding geographies in which the bank has originated or purchased a substantial portion of its loans.⁹³ Each bank's assessment area would be required to consist only of whole geographies, not reflect illegal discrimination, not arbitrarily exclude low- or moderate-income geographies, taking into account the bank's size and financial condition, and not extend substantially beyond an MSA boundary or beyond a state boundary unless the assessment area is located in a multistate MSA.⁹⁴

Recordkeeping Requirements

§ __.42(a)—*Loan information required to be collected and maintained.* A bank, except a small bank, would be required to collect and maintain, in machine-readable form (as prescribed by the appropriate Federal banking agency), until the completion of its next CRA examination, the following data for each small business or small farm loan originated or purchased by the bank:

- a unique number or alphanumeric symbol used to identify the relevant loan file;
- the loan amount at origination;
- the loan location; and
- an indicator whether the loan was to a business or a farm with gross annual revenues of \$1 million or less.⁹⁵

§ __.42(c)(1)—*Optional data collection and maintenance—Consumer loans.* A bank could collect and maintain in machine-readable form (as prescribed by the appropriate Federal banking agency) data for consumer loans originated or purchased by the bank for consideration under the lending test.⁹⁶ A bank could maintain data for one or more of the following categories of consumer loans: motor vehicle; credit card; other secured; and other unsecured.⁹⁷ If the bank maintains data for loans in a certain category, it would be required to maintain data for all loans originated or purchased within that category.⁹⁸ The bank would be required to maintain data separately for each category and must include for each loan:

- a unique number or alphanumeric symbol used to identify the relevant loan file;

- the loan amount at origination or purchase;
- the loan location; and
- the gross annual income of the borrower that the bank considered in making its credit decision.⁹⁹

§ __.42(c)(2)—*Optional data collection and maintenance—Other loan data.* At its option, a bank could also provide other information concerning its lending performance, including additional loan distribution data.¹⁰⁰

Disclosure Requirements

§ __.43—*Content and availability of public file.* Banks would be required to maintain and make available to the public a file containing comments received from the public for the current year and each of the prior two calendar years that specifically relate to the bank's performance in helping to meet community credit needs, and any response to the comments by the bank, if neither the comments nor the responses contain statements that reflect adversely on the good name or reputation of any persons other than the bank or publication of which would violate specific provisions of law.¹⁰¹ The public file would also be required to contain a copy of the public section of the bank's most recent CRA performance evaluation prepared by the appropriate Federal banking agency, which the bank would be required to place in the public file within 30 days after its receipt from the agency.¹⁰² The public file would also be required to include: a list of the bank's branches, street addresses, and geographies; a list of bank branches opened or closed by the bank during the current year and each of the prior two calendar years, their street addresses, and geographies; a list of the services generally offered at the bank's branches, descriptions of material differences in the availability or cost of services at particular branches, and at the bank's option, information regarding the availability of alternative systems for delivering retail banking services; and a map of each assessment area showing the boundaries of the area and identifying the geographies contained within the area, either on the map or in a separate list.¹⁰³ The bank could include in the file any other information that it chooses.¹⁰⁴

A bank, except a small bank or bank that was a small bank during the prior

⁸⁷ Proposed 12 CFR __.42(d).

⁸⁸ Proposed 12 CFR __.42(e).

⁸⁹ Proposed 12 CFR __.41(a).

⁹⁰ Proposed 12 CFR __.42(g).

⁹¹ Proposed 12 CFR __.41(b).

⁹² Proposed 12 CFR __.41(c)(1).

⁹³ Proposed 12 CFR __.41(c)(2).

⁹⁴ Proposed 12 CFR __.41(e).

⁹⁵ Proposed 12 CFR __.42(a).

⁹⁶ Proposed 12 CFR __.42(c)(1).

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ Proposed 12 CFR __.42(c)(2).

¹⁰¹ Proposed 12 CFR __.43(a)(1).

¹⁰² Proposed 12 CFR __.43(a)(2).

¹⁰³ Proposed 12 CFR __.43(a)(3)–(6).

¹⁰⁴ Proposed 12 CFR __.43(a)(7).

calendar year, would also be required to include in the public file the following information pertaining to the bank and its affiliates, if applicable for each of the prior two calendar years.¹⁰⁵ If the bank elects to have one or more categories of its consumer loans considered under the lending test, for each of these categories, the number and amount of loans: to low-, moderate-, middle-, and upper-income individuals; located in low-, moderate-, middle-, and upper-income census tracts; and located inside the bank's assessment area(s) and outside the bank's assessment area(s).¹⁰⁶ The bank would also be required to place its CRA Disclosure Statement in the public file within three business days of its receipt from the appropriate Federal banking agency.¹⁰⁷ Banks required to report data pursuant to Regulation C would be required to include in the public file a written notice that the institution's HMDA Disclosure Statement may be obtained on the CFPB's website at www.consumerfinance.gov/hmda.¹⁰⁸ In addition, a bank that elects to have the appropriate Federal banking agency consider home mortgage lending of an affiliate would be required to include in the public file the name of the affiliate and a written notice that the affiliate's HMDA Disclosure Statement may be obtained at the CFPB's website.¹⁰⁹ The bank would also be required to place the

written notice(s) in the public file within three business days after receiving notification from the Federal Financial Institutions Examination Council of the disclosure statement(s) availability.¹¹⁰

A small bank or a bank that was a small bank during the prior calendar year would be required to include in its public file the bank's loan-to-deposit ratio for each quarter of the prior calendar year and, at its option, additional data on its loan-to-deposit ratio.¹¹¹ The bank would also be required to include in its public file the information required for other banks by proposed § __.43(b)(1), if the bank has elected to be evaluated under the lending, investment, and service tests.¹¹² A bank that has been approved to be assessed under a strategic plan would be required to include in its public file a copy of that plan but would not be required to include information submitted to the appropriate Federal banking agency on a confidential basis in conjunction with the plan.¹¹³ A bank that received a less than satisfactory rating during its most recent examination would be required to include in its public file a description of its current efforts to improve its performance in helping to meet the credit needs of its entire community and would be required to update the description quarterly.¹¹⁴

A bank would be required to make available to the public for inspection upon request and at no cost the information required in proposed § __.43 as follows.¹¹⁵ At the main office and, if an interstate bank, at one branch office in each state, all information in the public file.¹¹⁶ At each branch, a copy of the public section of the bank's most recent CRA Performance Evaluation and a list of services provided by the branch as well as, within five calendar days of the request, all the information in the public file relating to the assessment area in which the branch is located.¹¹⁷ Upon request, a bank would be required to provide copies, either on paper or in another form acceptable to the person making the request, of the information in its public file and the bank may charge a reasonable fee not to exceed the cost of copying and mailing (if applicable).¹¹⁸ Except as otherwise provided in proposed § __.43, a bank would be required to ensure that the information required by this section is current as of April 1 of each year.¹¹⁹

§ __.44—*Public notice by banks.* A bank must provide in the public lobby of its main office and in each of its branches the appropriate notice set forth in appendix B (CRA Notice) of, as applicable, 12 CFR part 25, 12 CFR part 228, or 12 CFR part 345.¹²⁰

BURDEN ESTIMATES

Source and type of burden	Description	Estimated number of respondents	Frequency of response	Average estimated time per response	Total estimated annual burden
Reporting					
§§ __.41 and __.42(g)	<i>Assessment area delineation.</i>				
	OCC	173	1	2	346
	Board	152	1	2	304
	FDIC	313	1	2	626
§ __.42(b)(1)	<i>Loan data: Small business and small farm.</i>				
	OCC	154	1	8	1,232
	Board	148	1	8	1,184
	FDIC	313	1	8	2,504
§ __.42(b)(2)	<i>Loan data: Community development.</i>				
	OCC	173	1	13	2,249
	Board	152	1	13	1,976
	FDIC	313	1	13	4,069
§ __.42(b)(3)	<i>Loan data: Home mortgage loans.</i>				
	OCC	173	1	253	43,769
	Board	140	1	253	35,420
	FDIC	349	1	253	88,297

¹⁰⁵ Proposed 12 CFR __.43(b)(1).

¹⁰⁶ Proposed 12 CFR __.43(b)(1)(i).

¹⁰⁷ Proposed 12 CFR __.43(b)(1)(ii).

¹⁰⁸ Proposed 12 CFR __.43(b)(2).

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ Proposed 12 CFR __.43(b)(3)(i).

¹¹² Proposed 12 CFR __.43(b)(3)(ii).

¹¹³ Proposed 12 CFR __.43(b)(4).

¹¹⁴ Proposed 12 CFR __.43(b)(5).

¹¹⁵ Proposed 12 CFR __.43(c).

¹¹⁶ Proposed 12 CFR __.43(c)(1).

¹¹⁷ Proposed 12 CFR __.43(c)(2).

¹¹⁸ Proposed 12 CFR __.43(d).

¹¹⁹ Proposed 12 CFR __.43(e).

¹²⁰ Proposed 12 CFR __.44.

BURDEN ESTIMATES—Continued

Source and type of burden	Description	Estimated number of respondents	Frequency of response	Average estimated time per response	Total estimated annual burden
Optional Reporting					
§ __.25(b)	<i>Request for designation as a whole-sale bank or a limited purpose bank.</i>				
	OCC	19	1	4	76
	Board	1	1	4	4
	FDIC	1	1	4	4
§ __.27	<i>Strategic plan.</i>				
	OCC	14	1	275	3,850
	Board	2	1	275	550
	FDIC	10	1	400	4,000
§ __.42(d)	<i>Data on affiliate lending data.</i>				
	OCC	25	1	38	950
	Board	5	1	38	190
	FDIC	304	1	38	11,552
§ __.42(e)	<i>Data on lending by a consortium or a third party.</i>				
	OCC	16	1	17	272
	Board	12	1	17	204
	FDIC	115	1	17	1,955
§ __.42(f)	<i>Small banks electing evaluation under the lending, investment, and service tests.</i>	Covered by ...	Burden in	§§ 25.42(a) & (b).	.....
	OCC .....	.....	.....	.....	.....
	Board .....	.....	.....	.....	.....
	FDIC .....	.....	.....	.....	.....
Recordkeeping					
§ __.42(a)	<i>Small business and small farm loan register.</i>				
	OCC	173	1	219	37,887
	Board	148	1	219	32,412
	FDIC	313	1	219	68,547
Optional Recordkeeping					
§ __.42(c)(1)	<i>Consumer loan data.</i>				
	OCC	5	1	326	1,630
	Board	36	1	326	11,736
	FDIC	10	1	326	3,260
§ __.42(c)(2)	<i>Other loan data.</i>				
	OCC	25	1	25	625
	Board	26	1	25	650
	FDIC	1	1	25	25
Disclosure					
§§ __.43 and __.44	<i>Public file and public notice.</i>				
	OCC	990	1	10	9,900
	Board	704	1	10	7,040
	FDIC	2,854	1	10	28,540
Total Estimated Annual Burden					
	OCC .....	.....	.....	.....	102,786
	Board .....	.....	.....	.....	91,670
	FDIC .....	.....	.....	.....	213,379

Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agencies, including whether the information has practical utility; (b) The accuracy of the agencies' 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.

Commenters may submit comments regarding the burden estimate, or any

other aspect of this collection of information, including suggestions for reducing the burden, to the addresses listed in the **ADDRESSES** caption in the proposed rule. All comments will become a matter of public record. A copy of the comments may also be submitted to the OMB desk officer for the agencies: By mail to U.S. Office of Management and Budget, 725 17th Street NW, #10235, Washington, DC 20503; or by email to: oira_submission@omb.eop.gov, Attention, Federal Banking Agency Desk Officer.

Providing Accountability Through Transparency Act of 2023

The Providing Accountability Through Transparency Act of 2023, 12 U.S.C. 553(b)(4), requires that a notice of proposed rulemaking include the internet address of a summary of not more than 100 words in length of a proposed rule, in plain language, that shall be posted on the internet website www.regulations.gov.

In summary, the agencies propose to amend their CRA regulations by rescinding the final rule titled “Community Reinvestment Act” published in the **Federal Register** on February 1, 2024, and replacing it with the agencies’ CRA rule in effect on March 29, 2024, with certain conforming and technical amendments. The agencies are also proposing technical amendments to their regulations implementing the CRA sunshine requirements of the Federal Deposit Insurance Act, and the OCC is proposing technical amendments to its Public Welfare Investments regulation.

The proposal and the required summary can be found for the OCC at <https://www.regulations.gov> by searching for Docket ID OCC–2025–0005; for the Board at <https://www.federalreserve.gov/apps/proposals>, and for the FDIC at <https://www.fdic.gov/resources/regulations/federal-register-publications/index.html>.

List of Subjects

12 CFR Part 24

Community development, Credit, Investments, Low and moderate income housing, Manpower, National banks, Reporting and recordkeeping requirements, Rural areas, Small businesses.

12 CFR Part 25

Community development, Credit, Investments, National banks, Reporting and recordkeeping requirements, Savings associations.

12 CFR Part 35

Community development, Credit, Freedom of information, Investments, National banks, Savings associations, Reporting and recordkeeping requirements.

12 CFR Part 207

Banks, Banking, Community development, Holding companies, Reporting and recordkeeping requirements.

12 CFR Part 228

Banks, banking, Community development, Credit, Investments, Reporting and recordkeeping requirements.

12 CFR Part 345

Banks, banking, Community development, Credit, Investments, Reporting and recordkeeping requirements.

12 CFR Part 346

Banks, banking, Savings associations.

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Chapter I

Authority and Issuance

For the reasons set forth in the common preamble and under the authority of 12 U.S.C. 93a and 2905, the Office of the Comptroller of the Currency proposes to amend chapter I of title 12, Code of Federal Regulations as follows:

PART 24—COMMUNITY AND ECONOMIC DEVELOPMENT ENTITIES, COMMUNITY DEVELOPMENT PROJECTS, AND OTHER PUBLIC WELFARE INVESTMENTS

■ 1. The authority citation for part 24 is revised to read as follows:

Authority: 12 U.S.C. 24 (Eleventh), 93a, 481, and 1818.

§ 24.2 [Amended]

■ 2. Amend § 24.2 by:

■ a. In the introductory text of paragraph (c), removing “§ 25.23 of appendix G to 12 CFR part 25” and adding “12 CFR 25.23” in its place.

■ b. In paragraph (f), removing “§ 25.12(m) of appendix G to 12 CFR part 25” and adding “12 CFR 25.12(m)” in its place.

§ 24.3 [Amended]

■ 3. Amend § 24.3 by removing “§ 25.23 of appendix G to 12 CFR part 25” and adding in its place “12 CFR 25.23”.

§ 24.7 [Amended]

■ 4. Amend § 24.7 in paragraph (b) by removing “§ 25.23 of appendix G to 12 CFR part 25” and adding in its place “12 CFR 25.23”.

■ 5. Part 25 is revised to read as follows:

PART 25—COMMUNITY REINVESTMENT ACT AND INTERSTATE DEPOSIT PRODUCTION REGULATIONS

Subpart A—General

Sec.

25.11 Authority, purposes, and scope.

25.12 Definitions.

Subpart B—Standards for Assessing Performance

Sec.

25.21 Performance tests, standards, and ratings, in general.

25.22 Lending test.

25.23 Investment test.

25.24 Service test.

25.25 Community development test for wholesale or limited purpose banks and savings associations.

25.26 Small bank and savings association performance standards.

25.27 Strategic plan.

25.28 Assigned ratings.

25.29 Effect of CRA performance on applications.

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Appendix A to Part 25—Ratings

Appendix B to Part 25—CRA Notice

Authority: 12 U.S.C. 21, 22, 26, 27, 30, 36, 93a, 161, 215, 215a, 481, 1462a, 1463, 1464, 1828(c), 1835a, 2901 through 2908, and 3101 through 3111, and 5412(b)(2)(B).

Subpart A—General

§ 25.11 Authority, purposes, and scope.

(a) *Authority and OMB control number*—(1) *Authority*. The authority

for subparts A, B, C, D, and E is 12 U.S.C. 21, 22, 26, 27, 30, 36, 93a, 161, 215, 215a, 481, 1462a, 1463, 1464, 1828(c), 1835a, 2901 through 2908, 3101 through 3111, and 5412(b)(2)(B).

(2) *OMB control number.* The information collection requirements contained in this part were approved by the Office of Management and Budget under the provisions of 44 U.S.C. 3501 *et seq.* and have been assigned OMB control number 1557–0160.

(b) *Purposes.* In enacting the Community Reinvestment Act (CRA), the Congress required each appropriate Federal financial supervisory agency to assess an institution's record of helping to meet the credit needs of the local communities in which the institution is chartered, consistent with the safe and sound operation of the institution, and to take this record into account in the agency's evaluation of an application for a deposit facility by the institution. This part is intended to carry out the purposes of the CRA by:

(1) Establishing the framework and criteria by which the Office of the Comptroller of the Currency (OCC) or the Federal Deposit Insurance Corporation (FDIC), as appropriate, assesses a bank's or savings association's record of helping to meet the credit needs of its entire community, including low- and moderate-income neighborhoods, consistent with the safe and sound operation of the bank or savings association; and

(2) Providing that the OCC takes that record into account in considering certain applications.

(c) *Scope*—(1) *General.* (i) Subparts A, B, C, and D, and Appendices A and B, apply to all banks and savings associations except as provided in paragraphs (c)(2) and (3) of this section. Subpart E only applies to banks.

(ii) With respect to subparts A, B, C, and D, and Appendices A and B—

(A) The OCC has the authority to prescribe these regulations for national banks, Federal savings associations, and State savings associations and has the authority to enforce these regulations for national banks and Federal savings associations.

(B) The FDIC has the authority to enforce these regulations for State savings associations.

(iii) With respect to subparts A, B, C, and D, and appendix A, references to appropriate Federal banking agency will mean the OCC when the institution is a national bank or Federal savings association and the FDIC when the institution is a State savings association.

(2) *Federal branches and agencies.* (i) This part applies to all insured Federal branches and to any Federal branch that

is uninsured that results from an acquisition described in section 5(a)(8) of the International Banking Act of 1978 (12 U.S.C. 3103(a)(8)).

(ii) Except as provided in paragraph (c)(2)(i) of this section, this part does not apply to Federal branches that are uninsured, limited Federal branches, or Federal agencies, as those terms are defined in part 28 of this chapter.

(3) *Certain special purpose banks and savings associations.* This part does not apply to special purpose banks or special purpose savings associations that do not perform commercial or retail banking services by granting credit to the public in the ordinary course of business, other than as incident to their specialized operations. These banks or savings associations include banker's banks, as defined in 12 U.S.C. 24 (Seventh), and banks or savings associations that engage only in one or more of the following activities: Providing cash management controlled disbursement services or serving as correspondent banks or savings associations, trust companies, or clearing agents.

§ 25.12 Definitions.

For purposes of subparts A, B, C, and D, and appendices A and B, of this part, the following definitions apply:

(a) *Affiliate* means any company that controls, is controlled by, or is under common control with another company. The term “control” has the meaning given to that term in 12 U.S.C. 1841(a)(2), and a company is under common control with another company if both companies are directly or indirectly controlled by the same company.

(b) *Area median income* means:

(1) The median family income for the MSA, if a person or geography is located in an MSA, or for the metropolitan division, if a person or geography is located in an MSA that has been subdivided into metropolitan divisions; or

(2) The statewide nonmetropolitan median family income, if a person or geography is located outside an MSA.

(c) *Assessment area* means a geographic area delineated in accordance with § 25.41.

(d) *Automated teller machine (ATM)* means an automated, unstaffed banking facility owned or operated by, or operated exclusively for, the bank or savings association at which deposits are received, cash dispersed, or money lent.

(e) (1) *Bank or savings association* means, except as provided in § 25.11(c), a national bank (including a Federal branch as defined in part 28 of this

chapter) with Federally insured deposits or a savings association;

(2) *Bank and savings association* means, except as provided in § 25.11(c), a national bank (including a Federal branch as defined in part 28 of this chapter) with Federally insured deposits and a savings association.

(f) *Branch* means a staffed banking facility authorized as a branch, whether shared or unshared, including, for example, a mini-branch in a grocery store or a branch operated in conjunction with any other local business or nonprofit organization.

(g) *Community development* means:

(1) Affordable housing (including multifamily rental housing) for low- or moderate-income individuals;

(2) Community services targeted to low- or moderate-income individuals;

(3) Activities that promote economic development by financing businesses or farms that meet the size eligibility standards of the Small Business Administration's Development Company or Small Business Investment Company programs (13 CFR 121.301) or have gross annual revenues of \$1 million or less; or

(4) Activities that revitalize or stabilize—

(i) Low- or moderate-income geographies;

(ii) Designated disaster areas; or

(iii) Distressed or underserved nonmetropolitan middle-income geographies designated by the Board of Governors of the Federal Reserve System, FDIC, and the OCC, based on—

(A) Rates of poverty, unemployment, and population loss; or

(B) Population size, density, and dispersion. Activities revitalize and stabilize geographies designated based on population size, density, and dispersion if they help to meet essential community needs, including needs of low- and moderate-income individuals.

(h) *Community development loan* means a loan that:

(1) Has as its primary purpose community development; and

(2) Except in the case of a wholesale or limited purpose bank or savings association:

(i) Has not been reported or collected by the bank or savings association or an affiliate for consideration in the bank's or savings association's assessment as a home mortgage, small business, small farm, or consumer loan, unless the loan is for a multifamily dwelling (as defined in § 1003.2(n) of this title); and

(ii) Benefits the bank's or savings association's assessment area(s) or a broader statewide or regional area(s) that includes the bank's or savings association's assessment area(s).

(i) *Community development service* means a service that:

(1) Has as its primary purpose community development;

(2) Is related to the provision of financial services; and

(3) Has not been considered in the evaluation of the bank's or savings association's retail banking services under § 25.24(d).

(j) *Consumer loan* means a loan to one or more individuals for household, family, or other personal expenditures. A consumer loan does not include a home mortgage, small business, or small farm loan. Consumer loans include the following categories of loans:

(1) *Motor vehicle loan*, which is a consumer loan extended for the purchase of and secured by a motor vehicle;

(2) *Credit card loan*, which is a line of credit for household, family, or other personal expenditures that is accessed by a borrower's use of a "credit card," as this term is defined in § 1026.2 of this title;

(3) *Other secured consumer loan*, which is a secured consumer loan that is not included in one of the other categories of consumer loans; and

(4) *Other unsecured consumer loan*, which is an unsecured consumer loan that is not included in one of the other categories of consumer loans.

(k) *Geography* means a census tract delineated by the United States Bureau of the Census in the most recent decennial census.

(l) *Home mortgage loan* means a closed-end mortgage loan or an open-end line of credit as these terms are defined under § 1003.2 of this title, and that is not an excluded transaction under § 1003.3(c)(1) through (10) and (13) of this title.

(m) *Income level* includes:

(1) *Low-income*, which means an individual income that is less than 50 percent of the area median income, or a median family income that is less than 50 percent, in the case of a geography.

(2) *Moderate-income*, which means an individual income that is at least 50 percent and less than 80 percent of the area median income, or a median family income that is at least 50 and less than 80 percent, in the case of a geography.

(3) *Middle-income*, which means an individual income that is at least 80 percent and less than 120 percent of the area median income, or a median family income that is at least 80 and less than 120 percent, in the case of a geography.

(4) *Upper-income*, which means an individual income that is 120 percent or more of the area median income, or a median family income that is 120

percent or more, in the case of a geography.

(n) *Limited purpose bank* or savings association means a bank or savings association that offers only a narrow product line (such as credit card or motor vehicle loans) to a regional or broader market and for which a designation as a limited purpose bank or savings association is in effect, in accordance with § 25.25(b).

(o) *Loan location*. A loan is located as follows:

(1) A consumer loan is located in the geography where the borrower resides;

(2) A home mortgage loan is located in the geography where the property to which the loan relates is located; and

(3) A small business or small farm loan is located in the geography where the main business facility or farm is located or where the loan proceeds otherwise will be applied, as indicated by the borrower.

(p) *Loan production office* means a staffed facility, other than a branch, that is open to the public and that provides lending-related services, such as loan information and applications.

(q) *Metropolitan division* means a metropolitan division as defined by the Director of the Office of Management and Budget.

(r) *MSA* means a metropolitan statistical area as defined by the Director of the Office of Management and Budget.

(s) *Nonmetropolitan area* means any area that is not located in an MSA.

(t) *Qualified investment* means a lawful investment, deposit, membership share, or grant that has as its primary purpose community development.

(u) *Small bank or savings association*—(1) *Definition*. *Small bank or savings association* means a bank or savings association that, as of December 31 of either of the prior two calendar years, had assets of less than \$1.609 billion. *Intermediate small bank or savings association* means a small bank or savings association with assets of at least \$402 million as of December 31 of both of the prior two calendar years and less than \$1.609 billion as of December 31 of either of the prior two calendar years. The dollar figures in this paragraph are applicable to banks and savings associations for calendar year 2025 and are updated annually pursuant to paragraph (u)(2).

(2) *Adjustment*. The OCC adjusts and publishes the dollar figures in paragraph (u)(1) of this section annually on its website, www.OCC.gov. This adjustment is based on the year-to-year change in the average of the Consumer Price Index for Urban Wage Earners and Clerical Workers, not seasonally adjusted, for

each twelve-month period ending in November, with rounding to the nearest million.

(v) *Small business loan* means a loan included in "loans to small businesses" as defined in the instructions for preparation of the Consolidated Report of Condition and Income.

(w) *Small farm loan* means a loan included in "loans to small farms" as defined in the instructions for preparation of the Consolidated Report of Condition and Income.

(x) *Wholesale bank or savings association* means a bank or savings association that is not in the business of extending home mortgage, small business, small farm, or consumer loans to retail customers, and for which a designation as a wholesale bank or savings association is in effect, in accordance with § 25.25(b).

Subpart B—Standards for Assessing Performance

§ 25.21 Performance tests, standards, and ratings, in general.

(a) *Performance tests and standards*. The appropriate Federal banking agency assesses the CRA performance of a bank or savings association in an examination as follows:

(1) *Lending, investment, and service tests*. The appropriate Federal banking agency applies the lending, investment, and service tests, as provided in §§ 25.22 through 25.24, in evaluating the performance of a bank or savings association, except as provided in paragraphs (a)(2), (3), and (4) of this section.

(2) *Community development test for wholesale or limited purpose banks and savings associations*. The appropriate Federal banking agency applies the community development test for a wholesale or limited purpose bank or savings association, as provided in § 25.25, except as provided in paragraph (a)(4) of this section.

(3) *Small bank and savings association performance standards*. The appropriate Federal banking agency applies the small bank or savings association performance standards as provided in § 25.26 in evaluating the performance of a small bank or savings association or a bank or savings association that was a small bank or savings association during the prior calendar year, unless the bank or savings association elects to be assessed as provided in paragraphs (a)(1), (2), or (4) of this section. The bank or savings association may elect to be assessed as provided in paragraph (a)(1) of this section only if it collects and reports the

data required for other banks or savings associations under § 25.42.

(4) *Strategic plan.* The appropriate Federal banking agency evaluates the performance of a bank or savings association under a strategic plan if the bank or savings association submits, and the appropriate Federal banking agency approves, a strategic plan as provided in § 25.27.

(b) *Performance context.* The appropriate Federal banking agency applies the tests and standards in paragraph (a) of this section and also considers whether to approve a proposed strategic plan in the context of:

(1) Demographic data on median income levels, distribution of household income, nature of housing stock, housing costs, and other relevant data pertaining to a bank's or savings association's assessment area(s);

(2) Any information about lending, investment, and service opportunities in the bank's or savings association's assessment area(s) maintained by the bank or savings association or obtained from community organizations, state, local, and tribal governments, economic development agencies, or other sources;

(3) The bank's or savings association's product offerings and business strategy as determined from data provided by the bank or savings association;

(4) Institutional capacity and constraints, including the size and financial condition of the bank or savings association, the economic climate (national, regional, and local), safety and soundness limitations, and any other factors that significantly affect the bank's or savings association's ability to provide lending, investments, or services in its assessment area(s);

(5) The bank's or savings association's past performance and the performance of similarly situated lenders;

(6) The bank's or savings association's public file, as described in § 25.43, and any written comments about the bank's or savings association's CRA performance submitted to the bank or savings association or the appropriate Federal banking agency; and

(7) Any other information deemed relevant by the appropriate Federal banking agency.

(c) *Assigned ratings.* The appropriate Federal banking agency assigns to a bank or savings association one of the following four ratings pursuant to § 25.28 and appendix A of this part: "outstanding"; "satisfactory"; "needs to improve"; or "substantial noncompliance" as provided in 12 U.S.C. 2906(b)(2). The rating assigned by the appropriate Federal banking agency reflects the bank's or savings

association's record of helping to meet the credit needs of its entire community, including low- and moderate-income neighborhoods, consistent with the safe and sound operation of the bank or savings association.

(d) *Safe and sound operations.* This part and the CRA do not require a bank or savings association to make loans or investments or to provide services that are inconsistent with safe and sound operations. To the contrary, the appropriate Federal banking agency anticipates banks and savings associations can meet the standards of this part with safe and sound loans, investments, and services on which the banks and savings associations expect to make a profit. Banks and savings associations are permitted and encouraged to develop and apply flexible underwriting standards for loans that benefit low- or moderate-income geographies or individuals, only if consistent with safe and sound operations.

(e) *Low-cost education loans provided to low-income borrowers.* In assessing and taking into account the record of a bank or savings association under this part, the appropriate Federal banking agency considers, as a factor, low-cost education loans originated by the bank or savings association to borrowers, particularly in its assessment area(s), who have an individual income that is less than 50 percent of the area median income. For purposes of this paragraph, "low-cost education loans" means any education loan, as defined in section 140(a)(7) of the Truth in Lending Act (15 U.S.C. 1650(a)(7)) (including a loan under a State or local education loan program), originated by the bank or savings association for a student at an "institution of higher education," as that term is generally defined in sections 101 and 102 of the Higher Education Act of 1965 (20 U.S.C. 1001 and 1002) and the implementing regulations published by the U.S. Department of Education, with interest rates and fees no greater than those of comparable education loans offered directly by the U.S. Department of Education. Such rates and fees are specified in section 455 of the Higher Education Act of 1965 (20 U.S.C. 1087e).

(f) *Activities in cooperation with minority- or women-owned financial institutions and low-income credit unions.* In assessing and taking into account the record of a nonminority-owned and nonwomen-owned bank or savings association under this part, the appropriate Federal banking agency considers as a factor capital investment, loan participation, and other ventures

undertaken by the bank or savings association in cooperation with minority- and women-owned financial institutions and low-income credit unions. Such activities must help meet the credit needs of local communities in which the minority- and women-owned financial institutions and low-income credit unions are chartered. To be considered, such activities need not also benefit the bank's or savings association's assessment area(s) or the broader statewide or regional area(s) that includes the bank's or savings association's assessment area(s).

§ 25.22 Lending test.

(a) *Scope of test.* (1) The lending test evaluates a bank's or savings association's record of helping to meet the credit needs of its assessment area(s) through its lending activities by considering a bank's or savings association's home mortgage, small business, small farm, and community development lending. If consumer lending constitutes a substantial majority of a bank's or savings association's business, the appropriate Federal banking agency will evaluate the bank's or savings association's consumer lending in one or more of the following categories: motor vehicle, credit card, other secured, and other unsecured loans. In addition, at a bank's or savings association's option, the appropriate Federal banking agency will evaluate one or more categories of consumer lending, if the bank or savings association has collected and maintained, as required in § 25.42(c)(1), the data for each category that the bank or savings association elects to have the appropriate Federal banking agency evaluate.

(2) The appropriate Federal banking agency considers originations and purchases of loans. The appropriate Federal banking agency will also consider any other loan data the bank or savings association may choose to provide, including data on loans outstanding, commitments and letters of credit.

(3) A bank or savings association may ask the appropriate Federal banking agency to consider loans originated or purchased by consortia in which the bank or savings association participates or by third parties in which the bank or savings association has invested only if the loans meet the definition of community development loans and only in accordance with paragraph (d) of this section. The appropriate Federal banking agency will not consider these loans under any criterion of the lending test except the community development lending criterion.

(b) *Performance criteria.* The appropriate Federal banking agency evaluates a bank's or savings association's lending performance pursuant to the following criteria:

(1) *Lending activity.* The number and amount of the bank's or savings association's home mortgage, small business, small farm, and consumer loans, if applicable, in the bank's or savings association's assessment area(s);

(2) *Geographic distribution.* The geographic distribution of the bank's or savings association's home mortgage, small business, small farm, and consumer loans, if applicable, based on the loan location, including:

(i) The proportion of the bank's or savings association's lending in the bank's or savings association's assessment area(s);

(ii) The dispersion of lending in the bank's or savings association's assessment area(s); and

(iii) The number and amount of loans in low-, moderate-, middle-, and upper-income geographies in the bank's or savings association's assessment area(s);

(3) *Borrower characteristics.* The distribution, particularly in the bank's or savings association's assessment area(s), of the bank's or savings association's home mortgage, small business, small farm, and consumer loans, if applicable, based on borrower characteristics, including the number and amount of:

(i) Home mortgage loans to low-, moderate-, middle-, and upper-income individuals;

(ii) Small business and small farm loans to businesses and farms with gross annual revenues of \$1 million or less;

(iii) Small business and small farm loans by loan amount at origination; and

(iv) Consumer loans, if applicable, to low-, moderate-, middle-, and upper-income individuals;

(4) *Community development lending.* The bank's or savings association's community development lending, including the number and amount of community development loans, and their complexity and innovativeness; and

(5) *Innovative or flexible lending practices.* The bank's or savings association's use of innovative or flexible lending practices in a safe and sound manner to address the credit needs of low- or moderate-income individuals or geographies.

(c) *Affiliate lending.* (1) At a bank's or savings association's option, the appropriate Federal banking agency will consider loans by an affiliate of the bank or savings association, if the bank or savings association provides data on the affiliate's loans pursuant to § 25.42.

(2) The appropriate Federal banking agency considers affiliate lending subject to the following constraints:

(i) No affiliate may claim a loan origination or loan purchase if another institution claims the same loan origination or purchase; and

(ii) If a bank or savings association elects to have the appropriate Federal banking agency consider loans within a particular lending category made by one or more of the bank's or savings association's affiliates in a particular assessment area, the bank or savings association shall elect to have the appropriate Federal banking agency consider, in accordance with paragraph (c)(1) of this section, all the loans within that lending category in that particular assessment area made by all of the bank's or savings association's affiliates.

(3) The appropriate Federal banking agency does not consider affiliate lending in assessing a bank's or savings association's performance under paragraph (b)(2)(i) of this section.

(d) *Lending by a consortium or a third party.* Community development loans originated or purchased by a consortium in which the bank or savings association participates or by a third party in which the bank or savings association has invested:

(1) Will be considered, at the bank's or savings association's option, if the bank or savings association reports the data pertaining to these loans under § 25.42(b)(2); and

(2) May be allocated among participants or investors, as they choose, for purposes of the lending test, except that no participant or investor:

(i) May claim a loan origination or loan purchase if another participant or investor claims the same loan origination or purchase; or

(ii) May claim loans accounting for more than its percentage share (based on the level of its participation or investment) of the total loans originated by the consortium or third party.

(e) *Lending performance rating.* The appropriate Federal banking agency rates a bank's or savings association's lending performance as provided in appendix A of this part.

§ 25.23 Investment test.

(a) *Scope of test.* The investment test evaluates a bank's or savings association's record of helping to meet the credit needs of its assessment area(s) through qualified investments that benefit its assessment area(s) or a broader statewide or regional area that includes the bank's or savings association's assessment area(s).

(b) *Exclusion.* Activities considered under the lending or service tests may

not be considered under the investment test.

(c) *Affiliate investment.* At a bank's or savings association's option, the appropriate Federal banking agency will consider, in its assessment of a bank's or savings association's investment performance, a qualified investment made by an affiliate of the bank or savings association, if the qualified investment is not claimed by any other institution.

(d) *Disposition of branch premises.* Donating, selling on favorable terms, or making available on a rent-free basis a branch of the bank or savings association that is located in a predominantly minority neighborhood to a minority depository institution or women's depository institution (as these terms are defined in 12 U.S.C. 2907(b)) will be considered as a qualified investment.

(e) *Performance criteria.* The appropriate Federal banking agency evaluates the investment performance of a bank or savings association pursuant to the following criteria:

(1) The dollar amount of qualified investments;

(2) The innovativeness or complexity of qualified investments;

(3) The responsiveness of qualified investments to credit and community development needs; and

(4) The degree to which the qualified investments are not routinely provided by private investors.

(f) *Investment performance rating.* The appropriate Federal banking agency rates a bank's or savings association's investment performance as provided in appendix A of this part.

§ 25.24 Service test.

(a) *Scope of test.* The service test evaluates a bank's or savings association's record of helping to meet the credit needs of its assessment area(s) by analyzing both the availability and effectiveness of a bank's or savings association's systems for delivering retail banking services and the extent and innovativeness of its community development services.

(b) *Area(s) benefitted.* Community development services must benefit a bank's or savings association's assessment area(s) or a broader statewide or regional area that includes the bank's or savings association's assessment area(s).

(c) *Affiliate service.* At a bank's or savings association's option, the appropriate Federal banking agency will consider, in its assessment of a bank's or savings association's service performance, a community development service provided by an affiliate of the

bank or savings association, if the community development service is not claimed by any other institution.

(d) *Performance criteria—retail banking services.* The appropriate Federal banking agency evaluates the availability and effectiveness of a bank's or savings association's systems for delivering retail banking services, pursuant to the following criteria:

(1) The current distribution of the bank's or savings association's branches among low-, moderate-, middle-, and upper-income geographies;

(2) In the context of its current distribution of the bank's or savings association's branches, the bank's or savings association's record of opening and closing branches, particularly branches located in low- or moderate-income geographies or primarily serving low- or moderate-income individuals;

(3) The availability and effectiveness of alternative systems for delivering retail banking services (e.g., ATMs, ATMs not owned or operated by or exclusively for the bank or savings association, banking by telephone or computer, loan production offices, and bank-at-work or bank-by-mail programs) in low- and moderate-income geographies and to low- and moderate-income individuals; and

(4) The range of services provided in low-, moderate-, middle-, and upper-income geographies and the degree to which the services are tailored to meet the needs of those geographies.

(e) *Performance criteria—community development services.* The appropriate Federal banking agency evaluates community development services pursuant to the following criteria:

(1) The extent to which the bank or savings association provides community development services; and

(2) The innovativeness and responsiveness of community development services.

(f) *Service performance rating.* The appropriate Federal banking agency rates a bank's or savings association's service performance as provided in appendix A of this part.

§ 25.25 Community development test for wholesale or limited purpose banks and savings associations.

(a) *Scope of test.* The appropriate Federal banking agency assesses a wholesale or limited purpose bank's or savings association's record of helping to meet the credit needs of its assessment area(s) under the community development test through its community development lending, qualified investments, or community development services.

(b) *Designation as a wholesale or limited purpose bank or savings*

association. In order to receive a designation as a wholesale or limited purpose bank or savings association, a bank or savings association shall file a request, in writing, with the appropriate Federal banking agency, at least three months prior to the proposed effective date of the designation. If the appropriate Federal banking agency approves the designation, it remains in effect until the bank or savings association requests revocation of the designation or until one year after the appropriate Federal banking agency notifies the bank or savings association that it has revoked the designation on its own initiative.

(c) *Performance criteria.* The appropriate Federal banking agency evaluates the community development performance of a wholesale or limited purpose bank or savings association pursuant to the following criteria:

(1) The number and amount of community development loans (including originations and purchases of loans and other community development loan data provided by the bank or savings association, such as data on loans outstanding, commitments, and letters of credit), qualified investments, or community development services;

(2) The use of innovative or complex qualified investments, community development loans, or community development services and the extent to which the investments are not routinely provided by private investors; and

(3) The bank's or savings association's responsiveness to credit and community development needs.

(d) *Indirect activities.* At a bank's or savings association's option, the appropriate Federal banking agency will consider in its community development performance assessment:

(1) Qualified investments or community development services provided by an affiliate of the bank or savings association, if the investments or services are not claimed by any other institution; and

(2) Community development lending by affiliates, consortia and third parties, subject to the requirements and limitations in § 25.22(c) and (d).

(e) *Benefit to assessment area(s)—(1) Benefit inside assessment area(s).* The appropriate Federal banking agency considers all qualified investments, community development loans, and community development services that benefit areas within the bank's or savings association's assessment area(s) or a broader statewide or regional area that includes the bank's or savings association's assessment area(s).

(2) *Benefit outside assessment area(s).* The appropriate Federal banking agency considers the qualified investments, community development loans, and community development services that benefit areas outside the bank's or savings association's assessment area(s), if the bank or savings association has adequately addressed the needs of its assessment area(s).

(f) *Community development performance rating.* The appropriate Federal banking agency rates a bank's or savings association's community development performance as provided in appendix A of this part.

§ 25.26 Small bank and savings association performance standards.

(a) *Performance criteria—(1) Small banks and savings associations that are not intermediate small banks or savings associations.* The appropriate Federal banking agency evaluates the record of a small bank or savings association that is not, or that was not during the prior calendar year, an intermediate small bank or savings association, of helping to meet the credit needs of its assessment area(s) pursuant to the criteria set forth in paragraph (b) of this section.

(2) *Intermediate small banks and savings associations.* The appropriate Federal banking agency evaluates the record of a small bank or savings association that is, or that was during the prior calendar year, an intermediate small bank or savings association, of helping to meet the credit needs of its assessment area(s) pursuant to the criteria set forth in paragraphs (b) and (c) of this section.

(b) *Lending test.* A small bank's or savings association's lending performance is evaluated pursuant to the following criteria:

(1) The bank's or savings association's loan-to-deposit ratio, adjusted for seasonal variation, and, as appropriate, other lending-related activities, such as loan originations for sale to the secondary markets, community development loans, or qualified investments;

(2) The percentage of loans and, as appropriate, other lending-related activities located in the bank's or savings association's assessment area(s);

(3) The bank's or savings association's record of lending to and, as appropriate, engaging in other lending-related activities for borrowers of different income levels and businesses and farms of different sizes;

(4) The geographic distribution of the bank's or savings association's loans; and

(5) The bank's or savings association's record of taking action, if warranted, in response to written complaints about its performance in helping to meet credit needs in its assessment area(s).

(c) *Community development test.* An intermediate small bank's or savings association's community development performance also is evaluated pursuant to the following criteria:

(1) The number and amount of community development loans;

(2) The number and amount of qualified investments;

(3) The extent to which the bank or savings association provides community development services; and

(4) The bank's or savings association's responsiveness through such activities to community development lending, investment, and services needs.

(d) *Small bank or savings association performance rating.* The appropriate Federal banking agency rates the performance of a bank or savings association evaluated under this section as provided in appendix A of this part.

§ 25.27 Strategic plan.

(a) *Alternative election.* The appropriate Federal banking agency will assess a bank's or savings association's record of helping to meet the credit needs of its assessment area(s) under a strategic plan if:

(1) The bank or savings association has submitted the plan to the appropriate Federal banking agency as provided for in this section;

(2) The appropriate Federal banking agency has approved the plan;

(3) The plan is in effect; and

(4) The bank or savings association has been operating under an approved plan for at least one year.

(b) *Data reporting.* The appropriate Federal banking agency's approval of a plan does not affect the bank's or savings association's obligation, if any, to report data as required by § 25.42.

(c) *Plans in general—(1) Term.* A plan may have a term of no more than five years, and any multi-year plan must include annual interim measurable goals under which the appropriate Federal banking agency will evaluate the bank's or savings association's performance.

(2) *Multiple assessment areas.* A bank or savings association with more than one assessment area may prepare a single plan for all of its assessment areas or one or more plans for one or more of its assessment areas.

(3) *Treatment of affiliates.* Affiliated institutions may prepare a joint plan if the plan provides measurable goals for each institution. Activities may be allocated among institutions at the

institutions' option, provided that the same activities are not considered for more than one institution.

(d) *Public participation in plan development.* Before submitting a plan to the appropriate Federal banking agency for approval, a bank or savings association shall:

(1) Informally seek suggestions from members of the public in its assessment area(s) covered by the plan while developing the plan;

(2) Once the bank or savings association has developed a plan, formally solicit public comment on the plan for at least 30 days by publishing notice in at least one newspaper of general circulation in each assessment area covered by the plan; and

(3) During the period of formal public comment, make copies of the plan available for review by the public at no cost at all offices of the bank or savings association in any assessment area covered by the plan and provide copies of the plan upon request for a reasonable fee to cover copying and mailing, if applicable.

(e) *Submission of plan.* The bank or savings association shall submit its plan to the appropriate Federal banking agency at least three months prior to the proposed effective date of the plan. The bank or savings association shall also submit with its plan a description of its informal efforts to seek suggestions from members of the public, any written public comment received, and, if the plan was revised in light of the comment received, the initial plan as released for public comment.

(f) *Plan content—(1) Measurable goals.* (i) A bank or savings association shall specify in its plan measurable goals for helping to meet the credit needs of each assessment area covered by the plan, particularly the needs of low- and moderate-income geographies and low- and moderate-income individuals, through lending, investment, and services, as appropriate.

(ii) A bank or savings association shall address in its plan all three performance categories and, unless the bank or savings association has been designated as a wholesale or limited purpose bank or savings association, shall emphasize lending and lending-related activities. Nevertheless, a different emphasis, including a focus on one or more performance categories, may be appropriate if responsive to the characteristics and credit needs of its assessment area(s), considering public comment and the bank's or savings association's capacity and constraints, product offerings, and business strategy.

(2) *Confidential information.* A bank or savings association may submit additional information to the appropriate Federal banking agency on a confidential basis, but the goals stated in the plan must be sufficiently specific to enable the public and the appropriate Federal banking agency to judge the merits of the plan.

(3) *Satisfactory and outstanding goals.* A bank or savings association shall specify in its plan measurable goals that constitute "satisfactory" performance. A plan may specify measurable goals that constitute "outstanding" performance. If a bank or savings association submits, and the appropriate Federal banking agency approves, both "satisfactory" and "outstanding" performance goals, the appropriate Federal banking agency will consider the bank or savings association eligible for an "outstanding" performance rating.

(4) *Election if satisfactory goals not substantially met.* A bank or savings association may elect in its plan that, if the bank or savings association fails to meet substantially its plan goals for a satisfactory rating, the appropriate Federal banking agency will evaluate the bank's or savings association's performance under the lending, investment, and service tests, the community development test, or the small bank or savings association performance standards, as appropriate.

(g) *Plan approval—(1) Timing.* The appropriate Federal banking agency will act upon a plan within 60 calendar days after the appropriate Federal banking agency receives the complete plan and other material required under paragraph (e) of this section. If the appropriate Federal banking agency fails to act within this time period, the plan shall be deemed approved unless the appropriate Federal banking agency extends the review period for good cause.

(2) *Public participation.* In evaluating the plan's goals, the appropriate Federal banking agency considers the public's involvement in formulating the plan, written public comment on the plan, and any response by the bank or savings association to public comment on the plan.

(3) *Criteria for evaluating plan.* The appropriate Federal banking agency evaluates a plan's measurable goals using the following criteria, as appropriate:

(i) The extent and breadth of lending or lending-related activities, including, as appropriate, the distribution of loans among different geographies, businesses and farms of different sizes, and individuals of different income levels, the extent of community development

lending, and the use of innovative or flexible lending practices to address credit needs;

(ii) The amount and innovativeness, complexity, and responsiveness of the bank's or savings association's qualified investments; and

(iii) The availability and effectiveness of the bank's or savings association's systems for delivering retail banking services and the extent and innovativeness of the bank's or savings association's community development services.

(h) *Plan amendment.* During the term of a plan, a bank or savings association may request the appropriate Federal banking agency to approve an amendment to the plan on grounds that there has been a material change in circumstances. The bank or savings association shall develop an amendment to a previously approved plan in accordance with the public participation requirements of paragraph (d) of this section.

(i) *Plan assessment.* The appropriate Federal banking agency approves the goals and assesses performance under a plan as provided for in appendix A of this part.

§ 25.28 Assigned ratings.

(a) *Ratings in general.* Subject to paragraphs (b) and (c) of this section, the appropriate Federal banking agency assigns to a bank or savings association a rating of "outstanding," "satisfactory," "needs to improve," or "substantial noncompliance" based on the bank's or savings association's performance under the lending, investment and service tests, the community development test, the small bank or savings association performance standards, or an approved strategic plan, as applicable.

(b) *Lending, investment, and service tests.* The appropriate Federal banking agency assigns a rating for a bank or savings association assessed under the lending, investment, and service tests in accordance with the following principles:

(1) A bank or savings association that receives an "outstanding" rating on the lending test receives an assigned rating of at least "satisfactory";

(2) A bank or savings association that receives an "outstanding" rating on both the service test and the investment test and a rating of at least "high satisfactory" on the lending test receives an assigned rating of "outstanding"; and

(3) No bank or savings association may receive an assigned rating of "satisfactory" or higher unless it receives a rating of at least "low satisfactory" on the lending test.

(c) *Effect of evidence of discriminatory or other illegal credit practices.* (1) The appropriate Federal banking agency's evaluation of a bank's or savings association's CRA performance is adversely affected by evidence of discriminatory or other illegal credit practices in any geography by the bank or savings association or in any assessment area by any affiliate whose loans have been considered as part of the bank's or savings association's lending performance. In connection with any type of lending activity described in § 25.22(a), evidence of discriminatory or other credit practices that violate an applicable law, rule, or regulation includes, but is not limited to:

(i) Discrimination against applicants on a prohibited basis in violation, for example, of the Equal Credit Opportunity Act or the Fair Housing Act;

(ii) Violations of the Home Ownership and Equity Protection Act;

(iii) Violations of section 5 of the Federal Trade Commission Act;

(iv) Violations of section 8 of the Real Estate Settlement Procedures Act; and

(v) Violations of the Truth in Lending Act provisions regarding a consumer's right of rescission.

(2) In determining the effect of evidence of practices described in paragraph (c)(1) of this section on the bank's or savings association's assigned rating, the appropriate Federal banking agency considers the nature, extent, and strength of the evidence of the practices; the policies and procedures that the bank or savings association (or affiliate, as applicable) has in place to prevent the practices; any corrective action that the bank or savings association (or affiliate, as applicable) has taken or has committed to take, including voluntary corrective action resulting from self-assessment; and any other relevant information.

§ 25.29 Effect of CRA performance on applications.

(a) *CRA performance.* Among other factors, the appropriate Federal banking agency takes into account the record of performance under the CRA of each applicant bank or savings association, and for applications under 10(e) of the Home Owners' Loan Act (12 U.S.C. 1467a(e)), of each proposed subsidiary savings association, in considering an application for:

(1) The establishment of:

(i) A domestic branch for insured national banks; or

(ii) A domestic branch or other facility that would be authorized to take deposits for savings associations;

(2) The relocation of the main office or a branch;

(3) The merger or consolidation with or the acquisition of assets or assumption of liabilities of an insured depository institution requiring approval under the Bank Merger Act (12 U.S.C. 1828(c)); and

(4) The conversion of an insured depository institution to a national bank or Federal savings association charter; and

(5) Acquisitions subject to section 10(e) of the Home Owners' Loan Act (12 U.S.C. 1467a(e)).

(b) *Charter application.* (1) An applicant (other than an insured depository institution) for a national bank charter shall submit with its application a description of how it will meet its CRA objectives. The OCC takes the description into account in considering the application and may deny or condition approval on that basis.

(2) An applicant for a Federal savings association charter shall submit with its application a description of how it will meet its CRA objectives. The appropriate Federal banking agency takes the description into account in considering the application and may deny or condition approval on that basis.

(c) *Interested parties.* The appropriate Federal banking agency takes into account any views expressed by interested parties that are submitted in accordance with the applicable comment procedures in considering CRA performance in an application listed in paragraphs (a) and (b) of this section.

(d) *Denial or conditional approval of application.* A bank's or savings association's record of performance may be the basis for denying or conditioning approval of an application listed in paragraph (a) of this section.

(e) *Insured depository institution.* For purposes of this section, the term "insured depository institution" has the meaning given to that term in 12 U.S.C. 1813.

Subpart C—Records, Reporting, and Disclosure Requirements

§ 25.41 Assessment area delineation.

(a) *In general.* A bank or savings association shall delineate one or more assessment areas within which the appropriate Federal banking agency evaluates the bank's or savings association's record of helping to meet the credit needs of its community. The appropriate Federal banking agency does not evaluate the bank's or savings association's delineation of its

assessment area(s) as a separate performance criterion, but the appropriate Federal banking agency reviews the delineation for compliance with the requirements of this section.

(b) *Geographic area(s) for wholesale or limited purpose banks or savings associations.* The assessment area(s) for a wholesale or limited purpose bank or savings association must consist generally of one or more MSAs or metropolitan divisions (using the MSA or metropolitan division boundaries that were in effect as of January 1 of the calendar year in which the delineation is made) or one or more contiguous political subdivisions, such as counties, cities, or towns, in which the bank or savings association has its main office, branches, and deposit-taking ATMs.

(c) *Geographic area(s) for other banks and savings association.* The assessment area(s) for a bank or savings association other than a wholesale or limited purpose bank or savings association must:

(1) Consist generally of one or more MSAs or metropolitan divisions (using the MSA or metropolitan division boundaries that were in effect as of January 1 of the calendar year in which the delineation is made) or one or more contiguous political subdivisions, such as counties, cities, or towns; and

(2) Include the geographies in which the bank or savings association has its main office, its branches, and its deposit-taking ATMs, as well as the surrounding geographies in which the bank or savings association has originated or purchased a substantial portion of its loans (including home mortgage loans, small business and small farm loans, and any other loans the bank or savings association chooses, such as those consumer loans on which the bank or savings association elects to have its performance assessed).

(d) *Adjustments to geographic area(s).* A bank or savings association may adjust the boundaries of its assessment area(s) to include only the portion of a political subdivision that it reasonably can be expected to serve. An adjustment is particularly appropriate in the case of an assessment area that otherwise would be extremely large, of unusual configuration, or divided by significant geographic barriers.

(e) *Limitations on the delineation of an assessment area.* Each bank's or savings associations assessment area(s):

(1) Must consist only of whole geographies;

(2) May not reflect illegal discrimination;

(3) May not arbitrarily exclude low- or moderate-income geographies, taking into account the bank's or savings

association's size and financial condition; and

(4) May not extend substantially beyond an MSA boundary or beyond a state boundary unless the assessment area is located in a multistate MSA. If a bank or savings association serves a geographic area that extends substantially beyond a state boundary, the bank or savings association shall delineate separate assessment areas for the areas in each state. If a bank or savings association serves a geographic area that extends substantially beyond an MSA boundary, the bank or savings association shall delineate separate assessment areas for the areas inside and outside the MSA.

(f) *Banks and savings association serving military personnel.* Notwithstanding the requirements of this section, a bank or savings association whose business predominantly consists of serving the needs of military personnel or their dependents who are not located within a defined geographic area may delineate its entire deposit customer base as its assessment area.

(g) *Use of assessment area(s).* The appropriate Federal banking agency uses the assessment area(s) delineated by a bank or savings association in its evaluation of the bank's or savings association's CRA performance unless the appropriate Federal banking agency determines that the assessment area(s) do not comply with the requirements of this section.

§ 25.42 Data collection, reporting, and disclosure.

(a) *Loan information required to be collected and maintained.* A bank or savings association, except a small bank or savings association, shall collect, and maintain in machine readable form (as prescribed by the appropriate Federal banking agency) until the completion of its next CRA examination, the following data for each small business or small farm loan originated or purchased by the bank or savings association:

- (1) A unique number or alpha-numeric symbol that can be used to identify the relevant loan file;
- (2) The loan amount at origination;
- (3) The loan location; and
- (4) An indicator whether the loan was to a business or farm with gross annual revenues of \$1 million or less.

(b) *Loan information required to be reported.* A bank or savings association, except a small bank or savings association or a bank or savings association that was a small bank or savings association during the prior calendar year, shall report annually by March 1 to the appropriate Federal

banking agency in machine readable form (as prescribed by the appropriate Federal banking agency) the following data for the prior calendar year:

(1) *Small business and small farm loan data.* For each geography in which the bank or savings association originated or purchased a small business or small farm loan, the aggregate number and amount of loans:

(i) With an amount at origination of \$100,000 or less;

(ii) With amount at origination of more than \$100,000 but less than or equal to \$250,000;

(iii) With an amount at origination of more than \$250,000; and

(iv) To businesses and farms with gross annual revenues of \$1 million or less (using the revenues that the bank or savings association considered in making its credit decision);

(2) *Community development loan data.* The aggregate number and aggregate amount of community development loans originated or purchased; and

(3) *Home mortgage loans.* If the bank or savings association is subject to reporting under part 1003 of this title, the location of each home mortgage loan application, origination, or purchase outside the MSAs in which the bank or savings association has a home or branch office (or outside any MSA) in accordance with the requirements of part 1003 of this title.

(c) *Optional data collection and maintenance—(1) Consumer loans.* A bank or savings association may collect and maintain in machine readable form (as prescribed by the appropriate Federal banking agency) data for consumer loans originated or purchased by the bank or savings association for consideration under the lending test. A bank or savings association may maintain data for one or more of the following categories of consumer loans: Motor vehicle, credit card, other secured, and other unsecured. If the bank or savings association maintains data for loans in a certain category, it shall maintain data for all loans originated or purchased within that category. The bank or savings association shall maintain data separately for each category, including for each loan:

(i) A unique number or alpha-numeric symbol that can be used to identify the relevant loan file;

(ii) The loan amount at origination or purchase;

(iii) The loan location; and

(iv) The gross annual income of the borrower that the bank or savings association considered in making its credit decision.

(2) *Other loan data.* At its option, a bank or savings association may provide other information concerning its lending performance, including additional loan distribution data.

(d) *Data on affiliate lending.* A bank or savings association that elects to have the appropriate Federal banking agency consider loans by an affiliate, for purposes of the lending or community development test or an approved strategic plan, shall collect, maintain, and report for those loans the data that the bank or savings association would have collected, maintained, and reported pursuant to paragraphs (a), (b), and (c) of this section had the loans been originated or purchased by the bank or savings association. For home mortgage loans, the bank or savings association shall also be prepared to identify the home mortgage loans reported under part 1003 of this title by the affiliate.

(e) *Data on lending by a consortium or a third party.* A bank or savings association that elects to have the appropriate Federal banking agency consider community development loans by a consortium or third party, for purposes of the lending or community development tests or an approved strategic plan, shall report for those loans the data that the bank or savings association would have reported under paragraph (b)(2) of this section had the loans been originated or purchased by the bank or savings association.

(f) *Small banks and savings associations electing evaluation under the lending, investment, and service tests.* A bank or savings association that qualifies for evaluation under the small bank or savings association performance standards but elects evaluation under the lending, investment, and service tests shall collect, maintain, and report the data required for other banks or savings association pursuant to paragraphs (a) and (b) of this section.

(g) *Assessment area data.* A bank or savings association, except a small bank or savings association or a bank or savings association that was a small bank or savings association during the prior calendar year, shall collect and report to the appropriate Federal banking agency by March 1 of each year a list for each assessment area showing the geographies within the area.

(h) *CRA Disclosure Statement.* The appropriate Federal banking agency prepares annually for each bank or savings association that reports data pursuant to this section a CRA Disclosure Statement that contains, on a state-by-state basis:

(1) For each county (and for each assessment area smaller than a county)

with a population of 500,000 persons or fewer in which the bank or savings association reported a small business or small farm loan:

(i) The number and amount of small business and small farm loans reported as originated or purchased located in low-, moderate-, middle-, and upper-income geographies;

(ii) A list grouping each geography according to whether the geography is low-, moderate-, middle-, or upper-income;

(iii) A list showing each geography in which the bank or savings association reported a small business or small farm loan; and

(iv) The number and amount of small business and small farm loans to businesses and farms with gross annual revenues of \$1 million or less;

(2) For each county (and for each assessment area smaller than a county) with a population in excess of 500,000 persons in which the bank or savings association reported a small business or small farm loan:

(i) The number and amount of small business and small farm loans reported as originated or purchased located in geographies with median income relative to the area median income of less than 10 percent, 10 or more but less than 20 percent, 20 or more but less than 30 percent, 30 or more but less than 40 percent, 40 or more but less than 50 percent, 50 or more but less than 60 percent, 60 or more but less than 70 percent, 70 or more but less than 80 percent, 80 or more but less than 90 percent, 90 or more but less than 100 percent, 100 or more but less than 110 percent, 110 or more but less than 120 percent, and 120 percent or more;

(ii) A list grouping each geography in the county or assessment area according to whether the median income in the geography relative to the area median income is less than 10 percent, 10 or more but less than 20 percent, 20 or more but less than 30 percent, 30 or more but less than 40 percent, 40 or more but less than 50 percent, 50 or more but less than 60 percent, 60 or more but less than 70 percent, 70 or more but less than 80 percent, 80 or more but less than 90 percent, 90 or more but less than 100 percent, 100 or more but less than 110 percent, 110 or more but less than 120 percent, and 120 percent or more;

(iii) A list showing each geography in which the bank or savings association reported a small business or small farm loan; and

(iv) The number and amount of small business and small farm loans to

businesses and farms with gross annual revenues of \$1 million or less;

(3) The number and amount of small business and small farm loans located inside each assessment area reported by the bank or savings association and the number and amount of small business and small farm loans located outside the assessment area(s) reported by the bank or savings association; and

(4) The number and amount of community development loans reported as originated or purchased.

(i) *Aggregate disclosure statements.* The OCC, in conjunction with the Board of Governors of the Federal Reserve System and the FDIC, prepares annually, for each MSA or metropolitan division (including an MSA or metropolitan division that crosses a state boundary) and the nonmetropolitan portion of each state, an aggregate disclosure statement of small business and small farm lending by all institutions subject to reporting under this part or parts 228 or 345 of this title. These disclosure statements indicate, for each geography, the number and amount of all small business and small farm loans originated or purchased by reporting institutions, except that the appropriate Federal banking agency may adjust the form of the disclosure if necessary, because of special circumstances, to protect the privacy of a borrower or the competitive position of an institution.

(j) *Central data depositories.* The appropriate Federal banking agency makes the aggregate disclosure statements, described in paragraph (i) of this section, and the individual bank or savings association CRA Disclosure Statements, described in paragraph (h) of this section, available to the public at central data depositories. The appropriate Federal banking agency publishes a list of the depositories at which the statements are available.

§ 25.43 Content and availability of public file.

(a) *Information available to the public.* A bank or savings association shall maintain a public file that includes the following information:

(1) All written comments received from the public for the current year and each of the prior two calendar years that specifically relate to the bank's or savings association's performance in helping to meet community credit needs, and any response to the comments by the bank or savings association, if neither the comments nor the responses contain statements that reflect adversely on the good name or reputation of any persons other than the bank or savings association or

publication of which would violate specific provisions of law;

(2) A copy of the public section of the bank's or savings association's most recent CRA Performance Evaluation prepared by the appropriate Federal banking agency. The bank or savings association shall place this copy in the public file within 30 business days after its receipt from the appropriate Federal banking agency;

(3) A list of the bank's or savings association's branches, their street addresses, and geographies;

(4) A list of branches opened or closed by the bank or savings association during the current year and each of the prior two calendar years, their street addresses, and geographies;

(5) A list of services (including hours of operation, available loan and deposit products, and transaction fees) generally offered at the bank's or savings association's branches and descriptions of material differences in the availability or cost of services at particular branches, if any. At its option, a bank or savings association may include information regarding the availability of alternative systems for delivering retail banking services (e.g., ATMs, ATMs not owned or operated by or exclusively for the bank or savings association, banking by telephone or computer, loan production offices, and bank-at-work or bank-by-mail programs);

(6) A map of each assessment area showing the boundaries of the area and identifying the geographies contained within the area, either on the map or in a separate list; and

(7) Any other information the bank or savings association chooses.

(b) *Additional information available to the public*—(1) *Banks and savings associations other than small banks or savings associations.* A bank or savings association, except a small bank or savings association or a bank or savings association that was a small bank or savings association during the prior calendar year, shall include in its public file the following information pertaining to the bank or savings association and its affiliates, if applicable, for each of the prior two calendar years:

(i) If the bank or savings association has elected to have one or more categories of its consumer loans considered under the lending test, for each of these categories, the number and amount of loans:

(A) To low-, moderate-, middle-, and upper-income individuals;

(B) Located in low-, moderate-, middle-, and upper-income census tracts; and

(C) Located inside the bank's or savings association's assessment area(s)

and outside the bank's or savings association's assessment area(s); and

(ii) The bank's or savings association's CRA Disclosure Statement. The bank or savings association shall place the statement in the public file within three business days of its receipt from the appropriate Federal banking agency.

(2) *Banks and savings associations required to report Home Mortgage Disclosure Act (HMDA) data.* A bank or savings association required to report home mortgage loan data pursuant part 1003 of this title shall include in its public file a written notice that the institution's HMDA Disclosure Statement may be obtained on the Consumer Financial Protection Bureau's (Bureau's) website at www.consumerfinance.gov/hmda. In addition, a bank or savings association that elected to have the appropriate Federal banking agency consider the mortgage lending of an affiliate shall include in its public file the name of the affiliate and a written notice that the affiliate's HMDA Disclosure Statement may be obtained at the Bureau's website. The bank or savings association shall place the written notice(s) in the public file within three business days after receiving notification from the Federal Financial Institutions Examination Council of the availability of the disclosure statement(s).

(3) *Small banks and savings associations.* A small bank or savings association or a bank or savings association that was a small bank or savings association during the prior calendar year shall include in its public file:

(i) The bank's or savings association's loan-to-deposit ratio for each quarter of the prior calendar year and, at its option, additional data on its loan-to-deposit ratio; and

(ii) The information required for other banks or savings associations by paragraph (b)(1) of this section, if the bank or savings association has elected to be evaluated under the lending, investment, and service tests.

(4) *Banks and savings associations with strategic plans.* A bank or savings association that has been approved to be assessed under a strategic plan shall include in its public file a copy of that plan. A bank or savings association need not include information submitted to the appropriate Federal banking agency on a confidential basis in conjunction with the plan.

(5) *Banks and savings associations with less than satisfactory ratings.* A bank or savings association that received a less than satisfactory rating during its most recent examination shall include in its public file a description

of its current efforts to improve its performance in helping to meet the credit needs of its entire community. The bank or savings association shall update the description quarterly.

(c) *Location of public information.* A bank or savings association shall make available to the public for inspection upon request and at no cost the information required in this section as follows:

(1) At the main office and, if an interstate bank or savings association, at one branch office in each state, all information in the public file; and

(2) At each branch:

(i) A copy of the public section of the bank's or savings association's most recent CRA Performance Evaluation and a list of services provided by the branch; and

(ii) Within five calendar days of the request, all the information in the public file relating to the assessment area in which the branch is located.

(d) *Copies.* Upon request, a bank or savings association shall provide copies, either on paper or in another form acceptable to the person making the request, of the information in its public file. The bank or savings association may charge a reasonable fee not to exceed the cost of copying and mailing (if applicable).

(e) *Updating.* Except as otherwise provided in this section, a bank or savings association shall ensure that the information required by this section is current as of April 1 of each year.

§ 25.44 Public notice by banks and savings associations.

A bank or savings association shall provide in the public lobby of its main office and each of its branches the appropriate public notice set forth in appendix B of this part. Only a branch of a bank or savings association having more than one assessment area shall include the bracketed material in the notice for branch offices. Only an insured national bank that is an affiliate of a holding company shall include the next to the last sentence of the notices. An insured national bank shall include the last sentence of the notices only if it is an affiliate of a holding company that is not prevented by statute from acquiring additional banks. Only a savings association that is an affiliate of a holding company shall include the last two sentences of the notices.

§ 25.45 Publication of planned examination schedule.

The appropriate Federal banking agency publishes at least 30 days in advance of the beginning of each calendar quarter a list of banks and

savings associations scheduled for CRA examinations in that quarter.

Subpart D—Transition Provisions

§ 25.51 Consideration of Bank or Savings Association Activities.

(a) In assessing a bank's or savings association's CRA performance, the appropriate Federal banking agency will consider any loan, investment, or service that was eligible for CRA consideration at the time the bank or savings association conducted the activity.

(b) Notwithstanding paragraph (a), in assessing a bank's or savings association's CRA performance, the appropriate Federal banking agency will consider any loan or investment that was eligible for CRA consideration at the time the bank or savings association entered into a legally binding commitment to make the loan or investment.

§ 25.52 Strategic Plan Retention.

A bank or savings association strategic plan approved by the appropriate Federal banking agency and in effect as of December 31, 2021, remains in effect, except that provisions of the plan that are not consistent with this part in effect as of January 1, 2022, are void, unless amended pursuant to § 25.27.

Subpart E—Prohibition Against Use of Interstate Branches Primarily for Deposit Production

§ 25.61 Purpose and scope.

(a) *Purpose.* The purpose of this subpart is to implement section 109 (12 U.S.C. 1835a) of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 (Interstate Act).

(b) *Scope.* (1) This subpart applies to any national bank that has operated a covered interstate branch for a period of at least one year, and any foreign bank that has operated a covered interstate branch that is a Federal branch for a period of at least one year.

(2) This subpart describes the requirements imposed under 12 U.S.C. 1835a, which requires the appropriate Federal banking agencies (the OCC, the Board of Governors of the Federal Reserve System, and the FDIC) to prescribe uniform rules that prohibit a bank from using any authority to engage in interstate branching pursuant to the Interstate Act, or any amendment made by the Interstate Act to any other provision of law, primarily for the purpose of deposit production.

§ 25.62 Definitions.

For purposes of this subpart, the following definitions apply:

(a) *Bank* means, unless the context indicates otherwise:

(1) A national bank; and

(2) A foreign bank as that term is defined in 12 U.S.C. 3101(7) and 12 CFR 28.11(i).

(b) *Covered interstate branch* means:

(1) Any branch of a national bank, and any Federal branch of a foreign bank, that:

(i) Is established or acquired outside the bank's home State pursuant to the interstate branching authority granted by the Interstate Act or by any amendment made by the Interstate Act to any other provision of law; or

(ii) Could not have been established or acquired outside of the bank's home State but for the establishment or acquisition of a branch described in paragraph (b)(1)(i) of this section; and

(2) Any bank or branch of a bank controlled by an out-of-State bank holding company.

(c) *Federal branch* means Federal branch as that term is defined in 12 U.S.C. 3101(6) and 12 CFR 28.11(h).

(d) *Home State* means:

(1) With respect to a State bank, the State that chartered the bank;

(2) With respect to a national bank, the State in which the main office of the bank is located;

(3) With respect to a bank holding company, the State in which the total deposits of all banking subsidiaries of such company are the largest on the later of:

(i) July 1, 1966; or

(ii) The date on which the company becomes a bank holding company under the Bank Holding Company Act;

(4) With respect to a foreign bank:

(i) For purposes of determining whether a U.S. branch of a foreign bank is a covered interstate branch, the home State of the foreign bank as determined in accordance with 12 U.S.C. 3103(c) and 12 CFR 28.11(n); and

(ii) For purposes of determining whether a branch of a U.S. bank controlled by a foreign bank is a covered interstate branch, the State in which the total deposits of all banking subsidiaries of such foreign bank are the largest on the later of:

(A) July 1, 1966; or

(B) The date on which the foreign bank becomes a bank holding company under the Bank Holding Company Act.

(e) *Host State* means a State in which a covered interstate branch is established or acquired.

(f) *Host state loan-to-deposit ratio* generally means, with respect to a particular host state, the ratio of total loans in the host state relative to total deposits from the host state for all banks (including institutions covered under

the definition of "bank" in 12 U.S.C. 1813(a)(1)) that have that state as their home state, as determined and updated periodically by the appropriate Federal banking agencies and made available to the public.

(g) *Out-of-State bank holding company* means, with respect to any State, a bank holding company whose home State is another State.

(h) *State* means state as that term is defined in 12 U.S.C. 1813(a)(3).

(i) *Statewide loan-to-deposit ratio* means, with respect to a bank, the ratio of the bank's loans to its deposits in a state in which the bank has one or more covered interstate branches, as determined by the OCC.

§ 25.63 Loan-to-deposit ratio screen.

(a) *Application of screen.* Beginning no earlier than one year after a covered interstate branch is acquired or established, the OCC will consider whether the bank's statewide loan-to-deposit ratio is less than 50 percent of the relevant host State loan-to-deposit ratio.

(b) *Results of screen.* (1) If the OCC determines that the bank's statewide loan-to-deposit ratio is 50 percent or more of the host state loan-to-deposit ratio, no further consideration under this subpart is required.

(2) If the OCC determines that the bank's statewide loan-to-deposit ratio is less than 50 percent of the host state loan-to-deposit ratio, or if reasonably available data are insufficient to calculate the bank's statewide loan-to-deposit ratio, the OCC will make a credit needs determination for the bank as provided in § 25.64.

§ 25.64 Credit needs determination.

(a) *In general.* The OCC will review the loan portfolio of the bank and determine whether the bank is reasonably helping to meet the credit needs of the communities in the host state that are served by the bank.

(b) *Guidelines.* The OCC will use the following considerations as guidelines when making the determination pursuant to paragraph (a) of this section:

(1) Whether covered interstate branches were formerly part of a failed or failing depository institution;

(2) Whether covered interstate branches were acquired under circumstances where there was a low loan-to-deposit ratio because of the nature of the acquired institution's business or loan portfolio;

(3) Whether covered interstate branches have a high concentration of commercial or credit card lending, trust services, or other specialized activities, including the extent to which the

covered interstate branches accept deposits in the host state;

(4) The CRA ratings received by the bank, if any;

(5) Economic conditions, including the level of loan demand, within the communities served by the covered interstate branches;

(6) The safe and sound operation and condition of the bank; and

(7) The OCC's CRA regulations (subparts A through D of this part) and interpretations of those regulations.

§ 25.65 Sanctions.

(a) *In general.* If the OCC determines that a bank is not reasonably helping to meet the credit needs of the communities served by the bank in the host state, and that the bank's statewide loan-to-deposit ratio is less than 50 percent of the host state loan-to-deposit ratio, the OCC:

(1) May order that a bank's covered interstate branch or branches be closed unless the bank provides reasonable assurances to the satisfaction of the OCC, after an opportunity for public comment, that the bank has an acceptable plan under which the bank will reasonably help to meet the credit needs of the communities served by the bank in the host state; and

(2) Will not permit the bank to open a new branch in the host state that would be considered to be a covered interstate branch unless the bank provides reasonable assurances to the satisfaction of the OCC, after an opportunity for public comment, that the bank will reasonably help to meet the credit needs of the community that the new branch will serve.

(b) *Notice prior to closure of a covered interstate branch.* Before exercising the OCC's authority to order the bank to close a covered interstate branch, the OCC will issue to the bank a notice of the OCC's intent to order the closure and will schedule a hearing within 60 days of issuing the notice.

(c) *Hearing.* The OCC will conduct a hearing scheduled under paragraph (b) of this section in accordance with the provisions of 12 U.S.C. 1818(h) and 12 CFR part 19.

Appendix A to Part 25—Ratings

(a) *Ratings in general.* (1) In assigning a rating, the appropriate Federal banking agency evaluates a bank's or savings association's performance under the applicable performance criteria in this part, in accordance with §§ 25.21 and 25.28. This includes consideration of low-cost education loans provided to low-income borrowers and activities in cooperation with minority- or women-owned financial institutions and low-income credit unions, as well as adjustments on the basis of evidence of

discriminatory or other illegal credit practices.

(2) A bank's or savings association's performance need not fit each aspect of a particular rating profile in order to receive that rating, and exceptionally strong performance with respect to some aspects may compensate for weak performance in others. The bank's or savings association's overall performance, however, must be consistent with safe and sound banking practices and generally with the appropriate rating profile as follows.

(b) *Banks and savings associations evaluated under the lending, investment, and service tests—*(1) *Lending performance rating.* The appropriate Federal banking agency assigns each bank's or savings association's lending performance one of the five following ratings.

(i) *Outstanding.* The appropriate Federal banking agency rates a bank's or savings association's lending performance "outstanding" if, in general, it demonstrates:

(A) Excellent responsiveness to credit needs in its assessment area(s), taking into account the number and amount of home mortgage, small business, small farm, and consumer loans, if applicable, in its assessment area(s);

(B) A substantial majority of its loans are made in its assessment area(s);

(C) An excellent geographic distribution of loans in its assessment area(s);

(D) An excellent distribution, particularly in its assessment area(s), of loans among individuals of different income levels and businesses (including farms) of different sizes, given the product lines offered by the bank or savings association;

(E) An excellent record of serving the credit needs of highly economically disadvantaged areas in its assessment area(s), low-income individuals, or businesses (including farms) with gross annual revenues of \$1 million or less, consistent with safe and sound operations;

(F) Extensive use of innovative or flexible lending practices in a safe and sound manner to address the credit needs of low- or moderate-income individuals or geographies; and

(G) It is a leader in making community development loans.

(ii) *High satisfactory.* The appropriate Federal banking agency rates a bank's or savings association's lending performance "high satisfactory" if, in general, it demonstrates:

(A) Good responsiveness to credit needs in its assessment area(s), taking into account the number and amount of home mortgage, small business, small farm, and consumer loans, if applicable, in its assessment area(s);

(B) A high percentage of its loans are made in its assessment area(s);

(C) A good geographic distribution of loans in its assessment area(s);

(D) A good distribution, particularly in its assessment area(s), of loans among individuals of different income levels and businesses (including farms) of different sizes, given the product lines offered by the bank or savings association;

(E) A good record of serving the credit needs of highly economically disadvantaged

areas in its assessment area(s), low-income individuals, or businesses (including farms) with gross annual revenues of \$1 million or less, consistent with safe and sound operations;

(F) Use of innovative or flexible lending practices in a safe and sound manner to address the credit needs of low- or moderate-income individuals or geographies; and

(G) It has made a relatively high level of community development loans.

(iii) *Low satisfactory.* The appropriate Federal banking agency rates a bank's or savings association's lending performance "low satisfactory" if, in general, it demonstrates:

(A) Adequate responsiveness to credit needs in its assessment area(s), taking into account the number and amount of home mortgage, small business, small farm, and consumer loans, if applicable, in its assessment area(s);

(B) An adequate percentage of its loans are made in its assessment area(s);

(C) An adequate geographic distribution of loans in its assessment area(s);

(D) An adequate distribution, particularly in its assessment area(s), of loans among individuals of different income levels and businesses (including farms) of different sizes, given the product lines offered by the bank or savings association;

(E) An adequate record of serving the credit needs of highly economically disadvantaged areas in its assessment area(s), low-income individuals, or businesses (including farms) with gross annual revenues of \$1 million or less, consistent with safe and sound operations;

(F) Limited use of innovative or flexible lending practices in a safe and sound manner to address the credit needs of low- or moderate-income individuals or geographies; and

(G) It has made an adequate level of community development loans.

(iv) *Needs to improve.* The appropriate Federal banking agency rates a bank's or savings association's lending performance "needs to improve" if, in general, it demonstrates:

(A) Poor responsiveness to credit needs in its assessment area(s), taking into account the number and amount of home mortgage, small business, small farm, and consumer loans, if applicable, in its assessment area(s);

(B) A small percentage of its loans are made in its assessment area(s);

(C) A poor geographic distribution of loans, particularly to low- or moderate-income geographies, in its assessment area(s);

(D) A poor distribution, particularly in its assessment area(s), of loans among individuals of different income levels and businesses (including farms) of different sizes, given the product lines offered by the bank or savings association;

(E) A poor record of serving the credit needs of highly economically disadvantaged areas in its assessment area(s), low-income individuals, or businesses (including farms) with gross annual revenues of \$1 million or less, consistent with safe and sound operations;

(F) Little use of innovative or flexible lending practices in a safe and sound manner

to address the credit needs of low- or moderate-income individuals or geographies; and

(G) It has made a low level of community development loans.

(v) *Substantial noncompliance.* The appropriate Federal banking agency rates a bank's or savings association's lending performance as being in "substantial noncompliance" if, in general, it demonstrates:

(A) A very poor responsiveness to credit needs in its assessment area(s), taking into account the number and amount of home mortgage, small business, small farm, and consumer loans, if applicable, in its assessment area(s);

(B) A very small percentage of its loans are made in its assessment area(s);

(C) A very poor geographic distribution of loans, particularly to low- or moderate-income geographies, in its assessment area(s);

(D) A very poor distribution, particularly in its assessment area(s), of loans among individuals of different income levels and businesses (including farms) of different sizes, given the product lines offered by the bank or savings association;

(E) A very poor record of serving the credit needs of highly economically disadvantaged areas in its assessment area(s), low-income individuals, or businesses (including farms) with gross annual revenues of \$1 million or less, consistent with safe and sound operations;

(F) No use of innovative or flexible lending practices in a safe and sound manner to address the credit needs of low- or moderate-income individuals or geographies; and

(G) It has made few, if any, community development loans.

(2) *Investment performance rating.* The appropriate Federal banking agency assigns each bank's or savings association's investment performance one of the five following ratings.

(i) *Outstanding.* The appropriate Federal banking agency rates a bank's or savings association's investment performance "outstanding" if, in general, it demonstrates:

(A) An excellent level of qualified investments, particularly those that are not routinely provided by private investors, often in a leadership position;

(B) Extensive use of innovative or complex qualified investments; and

(C) Excellent responsiveness to credit and community development needs.

(ii) *High satisfactory.* The appropriate Federal banking agency rates a bank's or savings association's investment performance "high satisfactory" if, in general, it demonstrates:

(A) A significant level of qualified investments, particularly those that are not routinely provided by private investors, occasionally in a leadership position;

(B) Significant use of innovative or complex qualified investments; and

(C) Good responsiveness to credit and community development needs.

(iii) *Low satisfactory.* The appropriate Federal banking agency rates a bank's or savings association's investment performance "low satisfactory" if, in general, it demonstrates:

(A) An adequate level of qualified investments, particularly those that are not routinely provided by private investors, although rarely in a leadership position;

(B) Occasional use of innovative or complex qualified investments; and

(C) Adequate responsiveness to credit and community development needs.

(iv) *Needs to improve.* The appropriate Federal banking agency rates a bank's or savings association's investment performance "needs to improve" if, in general, it demonstrates:

(A) A poor level of qualified investments, particularly those that are not routinely provided by private investors;

(B) Rare use of innovative or complex qualified investments; and

(C) Poor responsiveness to credit and community development needs.

(v) *Substantial noncompliance.* The appropriate Federal banking agency rates a bank's or savings association's investment performance as being in "substantial noncompliance" if, in general, it demonstrates:

(A) Few, if any, qualified investments, particularly those that are not routinely provided by private investors;

(B) No use of innovative or complex qualified investments; and

(C) Very poor responsiveness to credit and community development needs.

(3) *Service performance rating.* The appropriate Federal banking agency assigns each bank's or savings association's service performance one of the five following ratings.

(i) *Outstanding.* The appropriate Federal banking agency rates a bank's or savings association's service performance "outstanding" if, in general, the bank or savings association demonstrates:

(A) Its service delivery systems are readily accessible to geographies and individuals of different income levels in its assessment area(s);

(B) To the extent changes have been made, its record of opening and closing branches has improved the accessibility of its delivery systems, particularly in low- or moderate-income geographies or to low- or moderate-income individuals;

(C) Its services (including, where appropriate, business hours) are tailored to the convenience and needs of its assessment area(s), particularly low- or moderate-income geographies or low- or moderate-income individuals; and

(D) It is a leader in providing community development services.

(ii) *High satisfactory.* The appropriate Federal banking agency rates a bank's or savings association's service performance "high satisfactory" if, in general, the bank or savings association demonstrates:

(A) Its service delivery systems are accessible to geographies and individuals of different income levels in its assessment area(s);

(B) To the extent changes have been made, its record of opening and closing branches has not adversely affected the accessibility of its delivery systems, particularly in low- and moderate-income geographies and to low- and moderate-income individuals;

(C) Its services (including, where appropriate, business hours) do not vary in

a way that inconveniences its assessment area(s), particularly low- and moderate-income geographies and low- and moderate-income individuals; and

(D) It provides a relatively high level of community development services.

(iii) *Low satisfactory.* The appropriate Federal banking agency rates a bank's or savings association's service performance "low satisfactory" if, in general, the bank or savings association demonstrates:

(A) Its service delivery systems are reasonably accessible to geographies and individuals of different income levels in its assessment area(s);

(B) To the extent changes have been made, its record of opening and closing branches has generally not adversely affected the accessibility of its delivery systems, particularly in low- and moderate-income geographies and to low- and moderate-income individuals;

(C) Its services (including, where appropriate, business hours) do not vary in a way that inconveniences its assessment area(s), particularly low- and moderate-income geographies and low- and moderate-income individuals; and

(D) It provides an adequate level of community development services.

(iv) *Needs to improve.* The appropriate Federal banking agency rates a bank's or savings association's service performance "needs to improve" if, in general, the bank or savings association demonstrates:

(A) Its service delivery systems are unreasonably inaccessible to portions of its assessment area(s), particularly to low- or moderate-income geographies or to low- or moderate-income individuals;

(B) To the extent changes have been made, its record of opening and closing branches has adversely affected the accessibility of its delivery systems, particularly in low- or moderate-income geographies or to low- or moderate-income individuals;

(C) Its services (including, where appropriate, business hours) vary in a way that inconveniences its assessment area(s), particularly low- or moderate-income geographies or low- or moderate-income individuals; and

(D) It provides a limited level of community development services.

(v) *Substantial noncompliance.* The appropriate Federal banking agency rates a bank's or savings association's service performance as being in "substantial noncompliance" if, in general, the bank or savings association demonstrates:

(A) Its service delivery systems are unreasonably inaccessible to significant portions of its assessment area(s), particularly to low- or moderate-income geographies or to low- or moderate-income individuals;

(B) To the extent changes have been made, its record of opening and closing branches has significantly adversely affected the accessibility of its delivery systems, particularly in low- or moderate-income geographies or to low- or moderate-income individuals;

(C) Its services (including, where appropriate, business hours) vary in a way that significantly inconveniences its assessment area(s), particularly low- or

moderate-income geographies or low- or moderate-income individuals; and

(D) It provides few, if any, community development services.

(c) *Wholesale or limited purpose banks.* The appropriate Federal banking agency assigns each wholesale or limited purpose bank's or savings association's community development performance one of the four following ratings.

(1) *Outstanding.* The appropriate Federal banking agency rates a wholesale or limited purpose bank's or savings association's community development performance "outstanding" if, in general, it demonstrates:

(i) A high level of community development loans, community development services, or qualified investments, particularly investments that are not routinely provided by private investors;

(ii) Extensive use of innovative or complex qualified investments, community development loans, or community development services; and

(iii) Excellent responsiveness to credit and community development needs in its assessment area(s).

(2) *Satisfactory.* The appropriate Federal banking agency rates a wholesale or limited purpose bank's or savings association's community development performance "satisfactory" if, in general, it demonstrates:

(i) An adequate level of community development loans, community development services, or qualified investments, particularly investments that are not routinely provided by private investors;

(ii) Occasional use of innovative or complex qualified investments, community development loans, or community development services; and

(iii) Adequate responsiveness to credit and community development needs in its assessment area(s).

(3) *Needs to improve.* The appropriate Federal banking agency rates a wholesale or limited purpose bank's or savings association's community development performance as "needs to improve" if, in general, it demonstrates:

(i) A poor level of community development loans, community development services, or qualified investments, particularly investments that are not routinely provided by private investors;

(ii) Rare use of innovative or complex qualified investments, community development loans, or community development services; and

(iii) Poor responsiveness to credit and community development needs in its assessment area(s).

(4) *Substantial noncompliance.* The appropriate Federal banking agency rates a wholesale or limited purpose bank's or savings association's community development performance in "substantial noncompliance" if, in general, it demonstrates:

(i) Few, if any, community development loans, community development services, or qualified investments, particularly investments that are not routinely provided by private investors;

(ii) No use of innovative or complex qualified investments, community

development loans, or community development services; and

(iii) Very poor responsiveness to credit and community development needs in its assessment area(s).

(d) *Banks and savings associations evaluated under the small bank and savings association performance standards—(1) Lending test ratings.* (i) *Eligibility for a satisfactory lending test rating.* The appropriate Federal banking agency rates a small bank's or savings association's lending performance "satisfactory" if, in general, the bank or savings association demonstrates:

(A) A reasonable loan-to-deposit ratio (considering seasonal variations) given the bank's or savings association's size, financial condition, the credit needs of its assessment area(s), and taking into account, as appropriate, other lending-related activities such as loan originations for sale to the secondary markets and community development loans and qualified investments;

(B) A majority of its loans and, as appropriate, other lending-related activities, are in its assessment area;

(C) A distribution of loans to and, as appropriate, other lending-related activities for individuals of different income levels (including low- and moderate-income individuals) and businesses and farms of different sizes that is reasonable given the demographics of the bank's or savings association's assessment area(s);

(D) A record of taking appropriate action, when warranted, in response to written complaints, if any, about the bank's or savings association's performance in helping to meet the credit needs of its assessment area(s); and

(E) A reasonable geographic distribution of loans given the bank's or savings association's assessment area(s).

(ii) *Eligibility for an "outstanding" lending test rating.* A small bank or savings association that meets each of the standards for a "satisfactory" rating under this paragraph and exceeds some or all of those standards may warrant consideration for a lending test rating of "outstanding."

(iii) *Needs to improve or substantial noncompliance ratings.* A small bank or savings association may also receive a lending test rating of "needs to improve" or "substantial noncompliance" depending on the degree to which its performance has failed to meet the standard for a "satisfactory" rating.

(2) *Community development test ratings for intermediate small banks and savings associations—(i) Eligibility for a satisfactory community development test rating.* The appropriate Federal banking agency rates an intermediate small bank's or savings association's community development performance "satisfactory" if the bank or savings association demonstrates adequate responsiveness to the community development needs of its assessment area(s) through community development loans, qualified investments, and community development services. The adequacy of the bank's or savings association's response will depend on its capacity for such community development activities, its assessment area's

need for such community development activities, and the availability of such opportunities for community development in the bank's or savings association's assessment area(s).

(ii) *Eligibility for an outstanding community development test rating.* The appropriate Federal banking agency rates an intermediate small bank's or savings association's community development performance "outstanding" if the bank or savings association demonstrates excellent responsiveness to community development needs in its assessment area(s) through community development loans, qualified investments, and community development services, as appropriate, considering the bank's or savings association's capacity and the need and availability of such opportunities for community development in the bank's or savings association's assessment area(s).

(iii) *Needs to improve or substantial noncompliance ratings.* An intermediate small bank or savings association may also receive a community development test rating of "needs to improve" or "substantial noncompliance" depending on the degree to which its performance has failed to meet the standards for a "satisfactory" rating.

(3) *Overall rating—(i) Eligibility for a satisfactory overall rating.* No intermediate small bank or savings association may receive an assigned overall rating of "satisfactory" unless it receives a rating of at least "satisfactory" on both the lending test and the community development test.

(ii) *Eligibility for an outstanding overall rating.* (A) An intermediate small bank or savings association that receives an "outstanding" rating on one test and at least "satisfactory" on the other test may receive an assigned overall rating of "outstanding."

(B) A small bank or savings association that is not an intermediate small bank or savings association that meets each of the standards for a "satisfactory" rating under the lending test and exceeds some or all of those standards may warrant consideration for an overall rating of "outstanding." In assessing whether a bank's or savings association's performance is "outstanding," the appropriate Federal banking agency considers the extent to which the bank or savings association exceeds each of the performance standards for a "satisfactory" rating and its performance in making qualified investments and its performance in providing branches and other services and delivery systems that enhance credit availability in its assessment area(s).

(iii) *Needs to improve or substantial noncompliance overall ratings.* A small bank or savings association may also receive a rating of "needs to improve" or "substantial noncompliance" depending on the degree to which its performance has failed to meet the standards for a "satisfactory" rating.

(e) *Strategic plan assessment and rating—(1) Satisfactory goals.* The appropriate Federal banking agency approves as "satisfactory" measurable goals that adequately help to meet the credit needs of the bank's or savings association's assessment area(s).

(2) *Outstanding goals.* If the plan identifies a separate group of measurable goals that

substantially exceed the levels approved as “satisfactory,” the appropriate Federal banking agency will approve those goals as “outstanding.”

(3) *Rating.* The appropriate Federal banking agency assesses the performance of a bank or savings association operating under an approved plan to determine if the bank or savings association has met its plan goals:

(i) If the bank or savings association substantially achieves its plan goals for a satisfactory rating, the appropriate Federal banking agency will rate the bank's or savings association's performance under the plan as “satisfactory.”

(ii) If the bank or savings association exceeds its plan goals for a satisfactory rating and substantially achieves its plan goals for an outstanding rating, the appropriate Federal banking agency will rate the bank's or savings association's performance under the plan as “outstanding.”

(iii) If the bank or savings association fails to meet substantially its plan goals for a satisfactory rating, the appropriate Federal banking agency will rate the bank or savings association as either “needs to improve” or “substantial noncompliance,” depending on the extent to which it falls short of its plan goals, unless the bank or savings association elected in its plan to be rated otherwise, as provided in § 25.27(f)(4).

Appendix B to Part 25—CRA Notice

(a) *Notice for main offices and, if an interstate bank and savings association, one branch office in each state.*

Community Reinvestment Act Notice

Under the Federal Community Reinvestment Act (CRA), the [Office of the Comptroller of the Currency (OCC) or Federal Deposit Insurance Corporation (FDIC), as appropriate] evaluates our record of helping to meet the credit needs of this community consistent with safe and sound operations. The [OCC or FDIC, as appropriate] also takes this record into account when deciding on certain applications submitted by us.

Your Involvement Is Encouraged

You are entitled to certain information about our operations and our performance under the CRA, including, for example, information about our branches, such as their location and services provided at them; the public section of our most recent CRA Performance Evaluation, prepared by the [OCC or FDIC, as appropriate]; and comments received from the public relating to our performance in helping to meet community credit needs, as well as our responses to those comments. You may review this information today.

At least 30 days before the beginning of each quarter, the [OCC or FDIC, as appropriate] publishes a nationwide list of the banks and savings associations that are scheduled for CRA examination in that quarter. This list is available from the [OCC or FDIC, as appropriate], at [address]. You may send written comments about our performance in helping to meet community credit needs to [name and address of official at bank or savings association] and to the [OCC or FDIC, as appropriate], at [address].

Your letter, together with any response by us, will be considered by the [OCC or FDIC, as appropriate] in evaluating our CRA performance and may be made public.

You may ask to look at any comments received by the [OCC or FDIC, as appropriate]. You may also request from the [OCC or FDIC, as appropriate] an announcement of our applications covered by the CRA filed with the [OCC or FDIC, as appropriate]. We are an affiliate of [name of holding company], a [bank holding company or savings and loan holding company, as appropriate]. You may request from the [title of responsible official], Federal Reserve Bank of [_____] [address] an announcement of applications covered by the CRA filed by [bank holding companies or savings and loan holding companies, as appropriate].

(b) *Notice for branch offices.*

Community Reinvestment Act Notice

Under the Federal Community Reinvestment Act (CRA), the [Comptroller of the Currency (OCC) and Federal Deposit Insurance Corporation (FDIC), as appropriate] evaluates our record of helping to meet the credit needs of this community consistent with safe and sound operations. The [OCC or FDIC, as appropriate] also takes this record into account when deciding on certain applications submitted by us.

Your Involvement Is Encouraged

You are entitled to certain information about our operations and our performance under the CRA. You may review today the public section of our most recent CRA evaluation, prepared by the [OCC or FDIC, as appropriate], and a list of services provided at this branch. You may also have access to the following additional information, which we will make available to you at this branch within five calendar days after you make a request to us: (1) A map showing the assessment area containing this branch, which is the area in which the [OCC or FDIC, as appropriate] evaluates our CRA performance in this community; (2) information about our branches in this assessment area; (3) a list of services we provide at those locations; (4) data on our lending performance in this assessment area; and (5) copies of all written comments received by us that specifically relate to our CRA performance in this assessment area, and any responses we have made to those comments. If we are operating under an approved strategic plan, you may also have access to a copy of the plan.

[If you would like to review information about our CRA performance in other communities served by us, the public file for our entire [bank or savings association, as appropriate] is available at [name of office located in state], located at [address].]

At least 30 days before the beginning of each quarter, the [OCC or FDIC, as appropriate] publishes a nationwide list of the banks and savings associations that are scheduled for CRA examination in that quarter. This list is available from the [OCC or FDIC, as appropriate] at [address]. You may send written comments about our performance in helping to meet community credit needs to [name and address of official

at bank or savings association, as appropriate] and to the [OCC or FDIC, as appropriate] at [address]. Your letter, together with any response by us, will be considered by the [OCC or FDIC, as appropriate] in evaluating our CRA performance and may be made public.

You may ask to look at any comments received by the [OCC or FDIC, as appropriate]. You may also request from the [OCC or FDIC, as appropriate] an announcement of our applications covered by the CRA filed with the [OCC or FDIC, as appropriate]. We are an affiliate of [name of holding company], a [bank holding company or savings and loan holding company, as appropriate]. You may request from the [title of responsible official], Federal Reserve Bank of [_____] [address], an announcement of applications covered by the CRA filed by [bank holding companies or savings and loan holding companies, as appropriate].

PART 35—DISCLOSURE AND REPORTING OF CRA-RELATED AGREEMENTS

■ 6. The authority citation for part 35 continues to read as follows:

Authority: 12 U.S.C. 1, 93a, 1462a, 1463, 1464, 1831y, and 5412(b)(2)(B).

■ 7. Amend § 35.4(a)(2) by:

■ a. In paragraph (i), removing “§ 25.22 of appendix G to 12 CFR part 25” and adding in its place “12 CFR 25.22”.

■ b. In paragraph (ii), removing “§ 25.23 of appendix G to 12 CFR part 25” and adding in its place “12 CFR 25.23”.

■ c. In paragraph (iii), removing “§ 25.24(d) of appendix G to 12 CFR part 25” and adding in its place “12 CFR 25.24(d)”.

■ d. In paragraph (iv), removing “§ 25.24(e) of appendix G to 12 CFR part 25” and adding in its place “12 CFR 25.24(e)”.

■ e. In paragraph (v), removing “§ 25.25(c) of appendix G to 12 CFR part 25” and adding in its place “12 CFR 25.25(c)”.

■ f. In paragraph (vi), removing “§ 25.26(a) of appendix G to 12 CFR part 25” and adding in its place “12 CFR 25.26(a)”.

■ g. In paragraph (vii), removing “§ 25.27(f) of appendix G to 12 CFR part 25” and adding in its place “12 CFR 25.27(f)”.

§ 35.6 [Amended]

■ 8. Amend § 35.6 in paragraph (b)(7) by removing “§ 25.43 of appendix G to 12 CFR part 25” and adding “12 CFR 25.43” in its place.

§ 35.11 [Amended]

■ 9. Amend § 35.11 in paragraph (d) by removing “§ 25.43 of appendix G to 12 CFR part 25” and adding in its place “12 CFR 25.43”.

FEDERAL RESERVE SYSTEM**12 CFR Chapter II****Authority and Issuance**

For the reasons discussed in the preamble, the Board of Governors of the Federal Reserve System proposes to amend of chapter II of title 12 of the Code of Federal Regulations as follows:

PART 207—DISCLOSURE AND REPORTING OF CRA-RELATED AGREEMENTS (REGULATION G)

■ 10. The authority citation for part 207 continues to read as follows:

Authority: 12 U.S.C. 1831y.

§ 207.4 [Amended]

■ 11. Amend § 207.4 by:

■ a. In paragraph (a)(2)(i), removing “appendix G to 12 CFR part 228” and adding “Regulation BB (12 CFR 228.22)” in its place;

■ b. In paragraph (a)(2)(ii), removing “appendix G to 12 CFR part 228” and adding “Regulation BB (12 CFR 228.23)” in its place;

■ c. In paragraph (a)(2)(iii), removing “appendix G to 12 CFR part 228” and adding “Regulation BB (12 CFR 228.24(d))” in its place;

■ d. In paragraph (a)(2)(iv), removing “appendix G to 12 CFR part 228” and adding “Regulation BB (12 CFR 228.24(e))” in its place;

■ e. In paragraph (a)(2)(v), removing “appendix G to 12 CFR part 228” and adding “Regulation BB (12 CFR 228.25(c))” in its place;

■ f. In paragraph (a)(2)(vi), removing “appendix G to 12 CFR part 228” and adding “Regulation BB (12 CFR 228.26(a))” in its place; and

■ g. In paragraph (a)(2)(vii), removing “appendix G to 12 CFR part 228” and adding “Regulation BB (12 CFR 228.27(f))” in its place.

§ 207.6 [Amended]

■ 12. Amend § 207.6 in paragraph (b)(7) by removing “appendix G to 12 CFR part 228” and adding “Regulation BB (12 CFR 228.43)” in its place.

§ 207.11 [Amended]

■ 13. Amend § 207.11 in paragraph (d) by removing “appendix G to 12 CFR part 228” and adding “Regulation BB (12 CFR 228.43)” in its place.

■ 14. Part 228 is revised to read as follows:

PART 228 COMMUNITY REINVESTMENT (REGULATION BB)

Sec.

Subpart A—General

228.11 Authority, purposes, and scope.

228.12 Definitions.

Subpart B—Standards for Assessing Performance

228.21 Performance tests, standards, and ratings, in general.

228.22 Lending test.

228.23 Investment test.

228.24 Service test.

228.25 Community development test for wholesale or limited purpose banks.

228.26 Small bank performance standards.

228.27 Strategic plan.

228.28 Assigned ratings.

228.29 Effect of CRA performance on applications.

Subpart C—Records, Reporting, and Disclosure Requirements

228.41 Assessment area delineation.

228.42 Data collection, reporting, and disclosure.

228.43 Content and availability of public file.

228.44 Public notice by banks.

228.45 Publication of planned examination schedule.

Appendix A to Part 228—Ratings

Appendix B to Part 228—CRA Notice

Authority: 12 U.S.C. 321, 325, 1828(c), 1842, 1843, 1844, and 2901 *et seq.*

§§ 228.1–228.2 [Reserved]**Subpart A—General****§ 228.11 Authority, purposes, and scope.**

(a) *Authority.* The Board of Governors of the Federal Reserve System (the Board) issues this part to implement the Community Reinvestment Act (12 U.S.C. 2901 *et seq.*) (CRA). The regulations comprising this part are issued under the authority of the CRA and under the provisions of the United States Code authorizing the Board:

(1) To conduct examinations of State-chartered banks that are members of the Federal Reserve System (12 U.S.C. 325);

(2) To conduct examinations of bank holding companies and their subsidiaries (12 U.S.C. 1844) and savings and loan holding companies and their subsidiaries (12 U.S.C. 1467a); and

(3) To consider applications for:

(i) Domestic branches by State member banks (12 U.S.C. 321);

(ii) Mergers in which the resulting bank would be a State member bank (12 U.S.C. 1828(c));

(iii) Formations of, acquisitions of banks by, and mergers of, bank holding companies (12 U.S.C. 1842);

(iv) The acquisition of savings associations by bank holding companies (12 U.S.C. 1843); and

(v) Formations of, acquisitions of savings associations by, conversions of, and mergers of, savings and loan holding companies (12 U.S.C. 1467a).

(b) *Purposes.* In enacting the CRA, the Congress required each appropriate

Federal financial supervisory agency to assess an institution’s record of helping to meet the credit needs of the local communities in which the institution is chartered, consistent with the safe and sound operation of the institution, and to take this record into account in the agency’s evaluation of an application for a deposit facility by the institution. This part is intended to carry out the purposes of the CRA by:

(1) Establishing the framework and criteria by which the Board assesses a bank’s record of helping to meet the credit needs of its entire community, including low- and moderate-income neighborhoods, consistent with the safe and sound operation of the bank; and

(2) Providing that the Board takes that record into account in considering certain applications.

(c) *Scope*—(1) *General.* This part applies to all banks except as provided in paragraph (c)(3) of this section.

(2) *Foreign bank acquisitions.* This part also applies to an uninsured State branch (other than a limited branch) of a foreign bank that results from an acquisition described in section 5(a)(8) of the International Banking Act of 1978 (12 U.S.C. 3103(a)(8)). The terms “State branch” and “foreign bank” have the same meanings as in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101 *et seq.*); the term “uninsured State branch” means a State branch the deposits of which are not insured by the Federal Deposit Insurance Corporation; the term “limited branch” means a State branch that accepts only deposits that are permissible for a corporation organized under section 25A of the Federal Reserve Act (12 U.S.C. 611 *et seq.*).

(3) *Certain special purpose banks.* This part does not apply to special purpose banks that do not perform commercial or retail banking services by granting credit to the public in the ordinary course of business, other than as incident to their specialized operations. These banks include banker’s banks, as defined in 12 U.S.C. 24 (Seventh), and banks that engage only in one or more of the following activities: providing cash management controlled disbursement services or serving as correspondent banks, trust companies, or clearing agents.

§ 228.12 Definitions.

For purposes of this part, the following definitions apply:

(a) *Affiliate* means any company that controls, is controlled by, or is under common control with another company. The term “control” has the meaning given to that term in 12 U.S.C. 1841(a)(2), and a company is under

common control with another company if both companies are directly or indirectly controlled by the same company.

(b) *Area median income* means:

(1) The median family income for the MSA, if a person or geography is located in an MSA, or for the metropolitan division, if a person or geography is located in an MSA that has been subdivided into metropolitan divisions; or

(2) The statewide nonmetropolitan median family income, if a person or geography is located outside an MSA.

(c) *Assessment area* means a geographic area delineated in accordance with § 228.41.

(d) *Automated teller machine (ATM)* means an automated, unstaffed banking facility owned or operated by, or operated exclusively for, the bank at which deposits are received, cash dispersed, or money lent.

(e) *Bank* means a State member bank as that term is defined in section 3(d)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(d)(2)), except as provided in § 228.11(c)(3), and includes an uninsured State branch (other than a limited branch) of a foreign bank described in § 228.11(c)(2).

(f) *Branch* means a staffed banking facility approved as a branch, whether shared or unshared, including, for example, a mini-branch in a grocery store or a branch operated in conjunction with any other local business or nonprofit organization.

(g) *Community development* means:

(1) Affordable housing (including multifamily rental housing) for low- or moderate-income individuals;

(2) Community services targeted to low- or moderate-income individuals;

(3) Activities that promote economic development by financing businesses or farms that meet the size eligibility standards of the Small Business Administration's Development Company or Small Business Investment Company programs (13 CFR 121.301) or have gross annual revenues of \$1 million or less; or

(4) Activities that revitalize or stabilize—

(i) Low- or moderate-income geographies;

(ii) Designated disaster areas; or

(iii) Distressed or underserved nonmetropolitan middle-income geographies designated by the Board, Federal Deposit Insurance Corporation, and Office of the Comptroller of the Currency, based on—

(A) Rates of poverty, unemployment, and population loss; or

(B) Population size, density, and dispersion. Activities revitalize and

stabilize geographies designated based on population size, density, and dispersion if they help to meet essential community needs, including needs of low- and moderate-income individuals.

(h) *Community development loan* means a loan that:

(1) Has as its primary purpose community development; and

(2) Except in the case of a wholesale or limited purpose bank:

(i) Has not been reported or collected by the bank or an affiliate for consideration in the bank's assessment as a home mortgage, small business, small farm, or consumer loan, unless the loan is for a multifamily dwelling (as defined in § 1003.2(n) of this title); and

(ii) Benefits the bank's assessment area(s) or a broader statewide or regional area that includes the bank's assessment area(s).

(i) *Community development service* means a service that:

(1) Has as its primary purpose community development;

(2) Is related to the provision of financial services; and

(3) Has not been considered in the evaluation of the bank's retail banking services under § 228.24(d).

(j) *Consumer loan* means a loan to one or more individuals for household, family, or other personal expenditures. A consumer loan does not include a home mortgage, small business, or small farm loan. Consumer loans include the following categories of loans:

(1) *Motor vehicle loan*, which is a consumer loan extended for the purchase of and secured by a motor vehicle;

(2) *Credit card loan*, which is a line of credit for household, family, or other personal expenditures that is accessed by a borrower's use of a "credit card," as this term is defined in § 1026.2 of this chapter;

(3) *Other secured consumer loan*, which is a secured consumer loan that is not included in one of the other categories of consumer loans; and

(4) *Other unsecured consumer loan*, which is an unsecured consumer loan that is not included in one of the other categories of consumer loans.

(k) *Geography* means a census tract delineated by the United States Bureau of the Census in the most recent decennial census.

(l) *Home mortgage loan* means a closed-end mortgage loan or an open-end line of credit as these terms are defined under § 1003.2 of this title and that is not an excluded transaction under § 1003.3(c)(1) through (10) and (13) of this title.

(m) *Income level* includes:

(1) *Low-income*, which means an individual income that is less than 50

percent of the area median income, or a median family income that is less than 50 percent, in the case of a geography.

(2) *Moderate-income*, which means an individual income that is at least 50 percent and less than 80 percent of the area median income, or a median family income that is at least 50 and less than 80 percent, in the case of a geography.

(3) *Middle-income*, which means an individual income that is at least 80 percent and less than 120 percent of the area median income, or a median family income that is at least 80 and less than 120 percent, in the case of a geography.

(4) *Upper-income*, which means an individual income that is 120 percent or more of the area median income, or a median family income that is 120 percent or more, in the case of a geography.

(n) *Limited purpose bank* means a bank that offers only a narrow product line (such as credit card or motor vehicle loans) to a regional or broader market and for which a designation as a limited purpose bank is in effect, in accordance with § 228.25(b).

(o) *Loan location*. A loan is located as follows:

(1) A consumer loan is located in the geography where the borrower resides;

(2) A home mortgage loan is located in the geography where the property to which the loan relates is located; and

(3) A small business or small farm loan is located in the geography where the main business facility or farm is located or where the loan proceeds otherwise will be applied, as indicated by the borrower.

(p) *Loan production office* means a staffed facility, other than a branch, that is open to the public and that provides lending-related services, such as loan information and applications.

(q) *Metropolitan division* means a metropolitan division as defined by the Director of the Office of Management and Budget.

(r) *MSA* means a metropolitan statistical area as defined by the Director of the Office of Management and Budget.

(s) *Nonmetropolitan area* means any area that is not located in an MSA.

(t) *Qualified investment* means a lawful investment, deposit, membership share, or grant that has as its primary purpose community development.

(u) *Small bank*—(1) *Definition*. *Small bank* means a bank that, as of December 31 of either of the prior two calendar years, had assets of less than \$1.609 billion. *Intermediate small bank* means a small bank with assets of at least \$402 million as of December 31 of both of the prior two calendar years and less than

\$1.609 billion as of December 31 of either of the prior two calendar years.

(2) *Adjustment*. The dollar figures in paragraph (u)(1) of this section shall be adjusted annually and published by the Board, based on the year-to-year change in the average of the Consumer Price Index for Urban Wage Earners and Clerical Workers, not seasonally adjusted, for each twelve-month period ending in November, with rounding to the nearest million.

(v) *Small business loan* means a loan included in “loans to small businesses” as defined in the instructions for preparation of the Consolidated Report of Condition and Income.

(w) *Small farm loan* means a loan included in “loans to small farms” as defined in the instructions for preparation of the Consolidated Report of Condition and Income.

(x) *Wholesale bank* means a bank that is not in the business of extending home mortgage, small business, small farm, or consumer loans to retail customers, and for which a designation as a wholesale bank is in effect, in accordance with § 228.25(b).

Subpart B—Standards for Assessing Performance

§ 228.21 Performance tests, standards, and ratings, in general.

(a) *Performance tests and standards*. The Board assesses the CRA performance of a bank in an examination as follows:

(1) *Lending, investment, and service tests*. The Board applies the lending, investment, and service tests, as provided in §§ 228.22 through 228.24, in evaluating the performance of a bank, except as provided in paragraphs (a)(2), (a)(3), and (a)(4) of this section.

(2) *Community development test for wholesale or limited purpose banks*. The Board applies the community development test for a wholesale or limited purpose bank, as provided in § 228.25, except as provided in paragraph (a)(4) of this section.

(3) *Small bank performance standards*. The Board applies the small bank performance standards as provided in § 228.26 in evaluating the performance of a small bank or a bank that was a small bank during the prior calendar year, unless the bank elects to be assessed as provided in paragraphs (a)(1), (a)(2), or (a)(4) of this section. The bank may elect to be assessed as provided in paragraph (a)(1) of this section only if it collects and reports the data required for other banks under § 228.42.

(4) *Strategic plan*. The Board evaluates the performance of a bank

under a strategic plan if the bank submits, and the Board approves, a strategic plan as provided in § 228.27.

(b) *Performance context*. The Board applies the tests and standards in paragraph (a) of this section and also considers whether to approve a proposed strategic plan in the context of:

(1) Demographic data on median income levels, distribution of household income, nature of housing stock, housing costs, and other relevant data pertaining to a bank’s assessment area(s);

(2) Any information about lending, investment, and service opportunities in the bank’s assessment area(s) maintained by the bank or obtained from community organizations, state, local, and tribal governments, economic development agencies, or other sources;

(3) The bank’s product offerings and business strategy as determined from data provided by the bank;

(4) Institutional capacity and constraints, including the size and financial condition of the bank, the economic climate (national, regional, and local), safety and soundness limitations, and any other factors that significantly affect the bank’s ability to provide lending, investments, or services in its assessment area(s);

(5) The bank’s past performance and the performance of similarly situated lenders;

(6) The bank’s public file, as described in § 228.43, and any written comments about the bank’s CRA performance submitted to the bank or the Board; and

(7) Any other information deemed relevant by the Board.

(c) *Assigned ratings*. The Board assigns to a bank one of the following four ratings pursuant to § 228.28 and appendix A of this part: “outstanding”; “satisfactory”; “needs to improve”; or “substantial noncompliance” as provided in 12 U.S.C. 2906(b)(2). The rating assigned by the Board reflects the bank’s record of helping to meet the credit needs of its entire community, including low- and moderate-income neighborhoods, consistent with the safe and sound operation of the bank.

(d) *Safe and sound operations*. This part and the CRA do not require a bank to make loans or investments or to provide services that are inconsistent with safe and sound operations. To the contrary, the Board anticipates banks can meet the standards of this part with safe and sound loans, investments, and services on which the banks expect to make a profit. Banks are permitted and encouraged to develop and apply flexible underwriting standards for

loans that benefit low- or moderate-income geographies or individuals, only if consistent with safe and sound operations.

(e) *Low-cost education loans provided to low-income borrowers*. In assessing and taking into account the record of a bank under this part, the Board considers, as a factor, low-cost education loans originated by the bank to borrowers, particularly in its assessment area(s), who have an individual income that is less than 50 percent of the area median income. For purposes of this paragraph, “low-cost education loans” means any education loan, as defined in section 140(a)(7) of the Truth in Lending Act (15 U.S.C. 1650(a)(7)) (including a loan under a state or local education loan program), originated by the bank for a student at an “institution of higher education,” as that term is generally defined in sections 101 and 102 of the Higher Education Act of 1965 (20 U.S.C. 1001 and 1002) and the implementing regulations published by the U.S. Department of Education, with interest rates and fees no greater than those of comparable education loans offered directly by the U.S. Department of Education. Such rates and fees are specified in section 455 of the Higher Education Act of 1965 (20 U.S.C. 1087e).

(f) *Activities in cooperation with minority- or women-owned financial institutions and low-income credit unions*. In assessing and taking into account the record of a nonminority-owned and nonwomen-owned bank under this part, the Board considers as a factor capital investment, loan participation, and other ventures undertaken by the bank in cooperation with minority- and women-owned financial institutions and low-income credit unions. Such activities must help meet the credit needs of local communities in which the minority- and women-owned financial institutions and low-income credit unions are chartered. To be considered, such activities need not also benefit the bank’s assessment area(s) or the broader statewide or regional area that includes the bank’s assessment area(s).

§ 228.22 Lending test.

(a) *Scope of test*. (1) The lending test evaluates a bank’s record of helping to meet the credit needs of its assessment area(s) through its lending activities by considering a bank’s home mortgage, small business, small farm, and community development lending. If consumer lending constitutes a substantial majority of a bank’s business, the Board will evaluate the

bank's consumer lending in one or more of the following categories: motor vehicle, credit card, other secured, and other unsecured loans. In addition, at a bank's option, the Board will evaluate one or more categories of consumer lending, if the bank has collected and maintained, as required in § 228.42(c)(1), the data for each category that the bank elects to have the Board evaluate.

(2) The Board considers originations and purchases of loans. The Board will also consider any other loan data the bank may choose to provide, including data on loans outstanding, commitments and letters of credit.

(3) A bank may ask the Board to consider loans originated or purchased by consortia in which the bank participates or by third parties in which the bank has invested only if the loans meet the definition of community development loans and only in accordance with paragraph (d) of this section. The Board will not consider these loans under any criterion of the lending test except the community development lending criterion.

(b) *Performance criteria.* The Board evaluates a bank's lending performance pursuant to the following criteria:

(1) *Lending activity.* The number and amount of the bank's home mortgage, small business, small farm, and consumer loans, if applicable, in the bank's assessment area(s);

(2) *Geographic distribution.* The geographic distribution of the bank's home mortgage, small business, small farm, and consumer loans, if applicable, based on the loan location, including:

(i) The proportion of the bank's lending in the bank's assessment area(s);

(ii) The dispersion of lending in the bank's assessment area(s); and

(iii) The number and amount of loans in low-, moderate-, middle-, and upper-income geographies in the bank's assessment area(s);

(3) *Borrower characteristics.* The distribution, particularly in the bank's assessment area(s), of the bank's home mortgage, small business, small farm, and consumer loans, if applicable, based on borrower characteristics, including the number and amount of:

(i) Home mortgage loans to low-, moderate-, middle-, and upper-income individuals;

(ii) Small business and small farm loans to businesses and farms with gross annual revenues of \$1 million or less;

(iii) Small business and small farm loans by loan amount at origination; and

(iv) Consumer loans, if applicable, to low-, moderate-, middle-, and upper-income individuals;

(4) *Community development lending.* The bank's community development lending, including the number and amount of community development loans, and their complexity and innovativeness; and

(5) *Innovative or flexible lending practices.* The bank's use of innovative or flexible lending practices in a safe and sound manner to address the credit needs of low- or moderate-income individuals or geographies.

(c) *Affiliate lending.* (1) At a bank's option, the Board will consider loans by an affiliate of the bank, if the bank provides data on the affiliate's loans pursuant to § 228.42.

(2) The Board considers affiliate lending subject to the following constraints:

(i) No affiliate may claim a loan origination or loan purchase if another institution claims the same loan origination or purchase; and

(ii) If a bank elects to have the Board consider loans within a particular lending category made by one or more of the bank's affiliates in a particular assessment area, the bank shall elect to have the Board consider, in accordance with paragraph (c)(1) of this section, all the loans within that lending category in that particular assessment area made by all of the bank's affiliates.

(3) The Board does not consider affiliate lending in assessing a bank's performance under paragraph (b)(2)(i) of this section.

(d) *Lending by a consortium or a third party.* Community development loans originated or purchased by a consortium in which the bank participates or by a third party in which the bank has invested:

(1) Will be considered, at the bank's option, if the bank reports the data pertaining to these loans under § 228.42(b)(2); and

(2) May be allocated among participants or investors, as they choose, for purposes of the lending test, except that no participant or investor:

(i) May claim a loan origination or loan purchase if another participant or investor claims the same loan origination or purchase; or

(ii) May claim loans accounting for more than its percentage share (based on the level of its participation or investment) of the total loans originated by the consortium or third party.

(e) *Lending performance rating.* The Board rates a bank's lending performance as provided in appendix A of this part.

§ 228.23 Investment test.

(a) *Scope of test.* The investment test evaluates a bank's record of helping to

meet the credit needs of its assessment area(s) through qualified investments that benefit its assessment area(s) or a broader statewide or regional area that includes the bank's assessment area(s).

(b) *Exclusion.* Activities considered under the lending or service tests may not be considered under the investment test.

(c) *Affiliate investment.* At a bank's option, the Board will consider, in its assessment of a bank's investment performance, a qualified investment made by an affiliate of the bank, if the qualified investment is not claimed by any other institution.

(d) *Disposition of branch premises.* Donating, selling on favorable terms, or making available on a rent-free basis a branch of the bank that is located in a predominantly minority neighborhood to a minority depository institution or women's depository institution (as these terms are defined in 12 U.S.C. 2907(b)) will be considered as a qualified investment.

(e) *Performance criteria.* The Board evaluates the investment performance of a bank pursuant to the following criteria:

(1) The dollar amount of qualified investments;

(2) The innovativeness or complexity of qualified investments;

(3) The responsiveness of qualified investments to credit and community development needs; and

(4) The degree to which the qualified investments are not routinely provided by private investors.

(f) *Investment performance rating.* The Board rates a bank's investment performance as provided in appendix A of this part.

§ 228.24 Service test.

(a) *Scope of test.* The service test evaluates a bank's record of helping to meet the credit needs of its assessment area(s) by analyzing both the availability and effectiveness of a bank's systems for delivering retail banking services and the extent and innovativeness of its community development services.

(b) *Area(s) benefitted.* Community development services must benefit a bank's assessment area(s) or a broader statewide or regional area that includes the bank's assessment area(s).

(c) *Affiliate service.* At a bank's option, the Board will consider, in its assessment of a bank's service performance, a community development service provided by an affiliate of the bank, if the community development service is not claimed by any other institution.

(d) *Performance criteria—retail banking services.* The Board evaluates

the availability and effectiveness of a bank's systems for delivering retail banking services, pursuant to the following criteria:

(1) The current distribution of the bank's branches among low-, moderate-, middle-, and upper-income geographies;

(2) In the context of its current distribution of the bank's branches, the bank's record of opening and closing branches, particularly branches located in low- or moderate-income geographies or primarily serving low- or moderate-income individuals;

(3) The availability and effectiveness of alternative systems for delivering retail banking services (e.g., ATMs, ATMs not owned or operated by or exclusively for the bank, banking by telephone or computer, loan production offices, and bank-at-work or bank-by-mail programs) in low- and moderate-income geographies and to low- and moderate-income individuals; and

(4) The range of services provided in low-, moderate-, middle-, and upper-income geographies and the degree to which the services are tailored to meet the needs of those geographies.

(e) *Performance criteria—community development services.* The Board evaluates community development services pursuant to the following criteria:

(1) The extent to which the bank provides community development services; and

(2) The innovativeness and responsiveness of community development services.

(f) *Service performance rating.* The Board rates a bank's service performance as provided in appendix A of this part.

§ 228.25 Community development test for wholesale or limited purpose banks.

(a) *Scope of test.* The Board assesses a wholesale or limited purpose bank's record of helping to meet the credit needs of its assessment area(s) under the community development test through its community development lending, qualified investments, or community development services.

(b) *Designation as a wholesale or limited purpose bank.* In order to receive a designation as a wholesale or limited purpose bank, a bank shall file a request, in writing, with the Board, at least three months prior to the proposed effective date of the designation. If the Board approves the designation, it remains in effect until the bank requests revocation of the designation or until one year after the Board notifies the bank that the Board has revoked the designation on its own initiative.

(c) *Performance criteria.* The Board evaluates the community development performance of a wholesale or limited purpose bank pursuant to the following criteria:

(1) The number and amount of community development loans (including originations and purchases of development loan data provided by the bank, such as data on loans outstanding, commitments, and letters of credit), qualified investments, or community development services;

(2) The use of innovative or complex qualified investments, community development loans, or community development services and the extent to which the investments are not routinely provided by private investors; and

(3) The bank's responsiveness to credit and community development needs.

(d) *Indirect activities.* At a bank's option, the Board will consider in its community development performance assessment:

(1) Qualified investments or community development services provided by an affiliate of the bank, if the investments or services are not claimed by any other institution; and

(2) Community development lending by affiliates, consortia and third parties, subject to the requirements and limitations in § 228.22(c) and (d).

(e) *Benefit to assessment area(s)—(1) Benefit inside assessment area(s).* The Board considers all qualified investments, community development loans, and community development services that benefit areas within the bank's assessment area(s) or a broader statewide or regional area that includes the bank's assessment area(s).

(2) *Benefit outside assessment area(s).* The Board considers the qualified investments, community development loans, and community development services that benefit areas outside the bank's assessment area(s), if the bank has adequately addressed the needs of its assessment area(s).

(f) *Community development performance rating.* The Board rates a bank's community development performance as provided in appendix A of this part.

§ 228.26 Small bank performance standards.

(a) *Performance criteria—(1) Small banks that are not intermediate small banks.* The Board evaluates the record of a small bank that is not, or that was not during the prior calendar year, an intermediate small bank, of helping to meet the credit needs of its assessment

area(s) pursuant to the criteria set forth in paragraph (b) of this section.

(2) *Intermediate small banks.* The Board evaluates the record of a small bank that is, or that was during the prior calendar year, an intermediate small bank, of helping to meet the credit needs of its assessment area(s) pursuant to the criteria set forth in paragraphs (b) and (c) of this section.

(b) *Lending test.* A small bank's lending performance is evaluated pursuant to the following criteria:

(1) The bank's loan-to-deposit ratio, adjusted for seasonal variation, and, as appropriate, other lending-related activities, such as loan originations for sale to the secondary markets, community development loans, or qualified investments;

(2) The percentage of loans and, as appropriate, other lending-related activities located in the bank's assessment area(s);

(3) The bank's record of lending to and, as appropriate, engaging in other lending-related activities for borrowers of different income levels and businesses and farms of different sizes;

(4) The geographic distribution of the bank's loans; and

(5) The bank's record of taking action, if warranted, in response to written complaints about its performance in helping to meet credit needs in its assessment area(s).

(c) *Community development test.* An intermediate small bank's community development performance also is evaluated pursuant to the following criteria:

(1) The number and amount of community development loans;

(2) The number and amount of qualified investments;

(3) The extent to which the bank provides community development services; and

(4) The bank's responsiveness through such activities to community development lending, investment, and services needs.

(d) *Small bank performance rating.* The Board rates the performance of a bank evaluated under this section as provided in appendix A of this part.

§ 228.27 Strategic plan.

(a) *Alternative election.* The Board will assess a bank's record of helping to meet the credit needs of its assessment area(s) under a strategic plan if:

(1) The bank has submitted the plan to the Board as provided for in this section;

(2) The Board has approved the plan;

(3) The plan is in effect; and

(4) The bank has been operating under an approved plan for at least one year.

(b) *Data reporting.* The Board's approval of a plan does not affect the bank's obligation, if any, to report data as required by § 228.42.

(c) *Plans in general*—(1) *Term.* A plan may have a term of no more than five years, and any multi-year plan must include annual interim measurable goals under which the Board will evaluate the bank's performance.

(2) *Multiple assessment areas.* A bank with more than one assessment area may prepare a single plan for all of its assessment areas or one or more plans for one or more of its assessment areas.

(3) *Treatment of affiliates.* Affiliated institutions may prepare a joint plan if the plan provides measurable goals for each institution. Activities may be allocated among institutions at the institutions' option, provided that the same activities are not considered for more than one institution.

(d) *Public participation in plan development.* Before submitting a plan to the Board for approval, a bank shall:

(1) Informally seek suggestions from members of the public in its assessment area(s) covered by the plan while developing the plan;

(2) Once the bank has developed a plan, formally solicit public comment on the plan for at least 30 days by publishing notice in at least one newspaper of general circulation in each assessment area covered by the plan; and

(3) During the period of formal public comment, make copies of the plan available for review by the public at no cost at all offices of the bank in any assessment area covered by the plan and provide copies of the plan upon request for a reasonable fee to cover copying and mailing, if applicable.

(e) *Submission of plan.* The bank shall submit its plan to the Board at least three months prior to the proposed effective date of the plan. The bank shall also submit with its plan a description of its informal efforts to seek suggestions from members of the public, any written public comment received, and, if the plan was revised in light of the comment received, the initial plan as released for public comment.

(f) *Plan content*—(1) *Measurable goals.* (i) A bank shall specify in its plan measurable goals for helping to meet the credit needs of each assessment area covered by the plan, particularly the needs of low- and moderate-income geographies and low- and moderate-income individuals, through lending, investment, and services, as appropriate.

(ii) A bank shall address in its plan all three performance categories and, unless the bank has been designated as

a wholesale or limited purpose bank, shall emphasize lending and lending-related activities. Nevertheless, a different emphasis, including a focus on one or more performance categories, may be appropriate if responsive to the characteristics and credit needs of its assessment area(s), considering public comment and the bank's capacity and constraints, product offerings, and business strategy.

(2) *Confidential information.* A bank may submit additional information to the Board on a confidential basis, but the goals stated in the plan must be sufficiently specific to enable the public and the Board to judge the merits of the plan.

(3) *Satisfactory and outstanding goals.* A bank shall specify in its plan measurable goals that constitute "satisfactory" performance. A plan may specify measurable goals that constitute "outstanding" performance. If a bank submits, and the Board approves, both "satisfactory" and "outstanding" performance goals, the Board will consider the bank eligible for an "outstanding" performance rating.

(4) *Election if satisfactory goals not substantially met.* A bank may elect in its plan that, if the bank fails to meet substantially its plan goals for a satisfactory rating, the Board will evaluate the bank's performance under the lending, investment, and service tests, the community development test, or the small bank performance standards, as appropriate.

(g) *Plan approval*—(1) *Timing.* The Board will act upon a plan within 60 calendar days after the Board receives the complete plan and other material required under paragraph (e) of this section. If the Board fails to act within this time period, the plan shall be deemed approved unless the Board extends the review period for good cause.

(2) *Public participation.* In evaluating the plan's goals, the Board considers the public's involvement in formulating the plan, written public comment on the plan, and any response by the bank to public comment on the plan.

(3) *Criteria for evaluating plan.* The Board evaluates a plan's measurable goals using the following criteria, as appropriate:

(i) The extent and breadth of lending or lending-related activities, including, as appropriate, the distribution of loans among different geographies, businesses and farms of different sizes, and individuals of different income levels, the extent of community development lending, and the use of innovative or flexible lending practices to address credit needs;

(ii) The amount and innovativeness, complexity, and responsiveness of the bank's qualified investments; and

(iii) The availability and effectiveness of the bank's systems for delivering retail banking services and the extent and innovativeness of the bank's community development services.

(h) *Plan amendment.* During the term of a plan, a bank may request the Board to approve an amendment to the plan on grounds that there has been a material change in circumstances. The bank shall develop an amendment to a previously approved plan in accordance with the public participation requirements of paragraph (d) of this section.

(i) *Plan assessment.* The Board approves the goals and assesses performance under a plan as provided for in appendix A of this part.

§ 228.28 Assigned ratings.

(a) *Ratings in general.* Subject to paragraphs (b) and (c) of this section, the Board assigns to a bank a rating of "outstanding," "satisfactory," "needs to improve," or "substantial noncompliance" based on the bank's performance under the lending, investment and service tests, the community development test, the small bank performance standards, or an approved strategic plan, as applicable.

(b) *Lending, investment, and service tests.* The Board assigns a rating for a bank assessed under the lending, investment, and service tests in accordance with the following principles:

(1) A bank that receives an "outstanding" rating on the lending test receives an assigned rating of at least "satisfactory";

(2) A bank that receives an "outstanding" rating on both the service test and the investment test and a rating of at least "high satisfactory" on the lending test receives an assigned rating of "outstanding"; and

(3) No bank may receive an assigned rating of "satisfactory" or higher unless it receives a rating of at least "low satisfactory" on the lending test.

(c) *Effect of evidence of discriminatory or other illegal credit practices.* (1) The Board's evaluation of a bank's CRA performance is adversely affected by evidence of discriminatory or other illegal credit practices in any geography by the bank or in any assessment area by any affiliate whose loans have been considered as part of the bank's lending performance. In connection with any type of lending activity described in § 228.22(a), evidence of discriminatory or other credit practices that violate an

applicable law, rule, or regulation includes, but is not limited to:

- (i) Discrimination against applicants on a prohibited basis in violation, for example, of the Equal Credit Opportunity Act or the Fair Housing Act;
- (ii) Violations of the Home Ownership and Equity Protection Act;
- (iii) Violations of section 5 of the Federal Trade Commission Act;
- (iv) Violations of section 8 of the Real Estate Settlement Procedures Act; and
- (v) Violations of the Truth in Lending Act provisions regarding a consumer's right of rescission.

(2) In determining the effect of evidence of practices described in paragraph (c)(1) of this section on the bank's assigned rating, the Board considers the nature, extent, and strength of the evidence of the practices; the policies and procedures that the bank (or affiliate, as applicable) has in place to prevent the practices; any corrective action that the bank (or affiliate, as applicable) has taken or has committed to take, including voluntary corrective action resulting from self-assessment; and any other relevant information.

§ 228.29 Effect of CRA performance on applications.

(a) *CRA performance.* Among other factors, the Board takes into account the record of performance under the CRA of:

- (1) Each applicant bank for the:
 - (i) Establishment of a domestic branch by a State member bank; and
 - (ii) Merger, consolidation, acquisition of assets, or assumption of liabilities requiring approval under the Bank Merger Act (12 U.S.C. 1828(c)) if the acquiring, assuming, or resulting bank is to be a State member bank; and
- (2) Each insured depository institution (as defined in 12 U.S.C. 1813) controlled by an applicant and subsidiary bank or savings association proposed to be controlled by an applicant:

- (i) To become a bank holding company in a transaction that requires approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842);
- (ii) To acquire ownership or control of shares or all or substantially all of the assets of a bank, to cause a bank to become a subsidiary of a bank holding company, or to merge or consolidate a bank holding company with any other bank holding company in a transaction that requires approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842);
- (iii) To own, control or operate a savings association in a transaction that

requires approval under section 4 of the Bank Holding Company Act (12 U.S.C. 1843);

(iv) To become a savings and loan holding company in a transaction that requires approval under section 10 of the Home Owners' Loan Act (12 U.S.C. 1467a); and

(v) To acquire ownership or control of shares or all or substantially all of the assets of a savings association, to cause a savings association to become a subsidiary of a savings and loan holding company, or to merge or consolidate a savings and loan holding company with any other savings and loan holding company in a transaction that requires approval under section 10 of the Home Owners' Loan Act (12 U.S.C. 1467a).

(b) *Interested parties.* In considering CRA performance in an application described in paragraph (a) of this section, the Board takes into account any views expressed by interested parties that are submitted in accordance with the Board's Rules of Procedure set forth in part 262 of this chapter.

(c) *Denial or conditional approval of application.* A bank or savings association's record of performance may be the basis for denying or conditioning approval of an application listed in paragraph (a) of this section.

(d) *Definitions.* For purposes of paragraphs (a)(2)(i), (ii), and (iii) of this section, "bank," "bank holding company," "subsidiary," and "savings association" have the meanings given to those terms in section 2 of the Bank Holding Company Act (12 U.S.C. 1841). For purposes of paragraphs (a)(2)(iv) and (v) of this section, "savings and loan holding company" and "subsidiary" has the meaning given to that term in section 10 of the Home Owners' Loan Act (12 U.S.C. 1467a).

Subpart C—Records, Reporting, and Disclosure Requirements

§ 228.41 Assessment area delineation.

(a) *In general.* A bank shall delineate one or more assessment areas within which the Board evaluates the bank's record of helping to meet the credit needs of its community. The Board does not evaluate the bank's delineation of its assessment area(s) as a separate performance criterion, but the Board reviews the delineation for compliance with the requirements of this section.

(b) *Geographic area(s) for wholesale or limited purpose banks.* The assessment area(s) for a wholesale or limited purpose bank must consist generally of one or more MSAs or metropolitan divisions (using the MSA or metropolitan division boundaries that were in effect as of January 1 of the

calendar year in which the delineation is made) or one or more contiguous political subdivisions, such as counties, cities, or towns, in which the bank has its main office, branches, and deposit-taking ATMs.

(c) *Geographic area(s) for other banks.* The assessment area(s) for a bank other than a wholesale or limited purpose bank must:

(1) Consist generally of one or more MSAs or metropolitan divisions (using the MSA or metropolitan division boundaries that were in effect as of January 1 of the calendar year in which the delineation is made) or one or more contiguous political subdivisions, such as counties, cities, or towns; and

(2) Include the geographies in which the bank has its main office, its branches, and its deposit-taking ATMs, as well as the surrounding geographies in which the bank has originated or purchased a substantial portion of its loans (including home mortgage loans, small business and small farm loans, and any other loans the bank chooses, such as those consumer loans on which the bank elects to have its performance assessed).

(d) *Adjustments to geographic area(s).* A bank may adjust the boundaries of its assessment area(s) to include only the portion of a political subdivision that it reasonably can be expected to serve. An adjustment is particularly appropriate in the case of an assessment area that otherwise would be extremely large, of unusual configuration, or divided by significant geographic barriers.

(e) *Limitations on the delineation of an assessment area.* Each bank's assessment area(s):

- (1) Must consist only of whole geographies;
- (2) May not reflect illegal discrimination;
- (3) May not arbitrarily exclude low- or moderate-income geographies, taking into account the bank's size and financial condition; and

(4) May not extend substantially beyond an MSA boundary or beyond a state boundary unless the assessment area is located in a multistate MSA. If a bank serves a geographic area that extends substantially beyond a state boundary, the bank shall delineate separate assessment areas for the areas in each state. If a bank serves a geographic area that extends substantially beyond an MSA boundary, the bank shall delineate separate assessment areas for the areas inside and outside the MSA.

(f) *Banks serving military personnel.* Notwithstanding the requirements of this section, a bank whose business predominantly consists of serving the

needs of military personnel or their dependents who are not located within a defined geographic area may delineate its entire deposit customer base as its assessment area.

(g) *Use of assessment area(s).* The Board uses the assessment area(s) delineated by a bank in its evaluation of the bank's CRA performance unless the Board determines that the assessment area(s) do not comply with the requirements of this section.

§ 228.42 Data collection, reporting, and disclosure.

(a) *Loan information required to be collected and maintained.* A bank, except a small bank, shall collect, and maintain in machine readable form (as prescribed by the Board) until the completion of its next CRA examination, the following data for each small business or small farm loan originated or purchased by the bank:

- (1) A unique number or alpha-numeric symbol that can be used to identify the relevant loan file;
- (2) The loan amount at origination;
- (3) The loan location; and
- (4) An indicator whether the loan was to a business or farm with gross annual revenues of \$1 million or less.

(b) *Loan information required to be reported.* A bank, except a small bank or a bank that was a small bank during the prior calendar year, shall report annually by March 1 to the Board in machine readable form (as prescribed by the Board) the following data for the prior calendar year:

(1) *Small business and small farm loan data.* For each geography in which the bank originated or purchased a small business or small farm loan, the aggregate number and amount of loans:

- (i) With an amount at origination of \$100,000 or less;
- (ii) With amount at origination of more than \$100,000 but less than or equal to \$250,000;
- (iii) With an amount at origination of more than \$250,000; and
- (iv) To businesses and farms with gross annual revenues of \$1 million or less (using the revenues that the bank considered in making its credit decision);

(2) *Community development loan data.* The aggregate number and aggregate amount of community development loans originated or purchased; and

(3) *Home mortgage loans.* If the bank is subject to reporting under part 1003 of this chapter, the location of each home mortgage loan application, origination, or purchase outside the MSAs in which the bank has a home or branch office (or outside any MSA) in

accordance with the requirements of part 1003 of this chapter.

(c) *Optional data collection and maintenance—(1) Consumer loans.* A bank may collect and maintain in machine readable form (as prescribed by the Board) data for consumer loans originated or purchased by the bank for consideration under the lending test. A bank may maintain data for one or more of the following categories of consumer loans: motor vehicle, credit card, other secured, and other unsecured. If the bank maintains data for loans in a certain category, it shall maintain data for all loans originated or purchased within that category. The bank shall maintain data separately for each category, including for each loan:

- (i) A unique number or alpha-numeric symbol that can be used to identify the relevant loan file;
- (ii) The loan amount at origination or purchase;
- (iii) The loan location; and
- (iv) The gross annual income of the borrower that the bank considered in making its credit decision.

(2) *Other loan data.* At its option, a bank may provide other information concerning its lending performance, including additional loan distribution data.

(d) *Data on affiliate lending.* A bank that elects to have the Board consider loans by an affiliate, for purposes of the lending or community development test or an approved strategic plan, shall collect, maintain, and report for those loans the data that the bank would have collected, maintained, and reported pursuant to paragraphs (a), (b), and (c) of this section had the loans been originated or purchased by the bank. For home mortgage loans, the bank shall also be prepared to identify the home mortgage loans reported under part 1003 of this chapter by the affiliate.

(e) *Data on lending by a consortium or a third party.* A bank that elects to have the Board consider community development loans by a consortium or third party, for purposes of the lending or community development tests or an approved strategic plan, shall report for those loans the data that the bank would have reported under paragraph (b)(2) of this section had the loans been originated or purchased by the bank.

(f) *Small banks electing evaluation under the lending, investment, and service tests.* A bank that qualifies for evaluation under the small bank performance standards but elects evaluation under the lending, investment, and service tests shall collect, maintain, and report the data required for other banks pursuant to paragraphs (a) and (b) of this section.

(g) *Assessment area data.* A bank, except a small bank or a bank that was a small bank during the prior calendar year, shall collect and report to the Board by March 1 of each year a list for each assessment area showing the geographies within the area.

(h) *CRA Disclosure Statement.* The Board prepares annually for each bank that reports data pursuant to this section a CRA Disclosure Statement that contains, on a state-by-state basis:

(1) For each county (and for each assessment area smaller than a county) with a population of 500,000 persons or fewer in which the bank reported a small business or small farm loan:

(i) The number and amount of small business and small farm loans reported as originated or purchased located in low-, moderate-, middle-, and upper-income geographies;

(ii) A list grouping each geography according to whether the geography is low-, moderate-, middle-, or upper-income;

(iii) A list showing each geography in which the bank reported a small business or small farm loan; and

(iv) The number and amount of small business and small farm loans to businesses and farms with gross annual revenues of \$1 million or less;

(2) For each county (and for each assessment area smaller than a county) with a population in excess of 500,000 persons in which the bank reported a small business or small farm loan:

(i) The number and amount of small business and small farm loans reported as originated or purchased located in geographies with median income relative to the area median income of less than 10 percent, 10 or more but less than 20 percent, 20 or more but less than 30 percent, 30 or more but less than 40 percent, 40 or more but less than 50 percent, 50 or more but less than 60 percent, 60 or more but less than 70 percent, 70 or more but less than 80 percent, 80 or more but less than 90 percent, 90 or more but less than 100 percent, 100 or more but less than 110 percent, 110 or more but less than 120 percent, and 120 percent or more;

(ii) A list grouping each geography in the county or assessment area according to whether the median income in the geography relative to the area median income is less than 10 percent, 10 or more but less than 20 percent, 20 or more but less than 30 percent, 30 or more but less than 40 percent, 40 or more but less than 50 percent, 50 or more but less than 60 percent, 60 or more but less than 70 percent, 70 or more but less than 80 percent, 80 or more but less than 90 percent, 90 or

more but less than 100 percent, 100 or more but less than 110 percent, 110 or more but less than 120 percent, and 120 percent or more;

(iii) A list showing each geography in which the bank reported a small business or small farm loan; and

(iv) The number and amount of small business and small farm loans to businesses and farms with gross annual revenues of \$1 million or less;

(3) The number and amount of small business and small farm loans located inside each assessment area reported by the bank and the number and amount of small business and small farm loans located outside the assessment area(s) reported by the bank; and

(4) The number and amount of community development loans reported as originated or purchased.

(i) *Aggregate disclosure statements.* The Board, in conjunction with the Office of the Comptroller of the Currency and the Federal Deposit Insurance Corporation, prepares annually, for each MSA or metropolitan division (including an MSA or metropolitan division that crosses a state boundary) and the nonmetropolitan portion of each state, an aggregate disclosure statement of small business and small farm lending by all institutions subject to reporting under this part or parts 25, 195, or 345 of this title. These disclosure statements indicate, for each geography, the number and amount of all small business and small farm loans originated or purchased by reporting institutions, except that the Board may adjust the form of the disclosure if necessary, because of special circumstances, to protect the privacy of a borrower or the competitive position of an institution.

(j) *Central data depositories.* The Board makes the aggregate disclosure statements, described in paragraph (i) of this section, and the individual bank CRA Disclosure Statements, described in paragraph (h) of this section, available to the public at central data depositories. The Board publishes a list of the depositories at which the statements are available.

§ 228.43 Content and availability of public file.

(a) *Information available to the public.* A bank shall maintain a public file that includes the following information:

(1) All written comments received from the public for the current year and each of the prior two calendar years that specifically relate to the bank's performance in helping to meet community credit needs, and any

response to the comments by the bank, if neither the comments nor the responses contain statements that reflect adversely on the good name or reputation of any persons other than the bank or publication of which would violate specific provisions of law;

(2) A copy of the public section of the bank's most recent CRA Performance Evaluation prepared by the Board. The bank shall place this copy in the public file within 30 business days after its receipt from the Board;

(3) A list of the bank's branches, their street addresses, and geographies;

(4) A list of branches opened or closed by the bank during the current year and each of the prior two calendar years, their street addresses, and geographies;

(5) A list of services (including hours of operation, available loan and deposit products, and transaction fees) generally offered at the bank's branches and descriptions of material differences in the availability or cost of services at particular branches, if any. At its option, a bank may include information regarding the availability of alternative systems for delivering retail banking services (e.g., ATMs, ATMs not owned or operated by or exclusively for the bank, banking by telephone or computer, loan production offices, and bank-at-work or bank-by-mail programs);

(6) A map of each assessment area showing the boundaries of the area and identifying the geographies contained within the area, either on the map or in a separate list; and

(7) Any other information the bank chooses.

(b) *Additional information available to the public—*(1) *Banks other than small banks.* A bank, except a small bank or a bank that was a small bank during the prior calendar year, shall include in its public file the following information pertaining to the bank and its affiliates, if applicable, for each of the prior two calendar years:

(i) If the bank has elected to have one or more categories of its consumer loans considered under the lending test, for each of these categories, the number and amount of loans:

(A) To low-, moderate-, middle-, and upper-income individuals;

(B) Located in low-, moderate-, middle-, and upper-income census tracts; and

(C) Located inside the bank's assessment area(s) and outside the bank's assessment area(s); and

(ii) The bank's CRA Disclosure Statement. The bank shall place the statement in the public file within three business days of its receipt from the Board.

(2) *Banks required to report Home Mortgage Disclosure Act (HMDA) data.*

A bank required to report home mortgage loan data pursuant part 1003 of this title shall include in its public file a written notice that the institution's HMDA Disclosure Statement may be obtained on the Consumer Financial Protection Bureau's (Bureau's) website at www.consumerfinance.gov/hmda. In addition, a bank that elected to have the Board consider the mortgage lending of an affiliate shall include in its public file the name of the affiliate and a written notice that the affiliate's HMDA Disclosure Statement may be obtained at the Bureau's website. The bank shall place the written notice(s) in the public file within three business days after receiving notification from the Federal Financial Institutions Examination Council of the availability of the disclosure statement(s).

(3) *Small banks.* A small bank or a bank that was a small bank during the prior calendar year shall include in its public file:

(i) The bank's loan-to-deposit ratio for each quarter of the prior calendar year and, at its option, additional data on its loan-to-deposit ratio; and

(ii) The information required for other banks by paragraph (b)(1) of this section, if the bank has elected to be evaluated under the lending, investment, and service tests.

(4) *Banks with strategic plans.* A bank that has been approved to be assessed under a strategic plan shall include in its public file a copy of that plan. A bank need not include information submitted to the Board on a confidential basis in conjunction with the plan.

(5) *Banks with less than satisfactory ratings.* A bank that received a less than satisfactory rating during its most recent examination shall include in its public file a description of its current efforts to improve its performance in helping to meet the credit needs of its entire community. The bank shall update the description quarterly.

(c) *Location of public information.* A bank shall make available to the public for inspection upon request and at no cost the information required in this section as follows:

(1) At the main office and, if an interstate bank, at one branch office in each state, all information in the public file; and

(2) At each branch:

(i) A copy of the public section of the bank's most recent CRA Performance Evaluation and a list of services provided by the branch; and

(ii) Within five calendar days of the request, all the information in the public

file relating to the assessment area in which the branch is located.

(d) *Copies.* Upon request, a bank shall provide copies, either on paper or in another form acceptable to the person making the request, of the information in its public file. The bank may charge a reasonable fee not to exceed the cost of copying and mailing (if applicable).

(e) *Updating.* Except as otherwise provided in this section, a bank shall ensure that the information required by this section is current as of April 1 of each year.

§ 228.44 Public notice by banks.

A bank shall provide in the public lobby of its main office and each of its branches the appropriate public notice set forth in appendix B of this part. Only a branch of a bank having more than one assessment area shall include the bracketed material in the notice for branch offices. Only a bank that is an affiliate of a holding company shall include the next to the last sentence of the notices. A bank shall include the last sentence of the notices only if it is an affiliate of a holding company that is not prevented by statute from acquiring additional banks.

§ 228.45 Publication of planned examination schedule.

The Board publishes at least 30 days in advance of the beginning of each calendar quarter a list of banks scheduled for CRA examinations in that quarter.

Appendix A to Part 228—Ratings

(a) *Ratings in general.* (1) In assigning a rating, the Board evaluates a bank's performance under the applicable performance criteria in this part, in accordance with §§ 228.21 and 228.28. This includes consideration of low-cost education loans provided to low-income borrowers and activities in cooperation with minority- or women-owned financial institutions and low-income credit unions, as well as adjustments on the basis of evidence of discriminatory or other illegal credit practices.

(2) A bank's performance need not fit each aspect of a particular rating profile in order to receive that rating, and exceptionally strong performance with respect to some aspects may compensate for weak performance in others. The bank's overall performance, however, must be consistent with safe and sound banking practices and generally with the appropriate rating profile as follows.

(b) *Banks evaluated under the lending, investment, and service tests—*(1) *Lending performance rating.* The Board assigns each bank's lending performance one of the five following ratings.

(i) *Outstanding.* The Board rates a bank's lending performance "outstanding" if, in general, it demonstrates:

(A) Excellent responsiveness to credit needs in its assessment area(s), taking into account the number and amount of home mortgage, small business, small farm, and consumer loans, if applicable, in its assessment area(s);

(B) A substantial majority of its loans are made in its assessment area(s);

(C) An excellent geographic distribution of loans in its assessment area(s);

(D) An excellent distribution, particularly in its assessment area(s), of loans among individuals of different income levels and businesses (including farms) of different sizes, given the product lines offered by the bank;

(E) An excellent record of serving the credit needs of highly economically disadvantaged areas in its assessment area(s), low-income individuals, or businesses (including farms) with gross annual revenues of \$1 million or less, consistent with safe and sound operations;

(F) Extensive use of innovative or flexible lending practices in a safe and sound manner to address the credit needs of low- or moderate-income individuals or geographies; and

(G) It is a leader in making community development loans.

(ii) *High satisfactory.* The Board rates a bank's lending performance "high satisfactory" if, in general, it demonstrates:

(A) Good responsiveness to credit needs in its assessment area(s), taking into account the number and amount of home mortgage, small business, small farm, and consumer loans, if applicable, in its assessment area(s);

(B) A high percentage of its loans are made in its assessment area(s);

(C) A good geographic distribution of loans in its assessment area(s);

(D) A good distribution, particularly in its assessment area(s), of loans among individuals of different income levels and businesses (including farms) of different sizes, given the product lines offered by the bank;

(E) A good record of serving the credit needs of highly economically disadvantaged areas in its assessment area(s), low-income individuals, or businesses (including farms) with gross annual revenues of \$1 million or less, consistent with safe and sound operations;

(F) Use of innovative or flexible lending practices in a safe and sound manner to address the credit needs of low- or moderate-income individuals or geographies; and

(G) It has made a relatively high level of community development loans.

(iii) *Low satisfactory.* The Board rates a bank's lending performance "low satisfactory" if, in general, it demonstrates:

(A) Adequate responsiveness to credit needs in its assessment area(s), taking into account the number and amount of home mortgage, small business, small farm, and consumer loans, if applicable, in its assessment area(s);

(B) An adequate percentage of its loans are made in its assessment area(s);

(C) An adequate geographic distribution of loans in its assessment area(s);

(D) An adequate distribution, particularly in its assessment area(s), of loans among

individuals of different income levels and businesses (including farms) of different sizes, given the product lines offered by the bank;

(E) An adequate record of serving the credit needs of highly economically disadvantaged areas in its assessment area(s), low-income individuals, or businesses (including farms) with gross annual revenues of \$1 million or less, consistent with safe and sound operations;

(F) Limited use of innovative or flexible lending practices in a safe and sound manner to address the credit needs of low- or moderate-income individuals or geographies; and

(G) It has made an adequate level of community development loans.

(iv) *Needs to improve.* The Board rates a bank's lending performance "needs to improve" if, in general, it demonstrates:

(A) Poor responsiveness to credit needs in its assessment area(s), taking into account the number and amount of home mortgage, small business, small farm, and consumer loans, if applicable, in its assessment area(s);

(B) A small percentage of its loans are made in its assessment area(s);

(C) A poor geographic distribution of loans, particularly to low- or moderate-income geographies, in its assessment area(s);

(D) A poor distribution, particularly in its assessment area(s), of loans among individuals of different income levels and businesses (including farms) of different sizes, given the product lines offered by the bank;

(E) A poor record of serving the credit needs of highly economically disadvantaged areas in its assessment area(s), low-income individuals, or businesses (including farms) with gross annual revenues of \$1 million or less, consistent with safe and sound operations;

(F) Little use of innovative or flexible lending practices in a safe and sound manner to address the credit needs of low- or moderate-income individuals or geographies; and

(G) It has made a low level of community development loans.

(v) *Substantial noncompliance.* The Board rates a bank's lending performance as being in "substantial noncompliance" if, in general, it demonstrates:

(A) A very poor responsiveness to credit needs in its assessment area(s), taking into account the number and amount of home mortgage, small business, small farm, and consumer loans, if applicable, in its assessment area(s);

(B) A very small percentage of its loans are made in its assessment area(s);

(C) A very poor geographic distribution of loans, particularly to low- or moderate-income geographies, in its assessment area(s);

(D) A very poor distribution, particularly in its assessment area(s), of loans among individuals of different income levels and businesses (including farms) of different sizes, given the product lines offered by the bank;

(E) A very poor record of serving the credit needs of highly economically disadvantaged areas in its assessment area(s), low-income individuals, or businesses (including farms)

with gross annual revenues of \$1 million or less, consistent with safe and sound operations;

(F) No use of innovative or flexible lending practices in a safe and sound manner to address the credit needs of low- or moderate-income individuals or geographies; and

(G) It has made few, if any, community development loans.

(2) *Investment performance rating.* The Board assigns each bank's investment performance one of the five following ratings.

(i) *Outstanding.* The Board rates a bank's investment performance "outstanding" if, in general, it demonstrates:

(A) An excellent level of qualified investments, particularly those that are not routinely provided by private investors, often in a leadership position;

(B) Extensive use of innovative or complex qualified investments; and

(C) Excellent responsiveness to credit and community development needs.

(ii) *High satisfactory.* The Board rates a bank's investment performance "high satisfactory" if, in general, it demonstrates:

(A) A significant level of qualified investments, particularly those that are not routinely provided by private investors, occasionally in a leadership position;

(B) Significant use of innovative or complex qualified investments; and

(C) Good responsiveness to credit and community development needs.

(iii) *Low satisfactory.* The Board rates a bank's investment performance "low satisfactory" if, in general, it demonstrates:

(A) An adequate level of qualified investments, particularly those that are not routinely provided by private investors, although rarely in a leadership position;

(B) Occasional use of innovative or complex qualified investments; and

(C) Adequate responsiveness to credit and community development needs.

(iv) *Needs to improve.* The Board rates a bank's investment performance "needs to improve" if, in general, it demonstrates:

(A) A poor level of qualified investments, particularly those that are not routinely provided by private investors;

(B) Rare use of innovative or complex qualified investments; and

(C) Poor responsiveness to credit and community development needs.

(v) *Substantial noncompliance.* The Board rates a bank's investment performance as being in "substantial noncompliance" if, in general, it demonstrates:

(A) Few, if any, qualified investments, particularly those that are not routinely provided by private investors;

(B) No use of innovative or complex qualified investments; and

(C) Very poor responsiveness to credit and community development needs.

(3) *Service performance rating.* The Board assigns each bank's service performance one of the five following ratings.

(i) *Outstanding.* The Board rates a bank's service performance "outstanding" if, in general, the bank demonstrates:

(A) Its service delivery systems are readily accessible to geographies and individuals of different income levels in its assessment area(s);

(B) To the extent changes have been made, its record of opening and closing branches has improved the accessibility of its delivery systems, particularly in low- or moderate-income geographies or to low- or moderate-income individuals;

(C) Its services (including, where appropriate, business hours) are tailored to the convenience and needs of its assessment area(s), particularly low- or moderate-income geographies or low- or moderate-income individuals; and

(D) It is a leader in providing community development services.

(ii) *High satisfactory.* The Board rates a bank's service performance "high satisfactory" if, in general, the bank demonstrates:

(A) Its service delivery systems are accessible to geographies and individuals of different income levels in its assessment area(s);

(B) To the extent changes have been made, its record of opening and closing branches has not adversely affected the accessibility of its delivery systems, particularly in low- and moderate-income geographies and to low- and moderate-income individuals;

(C) Its services (including, where appropriate, business hours) do not vary in a way that inconveniences its assessment area(s), particularly low- and moderate-income geographies and low- and moderate-income individuals; and

(D) It provides a relatively high level of community development services.

(iii) *Low satisfactory.* The Board rates a bank's service performance "low satisfactory" if, in general, the bank demonstrates:

(A) Its service delivery systems are reasonably accessible to geographies and individuals of different income levels in its assessment area(s);

(B) To the extent changes have been made, its record of opening and closing branches has generally not adversely affected the accessibility of its delivery systems, particularly in low- and moderate-income geographies and to low- and moderate-income individuals;

(C) Its services (including, where appropriate, business hours) do not vary in a way that inconveniences its assessment area(s), particularly low- and moderate-income geographies and low- and moderate-income individuals; and

(D) It provides an adequate level of community development services.

(iv) *Needs to improve.* The Board rates a bank's service performance "needs to improve" if, in general, the bank demonstrates:

(A) Its service delivery systems are unreasonably inaccessible to portions of its assessment area(s), particularly to low- or moderate-income geographies or to low- or moderate-income individuals;

(B) To the extent changes have been made, its record of opening and closing branches has adversely affected the accessibility its delivery systems, particularly in low- or moderate-income geographies or to low- or moderate-income individuals;

(C) Its services (including, where appropriate, business hours) vary in a way

that inconveniences its assessment area(s), particularly low- or moderate-income geographies or low- or moderate-income individuals; and

(D) It provides a limited level of community development services.

(v) *Substantial noncompliance.* The Board rates a bank's service performance as being in "substantial noncompliance" if, in general, the bank demonstrates:

(A) Its service delivery systems are unreasonably inaccessible to significant portions of its assessment area(s), particularly to low- or moderate-income geographies or to low- or moderate-income individuals;

(B) To the extent changes have been made, its record of opening and closing branches has significantly adversely affected the accessibility of its delivery systems, particularly in low- or moderate-income geographies or to low- or moderate-income individuals;

(C) Its services (including, where appropriate, business hours) vary in a way that significantly inconveniences its assessment area(s), particularly low- or moderate-income geographies or low- or moderate-income individuals; and

(D) It provides few, if any, community development services.

(c) *Wholesale or limited purpose banks.* The Board assigns each wholesale or limited purpose bank's community development performance one of the four following ratings.

(1) *Outstanding.* The Board rates a wholesale or limited purpose bank's community development performance "outstanding" if, in general, it demonstrates:

(i) A high level of community development loans, community development services, or qualified investments, particularly investments that are not routinely provided by private investors;

(ii) Extensive use of innovative or complex qualified investments, community development loans, or community development services; and

(iii) Excellent responsiveness to credit and community development needs in its assessment area(s).

(2) *Satisfactory.* The Board rates a wholesale or limited purpose bank's community development performance "satisfactory" if, in general, it demonstrates:

(i) An adequate level of community development loans, community development services, or qualified investments, particularly investments that are not routinely provided by private investors;

(ii) Occasional use of innovative or complex qualified investments, community development loans, or community development services; and

(iii) Adequate responsiveness to credit and community development needs in its assessment area(s).

(3) *Needs to improve.* The Board rates a wholesale or limited purpose bank's community development performance as "needs to improve" if, in general, it demonstrates:

(i) A poor level of community development loans, community development services, or qualified investments, particularly investments that are not routinely provided by private investors;

(ii) Rare use of innovative or complex qualified investments, community development loans, or community development services; and

(iii) Poor responsiveness to credit and community development needs in its assessment area(s).

(4) *Substantial noncompliance.* The Board rates a wholesale or limited purpose bank's community development performance in "substantial noncompliance" if, in general, it demonstrates:

(i) Few, if any, community development loans, community development services, or qualified investments, particularly investments that are not routinely provided by private investors;

(ii) No use of innovative or complex qualified investments, community development loans, or community development services; and

(iii) Very poor responsiveness to credit and community development needs in its assessment area(s).

(d) *Banks evaluated under the small bank performance standards*—(1) *Lending test ratings.* (i) *Eligibility for a satisfactory lending test rating.* The Board rates a small bank's lending performance "satisfactory" if, in general, the bank demonstrates:

(A) A reasonable loan-to-deposit ratio (considering seasonal variations) given the bank's size, financial condition, the credit needs of its assessment area(s), and taking into account, as appropriate, other lending-related activities such as loan originations for sale to the secondary markets and community development loans and qualified investments;

(B) A majority of its loans and, as appropriate, other lending-related activities, are in its assessment area;

(C) A distribution of loans to and, as appropriate, other lending-related activities for individuals of different income levels (including low- and moderate-income individuals) and businesses and farms of different sizes that is reasonable given the demographics of the bank's assessment area(s);

(D) A record of taking appropriate action, when warranted, in response to written complaints, if any, about the bank's performance in helping to meet the credit needs of its assessment area(s); and

(E) A reasonable geographic distribution of loans given the bank's assessment area(s).

(ii) *Eligibility for an "outstanding" lending test rating.* A small bank that meets each of the standards for a "satisfactory" rating under this paragraph and exceeds some or all of those standards may warrant consideration for a lending test rating of "outstanding."

(iii) *Needs to improve or substantial noncompliance ratings.* A small bank may also receive a lending test rating of "needs to improve" or "substantial noncompliance" depending on the degree to which its performance has failed to meet the standard for a "satisfactory" rating.

(2) *Community development test ratings for intermediate small banks*—(i) *Eligibility for a satisfactory community development test rating.* The Board rates an intermediate small bank's community development performance "satisfactory" if the bank demonstrates

adequate responsiveness to the community development needs of its assessment area(s) through community development loans, qualified investments, and community development services. The adequacy of the bank's response will depend on its capacity for such community development activities, its assessment area's need for such community development activities, and the availability of such opportunities for community development in the bank's assessment area(s).

(ii) *Eligibility for an outstanding community development test rating.* The Board rates an intermediate small bank's community development performance "outstanding" if the bank demonstrates excellent responsiveness to community development needs in its assessment area(s) through community development loans, qualified investments, and community development services, as appropriate, considering the bank's capacity and the need and availability of such opportunities for community development in the bank's assessment area(s).

(iii) *Needs to improve or substantial noncompliance ratings.* An intermediate small bank may also receive a community development test rating of "needs to improve" or "substantial noncompliance" depending on the degree to which its performance has failed to meet the standards for a "satisfactory" rating.

(3) *Overall rating*—(i) *Eligibility for a satisfactory overall rating.* No intermediate small bank may receive an assigned overall rating of "satisfactory" unless it receives a rating of at least "satisfactory" on both the lending test and the community development test.

(ii) *Eligibility for an outstanding overall rating.* (A) An intermediate small bank that receives an "outstanding" rating on one test and at least "satisfactory" on the other test may receive an assigned overall rating of "outstanding."

(B) A small bank that is not an intermediate small bank that meets each of the standards for a "satisfactory" rating under the lending test and exceeds some or all of those standards may warrant consideration for an overall rating of "outstanding." In assessing whether a bank's performance is "outstanding," the Board considers the extent to which the bank exceeds each of the performance standards for a "satisfactory" rating and its performance in making qualified investments and its performance in providing branches and other services and delivery systems that enhance credit availability in its assessment area(s).

(iii) *Needs to improve or substantial noncompliance overall ratings.* A small bank may also receive a rating of "needs to improve" or "substantial noncompliance" depending on the degree to which its performance has failed to meet the standards for a "satisfactory" rating.

(e) *Strategic plan assessment and rating*—(1) *Satisfactory goals.* The Board approves as "satisfactory" measurable goals that adequately help to meet the credit needs of the bank's assessment area(s).

(2) *Outstanding goals.* If the plan identifies a separate group of measurable goals that

substantially exceed the levels approved as "satisfactory," the Board will approve those goals as "outstanding."

(3) *Rating.* The Board assesses the performance of a bank operating under an approved plan to determine if the bank has met its plan goals:

(i) If the bank substantially achieves its plan goals for a satisfactory rating, the Board will rate the bank's performance under the plan as "satisfactory."

(ii) If the bank exceeds its plan goals for a satisfactory rating and substantially achieves its plan goals for an outstanding rating, the Board will rate the bank's performance under the plan as "outstanding."

(iii) If the bank fails to meet substantially its plan goals for a satisfactory rating, the Board will rate the bank as either "needs to improve" or "substantial noncompliance," depending on the extent to which it falls short of its plan goals, unless the bank elected in its plan to be rated otherwise, as provided in § 228.27(f)(4).

Appendix B to Part 228—CRA Notice

(a) Notice for main offices and, if an interstate bank, one branch office in each state.

Community Reinvestment Act Notice

Under the Federal Community Reinvestment Act (CRA), the Federal Reserve Board (Board) evaluates our record of helping to meet the credit needs of this community consistent with safe and sound operations. The Board also takes this record into account when deciding on certain applications submitted by us.

Your involvement is encouraged.

You are entitled to certain information about our operations and our performance under the CRA, including, for example, information about our branches, such as their location and services provided at them; the public section of our most recent CRA Performance Evaluation, prepared by the Federal Reserve Bank of ____ (Reserve Bank); and comments received from the public relating to our performance in helping to meet community credit needs, as well as our responses to those comments. You may review this information today.

At least 30 days before the beginning of each quarter, the Federal Reserve System publishes a list of the banks that are scheduled for CRA examination by the Reserve Bank in that quarter. This list is available from (title of responsible official), Federal Reserve Bank of ____ (address). You may send written comments about our performance in helping to meet community credit needs to (name and address of official at bank) and (title of responsible official), Federal Reserve Bank of ____ (address). Your letter, together with any response by us, will be considered by the Federal Reserve System in evaluating our CRA performance and may be made public.

You may ask to look at any comments received by the Reserve Bank. You may also request from the Reserve Bank an announcement of our applications covered by the CRA filed with the Reserve Bank. We are an affiliate of (name of holding company),

a bank holding company. You may request from (title of responsible official), Federal Reserve Bank of ____ (address) an announcement of applications covered by the CRA filed by bank holding companies.

(b) Notice for branch offices.

Community Reinvestment Act Notice

Under the Federal Community Reinvestment Act (CRA), the Federal Reserve Board (Board) evaluates our record of helping to meet the credit needs of this community consistent with safe and sound operations. The Board also takes this record into account when deciding on certain applications submitted by us.

Your involvement is encouraged.

You are entitled to certain information about our operations and our performance under the CRA. You may review today the public section of our most recent CRA evaluation, prepared by the Federal Reserve Bank of ____ (address), and a list of services provided at this branch. You may also have access to the following additional information, which we will make available to you at this branch within five calendar days after you make a request to us: (1) a map showing the assessment area containing this branch, which is the area in which the Board evaluates our CRA performance in this community; (2) information about our branches in this assessment area; (3) a list of services we provide at those locations; (4) data on our lending performance in this assessment area; and (5) copies of all written comments received by us that specifically relate to our CRA performance in this assessment area, and any responses we have made to those comments. If we are operating under an approved strategic plan, you may also have access to a copy of the plan.

[If you would like to review information about our CRA performance in other communities served by us, the public file for our entire bank is available at (name of office located in state), located at (address).]

At least 30 days before the beginning of each quarter, the Federal Reserve System publishes a list of the banks that are scheduled for CRA examination by the Reserve Bank in that quarter. This list is available from (title of responsible official), Federal Reserve Bank of ____ (address). You may send written comments about our performance in helping to meet community credit needs to (name and address of official at bank) and (title of responsible official), Federal Reserve Bank of ____ (address). Your letter, together with any response by us, will be considered by the Federal Reserve System in evaluating our CRA performance and may be made public.

You may ask to look at any comments received by the Reserve Bank. You may also request from the Reserve Bank an announcement of our applications covered by the CRA filed with the Reserve Bank. We are an affiliate of (name of holding company), a bank holding company. You may request from (title of responsible official), Federal Reserve Bank of ____ (address) an announcement of applications covered by the CRA filed by bank holding companies.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Chapter III

Authority and Issuance

For the reasons discussed in the preamble, the Federal Deposit Insurance Corporation proposes to revise 12 CFR parts 345 and 346 to read as follows:

■ 15. Part 345 is revised to read as follows:

PART 345—COMMUNITY REINVESTMENT

Subpart A—General

Sec.

345.11 Authority, purposes, and scope.

345.12 Definitions.

Subpart B—Standards for Assessing Performance

345.21 Performance tests, standards, and ratings, in general.

345.22 Lending test.

345.23 Investment test.

345.24 Service test.

345.25 Community development test for wholesale or limited purpose banks.

345.26 Small bank performance standards.

345.27 Strategic plan.

345.28 Assigned ratings.

345.29 Effect of CRA performance on applications.

Subpart C—Records, Reporting, and Disclosure Requirements

345.41 Assessment area delineation.

345.42 Data collection, reporting, and disclosure.

345.43 Content and availability of public file.

345.44 Public notice by banks.

345.45 Publication of planned examination schedule.

Appendix A to Part 345—Ratings

Appendix B to Part 345—CRA Notice

Authority: 12 U.S.C. 1814–1817, 1819–1820, 1828, 1831u and 2901–2908, 3103–3104, and 3108(a).

Subpart A—General

§ 345.11 Authority, purposes, and scope.

(a) *Authority and OMB control number*—

(1) *Authority.* The authority for this part is 12 U.S.C. 1814–1817, 1819–1820, 1828, 1831u and 2901–2907, 3103–3104, and 3108(a).

(2) *OMB control number.* The information collection requirements contained in this part were approved by the Office of Management and Budget under the provisions of 44 U.S.C. 3501 *et seq.* and have been assigned OMB control number 3064–0092.

(b) *Purposes.* In enacting the Community Reinvestment Act (CRA), the Congress required each appropriate Federal financial supervisory agency to assess an institution's record of helping

to meet the credit needs of the local communities in which the institution is chartered, consistent with the safe and sound operation of the institution, and to take this record into account in the agency's evaluation of an application for a deposit facility by the institution. This part is intended to carry out the purposes of the CRA by:

(1) Establishing the framework and criteria by which the Federal Deposit Insurance Corporation (FDIC) assesses a bank's record of helping to meet the credit needs of its entire community, including low- and moderate-income neighborhoods, consistent with the safe and sound operation of the bank; and

(2) Providing that the FDIC takes that record into account in considering certain applications.

(c) *Scope*—

(1) *General.* Except for certain special purpose banks described in paragraph (c)(3) of this section, this part applies to all insured State nonmember banks, including insured State branches as described in paragraph (c)(2) of this section and any uninsured State branch that results from an acquisition described in section 5(a)(8) of the International Banking Act of 1978 (12 U.S.C. 3103(a)(8)).

(2) *Insured State branches.* Insured State branches are branches of a foreign bank established and operating under the laws of any State, the deposits of which are insured in accordance with the provisions of the Federal Deposit Insurance Act. In the case of insured State branches, references in this part to “main office” mean the principal branch within the United States and the term “branch” or “branches” refers to any insured State branch or branches located within the United States. The “assessment area” of an insured State branch is the community or communities located within the United States served by the branch as described in § 345.41.

(3) *Certain special purpose banks.* This part does not apply to special purpose banks that do not perform commercial or retail banking services by granting credit to the public in the ordinary course of business, other than as incident to their specialized operations. These banks include banker's banks, as defined in 12 U.S.C. 24(Seventh), and banks that engage only in one or more of the following activities: providing cash management controlled disbursement services or serving as correspondent banks, trust companies, or clearing agents.

§ 345.12 Definitions.

For purposes of this part, the following definitions apply:

(a) *Affiliate* means any company that controls, is controlled by, or is under common control with another company. The term “control” has the meaning given to that term in 12 U.S.C. 1841(a)(2), and a company is under common control with another company if both companies are directly or indirectly controlled by the same company.

(b) *Area median income* means:

(1) The median family income for the MSA, if a person or geography is located in an MSA, or for the metropolitan division, if a person or geography is located in an MSA that has been subdivided into metropolitan divisions; or

(2) The statewide nonmetropolitan median family income, if a person or geography is located outside an MSA.

(c) *Assessment area* means a geographic area delineated in accordance with § 345.41.

(d) *Remote Service Facility (RSF)* means an automated, unstaffed banking facility owned or operated by, or operated exclusively for, the bank, such as an automated teller machine, cash dispensing machine, point-of-sale terminal, or other remote electronic facility, at which deposits are received, cash dispersed, or money lent.

(e) *Bank* means a State nonmember bank, as that term is defined in section 3(e)(2) of the Federal Deposit Insurance Act, as amended (FDIA) (12 U.S.C. 1813(e)(2)), with federally insured deposits, except as provided in § 345.11(c). The term “bank” also includes an insured State branch as defined in § 345.11(c).

(f) *Branch* means a staffed banking facility authorized as a branch, whether shared or unshared, including, for example, a mini-branch in a grocery store or a branch operated in conjunction with any other local business or nonprofit organization. The term “branch” only includes a “domestic branch” as that term is defined in section 3(o) of the FDIA (12 U.S.C. 1813(o)).

(g) *Community development* means:

(1) Affordable housing (including multifamily rental housing) for low- or moderate-income individuals;

(2) Community services targeted to low- or moderate-income individuals;

(3) Activities that promote economic development by financing businesses or farms that meet the size eligibility standards of the Small Business Administration’s Development Company or Small Business Investment Company programs (13 CFR 121.301) or have gross annual revenues of \$1 million or less; or

(4) Activities that revitalize or stabilize—

(i) Low- or moderate-income geographies;

(ii) Designated disaster areas; or

(iii) Distressed or underserved nonmetropolitan middle-income geographies designated by the Board of Governors of the Federal Reserve System, FDIC, and Office of the Comptroller of the Currency, based on—

(A) Rates of poverty, unemployment, and population loss; or

(B) Population size, density, and dispersion. Activities revitalize and stabilize geographies designated based on population size, density, and dispersion if they help to meet essential community needs, including needs of low- and moderate-income individuals.

(h) *Community development loan* means a loan that:

(1) Has as its primary purpose community development; and

(2) Except in the case of a wholesale or limited purpose bank:

(i) Has not been reported or collected by the bank or an affiliate for consideration in the bank’s assessment as a home mortgage, small business, small farm, or consumer loan, unless the loan is for a multifamily dwelling (as defined in § 1003.2(n) of this title); and

(ii) Benefits the bank’s assessment area(s) or a broader statewide or regional area that includes the bank’s assessment area(s).

(i) *Community development service* means a service that:

(1) Has as its primary purpose community development;

(2) Is related to the provision of financial services; and

(3) Has not been considered in the evaluation of the bank’s retail banking services under § 345.24(d).

(j) *Consumer loan* means a loan to one or more individuals for household, family, or other personal expenditures. A consumer loan does not include a home mortgage, small business, or small farm loan. Consumer loans include the following categories of loans:

(1) Motor vehicle loan, which is a consumer loan extended for the purchase of and secured by a motor vehicle;

(2) Credit card loan, which is a line of credit for household, family, or other personal expenditures that is accessed by a borrower’s use of a “credit card,” as this term is defined in § 1026.2 of this title;

(3) Other secured consumer loan, which is a secured consumer loan that is not included in one of the other categories of consumer loans; and

(4) Other unsecured consumer loan, which is an unsecured consumer loan

that is not included in one of the other categories of consumer loans.

(k) *Geography* means a census tract delineated by the United States Bureau of the Census in the most recent decennial census.

(l) *Home mortgage loan* means a closed-end mortgage loan or an open-end line of credit as these terms are defined under § 1003.2 of this title and that is not an excluded transaction under § 1003.3(c)(1) through (10) and (13) of this title.

(m) *Income level* includes:

(1) Low-income, which means an individual income that is less than 50 percent of the area median income or a median family income that is less than 50 percent in the case of a geography.

(2) Moderate-income, which means an individual income that is at least 50 percent and less than 80 percent of the area median income or a median family income that is at least 50 and less than 80 percent in the case of a geography.

(3) Middle-income, which means an individual income that is at least 80 percent and less than 120 percent of the area median income or a median family income that is at least 80 and less than 120 percent in the case of a geography.

(4) Upper-income, which means an individual income that is 120 percent or more of the area median income or a median family income that is 120 percent or more in the case of a geography.

(n) *Limited purpose bank* means a bank that offers only a narrow product line (such as credit card or motor vehicle loans) to a regional or broader market and for which a designation as a limited purpose bank is in effect, in accordance with § 345.25(b).

(o) *Loan location*. A loan is located as follows:

(1) A consumer loan is located in the geography where the borrower resides;

(2) A home mortgage loan is located in the geography where the property to which the loan relates is located; and

(3) A small business or small farm loan is located in the geography where the main business facility or farm is located or where the loan proceeds otherwise will be applied, as indicated by the borrower.

(p) *Loan production office* means a staffed facility, other than a branch, that is open to the public and that provides lending-related services, such as loan information and applications.

(q) *Metropolitan division* means a metropolitan division as defined by the Director of the Office of Management and Budget.

(r) *MSA* means a metropolitan statistical area as defined by the Director

of the Office of Management and Budget.

(s) *Nonmetropolitan area* means any area that is not located in an MSA.

(t) *Qualified investment* means a lawful investment, deposit, membership share, or grant that has as its primary purpose community development.

(u) *Small bank*—

(1) *Definition.* *Small bank* means a bank that, as of December 31 of either of the prior two calendar years, had assets of less than \$1.609 billion.

Intermediate small bank means a small bank with assets of at least \$402 million as of December 31 of both of the prior two calendar years and less than \$1.609 billion as of December 31 of either of the prior two calendar years.

(2) *Adjustment.* The dollar figures in paragraph (u)(1) of this section shall be adjusted annually and published by the FDIC, based on the year-to-year change in the average of the Consumer Price Index for Urban Wage Earners and Clerical Workers, not seasonally adjusted, for each twelve-month period ending in November, with rounding to the nearest million.

(v) *Small business loan* means a loan included in “loans to small businesses” as defined in the instructions for preparation of the Consolidated Report of Condition and Income.

(w) *Small farm loan* means a loan included in “loans to small farms” as defined in the instructions for preparation of the Consolidated Report of Condition and Income.

(x) *Wholesale bank* means a bank that is not in the business of extending home mortgage, small business, small farm, or consumer loans to retail customers, and for which a designation as a wholesale bank is in effect, in accordance with § 345.25(b).

Subpart B—Standards for Assessing Performance

§ 345.21 Performance tests, standards, and ratings, in general.

(a) *Performance tests and standards.* The FDIC assesses the CRA performance of a bank in an examination as follows:

(1) *Lending, investment, and service tests.* The FDIC applies the lending, investment, and service tests, as provided in §§ 345.22 through 345.24, in evaluating the performance of a bank, except as provided in paragraphs (a)(2), (a)(3), and (a)(4) of this section.

(2) *Community development test for wholesale or limited purpose banks.* The FDIC applies the community development test for a wholesale or limited purpose bank, as provided in § 345.25, except as provided in paragraph (a)(4) of this section.

(3) *Small bank performance standards.* The FDIC applies the small bank performance standards as provided in § 345.26 in evaluating the performance of a small bank or a bank that was a small bank during the prior calendar year, unless the bank elects to be assessed as provided in paragraphs (a)(1), (a)(2), or (a)(4) of this section. The bank may elect to be assessed as provided in paragraph (a)(1) of this section only if it collects and reports the data required for other banks under § 345.42.

(4) *Strategic plan.* The FDIC evaluates the performance of a bank under a strategic plan if the bank submits, and the FDIC approves, a strategic plan as provided in § 345.27.

(b) *Performance context.* The FDIC applies the tests and standards in paragraph (a) of this section and also considers whether to approve a proposed strategic plan in the context of:

(1) Demographic data on median income levels, distribution of household income, nature of housing stock, housing costs, and other relevant data pertaining to a bank's assessment area(s);

(2) Any information about lending, investment, and service opportunities in the bank's assessment area(s) maintained by the bank or obtained from community organizations, State, local, and tribal governments, economic development agencies, or other sources;

(3) The bank's product offerings and business strategy as determined from data provided by the bank;

(4) Institutional capacity and constraints, including the size and financial condition of the bank, the economic climate (national, regional, and local), safety and soundness limitations, and any other factors that significantly affect the bank's ability to provide lending, investments, or services in its assessment area(s);

(5) The bank's past performance and the performance of similarly situated lenders;

(6) The bank's public file, as described in § 345.43, and any written comments about the bank's CRA performance submitted to the bank or the FDIC; and

(7) Any other information deemed relevant by the FDIC.

(c) *Assigned ratings.* The FDIC assigns to a bank one of the following four ratings pursuant to § 345.28 and appendix A of this part: “outstanding,” “satisfactory,” “needs to improve,” or “substantial noncompliance” as provided in 12 U.S.C. 2906(b)(2). The rating assigned by the FDIC reflects the bank's record of helping to meet the

credit needs of its entire community, including low- and moderate-income neighborhoods, consistent with the safe and sound operation of the bank.

(d) *Safe and sound operations.* This part and the CRA do not require a bank to make loans or investments or to provide services that are inconsistent with safe and sound operations. To the contrary, the FDIC anticipates banks can meet the standards of this part with safe and sound loans, investments, and services on which the banks expect to make a profit. Banks are permitted and encouraged to develop and apply flexible underwriting standards for loans that benefit low- or moderate-income geographies or individuals, only if consistent with safe and sound operations.

(e) *Low-cost education loans provided to low-income borrowers.* In assessing and taking into account the record of a bank under this part, the FDIC considers, as a factor, low-cost education loans originated by the bank to borrowers, particularly in its assessment area(s), who have an individual income that is less than 50 percent of the area median income. For purposes of this paragraph, “low-cost education loans” means any education loan, as defined in section 140(a)(7) of the Truth in Lending Act (15 U.S.C. 1650(a)(7)) (including a loan under a State or local education loan program), originated by the bank for a student at an “institution of higher education,” as that term is generally defined in sections 101 and 102 of the Higher Education Act of 1965 (20 U.S.C. 1001 and 1002) and the implementing regulations published by the U.S. Department of Education, with interest rates and fees no greater than those of comparable education loans offered directly by the U.S. Department of Education. Such rates and fees are specified in section 455 of the Higher Education Act of 1965 (20 U.S.C. 1087e).

(f) *Activities in cooperation with minority- or women-owned financial institutions and low-income credit unions.* In assessing and taking into account the record of a nonminority-owned and nonwomen-owned bank under this part, the FDIC considers as a factor capital investment, loan participation, and other ventures undertaken by the bank in cooperation with minority- and women-owned financial institutions and low-income credit unions. Such activities must help meet the credit needs of local communities in which the minority- and women-owned financial institutions and low-income credit unions are chartered. To be considered,

such activities need not also benefit the bank's assessment area(s) or the broader statewide or regional area that includes the bank's assessment area(s).

§ 345.22 Lending test.

(a) *Scope of test.*

(1) The lending test evaluates a bank's record of helping to meet the credit needs of its assessment area(s) through its lending activities by considering a bank's home mortgage, small business, small farm, and community development lending. If consumer lending constitutes a substantial majority of a bank's business, the FDIC will evaluate the bank's consumer lending in one or more of the following categories: motor vehicle, credit card, other secured, and other unsecured loans. In addition, at a bank's option, the FDIC will evaluate one or more categories of consumer lending, if the bank has collected and maintained, as required in § 345.42(c)(1), the data for each category that the bank elects to have the FDIC evaluate.

(2) The FDIC considers originations and purchases of loans. The FDIC will also consider any other loan data the bank may choose to provide, including data on loans outstanding, commitments and letters of credit.

(3) A bank may ask the FDIC to consider loans originated or purchased by consortia in which the bank participates or by third parties in which the bank has invested only if the loans meet the definition of community development loans and only in accordance with paragraph (d) of this section. The FDIC will not consider these loans under any criterion of the lending test except the community development lending criterion.

(b) *Performance criteria.* The FDIC evaluates a bank's lending performance pursuant to the following criteria:

(1) *Lending activity.* The number and amount of the bank's home mortgage, small business, small farm, and consumer loans, if applicable, in the bank's assessment area(s);

(2) *Geographic distribution.* The geographic distribution of the bank's home mortgage, small business, small farm, and consumer loans, if applicable, based on the loan location, including:

(i) The proportion of the bank's lending in the bank's assessment area(s);

(ii) The dispersion of lending in the bank's assessment area(s); and

(iii) The number and amount of loans in low-, moderate-, middle-, and upper-income geographies in the bank's assessment area(s);

(3) *Borrower characteristics.* The distribution, particularly in the bank's assessment area(s), of the bank's home

mortgage, small business, small farm, and consumer loans, if applicable, based on borrower characteristics, including the number and amount of:

(i) Home mortgage loans to low-, moderate-, middle-, and upper-income individuals;

(ii) Small business and small farm loans to businesses and farms with gross annual revenues of \$1 million or less;

(iii) Small business and small farm loans by loan amount at origination; and

(iv) Consumer loans, if applicable, to low-, moderate-, middle-, and upper-income individuals;

(4) *Community development lending.* The bank's community development lending, including the number and amount of community development loans, and their complexity and innovativeness; and

(5) *Innovative or flexible lending practices.* The bank's use of innovative or flexible lending practices in a safe and sound manner to address the credit needs of low- or moderate-income individuals or geographies.

(c) *Affiliate lending.*

(1) At a bank's option, the FDIC will consider loans by an affiliate of the bank, if the bank provides data on the affiliate's loans pursuant to § 345.42.

(2) The FDIC considers affiliate lending subject to the following constraints:

(i) No affiliate may claim a loan origination or loan purchase if another institution claims the same loan origination or purchase; and

(ii) If a bank elects to have the FDIC consider loans within a particular lending category made by one or more of the bank's affiliates in a particular assessment area, the bank shall elect to have the FDIC consider, in accordance with paragraph (c)(1) of this section, all the loans within that lending category in that particular assessment area made by all of the bank's affiliates.

(3) The FDIC does not consider affiliate lending in assessing a bank's performance under paragraph (b)(2)(i) of this section.

(d) *Lending by a consortium or a third party.* Community development loans originated or purchased by a consortium in which the bank participates or by a third party in which the bank has invested:

(1) Will be considered, at the bank's option, if the bank reports the data pertaining to these loans under § 345.42(b)(2); and

(2) May be allocated among participants or investors, as they choose, for purposes of the lending test, except that no participant or investor:

(i) May claim a loan origination or loan purchase if another participant or

investor claims the same loan origination or purchase; or

(ii) May claim loans accounting for more than its percentage share (based on the level of its participation or investment) of the total loans originated by the consortium or third party.

(e) *Lending performance rating.* The FDIC rates a bank's lending performance as provided in appendix A of this part.

§ 345.23 Investment test.

(a) *Scope of test.* The investment test evaluates a bank's record of helping to meet the credit needs of its assessment area(s) through qualified investments that benefit its assessment area(s) or a broader statewide or regional area that includes the bank's assessment area(s).

(b) *Exclusion.* Activities considered under the lending or service tests may not be considered under the investment test.

(c) *Affiliate investment.* At a bank's option, the FDIC will consider, in its assessment of a bank's investment performance, a qualified investment made by an affiliate of the bank, if the qualified investment is not claimed by any other institution.

(d) *Disposition of branch premises.* Donating, selling on favorable terms, or making available on a rent-free basis a branch of the bank that is located in a predominantly minority neighborhood to a minority depository institution or women's depository institution (as these terms are defined in 12 U.S.C. 2907(b)) will be considered as a qualified investment.

(e) *Performance criteria.* The FDIC evaluates the investment performance of a bank pursuant to the following criteria:

(1) The dollar amount of qualified investments;

(2) The innovativeness or complexity of qualified investments;

(3) The responsiveness of qualified investments to credit and community development needs; and

(4) The degree to which the qualified investments are not routinely provided by private investors.

(f) *Investment performance rating.* The FDIC rates a bank's investment performance as provided in appendix A of this part.

§ 345.24 Service test.

(a) *Scope of test.* The service test evaluates a bank's record of helping to meet the credit needs of its assessment area(s) by analyzing both the availability and effectiveness of a bank's systems for delivering retail banking services and the extent and innovativeness of its community development services.

(b) *Area(s) benefited.* Community development services must benefit a

bank's assessment area(s) or a broader statewide or regional area that includes the bank's assessment area(s).

(c) *Affiliate service.* At a bank's option, the FDIC will consider, in its assessment of a bank's service performance, a community development service provided by an affiliate of the bank, if the community development service is not claimed by any other institution.

(d) *Performance criteria—retail banking services.* The FDIC evaluates the availability and effectiveness of a bank's systems for delivering retail banking services, pursuant to the following criteria:

(1) The current distribution of the bank's branches among low-, moderate-, middle-, and upper-income geographies;

(2) In the context of its current distribution of the bank's branches, the bank's record of opening and closing branches, particularly branches located in low- or moderate-income geographies or primarily serving low- or moderate-income individuals;

(3) The availability and effectiveness of alternative systems for delivering retail banking services (e.g., RSFs, RSFs not owned or operated by or exclusively for the bank, banking by telephone or computer, loan production offices, and bank-at-work or bank-by-mail programs) in low- and moderate-income geographies and to low- and moderate-income individuals; and

(4) The range of services provided in low-, moderate-, middle-, and upper-income geographies and the degree to which the services are tailored to meet the needs of those geographies.

(e) *Performance criteria—community development services.* The FDIC evaluates community development services pursuant to the following criteria:

(1) The extent to which the bank provides community development services; and

(2) The innovativeness and responsiveness of community development services.

(f) *Service performance rating.* The FDIC rates a bank's service performance as provided in appendix A of this part.

§ 345.25 Community development test for wholesale or limited purpose banks.

(a) *Scope of test.* The FDIC assesses a wholesale or limited purpose bank's record of helping to meet the credit needs of its assessment area(s) under the community development test through its community development lending, qualified investments, or community development services.

(b) *Designation as a wholesale or limited purpose bank.* In order to

receive a designation as a wholesale or limited purpose bank, a bank shall file a request, in writing, with the FDIC, at least three months prior to the proposed effective date of the designation. If the FDIC approves the designation, it remains in effect until the bank requests revocation of the designation or until one year after the FDIC notifies the bank that the FDIC has revoked the designation on its own initiative.

(c) *Performance criteria.* The FDIC evaluates the community development performance of a wholesale or limited purpose bank pursuant to the following criteria:

(1) The number and amount of community development loans (including originations and purchases of loans and other community development loan data provided by the bank, such as data on loans outstanding, commitments, and letters of credit), qualified investments, or community development services;

(2) The use of innovative or complex qualified investments, community development loans, or community development services and the extent to which the investments are not routinely provided by private investors; and

(3) The bank's responsiveness to credit and community development needs.

(d) *Indirect activities.* At a bank's option, the FDIC will consider in its community development performance assessment:

(1) Qualified investments or community development services provided by an affiliate of the bank, if the investments or services are not claimed by any other institution; and

(2) Community development lending by affiliates, consortia, and third parties, subject to the requirements and limitations in § 345.22 (c) and (d).

(e) *Benefit to assessment area(s)—*

(1) *Benefit inside assessment area(s).* The FDIC considers all qualified investments, community development loans, and community development services that benefit areas within the bank's assessment area(s) or a broader statewide or regional area that includes the bank's assessment area(s).

(2) *Benefit outside assessment area(s).* The FDIC considers the qualified investments, community development loans, and community development services that benefit areas outside the bank's assessment area(s), if the bank has adequately addressed the needs of its assessment area(s).

(f) *Community development performance rating.* The FDIC rates a bank's community development performance as provided in appendix A of this part.

§ 345.26 Small bank performance standards.

(a) *Performance criteria—*

(1) *Small banks that are not intermediate small banks.* The FDIC evaluates the record of a small bank that is not, or that was not during the prior calendar year, an intermediate small bank, of helping to meet the credit needs of its assessment area(s) pursuant to the criteria set forth in paragraph (b) of this section.

(2) *Intermediate small banks.* The FDIC evaluates the record of a small bank that is, or that was during the prior calendar year, an intermediate small bank, of helping to meet the credit needs of its assessment area(s) pursuant to the criteria set forth in paragraphs (b) and (c) of this section.

(b) *Lending test.* A small bank's lending performance is evaluated pursuant to the following criteria:

(1) The bank's loan-to-deposit ratio, adjusted for seasonal variation and, as appropriate, other lending-related activities, such as loan originations for sale to the secondary markets, community development loans, or qualified investments;

(2) The percentage of loans and, as appropriate, other lending-related activities located in the bank's assessment area(s);

(3) The bank's record of lending to and, as appropriate, engaging in other lending-related activities for borrowers of different income levels and businesses and farms of different sizes;

(4) The geographic distribution of the bank's loans; and

(5) The bank's record of taking action, if warranted, in response to written complaints about its performance in helping to meet credit needs in its assessment area(s).

(c) *Community development test.* An intermediate small bank's community development performance also is evaluated pursuant to the following criteria:

(1) The number and amount of community development loans;

(2) The number and amount of qualified investments;

(3) The extent to which the bank provides community development services; and

(4) The bank's responsiveness through such activities to community development lending, investment, and services needs.

(d) *Small bank performance rating.* The FDIC rates the performance of a bank evaluated under this section as provided in appendix A of this part.

§ 345.27 Strategic plan.

(a) *Alternative election.* The FDIC will assess a bank's record of helping to meet

the credit needs of its assessment area(s) under a strategic plan if:

(1) The bank has submitted the plan to the FDIC as provided for in this section;

(2) The FDIC has approved the plan;

(3) The plan is in effect; and

(4) The bank has been operating under an approved plan for at least one year.

(b) *Data reporting.* The FDIC's approval of a plan does not affect the bank's obligation, if any, to report data as required by § 345.42.

(c) *Plans in general—*

(1) *Term.* A plan may have a term of no more than five years, and any multi-year plan must include annual interim measurable goals under which the FDIC will evaluate the bank's performance.

(2) *Multiple assessment areas.* A bank with more than one assessment area may prepare a single plan for all of its assessment areas or one or more plans for one or more of its assessment areas.

(3) *Treatment of affiliates.* Affiliated institutions may prepare a joint plan if the plan provides measurable goals for each institution. Activities may be allocated among institutions at the institutions' option, provided that the same activities are not considered for more than one institution.

(d) *Public participation in plan development.* Before submitting a plan to the FDIC for approval, a bank shall:

(1) Informally seek suggestions from members of the public in its assessment area(s) covered by the plan while developing the plan;

(2) Once the bank has developed a plan, formally solicit public comment on the plan for at least 30 days by publishing notice in at least one newspaper of general circulation in each assessment area covered by the plan; and

(3) During the period of formal public comment, make copies of the plan available for review by the public at no cost at all offices of the bank in any assessment area covered by the plan and provide copies of the plan upon request for a reasonable fee to cover copying and mailing, if applicable.

(e) *Submission of plan.* The bank shall submit its plan to the FDIC at least three months prior to the proposed effective date of the plan. The bank shall also submit with its plan a description of its informal efforts to seek suggestions from members of the public, any written public comment received, and, if the plan was revised in light of the comment received, the initial plan as released for public comment.

(f) *Plan content—*

(1) *Measurable goals.*

(i) A bank shall specify in its plan measurable goals for helping to meet the

credit needs of each assessment area covered by the plan, particularly the needs of low- and moderate-income geographies and low- and moderate-income individuals, through lending, investment, and services, as appropriate.

(ii) A bank shall address in its plan all three performance categories and, unless the bank has been designated as a wholesale or limited purpose bank, shall emphasize lending and lending-related activities. Nevertheless, a different emphasis, including a focus on one or more performance categories, may be appropriate if responsive to the characteristics and credit needs of its assessment area(s), considering public comment and the bank's capacity and constraints, product offerings, and business strategy.

(2) *Confidential information.* A bank may submit additional information to the FDIC on a confidential basis, but the goals stated in the plan must be sufficiently specific to enable the public and the FDIC to judge the merits of the plan.

(3) *Satisfactory and outstanding goals.* A bank shall specify in its plan measurable goals that constitute "satisfactory" performance. A plan may specify measurable goals that constitute "outstanding" performance. If a bank submits, and the FDIC approves, both "satisfactory" and "outstanding" performance goals, the FDIC will consider the bank eligible for an "outstanding" performance rating.

(4) *Election if satisfactory goals not substantially met.* A bank may elect in its plan that, if the bank fails to meet substantially its plan goals for a satisfactory rating, the FDIC will evaluate the bank's performance under the lending, investment, and service tests, the community development test, or the small bank performance standards, as appropriate.

(g) *Plan approval—*

(1) *Timing.* The FDIC will act upon a plan within 60 calendar days after the FDIC receives the complete plan and other material required under paragraph (e) of this section. If the FDIC fails to act within this time period, the plan shall be deemed approved unless the FDIC extends the review period for good cause.

(2) *Public participation.* In evaluating the plan's goals, the FDIC considers the public's involvement in formulating the plan, written public comment on the plan, and any response by the bank to public comment on the plan.

(3) *Criteria for evaluating plan.* The FDIC evaluates a plan's measurable goals using the following criteria, as appropriate:

(i) The extent and breadth of lending or lending-related activities, including, as appropriate, the distribution of loans among different geographies, businesses and farms of different sizes, and individuals of different income levels, the extent of community development lending, and the use of innovative or flexible lending practices to address credit needs;

(ii) The amount and innovativeness, complexity, and responsiveness of the bank's qualified investments; and

(iii) The availability and effectiveness of the bank's systems for delivering retail banking services and the extent and innovativeness of the bank's community development services.

(h) *Plan amendment.* During the term of a plan, a bank may request the FDIC to approve an amendment to the plan on grounds that there has been a material change in circumstances. The bank shall develop an amendment to a previously approved plan in accordance with the public participation requirements of paragraph (d) of this section.

(i) *Plan assessment.* The FDIC approves the goals and assesses performance under a plan as provided for in appendix A of this part.

§ 345.28 Assigned ratings.

(a) *Ratings in general.* Subject to paragraphs (b) and (c) of this section, the FDIC assigns to a bank a rating of "outstanding," "satisfactory," "needs to improve," or "substantial noncompliance" based on the bank's performance under the lending, investment and service tests, the community development test, the small bank performance standards, or an approved strategic plan, as applicable.

(b) *Lending, investment, and service tests.* The FDIC assigns a rating for a bank assessed under the lending, investment, and service tests in accordance with the following principles:

(1) A bank that receives an "outstanding" rating on the lending test receives an assigned rating of at least "satisfactory";

(2) A bank that receives an "outstanding" rating on both the service test and the investment test and a rating of at least "high satisfactory" on the lending test receives an assigned rating of "outstanding"; and

(3) No bank may receive an assigned rating of "satisfactory" or higher unless it receives a rating of at least "low satisfactory" on the lending test.

(c) *Effect of evidence of discriminatory or other illegal credit practices.*

(1) The FDIC's evaluation of a bank's CRA performance is adversely affected

by evidence of discriminatory or other illegal credit practices in any geography by the bank or in any assessment area by any affiliate whose loans have been considered as part of the bank's lending performance. In connection with any type of lending activity described in § 345.22(a), evidence of discriminatory or other credit practices that violate an applicable law, rule, or regulation includes, but is not limited to:

(i) Discrimination against applicants on a prohibited basis in violation, for example, of the Equal Credit Opportunity Act or the Fair Housing Act;

(ii) Violations of the Home Ownership and Equity Protection Act;

(iii) Violations of section 5 of the Federal Trade Commission Act;

(iv) Violations of section 8 of the Real Estate Settlement Procedures Act; and

(v) Violations of the Truth in Lending Act provisions regarding a consumer's right of rescission.

(2) In determining the effect of evidence of practices described in paragraph (c)(1) of this section on the bank's assigned rating, the FDIC considers the nature, extent, and strength of the evidence of the practices; the policies and procedures that the bank (or affiliate, as applicable) has in place to prevent the practices; any corrective action that the bank (or affiliate, as applicable) has taken or has committed to take, including voluntary corrective action resulting from self-assessment; and any other relevant information.

§ 345.29 Effect of CRA performance on applications.

(a) *CRA performance.* Among other factors, the FDIC takes into account the record of performance under the CRA of each applicant bank in considering an application for approval of:

(1) The establishment of a domestic branch or other facility with the ability to accept deposits;

(2) The relocation of the bank's main office or a branch;

(3) The merger, consolidation, acquisition of assets, or assumption of liabilities; and

(4) Deposit insurance for a newly chartered financial institution.

(b) *New financial institutions.* A newly chartered financial institution shall submit with its application for deposit insurance a description of how it will meet its CRA objectives. The FDIC takes the description into account in considering the application and may deny or condition approval on that basis.

(c) *Interested parties.* The FDIC takes into account any views expressed by

interested parties that are submitted in accordance with the FDIC's procedures set forth in part 303 of this chapter in considering CRA performance in an application listed in paragraphs (a) and (b) of this section.

(d) *Denial or conditional approval of application.* A bank's record of performance may be the basis for denying or conditioning approval of an application listed in paragraph (a) of this section.

Subpart C—Records, Reporting, and Disclosure Requirements

§ 345.41 Assessment area delineation.

(a) *In general.* A bank shall delineate one or more assessment areas within which the FDIC evaluates the bank's record of helping to meet the credit needs of its community. The FDIC does not evaluate the bank's delineation of its assessment area(s) as a separate performance criterion, but the FDIC reviews the delineation for compliance with the requirements of this section.

(b) *Geographic area(s) for wholesale or limited purpose banks.* The assessment area(s) for a wholesale or limited purpose bank must consist generally of one or more MSAs or metropolitan divisions (using the MSA or metropolitan division boundaries that were in effect as of January 1 of the calendar year in which the delineation is made) or one or more contiguous political subdivisions, such as counties, cities, or towns, in which the bank has its main office, branches, and deposit-taking ATMs.

(c) *Geographic area(s) for other banks.* The assessment area(s) for a bank other than a wholesale or limited purpose bank must:

(1) Consist generally of one or more MSAs or metropolitan divisions (using the MSA or metropolitan division boundaries that were in effect as of January 1 of the calendar year in which the delineation is made) or one or more contiguous political subdivisions, such as counties, cities, or towns; and

(2) Include the geographies in which the bank has its main office, its branches, and its deposit-taking RSFs, as well as the surrounding geographies in which the bank has originated or purchased a substantial portion of its loans (including home mortgage loans, small business and small farm loans, and any other loans the bank chooses, such as those consumer loans on which the bank elects to have its performance assessed).

(d) *Adjustments to geographic area(s).* A bank may adjust the boundaries of its assessment area(s) to include only the portion of a political subdivision that it

reasonably can be expected to serve. An adjustment is particularly appropriate in the case of an assessment area that otherwise would be extremely large, of unusual configuration, or divided by significant geographic barriers.

(e) *Limitations on the delineation of an assessment area.* Each bank's assessment area(s):

(1) Must consist only of whole geographies;

(2) May not reflect illegal discrimination;

(3) May not arbitrarily exclude low- or moderate-income geographies, taking into account the bank's size and financial condition; and

(4) May not extend substantially beyond an MSA boundary or beyond a State boundary unless the assessment area is located in a multistate MSA. If a bank serves a geographic area that extends substantially beyond a State boundary, the bank shall delineate separate assessment areas for the areas in each State. If a bank serves a geographic area that extends substantially beyond an MSA boundary, the bank shall delineate separate assessment areas for the areas inside and outside the MSA.

(f) *Banks serving military personnel.* Notwithstanding the requirements of this section, a bank whose business predominantly consists of serving the needs of military personnel or their dependents who are not located within a defined geographic area may delineate its entire deposit customer base as its assessment area.

(g) *Use of assessment area(s).* The FDIC uses the assessment area(s) delineated by a bank in its evaluation of the bank's CRA performance unless the FDIC determines that the assessment area(s) do not comply with the requirements of this section.

§ 345.42 Data collection, reporting, and disclosure.

(a) *Loan information required to be collected and maintained.* A bank, except a small bank, shall collect, and maintain in machine readable form (as prescribed by the FDIC) until the completion of its next CRA examination, the following data for each small business or small farm loan originated or purchased by the bank:

(1) A unique number or alphanumeric symbol that can be used to identify the relevant loan file;

(2) The loan amount at origination;

(3) The loan location; and

(4) An indicator whether the loan was to a business or farm with gross annual revenues of \$1 million or less.

(b) *Loan information required to be reported.* A bank, except a small bank or

a bank that was a small bank during the prior calendar year, shall report annually by March 1 to the FDIC in machine readable form (as prescribed by the FDIC) the following data for the prior calendar year:

(1) *Small business and small farm loan data.* For each geography in which the bank originated or purchased a small business or small farm loan, the aggregate number and amount of loans:

(i) With an amount at origination of \$100,000 or less;

(ii) With an amount at origination of more than \$100,000 but less than or equal to \$250,000;

(iii) With an amount at origination of more than \$250,000; and

(iv) To businesses and farms with gross annual revenues of \$1 million or less (using the revenues that the bank considered in making its credit decision);

(2) *Community development loan data.* The aggregate number and aggregate amount of community development loans originated or purchased; and

(3) *Home mortgage loans.* If the bank is subject to reporting under part 1003 of this title, the location of each home mortgage loan application, origination, or purchase outside the MSAs in which the bank has a home or branch office (or outside any MSA) in accordance with the requirements of part 1003 of this title.

(c) *Optional data collection and maintenance—*

(1) *Consumer loans.* A bank may collect and maintain in machine readable form (as prescribed by the FDIC) data for consumer loans originated or purchased by the bank for consideration under the lending test. A bank may maintain data for one or more of the following categories of consumer loans: motor vehicle, credit card, other secured, and other unsecured. If the bank maintains data for loans in a certain category, it shall maintain data for all loans originated or purchased within that category. The bank shall maintain data separately for each category, including for each loan:

(i) A unique number or alpha-numeric symbol that can be used to identify the relevant loan file;

(ii) The loan amount at origination or purchase;

(iii) The loan location; and

(iv) The gross annual income of the borrower that the bank considered in making its credit decision.

(2) *Other loan data.* At its option, a bank may provide other information concerning its lending performance, including additional loan distribution data.

(d) *Data on affiliate lending.* A bank that elects to have the FDIC consider loans by an affiliate, for purposes of the lending or community development test or an approved strategic plan, shall collect, maintain, and report for those loans the data that the bank would have collected, maintained, and reported pursuant to paragraphs (a), (b), and (c) of this section had the loans been originated or purchased by the bank. For home mortgage loans, the bank shall also be prepared to identify the home mortgage loans reported under part 1003 of this title by the affiliate.

(e) *Data on lending by a consortium or a third party.* A bank that elects to have the FDIC consider community development loans by a consortium or third party, for purposes of the lending or community development tests or an approved strategic plan, shall report for those loans the data that the bank would have reported under paragraph (b)(2) of this section had the loans been originated or purchased by the bank.

(f) *Small banks electing evaluation under the lending, investment, and service tests.* A bank that qualifies for evaluation under the small bank performance standards but elects evaluation under the lending, investment, and service tests shall collect, maintain, and report the data required for other banks pursuant to paragraphs (a) and (b) of this section.

(g) *Assessment area data.* A bank, except a small bank or a bank that was a small bank during the prior calendar year, shall collect and report to the FDIC by March 1 of each year a list for each assessment area showing the geographies within the area.

(h) *CRA Disclosure Statement.* The FDIC prepares annually for each bank that reports data pursuant to this section a CRA Disclosure Statement that contains, on a State-by-State basis:

(1) For each county (and for each assessment area smaller than a county) with a population of 500,000 persons or fewer in which the bank reported a small business or small farm loan:

(i) The number and amount of small business and small farm loans reported as originated or purchased located in low-, moderate-, middle-, and upper-income geographies;

(ii) A list grouping each geography according to whether the geography is low-, moderate-, middle-, or upper-income;

(iii) A list showing each geography in which the bank reported a small business or small farm loan; and

(iv) The number and amount of small business and small farm loans to businesses and farms with gross annual revenues of \$1 million or less;

(2) For each county (and for each assessment area smaller than a county) with a population in excess of 500,000 persons in which the bank reported a small business or small farm loan:

(i) The number and amount of small business and small farm loans reported as originated or purchased located in geographies with median income relative to the area median income of less than 10 percent, 10 or more but less than 20 percent, 20 or more but less than 30 percent, 30 or more but less than 40 percent, 40 or more but less than 50 percent, 50 or more but less than 60 percent, 60 or more but less than 70 percent, 70 or more but less than 80 percent, 80 or more but less than 90 percent, 90 or more but less than 100 percent, 100 or more but less than 110 percent, 110 or more but less than 120 percent, and 120 percent or more;

(ii) A list grouping each geography in the county or assessment area according to whether the median income in the geography relative to the area median income is less than 10 percent, 10 or more but less than 20 percent, 20 or more but less than 30 percent, 30 or more but less than 40 percent, 40 or more but less than 50 percent, 50 or more but less than 60 percent, 60 or more but less than 70 percent, 70 or more but less than 80 percent, 80 or more but less than 90 percent, 90 or more but less than 100 percent, 100 or more but less than 110 percent, 110 or more but less than 120 percent, and 120 percent or more;

(iii) A list showing each geography in which the bank reported a small business or small farm loan; and

(iv) The number and amount of small business and small farm loans to businesses and farms with gross annual revenues of \$1 million or less;

(3) The number and amount of small business and small farm loans located inside each assessment area reported by the bank and the number and amount of small business and small farm loans located outside the assessment area(s) reported by the bank; and

(4) The number and amount of community development loans reported as originated or purchased.

(i) *Aggregate disclosure statements.* The FDIC, in conjunction with the Board of Governors of the Federal Reserve System and the Office of the Comptroller of the Currency, prepares annually, for each MSA or metropolitan division (including an MSA or metropolitan division that crosses a State boundary) and the nonmetropolitan portion of each State, an aggregate disclosure statement of small business and small farm lending

by all institutions subject to reporting under this part or parts 25, 195, or 228 of this title. These disclosure statements indicate, for each geography, the number and amount of all small business and small farm loans originated or purchased by reporting institutions, except that the FDIC may adjust the form of the disclosure if necessary, because of special circumstances, to protect the privacy of a borrower or the competitive position of an institution.

(j) *Central data depositories.* The FDIC makes the aggregate disclosure statements, described in paragraph (i) of this section, and the individual bank CRA Disclosure Statements, described in paragraph (h) of this section, available to the public at central data depositories. The FDIC publishes a list of the depositories at which the statements are available.

§ 345.43 Content and availability of public file.

(a) *Information available to the public.* A bank shall maintain a public file that includes the following information:

(1) All written comments received from the public for the current year and each of the prior two calendar years that specifically relate to the bank's performance in helping to meet community credit needs, and any response to the comments by the bank, if neither the comments nor the responses contain statements that reflect adversely on the good name or reputation of any persons other than the bank or publication of which would violate specific provisions of law;

(2) A copy of the public section of the bank's most recent CRA Performance Evaluation prepared by the FDIC. The bank shall place this copy in the public file within 30 business days after its receipt from the FDIC;

(3) A list of the bank's branches, their street addresses, and geographies;

(4) A list of branches opened or closed by the bank during the current year and each of the prior two calendar years, their street addresses, and geographies;

(5) A list of services (including hours of operation, available loan and deposit products, and transaction fees) generally offered at the bank's branches and descriptions of material differences in the availability or cost of services at particular branches, if any. At its option, a bank may include information regarding the availability of alternative systems for delivering retail banking services (e.g., RSFs, RSFs not owned or operated by or exclusively for the bank, banking by telephone or computer, loan

production offices, and bank-at-work or bank-by-mail programs);

(6) A map of each assessment area showing the boundaries of the area and identifying the geographies contained within the area, either on the map or in a separate list; and

(7) Any other information the bank chooses.

(b) *Additional information available to the public—*

(1) *Banks other than small banks.* A bank, except a small bank or a bank that was a small bank during the prior calendar year, shall include in its public file the following information pertaining to the bank and its affiliates, if applicable, for each of the prior two calendar years:

(i) If the bank has elected to have one or more categories of its consumer loans considered under the lending test, for each of these categories, the number and amount of loans:

(A) To low-, moderate-, middle-, and upper-income individuals;

(B) Located in low-, moderate-, middle-, and upper-income census tracts; and

(C) Located inside the bank's assessment area(s) and outside the bank's assessment area(s); and

(ii) The bank's CRA Disclosure Statement. The bank shall place the statement in the public file within three business days of its receipt from the FDIC.

(2) *Banks required to report Home Mortgage Disclosure Act (HMDA) data.* A bank required to report home mortgage loan data pursuant part 1003 of this title shall include in its public file a written notice that the institution's HMDA Disclosure Statement may be obtained on the Consumer Financial Protection Bureau's (Bureau) website at www.consumerfinance.gov/hmda. In addition, a bank that elected to have the FDIC consider the mortgage lending of an affiliate shall include in its public file the name of the affiliate and a written notice that the affiliate's HMDA Disclosure Statement may be obtained at the Bureau's website. The bank shall place the written notice(s) in the public file within three business days after receiving notification from the Federal Financial Institutions Examination Council of the availability of the disclosure statement(s).

(3) *Small banks.* A small bank or a bank that was a small bank during the prior calendar year shall include in its public file:

(i) The bank's loan-to-deposit ratio for each quarter of the prior calendar year and, at its option, additional data on its loan-to-deposit ratio; and

(ii) The information required for other banks by paragraph (b)(1) of this section, if the bank has elected to be evaluated under the lending, investment, and service tests.

(4) *Banks with strategic plans.* A bank that has been approved to be assessed under a strategic plan shall include in its public file a copy of that plan. A bank need not include information submitted to the FDIC on a confidential basis in conjunction with the plan.

(5) *Banks with less than satisfactory ratings.* A bank that received a less than satisfactory rating during its most recent examination shall include in its public file a description of its current efforts to improve its performance in helping to meet the credit needs of its entire community. The bank shall update the description quarterly.

(c) *Location of public information.* A bank shall make available to the public for inspection upon request and at no cost the information required in this section as follows:

(1) At the main office and, if an interstate bank, at one branch office in each State, all information in the public file; and

(2) At each branch:

(i) A copy of the public section of the bank's most recent CRA Performance Evaluation and a list of services provided by the branch; and

(ii) Within five calendar days of the request, all the information in the public file relating to the assessment area in which the branch is located.

(d) *Copies.* Upon request, a bank shall provide copies, either on paper or in another form acceptable to the person making the request, of the information in its public file. The bank may charge a reasonable fee not to exceed the cost of copying and mailing (if applicable).

(e) *Updating.* Except as otherwise provided in this section, a bank shall ensure that the information required by this section is current as of April 1 of each year.

§ 345.44 Public notice by banks.

A bank shall provide in the public lobby of its main office and each of its branches the appropriate public notice set forth in appendix B of this part. Only a branch of a bank having more than one assessment area shall include the bracketed material in the notice for branch offices. Only a bank that is an affiliate of a holding company shall include the next to the last sentence of the notices. A bank shall include the last sentence of the notices only if it is an affiliate of a holding company that is not prevented by statute from acquiring additional banks.

§ 345.45 Publication of planned examination schedule.

The FDIC publishes at least 30 days in advance of the beginning of each calendar quarter a list of banks scheduled for CRA examinations in that quarter.

Appendix A to Part 345—Ratings

(a) Ratings in general.

(1) In assigning a rating, the FDIC evaluates a bank's performance under the applicable performance criteria in this part, in accordance with §§ 345.21 and 345.28. This includes consideration of low-cost education loans provided to low-income borrowers and activities in cooperation with minority- or women-owned financial institutions and low-income credit unions, as well as adjustments on the basis of evidence of discriminatory or other illegal credit practices.

(2) A bank's performance need not fit each aspect of a particular rating profile in order to receive that rating, and exceptionally strong performance with respect to some aspects may compensate for weak performance in others. The bank's overall performance, however, must be consistent with safe and sound banking practices and generally with the appropriate rating profile as follows.

(b) Banks evaluated under the lending, investment, and service tests—

(1) *Lending performance rating.* The FDIC assigns each bank's lending performance one of the five following ratings.

(i) *Outstanding.* The FDIC rates a bank's lending performance "outstanding" if, in general, it demonstrates:

(A) Excellent responsiveness to credit needs in its assessment area(s), taking into account the number and amount of home mortgage, small business, small farm, and consumer loans, if applicable, in its assessment area(s);

(B) A substantial majority of its loans are made in its assessment area(s);

(C) An excellent geographic distribution of loans in its assessment area(s);

(D) An excellent distribution, particularly in its assessment area(s), of loans among individuals of different income levels and businesses (including farms) of different sizes, given the product lines offered by the bank;

(E) An excellent record of serving the credit needs of highly economically disadvantaged areas in its assessment area(s), low-income individuals, or businesses (including farms) with gross annual revenues of \$1 million or less, consistent with safe and sound operations;

(F) Extensive use of innovative or flexible lending practices in a safe and sound manner to address the credit needs of low- or moderate-income individuals or geographies; and

(G) It is a leader in making community development loans.

(ii) *High satisfactory.* The FDIC rates a bank's lending performance "high satisfactory" if, in general, it demonstrates:

(A) Good responsiveness to credit needs in its assessment area(s), taking into account the

number and amount of home mortgage, small business, small farm, and consumer loans, if applicable, in its assessment area(s);

(B) A high percentage of its loans are made in its assessment area(s);

(C) A good geographic distribution of loans in its assessment area(s);

(D) A good distribution, particularly in its assessment area(s), of loans among individuals of different income levels and businesses (including farms) of different sizes, given the product lines offered by the bank;

(E) A good record of serving the credit needs of highly economically disadvantaged areas in its assessment area(s), low-income individuals, or businesses (including farms) with gross annual revenues of \$1 million or less, consistent with safe and sound operations;

(F) Use of innovative or flexible lending practices in a safe and sound manner to address the credit needs of low- or moderate-income individuals or geographies; and

(G) It has made a relatively high level of community development loans.

(iii) *Low satisfactory.* The FDIC rates a bank's lending performance "low satisfactory" if, in general, it demonstrates:

(A) Adequate responsiveness to credit needs in its assessment area(s), taking into account the number and amount of home mortgage, small business, small farm, and consumer loans, if applicable, in its assessment area(s);

(B) An adequate percentage of its loans are made in its assessment area(s);

(C) An adequate geographic distribution of loans in its assessment area(s);

(D) An adequate distribution, particularly in its assessment area(s), of loans among individuals of different income levels and businesses (including farms) of different sizes, given the product lines offered by the bank;

(E) An adequate record of serving the credit needs of highly economically disadvantaged areas in its assessment area(s), low-income individuals, or businesses (including farms) with gross annual revenues of \$1 million or less, consistent with safe and sound operations;

(F) Limited use of innovative or flexible lending practices in a safe and sound manner to address the credit needs of low- or moderate-income individuals or geographies; and

(G) It has made an adequate level of community development loans.

(iv) *Needs to improve.* The FDIC rates a bank's lending performance "needs to improve" if, in general, it demonstrates:

(A) Poor responsiveness to credit needs in its assessment area(s), taking into account the number and amount of home mortgage, small business, small farm, and consumer loans, if applicable, in its assessment area(s);

(B) A small percentage of its loans are made in its assessment area(s);

(C) A poor geographic distribution of loans, particularly to low- or moderate-income geographies, in its assessment area(s);

(D) A poor distribution, particularly in its assessment area(s), of loans among individuals of different income levels and businesses (including farms) of different

sizes, given the product lines offered by the bank;

(E) A poor record of serving the credit needs of highly economically disadvantaged areas in its assessment area(s), low-income individuals, or businesses (including farms) with gross annual revenues of \$1 million or less, consistent with safe and sound operations;

(F) Little use of innovative or flexible lending practices in a safe and sound manner to address the credit needs of low- or moderate-income individuals or geographies; and

(G) It has made a low level of community development loans.

(v) *Substantial noncompliance.* The FDIC rates a bank's lending performance as being in "substantial noncompliance" if, in general, it demonstrates:

(A) A very poor responsiveness to credit needs in its assessment area(s), taking into account the number and amount of home mortgage, small business, small farm, and consumer loans, if applicable, in its assessment area(s);

(B) A very small percentage of its loans are made in its assessment area(s);

(C) A very poor geographic distribution of loans, particularly to low- or moderate-income geographies, in its assessment area(s);

(D) A very poor distribution, particularly in its assessment area(s), of loans among individuals of different income levels and businesses (including farms) of different sizes, given the product lines offered by the bank;

(E) A very poor record of serving the credit needs of highly economically disadvantaged areas in its assessment area(s), low-income individuals, or businesses (including farms) with gross annual revenues of \$1 million or less, consistent with safe and sound operations;

(F) No use of innovative or flexible lending practices in a safe and sound manner to address the credit needs of low- or moderate-income individuals or geographies; and

(G) It has made few, if any, community development loans.

(2) *Investment performance rating.* The FDIC assigns each bank's investment performance one of the five following ratings.

(i) *Outstanding.* The FDIC rates a bank's investment performance "outstanding" if, in general, it demonstrates:

(A) An excellent level of qualified investments, particularly those that are not routinely provided by private investors, often in a leadership position;

(B) Extensive use of innovative or complex qualified investments; and

(C) Excellent responsiveness to credit and community development needs.

(ii) *High satisfactory.* The FDIC rates a bank's investment performance "high satisfactory" if, in general, it demonstrates:

(A) A significant level of qualified investments, particularly those that are not routinely provided by private investors, occasionally in a leadership position;

(B) Significant use of innovative or complex qualified investments; and

(C) Good responsiveness to credit and community development needs.

(iii) *Low satisfactory*. The FDIC rates a bank's investment performance "low satisfactory" if, in general, it demonstrates:

(A) An adequate level of qualified investments, particularly those that are not routinely provided by private investors, although rarely in a leadership position;

(B) Occasional use of innovative or complex qualified investments; and

(C) Adequate responsiveness to credit and community development needs.

(iv) *Needs to improve*. The FDIC rates a bank's investment performance "needs to improve" if, in general, it demonstrates:

(A) A poor level of qualified investments, particularly those that are not routinely provided by private investors;

(B) Rare use of innovative or complex qualified investments; and

(C) Poor responsiveness to credit and community development needs.

(v) *Substantial noncompliance*. The FDIC rates a bank's investment performance as being in "substantial noncompliance" if, in general, it demonstrates:

(A) Few, if any, qualified investments, particularly those that are not routinely provided by private investors;

(B) No use of innovative or complex qualified investments; and

(C) Very poor responsiveness to credit and community development needs.

(3) *Service performance rating*. The FDIC assigns each bank's service performance one of the five following ratings.

(i) *Outstanding*. The FDIC rates a bank's service performance "outstanding" if, in general, the bank demonstrates:

(A) Its service delivery systems are readily accessible to geographies and individuals of different income levels in its assessment area(s);

(B) To the extent changes have been made, its record of opening and closing branches has improved the accessibility of its delivery systems, particularly in low- or moderate-income geographies or to low- or moderate-income individuals;

(C) Its services (including, where appropriate, business hours) are tailored to the convenience and needs of its assessment area(s), particularly low- or moderate-income geographies or low- or moderate-income individuals; and

(D) It is a leader in providing community development services.

(ii) *High satisfactory*. The FDIC rates a bank's service performance "high satisfactory" if, in general, the bank demonstrates:

(A) Its service delivery systems are accessible to geographies and individuals of different income levels in its assessment area(s);

(B) To the extent changes have been made, its record of opening and closing branches has not adversely affected the accessibility of its delivery systems, particularly in low- and moderate-income geographies and to low- and moderate-income individuals;

(C) Its services (including, where appropriate, business hours) do not vary in a way that inconveniences its assessment area(s), particularly low- and moderate-income geographies and low- and moderate-income individuals; and

(D) It provides a relatively high level of community development services.

(iii) *Low satisfactory*. The FDIC rates a bank's service performance "low satisfactory" if, in general, the bank demonstrates:

(A) Its service delivery systems are reasonably accessible to geographies and individuals of different income levels in its assessment area(s);

(B) To the extent changes have been made, its record of opening and closing branches has generally not adversely affected the accessibility of its delivery systems, particularly in low- and moderate-income geographies and to low- and moderate-income individuals;

(C) Its services (including, where appropriate, business hours) do not vary in a way that inconveniences its assessment area(s), particularly low- and moderate-income geographies and low- and moderate-income individuals; and

(D) It provides an adequate level of community development services.

(iv) *Needs to improve*. The FDIC rates a bank's service performance "needs to improve" if, in general, the bank demonstrates:

(A) Its service delivery systems are unreasonably inaccessible to portions of its assessment area(s), particularly to low- or moderate-income geographies or to low- or moderate-income individuals;

(B) To the extent changes have been made, its record of opening and closing branches has adversely affected the accessibility of its delivery systems, particularly in low- or moderate-income geographies or to low- or moderate-income individuals;

(C) Its services (including, where appropriate, business hours) vary in a way that inconveniences its assessment area(s), particularly low- or moderate-income geographies or low- or moderate-income individuals; and

(D) It provides a limited level of community development services.

(v) *Substantial noncompliance*. The FDIC rates a bank's service performance as being in "substantial noncompliance" if, in general, the bank demonstrates:

(A) Its service delivery systems are unreasonably inaccessible to significant portions of its assessment area(s), particularly to low- or moderate-income geographies or to low- or moderate-income individuals;

(B) To the extent changes have been made, its record of opening and closing branches has significantly adversely affected the accessibility of its delivery systems, particularly in low- or moderate-income geographies or to low- or moderate-income individuals;

(C) Its services (including, where appropriate, business hours) vary in a way that significantly inconveniences its assessment area(s), particularly low- or moderate-income geographies or low- or moderate-income individuals; and

(D) It provides few, if any, community development services.

(c) *Wholesale or limited purpose banks*. The FDIC assigns each wholesale or limited purpose bank's community development performance one of the four following ratings.

(1) *Outstanding*. The FDIC rates a wholesale or limited purpose bank's community development performance "outstanding" if, in general, it demonstrates:

(i) A high level of community development loans, community development services, or qualified investments, particularly investments that are not routinely provided by private investors;

(ii) Extensive use of innovative or complex qualified investments, community development loans, or community development services; and

(iii) Excellent responsiveness to credit and community development needs in its assessment area(s).

(2) *Satisfactory*. The FDIC rates a wholesale or limited purpose bank's community development performance "satisfactory" if, in general, it demonstrates:

(i) An adequate level of community development loans, community development services, or qualified investments, particularly investments that are not routinely provided by private investors;

(ii) Occasional use of innovative or complex qualified investments, community development loans, or community development services; and

(iii) Adequate responsiveness to credit and community development needs in its assessment area(s).

(3) *Needs to improve*. The FDIC rates a wholesale or limited purpose bank's community development performance as "needs to improve" if, in general, it demonstrates:

(i) A poor level of community development loans, community development services, or qualified investments, particularly investments that are not routinely provided by private investors;

(ii) Rare use of innovative or complex qualified investments, community development loans, or community development services; and

(iii) Poor responsiveness to credit and community development needs in its assessment area(s).

(4) *Substantial noncompliance*. The FDIC rates a wholesale or limited purpose bank's community development performance in "substantial noncompliance" if, in general, it demonstrates:

(i) Few, if any, community development loans, community development services, or qualified investments, particularly investments that are not routinely provided by private investors;

(ii) No use of innovative or complex qualified investments, community development loans, or community development services; and

(iii) Very poor responsiveness to credit and community development needs in its assessment area(s).

(d) *Banks evaluated under the small bank performance standards*—

(1) *Lending test ratings*—

(i) *Eligibility for a satisfactory lending test rating*. The FDIC rates a small bank's lending performance "satisfactory" if, in general, the bank demonstrates:

(A) A reasonable loan-to-deposit ratio (considering seasonal variations) given the bank's size, financial condition, the credit

needs of its assessment area(s), and taking into account, as appropriate, other lending-related activities such as loan originations for sale to the secondary markets and community development loans and qualified investments;

(B) A majority of its loans and, as appropriate, other lending-related activities, are in its assessment area;

(C) A distribution of loans to and, as appropriate, other lending-related activities for individuals of different income levels (including low- and moderate-income individuals) and businesses and farms of different sizes that is reasonable given the demographics of the bank's assessment area(s);

(D) A record of taking appropriate action, when warranted, in response to written complaints, if any, about the bank's performance in helping to meet the credit needs of its assessment area(s); and

(E) A reasonable geographic distribution of loans given the bank's assessment area(s).

(ii) *Eligibility for an "outstanding" lending test rating.* A small bank that meets each of the standards for a "satisfactory" rating under this paragraph and exceeds some or all of those standards may warrant consideration for a lending test rating of "outstanding."

(iii) *Needs to improve or substantial noncompliance ratings.* A small bank may also receive a lending test rating of "needs to improve" or "substantial noncompliance" depending on the degree to which its performance has failed to meet the standard for a "satisfactory" rating.

(2) *Community development test ratings for intermediate small banks—*

(i) *Eligibility for a satisfactory community development test rating.* The FDIC rates an intermediate small bank's community development performance "satisfactory" if the bank demonstrates adequate responsiveness to the community development needs of its assessment area(s) through community development loans, qualified investments, and community development services. The adequacy of the bank's response will depend on its capacity for such community development activities, its assessment area's need for such community development activities, and the availability of such opportunities for community development in the bank's assessment area(s).

(ii) *Eligibility for an outstanding community development test rating.* The FDIC rates an intermediate small bank's community development performance "outstanding" if the bank demonstrates excellent responsiveness to community development needs in its assessment area(s) through community development loans, qualified investments, and community development services, as appropriate, considering the bank's capacity and the need and availability of such opportunities for community development in the bank's assessment area(s).

(iii) *Needs to improve or substantial noncompliance ratings.* An intermediate small bank may also receive a community development test rating of "needs to improve" or "substantial noncompliance" depending on the degree to which its

performance has failed to meet the standards for a "satisfactory" rating.

(3) *Overall rating—*

(i) *Eligibility for a satisfactory overall rating.* No intermediate small bank may receive an assigned overall rating of "satisfactory" unless it receives a rating of at least "satisfactory" on both the lending test and the community development test.

(ii) *Eligibility for an outstanding overall rating.*

(A) An intermediate small bank that receives an "outstanding" rating on one test and at least "satisfactory" on the other test may receive an assigned overall rating of "outstanding."

(B) A small bank that is not an intermediate small bank that meets each of the standards for a "satisfactory" rating under the lending test and exceeds some or all of those standards may warrant consideration for an overall rating of "outstanding." In assessing whether a bank's performance is "outstanding," the FDIC considers the extent to which the bank exceeds each of the performance standards for a "satisfactory" rating and its performance in making qualified investments and its performance in providing branches and other services and delivery systems that enhance credit availability in its assessment area(s).

(iii) *Needs to improve or substantial noncompliance overall ratings.* A small bank may also receive a rating of "needs to improve" or "substantial noncompliance" depending on the degree to which its performance has failed to meet the standards for a "satisfactory" rating.

(e) *Strategic plan assessment and rating—*

(1) *Satisfactory goals.* The FDIC approves as "satisfactory" measurable goals that adequately help to meet the credit needs of the bank's assessment area(s).

(2) *Outstanding goals.* If the plan identifies a separate group of measurable goals that substantially exceed the levels approved as "satisfactory," the FDIC will approve those goals as "outstanding."

(3) *Rating.* The FDIC assesses the performance of a bank operating under an approved plan to determine if the bank has met its plan goals:

(i) If the bank substantially achieves its plan goals for a satisfactory rating, the FDIC will rate the bank's performance under the plan as "satisfactory."

(ii) If the bank exceeds its plan goals for a satisfactory rating and substantially achieves its plan goals for an outstanding rating, the FDIC will rate the bank's performance under the plan as "outstanding."

(iii) If the bank fails to meet substantially its plan goals for a satisfactory rating, the FDIC will rate the bank as either "needs to improve" or "substantial noncompliance," depending on the extent to which it falls short of its plan goals, unless the bank elected in its plan to be rated otherwise, as provided in § 345.27(f)(4).

Appendix B to Part 345—CRA Notice

(a) *Notice for main offices and, if an interstate bank, one branch office in each state.*

Community Reinvestment Act Notice

Under the Federal Community Reinvestment Act (CRA), the Federal Deposit Insurance Corporation (FDIC) evaluates our record of helping to meet the credit needs of this community consistent with safe and sound operations. The FDIC also takes this record into account when deciding on certain applications submitted by us.

Your involvement is encouraged.

You are entitled to certain information about our operations and our performance under the CRA, including, for example, information about our branches, such as their location and services provided at them; the public section of our most recent CRA Performance Evaluation, prepared by the FDIC; and comments received from the public relating to our performance in helping to meet community credit needs, as well as our responses to those comments. You may review this information today.

At least 30 days before the beginning of each quarter, the FDIC publishes a nationwide list of the banks that are scheduled for CRA examination in that quarter. This list is available from the Regional Director, FDIC (address). You may send written comments about our performance in helping to meet community credit needs to (name and address of official at bank) and FDIC Regional Director. You may also submit comments electronically through the FDIC's website at www.fdic.gov/regulations/cra. Your letter, together with any response by us, will be considered by the FDIC in evaluating our CRA performance and may be made public.

You may ask to look at any comments received by the FDIC Regional Director. You may also request from the FDIC Regional Director an announcement of our applications covered by the CRA filed with the FDIC. We are an affiliate of (name of holding company), a bank holding company. You may request from the (title of responsible official), Federal Reserve Bank of _____ (address) an announcement of applications covered by the CRA filed by bank holding companies.

(b) *Notice for branch offices.*

Community Reinvestment Act Notice

Under the Federal Community Reinvestment Act (CRA), the Federal Deposit Insurance Corporation (FDIC) evaluates our record of helping to meet the credit needs of this community consistent with safe and sound operations. The FDIC also takes this record into account when deciding on certain applications submitted by us.

Your involvement is encouraged.

You are entitled to certain information about our operations and our performance under the CRA. You may review today the public section of our most recent CRA evaluation, prepared by the FDIC, and a list of services provided at this branch. You may also have access to the following additional information, which we will make available to you at this branch within five calendar days after you make a request to us: (1) a map showing the assessment area containing this branch, which is the area in which the FDIC evaluates our CRA performance in this community; (2) information about our

branches in this assessment area; (3) a list of services we provide at those locations; (4) data on our lending performance in this assessment area; and (5) copies of all written comments received by us that specifically relate to our CRA performance in this assessment area, and any responses we have made to those comments. If we are operating under an approved strategic plan, you may also have access to a copy of the plan.

[If you would like to review information about our CRA performance in other communities served by us, the public file for our entire bank is available at (name of office located in state), located at (address).]

At least 30 days before the beginning of each quarter, the FDIC publishes a nationwide list of the banks that are scheduled for CRA examination in that quarter. This list is available from the Regional Director, FDIC (address). You may send written comments about our performance in helping to meet community credit needs to (name and address of official at bank) and the FDIC Regional Director. You may also submit comments electronically through the FDIC's website at www.fdic.gov/regulations/cra. Your letter, together with any response by us, will be considered by the FDIC in evaluating our CRA performance and may be made public.

You may ask to look at any comments received by the FDIC Regional Director. You may also request from the FDIC Regional Director an announcement of our applications covered by the CRA filed with the FDIC. We are an affiliate of (name of holding company), a bank holding company. You may request from the (title of

responsible official), Federal Reserve Bank of _____ (address) an announcement of applications covered by the CRA filed by bank holding companies.

PART 346—DISCLOSURE AND REPORTING OF CRA-RELATED AGREEMENTS

■ 16. The authority citation for part 346 continues to read as follows:

Authority: 12 U.S.C. 1831y.

§ 346.4 [Amended]

■ 17. Amend § 346.4 by:

■ a. In paragraph (a)(2)(i), removing “§ 345.22 of appendix G to 12 CFR part 345” and adding in its place “§ 345.22 of this chapter”.

■ b. In paragraph (a)(2)(ii), removing “§ 345.23 of appendix G to 12 CFR part 345” and adding in its place “§ 345.23 of this chapter”.

■ c. In paragraph (a)(2)(iii), removing “§ 345.24(d) of appendix G to 12 CFR part 345” and adding in its place “§ 345.24(d) of this chapter”.

■ d. In paragraph (a)(2)(iv), removing “§ 345.24(e) of appendix G to 12 CFR part 345” and adding in its place “§ 345.24(e) of this chapter”.

■ e. In paragraph (a)(2)(v), removing “§ 345.25(c) of appendix G to 12 CFR part 345” and adding in its place “§ 345.25(c) of this chapter”.

■ f. In paragraph (a)(2)(vi), removing “§ 345.26(a) of appendix G to 12 CFR

part 345” and adding in its place “§ 345.26(a) of this chapter”.

■ g. In paragraph (a)(2)(vii), removing “§ 345.27(f) of appendix G to 12 CFR part 345” and adding in its place “§ 345.27(f) of this chapter”.

§ 346.6 [Amended]

■ 18. Amend § 346.6(b)(7) by removing “§ 345.43 of appendix G to 12 CFR part 345” and adding in its place “§ 345.43 of this chapter”.

§ 346.11 [Amended]

■ 19. Amend § 346.11(d) by removing “§ 345.43 of appendix G to 12 CFR part 345” and adding in its place “§ 345.43 of this chapter”.

Dated: July 15, 2025.

Rodney E. Hood,

Acting Comptroller of the Currency.

Dated: July 15, 2025.

By order of the Board of Governors of the Federal Reserve System.

Ann E. Misback,

Secretary of the Board.

Federal Deposit Insurance Corporation.

By order of the Board of Directors.

Dated at Washington, DC, on July 15, 2025.

Jennifer M. Jones,

Deputy Executive Secretary.

[FR Doc. 2025–13559 Filed 7–17–25; 8:45 am]

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Part III

Department of Agriculture

Forest Service

36 CFR Part 242

Department of the Interior

Office of the Secretary

43 CFR Part 51

Fish and Wildlife Service

50 CFR Part 100

Federal Subsistence Management Program; Transfer of Regulations; Final Rule

DEPARTMENT OF AGRICULTURE**Forest Service****36 CFR Part 242****DEPARTMENT OF THE INTERIOR****Office of the Secretary****43 CFR Part 51****Fish and Wildlife Service****50 CFR Part 100**

[Docket No. DOI-2024-0012; 245D0102DM
DS61900000 DMSN00000.000000 DX61901]

RIN 1090-AB30

**Federal Subsistence Management
Program; Transfer of Regulations**

AGENCY: Forest Service, Agriculture; Office of the Secretary, Office of the Assistant Secretary for Policy, Management, and Budget, and Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule transfers the Federal Subsistence Management Program regulations for the Department of the Interior from 50 CFR part 100 to 43 CFR part 51 to align with the transfer of the Office of Subsistence Management from the U.S. Fish and Wildlife Service to the Office of the Assistant Secretary for Policy, Management, and Budget. This rule also revises the program's regulations for both the Department of the Interior and the Department of Agriculture to reflect the recent organizational changes and make administrative corrections.

DATES: Effective July 18, 2025.

Information Collection Requirements: If you wish to comment on the information collection requirements in this final rule, please submit your comments on or before September 16, 2025.

ADDRESSES: This final rule and supporting materials are available online at <https://www.regulations.gov> under Docket No. DOI-2024-0012.

Information Collection Requirements: Send your comments on the information collection request to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, by email to Info_Coll@fws.gov; or by mail to 5275 Leesburg Pike, MS: PRB (JAO/3W), Falls Church, VA 22041-3803. Please reference "OMB Control Number 1018-0075/1090-New OSM" in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: Crystal Leonetti, Acting Director, Office

of Subsistence Management; (907) 786-3888 (phone) or subsistence@ios.doi.gov (email).

SUPPLEMENTARY INFORMATION:

Background

Under title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111-3126), the Secretary of the Interior and the Secretary of Agriculture (Secretaries) jointly implement the Federal Subsistence Management Program (Program). The Program provides a preference for take of fish and wildlife resources for subsistence uses on Federal public lands and waters in Alaska. The term "subsistence uses" means the customary and traditional uses by rural Alaska residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation or for other specified purposes.

The Secretaries established a Federal Subsistence Board to administer the Program, and the Office of Subsistence Management (OSM) provides substantial administrative support to the Board. Because the Program is jointly administered, both the Department of the Interior (DOI, we) and the Department of Agriculture (USDA) promulgate regulations governing the Program. Involved DOI agencies include the U.S. Fish and Wildlife Service (FWS), which historically included OSM, and three other DOI land-managing bureaus, and the USDA involvement pertains to the U.S. Forest Service (USFS).

Effective July 15, 2024, Secretary of the Interior's Order (Secretary's Order) 3413 transferred OSM from FWS to the Office of the Assistant Secretary for Policy, Management, and Budget (see <https://www.doi.gov/document-library/secretary-order/so-3413-transfer-office-subsistence-management-office-secretary>). Secretary's Order 3413 noted that with the enactment of the Department of the Interior's 2024 appropriations, Congress approved the functional transfer of the Department's Office of Subsistence Management from the U.S. Fish and Wildlife Service to the Office of the Secretary.

What This Document Does

This rule transfers DOI's Federal Subsistence Management Program regulations in the Code of Federal Regulations (CFR) to align with the transfer of OSM from FWS to the Office of the Assistant Secretary for Policy, Management, and Budget. Because the Program is jointly administered by DOI and USDA, the Program regulations are located in two titles of the CFR. To date,

the Program regulations have been found in title 36, "Parks, Forests, and Public Property," which contains regulations administered by USDA-USFS, and title 50, "Wildlife and Fisheries," which contains regulations administered by DOI-FWS. This document transfers the DOI regulations in the CFR from title 50 to title 43, "Public Lands: Interior," at a new part 51.

This rule also revises the Program's regulations for both DOI and USDA to reflect the recent organizational changes. As OSM has been transferred from FWS, this rule replaces certain references to "the U.S. Fish and Wildlife Service" in the regulations with references to "the Office of Subsistence Management." This document also corrects cross-references in the newly transferred regulations and makes non-substantive revisions to correct minor errors.

Conformance With Statutory and Regulatory Authorities

This final rule is administrative in nature and reflects organizational changes within the U.S. Department of the Interior. Accordingly, as this is a matter relating to agency management, pursuant to 5 U.S.C. 553(a)(2), notice of proposed rulemaking and opportunity for comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register**. Therefore, we are making this final rule effective upon publication (see **DATES**, above).

Because this is a rule that is limited to agency organization, this rule is exempt from the provisions of Executive Order 12866 (see section 3(d)(3) of E.O. 12866). This action is not a rule as defined by the Regulatory Flexibility Act (see 5 U.S.C. 601(2)), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (title II of Pub. L. 104-121, March 29, 1996), and thus is exempt from the provisions of those Acts. Nonetheless, OIRA determined this rule to be not significant on May 9, 2025. In addition, because this rule is a rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties, it is not included in the definition of "rule" under the Congressional Review Act (see 5 U.S.C. 804(3)).

Paperwork Reduction Act

This final rule includes a request to the Office of Management and Budget (OMB) to revise an existing information collection (IC) and approve a new IC control number as described below. All ICs require OMB approval under the

Paperwork Reduction Act of 1995 (PRA; 44 U.S.C. 3501 *et seq.*). We may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB previously reviewed and approved the information collection requirements associated with subsistence management regulations on public lands in Alaska and assigned the OMB Control Number 1018–0075 (expires March 31, 2027).

We are preparing two separate information collection requests (ICRs) for OMB approval in conjunction with the regulatory changes effected by this rule. The first ICR will request OMB approval to move the currently approved information collections from 1018–0075 to a new control number (1090–New) under the Office of the Assistant Secretary for Policy, Management, and Budget (PMB). A second, simultaneous ICR (requesting a new, separate control number) will request OMB approval to convert certain forms described below (used with the Federal Subsistence Management Program) to become common forms for use by both DOI and USFS. Prior to submitting both ICRs to OMB, we will provide the public with the required 30-day comment period. This 30-day comment period will be announced through the publication of a notice of information collection in the **Federal Register**.

Upon receiving OMB approval of the two ICRs, we will discontinue OMB Control Number 1018–0075, and the USFS will report its burden from the newly designated common forms directly to OMB under the second control number. Additionally, the USFS will prepare an ICR to request OMB approval of a new separate control number (0596–New) for the ICs contained in its regulations at 36 CFR part 242.

In conjunction with this rulemaking, we propose three major revisions to the current ICs for OMB approval:

(1) **REVISION TO SPLIT USFS BURDEN FROM DOI**—The currently approved burden under 1018–0075 includes burden for the USFS, which is not allowed under the PRA. The USFS should report its burden separately under its own control number. As part of this submission, we would convert all forms to be common forms managed by DOI under a new, stand-alone control number (see change 3, below). The USFS will submit a request to OMB for approval of a new collection (0596–New) for its burdens from all ICs (not associated with the new common forms) contained in its regulations at 36 CFR

part 242. The USFS will also report its burden for its use of the Federal Subsistence Management Program forms as “Requests for Common Forms” for OMB approval.

(2) **REASSIGNMENT OF EXISTING INFORMATION COLLECTIONS FROM CONTROL NO. 1018–0075 to 1090–NEW:**

(a) *Appointment of Members to Regional Advisory Councils*—Based upon recommendations of the Federal Subsistence Board, the Secretary of the Interior with the concurrence of the Secretary of Agriculture appoints members to the 10 regional advisory councils. ANILCA requires members to be residents of the region in which they serve. The Board established five additional criteria for membership on the Councils. Members must have:

- Knowledge of the region’s fish and wildlife resources;
- Knowledge of the region’s subsistence uses, customs, and traditions;
- Knowledge of the region’s commercial, sport, and other uses;
- Leadership skills; and
- Communication skills.

The member selection process begins with the information that we collect on the application. Ten interagency review panels interview all applicants and nominees, their references, and regional key contacts. The information provided by the applicant on the application form is the basis for these contacts. The information that we collect through the application form and subsequent interviews is the basis of the Federal Subsistence Board’s recommendations to the Secretaries of the Interior and Agriculture for appointment and reappointment of council members.

The following forms are associated with recruitment and selection of members for regional advisory councils:

(i) *Form DI-9008, “Federal Subsistence Regional Advisory Council Membership Incumbent Application”* (Formerly Form 3–2300)—Incumbent applicants use this form for membership.

- Question 1 asks if the applicant has any changes or updates to their original application.
- Question 2 concerns the applicant’s continued desire to serve on the Council and their goals.
- Question 3 is necessary to determine which user group the applicant wishes to represent.
- We request that applicants provide at least three references.

(ii) *Form DI-9009, “Federal Subsistence Regional Advisory Council Membership Application/Nomination”* (Formerly FWS Form 3–2321)—

Applicants and others nominating individuals complete this form for membership.

- Questions 1 through 4 pertain to the applicant’s regional knowledge of resources and uses of those resources.
- Question 5 concerns the applicant’s leadership experience.
- Question 6 pertains to communication skills.
- Question 7 helps determine the applicant’s knowledge of public lands.
- Questions 8 and 9 help gauge the applicant’s willingness and availability to attend meetings.
- Question 10 is necessary to determine which user group the applicant wishes to represent.
- We request that applicants provide at least three references.

(iii) *Form DI-9010, “Regional Advisory Council Candidate Interview”* (Formerly FWS Form 3–2322)—Review panel members complete this form when interviewing applicants.

- Question 1 asks if the applicant is willing to serve as a volunteer with no compensation, except for travel and per diem expenses.

- Questions 2, 10, and 11 help to gauge the applicant’s commitment level.
- Questions 3–9 relate to questions on the application form and provide an opportunity for discussion and gathering of more detailed information that many respondents are not able to give in writing.

(iv) *Form DI-9011, “Regional Advisory Council Reference/Key Contact Interview”* (Formerly FWS Form 3–2323)—Review panel members completed this form when interviewing references and key contacts.

- Questions 1–3 provide other perspectives of the applicant’s experience and abilities.
- Questions 4 and 5 provide the agency with a better understanding of the applicant’s ability to work with others and their standing in the community and region.

(b) *Nonform Information Collections*—We also collect nonform information. Regulations at 43 CFR part 51 (formerly 50 CFR part 100) contain procedures for the nonform IC requirements, including required documentation:

(i) *Petition To Repeal Subsistence Rules and Regulations*—If the State of Alaska enacts and implements laws that are consistent with sections 803, 804, and 805 of ANILCA, the State may submit a petition to the Secretary of the Interior for repeal of Federal subsistence rules. The State’s petition shall:

- Be submitted to the Secretary of the Interior and the Secretary of Agriculture;

- Include the entire text of applicable State legislation indicating compliance with sections 803, 804, and 805 of ANILCA; and

- Set forth all data and arguments available to the State in support of legislative compliance with sections 803, 804, and 805 of ANILCA.

If the Secretaries find that the State's petition contains adequate justification, a rulemaking proceeding for repeal of the regulations in this part will be initiated. If the Secretaries find that the State's petition does not contain adequate justification, the petition will be denied by letter or other notice, with a statement of the ground for denial.

(ii) Propose Changes to Federal Subsistence Regulations—The Board will accept proposed changes to the Federal subsistence regulations in 43 CFR part 51 according to a published schedule, except for proposals for emergency and temporary special actions, which the Board will accept according to procedures set forth in the regulations. Members of the public may propose changes to the subsistence regulations by providing:

- Contact information (name, organization, address, phone number, fax number, email address);
- Type of change (harvest season, harvest limit, method and means of harvest, customary and traditional use determination);

- Regulation to be changed;
- Language for proposed regulation;
- Why change should be made;
- Impact on populations;
- How change will affect subsistence uses;

- How change will affect other uses;
- Communities that have used the resource;
- Where resource has been harvested; and
- Months in which resource has been harvested.

(iii) Proposals for Emergency or Temporary Special Actions—A special action is an out-of-cycle change in a season, harvest limit, or method of harvest. The Federal Subsistence Board may take a special action to restrict, close, open, or reopen the taking of fish and wildlife on Federal public lands: (1) to ensure the continued viability of a particular fish or wildlife population; (2) to ensure continued subsistence use; and (3) for reasons of public safety or administration. Members of the public may request a special action by providing:

- Contact information (name, organization, address, telephone number, fax number, email address);
- Description of requested action;
- Any unusual or significant changes in resource abundance or unusual

conditions affecting harvest opportunities that could not reasonably have been anticipated and that potentially could have significant adverse effects on the health of fish and wildlife populations or subsistence users;

- The necessity of requested action if required for reasons of public safety or administration; and

- Extenuating circumstances that necessitate a regulatory change before the next regulatory review.

(iv) Requests for Reconsideration (Appeals)—Any person adversely affected by a new regulation may request that the Federal Subsistence Board reconsider its decision by filing a written request within 60 days after a regulation takes effect or is published in the **Federal Register**, whichever comes first.

Requests for reconsideration must provide the Board with sufficient narrative evidence and argument to show why the action by the Board should be reconsidered. The Board will accept a request for reconsideration only if it is based upon information not previously considered by the Board, demonstrates that the existing information used by the Board is incorrect, or demonstrates that the Board's interpretation of information, applicable law, or regulation is in error or contrary to existing law. Requests for reconsideration must include:

- Contact information (name, organization, address, telephone number, fax number, email address).
- Regulation and the date of **Federal Register** publication.

- Statement of how the person is adversely affected by the action.

- Statement of the issues raised by the action, with specific reference to: (1) information not previously considered by the Board; (2) information used by the Board that is incorrect; and (3) how the Board's interpretation of information, applicable law, or regulation is in error or contrary to existing law.

(c) Other Permits and Reports.

(i) Traditional/Cultural/Educational Permits—Organizations desiring to harvest fish or wildlife for traditional, cultural, or educational reasons must provide a letter stating that the requesting program has instructors, enrolled students, minimum attendance requirements, and standards for successful completion. The harvest must be reported, and any animals harvested will count against any established Federal harvest quota for the area in which it is harvested.

(ii) Fishwheel, Fyke Net, and Under-Ice Permits—Persons who want to set up

and operate fishwheels and fyke nets or use a net under the ice may be required to consult with the in-season manager. Such persons also may be required to either provide or label the equipment with certain information such as name and contact information and other household members who will use the equipment, permittee's name and address, species of fish take, number of fish taken, dates of use, registration permit number, organization's name and address (if applicable), and primary contact person name and telephone number.

(iii) Reports and Recommendations—Subsistence Regional Advisory Councils are required to send an annual report to the Federal Subsistence Board describing regional concerns or problems pertaining to subsistence on Federal public lands. In turn, the Board is required to respond to each of the Councils' annual reports and address their concerns and possible courses of actions or solutions.

(iv) Customary Trade Sales—The Board manages each region differently regarding customary trade, primarily based on cultural beliefs and traditional practices. As needed, decisions also include conservation concerns. This requirement is in place to monitor customary trade and ensure that subsistence resources are for subsistence users and not commercial trade.

(v) Transfer of Subsistence-Caught Fish, Wildlife, or Shellfish—This reporting requirement safeguards the harvester and individual who receives the harvested animal. It protects both parties to show that an illegal commercial enterprise is not ongoing or that the animal was not poached.

(vi) Meeting Request—The Board meets at least twice per year and at such other times as deemed necessary. Meetings occur at the call of the chair, but any member may request a meeting. There is no specified format to request a meeting. Usually, we recommend to the Board that it have a meeting on a special topic. This is not a common occurrence.

(vii) Cooperative Agreements—The Board may enter into cooperative agreements or otherwise cooperate with Federal agencies, the State, Native organizations, local governmental entities, and other persons and organizations, including international entities to effectuate the purposes and policies of the Federal Subsistence Management Program or to coordinate respective management responsibilities. Currently, cooperative agreements are not generally used, and we are reporting a placeholder burden of 1 due to the regulatory requirement.

(viii) *Alternative Permitting Processes*—Developing alternative permitting processes relating to the subsistence taking of fish and wildlife ensures continued opportunities for subsistence. Currently, this requirement is not generally used, and we are reporting a placeholder burden of 1 due to the regulatory requirement.

(ix) *Requests for Individual Customary and Traditional Use Determinations*—The Federal Subsistence Board has determined that rural Alaska residents of the listed communities and areas and certain individuals have customary and traditional use of the specified species on Federal public land in the specified areas. Persons granted individual customary and traditional use determinations will be notified in writing by the Board. The Service and the local National Park Service superintendent will maintain the list of individuals having customary and traditional use on National Parks and Monuments. A copy of the list is available upon request. Currently, this requirement is not generally used, and we are reporting a placeholder burden of 1 due to the regulatory requirement.

(x) *Management Plans*—Management plans are not routinely used. When created by the State or Alaska Native communities for overall management of a specific area, the plans are submitted to the appropriate Federal agencies for review/comment. Currently, this requirement is not generally used, and we are reporting a placeholder burden of 1 due to the regulatory requirement.

(xi) *Labeling/Marking Requirements* (see specific sections identified below)

(A) *Bear Baiting*—The requirement to mark bear baiting stations and provide contact information is for public safety since attempting to draw bears into a certain area could cause a significant hazard for the public not involved in hunting activities. Requirements to register a bait station with the State is to provide a single location that the public can go to inform themselves of possible hazards prior to using public lands.

(B) *Evidence of Sex and Identity*—In certain areas and with certain species of both wildlife and fish, evidence of sex and identity is required for biological purposes and the data is used for future management decisions. This information is critical to assist in assessing the health of a population, the male/female ratios, ages of harvested animals, identifying different genetic populations, and other important factors needed for sound management decisions.

(C) *Marking of Fish Gear*—The marking of various fishing gear types (fishwheels, crab pots, certain types of nets or their supporting buoys, stakes, etc.) with contact information is based on the fact that these gear types are generally unattended while catching fish. This information is used to differentiate between users harvesting under Federal or State regulations and also to protect the owners of the gear should it be damaged or carried away. The contact information can be used to return the often-expensive gear to the proper owner. Requirements as to the location of the contact information on the gear types is to ease the task of field managers so they can, if needed, identify gear from a boat and not have to land to search for the contact information. In marine waters, the information is used by the U.S. Coast Guard for safety in navigation concerns. The above reasons also hold true regarding registering a fishwheel with the State or the Federal program.

(D) *Marking of Subsistence-Caught Fish*—Requirements in certain areas to mark subsistence-caught fish by removal of the tips of the tail or dorsal fin is used to identify fish harvested under Federal regulations and not under State sport or commercial regulations. This requirement is needed as Federal subsistence harvest limits are often larger than sport fishing bag limits and protects the user from possible citations from State law enforcement.

(E) *Sealing Requirements*—Sealing requirements for animals, primarily bears and wolves, differ in parts of the State. This requirement not only allows biologists to gather important data to evaluate the health of the various populations but is also integral in preventing the illegal harvest and trafficking of animals and their parts.

(xii) *3rd Party Notifications (Tags, Marks, or Collar Notification and Return)*—Users must present the tags, markings, or collars to the Alaska Department of Fish and Game or the agency conducting the research. Much of this equipment may be used again, and the information regarding the take of the animal is important to management decisions.

(3) *CONVERSION OF CERTAIN FORMS TO BE COMMON FORMS (1090-NEW): Hunting and Fishing Applications, Permits, and Reports*—Persons engaged in taking wildlife, fish, and shellfish on public lands in Alaska for subsistence uses must apply for and obtain a permit and comply with the reporting provisions of that permit. All subsistence program land-managing agencies in Alaska use the five forms identified below to collect information

from qualified rural residents for subsistence harvest to verify the applicant as a federally qualified user and to track take of wildlife and fish.

Staff anthropologists use the information to inform customary and traditional use determinations by describing the past human uses of resources, who has used them, and where they have been used. Staff biologists use the information to evaluate harvest success; effectiveness of season lengths, harvest quotas, and restrictions; hunting/fishing patterns and practices; and overall use.

The Federal Subsistence Board uses the harvest data, along with other information, to set future season dates and bag limits for Federal subsistence resource users. These seasons and bag limits are set to meet needs of subsistence hunters without adverse impact to the health of existing animal populations.

(i) *Form DI-9012, “Federal Subsistence Customary Trade Recordkeeping Form” (Formerly FWS Form 3-2379)*—Federally qualified subsistence users who want to take part in customary trade must complete this form. Staff anthropologists use the information to inform customary and traditional use determinations and to write an analysis based on the provisions in section 804 of ANILCA. These analyses further reduce the pool of eligible subsistence users and may allocate harvests by community, in part, based on documented uses of the resource.

- Applicants provide information on the permit to identify:

1. That they are a federally qualified subsistence user;

2. Their community of primary residence for community harvest allocations;

3. Season and permit number; and

4. Other household members who may conduct customary trade with the permit.

- Remaining information tracks date of sales, buyers, and buyers' addresses, total dollar amount, species taken, fish parts.

(ii) *Form DI-9013, “Designated Fishing Application, Permit, and Report” (Formerly FWS Form 3-2378)*—Federally qualified subsistence users who want to harvest fish for other federally qualified subsistence users must complete this form. Federally qualified subsistence users may designate another federally qualified subsistence user to take fish on their behalf. The designated subsistence user must obtain a designated harvest permit prior to attempting to harvest fish and must return a completed harvest report.

The designated subsistence user may fish for any number of beneficiaries but may have no more than two harvest limits in their possession at any one time. Subsistence users may not designate more than one person to take or attempt to take fish on their behalf at one time. Subsistence users may not personally take or attempt to take fish at the same time that their designated subsistence user is taking or attempting to take fish on their behalf.

- Applicants provide information on the permit to identify:

1. That they are a federally qualified subsistence user;

2. Their community of primary residence for community harvest allocations; and

3. The season and permit number.

- Applicants identify both whom they fished for and their subsistence permit number. The permit number verifies they are federally qualified users and tracks usage by communities.

- The remaining information requested in the form tracks species taken, number retained, and gear for biological and anthropological analysis.

(iii) *Form DI-9014, "Designated Hunter Application, Permit, and Report"* (Formerly FWS Form 3-2327)—Federally qualified subsistence users who want to harvest wildlife for other federally qualified subsistence users must complete this form.

- Applicants provide information on the permit to identify:

1. That they are a federally qualified subsistence user;

2. Their community of primary residence for community harvest allocations; and

3. The unit, season, hunt number, and permit number.

- Applicants provide a list of names of other persons they hunted for, their harvest ticket/registration permit, and their community to ensure they are federally qualified subsistence users.

- The remaining information provides harvest data such as unit, drainage, or specific location and number, by sex, of animals taken.

(iv) *Form DI-9015, "Federal Subsistence Fishing Application, Permit, and Report"* (FWS Form 3-2328)—Federally qualified subsistence users who want to harvest fish complete this form.

- Applicants provide information on the permit to identify:

1. That they are a federally qualified subsistence user;

2. Their community of primary residence for community harvest allocations;

3. The season and permit number; and

4. Other household members who may fish with the permit.

- The remaining information identifies dates, locations, types of gear, fish species, and number of fish harvested for biological and anthropological analysis.

- Depending on in-season management requirements, a condition may be included for certain fisheries that requires a time-specific reporting requirement. This management tool is used only when conservation concerns exist that may require the emergency closure of the fishery to prevent overharvest.

- The form must be completed and returned by the date designated on the permit.

(v) *Form DI-9016, "Federal Subsistence Hunt Application, Permit, and Report"* (Formerly FWS Form 3-2326)—Federally qualified subsistence users who want to harvest wildlife complete this form.

- Applicants provide information on the permit to identify:

1. That they are a federally qualified subsistence user;

2. Their community of primary residence for community harvest allocations; and

3. The unit, season, hunt number, and permit number.

- Question 1 identifies whether the applicant hunted or used a designated hunter.

- Questions 2a through 2e identify success rates by time, location, and take of animal.

- Question 3 identifies date of take and biological data of animal.

Copies of the draft forms or any other documentation described above are available to the public by submitting an email request to the Service Information Collection Clearance Officer as provided above in **ADDRESSES**.

Title of Collection: Federal Subsistence Regulations and Associated Forms, 43 CFR part 51.

OMB Control Number: 1090–New (formerly 1018–0075).

Form Numbers: DI Forms 9008–9012.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Individuals and State, local, and Tribal governments. Most respondents are individuals who are federally defined rural residents in Alaska.

Total Estimated Number of Annual Respondents: 385.

Total Estimated Number of Annual Responses: 385.

Estimated Completion Time per Response: Varies from 5 minutes to 40 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 281.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion for applications; annually or on occasion for reports, recordkeeping, and labeling/marketing requirements.

Total Estimated Annual Nonhour Burden Cost: There is no non-hour cost burden associated with this information collection. Postage is prepaid as a Federal Government expense.

Send your comments and suggestions on this information collection by the date indicated above in **DATES** via one of the methods set forth in **ADDRESSES**. Please reference "OMB Control Number 1018–0075/1090–New" in the subject line of your comments.

Title of Collection: Common Forms Used with Federal Subsistence Regulations, 43 CFR part 51.

OMB Control Number: 1090–New.

Form Numbers: DI Forms 9012–9016.

Type of Review: New.

Respondents/Affected Public: Individuals and State, local, and Tribal governments. Most respondents are individuals who are federally defined rural residents in Alaska.

Total Estimated Number of Annual Respondents: 4,918.

Total Estimated Number of Annual Responses: 4,918.

Estimated Completion Time per Response: Varies from 5 minutes to 15 minutes, depending on activity.

Total Estimated Number of Annual Burden Hours: 1,231.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion for applications; annually or on occasion for reports and recordkeeping requirements.

Total Estimated Annual Nonhour Burden Cost: There is no non-hour cost burden associated with this information collection. Postage is prepaid as a Federal Government expense.

In accordance with the PRA and its implementing regulations at 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on our proposal to revise OMB Control Number 1018–0075, to transfer the currently approved information collections to a new 1090 control number, and to request a new control number for the new common forms. This input will help us assess the impact of our information collection requirements and minimize the public's reporting burden. It will also help the public understand our information collection requirements and provide the requested data in the desired format.

As part of our continuing effort to reduce paperwork and respondent burdens, and in accordance with 5 CFR 1320.8(d)(1), we invite the public and

other Federal agencies to comment on any aspect of this proposed information collection, including:

(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) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of response.

Comments that you submit in response to this rulemaking 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.

Send your comments and suggestions on this information collection by the date indicated above in **DATES** via one of the methods set forth in **ADDRESSES**. Please reference “OMB Control Number 1090–New OSM” in the subject line of your comments.

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Alaska, Fish and shellfish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

43 CFR Part 51

Administrative practice and procedure, Alaska, Fish and shellfish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish and shellfish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

Regulation Promulgation

For the reasons stated in the preamble, and as directed by Secretary's Order 3413, dated June 27, 2024, the Department of Agriculture amends 36 CFR part 242, and the Department of the Interior amends 43 CFR subtitle A and 50 CFR chapter I, subchapter H, as set forth below:

Title 36—Parks, Forestry, and Public Property

PART 242—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

■ 1. The authority citation for part 242 continues to read as follows:

Authority: 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

Subpart A—General Provisions

§ 242.8 [Amended]

■ 2. In § 242.8, remove the text “50 CFR Part 100 or 36 CFR Part 242” and add in its place the text “43 CFR part 51 or this part”.

■ 3. Revise § 242.9 to read as follows:

§ 242.9 Information collection requirements.

The Office of Management and Budget (OMB) has approved the information collection requirements contained in this part and assigned OMB Control Number 0596–New. Federal agencies 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. Direct comments regarding the burden estimate or any other aspect of the information collection to the Information Collection Clearance Officer, Office of the Chief Information Officer, U.S. Department of Agriculture, 1400 Independence Ave. SW, Washington, DC 20250.

Subpart B—Program Structure

■ 4. In § 242.10, revise and republish paragraphs (d)(7) and (9) to read as follows:

§ 242.10 Federal Subsistence Board.

* * * * *

(d) * * *

(7) The Board shall establish a Staff Committee for analytical and administrative assistance composed of members from the Office of Subsistence Management, U.S. Fish and Wildlife Service, National Park Service, U.S. Bureau of Land Management, Bureau of Indian Affairs, and USDA Forest Service. A representative from the

Office of Subsistence Management shall serve as Chair of the Interagency Staff Committee.

* * * * *

(9) The Office of Subsistence Management and the Interagency Staff Committee shall provide appropriate administrative support for the Board.

* * * * *

§ 242.19 [Amended]

■ 5. In § 242.19, amend paragraph (d) by removing “website (<http://alaska.fws.gov/asm/index.cfm>)” and adding in its place “website (<https://www.doi.gov/subsistence>)”.

Subpart C—Board Determinations

■ 6. In § 242.22, revise and republish paragraph (b) to read as follows:

§ 242.22 Subsistence resource regions.

* * * * *

(b) You may obtain maps delineating the boundaries of subsistence resource regions from the Office of Subsistence Management or online at <https://www.doi.gov/subsistence>.

■ 7. In § 242.23:

■ a. In paragraph (a), remove “§ 100.15” and add in its place “§ 242.15”; and

■ b. Revise and republish paragraph (b).

The revision reads as follows:

§ 242.23 Rural determinations.

* * * * *

(b) You may obtain maps delineating the boundaries of nonrural areas from the Office of Subsistence Management or online at <https://www.doi.gov/subsistence>.

Subpart D—Subsistence Taking of Fish and Wildlife

§ 242.25 [Amended]

■ 8. In § 242.25, amend the definition of “Registration permit” by removing the text “50 CFR 100.17 and 36 CFR 242.17” and adding in its place the text “43 CFR 51.17 and § 242.17”.

§ 242.26 [Amended]

■ 9. In § 242.26, amend paragraphs (n)(11)(i)(C)(2), (n)(12)(i)(D)(2), and (n)(13)(iii)(C)(2) by removing “50 CFR 100.25(e)” and adding in its place “§ 242.25(e)”.

§ 242.28 [Amended]

■ 10. In § 242.28, amend paragraph (b)(6) by removing “§ 100.27(b)(2)” and adding in its place “§ 242.27(b)(2)”.

Title 50—Wildlife and Fisheries

Chapter I—United States Fish and Wildlife Service, Department of the Interior

PART 100—[TRANSFERRED AND REDESIGNATED]

■ 11. Under the authority of title VIII of the Alaska National Interest Lands Conservation Act, 16 U.S.C. 3111–3126; regulations at 36 CFR part 242 and 50 CFR part 100 and sections 2 and 5 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended, transfer part 100 to 43 CFR subtitle A and redesignate it as part 51.

Subchapter H [Removed and Reserved]

■ 12. Under the authority of title VIII of the Alaska National Interest Lands Conservation Act, 16 U.S.C. 3111–3126; regulations at 36 CFR part 242 and 50 CFR part 100 and sections 2 and 5 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended, subchapter H is removed and reserved.

Title 43—Public Lands: Interior

Subtitle A—Office of the Secretary of the Interior

PART 51—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

■ 13. The authority citation for newly transferred and redesignated part 51 continues to read as follows:

Authority: 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

Subpart A—General Provisions

§ 51.4 [Amended]

- 14. In newly transferred and redesignated § 51.4:
- a. In the definition of “Board”, remove “§ 100.10” and add in its place “§ 51.10”;
- b. In the definition of “Federal Advisory Committees”, remove “§ 100.12” and add in its place “§ 51.12”;
- c. In the definition of “Regional Councils or Regional Council”, remove “§ 100.11” and add in its place “§ 51.11”; and
- d. In the definition of “Rural”, remove “§ 100.15” and add in its place “§ 51.15”.

§ 51.5 [Amended]

- 15. In newly transferred and redesignated § 51.5:
- a. In paragraph (a), remove “§ 100.23” and add in its place “§ 51.23”; and
- b. In paragraph (b), remove “§ 100.24” and add in its place “§ 51.24”.

§ 51.7 [Amended]

- 16. In newly transferred and redesignated § 51.7, amend paragraph (c) by removing “§§ 100.25, 100.26, 100.27, or 100.28” and adding in its place “§ 51.25, § 51.26, § 51.27, or § 51.28”.

§ 51.8 [Amended]

- 17. In newly transferred and redesignated § 51.8, remove the text “50 CFR Part 100 or 36 CFR Part 242” and add in its place the text “this part or 36 CFR part 242”.

- 18. Newly transferred and redesignated § 51.9 is revised and republished to read as follows:

§ 51.9 Information collection requirements.

The Office of Management and Budget (OMB) has approved the information collection requirements contained in this part and assigned OMB Control Number 1090–New. Federal agencies 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. Direct comments regarding the burden estimate or any other aspect of the information collection to the Departmental Information Collection Clearance Officer, Office of the Chief Information Officer, 1849 C Street NW, Washington, DC 20240.

Subpart B—Program Structure

- 19. In newly transferred and redesignated § 51.10, revise and republish paragraphs (d)(7) and (9) to read as follows:

§ 51.10 Federal Subsistence Board.

* * * * *

(d) * * *

(7) The Board shall establish a Staff Committee for analytical and administrative assistance composed of members from the Office of Subsistence Management, U.S. Fish and Wildlife Service, National Park Service, U.S. Bureau of Land Management, Bureau of Indian Affairs, and USDA Forest Service. A representative from the Office of Subsistence Management shall serve as Chair of the Interagency Staff Committee.

* * * * *

(9) The Office of Subsistence Management and the Interagency Staff Committee shall provide appropriate administrative support for the Board.

* * * * *

§ 51.11 [Amended]

- 20. In newly transferred and redesignated § 51.11, amend paragraph

(c)(1)(x) by removing “§ 100.17” and adding in its place “§ 51.17”.

§ 51.12 [Amended]

- 21. In newly transferred and redesignated § 51.12, amend paragraph (a) by removing “§ 100.11” and adding in its place “§ 51.11”.

§ 51.15 [Amended]

- 22. In newly transferred and redesignated § 51.15, amend paragraph (a) by removing “§ 100.23” and adding in its place “§ 51.23”.

§ 51.16 [Amended]

- 23. In newly transferred and redesignated § 51.16, amend paragraph (d) by removing “§ 100.24” and adding in its place “§ 51.24”.

§ 51.18 [Amended]

- 24. In newly transferred and redesignated § 51.18:
- a. In the introductory text of paragraph (a), remove “§ 100.19” and add in its place “§ 51.19”; and
- b. In paragraph (a)(1), remove “§ 100.11” and add in its place “§ 51.11”.

§ 51.19 [Amended]

- 25. In newly transferred and redesignated § 51.19:
- a. In paragraphs (a)(1) and (b)(1)(ii), remove “§ 100.18(a)(4)” and add in its place “§ 51.18(a)(4)”;
- b. In paragraph (d), remove the internet address “Web site (<http://alaska.fws.gov/asm/index.cfm>)” and add in its place “website (<https://www.doi.gov/subsistence>)”.

Subpart C—Board Determinations

- 26. In newly transferred and redesignated § 51.22, revise and republish paragraph (b) to read as follows:

§ 51.22 Subsistence resource regions.

* * * * *

(b) You may obtain maps delineating the boundaries of subsistence resource regions from the Office of Subsistence Management or online at <https://www.doi.gov/subsistence>.

- 27. In newly transferred and redesignated § 51.23:

- a. In paragraph (a), remove “§ 100.15” and add in its place “§ 51.15”; and
- b. Revise and republish paragraph (b).

The revision reads as follows:

§ 51.23 Rural determinations.

* * * * *

(b) You may obtain maps delineating the boundaries of nonrural areas from the Office of Subsistence Management

or online at <https://www.doi.gov/subsistence>.

Subpart D—Subsistence Taking of Fish and Wildlife

§ 51.25 [Amended]

- 28. In newly transferred and redesignated § 51.25:
- a. In paragraph (a), in the definition of “Registration permit”, remove “50 CFR 100.17” and add in its place “§ 51.17”;
- b. In paragraph (b), remove the text “§§ 100.26 through 100.28” in both places it occurs and add in each place “§§ 51.26 through 51.28”;
- c. In paragraph (c)(1), remove “§§ 100.26, 100.27, or 100.28” and add in its place “§ 51.26, § 51.27, or § 51.28”;
- d. In paragraphs (c)(2) and (4), remove “§ 100.10(d)(5)(ii)” and add in its place “§ 51.10(d)(5)(ii)”;

■ e. In paragraph (e), remove “§ 100.26” in both places it occurs and add in each place “§ 51.26”;

■ f. In paragraph (f), remove “§ 100.10(d)(5)(ii)” and add in its place “§ 51.10(d)(5)(ii)”;

■ g. In paragraph (j)(1) introductory text, remove “§ 100.26, § 100.27, or § 100.28” and add in its place “§ 51.26, § 51.27, or § 51.28”.

§ 51.26 [Amended]

■ 29. In newly transferred and redesignated § 51.26, amend paragraphs (n)(11)(i)(C)(2), (n)(12)(i)(D)(2), and (n)(13)(iii)(C)(2) by removing “50 CFR 100.25(e)” and adding in its place “§ 51.25(e)”.

§ 51.27 [Amended]

■ 30. In newly transferred and redesignated § 51.27, amend paragraph

(e)(13)(xx) by removing “§ 100.3(b)(5)” and adding in its place “§ 51.3(b)(5)”.

§ 51.28 [Amended]

■ 31. In newly transferred and redesignated § 51.28:

■ a. In paragraph (b)(6), remove “§ 100.27(b)(2)” and add in its place “§ 51.27(b)(2)”;

■ b. In paragraph (i)(1), remove “§ _____.3(b)(5) of these regulations” and add in its place “§ 51.3(b)(5)”.

Tyler Hassen,

Acting Assistant Secretary—Policy, Management and Budget, U.S. Department of the Interior.

Kristin Sleeper,

Deputy Under Secretary—Natural Resources and Environment, U.S. Department of Agriculture.

[FR Doc. 2025–13497 Filed 7–17–25; 8:45 am]

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FEDERAL REGISTER

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July 18, 2025

Part IV

Department of Agriculture

Forest Service

36 CFR Part 242

Department of the Interior

Office of the Secretary of the Interior

43 CFR Part 51

Subsistence Management Regulations for Public Lands in Alaska—2025–26
and 2026–27 Subsistence Taking of Fish and Shellfish Regulations; Final
Rule

DEPARTMENT OF AGRICULTURE**Forest Service****36 CFR Part 242****DEPARTMENT OF THE INTERIOR****Office of the Secretary of the Interior****43 CFR Part 51**

[Docket No. FWS-R7-SM-2023-0214;
FXFR13350700640-245-FF07J00000]

RIN 1018-BH14

**Subsistence Management Regulations
for Public Lands in Alaska—2025–26
and 2026–27 Subsistence Taking of
Fish and Shellfish Regulations**

AGENCY: Forest Service, Agriculture;
Office of the Secretary, Interior.

ACTION: Final rule.

SUMMARY: This final rule revises regulations for fish and shellfish seasons, harvest limits, methods, and means related to taking of fish and shellfish for subsistence uses during the 2025–2026 and 2026–2027 regulatory years. The Federal Subsistence Board (hereafter referred to as “the Board”) is on a schedule of completing the process of revising subsistence taking of fish and shellfish regulations in odd-numbered years and subsistence taking of wildlife regulations in even-numbered years; public proposal and review processes take place during the preceding year. The Board also addresses customary and traditional use determinations during the applicable cycle. When final, the resulting rulemaking amends the existing subsistence fish and shellfish taking regulations. This final rule also revises the nonrural determinations, updates the regulations on subsistence taking of wildlife resulting from final Board action on a wildlife proposal to conduct an ANILCA section 804 user prioritization for hunting the Nelchina caribou herd, change Nelchina caribou herd subsistence hunts to “may be announced,” and delegate authority to manage these hunts. Lastly, this rule corrects an error from a recent final rule.

DATES: This rule is effective July 18, 2025.

ADDRESSES: The comments received in response to the proposed rule are available at <https://www.regulations.gov> in Docket No. FWS-R7-SM-2023-0214. Federal Subsistence Board meeting transcripts are available for review on the Office of Subsistence Management website (<https://www.doi.gov/subsistence>); and at <https://www.regulations.gov>

www.regulations.gov in Docket No. FWS-R7-SM-2023-0214.

FOR FURTHER INFORMATION CONTACT:

Chair, Federal Subsistence Board, c/o Office of Subsistence Management, Attention: Crystal Leonetti, Director, Office of Subsistence Management; (907) 786–3888 or subsistence@ios.doi.gov. For questions specific to National Forest System lands, contact Gregory Risdahl, Regional Subsistence Program Leader, USDA, Forest Service, Alaska Region; (907) 302–7354 or gregory.risdahl@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

Under title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126), the Secretary of the Interior and the Secretary of Agriculture (hereafter referred to as “the Secretaries”) jointly implement the Federal Subsistence Management Program (hereafter referred to as “the Program”). The Program provides a preference for take of fish and wildlife resources for subsistence uses on Federal public lands and waters in Alaska. Only Alaska residents of areas identified as rural are eligible to participate in the Program. The Secretaries published temporary regulations to carry out the Program in the **Federal Register** on June 29, 1990 (55 FR 27114), and final regulations on May 29, 1992 (57 FR 22940). Program officials have subsequently amended these regulations many times.

Because the Program is a joint effort between the Departments of the Interior and Agriculture, identical regulations are located in two titles of the Code of Federal Regulations (CFR). The Department of Agriculture regulations are at title 36, “Parks, Forests, and Public Property”, 36 CFR 242.1–28. Until recently, the Department of the Interior regulations were at title 50, “Wildlife and Fisheries,” 50 CFR 100.1 through 100.28. After the proposed rule was published, the Office of Subsistence Management was moved by Congress and Secretarial Order from the U.S. Fish and Wildlife Service to the Department of the Interior, Office of the Assistant Secretary for Policy, Management, and Budget. In July 2025, the Department of the Interior Federal subsistence regulations were relocated to title 43, Public Lands: Interior, at 43 CFR 51.1 through 51.28.

To indicate that identical changes are proposed for regulations in both titles 36 and 43, in this document we will present references to specific sections of the CFR as shown in the following example: § _____.24.

The Program regulations contain subparts as follows: Subpart A, General Provisions; Subpart B, Program Structure; Subpart C, Board Determinations; and Subpart D, Subsistence Taking of Fish and Wildlife. Consistent with subpart B of these regulations, the Secretaries established a Federal Subsistence Board (hereafter referred to as “the Board”) to administer the Program. The Board comprises:

- A Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture;
- Five public members appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture;
- The Alaska Regional Director, U.S. Fish and Wildlife Service;
- The Alaska Regional Director, National Park Service;
- The Alaska State Director, Bureau of Land Management;
- The Alaska Regional Director, Bureau of Indian Affairs; and
- The Alaska Regional Forester, U.S. Forest Service.

Through the Board, these agencies participate in the development of regulations for subparts C and D, which, among other things, set forth program eligibility, including determinations of which areas or communities in Alaska are nonrural, and specific harvest seasons and limits. The Board receives analytical and administrative assistance from the Interagency Staff Committee, which consists of senior technical experts from the Office of Subsistence Management, U.S. Fish and Wildlife Service, National Park Service, Bureau of Land Management, Bureau of Indian Affairs, and USDA-Forest Service (per § _____.10(d)(7)).

In administering the Program, the Secretaries divided Alaska into 10 subsistence resource regions, each of which is represented by a Federal Subsistence Regional Advisory Council (hereafter referred to as “the Council”). The Councils provide a forum for rural residents with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Federal public lands in Alaska. The Council members represent varied geographical, cultural, and user interests within each region.

The Board conducts rulemaking for the Program on a biennial schedule with the process of revising the fish and shellfish regulations and the process for revising the wildlife regulations occurring during opposite years. The Board addresses “customary and traditional use” determinations during the applicable biennial cycle. The

regulations at § _____.4 define “customary and traditional use” as “a long-established, consistent pattern of use, incorporating beliefs and customs which have been transmitted from generation to generation.” Since

establishment of the Program regulations in 1992, the Board has made a number of customary and traditional use determinations at the request of affected subsistence users. These determinations have resulted in

revisions to the regulations at § _____.24. Those modifications, along with some administrative corrections, were published in the **Federal Register** as follows:

TABLE 1—MODIFICATIONS TO § _____.24, CUSTOMARY AND TRADITIONAL USE DETERMINATIONS

Federal Register citation	Date of publication	Rule made changes to the following provisions of _____.24
59 FR 27462	May 27, 1994	Wildlife and Fish/Shellfish.
59 FR 51855	October 13, 1994	Wildlife and Fish/Shellfish.
60 FR 10317	February 24, 1995	Wildlife and Fish/Shellfish.
61 FR 39698	July 30, 1996	Wildlife and Fish/Shellfish.
62 FR 29016	May 29, 1997	Wildlife and Fish/Shellfish.
63 FR 35332	June 29, 1998	Wildlife and Fish/Shellfish.
63 FR 46148	August 28, 1998	Wildlife and Fish/Shellfish.
64 FR 1276	January 8, 1999	Fish/Shellfish.
66 FR 10142	February 13, 2001	Fish/Shellfish.
67 FR 5890	February 7, 2002	Fish/Shellfish.
68 FR 7276	February 12, 2003	Fish/Shellfish.
69 FR 5018	February 3, 2004	Fish/Shellfish.
70 FR 13377	March 21, 2005	Fish/Shellfish.
71 FR 15569	March 29, 2006	Fish/Shellfish.
72 FR 12676	March 16, 2007	Fish/Shellfish.
72 FR 73426	December 27, 2007	Wildlife/Fish.
74 FR 14049	March 30, 2009	Fish/Shellfish.
76 FR 12564	March 8, 2011	Fish/Shellfish.
77 FR 35482	June 13, 2012	Wildlife.
79 FR 35232	June 19, 2014	Wildlife.
81 FR 52528	August 8, 2016	Wildlife.
83 FR 3079	January 23, 2018	Fish.
83 FR 50758	October 9, 2018	Wildlife.
84 FR 39744	August 12, 2019	Fish.
85 FR 74796	November 23, 2020	Wildlife.
87 FR 44846	July 26, 2022	Wildlife.
89 FR 14746	February 29, 2024	Fish.
89 FR 70348	August 29, 2024	Wildlife.

Current Rulemaking Action

The Departments published a proposed rule, Subsistence Management Regulations for Public Lands in Alaska—2025–26 and 2026–27 Subsistence Taking of Fish and Shellfish Regulations, on March 22, 2024 (89 FR 20380), to amend the regulations in subparts C and D of 36 CFR part 242 and 50 CFR part 100 for seasons, harvest limits, and methods and means related to taking of fish and shellfish for subsistence uses. Since the Department of the Interior Federal subsistence regulations were subsequently relocated from 50 CFR part 100, the regulations referenced in the remainder of this document will be 36 CFR part 242 and 43 CFR part 51.

The proposed rule opened a comment period that closed on May 21, 2024. The Departments advertised the proposed rule on the Program’s web page and by email, social media, radio, and newspaper. The Councils met March 5–8, 2024, and in addition to other business, received suggestions for proposals from the public. The Board received a total of 24 proposals. Two

proposals were withdrawn, and three proposals were classified as invalid. One proposal was invalidated because it requested a special action, which is outside the scope of the proposed rule. Another was invalidated because it was submitted past the deadline. The third proposal was invalidated because it requested a regulation change where there are no Federal public lands. The Board received two valid proposals for changes to subpart C (customary and traditional use determinations) and 17 valid proposals for changes to subpart D regulations (which are specific provisions regarding the take of fish and wildlife). In addition, four fisheries closure reviews were presented for comment as required by Board policy that specifies a review of each closure at least every 4 years. The Board also addressed one nonrural determination proposal submitted during the 2023–2025 fisheries proposal cycle (87 FR 15155, March 17, 2022) and one proposal that was deferred from the previous wildlife regulatory cycle (88 FR 12285, February 27, 2023).

The public submitted 10 comments, which are available for review at <https://www.regulations.gov> in Docket No. FWS–R7–SM–2023–0214–0001. The Board reviewed and considered all public comments received on the proposed rule. Most of the comments were proposal submissions in response to the request for proposals outlined in the proposed rule. Most other comments reflected the same concerns or issues that were also included in proposals that were presented to the Board; therefore, the issues raised were considered during Board deliberations on the proposals. The remaining public comments pertained to issues outside the scope of this rulemaking action.

After the comment period closed, the Board posted the proposals on the Program website and distributed a news release notifying the public. The public then had 30 days, until July 8, 2024, to comment on the proposed regulatory changes.

The 10 Councils met again between August 19 and October 30, 2024, received public comments, and formulated their recommendations to

the Board on proposals for their respective regions. The public also had an opportunity to comment at the Board meeting. Therefore, the public received extensive opportunity to review and comment on all changes.

The Councils had a substantial role in reviewing the proposed rule and making recommendations for the final rule. Moreover, a Council Chair, or a designated representative, presented each Council's recommendations at the Board's public meeting of February 4–7, 2025.

Summary of Board Actions on Proposals and Closure Reviews

The Board's actions on each proposal and closure review are listed in table 2 below. When making decisions, the Board may use, but is not limited to, the following guidelines for consideration of whether a proposal:

- provides a subsistence priority on public lands;
- is supported by substantial scientific evidence and traditional ecological knowledge (TEK);
- recognizes principles of fish and wildlife conservation;
- provides opportunity; and
- would not be detrimental to or place undue burden on rural Alaskan subsistence users.

Consensus agenda: The consensus agenda is made up of proposals and

closure reviews for which there is agreement concerning a proposed regulatory action among the affected Councils, a majority of the Interagency Staff Committee members, and the Alaska Department of Fish and Game (ADF&G). Anyone may request that the Board remove a proposal or a closure review from the consensus agenda and place it on the non-consensus agenda. Proposals or closure reviews may be taken off the consensus agenda following the agreement of at least one Board member; such proposals or closure reviews then follow the Board process for non-consensus items and are deliberated and voted on individually. FP25–03a and FP25–03b, customary and traditional use determination proposals for the community of Tolsona, AK, were moved from the consensus agenda to the non-consensus agenda at the request of a member of the public and agreement by a Board member. Of the proposals and closure reviews being considered, 8 were on the Board's non-consensus agenda, and 17 were on the consensus agenda. The Board votes *en masse* on the consensus agenda after deliberation and action on all other proposals.

Of the proposals on the consensus agenda, the Board adopted four as they were written, adopted six with modifications, and rejected four. Of the closure reviews on the consensus

agenda, the Board retained the status quo on two and took no action on one. Analysis and justification for the action taken on each proposal on the consensus agenda can be found in the Board meeting book and transcripts for the meeting that occurred February 4–7, 2025 in Anchorage, AK. Documents are available for review at the Office of Subsistence Management (OSM), 1011 East Tudor Road, Mail Stop 121, Anchorage, AK 99503; at <https://www.regulations.gov> in Docket No. FWS–R7–SM–2022–0105; or on the OSM website (<https://www.doi.gov/subsistence>).

Non-consensus agenda: Of the proposals on the non-consensus agenda, the Board adopted one as it was written, adopted one with modification, deferred three, and rejected two. The Board retained the status quo on the one closure review on the non-consensus agenda. Analysis and justification for the action taken on each item on the non-consensus agenda can be found in the Board meeting book and transcripts. Documents are available for review at the Office of Subsistence Management, 1011 East Tudor Road, Mail Stop 121, Anchorage, AK 99503; at <https://www.regulations.gov> in Docket No. FWS–R7–SM–2022–0105; or on the OSM website (<https://www.doi.gov/subsistence>).

TABLE 2—FEDERAL SUBSISTENCE BOARD ACTIONS ON PROPOSED REVISIONS TO THE REGULATIONS FOR THE FEDERAL SUBSISTENCE MANAGEMENT PROGRAM

Proposal No.	Species or issue	Location or area	General description	Federal Subsistence Board action and basis for decision
NDP25–01	Nonrural determination	Southeastern Alaska Area.	Request to change status of Ketchikan from nonrural to rural.	Adopt. Ketchikan exhibits rural characteristics to the extent that the community should be considered rural.
WP24–01	Brown bear	Statewide	General regulations: Allow for sale of brown bear hides.	Defer to Board summer work session to allow Councils to provide updated recommendations based on new information provided to the Board.
WP25–01	Caribou	Units 11, 12, 13	Change all Nelchina caribou herd subsistence hunts to “may be announced,” delegate authority to manage hunts, and conduct an ANILCA section 804 user prioritization.	Adopt with modification (consensus agenda).
FP25–01	Salmon	Southeastern Alaska Area.	Set seasons, gear types, harvest limits, and area for subsistence salmon harvest in the Taku River.	Defer action pending coordination and consultation with the Pacific Salmon Commission.
FP25–02	Eulachon	Southeastern Alaska Area.	Close harvest of eulachon in Unuk River to all but federally qualified subsistence users.	Defer due to action on NDP25–01 recognizing Ketchikan as rural.
FCR25–03	Herring	Southeastern Alaska Area.	Review closure of Makhnati Island herring to non-federally qualified users.	Retain status quo (consensus agenda).
FP25–03a	Salmon	Prince William Sound Area.	Tolsona customary and traditional use request for salmon in the Chitina Subdistrict.	Reject in deference to Council recommendations.

TABLE 2—FEDERAL SUBSISTENCE BOARD ACTIONS ON PROPOSED REVISIONS TO THE REGULATIONS FOR THE FEDERAL SUBSISTENCE MANAGEMENT PROGRAM—Continued

Proposal No.	Species or issue	Location or area	General description	Federal Subsistence Board action and basis for decision
FP25–03b	Nonsalmon fish	Prince William Sound Area.	Tolsona customary and traditional use request for nonsalmon fish in the Chitina Subdistrict.	Reject in deference to Council recommendations.
	Salmon	Prince William Sound Area.	Align Prince William Sound areas and limits with new State regulations.	Invalid.
FP25–04	Salmon	Kodiak Area	Adjust the in-river subsistence salmon harvest limits for the Buskin River.	Reject (consensus agenda).
FP25–05	Salmon	Kodiak Area	Limit gear type to rod and reel for salmon in previously closed area of Afognak Bay.	Adopt (consensus agenda).
FP25–06	Salmon	Kodiak Area	Rescind harvest limits for salmon in the Kodiak Road Zone.	Reject (consensus agenda).
FP25–07	All fish	Alaska Peninsula Area	Adjustments to area fishing regulations, including permitting.	Adopt with OSM modification (consensus agenda).
FP25–08	All fish	Aleutian Islands Area ...	Adjustments to area fishing regulations, including permitting.	Adopt with OSM modification (consensus agenda).
FP25–09	All fish	Bristol Bay Area	Allowance for use of red buoys with subsistence gear in Bristol Bay Area.	Adopt with OSM modification (consensus agenda).
FP25–10	All fish	Bristol Bay Area	Repeal area closure to use of nets within 300 feet of a stream mouth used by salmon.	Adopt with OSM modification (consensus agenda).
FP25–11	Salmon	Bristol Bay Area	Allow additional methods and gear types in the Bristol Bay Area.	Adopt with OSM modification (consensus agenda).
FP25–12	Salmon	Bristol Bay Area	Repeal Togiak River subsistence salmon marking requirement.	Adopt (consensus agenda).
FP25–13	Salmon	Bristol Bay Area	Rescind Egegik River subsistence set gillnet length restrictions.	Reject (consensus agenda).
FP25–14	Salmon	Bristol Bay Area	Add gear types for harvest of salmon in waters of the Togiak National Wildlife Refuge.	Adopt (consensus agenda).
FP25–15	All fish	Kuskokwim Area	Decrease allowable distance between subsistence set gillnets in tributaries of part of the Kuskokwim River.	Reject (consensus agenda).
	Moose	Kuskokwim Area	Temporary closure of fishing by non-federally qualified users.	Invalid.
FP25–16	Nonsalmon fish	Yukon-Northern Area ...	Specify subsistence gear types and arctic grayling harvest and possession limits in portions of Bonanza Creek and Kanuti River drainages.	Adopt (consensus agenda).
FP25–17	Nonsalmon fish	Yukon-Northern Area ...	Rescind closure to subsistence fishing in the Delta River and allow only rod and reel gear.	Adopt with OSM modification in deference to Council recommendation.
FCR23–05	Nonsalmon fish	Yukon-Northern Area ...	Review closure of subsistence fishing in the Delta River.	Take no action (consensus agenda).
FCR25–02	Arctic grayling	Yukon-Northern Area ...	Review closure of arctic grayling subsistence harvest in Nome Creek drainage of Beaver Creek.	Retain status quo in deference to the Council.
FCR25–01	Chinook salmon	Norton Sound-Port Clarence Area.	Review closure to harvest of chinook salmon in the Unalakleet River, upstream from the mouth of the Chirosky River from July 1 to July 31.	Retain status quo (consensus agenda).
	Salmon	Norton Sound-Port Clarence Area.	Remove weekly closures for freshwater set netting.	Invalid.

The final regulations in this document reflect Board review and consideration of Council recommendations, Tribal and Alaska Native corporation consultations, and public and ADF&G comments. The proposals and closure reviews indicated above in table 2 as

“adopt” or “adopt with modification” are reflected in the rule portion of this document as amendments to the Program regulations. While all public comments received on the proposed rule were considered, some were outside the scope of this rulemaking

action. Because this rule concerns public lands managed by a bureau or bureaus in both the Departments of Agriculture and the Interior, identical text will be incorporated into 36 CFR part 242 and 43 CFR part 51.

This rule also corrects an error resulting from a prior final rule published on August 29, 2024 (89 FR 70366). That rule mistakenly deleted a single regulation at § _____.26(n)(17)(iii)(E) regarding hunting provisions in Unit 17. That regulation had been adopted by the Board and set forth in a final rule on February 29, 2024 (89 FR 14756). This rule adds that regulation back into § _____.26.

Compliance With Statutory and Regulatory Authorities

Administrative Procedure Act Compliance

The Board has provided extensive opportunity for public input and involvement in compliance with the Administrative Procedure Act (5 U.S.C. 551 *et seq.*), including publishing a proposed rule in the **Federal Register**, participation in multiple Council meetings, additional public review and comment on all proposals for regulatory change, and opportunity for additional public comment during the Board meeting prior to deliberation. Additionally, an administrative mechanism exists to request reconsideration of the Board's decision on any proposal for regulatory change (36 CFR 242.20 and 43 CFR 51.20). Therefore, the Board believes that sufficient public notice and opportunity for involvement have been given to affected persons regarding Board decisions.

In the more than 30 years that the Program has been operating, no benefit to the public has been demonstrated by delaying the effective date of the subsistence regulations. A lapse in regulatory control could affect the continued viability of fish or wildlife populations and future subsistence opportunities for rural Alaskans and would generally fail to serve the overall public interest. Therefore, the Board finds good cause pursuant to 5 U.S.C. 553(d)(3) to make this rule effective upon the date set forth in **DATES** to ensure continued operation of the subsistence program.

National Environmental Policy Act

A draft environmental impact statement that described four alternatives for developing a Federal Subsistence Management Program was distributed for public comment on October 7, 1991. The final environmental impact statement (FEIS) was published on February 28, 1992. The Record of Decision (ROD) on Subsistence Management for Federal Public Lands in Alaska was signed April 6, 1992. The selected alternative in the

FEIS (alternative IV) defined the administrative framework of an annual regulatory cycle for subsistence regulations.

A 1997 environmental assessment dealt with the expansion of Federal jurisdiction over fisheries and is available at the office listed under **FOR FURTHER INFORMATION CONTACT**. The Secretary of the Interior, with concurrence of the Secretary of Agriculture, determined that expansion of Federal jurisdiction does not constitute a major Federal action significantly affecting the human environment and, therefore, signed a finding of no significant impact.

Section 810 of ANILCA

An ANILCA section 810 analysis was completed as part of the FEIS process on the Federal Subsistence Management Program. The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. The final section 810 analysis determination appeared in the April 6, 1992, ROD and concluded that the Federal Subsistence Management Program, under Alternative IV with an annual process for setting subsistence regulations, may have some local impacts on subsistence uses, but will not likely restrict subsistence uses significantly.

During the subsequent environmental assessment process for extending fisheries jurisdiction, an evaluation of the effects of the subsistence program regulations was conducted in accordance with section 810. This evaluation also supported the Secretaries' determination that the regulations will not reach the "may significantly restrict" threshold that would require notice and hearings under ANILCA section 810(a).

Paperwork Reduction Act of 1995 (PRA)

This rule does not contain any new collections of information that require Office of Management and Budget (OMB) approval under the PRA (44 U.S.C. 3501 *et seq.*). OMB has reviewed and approved the collections of information associated with the subsistence regulations at 36 CFR part 242 and 43 CFR part 51 and assigned OMB Control Number 1018-0075. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number. This control number has an expiration date of 11/30/2027.

Regulatory Planning and Review (Executive Orders 12866 and 13563)

According to Executive Order 12866, as reaffirmed by E.O. 13563, regulations must be based on the best available science, and the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this final rule in a manner consistent with these requirements. In addition, E.O. 12866, as reaffirmed by E.O. 13563, provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB) will review all significant rules. OIRA has determined that this final rule is not significant.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations, or governmental jurisdictions. In general, the resources to be harvested under this rule are already being harvested and consumed by the local harvester and do not result in an additional dollar benefit to the economy. However, we estimate that two million pounds of meat are harvested by subsistence users annually and, if given an estimated dollar value of \$3.00 per pound, this amount would equate to about \$6 million in food value statewide. Based upon the amounts and values cited above, the Departments certify that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Small Business Regulatory Enforcement Fairness Act

Under the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801 *et seq.*), this rule is not a major rule. It does not have an effect on the economy of \$100 million or more, will not cause a major increase in costs or prices for consumers, and will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Executive Order 12630

Title VIII of ANILCA requires the Secretaries to administer a subsistence priority on Federal public lands and waters. The scope of this program is limited by definition to certain public lands. Likewise, these regulations have no potential takings of private property

implications as defined by Executive Order 12630.

Unfunded Mandates Reform Act

The Secretaries have determined and certify pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of \$100 million or more in any given year on local or State governments or private entities. This rule will be implemented by Federal agencies with no cost imposed on any State or local entities or Tribal governments.

Executive Order 12988

The Secretaries have determined that these regulations meet the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988, regarding civil justice reform.

Executive Order 13132

In accordance with Executive Order 13132, the rule does not have sufficient federalism implications to warrant the preparation of a federalism assessment. Title VIII of ANILCA precludes the State from exercising subsistence management authority over fish and wildlife resources on Federal lands unless it meets certain requirements.

Executive Order 13175

Title VIII of ANILCA does not provide rights specific to Tribes for the subsistence taking of wildlife, fish, and shellfish. However, the Board provided federally recognized Tribes and Alaska Native corporations opportunities to consult on this rule. Consultation with Alaska Native corporations are based on Public Law 108–199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Public Law 108–447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267, which provides that: “The Director of the Office of Management and Budget and all Federal agencies shall hereafter consult with Alaska Native corporations on the same basis as Indian tribes under Executive Order No. 13175.”

The Secretaries, through the Board, provided a variety of opportunities for consultation: commenting on proposed changes to the existing rule; engaging in dialogue at the Regional Council meetings; engaging in dialogue at the Board’s meetings; and providing input in person, by mail, email, or phone at any time during the rulemaking process.

On February 3, 2025, the Board provided federally recognized Tribes and Alaska Native Corporations a specific opportunity to consult on this rule prior to the start of its public regulatory meeting. Federally recognized Tribes and Alaska Native

Corporations were notified by mail and telephone and were given the opportunity to attend via teleconference.

Executive Order 13211

This Executive order requires agencies to prepare statements of energy effects when undertaking certain actions. However, this rule is not a significant regulatory action under E.O. 13211, affecting energy supply, distribution, or use, and no statement of energy effects is required.

Executive Order 14153

This Executive order directs all bureaus of the Department of the Interior to consider the Alaskan cultural significance of hunting and fishing and the statutory priority of subsistence management required by ANILCA, to conduct meaningful consultation with the State fish and wildlife management agencies prior to enacting regulations that affect the ability of Alaskans to hunt and fish on public lands, and to ensure to the greatest extent possible that hunting and fishing opportunities on Federal lands are consistent with similar opportunities on State lands.

The Board offered consultation with the State of Alaska on all matters addressed during this regulatory cycle. In addition, the State was afforded opportunities to provide input into the analyses of all of the proposed changes to the regulations and to provide comments to the Councils and the Board on regulatory matters being considered. The Board considered all comments and information provided by the State in this process. The Board also reviewed applicable State regulations. Deviations in consistency between State and Federal hunting and fishing opportunities were minimized to the extent possible while the Program continued to meet the mandates of ANILCA.

Executive Order 14192

This Executive order requires that, for each new regulation issued, at least 10 prior regulations be identified for elimination. The purpose is to ensure that the cost of planned regulations is responsibly managed and controlled through a rigorous regulatory budgeting process. The Program’s rulemaking does not create new regulations, rather it revises existing regulations. Since this rulemaking does not create new regulations, it does not necessitate the identification of regulations for recission.

Drafting Information

Justin Koller drafted this rule under the guidance of Crystal Leonetti of the Office of Subsistence Management, Anchorage, Alaska. Additional assistance was provided by:

- Chris McKee, Alaska State Office, Bureau of Land Management;
- Dr. Kim Jochum, Alaska Regional Office, National Park Service;
- Dr. Glenn Chen, Alaska Regional Office, Bureau of Indian Affairs;
- Jill Klein, Alaska Regional Office, U.S. Fish and Wildlife Service; and
- Gregory Risdahl, Alaska Regional Office, USDA-Forest Service.

List of Subjects in 36 CFR Part 242 and 43 CFR Part 51

Administrative practice and procedure, Alaska, Fish and shellfish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

For the reasons set out in the preamble, the Federal Subsistence Board amends 36 CFR part 242 and 43 CFR part 51, as set forth below.

PART ____ SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

- 1. The authority citation for both 36 CFR part 242 and 43 CFR part 51 continues to read as follows:

Authority: 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

Subpart C—Board Determinations

- 2. Amend § ____ .23 by revising paragraph (a) to read as follows:

§ ____ .23 Rural Determinations.

(a) The Board has determined all communities and areas to be rural in accordance with § ____ .15 except the following: Fairbanks North Star Borough; Homer area—including Homer, Anchor Point, Kachemak City, and Fritz Creek; Juneau area—including Juneau, West Juneau, and Douglas; Kenai area—including Kenai, Soldotna, Sterling, Nikiski, Salamatoof, Kalifornsky, Kasilof, and Clam Gulch; Municipality of Anchorage; Seward area—including Seward and Valdez, and Wasilla/Palmer area—including Wasilla, Palmer, Sutton, Big Lake, Houston, and Bodenbug Butte.

* * * * *

Subpart D—Subsistence Taking of Fish and Wildlife

- 3. Amend § ____ .26 in paragraph (n) by revising:

- a. Table 11 to paragraph (n)(11);
 ■ b. Table 12 to paragraph (n)(12);
 ■ c. Table 13 to paragraph (n)(13); and
 ■ d. Paragraph (n)(17)(iii).

The revisions read as follows:

(n) * * *

§ _____.26 Subsistence taking of wildlife.

(11) * * *

* * * * *

TABLE 11 TO PARAGRAPH (n)(11)

Harvest limits	Open season
Hunting	
Bear, black: 3 bears	July 1–June 30.
Bear, brown: 1 bear	Aug. 10–June 15.
Caribou: 1 bull by Federal registration permit	May be announced.
The Wrangell-St. Elias National Park and Preserve Superintendent, in consultation with the Alaska Department of Fish and Game, Office of Subsistence Management, and Chairs of the affected Councils, may announce season dates, harvest quotas, and the number of permits to be issued, open and close seasons, and define harvest areas.	
Federal public lands in Unit 11 north of the Sanford River are closed to caribou hunting except by residents of Chistochina, Gakona, Glennallen, Gulkana, Mentasta Lake, and Slana/Nabesna Road hunting under this part.	
Federal public lands in Unit 11 remainder are closed to caribou hunting except by residents of Chitina, Copper Center/Silver Springs, Kenny Lake/Willow Creek, Gakona, Glennallen, Gulkana, McCarthy, McCarthy Road, Tazlina, and Tonsina hunting under this part.	
Sheep:	
1 ram	Aug. 10–Sep. 20.
1 sheep by Federal registration permit only by persons 60 years of age or older. Ewes accompanied by lambs or lambs may not be taken.	Aug. 1–Oct. 20.
Goat:	
Unit 11, that portion within the Wrangell-St. Elias National Park and Preserve that is bounded by the Chitina and Nizina Rivers on the south, the Kennicott River and glacier on the southeast, and the Root Glacier on the east—1 goat by Federal registration permit only.	Aug. 25–Dec. 31.
Unit 11, the remainder of the Wrangell-St. Elias National Park and Preserve—1 goat by Federal registration permit only.	Aug. 10–Dec. 31.
Unit 11, that portion outside of the Wrangell-St. Elias National Park and Preserve	No open season.
Federal public lands will be closed by announcement of the Superintendent, Wrangell-St. Elias National Park and Preserve, to the harvest of goats when a total of 45 goats has been harvested between Federal and State hunts.	
Moose:	
Unit 11, that portion draining into the east bank of the Copper River upstream from and including the Slana River drainage—1 antlered bull by joint Federal/State registration permit.	Aug. 20–Sep. 20.
Unit 11, that portion south and east of a line running along the north bank of the Chitina River, the north and west banks of the Nazina River, and the west bank of West Fork of the Nazina River, continuing along the western edge of the West Fork Glacier to the summit of Regal Mountain—1 bull by Federal registration permit. However, during the period Aug. 20–Sep. 20, only an antlered bull may be taken.	Aug. 20–Sep. 20; Nov. 20–Jan. 20.
Unit 11, remainder—1 antlered bull by Federal registration permit only	Aug. 20–Sep. 20.
Muskrat: No limit	Sep. 20–June 10.
Beaver: 1 beaver per day, 1 in possession	June 1–Oct. 10.
Coyote: 10 coyotes	Aug. 10–Apr. 30.
Fox, red (including cross, black, and silver phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1	Sep. 1–Mar. 15.
Hare, snowshoe: No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 10–Feb. 28.
Wolf: 10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sep. 1–Feb. 28.
Grouse (spruce, ruffed, and sharp-tailed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (rock, willow, and white-tailed): 20 per day, 40 in possession	Aug. 10–Mar. 31.
Trapping	
Beaver: No limit	Sep. 25–May 31.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, red (including cross, black, and silver phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Nov. 10–Feb. 28.
Marten: No limit	Nov. 10–Feb. 28.
Mink and Weasel: No limit	Nov. 10–Feb. 28.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(12) * * *

TABLE 12 TO PARAGRAPH (n)(12)

Harvest limits	Open season
Hunting	
Bear, black: 3 bears	July 1–June 30.
Bear, brown: 1 bear	Aug. 10–June 30.
Caribou:	
Unit 12, that portion within the Wrangell-St. Elias National Park and Preserve that lies west of the Nabesna River and the Nabesna Glacier. All hunting of caribou is prohibited on Federal public lands.	No open season.
Unit 12, that portion east of the Nabesna River and the Nabesna Glacier and south of the Winter Trail running southeast from Pickerel Lake to the Canadian border—1 bull by Federal registration permit only. Federal public lands are closed to the harvest of caribou except by federally qualified subsistence users hunting under this part.	Aug. 10–Sep. 30.
Unit 12, remainder—1 bull	May be announced between Sep. 1–20.
OR	
1 caribou by Federal registration permit	Winter season may be announced between Oct. 1–Apr. 30.
The Tetlin National Wildlife Refuge Manager, in consultation with the Wrangell-St. Elias National Park and Preserve Superintendent, Alaska Department of Fish and Game area biologists, Office of Subsistence Management, and Chairs of the Eastern Interior Alaska Subsistence Regional Advisory Council and Upper Tanana/Fortymile Fish and Game Advisory Committee may announce season dates and harvest quotas, open and close seasons, and for the winter season, set sex restrictions.	
Federal public lands in Unit 12 remainder are closed to caribou hunting except by residents of Alcan Border, Chistochina, Dot Lake, Mentasta Lake, Mentasta Pass, Northway, Tanacross, Tetlin, and Tok hunting under this part.	
Sheep:	
Unit 12—1 ram with full curl or larger horn	Aug. 10–Sep. 20.
Unit 12, that portion within Wrangell-St. Elias National Park and Preserve—1 ram with full curl horn or larger by Federal registration permit only by persons 60 years of age or older.	Aug. 1–Oct. 20.
Moose:	
Unit 12, that portion within the Tetlin National Wildlife Refuge and those lands within the Wrangell—St. Elias National Preserve north and east of a line formed by the Pickerel Lake Winter Trail from the Canadian border to Pickerel Lake—1 antlered bull by Federal registration permit.	Aug. 24–Sep. 20; Nov. 1–Feb. 28.
Unit 12, that portion east of the Nabesna River and Nabesna Glacier, and south of the Winter Trail running southeast from Pickerel Lake to the Canadian border—1 antlered bull.	Aug. 24–Sep. 30.
Unit 12, that portion within the Nabesna River drainage west of the east bank of the Nabesna River upstream from the southern boundary of Tetlin National Wildlife Refuge—1 antlered bull by joint Federal/State registration permit only.	Aug. 20–Sep. 20.
Unit 12, remainder—1 bull	Aug. 24–28; Sep. 8–20.
Beaver: Unit 12, Wrangell-St. Elias National Park and Preserve—6 beavers per season. Meat from harvested beaver must be salvaged for human consumption.	Sep. 20–May 15.
Coyote: 10 coyotes	Aug. 10–Apr. 30.
Fox, red (including cross, black, and silver phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sep. 1–Mar. 15.
Hare, snowshoe: No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Mar. 15.
Wolf: 10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sep. 1–Mar. 31.
Grouse (spruce, ruffed, and sharp-tailed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (rock, willow, and white-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver: No limit. Hide or meat must be salvaged. Traps, snares, bow and arrow, or firearms may be used	Sep. 15–Jun 10.
Coyote: No limit	Oct. 15–Apr. 30.
Fox, red (including cross, black, and silver phases): No limit	Nov. 1–Feb. 28.
Lynx: No limit	Nov. 1–Mar. 15.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: No limit	Sep. 20–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Oct. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Feb. 28.

TABLE 13 TO PARAGRAPH (n)(13)

Harvest limits	Open season
Hunting	
Bear, black: 3 bears	July 1–June 30.
Bear, brown: 1 bear. Bears taken within Denali National Park must be sealed within 5 days of harvest. That portion within Denali National Park will be closed by announcement of the Superintendent after 4 bears have been harvested.	Aug. 10–May 31.
Caribou:	
Units 13A and 13B—up to 2 caribou by Federal registration permit only	May be announced between Aug. 1–Sep. 30. May be announced between Oct. 21–Mar. 31.
The Glennallen Field Office Manager, in consultation with the Alaska Department of Fish and Game, Office of Subsistence Management, Ahtna Intertribal Resource Commission, and Chair of the affected Councils, may announce season dates and harvest quotas, open and close seasons, and set sex restrictions and harvest limits.	
Federal public lands in Unit 13A are closed to caribou hunting except by residents of Chickaloon, Chitina, Copper Center/Silver Springs, Gakona, Glacier View, Glennallen, Gulkana, Lake Louise, Tazlina, and Tolsona hunting under this part.	
Federal public lands in Unit 13B are closed to caribou hunting except by residents of Chitina, Chickaloon, Chistochina, Copper Center/Silver Springs, Gakona, Glacier View, Glennallen, Gulkana, Kenny Lake/Willow Creek, Lake Louise, McCarthy, Nelchina, Paxson, Sheep Mountain, Slana, Tazlina, Tolsona, and Tonsina hunting under this part.	
Unit 13, remainder—2 bulls by Federal registration permit only	May be announced between Aug. 1–Sep. 30. May be announced between Oct. 21–Mar. 31.
The Glennallen Field Office Manager, in consultation with the Wrangell-St. Elias National Park and Preserve Superintendent, Denali National Park and Preserve Superintendent, Alaska Department of Fish and Game, Office of Subsistence Management, Ahtna Intertribal Resource Commission, and Chair of the affected Councils, may announce season dates and harvest quotas and open and close seasons.	
Federal public lands in Unit 13C are closed to caribou hunting except by residents of Chistochina, Gakona, Glennallen, Gulkana, Mentasta Lake, Mentasta Pass, Slana/Nabesna Road, Tazlina, and Tolsona hunting under this part.	
Federal public lands in Unit 13D are closed to caribou hunting except by residents of Chitina, Copper Center, Glennallen, Kenny Lake/Willow Creek, Tazlina, Tolsona, and Tonsina hunting under this part.	
Federal public lands in Unit 13E are closed to caribou hunting except by residents of Cantwell, Chase, Denali Village (formerly McKinley Village), and the area between mileposts 216–239 of the Parks Highway (excluding residents of Denali Park Headquarters) hunting under this part.	
Sheep: Unit 13, excluding Unit 13D and the Tok Management Area and Delta Controlled Use Area—1 ram with $\frac{7}{8}$ curl or larger horn.	Aug. 10–Sep. 20.
Moose:	
Unit 13E—1 antlered bull moose by Federal registration permit only; only 1 permit will be issued per household.	Aug. 1–Sep. 20.
Unit 13, remainder—1 antlered bull moose by Federal registration permit only	Aug. 1–Sep. 20.
Beaver: 1 beaver per day, 1 in possession	June 15–Sep. 10.
Coyote: 10 coyotes	Aug. 10–Apr. 30.
Fox, red (including cross, black, and silver phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sep. 1–Mar. 15.
Hare, snowshoe: No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 10–Feb. 28.
Wolf: 10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sep. 1–Feb. 28.
Grouse (spruce, ruffed, and sharp-tailed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (rock, willow, and white-tailed): 20 per day, 40 in possession	Aug. 10–Mar. 31.
Trapping	
Beaver: No limit	Sep. 25–May 31.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, red (including cross, black, and silver phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Nov. 10–Feb. 28.
Marten: Unit 13—No limit	Nov. 10–Feb. 28.
Mink and Weasel: No limit	Nov. 10–Feb. 28.
Muskrat: No limit	Sep. 25–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Oct. 15–Apr. 30.
Wolverine: No limit	Nov. 10–Feb. 28.

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(17) * * *

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15.

(B) You may hunt brown bear by State registration permit in lieu of a resident tag if you have obtained a State registration permit prior to hunting.

(C) If you have a trapping license, you may use a firearm to take beaver in Unit 17 from April 15 through May 31. You may not take beaver with a firearm under a trapping license on National Park Service lands.

(D) In Unit 17, a snowmachine may be used to assist in the taking of a caribou, and caribou may be shot from a stationary snowmachine. "Assist in the taking of a caribou" means a snowmachine may be used to approach within 300 yards of a caribou at speeds under 15 miles per hour, in a manner that does not involve repeated approaches or that causes a caribou to run. A snowmachine may not be used to contact an animal or to pursue a fleeing caribou.

(E) In Unit 17, a snowmachine may be used to approach and pursue a wolf or wolverine provided the snowmachine does not contact a live animal.

* * * * *

■ 4. Amend § _____.27 by revising paragraphs (b)(7) and (e)(3), (5), (6), (7), and (9) to read as follows:

§ _____.27 Subsistence taking of fish.

* * * * *

(b) * * *

(7) You may use kegs or buoys of any color but red on any permitted gear in the following areas:

(i) Kotzebue Area; and

(ii) Norton Sound-Port Clarence Area.

* * * * *

(e) * * *

(3) *Yukon-Northern Area.* The Yukon-Northern Area includes all waters of Alaska between the latitude of Point Romanof and the latitude of the westernmost point of the Naskonat Peninsula, including those waters draining into the Bering Sea, and all waters of Alaska north of the latitude of the westernmost tip of Point Hope and west of 141° West longitude, including those waters draining into the Arctic Ocean and the Chukchi Sea.

(i) Unless otherwise restricted in this section, you may take fish in the Yukon-Northern Area at any time. In those locations where subsistence fishing permits are required, only one subsistence fishing permit will be issued to each household per year. You may subsistence fish for salmon with rod and reel in the Yukon River

drainage 24 hours per day, 7 days per week, unless rod and reel are specifically otherwise restricted in this paragraph (e)(3).

(ii) For the Yukon River drainage, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska statutes (AS 16.05.060), unless superseded by a Federal special action.

(iii) In the following locations, you may take salmon during the open weekly fishing periods of the State commercial salmon fishing season and may not take them for 24 hours before the opening of the State commercial salmon fishing season:

(A) In District 4, excluding the Koyukuk River drainage;

(B) In Subdistricts 4B and 4C from June 15 through September 30, salmon may be taken from 6 p.m. Sunday until 6 p.m. Tuesday and from 6 p.m. Wednesday until 6 p.m. Friday;

(C) In District 6, excluding the Kantishna River drainage, salmon may be taken from 6 p.m. Friday until 6 p.m. Wednesday.

(iv) During any State commercial salmon fishing season closure of greater than 5 days in duration, you may not take salmon during the following periods in the following districts:

(A) In District 4, excluding the Koyukuk River drainage, salmon may not be taken from 6 p.m. Friday until 6 p.m. Sunday;

(B) In District 5, excluding the Tozitna River drainage and Subdistrict 5D, salmon may not be taken from 6 p.m. Sunday until 6 p.m. Tuesday.

(v) Except as provided in this section, and except as may be provided by the terms of a subsistence fishing permit, you may take fish other than salmon at any time.

(vi) In Districts 1, 2, 3, and Subdistrict 4A, excluding the Koyukuk and Innoko River drainages, you may not take salmon for subsistence purposes during the 24 hours immediately before the opening of the State commercial salmon fishing season.

(vii) In Districts 1, 2, and 3:

(A) After the opening of the State commercial salmon fishing season through July 15, you may not take salmon for subsistence for 18 hours immediately before, during, and for 12 hours after each State commercial salmon fishing period;

(B) After July 15, you may not take salmon for subsistence for 12 hours immediately before, during, and for 12 hours after each State commercial salmon fishing period.

(viii) In Subdistrict 4A after the opening of the State commercial salmon

fishing season, you may not take salmon for subsistence for 12 hours

immediately before, during, and for 12 hours after each State commercial salmon fishing period; however, you may take Chinook salmon during the State commercial fishing season, with drift gillnet gear only, from 6 p.m. Sunday until 6 p.m. Tuesday and from 6 p.m. Wednesday until 6 p.m. Friday.

(ix) You may not subsistence fish for salmon in the following drainages located north of the main Yukon River:

(A) Kanuti River upstream from a point 5 miles downstream of the State highway crossing;

(B) Bonanza Creek;

(C) Jim River including Prospect and Douglas Creeks.

(x) In Beaver Creek downstream from the confluence of Moose Creek, a gillnet with mesh size not to exceed 3 inches stretch-measure may be used from June 15 through September 15. You may subsistence fish for all non-salmon species but may not target salmon during this time period (retention of salmon taken incidentally to non-salmon directed fisheries is allowed).

From the mouth of Nome Creek downstream to the confluence of Moose Creek, only rod and reel may be used.

From the mouth of Nome Creek downstream to the confluence of O'Brien Creek, the daily harvest and possession limit is 5 grayling; from the mouth of O'Brien Creek downstream to the confluence of Moose Creek, the daily harvest and possession limit is 10 grayling. The Nome Creek drainage of Beaver Creek is closed to subsistence fishing for grayling.

(xi) You may take salmon only by gillnet, beach seine, dip net, fish wheel, or rod and reel, subject to the restrictions set forth in this section.

(A) In the Yukon River drainage, you may not take salmon for subsistence fishing using gillnets with stretched mesh larger than 7.5 inches.

(B) In Subdistrict 5D, you may take salmon once the mid-range of the Canadian interim management escapement goal and the total allowable catch goal are projected to be achieved.

(C) Salmon may be harvested by dip net at any time, except during times of conservation when the Federal in-season manager may announce restrictions on time, areas, and species.

(xii) In District 4, if you are a commercial fisherman, you may not take salmon for subsistence purposes during the State commercial salmon fishing season using gillnets with stretched-mesh larger than 6 inches after a date specified by ADF&G emergency order issued between July 10 and July 31.

(xiii) In Districts 5 and 6, you may not take salmon for subsistence purposes by drift gillnets.

(xiv) In District 4, salmon may be taken by drift gillnet not more than 150 feet in length unless restricted by special action or as modified by regulations in this section.

(xv) Unless otherwise specified in this section, you may take fish other than salmon by set gillnet, drift gillnet, beach seine, fish wheel, long line, fyke net, dip net, jigging gear, spear, lead, or rod and reel, subject to the following restrictions, which also apply to subsistence salmon fishing:

(A) During the open weekly fishing periods of the State commercial salmon fishing season, if you are a commercial fisherman, you may not operate more than one type of gear at a time, for commercial, personal use, and subsistence purposes.

(B) You may not use an aggregate length of set gillnet in excess of 150 fathoms, and each drift gillnet may not exceed 50 fathoms in length.

(C) In Districts 4, 5, and 6, you may not set subsistence fishing gear within 200 feet of other fishing gear operating for commercial, personal, or subsistence use except that, at the site approximately 1 mile upstream from Ruby on the south bank of the Yukon River between ADF&G regulatory markers containing the area known locally as the "Slide," you may set subsistence fishing gear within 200 feet of other operating commercial or subsistence fishing gear, and in District 4, from Old Paradise Village upstream to a point 4 miles upstream from Anvik, there is no minimum distance requirement between fish wheels.

(D) During the State commercial salmon fishing season, within the Yukon River and the Tanana River below the confluence of the Wood River, you may use drift gillnets and fish wheels only during open subsistence salmon fishing periods.

(E) In Birch Creek, gillnet mesh size may not exceed 3 inches stretch-measure from June 15 through September 15.

(F) In Racetrack Slough on the Koyukuk River and in the sloughs of the Huslia River drainage, from when each river is free of ice through June 15, the offshore end of the set gillnet may not be closer than 20 feet from the opposite bank except that sloughs 40 feet or less in width may have $\frac{3}{4}$ -width coverage with set gillnet, unless closed by Federal special action.

(G) In the Jim River drainage, including Prospect and Douglas Creeks, you may harvest fish other than salmon with rod and reel only; the grayling

harvest and possession limit is 10 per day.

(H) In the Bonanza Creek drainage and a portion of the Kanuti River drainage (upstream from a point 5 miles downstream of the State highway crossing), you may harvest fish other than salmon with rod and reel only; the grayling harvest and possession limit is 10 per day.

(I) In the Delta River drainage (excluding the Tangle Lakes system), you may harvest fish with rod and reel only.

(xvi) In District 4, from September 21 through May 15, you may use jigging gear from shore ice.

(xvii) You must possess a subsistence fishing permit for the following locations:

(A) For the Yukon River drainage from the mouth of Hess Creek to the mouth of the Dall River;

(B) For the Yukon River drainage from the upstream mouth of 22 Mile Slough to the U.S.–Canada border;

(C) Only for salmon in the Tanana River drainage above the mouth of the Wood River.

(xviii) Only one subsistence fishing permit will be issued to each household per year.

(xix) In Districts 1, 2, and 3, from June 1 through July 15, if ADF&G has announced that Chinook salmon can be sold in the commercial fisheries, you may not possess Chinook salmon taken for subsistence purposes unless both tips (lobes) of the tail fin have been removed before the person conceals the salmon from plain view or transfers the salmon from the fishing site.

(xx) In the Yukon River drainage, Chinook salmon must be used primarily for human consumption and may not be targeted for dog food. Dried Chinook salmon may not be used for dog food anywhere in the Yukon River drainage. Whole fish unfit for human consumption (due to disease, deterioration, and deformities), scraps, and small fish (16 inches or less) may be fed to dogs. Also, whole Chinook salmon caught incidentally during a subsistence chum salmon fishery in the following time periods and locations may be fed to dogs:

(A) After July 10 in the Koyukuk River drainage;

(B) After August 10, in Subdistrict 5D, upstream of Circle City.

* * * * *

(5) *Bristol Bay Area.* The Bristol Bay Area includes all waters of Bristol Bay, including drainages enclosed by a line from Cape Newenham to Cape Menshikof.

(i) Unless restricted in this section, or unless under the terms of a subsistence

fishing permit, you may take fish at any time in the Bristol Bay area.

(ii) You may not take salmon from waters within 300 feet of a stream mouth.

(iii) You may not subsistence fish with nets in the Tazimina River and within one-fourth mile of the terminus of those waters during the period from September 1 through June 14.

(iv) Unless otherwise specified, you may take salmon by set gillnet, beach seine, and dip net.

(A) You may take salmon by snagging (by handline or rod and reel), cast net, spear, bow and arrow, or capturing by bare hand within the Togiak National Wildlife Refuge in the Bristol Bay Area.

(B) You may also use drift gillnets not greater than 10 fathoms in length to take salmon in the Togiak River in the first 2 river miles upstream from the mouth of the Togiak River to the ADF&G regulatory markers.

(C) You may also take salmon without a permit in Sixmile Lake and its tributaries within and adjacent to the exterior boundaries of Lake Clark National Park and Preserve unless otherwise prohibited, and Lake Clark and its tributaries, by snagging (by handline or rod and reel), using a spear, bow and arrow, rod and reel, or capturing by bare hand.

(D) You may also take salmon by beach seines not exceeding 25 fathoms in length and by drift gill nets in Lake Clark and Sixmile Lake, excluding tributaries.

(E) You may also take fish (except rainbow trout) with a fyke net and lead in tributaries of Lake Clark and the tributaries of Sixmile Lake within and adjacent to the exterior boundaries of Lake Clark National Park and Preserve unless otherwise prohibited.

(1) You may use a fyke net and lead only with a permit issued by the Federal in-season manager.

(2) All fyke nets and leads must be attended at all times while in use.

(3) All materials used to construct the fyke net and lead must be made of wood and be removed from the water when the fyke net and lead is no longer in use.

(v) The maximum lengths for set gillnets used to take salmon are as follows:

(A) You may not use set gillnets exceeding 10 fathoms in length in the Egegik River;

(B) In the remaining waters of the area, you may not use set gillnets exceeding 25 fathoms in length.

(vi) You may not operate any part of a set gillnet within 300 feet of any part of another set gillnet.

(vii) You must stake and buoy each set gillnet. Instead of having the

identifying information on a keg or buoy attached to the gillnet, you may plainly and legibly inscribe your first initial, last name, and subsistence permit number on a sign at or near the set gillnet.

(viii) You may not operate or assist in operating subsistence salmon net gear while simultaneously operating or assisting in operating commercial salmon net gear.

(ix) You may take fish other than salmon, herring, and capelin by gear listed in this part unless restricted under the terms of a subsistence fishing permit.

(x) You may take salmon only under authority of a State subsistence salmon permit (permits are issued by ADF&G) except when using a Federal permit for fyke net and lead.

(xi) Only one State subsistence fishing permit for salmon and one Federal permit for use of a fyke net and lead for all fish (except rainbow trout) may be issued to each household per year.

(xii) You may take rainbow trout only by rod and reel or jigging gear. Rainbow trout daily harvest and possession limits are two per day/two in possession with no size limit from April 10 through October 31 and five per day/five in possession with no size limit from November 1 through April 9.

(xiii) If you take rainbow trout incidentally in other subsistence net fisheries, or through the ice, you may retain them for subsistence purposes.

(6) *Aleutian Islands Area.* The Aleutian Islands Area includes all waters of Alaska west of the longitude of the tip of Cape Sarichef, east of 172° East longitude, and south of 54°36' North latitude.

(i) You may take fish other than salmon and rainbow/steelhead trout at any time. If you take rainbow/steelhead trout incidentally in other subsistence fisheries, you may retain them for subsistence purposes.

(ii) In the Unalaska District, you may take salmon for subsistence purposes from 6 a.m. until 9 p.m. from January 1 through December 31.

(iii) In the Adak, Akutan, Atka-Amlia, and Umnak Districts, you may take salmon at any time.

(iv) You may not subsistence fish for salmon in the following waters:

(A) The waters of Unalaska Lake, its tributaries, and outlet stream;

(B) The waters of Summers and Morris Lakes and their tributaries and outlet streams;

(C) All streams supporting anadromous fish runs that flow into Unalaska Bay south of a line from the northern tip of Cape Cheerful to the northern tip of Kalekta Point; and

(D) Waters of McLees Lake and its tributaries and outlet stream.

(v) You may not take fish by net in freshwater on Adak and Kagalaska islands.

(vi) In the Unalaska District, if you fish with a net, you must be physically present at the net at all times when the net is being used.

(vii) A subsistence fishing permit is necessary to fish for salmon, trout, and char, except that you do not need a permit in the Akutan, Umnak, and Atka-Amlia Islands Districts.

(viii) You may take no more than 250 salmon for subsistence purposes, except that in the Unalaska and Adak Districts, you may take no more than 25 salmon plus an additional 25 salmon for each member of your household listed on the permit. You may obtain an additional permit.

(7) *Alaska Peninsula Area.* The Alaska Peninsula Area includes all waters of Alaska on the north side of the Alaska peninsula southwest of a line from Cape Menshikof (57°28.34' North latitude, 157°55.84' West longitude) to Cape Newenham (58°39.00' North latitude, 162° West longitude) and east of the longitude of Cape Sarichef Light (164°55.70' West longitude) and on the south side of the Alaska Peninsula from a line extending from Scotch Cape through the easternmost tip of Ugamak Island to a line extending 135° southeast from Kupreanof Point (55°33.98' North latitude, 159°35.88' West longitude).

(i) You may take fish, other than rainbow/steelhead trout, at any time. If you take rainbow/steelhead trout incidentally in subsistence fisheries, you may retain them for subsistence purposes.

(ii) A subsistence fishing permit is required to take salmon, trout, and char; except a permit is not necessary to take salmon by snagging (by handline or rod and reel), using a spear, bow and arrow, or capturing by bare hand.

(iii) You may not take fish by net in freshwaters of Russell Creek and Trout Creek drainages.

(iv) You may take no more than 250 salmon annually for subsistence purposes within the Alaska Peninsula Area. In the Russell Creek or Trout Creek drainages, for each household member listed on the permit, you may take no more than:

(A) King salmon:

(1) 20 inches or greater in length—2 fish daily;

(2) Less than 20 inches in length—10 fish daily.

(B) Salmon, other than king salmon:

(1) 20 inches or greater in length—5 fish daily;

(2) Less than 20 inches in length—10 fish daily.

* * * * *

(9) *Kodiak Area.* The Kodiak Area includes all waters of Alaska south of a line extending east from Cape Douglas (58°51.10' North latitude), west of 150° West longitude, north of 55°30.00' North latitude, and north and east of a line extending 135° southeast for 3 miles from a point near Kilokak Rocks at 57°10.34' North latitude, 156°20.22' West longitude (the longitude of the southern entrance of Imuya Bay), then due south.

(i) You may take fish other than salmon, rainbow/steelhead trout, char, bottomfish, or herring at any time unless restricted by the terms of a subsistence fishing permit. If you take rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes.

(ii) You may take salmon for subsistence purposes 24 hours a day from January 1 through December 31, with the following exceptions:

(A) From June 1 through September 15, you may not use salmon seine vessels to take subsistence salmon for 24 hours before or during, and for 24 hours after, any State open commercial salmon fishing period. The use of skiffs from any type of vessel is allowed.

(B) From June 1 through September 15, you may use purse seine vessels to take salmon only with gillnets, and you may have no other type of salmon gear on board the vessel.

(iii) You may subsistence fish for salmon with rod and reel only in the following locations:

(A) *Womens Bay*—All waters inside a line from the tip of the Nyman Peninsula (57°43.23' North latitude, 152°31.51' West longitude), to the northeastern tip of Mary's Island (57°42.40' North latitude, 152°32.00' West longitude), to the southeastern shore of Womens Bay at 57°41.95' North latitude, 152°31.50' West longitude.

(1) King salmon: bag and possession limit of two fish; no size limit; no annual limit.

(2) Salmon, other than king salmon, that are:

(i) 20 inches or greater in length; bag and possession limit of five fish, of which only two may be coho salmon and only two may be sockeye salmon.

(ii) Less than 20 inches in length; bag and possession limit of 10 fish.

(iii) From September 16 through December 31, the bag and possession limit for coho salmon, 20 inches or greater in length, is one fish.

(B) *Buskin River* marine waters—All waters inside of a line running from a

marker on the bluff north of the mouth of the Buskin River at approximately 57°45.80' North latitude, 152°28.38' West longitude, to a point offshore at 57°45.35' North latitude, 152°28.15' West longitude, to a marker located onshore south of the river mouth at approximately 57°45.15' North latitude, 152°28.65' West longitude.

(C) In Afognak Bay north and west of a line from the tip of Last Point to the tip of River Mouth Point.

(iv) You must have a subsistence fishing permit for taking salmon, trout, and char for subsistence purposes. You must have a subsistence fishing permit for taking herring and bottomfish for subsistence purposes during the State commercial herring sac roe season from April 15 through June 30.

(v) The annual limit for a subsistence salmon fishing permit holder is as follows:

(A) In the road-accessible Zone (Northeastern Kodiak Island), east of the line from Crag Point south to the westernmost point of Saltery Cove, including the inland waters of Spruce, Woody, and Long Islands, and the Federal marine waters of and around Womens Bay, 25 salmon for the permit holder plus an additional 25 salmon for each member of the same household whose names are listed on the permit; an additional permit may be obtained upon request.

(B) In the remainder of the Kodiak Area not described in paragraphs (e)(9)(iii)(A) and (e)(9)(v)(A) of this section, there is no annual harvest limit for a subsistence salmon fishing permit holder.

(vi) You must record on your subsistence permit the number of subsistence fish taken. You must record

all harvested fish prior to leaving the fishing site and must return the permit by the due date marked on the permit.

(vii) You may take fish other than salmon by gear listed in this part unless restricted under the terms of a subsistence fishing permit.

(viii) You may take salmon only by gillnet, rod and reel, or seine.

(ix) You must be physically present at the net when the net is being fished.

* * * * *

Crystal Leonetti,

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