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Presidential Documents

Title 3—

The President

Executive Order 14318 of July 23, 2025

Accelerating Federal Permitting of Data Center Infrastructure

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

Section 1. *Policy and Purpose.* My Administration has inaugurated a golden age for American manufacturing and technological dominance. We will pursue bold, large-scale industrial plans to vault the United States further into the lead on critical manufacturing processes and technologies that are essential to national security, economic prosperity, and scientific leadership. These plans include artificial intelligence (AI) data centers and infrastructure that powers them, including high-voltage transmission lines and other equipment. It will be a priority of my Administration to facilitate the rapid and efficient buildout of this infrastructure by easing Federal regulatory burdens.

In addition, my Administration will utilize federally owned land and resources for the expeditious and orderly development of data centers. This usage will be done in a manner consistent with the land's intended purpose—to be used in service of the prosperity and security of the American people.

Sec. 2. *Definitions.* For purposes of this order:

(a) ''Data Center Project'' means a facility that requires greater than 100 megawatts (MW) of new load dedicated to AI inference, training, simulation, or synthetic data generation.

(b) ''Covered Components'' means materials, products, and infrastructure that are required to build Data Center Projects or otherwise upon which Data Center Projects depend, including:

(i) energy infrastructure, such as transmission lines, natural gas pipelines or laterals, substations, switchyards, transformers, switchgear, and system protective facilities;

(ii) natural gas turbines, coal power equipment, nuclear power equipment, geothermal power equipment, and any other dispatchable baseload energy sources, including electrical infrastructure (including backup power supply) constructed or otherwise used principally to serve a Data Center Project;

(iii) semiconductors and semiconductor materials, such as wafers, dies, and packaged integrated circuits;

(iv) networking equipment, such as switches and routers; and

(v) data storage, such as hardware storage systems, software for data management and protection, and integrated services that work with public cloud providers.

(c) ''Covered Component Project'' means infrastructure comprising Covered Components, or a facility with the primary purposes of manufacturing or otherwise producing Covered Components.

(d) ''Qualifying Project'' means:

(i) a Data Center Project or Covered Component Project for which the Project Sponsor has committed at least $500 million in capital expenditures as determined by the Secretary of Commerce;

(ii) a Data Center Project or Covered Component Project involving an incremental electric load addition of greater than 100 MW;

(iii) a Data Center Project or Covered Component Project that protects national security; or

(iv) a Data Center Project or Covered Component Project that has otherwise been designated by the Secretary of Defense, the Secretary of the Interior, the Secretary of Commerce, or the Secretary of Energy as a ''Qualifying Project''.

(e) ''Project Sponsor'' means the lead sponsor providing financial and other support for a Data Center Project or Covered Component Project, as determined by the Secretary of Defense, the Secretary of the Interior, the Secretary of Commerce, or the Secretary of Energy, as appropriate.

(f) ''Superfund Site'' means any site where action is being taken pursuant to 42 U.S.C. 9604, 9606, or 9620.

(g) ''Brownfield Site'' means a site as defined in 42 U.S.C. 9601(39).

Sec. 3. *Encouraging Qualifying Projects.* The Secretary of Commerce, in consultation with the Director of the Office of Science and Technology Policy (OSTP) and other relevant executive departments and agencies (agencies), shall launch an initiative to provide financial support for Qualifying Projects, which could include loans and loan guarantees, grants, tax incentives, and offtake agreements. All relevant agencies shall identify and submit to the Director of OSTP any such relevant existing financial support that can be used to assist Qualifying Projects, consistent with the protection of national security.

Sec. 4. *Revocation of Executive Order 14141.* Executive Order 14141 of January 14, 2025 (Advancing United States Leadership in Artificial Intelligence Infrastructure), is hereby revoked.

Sec. 5. *Efficient Environmental Reviews.* (a) Within 10 days of the date of this order, each relevant agency shall identify to the Council on Environmental Quality any categorical exclusions already established or adopted by such agency pursuant to the National Environmental Policy Act (NEPA), reliance on and adoption of which by agencies (pursuant to 42 U.S.C. 4336 and 4336c) could facilitate the construction of Qualifying Projects.

(b) The Council on Environmental Quality shall coordinate with relevant agencies on the establishment of new categorical exclusions to cover actions related to Qualifying Projects that normally do not have a significant effect on the human environment. Agencies shall, for purposes of establishing these categorical exclusions, rely on any sufficient basis to do so as each such agency determines.

(c) Consistent with 42 U.S.C. 4336e(10)(B)(iii), loans, loan guarantees, grants, tax incentives, or other forms of Federal financial assistance for which an agency lacks substantial project-specific control and responsibility over the subsequent use of such financial assistance shall not be considered a ''major Federal action'' under NEPA. For purposes of this order, Federal financial assistance representing less than 50 percent of total project costs shall be presumed not to constitute substantial Federal control and responsibility.

Sec. 6. *Efficiency and Transparency Through FAST–41.* (a) The Executive Director (Executive Director) of the Federal Permitting Improvement Steering Council (FPISC) may, within 30 days of the date that a project is identified to FPISC by a relevant agency, designate a Qualifying Project as a transparency project pursuant to 42 U.S.C. 4370m–2(b)(2)(A)(iii) and section 41003 of the Fixing America's Surface Transportation Act (Public Law 114–94, 129 Stat. 1312, 1747) (FAST–41). Within 30 days of receiving such agency notification, the Executive Director may publish Qualifying Projects on the Permitting Dashboard established under section 41003(b) of FAST–41, including schedules for expedited review.

(b) In consultation with Project Sponsors, the Executive Director shall expedite the transition of eligible Qualifying Projects from transparency projects to FAST–41 ''covered projects'' as defined by 42 U.S.C. 4370m(6)(A). To the extent that a Qualifying Project does not meet the criteria set forth

in 42 U.S.C. 4370m(6)(A)(i) or (iii), FPISC may consider all other available options to designate the project a covered project under 42 U.S.C. 4370m(6)(A)(iv).

Sec. 7. *Streamlining of Permitting Review.* (a) The Administrator of the Environmental Protection Agency shall assist in expediting permitting on Federal and non-Federal lands by developing or modifying regulations promulgated under the Clean Air Act (42 U.S.C. 7401 *et seq.*); the Clean Water Act (33 U.S.C. 1251 *et seq.*); the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 *et seq.*); the Toxic Substances Control Act (15 U.S.C. 2601 *et seq.*); and other relevant applicable laws, in each case, that impact the development of Qualifying Projects.

(b) The Administrator of the Environmental Protection Agency shall, consistent with the Environmental Protection Agency's statutory authorities, expeditiously identify Brownfield Sites and Superfund Sites for use by Qualifying Projects. As part of this effort, within 180 days of the date of this order, the Administrator of the Environmental Protection Agency shall develop guidance to help expedite environmental reviews for qualified reuse and assist State governments and private parties to return such Brownfield Sites and Superfund Sites to productive use as expeditiously as possible.

Sec. 8. *Biological and Water Permitting Efficiencies.* (a) Upon identification of sites by the Secretary of the Interior and the Secretary of Energy as described in section 9 of this order, the action agency, as identified through the process described in the Endangered Species Act (16 U.S.C. 1531–1544) (ESA), shall initiate consultation under section 7 of the ESA with the Secretary of the Interior, the Secretary of Commerce, or both with respect to common construction activities for Qualifying Projects that will occur over the next 10 years at a programmatic level. The Secretary of the Interior and the Secretary of Commerce shall utilize programmatic consultation to ensure timely and efficient completion of such consultation.

(b) Within 180 days of the date of this order, the Secretary of the Army, acting through the Assistant Secretary of the Army for Civil Works, shall review the nationwide permits issued under section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344) and section 10 of the Rivers and Harbors Appropriation Act of 1899 (33 U.S.C. 403) to determine whether an activity-specific nationwide permit is needed to facilitate the efficient permitting of activities related to Qualifying Projects.

Sec. 9. *Federal Lands Availability.* (a) The Department of the Interior and the Department of Energy shall, after consultation with industry and further in consultation with the Department of Commerce as to the Project Sponsors to which relevant authorizations shall be granted, offer appropriate authorizations for sites identified by the Secretary of the Interior or the Secretary of Energy, as applicable and appropriate for the relevant uses, consistent with 42 U.S.C. 2201, 42 U.S.C. 7256, 43 U.S.C. 1701 *et seq.,* and all other applicable law.

(b) The Secretary of Defense shall, pursuant to 10 U.S.C. 2667 or other applicable law and as and when the Secretary of Defense deems it necessary or desirable, identify suitable sites on military installations for Covered Component infrastructure uses and competitively lease available lands for Qualifying Projects to support the Department of Defense's energy, workforce, and mission needs, subject to security and force protection considerations.

Sec. 10. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

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

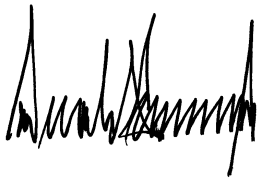
(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

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

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party

against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The costs for publication of this order shall be borne by the Department of Energy.



THE WHITE HOUSE,
July 23, 2025.

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Presidential Documents

Executive Order 14319 of July 23, 2025

Preventing Woke AI in the Federal Government

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

Section 1. *Purpose.* Artificial intelligence (AI) will play a critical role in how Americans of all ages learn new skills, consume information, and navigate their daily lives. Americans will require reliable outputs from AI, but when ideological biases or social agendas are built into AI models, they can distort the quality and accuracy of the output.

One of the most pervasive and destructive of these ideologies is so-called ''diversity, equity, and inclusion'' (DEI). In the AI context, DEI includes the suppression or distortion of factual information about race or sex; manipulation of racial or sexual representation in model outputs; incorporation of concepts like critical race theory, transgenderism, unconscious bias, intersectionality, and systemic racism; and discrimination on the basis of race or sex. DEI displaces the commitment to truth in favor of preferred outcomes and, as recent history illustrates, poses an existential threat to reliable AI.

For example, one major AI model changed the race or sex of historical figures—including the Pope, the Founding Fathers, and Vikings—when prompted for images because it was trained to prioritize DEI requirements at the cost of accuracy. Another AI model refused to produce images celebrating the achievements of white people, even while complying with the same request for people of other races. In yet another case, an AI model asserted that a user should not ''misgender'' another person even if necessary to stop a nuclear apocalypse.

While the Federal Government should be hesitant to regulate the functionality of AI models in the private marketplace, in the context of Federal procurement, it has the obligation not to procure models that sacrifice truthfulness and accuracy to ideological agendas. Building on Executive Order 13960 of December 3, 2020 (Promoting the Use of Trustworthy Artificial Intelligence in the Federal Government), this order helps fulfill that obligation in the context of large language models.

Sec. 2. *Definitions.* For purposes of this order:

(a) The term ''agency'' means an executive department, a military department, or any independent establishment within the meaning of 5 U.S.C. 101, 102, and 104(1), respectively, and any wholly owned Government corporation within the meaning of 31 U.S.C. 9101.

(b) The term ''agency head'' means the highest-ranking
official or officials of an agency, such as the Secretary, Administrator, Chairman, Director, Commissioners, or Board of Directors.

(c) The term ''LLM'' means a large language model, which is a generative AI model trained on vast, diverse datasets that enable the model to generate natural-language responses to user prompts.

(d) The term ''national security system'' has the same meaning as in 44 U.S.C. 3552(b)(6).

Sec. 3. *Unbiased AI Principles.* It is the policy of the United States to promote the innovation and use of trustworthy AI. To advance that policy, agency heads shall, consistent with applicable law and in consideration

of guidance issued pursuant to section 4 of this order, procure only those LLMs developed in accordance with the following two principles (Unbiased AI Principles):

(a) Truth-seeking. LLMs shall be truthful in responding to user prompts seeking factual information or analysis. LLMs shall prioritize historical accuracy, scientific inquiry, and objectivity, and shall acknowledge uncertainty where reliable information is incomplete or contradictory.

(b) Ideological Neutrality. LLMs shall be neutral, nonpartisan tools that do not manipulate responses in favor of ideological dogmas such as DEI. Developers shall not intentionally encode partisan or ideological judgments into an LLM's outputs unless those judgments are prompted by or otherwise readily accessible to the end user.

Sec. 4. *Implementation.* (a) Within 120 days of the date of this order, the Director of the Office of Management and Budget (OMB), in consultation with the Administrator for Federal Procurement Policy, the Administrator of General Services, and the Director of the Office of Science and Technology Policy, shall issue guidance to agencies to implement section 3 of this order. That guidance shall:

(i) account for technical limitations in complying with this order;

(ii) permit vendors to comply with the requirement in the second Unbiased AI Principle to be transparent about ideological judgments through disclosure of the LLM's system prompt, specifications, evaluations, or other relevant documentation, and avoid requiring disclosure of specific model weights or other sensitive technical data where practicable;

(iii) avoid over-prescription and afford latitude for vendors to comply with the Unbiased AI Principles and take different approaches to innovation;

(iv) specify factors for agency heads to consider in determining whether to apply the Unbiased AI Principles to LLMs developed by the agencies and to AI models other than LLMs; and

(v) make exceptions as appropriate for the use of LLMs in national security systems.

(b) Each agency head shall, to the maximum extent consistent with applicable law:

(i) include in each Federal contract for an LLM entered into following the date of the OMB guidance issued under subsection (a) of this section terms requiring that the procured LLM comply with the Unbiased AI Principles and providing that decommissioning costs shall be charged to the vendor in the event of termination by the agency for the vendor's noncompliance with the contract following a reasonable period to cure;

(ii) to the extent practicable and consistent with contract terms, revise existing contracts for LLMs to include the terms specified in subsection (b)(i) of this section; and

(iii) within 90 days of the OMB guidance issued under subsection (a) of this section, adopt procedures to ensure that LLMs procured by the agency comply with the Unbiased AI Principles.

Sec. 5. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

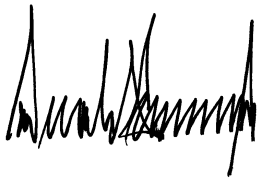
(i) the authority granted by law to an executive department or agency, or the head thereof; or

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

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

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

(d) The costs for publication of this order shall be borne by the General Services Administration.



THE WHITE HOUSE,
July 23, 2025.

[FR Doc. 2025–14217
Filed 7–25–25; 8:45 am]
Billing code 6820–61–P

Presidential Documents

Executive Order 14320 of July 23, 2025

Promoting the Export of the American AI Technology Stack

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, it is hereby ordered:

Section 1. *Purpose.* Artificial intelligence (AI) is a foundational technology that will define the future of economic growth, national security, and global competitiveness for decades to come. The United States must not only lead in developing general-purpose and frontier AI capabilities, but also ensure that American AI technologies, standards, and governance models are adopted worldwide to strengthen relationships with our allies and secure our continued technological dominance. This order establishes a coordinated national effort to support the American AI industry by promoting the export of full-stack American AI technology packages.

Sec. 2. *Policy.* It is the policy of the United States to preserve and extend American leadership in AI and decrease international dependence on AI technologies developed by our adversaries by supporting the global deployment of United States-origin AI technologies.

Sec. 3. *Establishment of the American AI Exports Program.* (a) Within 90 days of the date of this order, the Secretary of Commerce shall, in consultation with the Secretary of State and the Director of the Office of Science and Technology Policy (OSTP), establish and implement the American AI Exports Program (Program) to support the development and deployment of United States full-stack AI export packages.

(b) The Secretary of Commerce shall issue a public call for proposals from industry-led consortia for inclusion in the Program. The public call shall require that each proposal must:

(i) include a full-stack AI technology package, which encompasses:

(A) AI-optimized computer hardware (e.g., chips, servers, and accelerators), data center storage, cloud services, and networking, as well as a description of whether and to what extent such items are manufactured in the United States;

(B) data pipelines and labeling systems;

(C) AI models and systems;

(D) measures to ensure the security and cybersecurity of AI models and systems; and

(E) AI applications for specific use cases (e.g., software engineering, education, healthcare, agriculture, or transportation);

(ii) identify specific target countries or regional blocs for export engagement;

(iii) describe a business and operational model to explain, at a high level, which entities will build, own, and operate data centers and associated infrastructure;

(iv) detail requested Federal incentives and support mechanisms; and

(v) comply with all relevant United States export control regimes, outbound investment regulations, and end-user policies, including chapter 58 of title 50, United States Code, and relevant guidance from the Bureau of Industry and Security within the Department of Commerce.

(c) The Department of Commerce shall require proposals to be submitted no later than 90 days after the public call for proposals is issued, and shall consider proposals on a rolling basis for inclusion in the Program.

(d) The Secretary of Commerce shall, in consultation with the Secretary of State, the Secretary of Defense, the Secretary of Energy, and the Director of OSTP, evaluate submitted proposals for inclusion under the Program. Proposals selected by the Secretary of Commerce, in consultation with the Secretary of State, the Secretary of Defense, the Secretary of Energy, and the Director of OSTP, will be designated as priority AI export packages and will be supported through priority access to the tools identified in section 4 of this order, as consistent with applicable law.

Sec. 4. *Mobilization of Federal Financing Tools.* (a) The Economic Diplomacy Action Group (EDAG), established in the Presidential Memorandum of June 21, 2024, chaired by the Secretary of State, in consultation with the Secretary of Commerce and the United States Trade Representative, and as described in section 708 of the Championing American Business Through Diplomacy Act of 2019 (Title VII of Division J of Public Law 116–94) (CABDA), shall coordinate mobilization of Federal financing tools in support of priority AI export packages.

(b) I delegate to the Administrator of the Small Business Administration and the Director of OSTP the authority under section 708(c)(3) of CABDA to appoint senior officials from their respective executive departments and agencies to serve as members of the EDAG.

(c) The Secretary of State, in consultation with the EDAG, shall be responsible for:

(i) developing and executing a unified Federal Government strategy to promote the export of American AI technologies and standards;

(ii) aligning technical, financial, and diplomatic resources to accelerate deployment of priority AI export packages under the Program;

(iii) coordinating United States participation in multilateral initiatives and country-specific partnerships for AI deployment and export promotion;

(iv) supporting partner countries in fostering pro-innovation regulatory, data, and infrastructure environments conducive to the deployment of American AI systems;

(v) analyzing market access, including technical barriers to trade and regulatory measures that may impede the competitiveness of United States offerings; and

(vi) coordinating with the Small Business Administration's Office of Investment and Innovation to facilitate, to the extent permitted under applicable law, investment in United States small businesses to the development of American AI technologies and the manufacture of AI infrastructure, hardware, and systems.

(d) Members of the EDAG shall deploy, to the maximum extent permitted by law, available Federal tools to support the priority export packages selected for participation in the Program, including direct loans and loan guarantees (12 U.S.C.635); equity investments, co-financing, political risk insurance, and credit guarantees (22 U.S.C.9621); and technical assistance and feasibility studies (22 U.S.C. 2421(b)).

Sec. 5. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

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

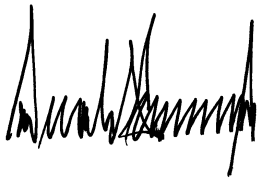
(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

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

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party

against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The costs for publication of this order shall be borne by the Department of Commerce.



THE WHITE HOUSE,
July 23, 2025.

[FR Doc. 2025–14218
Filed 7–25–25; 8:45 am]
Billing code 3510–DT–P

Rules and Regulations

Federal Register
Vol. 90, No. 142
Monday, July 28, 2025

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

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

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 170 and 171

[NRC–2023–0069]

RIN 3150–AK95

Fee Schedules; Fee Recovery for Fiscal Year 2025

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule; correction.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is correcting a final rule that was published in the **Federal Register** on June 24, 2025, regarding the amendment of licensing, inspection, special project, and annual fees charged to NRC's applicants and licensees. This action is necessary to correct a typo to the dollar amount in the schedule of materials annual fees and fees for Government agencies licensed by the NRC.

DATES: The correction takes effect on August 25, 2025.

ADDRESSES: Please refer to Docket ID NRC–2023–0069 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2023–0069. Address questions about NRC dockets to Helen Chang; telephone: 301–415–3228; email: *Helen.Chang@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 Public 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*.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: William Blaney, Office of the Chief Financial Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–5092; email: *William.Blaney@nrc.gov*.

SUPPLEMENTARY INFORMATION: The NRC may post materials related to this document, including public comments, on the Federal rulemaking website at *https://www.regulations.gov* under Docket ID NRC–2023–0069. In addition, the Federal rulemaking website allows members of the public to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) navigate to the docket folder (NRC–2023–0069); (2) click the ''Subscribe'' button; and (3) enter an email address and click on the ''Subscribe'' button.

In the interest of clarity and transparency, the NRC is correcting the amount of ''26,800'' for Basic *In Situ* Recovery facilities in Table 2 to Paragraph (d) to 10 CFR 171.16 in the amendatory text to the final rule, published at 90 FR 26761 on June 24, 2025, to the amount of ''27,700''. The correction to the typo in the amendatory text aligns with the amount of ''27,700'' as described in the preamble at Table V, Rebaselined Annual Fees, as published at 90 FR 26735, and in the second column, lines 11 and 12, and Table XIV, Annual Fees for Uranium Recovery Licensees, as published at 90 FR 26739.

Correction

In FR Doc. 2025–11544, published at 90 FR 26730 on June 24, 2025, the NRC makes the following correction to amendatory instruction 8, in table 2 to paragraph (d):

§ 171.16 [Corrected]

■ On page 26761, the table titled ''Table 2 to Paragraph (d)—Schedule of Materials Annual Fees And Fees For Government Agencies Licensed By NRC,'' in the second table entry for ''[Program Code(s): 11500]'', second table column, ''Annual fees'', correct the amount of ''26,800'' to read ''27,700''.

Dated: July 24, 2025.

For the Nuclear Regulatory Commission.

Araceli Billoch Colon,

Chief, Regulatory Analysis and Rulemaking Support Branch, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2025–14147 Filed 7–25–25; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

19 CFR Part 12

[CBP Dec. 25–09]

RIN 1685–AA33

Imposition of Import Restrictions on Archaeological and Ethnological Material of India

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

ACTION: Final rule.

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

DATES: Effective on July 28, 2025.

FOR FURTHER INFORMATION CONTACT: For legal aspects, W. Richmond Beevers, Chief, Cargo Security, Carriers and Restricted Merchandise Branch, Regulations and Rulings, Office of

Trade, (202) 325–0084, *ot-otrrculturalproperty@cbp.dhs.gov.* For operational aspects, Julie L. Stoeber, Chief, 1USG Branch, Trade Policy and Programs, Office of Trade, (202) 945–7064, *1USGBranch@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Convention on Cultural Property Implementation Act (Pub. L. 97–446, 19 U.S.C. 2601 *et seq.*) (CPIA), which implements the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (823 U.N.T.S. 231 (1972)) (Convention), allows for the conclusion of an agreement between the United States and another party to the Convention to impose import restrictions on certain archaeological and ethnological material. Pursuant to the CPIA, the United States entered into a bilateral agreement with the Republic of India (India) to impose import restrictions on certain archaeological and ethnological material of India. This rule announces that the United States is now imposing import restrictions on certain archaeological and ethnological material of India through July 26, 2029. This period may be extended for additional periods, each extension not to exceed five years, if it is determined that the factors justifying the initial agreement still pertain and no cause for suspension of the agreement exists (19 U.S.C. 2602(e); § 12.104g(a) of title 19 of the Code of Federal Regulations (19 CFR 12.104g(a))).

Determinations

Under 19 U.S.C. 2602(a)(1), the United States must make certain determinations before entering into an agreement to impose import restrictions under 19 U.S.C. 2602(a)(2). On December 13, 2023, the Assistant Secretary for Educational and Cultural Affairs, United States Department of State, after consultation with and recommendation by the Cultural Property Advisory Committee, made the determinations required under the statute with respect to certain archaeological and ethnological material originating in India that is described in the Designated List set forth below in this document.

These determinations include the following: (1) that the cultural patrimony of India is in jeopardy from the pillage of archaeological material representing India's cultural heritage dating from approximately 1.7 million years ago to 1770 C.E., and ethnological material dating from approximately the 2nd century B.C.E. to 1947 C.E. (19 U.S.C. 2602(a)(1)(A)); (2) that the government of India has taken measures consistent with the Convention to protect its cultural patrimony (19 U.S.C. 2602(a)(1)(B)); (3) that import restrictions imposed by the United States would be of substantial benefit in deterring a serious situation of pillage and remedies less drastic are not available (19 U.S.C. 2602(a)(1)(C)); and (4) that the application of import restrictions as set forth in this final rule is consistent with the general interests of the international community in the interchange of cultural property among nations for scientific, cultural, and educational purposes (19 U.S.C. 2602(a)(1)(D)). The Assistant Secretary also found that the material described in the determinations meets the statutory definition of ''archaeological or ethnological material of the State Party'' (19 U.S.C. 2601(2)).

The Agreement

On July 26, 2024, the Governments of the United States and India signed a bilateral agreement, ''Agreement between the Government of the United States of America and the Government of the Republic of India Concerning the Imposition of Import Restrictions on Categories of Archaeological and Ethnological Material of India'' (Agreement), pursuant to the provisions of 19 U.S.C. 2602(a)(2). The Agreement entered into force upon signature and enables the promulgation of import restrictions on certain categories of archaeological material ranging in date from approximately 1.7 million years ago to 1770 C.E., as well as certain categories of ethnological material dating from approximately the 2nd century B.C.E. to 1947 C.E. A list of the categories of archaeological and ethnological material subject to the import restrictions is set forth later in this document.

Restrictions and Amendment to the Regulations

In accordance with the Agreement, importation of material designated below is subject to the restrictions of 19 U.S.C. 2606 and 19 CFR 12.104g(a) and will be restricted from entry into the United States unless the conditions set forth in 19 U.S.C. 2606 and 19 CFR 12.104c are met. CBP is amending 19 CFR 12.104g(a) to indicate that these import restrictions have been imposed.

Import restrictions listed at 19 CFR 12.104g(a) are effective for no more than five years beginning on the date on which an agreement enters into force with respect to the United States. This period may be extended for additional periods of not more than five years if it is determined that the factors which justified the agreement still pertain and no cause for suspension of the agreement exists. Therefore, the import restrictions will expire on July 26, 2029, unless extended.

Designated List of Archaeological and Ethnological Material of India

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

The Designated List includes archaeological and ethnological material from India. The archaeological material in the Designated List ranges in date from 1.7 million years ago through 1770 C.E. The ethnological material in the Designated List includes civic, religious, and royal architectural material; religious material and ceremonial items; and manuscripts, portions of manuscripts, and materials used to bind manuscripts dating from the 2nd century B.C.E. to 1947 C.E. The list set forth below is representative only. Any dates and dimensions are approximate.

Categories of Archaeological and Ethnological Material

I. Archaeological Material
- A. Stone
- B. Ceramics, Faience, and Fired Clay
- C. Metal
- D. Plaster, Stucco, and Unfired Clay
- E. Paintings
- F. Ivory and Bone
- G. Glass
- H. Paper, Leather, Birch Bark, and Palm-Leaf
- I. Textiles
- J. Wood, Shell, and other Organic Material
- K. Human Remains

II. Ethnological Material
- A. Architectural Elements
- B. Religious and Ceremonial Items
- C. Manuscripts

Approximate simplified chronology of well-known periods:

Lower Paleolithic Era to Mesolithic Era: c. 1.7 million years ago–7000 B.C.E.

Neolithic Era: c. 7000–4500 B.C.E.

Chalcolithic Era (including, but not limited to, Indus Valley Civilization, also called Harappan Civilization; Southern Neolithic Era): c. 4500–1500 B.C.E.

Early Historic and Historic Periods (including, but not limited to, Southern Neolithic Era, Iron Age, and Southern Early Historic Period; Vedic Period, including the advent of Buddhism and Jainism; Mauryan, Shunga-Kushan, and Gupta Empires; Indo-Greek Period; Chera, Chola, and Pandya Dynasties): c. 1500 B.C.E.–550 C.E.

Medieval Period (including, but not limited to, Gurjara-Pratihara and Pala Dynasties; Chola, Rastrakuta, and Pallava Dynasties; Delhi Sultanate): 550–1526 C.E.

Mughal Empire or Early Modern Period (including, but not limited to, Nayaka kingdoms and Maratha Empire): 1526–1858 C.E.

Colonial Period: 1858–1947 C.E.

I. Archaeological Material

A. Stone

(1) Architectural Elements—Primarily in sandstone, limestone, marble, granite, basalt, slate, schist, quartzite, and khondalite, but includes other types of stone. Category includes, but is not limited to: arches; balustrades; beams; benches; brackets; bricks and blocks from walls, ceilings, gates, and floors; buttresses; columns, including capitals and bases; cornices; dentils; disks, including *amalakas* and *chattras;* domes; door frames and portals; false gables; finials and spires; friezes; fountains and fountainheads; gates; lintels; merlons; mihrabs; mosaics; niches; panels; pavilions, including semi-open domed pavilions (*chatris/chhatris);* pilasters; pillars, including capitals and bases; plinths; railings; reliefs; screens and lattices (*jalis*); turrets; tympana; vaults; and windows. Elements may be plain, carved in relief, incised, inlaid, or inscribed in various languages and scripts; may be polished, painted, and/or gilded. Architectural elements may include relief sculptures, mosaics, and inlays that were part of a building, such as friezes, panels, or figures in the round. Includes architectural elements of Turkic, Persian, Arab, Hellenistic (Greek), Saracenic, European (British, Dutch, and Portuguese), and East Asian influence. May include depictions of floral, vegetal, animal, geometric, human, and mythological motifs and scenes from Hindu, Muslim, Buddhist, Jain, Sikh, Christian, Jewish, and Zoroastrian religious traditions. Approximate Date: 4500 B.C.E.–1770 C.E.

(2) Non-Architectural Monuments—Primarily in sandstone, limestone, marble, granite, basalt, schist, steatite, but includes other types of stone. Types include, but are not limited to: altars; bases; basins; cenotaphs; funerary headstones and monuments; fountains; free-standing pillars; libation platforms; *linga;* memorial stones; monoliths, including rooted sculptures; niches; plaques; portable shrines; ring stones; rock edicts; roundels; sarcophagi; slabs; stands; stelae; stelae bases; *virikals* (hero stones and sati stones); and *yoni.* Monuments may be plain, carved in relief, incised, inlaid, or inscribed in various languages and scripts; may be polished, painted, and/or gilded. Decorative elements may include geometric, floral, and/or vegetal motifs, as well as animal, mythological, and/or human figures in various poses from secular, as well as Megalithic, Hindu, Muslim, Buddhist, Jain, Sikh, Christian, Jewish, and Zoroastrian religious traditions. Approximate Date: 4500 B.C.E.–1770 C.E.

(3) Large Statuary—Primarily in sandstone, limestone, marble, granite, basalt, steatite, and schist, but includes other types of stone. Statuary includes seated, standing, reclining, amorous, or dancing human, animal, and/or mythological figures, as well as figures from Hindu, Buddhist, Jain, Sikh, Christian, Jewish, and Zoroastrian religious traditions. Large statuary may be polished, painted, and/or gilded, and may bear inscriptions in various languages and scripts. Approximate Date: 4500 B.C.E.–1770 C.E. Some well-known types include:

a. Early Historic and Historic Periods sculpture includes figures from Buddhist, Jain, and Hindu religious traditions, as well as influences from the Gandharan style. Sculptural styles can include robust, sensuous figures with intricate ornamentation, as well as stylized, angular figures. May depict scenes from Buddhist religious traditions, such as the Buddha, bodhisattvas, devotees, and vegetation. Other sculptural traditions include figures with long faces and ears and conical headdresses. Gupta Empire sculpture is notable for graceful, serene figures with broader shoulders and leaner builds depicting images and scenes from Hindu, Jain, and Buddhist religious traditions. Approximate Date: 1500 B.C.E.–550 C.E.

b. Medieval Period large sculpture reflects a wide spectrum of regional styles. Sculptures are highly elaborate, occasionally rigid in high relief. May also depict mythological, mundane, and/or spiritual scenes. Approximate Date: 550–1526 C.E.

(4) Small Statuary—Primarily in basalt, granite, jade, limestone, marble, sandstone, steatite, schist, but includes other types of stone. Animals, human figures, mythological forms, and architectural models may be stylized or naturalistic. Small statuary includes depictions from secular as well as Hindu, Buddhist, Jain, Sikh, Christian, Jewish, and Zoroastrian religious traditions. Small statuary may be polished, painted, inlaid, and/or gilded, and may bear inscriptions in various languages and scripts. Small statuary styles and design reflect some characteristics of large statuary. Approximate Date: 4500 B.C.E.–1770 C.E.

(5) Vessels and Containers—Primarily in alabaster, jade, marble, sandstone, steatite, but includes other types of stone. Vessel types may be conventional shapes such as: bowls; boxes; canisters; cups; cylindrical vessels; goblets; flasks; jars; jugs; lamps; platters; stands; trays; votive vessels; in addition to specialized shapes. May also include: caskets; cosmetic containers or palettes; inkpots; pen boxes; spittoons; reliquaries and their contents; and incense burners. Includes vessel lids. Some reliquaries may take the shape of a Buddhist stupa. Surfaces may be plain, painted, polished, and/or incised or carved in relief with geometric, floral, or vegetal decoration, elaborate figural scenes, and/or inscriptions in various languages and scripts. Vessels may be inlaid with stones or gilded. Approximate Date: 7000 B.C.E.–1770 C.E.

(6) Tools, Instruments, and Weights—Includes ground stone and flaked stone tools. Approximate Date: 1.7 million years ago–1770 C.E.

a. Ground stone tools, instruments, and weights are mainly made from chert, granite, sandstone, marble, quartz, limestone, but other types of stone are included. Types include, but are not limited to, adzes, anvils, axes, balls, celts, cleavers, grinding stones, hammerstones, maces, mills, molds, mortars, palettes, pestles, querns, rods, rubbers, scepters, scrapers, whetstones, and others. Also included are counters, dice, finials, fly whisk handles, game pieces, hilts, mirror frames and handles, spindle whorls, trays, and weights. Stone tools used to polish, shape, or sharpen other tools are included. Stone weights are found in various shapes, such as cubes, rectangular prisms, rings, spheres, and truncated spheres, and may be polished and/or decorated with incisions or relief carving and/or inscribed in various languages and scripts. Some handles, hilts, and others may be inlaid with precious or semi-precious stones, glass, and/or precious metals, and might be carved in zoomorphic, vegetal, floral, and/or mythological shapes.

b. Flaked stone tools are primarily made of chalcedony, chert or other cryptocrystalline silicates, limestone, flint, jasper, obsidian, or quartzite, but other types of stone are included. Types include axes, bifaces, blades, burins, borers, choppers, cleavers, cores, hammers, knives, microliths, points, projectiles, scrapers, sickles, unifaces, and others. Stone tools used to create flaked stone tools are included.

(7) Beads and Jewelry—Primarily in alabaster, agate, amazonite, amethyst, carnelian, chalcedony, coral, cryptocrystalline silicates, emerald, garnet, jade, jasper, lapis lazuli, onyx, quartz, rock crystal, ruby, steatite, and turquoise, but also includes other types of stone. Beads may be carved, cut, drilled, ground, etched, fired, glazed, painted and/or polished. Beads may be in animal, biconical, conical, cylindrical, disc, dumbbell, eye, faceted, scaraboid, spherical, teardrop, and other shapes. May bear geometric designs, images, and/or inscriptions in various languages and scripts. Jewelry includes amulets, anklets, bracelets, bangles, pectorals, pendants, rings, and other types. Approximate Date: 7000 B.C.E.–1770 C.E.

(8) Stamps, Seals, and Gems—Primarily in agate, amethyst, carnelian, chalcedony, hematite, jasper, rock crystal, sapphire, ruby, cat's eye, garnet, diamond, emerald, hessonite, moonstone, aquamarine, tourmaline, turquoise, steatite, but also includes other types of stone. Stamps, seals, and gems may have engravings that include animals, human figures, geometric, floral, or vegetal designs, and/or inscriptions in various languages and scripts. Includes cameos and intaglios. Particularly prevalent in the Chalcolithic Indus Valley Era. Well-known styles are from the Neolithic Era, Chalcolithic Era, Historic Period, Medieval Period, and Mughal Empire. Approximate Date: 4500 B.C.E.–1770 C.E.

a. Chalcolithic Era seals and stamps are primarily in steatite (usually fired or glazed) but also include other types of stone. May be square or rectangular, but may also be circular, cylindrical, oval, or triangular, and may have a pierced knob handle. Incised designs often feature inscriptions in the Indic script, either alone or together with animals, human, divine, and/or mythological figures, plants, and symbols. Designs may also be geometric. Approximate Date: 4500–1500 B.C.E.

b. Early Historic and Historic Periods seals and stamps are usually oval, rectangular, button-shaped, teardrop, or hemispherical. Stamps and seals may be incised, drilled, cut, or relief-carved with animals, human, divine, and/or mythological figures, plants, and symbols. May be perforated for suspension or set into a ring. May be inscribed in various languages and scripts. Approximate Date: 1500 B.C.E.–550 C.E.

c. Medieval Period seals and stamps are usually circular, oval, rectangular, square, or teardrop. Stamps and seals may be incised, drilled, cut, or relief-carved with animals, human, divine, and/or mythological figures, plants, and symbols. May be perforated for suspension or set into a ring. May be inscribed in various languages and scripts. Approximate Date: 550–1526 C.E.

d. Mughal Empire or Early Modern Period seals and stamps are usually rectangular, square, teardrop, polygonal, or circular. Stamps and seals may be drilled, cut, relief-carved, or and/or inscribed primarily with script or calligraphy. May be perforated for suspension or set into a ring. Approximate Date: 1526–1770 C.E.

B. Ceramic, Faience, and Fired Clay

(1) Statuary—Includes small and large-scale statuary in ceramic, faience, and terracotta. Includes, but is not limited to: auspicious emblems; cart frames or wheels; figurines; masks, for decoration or performance art; model boats; model carts; model houses; model stupas; plaques; rattles; reliefs; and roundels. Includes bases, plinths, or stands. May be associated with religious or spiritual activity, decoration, commemoration, games, or toys. May depict scenes of animals, deities, humans, hybrid animals/humans or other mythological figures, monuments, mandalas, or vegetation. May be painted or have traces of paint or pigment, as well as be stamped, incised, or inscribed in various languages and scripts. Forms may be stylized or naturalized. Well-known styles date to the Chalcolithic Era, Historic Period, Medieval Period, and Mughal Empire. Approximate Date: 4500 B.C.E.–1770 C.E.

(2) Architectural Elements—Primarily in terracotta. Includes, but is not limited to: arches; brackets; bricks; columns, including capitals and bases; eaves; floors; friezes; niches; panels; pipes; reliefs; tiles; and other elements used as functional or decorative elements in buildings or flooring. Bricks may be cut, carved, or molded to form decorative patterns on building exteriors. Panels and tiles may be painted, plastered, stuccoed, or have traces of paint or plaster. Tiles may bear carved, incised, impressed, or molded decoration in the form of animals, humans, geometric, floral, vegetal, and/or mythological motifs. Tiles may be square, rounded, polygonal, or specifically shaped. They may have been molded, incised, and/or painted with animal, geometric, floral, vegetal, and/or mythological motifs, arabesque (intertwining) motifs, and/or calligraphic writing in various scripts and languages before glazing. If glazed, glaze may be clear, monochrome, or polychrome. Approximate Date: 4500 B.C.E.–1770 C.E.

(3) Vessels and Containers—Includes utilitarian vessels, fine tableware, lamps, special-purpose vessels, and other ceramic objects of everyday use.

a. Mesolithic Era includes handmade plain and cord-impressed vessels and containers and/or fragments. Approximate Date: 10,000–7000 B.C.E.

b. Neolithic Era includes handmade and slow-wheel-thrown coarse earthenware vessels and/or fragments. Vessel types include bowls, jars, pots, and other forms. May be grey, buff, brown, pink, red, or black. May include decor and finishes such as red-, black-, or cream-slipped surfaces, paint or other pigments; herringbone, cross-hatched, and checkerboard patterns; incision, burnishing, impressions; among others. Approximate Date: 7000–4500 B.C.E.

c. Chalcolithic Era includes handmade and wheel-thrown coarse and fine earthenware vessels and/or fragments. Vessel types include bowls, canisters, cooking pots, goblets, jars, jugs, lids, plates, pedestalled stands, perforated strainers, flat dishes, storage vessels, urns, and other forms. Surface can be red, buff, gray, brown, cream, or black. May include decor and finishes such as red-, black-, or cream-slipped surfaces, paint or other pigments; incision, burnishing, impressions; among others. Designs include more ornate animal, geometric, floral, and/or vegetal motifs. May be incised with characters in the Indus script. Approximate Date: 4500–1500 B.C.E.

d. Early Historic and Historic Periods include handmade, molded, or wheel-made earthenware vessels and/or fragments. Vessel types include: conventional shapes such as basins; beakers; bottles; bowls; cooking pots; cups; jars; jugs and juglets; lids; pitchers; plates; storage vessels; saucers; *thalis* (a large plate with an upturned rim, c. 30 cm in diameter); trays; tubs; urns; and vases, as well as other forms such as incense burners; drinking horns; lamps; stands; and specialty pieces. Vessel forms may have pedestal bases, handles, and/or spouts. Some vessels may have been formed into elaborate shapes using molds. Lids may include spires. Surface treatments may include slip, burnishing, polishing, incising, impressing (including grooving, rouletting, and stamping), appliqué, painting, and/or glazing. Includes Iron Age black-, red-, and black and red-slip ware. Stamp impressions include simple geometric motifs, leaves, lotuses, rosettes, and/or elaborate scenes combining animal, human, geometric, floral, and/or vegetal motifs. Molded animal heads, human figures, or rosettes in clay may be applied to the exterior surface of a vessel or attached as a

handle. Painted designs include geometric, floral, and vegetal motifs, as well as reliefs and narrative panels of humans, animals, and plants. May be inscribed or painted in various languages and scripts. Approximate Date: 1500 B.C.E.–550 C.E.

e. Medieval Period includes handmade, molded, or wheel-made earthenware vessels and/or fragments. Vessel types include: conventional shapes such as basins; beakers; bottles; bowls; cooking pots; cups; jars; jugs and juglets; lids; pitchers; plates; storage vessels; saucers; *thalis;* trays; tubs; urns; and vases, as well as other forms such as incense burners; drinking horns; lamps; stands; and specialty pieces. Painted designs include animal, geometric, floral, human, religious, and/or vegetal motifs, as well as reliefs and narrative panels of humans, animals, and plants. May be inscribed or painted in various languages and scripts. Approximate Date: 550–1526 C.E.

f. Mughal Empire or Early Modern Period includes handmade, molded, and wheel-made earthenware vessels, as well as porcelain and sgraffiato, and/or fragments. Vessel types include conventional shapes such as bowls, coasters, cooking pots, cups, ewers, flasks, jars, jugs, lamps, lids, pans, platters, trays, water vessels (lota), and other types such as hookah pots, incense burners, ashtrays, vessels with a pedestalled foot, kneading troughs, model stupas, pipes, and vessels in the shape of animals. Painted decoration includes animal, geometric, floral, and vegetal motifs, as well as inscriptions in various languages and scripts, variously applied on a slipped surface, under a colorless glaze, or over a colored glaze. Glazes may be colorless, monochrome, or polychrome. Common colors include green, yellow, blue, black, brown, indigo, turquoise, and white. Glazed pottery based on Persian models with Indian designs, white background with blue, green, red, and yellow floral, vegetal, and geometric motifs is a characteristic type. Approximate Date: 1526–1770 C.E.

(4) Beads, Jewelry, and Ornaments—Includes, but is not limited to, bangles, beads, bracelets, buttons, ear spools, earrings, hairpieces, inlays, masks and related decorative or theatrical costume elements, rings, and others made of faience and terracotta. Beads include barrel, biconical, cylindrical, segmented, and other shapes. Faience may be colored with blue, blue-green, red, and white glaze. Approximate Date: 4500 B.C.E.–1770 C.E.

(5) Tools and Instruments—Includes, but is not limited to, terracotta balls, buttons, coin molds, cones, cubes, dabbers, dice, discs, flutes, kiln setters, loom weights, musical and percussive instruments, net-sinkers, rattles, skin-rubbers, stamps, statuary and vessel molds, spindle whorls, scoops, spoons, stoppers, whistles (may take the shape of animals), and other objects. May be incised or stamped with inscriptions in various languages and scripts. Approximate Date: 7000 B.C.E.–1770 C.E.

(6) Stamps and Seals—Terracotta and faience stamps and seals can be square, rectangular, circular, or oval with geometric, animal, religious, calligraphic, floral, and/or vegetal motifs. May be incised or stamped with inscriptions in various languages and scripts. Includes sealings that result from use of stamps and seals. Approximate Date: 4500 B.C.E.–1770 C.E.

(7) Tablets and Sealings—Terracotta and faience tablets and sealings may be cylindrical, rectangular, or prismatic and molded in relief with images of animals, humans, deities, calligraphic, and other motifs, and/or inscriptions in various languages and scripts. Approximate Date: 4500 B.C.E.–1770 C.E.

C. Metal

Includes copper, gold, silver, iron, lead, tin, zinc, and alloys such as bronze, electrum, brass, pewter, and steel. Approximate Date: 4500 B.C.E.–1770 C.E.

(1) Containers and Vessels—Vessel types include: conventional shapes such as basins; bottles; bowls; boxes; canisters; cauldrons; chalices; cups; dishes; ewers; flasks; jars; jugs; lamps; pans; plates (including copper plate inscriptions); platters; pots; rosewater sprinklers; saucepans; stands; utensils; and vases, but also include forms such as ash trays; hookah pots; incense burners; padlocks; portable lidded boxes used to carry human remains; reliquaries and their contents; and spittoons. Some reliquaries may take the form of a Buddhist stupa. One end of some drinking vessels may take the form of an animal or mythical creature. They may include lids, spouts, and handles of vessels. Metal containers may have been decorated by chasing (embossing), engraving, gilding, inlaying, punching, and/or repoussé (relief hammering). Designs include, but are not limited to: inscriptions in various languages and scripts; arabesque (intertwining) motifs; geometric, filigree, floral, vegetal, and animal motifs; and portrait busts or scenes of human figures, such as ceremonial, banquet, or hunting scenes. Some containers and vessels, such as reliquaries, may be inlaid with precious or semi-precious stones, as well as precious metals such as gold and silver. Approximate Date: 4500 B.C.E.–1770 C.E.

(2) Jewelry and Personal Adornments—Types include, but are not limited to: amulets; amulet holders; armbands; bangles; beads; bracelets; belts; bracteates; brooches; buckles; buttons; chains; charms; clasps; collars; crowns; earrings; ear spools; discs; hair and turban ornaments; hairpins; headdress or hat ornaments; lockets; necklaces; pectoral ornaments; pendants; pins; finger, toe, and nose rings, including ring-seals; rosettes; and staffs. Includes metal ornaments, appliqués, clasps, and ornaments once attached to textiles or leather objects. Includes also metal scrolls inscribed in various languages and scripts. May have been decorated by chasing (embossing), cloisonné, enameling, engraving, filigree, gilding, granulation, inlaying, and/or repoussé (relief hammering). Decoration may include animal, human, religious, geometric, floral, calligraphic, and/or vegetal motifs. May include inlays of ivory, bone, animal teeth, enamel, other metals, precious stones, and/or semi-precious stones. Includes mixed media. Approximate Date: 4500 B.C.E.–1770 C.E.

(3) Tools and Instruments—Types include, but are not limited to: adzes; arrowheads; astrolabes; axes; backscratchers; bells; blades; celts; chisels; drills; fishhooks; goads; hinges; hoes; hooks; keys; knives; measuring rods; mirrors and mirror handles; nails; pickaxes; pins; rakes; rods; saws; scale weights; scythes; shears; shovelheads; sickles; spades; spoons; staffs; tongs; trowels; weights; and tools of craftspeople such as carpenters, masons, and metalsmiths, among others. Includes musical instruments. Approximate Date: 4500 B.C.E.–1770 C.E.

(4) Weapons and Armor—Includes, but is not limited to: body armor, such as chain mail; helmets; horse, camel, and elephant armor, bits, bridle, and ornamental elements; plate armor; scale armor; shin guards; and shields and shield bosses. Also includes: launching weapons (arrowheads, spearheads, javelin heads, and tridents); hand-to-hand combat weapons (axes, swords, including sabers and scimitars, daggers, including *khanjars* and *katars,* and maces); firearms, cannons, muskets, and ammunition; sheaths; and priming horns. Some weapons may be highly decorative and incorporate inlays of other types of metal, precious stones, or semi-precious stones in the sheaths and hilts. Some weapons, hilts, and sheaths may be engraved or embossed with

inscriptions in various languages and scripts, arabesque (intertwining), geometric, floral, calligraphic, religious, and/or vegetal motifs, and/or human or animal scenes, such as hunting scenes. May also be gilded, polished, burnished, painted, and/or covered in cloth or other materials. Approximate Date: 4500 B.C.E.–1770 C.E.

(5) Coins—Ancient coins include gold, silver, copper, lead, and copper alloy coins in a variety of sizes and denominations. Includes gold and silver ingots and commemorative coins. Coins may be circular, oval, square, or polygonal in shape, may be punch-marked, hammered, cast, molded, and/or gilded. Coins may include designs on one or both sides, including edges. Designs may include portraits, crests, deities, and animal, floral, architectural, geometric, and/or vegetal motifs, and/or may be inscribed in various languages and scripts. Includes depictions of symbols and figures from Buddhist, Jain, Hindu, Christian, Sikh, and Zoroastrian religious traditions, among others. Includes Roman, Persian, Greek or Hellenistic, Gandharan, Central Asian, and other coins found in India. Includes coins that were reused or converted into decorative objects or objects of personal adornment. Approximate Date: 600 B.C.E.–1770 C.E.

a. Early Historic Period includes punch-marked coins, discs, tokens, among others in gold and silver. May include depictions of animals, geometric, floral, and/or vegetal motifs.

b. Historic Period includes, but is not limited to, Mauryan punch marked coins (*karshapana*) with various symbols such as suns, crescents, six-arm designs, hills, peacocks, human figures, animals, and others, and inscriptions in Brahmi script; Roman silver and bronze coins; Hellenistic and Gandharan drachms, tetradrachms, and gold staters featuring iconography of Hellenistic deities and human portraiture and inscriptions in Greek and Kharoshti; Kushan dinars, tetradrachms, and copper alloy denominations with iconography from Persian, Zoroastrian, Buddhist, and Hindu traditions; Western Satraps coins with bull-and-hill or elephant-and-hill images; Indo-Scythian coins; Satavahana coins with Prakrit inscriptions and animal, floral, geometric, star, Buddhist shrines or stupas, human, wheel, and/or maritime motifs; Ashokan *stambha* coins featuring a central pillar; Gupta *dinaras* and drachms and others with images of animals, human figures, mythological birds, archery, javelins, battle-axes, wheels and scepters, deities, and portraiture along with floral, geometric, and/or vegetal motifs, including inscriptions in Brahmi script.

c. Medieval Period includes, but is not limited to: Gurjara-Pratihara, Pallava, and other dynastic coins or tokens with portraiture and geometric, animal, and religious motifs; Chola coins with crests of animals and weapons, mythological icons, and inscriptions in the Nagari script; Vijayanagara *pagoda* coins featuring Hindu deities and related symbols; Delhi Sultanate *tankas* and *jitals* with animal, religious, floral, geometric, and/or vegetal motifs and calligraphic inscriptions in various languages and scripts such as Arabic.

d. Mughal Empire or Early Modern Period includes, but is not limited to, *rupiya, dam,* and *mohur* coins primarily featuring calligraphy and literary or religious verses, but also figures and portraits of rulers, zodiac signs, birds, animals, and other icons.

(6) Statuary, Ornaments, and other Decorated Objects—Primarily in copper, gold, silver, or alloys such as bronze and brass, but can include a mix of different metals. Includes finials; free-standing and supported statuary; oil lamps; reliefs or incised plaques or roundels; stands; votive ornaments; and other ornaments. Statuary may be fashioned as humans, animals, deities, hybrid, anthropomorphic, and/or mythological figures, and/or architectural or monumental figures, miniature chariots, wheeled carts, or other objects. Statuary may take naturalized or stylized forms, may be seated, standing, dancing, and/or with other figures and symbolic imagery. Includes bases or plinths. Decorative techniques for statuary, ornaments, and other decorated objects include embossing, gilding, engraving, repoussé (relief hammering), and/or inlaying with other materials. Decorative elements may include humans, deities, animals, mythological figures, scenes of activity, floral, geometric, and/or vegetal motifs, and/or inscriptions in various languages and scripts. Imagery includes figures from secular as well as Buddhist, Jain, Hindu, Christian, Sikh, Jewish, Zoroastrian, and Hellenistic (Greek) religious traditions. Approximate Date: 4500 B.C.E.–1770 C.E.

(7) Stamps, Seals, and Tablets—Primarily cast in copper and alloys such as bronze and brass; also includes stamps and seals in gold or silver. Types include, but are not limited to, amulets, flat tablets, rings, small devices with engraving on one side, and others. Stamps and seals may have engravings that include animals, humans, deities, mythological figures; geometric, floral, and vegetal motifs, symbols, and/or inscriptions in various languages and scripts. May be inlaid with other types of material. Approximate Date: 4500 B.C.E.–1770 C.E.

D. Plaster, Stucco, and Unfired Clay

Includes, but is not limited to: bas-relief elements; ceiling decoration; columns; corbels; cornices; emblems; friezes; large- and small-scale figures of animals, humans, and deities; medallions; mihrabs; niches; ornaments; panels; plaques; reliefs; roundels; stupas; tracery; tiles; vaults; window screens; wall decorations; and other architectural and non-architectural decoration or sculpture. May be painted or bear traces of paint or glaze; gilded; inlaid with stones, glass, or other materials; and/or inscribed in various languages and scripts. Stucco usually used for sculpture and panels may depict elaborate scenes of animals and human activity (such as hunting, court life, female scenes) and/or arabesque (intertwining), geometric, floral, and/or vegetal patterns. Stucco panels may have been made with molds. Unfired clay may comprise figural sculpture, such as Buddhas, bodhisattvas, or goddesses. Approximate Date: 4500 B.C.E.–1770 C.E.

E. Paintings

Includes paintings, frescoes, murals and wall paintings, and fragments on natural stones, cave walls, building walls and ceilings, and portable media, such as paper, cloth, canvas, leather, and others.

(1) Paleolithic Era rock paintings are usually in polychrome (black, green, white, and red) media depicting stylized animals, vegetation, simple human figures, and/or geometric designs. In the Mesolithic period, depictions are more detailed, including scenes of hunting, more naturalistic animals and birds, stylized human figures, and communal activities such as dance. Approximate Date: 1.7 million years ago–4500 B.C.E.

(2) Chalcolithic Era polychrome paintings appear on ceramics and rock faces depicting more abstract geometric motifs and ideas in addition to showing tool use, artisanal design, and more ornate organized human activities. May include inscriptions from various scripts and languages. Approximate Date: 4500–1500 B.C.E.

(3) Early Historic and Historic Periods paintings comprise polychrome cave paintings and murals in various styles with landscapes, religious scenes and motifs from Hindu, Buddhist, and Jain traditions (deities, devotees, naturalistic animal and hybrid figures, mythological scenes, and others), secular designs with floral, vegetal, geometric, ornamental,

and/or other stylistic motifs and scenes from court life and battles, among others. Includes paintings on cloth and manuscripts and other portable media. May include inscriptions from various scripts and languages. Approximate Date: 1500 B.C.E–550 C.E.

(4) Medieval Period paintings and murals are characterized by polychrome arabesque, floral, vegetal, sculptural, and/or geometric patterns with elaborate religious and secular depictions, as well as paintings of human figures in profile and three-quarter view. Paintings may be highly finished and detailed. May include inscriptions in various scripts and languages. Paintings may also include embedded stones, beetle wings, or gilding. Stylistically influenced by Persian and Indian artistic traditions particular to regional courts and kingdoms. Approximate Date: 550–1526 C.E.

(5) Mughal Empire or Early Modern Period wall and ceiling frescoes contain polychrome arabesque, floral, vegetal, figural, and/or geometric patterns. Human figures mostly in profile view. Paintings may be highly detailed and finished. May include inscriptions in various scripts and languages. Paintings may also include gilding and/or beetle wings. Approximate Date: 1526–1770 C.E.

F. Ivory and Bone

(1) Non-Architectural Elements—Includes decorated and engraved panels and plaques featuring low- and high-relief carvings. May include imagery of humans and human activities, deities, animals, mythological creatures, monuments, and human activity, as well as floral, geometric, architectural, and/or vegetal motifs. May be gilded and/or painted or bear traces of paint or pigment. Includes elements with ivory and/or bone inlay or finishing. Approximate Date: 4500 B.C.E–1770 C.E.

(2) Statuary—Includes depictions of animals, vehicles or implements, humans and human activities, deity or religious figures or architectural elements (*e.g.,* Buddhist, Hindu, and Christian subjects), and mythological creatures. Designs may include geometric, floral, and/or vegetal decorative elements. Includes statuary that is made of ivory and bone or includes ivory and/or bone inlay or finishing. Some statuary may have ivory or bone or wooden bases. Also includes ivory model boats and barges. Approximate Date: 4500 B.C.E.–1770 C.E.

(3) Containers, Tools, Handles, and other Instruments—Includes, but is not limited to: arrowheads; awls; bowls; boxes; buckles; buttons; candleholders; caskets; combs; dagger or sword handles or hilts; embroidery tools; flasks; game dice and other game pieces; gunstocks; hooks; jewelry caskets; manuscript covers; mirrors and mirror handles; mouthpieces; musical instruments; needles; pegs; points; polishers; powder primer flasks; reliquaries; rods; rosewater or perfume sprinklers; rulers; spatulas; spindles; stoppers; styluses and writing implements; trays and platters utensils; and other personal objects made of ivory and bone or includes ivory and/or bone inlay or finishing. May be incised, gilded, and/or painted with decorative motifs, inlaid with other materials, carved in relief, carved in zoomorphic shapes, and/or inscribed in various languages and scripts. Approximate Date: 4500 B.C.E.–1770 C.E.

(4) Furniture and Furniture Elements—Includes objects made entirely from or that contain elements of bone or ivory. Furniture types include, but are not limited to: beds; boxes; brackets; cabinets; chairs; chests; couches; finials; footstools; handles; lamps and lampshades; tables; trunks, and other types of furniture. Furniture elements include, but are not limited to: arms; feet; inlays; legs and throne legs; and panels. Includes objects that have ivory and/or bone inlay or finishing. Approximate Date: 4500 B.C.E.–1770 C.E.

(5) Jewelry and Ornaments—Types include, but are not limited to: bangles; beads; buckles; chains; combs; hairpins; pendants; pins; rings, and other objects made of ivory and bone or include ivory and/or bone inlay or finishing. Includes inlay and works that are gilded, painted, or combined with other materials. Approximate Date: 4500 B.C.E.–1770 C.E.

(6) Stamps and Seals—Bone and ivory seals and stamps include button-shaped, cylindrical, architectural, square, among other shapes. May be engraved with animals, humans, deities, architectural, mythological, geometric, floral, and/or vegetal designs, symbols, and/or inscriptions in various languages and scripts. Approximate Date: 4500 B.C.E.–1770 C.E.

G. Glass

(1) Architectural Elements—Includes mosaics, panes, stained glass, and tiles with various colors and designs, including geometric, floral, mythological, scenic, and/or vegetal motifs on architectural surfaces or in windows. Includes secular and religious imagery. Includes glass inlay used in architectural elements. Glass may be mirrored or stained. Approximate Date: 1500 B.C.E.–1770 C.E.

(2) Beads and Jewelry—Includes beads in the form of animals, cylinders, cones, discs, spheres, and other shapes. Decorations may include bevels, incisions, and/or raised decoration. Glass beads may be used to adorn clothing, jewelry, ornaments, idols, or other figures. Includes glass inlay used in other types of beads, jewelry, and decorated items. Includes stamp seals or gems incised with decorative and/or figural designs. Includes beads with silver-plated caps, enamel, and other materials. Approximate Date: 4500 B.C.E.–1770 C.E.

(3) Vessels—Vessel types include, but are not limited to: conventional shapes such as beakers; bottles; bowls; cups; dishes; flasks; goblets; jars; mugs; perfume bottles; plates; and vases, and other forms such as cosmetic containers; lamps; medicine droppers; reliquaries; and others. Some vessels may be formed in molds, stamped, or using mosaic techniques. May be monochrome or polychrome. Approximate Date: 4500 B.C.E.–1770 C.E.

(4) Ornaments—Includes glass bangles, mirrors, and figurines. May have molded and/or inlaid decorations including, but not limited to, animals, humans, geometric, floral, and vegetal motifs. Approximate Date: 4500 B.C.E.–1770 C.E.

H. Paper, Leather, Birch Bark, and Palm-Leaf

(1) Books and Manuscripts—Includes scrolls, sheets, bound volumes and their bindings, playing cards and other small items, as well as fragments and portions. May be inscribed on materials such as, but not limited to: birch bark; handmade paper, cloth or fabric; palm-leaf; parchment; and vellum. May be gathered into bindings, albums, and folios composed of leather, wood, cloth, paper, and/or paste or pulp board. May use ink, paint, and/or metals (gold and silver). Bindings may be decorated with paint, lacquer, and/or inlay; may be gilded, engraved, tooled, impressed, inscribed, and/or stamped. May have monochrome, bichrome, polychrome, and/or gold handmade decorations, decoupage and stenciled motifs, illustrations, and/or hand-made illuminations, such as decorative borders, margins, frames, medallions, cartouches, frontispieces or headpieces, paintings, panels, or scientific, astronomical, artistic, or mathematical diagrams. Decorative elements include arabesque (intertwining), geometric, floral, mythological, and/or vegetal motifs. Base media may be tinted, marbleized, embellished, and/or flecked

with gold or paint. Illustrations and illuminations may depict animals, plants, human figures, hybrids, religious iconography, and portraiture; landscapes and architectural scenes; and/or scenes of human activities, such as court audiences and ceremonies, encounters, hunting, falconry, battles, travel, and historical, religious, mythological, or legendary events or scenes. Includes secular and religious texts. Texts may be written in various scripts, calligraphies, and languages. Scripts include, but are not limited to, Arabic, Bactrian, Brahmi, Devanagari, Gandhari, Gupta (or Gupta Brahmi or Late Brahmi), Gurmukhi, Kadamba, Kharoshti, Landa, Nagari (or Eastern Nagari or Bengali-Assamese), Odia, Pallava (or Pallava Grantha or Grantha), Persian, Sharada (also spelled Sarada), Siddham (or Siddhamatrka), Tamil, Tibetan, Vatteluttu (also spelled Vattezhuthu), as well as any dialectic sub-branches of script. Languages include, but are not limited to, Assamese, Bengali, Chakma, Dogri, Gujarati, Harappan, Hindi, Kannada, Kashmiri, Konkani, Maithili, Malayalam, Meithei/Manipuri, Marathi, Nepali, Newari/Nepal Bhasa, Odia, Pali, Prakrit, Punjabi, Sanskrit, Tamil, Telugu, and Urdu. Topics include, but are not limited to, astronomy, astrology, biography, botany, civic matters, court proceedings, edicts, genealogy, history, law and legislation, letters and other correspondence, literature, mathematics, medicine, memoir, musical or artistic works or treatises, natural and hard sciences, philosophy, poetry, records of any kind, religious scriptures and epics, theology, trade, and travel. Approximate Date: 1500 B.C.E.–1770 C.E.

(2) Items of Personal Adornment—Primarily in leather, including arm bands, bracelets, earrings, necklaces, and other types of jewelry; belts; headpieces; sandals; sheaths; shoes; vests; and other types of clothing. May be embroidered, stamped, or embellished with other materials. Leather goods may also be used in conjunction with other textiles. Approximate Date: 1500 B.C.E.–1770 C.E.

(3) Weapons and armor—Primarily in leather, including: armor; bow cases; quivers; saddles; sheaths; and ornaments for humans and cavalry animals, such as horses, camels, and elephants.

I. Textiles

Includes cotton, silk, flax, wool, linen, hemp, and other woven materials used in, but not limited to: artistic or theatrical costumes; basketry and other household goods; burial shrouds; carpets; clothing, shawls, hats, shoes, jewelry, and items of personal adornment; decorative hangings, covers, or carpets; sheaths; tent coverings, tent hangings, blankets, covers, and other domestic textiles; textiles specific to religious rituals or practice; textiles intended to decorate cattle; and others. Textile patterns may be undecorated, decorated, or may be woven into the body of the textile. Textiles may be dyed, stamped, painted, quilted, and/or embroidered, including embroidery with metal (gold and/or silver) threads or ribbons, mirrors, gems, or others. Decorative elements may include stylized or naturalistic animal, geometric, vegetal, floral, human, and/or mythological motifs as well as inscriptions in various languages and scripts. Approximate Date: 4500 B.C.E.–1770 C.E.

J. Wood, Shell, and Other Organic Material

(1) Architectural Elements—Wooden elements primarily in teak, walnut, blackwood, rosewood, sandalwood, mahogany, ebony, mango, jackfruit, and neem, but includes other types of wood. Category includes, but is not limited to: arches; balconies; balustrades; bases; beams; benches; brackets; columns; dentils; doors and door frames; eaves; finials; floors and floor boards; friezes; gables; gates; latches; lamps; lintels; jambs; mihrabs; minbars; ornamental freestanding archways or gateways; palisades; panels; partitions; posts; rafters; roofs and related elements; screens and lattices; shutters; stilts; swings; window frames and fittings; or pieces of architectural objects. Architectural elements may be plain, painted, carved, incised, inlaid, lacquered, and/or inscribed in various languages and scripts. May include relief carvings and/or inlay. Decorative elements may include depictions or motifs from secular as well as religious traditions, including animals, human figures, hybrids, mythological forms, vegetation, and stylized and/or geometric designs. Approximate Date: 1500 B.C.E.–1770 C.E.

(2) Non-Architectural Elements—Wooden elements primarily in sandalwood, walnut, rosewood, teak, blackwood, mahogany, but includes other types of wood. Category includes, but is not limited to: animal husbandry and agricultural objects such as ploughs, scythes, yokes, and others; bookstands; boxes; chests; coffins; figurines and statues; finials; furniture; jewelry and other items of personal adornment; lamps; musical instruments; stamps and seals with engraved designs and/or inscriptions in various languages and scripts; toys and game pieces; vessels and containers; weapons, such as arrows, bows, clubs, harpoons, hilts and sheaths, shields, spears; and others objects. May include relief carvings and/or inlay. Jewelry and ornaments made of shell, mother-of-pearl, pearl, resin, seeds, shells, tusks, and other organic material, may include, but are not limited to: anklets; arm bands; bangles; beads; bracelets; cones; earrings; headpieces and hair ornaments; inlays; necklaces; pendants; rings; studs; and other types. Vessels made of shell or set with mother-of-pearl panels may include, but are not limited to: bowls; ewers; ladles; libation vessels; plates; trays; utensils; and others. Decorative elements may include depictions or motifs from secular as well as religious traditions, including animals, human figures, hybrids, mythological forms, vegetation, and stylized and/or geometric designs. Non-architectural elements may be plain, painted, carved, incised, inlaid, lacquered, and/or inscribed in various languages and scripts. Approximate Date: 1500 B.C.E.–1770 C.E.

(3) Statuary and figurines—Can be of wood, ivory, shell, tusk, mother-of-pearl, pearl, and other organic materials. Examples may include stylized and/or naturalistic depictions of human, animal, hybrid, mythological, abstract, and/or vegetal motifs from secular as well as Hindu, Buddhist, Jain, Sikh, Christian, Jewish, and Zoroastrian religious traditions. Statuary may be polished, painted, inlaid, gilded, incised, and/or lacquered. Approximate Date: 1500 B.C.E.–1770 C.E.

K. Human Remains

Includes human remains, fragments of human remains, and fragments of hominin remains. Includes skeletal remains, soft tissue, and ash from the human body that may be preserved in burials, reliquaries, and other contexts. Approximate Date: 1.7 million years ago–1770 C.E.

II. Ethnological Material

Ethnological material in the Designated List includes civic, religious, and royal architectural materials, religious material and ceremonial items, and manuscripts ranging in date from 2nd century B.C.E. to 1947 C.E.

A. Architectural Materials

Architectural materials include non-industrial and/or handmade elements of civic, religious, and royal architecture, such as material from forts, mausoleums, and palaces. They may be made of stone, ceramic or terracotta,

plaster and stucco, glass, and/or wood, and painted media. Approximate Date: 2nd century B.C.E.–1924 C.E.

(1) Stone—Primarily in sandstone, limestone, marble, granite, basalt, slate, schist, quartzite, and khondalite, but includes other types of stone. Includes altars; arches; balustrades; benches; brackets; bricks and blocks from walls, ceilings, and floors; columns, including capitals and bases; corbels; cornices; dentils; disks, including *amalakas* and *chattras;* domes; door frames, portals, and jambs; false gables; finials and spires; fountains and fountainheads; friezes; gates and freestanding archways; lintels; merlons; mihrabs; minarets; mosaics; niches; panels; pavilions, including semi-open domed pavilions (*chatris/chhatris*); pilasters; pillars, including capitals and bases; plinths; portable shrines; railings; reliefs; ringstones; stupas; tiles; tombstones; vaults; window screens and lattices (*jalis*); and others. May be plain, carved in relief, incised, inlaid, or inscribed in various languages and scripts. May be painted, polished, and/or gilded. May include relief sculptures, mosaics, and inlays that were part of civic, religious, and/or royal architecture, such as friezes, panels, or figures in the round. Imagery may be civic or religious. Mosaic and architectural designs include depictions of animal, human, religious, floral, vegetal, geometric, mythological, and/or calligraphic motifs.

(2) Ceramic and Fired Clay—Includes terracotta (fired clay) arches; brackets; bricks; columns, including capitals and bases; niches; panels; pipes; reliefs; shrines; tiles; window screens and lattices (*jalis*), and others used as decorative elements in civic, religious, and royal architecture. Bricks may be cut or molded to form decorative patterns on building exteriors. Mosaic designs include animal, human, religious, calligraphic, and geometric, floral, and/or vegetal motifs. Panels and tiles may be painted, plastered, stuccoed, or have traces of paint or plaster. Tiles may be square, polygonal, or specifically shaped, and may be carved, incised, impressed, or molded with decorations in the form of animal, human, religious, geometric, arabesque (intertwining), floral, and/or vegetal motifs, and/or calligraphic writing in various scripts and languages, and/or then glazed. Glaze may be clear, monochrome, and/or polychrome.

(3) Plaster and Stucco—Includes ceiling decoration; columns; corbels; cornices; friezes; large- and small-scale figures of animals, humans, and deities; mihrabs; niches; ornaments; panels; plaques; reliefs; roundels; shrines; small-scale architectural elements; stupas; tracery; vaults; window screens; and other types. May be painted or bear traces of paint; glazed; gilded; inlaid with stones or other materials; and/or inscribed in various languages and scripts. Designs may include arabesque (intertwining), geometric, floral, and/or vegetal patterns. May have been made using molds.

(4) Paintings and Frescoes—Includes paintings, murals, frescoes on civic, religious, and royal building walls and ceilings, and fragments thereof. Frescoes with polychrome arabesque (intertwining), floral, vegetal, sculptural, geometric and/or calligraphic patterns and inscriptions are typical of the Historic Period through the Mughal Period. Jain and Hindu temples, Mughal palaces, and Sikh gurdwaras are sometimes adorned with frescoes depicting human and animal figures and scenes, as well as floral, vegetal, religious, and geometric motifs. Approximate Date: 2nd century B.C.E.–1947 C.E.

(5) Glass—Includes glass panes, stained glass, and pieces or tiles arranged in mosaic fashion to create geometric, floral, religious, and/or vegetal designs on architectural surfaces or in windows. Glass may be mirrored or stained. Includes glass inlay.

(6) Wood—Includes hand-carved altars; arches; balconies; balustrades; bases; beams; benches; brackets; columns, including capitals and bases; dentils; doors and door frames; eaves; friezes; gables; gates; latches; lamps; lintels; jambs; mihrabs; minbars; ornamental freestanding archways or gateways; palisades; panels; partitions; posts; roofs and related elements; screens and lattices; shrines; shutters; stupas; swings; window frames and fittings; or parts thereof, used as structural elements in and/or to decorate civic, religious, and royal architecture. These architectural elements may have been reused for new purposes, such as a wood panel used as a table, or a door jamb used as a bench. May be painted, carved, incised, inlaid, lacquered, and/or inscribed in various languages and scripts. Includes relief carvings and/or inlay.

B. Religious and Ceremonial Items

Includes non-industrial and/or handmade moveable objects typically associated with use in religious and ceremonial settings, such as temples, mosques, communal shrines, monasteries, synagogues, gurdwaras, churches, funerary areas and cemeteries. Includes, but is not limited to, objects from Hindu, Buddhist, Jain, Sikh, Christian, Jewish, and Zoroastrian religious traditions. Primarily in stone, metal, ceramic or clay, glass, wood, bone, ivory, textiles, leather, and other organic materials. Approximate Date: 7th century B.C.E.–1924 C.E.

(1) Furniture, Sculpture, and Ceremonial Objects—Includes non-architectural objects used in communal religious and ceremonial settings. Examples include decorated Quran stands in mosques; Jain altarpieces; sculpture from Hindu temple fragments or idols used in regular or special religious ceremonies. Primarily in stone (especially limestone, marble, sandstone, basalt, and others), metal (especially copper, bronze, and brass), wood, bone, and ivory. Types include, but are not limited to: altars; baldachins; basins; bells (freestanding and affixed); biers; bookstands; candelabras; canopies; chandeliers; funerary headstones and monuments; grills; lecterns; libation platforms; palanquins and processional chariots; mihrabs; minbars; pillars; plaques; portable shrines; screens; statues and idols; and stelae. May be polished, gilded, carved in relief, painted, incised, inlaid, or inscribed in various languages and scripts. Decorative elements may include floral, geometric, vegetal, and/or arabesque (intertwining) motifs, as well as animal, mythological, divine, architectural, and/or human figures in various poses.

(2) Vessels and Containers—Includes vessels and containers of particular significance used in communal religious and ceremonial settings in stone, metal (especially silver, iron, copper, bronze, steel, brass, and other alloys), ceramic, glass, wood, bone, ivory, leather, lacquer papier-mâché, and other materials. Types include, but are not limited to: boxes; bowls; caskets, urns, and coffins (and their contents); ceremonial trays or plates; ritual flasks and jars; incense burners and braziers; prayer lamps; reliquaries (and their contents); and scroll, book, or manuscript containers. May be polished, gilded, painted, incised, inlaid, covered in cloth or other materials, or inscribed in various languages and scripts. Decorative elements may include floral, geometric, vegetal, and/or arabesque (intertwining) motifs, as well as animal, mythological, divine, architectural, and/or human figures in various poses.

(3) Textiles—Includes textiles used for religious and ceremonial purposes, primarily in cotton, silk, flax, wool, linen, hemp, animal hair. Types include, but are not limited to: banners; covers for notable sacred texts; parasols; sacred garments for religious idols or icons; shrine covers; and shrouds and

casket covers. May be dyed, stamped, painted, quilted, and/or embroidered, including embroidery with metal (gold and/or silver) threads or ribbons, mirrors, gems, or others. Decorative elements may include floral, geometric, vegetal, and/or arabesque (intertwining) motifs, as well as animal, mythological, divine, architectural, and/or human figures in various poses. May be inscribed in various languages and scripts.

(4) Ornaments—Includes ornaments used in specific communal religious or ceremonial functions or settings. Primarily in metal, wood, ceramic, leather, bone, ivory, glass, and other organic material. Types include, but are not limited to: amulets; conches and antelope horns; crowns; daggers and blades; hair pieces and ornaments; headgear, headpieces, and assorted regalia; jewelry such as arm bands, necklaces, pendants, rings, earrings, bracelets, and bangles for decorating religious figures or icons; masks for ceremonial or ritual use; paintings and effigies; prayer beads. May be polished, gilded, carved, painted, incised, inlaid, or inscribed in various languages and scripts. Decorative elements may include floral, geometric, vegetal, and/or arabesque (intertwining) motifs, as well as animal, mythological, divine, architectural, and/or human figures in various poses.

(5) Musical Instruments—Includes musical instruments used in specific communal religious or ceremonial functions or settings. Primarily in wood, metal, leather, ceramic, bone, and other organic material. Types include, but are not limited to: brass; conches; gongs; harmoniums; percussive; strings; and winds. May be polished, gilded, carved, painted, incised, inlaid, or inscribed in various languages and scripts. Decorative elements may include floral, geometric, vegetal, and/or arabesque (intertwining) motifs, as well as animal, mythological, divine, architectural, and/or human figures in various poses.

(6) Modified Human Remains—Includes skeletal remains and soft tissue that may be combined with other material and/or non-human remains. Well known examples include Naga tribal trophy skulls, which consist of a composite of human skulls and animal horns or antlers bound together with leather, rope, or palm fibers and may include other decorative elements, such as feathers and snakeskin.

C. Manuscripts

Includes non-industrial and/or handmade, handwritten, hand-illustrated, and illuminated scrolls, sheets, and bound volumes important to the cultural heritage of a community, people, belief system, or literary or artistic tradition. Examples include original royal court or government documents, original folios or treatises or musical scores, including illustrations that may be unbound (not to be confused with miniature paintings), first editions of books, and sacred texts of particular historical significance. May be made from various media, such as paper, palm-leaf, parchment, vellum, birchbark, cotton, or cloth. May be bound in leather, hide, cloth, or wood. Texts may be written in various languages and scripts, such as Arabic, Assamese, Bengali, Chakma, Devanagari, Dogri, Gandhari, Gujarati, Hindi, Kannada, Kharoshti, Kashmiri, Konkani, Maithili, Malayalam, Meithei/Manipuri, Marathi, Nepali, Newari/Nepal Bhasa, Odia, Pali, Prakrit, Punjabi, Sanskrit, Sharada (also spelled Sarada), Tamil, Telugu, Tibetan, and Urdu. May include sacred texts from Hinduism, Islam, Jainism, Buddhism, Sikhism, Christianity, Judaism, and Zoroastrianism. Other topics include, but are not limited to, art, astrology, astronomy, ayurveda, botany, games, history, linguistics, literature, mathematics, medicine, music, poetry, religion, sciences, and/or theology. May be embellished or decorated with monochrome, bichrome, or polychrome handmade illustrations and/or illuminations. These may include arabesque (intertwining), geometric, floral, or vegetal motifs; images of animals, plants, deities, and humans, including portraiture; landscapes; and/or scenes of human activities, such as courtly gatherings and ceremonies, hunting, falconry, battles, and historical, mythological, or legendary events. Approximate Date: 7th century B.C.E.–1947 C.E.

Inapplicability of Notice and Delayed Effective Date

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

Executive Order 12866

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

Regulatory Flexibility Act

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

Signing Authority

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

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

List of Subjects in 19 CFR Part 12

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

Amendment to the CBP Regulations

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

PART 12—SPECIAL CLASSES OF MERCHANDISE

■ 1. The general authority citation for part 12 and the specific authority

citation for § 12.104g continue to read as follows:

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

* * * * *

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

* * * * *

■ 2. In § 12.104g, amend the table in paragraph (a) by adding, in alphabetical order, an entry for India to read as follows:

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

(a) * * *

State party	Cultural property	Decision No.
*	*	*
India	Archaeological material of India ranging in date from approximately 1.7 million years ago to 1770 C.E., and ethnological material of India ranging in date from approximately the 2nd century B.C.E. to 1947 C.E.	CBP 25–09
*	*	*

* * * * *

Robert F. Altneu,

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

[FR Doc. 2025–14114 Filed 7–25–25; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 16

Regulatory Hearing Before the Food and Drug Administration

CFR Correction

This rule is being published by the Office of the Federal Register to correct an editorial or technical error that appeared in the most recent annual revision of the Code of Federal Regulations.

■ In Title 21 of the Code of Federal Regulations, Parts 1 through 99, revised as of April 1, 2025, reinstate paragraph § 16.1(b)(1) to read as follows:

§ 16.1 Scope.

* * * * *

(b) * * *

(1) Statutory provisions:

Section 304(g) of the act relating to the administrative detention of devices and drugs (see §§ 800.55(g) and 1.980(g) of this chapter).

Section 304(h) of the act relating to the administrative detention of food for human or animal consumption (see part 1, subpart k of this chapter).

Section 419(c)(2)(D) of the Federal Food, Drug, and Cosmetic Act relating to the modification or revocation of a variance from the requirements of section 419 (see part 112, subpart P of this chapter).

Section 515(e)(1) of the act relating to the proposed withdrawal of approval of a device premarket approval application.

Section 515(e)(3) of the act relating to the temporary suspension of approval of a premarket approval application.

Section 515(f)(6) of the act relating to a proposed order revoking a device product development protocol or declaring a protocol not completed.

Section 515(f)(7) of the act relating to revocation of a notice of completion of a product development protocol.

Section 516(b) of the act regarding a proposed regulation to ban a medical device with a special effective date.

Section 518(b) of the act relating to a determination that a device is subject to a repair, replacement, or refund order or that a correction plan, or revised correction plan, submitted by a manufacturer, importer, or distributor is inadequate.

Section 518(e) of the act relating to a cease distribution and notification order or mandatory recall order concerning a medical device for human use.

Section 520(f)(2)(D) of the act relating to exemptions or variances from device current good manufacturing practice requirements (see § 820.1(d)).

Section 520(g)(4) and (g)(5) of the act relating to disapproval and withdrawal of approval of an application from an investigational device exemption (see §§ 812.19(c), 812.30(c), 813.30(d), and 813.35(c) of this chapter).

Section 903(a)(8)(B)(ii) of the Federal Food, Drug, and Cosmetic Act relating to the misbranding of tobacco products.

Section 906(e)(1)(B) of the Federal Food, Drug, and Cosmetic Act relating to the establishment of good manufacturing practice requirements for tobacco products.

Section 910(d)(1) of the Federal Food, Drug, and Cosmetic Act relating to the withdrawal of an order allowing a new tobacco product to be introduced or delivered for introduction into interstate commerce.

Section 911(j) of the Federal Food, Drug, and Cosmetic Act relating to the withdrawal of an order allowing a modified risk tobacco product to be introduced or delivered for introduction into interstate commerce.

* * * * *

[FR Doc. 2025–14203 Filed 7–25–25; 8:45 am]

BILLING CODE 0099–10–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 938

[SATS No. PA–173–FOR; Docket ID: OSM–2021–0005; S1D1S SS08011000 SX064A000 256S180110; S2D2S SS08011000 SX064A000 25XS501520]

Pennsylvania Regulatory Program

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

ACTION: Final rule; partial approval of amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are approving in part an amendment to the Pennsylvania regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). The amendment addresses regulations regarding water replacement provisions that were disapproved by us in 2005.

DATES: The effective date is August 27, 2025.

FOR FURTHER INFORMATION CONTACT: Thomas J. Koptchak, Field Office Director, Pittsburgh Field Office, Office of Surface Mining Reclamation and Enforcement, 3 Parkway Center, Pittsburgh, PA 15220; Telephone: (202) 513–7685; Email: *tkoptchak@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the Pennsylvania Program
II. Submission of the Amendment
III. OSMRE's Findings
IV. Summary and Disposition of Comments
V. OSMRE's Decision
VI. Statutory and Executive Order Reviews

I. Background on the Pennsylvania Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its approved State program includes, among other things, State laws and regulations that govern surface coal mining and reclamation operations in accordance with the Act and consistent with the Federal regulations. *See* 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Pennsylvania program on July 30, 1982. You can find background information on the Pennsylvania program, including the Secretary's findings, the disposition of comments, and conditions of approval of the Pennsylvania program in the **Federal Register** on July 30, 1982 (47 FR 33050). You can also find later actions concerning the Pennsylvania program and program amendments at 30 CFR 938.11, 938.12, 938.13, 938.15 and 938.16.

II. Submission of the Amendment

By letter dated August 5, 2021 (Administrative Record No. PA 907.00), Pennsylvania sent us an amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*). The proposed amendment addresses several items, previously not approved, relating to inconsistencies between Pennsylvania's Surface Coal Mining Program and Federal regulatory requirements relating to water supply replacement as specified at 30 CFR 938.12(c). This submission also proposes to address, among other issues, five provisions previously submitted by Pennsylvania pertaining to water replacement which were not approved by final rule on May 13, 2005 (70 FR 25472). In its August 5, 2021 amendment submission letter, Pennsylvania states that 25 Pa. Code Sections 87.119 and 88.107 required extensive reorganization for clarity. Pennsylvania has reserved these sections and adopted new sections at 25 Pa. Code 87.119a and 25 Pa. Code 88.107a. With this submission, Pennsylvania intends to create water replacement requirements that are consistent with SMCRA and the Federal regulations.

We announced receipt of the proposed amendment in the **Federal Register** on May 23, 2023 (88 FR 33021). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the adequacy of the amendment. No hearing or meeting was requested and, therefore, neither was held. The public comment period ended June 22, 2023. We received no comments.

III. OSMRE's Findings

The following are the findings we made concerning the amendment under SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17. Any revisions that we do not specifically discuss below concern non-substantive wording or editorial changes. We are approving the amendment, in part, and not approving it in part, as described below.

As an initial matter, in its August 5, 2021, submission (Administrative Record No. PA 907.00), Pennsylvania explained that its proposed changes to 25 Pa. Code sections 87.119 and 88.107 required extensive reorganization, and these sections were replaced by the new Sections 87.119a and 88.107a. The text of 25 Pa. Code 87.119a is structurally and substantively identical to that of 25 Pa. Code 88.107a. Accordingly, our findings regarding any specific subsection or provision of 25 Pa. Code 87.119a also apply to its twin at 25 Pa. Code 88.107a.

1. 25 Pa. Code Sections 87.1 and 88.1—Definitions

Pennsylvania has proposed to amend 25 Pa. Code Sections 87.1 and 88.1 to provide definitions for ''operation and maintenance costs'' and ''water supply owner,'' as well as to amend the term ''water supply'' as follows. The term ''operation and maintenance costs'' is defined as ''all costs incurred by the water supply owner or water supply user associated with utilizing that supply for the purposes served. Examples of these costs include electricity, chemicals, treatment system maintenance, public water fees and equipment replacement costs.'' The definition provided for ''water supply owner'' is a ''landowner or water supply company.'' The proposed amendment to the definition for ''water supply'' is, ''for the purpose of Sections 87.47 and 87.119a (relating to alternative water supply information; and hydrologic balance: water rights and replacement), an existing, designated, or currently planned source of water, facility, or system for the supply of water for human consumption or for agricultural, commercial, industrial or other uses. Natural soil moisture utilized by vegetation or crops is not a water supply.'' The changes to this definition are the addition of the last sentence regarding soil moisture, the revision of the reference to section 87.119 to reflect its replacement at 87.119a, and the addition of a parenthetical description of the contents of section 87.119a.

25 Pa. Code Sections 87.1, 88.1, and 89.5 previously defined the term ''de minimis cost increase'' as a cost increase either less than 15% of the annual operating and maintenance costs of the previous water supply that is restored or replaced, or a cost that is less than $60 per year. We previously did not approve of this term or its use in conjunction with replacement water supplies to the extent it could allow any additional cost above the premining cost to be passed to the water supply user or owner. *See* 70 FR 25472, 25482–83 (May 13, 2005); 66 FR 67010, 67029 (December 27, 2001). The definition for ''de minimis cost increase'' has since been deleted from 25 Pa. Code Sections 87.1, 88.1, and 89.5.

OSMRE Finding: The definitions of ''operation and maintenance costs,'' ''water supply,'' and ''water supply owner'' are not defined terms in SMCRA or the Federal regulations at 30 CFR part 700. We find these proposed definitions are not inconsistent with the use of those terms used with section 4.2(f) of PASMCRA (52 P.S. 1396.4b(f)).

When we previously considered the water supply replacement requirements for 25 Pa. Code Chapter 89 relating to water supplies affected by underground mining activities, we determined that the definition of ''de minimis cost increase'' was not as effective as that which appears in the Federal regulation at 30 CFR 701.5 (definition of the term, ''replacement of water supply''). 70 FR 25472, 25482–83 (May 13, 2005); 66 FR 67010, 67029 (December 27, 2001). We found the intent of the Federal regulation was to ensure that the owner or user of the water supply was made whole and that no additional costs were passed on to the water supply owner or user. Accordingly, we previously did not approve the definition of ''de minimis cost increase'' as it appeared at 25 Pa. Code 87.1 and 88.1. 70 FR 25472, 25482 (May 13, 2005); 30 CFR 938.12(c)(4). Pennsylvania has now proposed to delete the ''de minimis cost increase'' provisions from 25 Pa. Code 87.1 and 88.1, and to not insert any such term as part of the criteria at 25 Pa. Code 87.119a(f) and 88.107a(f) (which were included with their predecessor sections at 25 Pa. Code 87.119(a)(1)(v) and 88.107(a)(1)(v)). These deletions resolve

our prior disapproval and cause the Pennsylvania program to comply with SMCRA and the Federal regulations at 30 CFR 701.5.

The definitions and deletions proposed above are consistent with SMCRA and no less stringent than the Federal regulations, and we approve these changes. Because the deletion of the term ''de minimis cost increase'' at 25 Pa. Code 87.1 and 88.1 resolves our prior non-approval codified at 30 CFR 938.12(c)(4), that provision can be removed and reserved.

2. 25 Pa. Code Sections 87.47 and 88.27—Alternative Water Supply Information

Pennsylvania has proposed revisions to 25 Pa. Code sections 87.47 and 88.27. These sections state that a permit application ''shall identify the extent to which the proposed . . . mining activities may result in contamination, diminution or interruption of an underground or surface source of water within the proposed permit or adjacent area for domestic, agricultural, industrial or other legitimate use.'' Pennsylvania has proposed to replace the phrase ''an underground or surface source of water'' with simply ''any water supply,'' and to strike the phrase ''for domestic, agricultural, industrial or other legitimate use.'' In both sections, Pennsylvania has proposed to add that the description shall include cost calculations for restoration or replacement of the affected water supply, and that PADEP will notify the owner of any potentially affected supply. At 25 Pa. Code 87.47, Pennsylvania has also proposed to change the reference to 25 Pa. Code 87.119 to its renumbered location at section 87.119a.

OSMRE Finding: We find that the foregoing changes require the permit applicant to provide a more detailed description of alternative water supply information than required by the Federal regulations at 30 CFR 780.21(e). We find that the definition for ''water supply'' at 25 Pa. Code Sections 87.1 and 88.1, which includes ''an existing, designated, or currently planned source of water'' is broader than the sources that must be described at 30 CFR 780.21(e). Furthermore, the proposed changes require the applicant to provide cost calculations for restoration or replacement of the affected water supply, which is also more than is required at 30 CFR 780.21(e). Accordingly, we find that requirements detailed in 25 Pa. Code sections 87.47 and 88.27 are consistent with SMCRA Section 507 (30 U.S.C. 1257) and no less stringent that the alternative water source information required by the Federal regulations at 30 CFR 780.21(e). Therefore, we approve the changes.

3. 25 Pa. Code Sections 87.119a(f) and 88.107a(f)—Adequacy of Permanently Restored or Replaced Water Supply

Pennsylvania has proposed regulations at 25 Pa. Code Sections 87.119a(f) and 88.107a(f) to provide the criteria used by PADEP to deem a permanently restored or replaced water supply as ''adequate.'' This list of adequacy criteria is an expanded version of the criteria for water supply adequacy that formerly appeared at 25 Pa. Code Sections 87.119(a)(1) and 88.107(a)(1). 25 Pa. Code Sections 87.119a(f) and 88.107a(f) provide that a permanently restored or replaced water supply shall include any well, spring, municipal water supply system or other supply approved by PADEP which meets certain criteria. The proposed regulations provide four numbered subsections containing the criteria for adequacy: ''reliability, maintenance, and control,'' ''quality,'' ''quantity,'' and ''water source serviceability.''

The prior version of these ''adequacy'' criteria at 25 Pa. Code Sections 87.119(a)(1) and 88.107(a)(1) provided that a replacement water supply could not result in more than a ''de minimis'' cost increase to the owner or user to operate and maintain. As noted in Finding 1 above, the proposed regulations at 25 Pa. Code Sections 87.119a(f) and 88.107a(f) have deleted any such requirement.

The proposed regulations at subsection (f)(1), relating to reliability, maintenance and control, provide: ''as documented in the premining water supply survey, a restored or replaced water supply, at a minimum, shall: (i) be as reliable as the previous water supply; (ii) be as permanent as the previous water supply; (iii) not require excessive maintenance; (iv) provide the water supply owner and the water supply user with as much control and accessibility as exercised over the previous water supply; and, (v) not result in increased cost of operation and maintenance for the water supply owner or water supply user, unless the operator or mine owner has provided for payment of the increased cost as described under subsection (g).

Subsection (f)(2) provides the criteria for a replacement water supply to be deemed ''adequate'' in quality by PADEP. Subsection (f)(2)(i) provides that water quality is adequate for a domestic supply if the restored or replaced water supply meets the PSDWA standards, or a quality comparable to the premining water supply if that water supply did not meet these standards. This subsection further provides that PADEP may require that the quality of the restored or replaced water supply be equivalent to the premining supply in particular circumstances where the water supply owner or water supply user has demonstrated that this standard is necessary for the purposes served by the current supply. Subsection (f)(2)(ii) provides that water quality is adequate for non-domestic supplies if it meets the premining quality established by the water supply survey data or an adequate quality of water needed for the purposes served by and the reasonably foreseeable uses of the supply.''

Subsection (f)(3) states that for purposes of this paragraph, the term ''reasonably foreseeable uses'' includes the reasonable expansion of use where the premining quantity of the water supply was adequate to supply the foreseeable uses. Subsection (f)(3) then provides that either the following subsections (f)(3)(i) or (f)(3)(ii) must be satisfied for a water supply's quantity to be deemed ''adequate.'' Subsection (f)(3)(i) would deem a water supply adequate in quantity if it delivers the amount of water necessary to satisfy the purposes served by the supply as documented in the water supply survey, including the demands of any reasonably foreseeable uses. This subsection also provides that PADEP will not accept the use of water storage systems in conjunction with the replaced or restored supply to meet quantity requirements, unless the operator or mine owner can demonstrate the existence of no reasonable alternative. Subsection (f)(3)(ii) would deem a water supply adequate in quantity if it is established through a connection to a public water supply system that is capable of delivering the amount of water necessary to satisfy the water supply owner's or water supply user's needs and the demands of any reasonably foreseeable uses.

The provisions at subsections (f)(4), relating to water source serviceability, require that replacement of a water supply shall include the installation of all piping, pumping equipment. and treatment equipment necessary to put the replaced water source into service.

OSMRE Finding: The previous iterations of these water supply criteria were located at 25 Pa. Code Sections 87.119(a) and 88.107(a), which we did not approve because they were less stringent than the Federal regulations for the following reasons: at subsection (a), to the extent it allowed the replaced water supply to be of a lesser quantity and quality than the premining water

supply; at subsection (a), to the extent it did not provide for temporary replacement of water supplies; at subsection (a)(1)(v), to the extent it would pass on ''de minimis'' operating and maintenance costs of a replacement water supply in excess of the operating and maintenance costs of the premining water supply to the landowner or water supply user; at subsection (a)(2), to the extent it did not require an operator to provide for all increased operating and maintenance costs of a restored or replaced water supply; and, at subsection (a)(3), to the extent it would allow a waiver from the requirements for replacing a water supply outside the requirements of 30 CFR 701.5 regarding the definition of the term ''replacement of water supply.'' 30 CFR 938.12(c)(5); 70 FR 25472, 25483 (May 13, 2005).

Pennsylvania's proposed regulations address two of the reasons we did not approve 87.119(a) and 88.107(a). The predecessor of the ''adequacy'' criteria, now located at subsection (f)(1), provided that a replacement water supply could not result in more than a de minimis cost increase to the owner or user to operate and maintain. For the reasons described at Finding 1 above, we did not approve of the use of ''de minimis cost increase'' as it appeared at 25 Pa. Code 87.119(a)(1)(v) and 88.107(a)(1)(v). The deletion of the ''de minimis cost increase'' provisions from 25 Pa. Code 87.119a(f) and 88.107a(f) resolves one of the five reasons we did not approve 25 Pa. Code 87.119 and 88.107, as codified at 30 CFR 938.12(c)(5). Another reason we did not approve of these sections was that they did not require the provision of a temporary water supply, which has also been remedied as described at Finding 6 below.

We also did not approve 25 Pa. Code 87.119(a) and 88.107(a) to the extent that each would allow the replaced water supply to be of lesser quantity and quality than the premining water supply. The Federal definition of the term ''replacement of water supply'' at 30 CFR 701.5 states: ''replacement of water supply means, with respect to protected water supplies contaminated, diminished, or interrupted by coal mining operations, provision of water supply on both a temporary and permanent basis equivalent to premining quantity and quality.'' Because the prior regulations at subsection (a) allowed replacement of a water supply that was ''adequate'' in water quantity and quality rather than ''equivalent'' to the premining quantity and quality, we found them less stringent than the Federal regulations and did not approve them. 30 CFR 938.12(c)(5); 70 FR 25472, 25483 (May 13, 2005).

The proposed regulations in subsection (f)(1) provides acceptable qualitative criteria for a water supply that is based on that of the premining water supply, and the restored or replaced water supply is disallowed from requiring the water supply owner or user to pay increased cost or operation and maintenance. Subsection (f)(4) also requires that replacement of a water supply shall include the installation of all piping, pumping equipment and treatment equipment necessary to put the replaced water source into service. We find that subsections (f)(1) and (f)(4) comply with 30 CFR 701.5, since they provide for an equivalent water delivery system that does not result in increased operating or maintenance costs to the water supply user or owner.

As described above, the Federal regulations require that a replacement water supply must provide an equivalent quantity and quality of water to that of the premining supply. While Pennsylvania's proposed regulations at 25 Pa. Code Sections 87.119a(f) and 88.107a(f) provide more detailed qualitative criteria for a replacement water supply than the former criteria at 25 Pa. Code 87.119(a) and 88.107(a), the proposed regulations nonetheless continue to allow the replacement water supply to be of ''adequate'' quantity and quality. Pennsylvania's proposed regulations at subsection (f)(2) would set the floor for water quality at the level required by the Pennsylvania Safe Drinking Water Act (PSDWA) (35 P.S. 721.1–721.17). In a situation where the premining quality of the water supply was higher than required by PSDWA, subsection (f)(2) could nonetheless authorize the provision of a water supply of lower quality than the premining water supply. Proposed subsection (f)(2)(i) makes this clear by adding in its final sentence that PADEP ''may require that the quality of the restored or replaced water supply be equivalent to the premining supply in particular circumstances where the water supply owner or water supply user has demonstrated that this standard is necessary for the purposes served by the current supply.'' Similarly, if the water supply owner or user's premining water supply provided a greater quantity of water than necessary for their needs, the Federal standard would require that same abundance to be restored while Pennsylvania's proposed regulations at (f)(3) would not.

Accordingly, we do not approve the proposed regulations at 25 Pa. Code Sections 87.119a(f) and 88.107a(f) to the extent they could permit a replaced water supply to provide lesser quantity and quality of water than ''equivalent'' to that of the premining water supply as required by the Federal regulations. Otherwise, we approve the proposed regulations.

4. 25 Pa. Code Sections 87.119a(a) and 88.107a(a)—Water Supply Surveys

Pennsylvania has proposed revisions to 25 Pa. Code sections 87.119a(a) and 88.107a(a) which provide similar criteria to the definition of ''water supply survey'' that previously appeared at 25 Pa. Code sections 87.1 and 88.1.

The proposed sections at 25 Pa. Code 87.119a(a) and 88.107a(a) require an operator or mine owner who, because of mining activities, may affect a water supply to any demonstrable extent by contamination, pollution, diminution, or interruption, must conduct a survey of all water supplies within the permit area and adjacent areas that may be affected, except when the water supply owner denies the operator or mine owner access for the survey. To the extent that it can be collected without excessive inconvenience to the water supply owner or water supply user, the information gathered must include: the location and type of water supply; its existing and reasonably foreseeable uses; historic and recent quantity measurements and other hydrogeologic data such as the static water level and yield determination; the physical description of the water supply, including the depth and diameter of the well, length of casing, and description of the treatment and distribution systems; sufficient sampling and other measurements to document the seasonal variation in hydrologic conditions of the water supply; and, a broad list of chemical and physical water characteristics specified in the proposed regulation.

The operator or mine owner conducting the survey must use a certified laboratory to analyze the samples. In addition, a copy of the results must be provided to PADEP, the water supply owner, and the water supply user. A water supply survey must be conducted prior to the time a water supply is susceptible to mining-related effects, and the proposed regulations would require that a copy of the survey is part of the permit application submitted to PADEP. If a mine owner or operator was denied the access to the site by the water supply owner for the purpose of conducting the survey, the operator must provide evidence to PADEP proving that the water supply owner was notified by

certified mail or personal service, that the operator attempted to conduct a survey, and that the water supply owner failed to authorize access prior to the commencement of mining activity.

OSMRE Finding: We previously approved of the prior definition ''water supply survey'' as it appeared at 25 Pa. Code sections 87.1 and 88.1 because the term is undefined in SMCRA and the Federal regulations, the term is only used in conjunction with an operator's ability to rebut the presumption of liability of pollution, and the term's use does not relieve operators of liability for replacement or restoration of water supplies that were impacted by their mining operations. *See* 70 FR 25472, 25482 (May 13, 2005). For the same reasons, we find that the addition of the water supply survey provisions detailed in 25 Pa. Code Sections 87.119a(a) and 88.107a(a) are consistent with SMCRA and no less stringent than the Federal regulations. Therefore, we approve the changes.

5. 25 Pa. Code Sections 87.119a(b) and 88.107a(b)—Water Supply Replacement Obligations

Pennsylvania has proposed regulations at 25 Pa. Code 87.119a(b) and 88.107a(b), relating to water supply replacement obligations. The proposed regulations at 25 Pa. Code 87.119a(b)(1) and 87.107a(b)(1) provide that ''the operator of any mine or a person engaged in government-financed reclamation who affects a water supply by contamination, pollution, diminution or interruption shall restore or replace the affected water supply with an alternate source, adequate in water quantity and water quality, for the purpose served by the water supply.'' The proposed regulations at 25 Pa. Code 87.119a(b)(2) and 88.107a(b)(2) provide that ''for any water supply that will, with a reasonable degree of certainty established by supporting evidence, be affected by contamination, pollution, diminution or interruption by the proposed mining, the operator or mine owner shall provide a replacement supply prior to commencing the activity.''

OSMRE Finding: As discussed at Finding 3 above, the proposed regulations at subsection (b) only require that a water supply replacement be ''adequate'' considering its purpose, which we found less stringent than the Federal regulations as discussed at Finding 3 above. Accordingly, the proposed regulations at 25 Pa. Code Sections 87.119a(b) and 88.107a(b) remain less stringent than required by the Federal regulations because they do not require the replacement water supply to be of ''equivalent to premining'' quantity and quality. 30 CFR 938.12(c)(5); 70 FR 25472, 25483 (May 13, 2005). Accordingly, we are not approving the proposed regulations at 25 Pa. Code 87.119a(b) and 88.107a(b) to the extent they would allow the replaced water supply to be of a lesser quantity and quality than the premining water supply. Otherwise, they are approved.

6. 25 Pa. Code Sections 87.119a(c) and 88.107a(c)—Temporary Water Supplies

Pennsylvania has proposed regulations at 25 Pa. Code 87.119a(c) and 87.107a(c), requiring that, if the affected water supply owner or water supply user whose supply is in the area of presumption as defined in subsection (j)(1) is without a readily available alternate source of water, the operator or mine owner shall provide a temporary water supply within 24 hours of being contacted by the water supply owner, water supply user or PADEP, whichever occurs first. The proposed regulation provides that the temporary water supply shall meet the quality requirements of subsection (f)(2) and provide sufficient quantity to meet the water supply owner or water supply user's premining needs, and that the requirement for a temporary water supply may be subject to a preliminary determination by PADEP.

OSMRE Finding: The Federal definition of the term ''replacement of water supply'' requires that an operator must restore or replace an affected water supply, on both a temporary and permanent basis, with one that is equivalent to premining quantity and quality. 30 CFR 701.5. We did not approve the prior versions of Pennsylvania's water supply replacement obligations provisions to the extent that they did not require an operator to provide a temporary water supply in addition to a permanent water supply as required by the Federal regulations at 30 CFR 701.5. 70 FR 25472, 25483 (May 13, 2005). Pennsylvania's proposal to add a regulation requiring the provision of a temporary water supply resolves this issue, which addresses one of the reasons we did not approve 25 Pa. Code 87.119 and 88.107, as codified at 30 CFR 938.12(c)(5).

However, Pennsylvania's proposed regulations only require that the temporary water supply meet the quality requirements of subsection (f)(2) and provide ''sufficient'' quantity to meet the water supply owner or water supply user's premining needs. As discussed at Finding 3 above, the criteria at proposed subsection (f), fall below the Federal requirement that the replacement water supply be equivalent in quantity and quality to the premining supply. We similarly find that a ''sufficient'' quantity of water is less stringent than the Federal requirement for an ''equivalent'' quantity of water.

Because 25 Pa. Code 87.119a(c) and 88.107a(c) are less stringent than the Federal regulations at 30 CFR 701.5, we are not approving them to the extent they would allow the temporary water supply to be of a lesser quantity and quality than the premining water supply. Otherwise, they are approved.

7. 25 Pa. Code Sections 87.119a(d) and 88.107a(d)—Immediate Replacement of Water Supply by the Department

Pennsylvania's proposed regulations at 25 Pa. Code Sections 87.119a(d)(1) and 88.107a(d)(1) provide that, if PADEP finds that immediate replacement of an affected water supply used for potable or domestic purposes is required to protect public health or safety, and the operator or mine owner has failed to comply with an order issued under section 4.2(f) of PASMCRA (52 P.S. 1396.4b(f)) (relating to the mine owner liability to restore or replace an affected water supply), PADEP may use moneys from the Surface Mining Conservation and Reclamation Fund to restore or replace the affected water supply. Subsections (d)(2) and (d)(2) would provide that PADEP will recover the costs of such restoration or replacement, the costs of temporary water supply, and costs incurred for design and construction of facilities from the responsible operator or mine owner. Such costs recovered will be deposited in the Surface Mining Conservation and Reclamation Fund.

OSMRE Finding: The foregoing proposed provisions at subsections 87.119a(d)(1) and 88.107a(d)(1) substantively match those that previously appeared at 25 Pa. Code Sections 87.119(e) and 88.107(e), while proposed sections 87.119a(d)(2) and 88.107a(d)(2) substantively match those that previously appeared at 87.119(f) and 88.107(f). We approved of former sections 87.119(e) and 88.107(e) for the same reason that we approved Section 4.2(f)(3) of PASMCRA, finding that while there is no provision in the Federal program expressly allowing an agency to fund the restoration/replacement of temporary water supplies, it is not inconsistent with SMCRA and the Federal regulations because it holds the operator responsible for replacing water supplies affected by coal mining operations through a cost recovery action. *See* 70 FR 25472, 25475–84 (May 13, 2005). We

approved of former sections 87.119(f) and 88.107(f) because, under SMCRA, an operator remains responsible for replacing a water supply that was affected by the mining operations, and former subsection (f) provided another means to achieve that purpose. *See* 70 FR 25472, 25484 (May 13, 2005). We also found that there was no similar provision in the Federal regulations, and that these were not inconsistent with the requirements of SMCRA or the Federal regulations. Because the proposed regulations at 25 Pa. Code Sections 87.119a(d) and 88.107a(d) substantively match those we previously approved, the same analyses apply. Accordingly, we approve the provisions proposed at 25 Pa. Code Sections 87.119a(d) and 88.107a(d).

8. 25 Pa. Code Sections 87.119a(e) and 88.107a(e)—Reimbursement

Pennsylvania has proposed provisions at 25 Pa. Code Sections 87.119a(e) and 88.107a(e) which would require that if a water supply is restored or replaced by the water supply owner or user prior to establishing that mining activity is responsible for the pollution or diminution, a responsible operator or mine owner must reimburse the water supply owner or user for the cost of replacing or restoring a water supply, including payment of increased operation and maintenance costs. This subsection further provides that if the operator or mine owner disputes the cost as presented by the water supply owner or user, the operator or mine owner may present to PADEP comparable estimates meeting the requirements of subsection (b)(1) from three water supply installers in the area. PADEP will determine the fair cost of reimbursement based upon these estimates and any other applicable information. Without affecting a water supply owner's or user's other rights consistent with subsection (l), an affected water supply owner or user may make a reimbursement claim to PADEP against an operator or mine owner only until final release of the reclamation bond for the site.

OSMRE Finding: The first sentence of the proposed provision would allow the owner or user of a water supply negatively affected by mining to be made completely whole for the cost incurred if they choose to replace the water supply before proving such to PADEP. This portion of subsection (e) also does not relieve the mine owner or operator from their responsibility to provide the water supply replacement and pay all operating and maintenance costs of such. However, the following two sentences of the proposed regulation provide that an operator that disputes the cost presented by the water supply owner or user may present to PADEP comparable estimates for three water supply installers in the area that meet the requirements of subsection (b)(1), and that PADEP will determine the fair cost of reimbursement based on such estimates. The requirements of subsection (b)(1) incorporate the ''adequate in water quantity and quality'' standard we did not approve as described in Findings 3 and 5 above. Pennsylvania's proposed requirements use the standard of an ''adequate'' or ''sufficient'' supply, which falls below the Federal requirement that the replacement water supply be equivalent in quantity and quality to the premining supply. The final sentence, of subsection (e), only allowing the affected water supply user to seek reimbursement from the mine company or operator until final bond release, has no Federal equivalent but is not inconsistent with SMCRA or the Federal regulations.

Accordingly, we do not approve of the proposed regulations at 25 Pa. Code Sections 87.119a(e) and 88.107a(e) to the extent that they would set the amount of reimbursement based on estimates of an ''adequate'' water supply rather than one of equivalent quantity and quality to the premining supply as required by the Federal regulations. Otherwise, it is approved.

9. 25 Pa. Code Sections 87.119a(g) and 88.107a(g)—Increased Operation and Maintenance Costs

Pennsylvania has proposed revisions to 25 Pa. Code Sections 87.119a(g) and 88.107a(g) relating to procedures that an operator or mine owner must follow if the operation and maintenance costs of the restored or replaced water supply are more than those of the previous supply. These subsections require that the operator or mine owner shall provide for the permanent payment of the increased operation and maintenance costs of the restored or replaced water supply in accordance with a procedure described in four subsequent subsections, each with their own criteria.

Subsection (g)(1) requires PADEP to determine the amount of the annual increase in operation and maintenance costs of the restored or replaced water supply based on the current actual uses of the water supply, based on information about those costs submitted by the mine owner or operator, in consultation with the water supply owner or user. Within 30 days after the end of the data collection period, the operator or mine owner must submit to PADEP, and to the water supply owner by certified mail, the operator's or mine owner's calculation of the annual increased operation and maintenance costs, as well as a plan for payment of these costs. The water supply owner may respond to the proposed calculation of costs within 30 days from receipt of the certified mail. PADEP is required to review the operator's or mine owner's information, the water supply owner's information, and any other information PADEP deems relevant, then determine the amount of annual increase in operation and maintenance costs.

Subsection (g)(2) requires that within 60 days of PADEP's determination of the annual increased cost, the operator shall post a surety or collateral bond separate from the designated reclamation bond, on a form prepared by PADEP, in an amount calculated in accordance with a formula provided at subsection (g)(3). Pursuant to subsection (g)(2)(ii), this bond amount will be reviewed and adjusted as necessary and in accordance with 25 Pa. Code 86.152 (relating to bond adjustments) at an interval no less than every five years in conjunction with the permit renewal. Pursuant to subsection (g)(2)(iii), a replacement bond must be posted by any successor operator of the associated permit. Subsection (g)(2)(iv) provides that if a water supply operation and maintenance costs bond is forfeited, money received from the forfeiture of the bond can be used only for the water supply for which PADEP forfeited the bond unless this supply has since been abandoned. The money will be paid by PADEP to the current water supply owner as a settlement of the water supply owner's claim for increased operation and maintenance costs for the water supply for which the bond was forfeited. If a permittee has posted a bond for multiple water supplies, the moneys will be paid to the water supply owners on a prorated basis, based on the respective operation and maintenance costs.

Subsection (g)(3) provides a formula to calculate the amount of the bond, which includes variables to account for annual increased operation and maintenance costs as well as inflation.

Subsection (g)(4), relating to release of the obligation, provides that a voluntary agreement between the water supply owner and the operator or mine owner may be executed at any time. This agreement shall include a notarized statement signed by the water supply owner that documents the settlement of increased operation and maintenance costs to the satisfaction of all parties. Upon receipt of the fully executed and

recorded release, PADEP will consider the operator's or mine owner's obligation to pay increased operation and maintenance costs for the water supply to be satisfied and any bonds posted for this supply can be released.

OSMRE Finding: The Federal regulations at 30 CFR 701.5 state that replacement of a water supply includes provision of an equivalent water delivery system and payment of operation and maintenance costs in excess of customary and reasonable delivery costs for premining water supplies. However, 30 CFR 701.5 continues that, upon agreement by the permittee and the water supply owner, the obligation to pay such operation and maintenance costs may be satisfied by a one-time payment in an amount which covers the present worth of the increased annual operation and maintenance costs for a period agreed to by the permittee and the water supply owner.

The proposed Subsections 87.119a(g) and 88.107a(g) satisfy the requirements at the Federal regulations that waiver of the water supply replacement obligation as to the portion of increased operation and maintenance costs. As with the Federal regulation, a written waiver is required, and the requirement of a one-time payment will be satisfied, at the very least, in the form of the bond forfeiture and settlement remitted to the water supply owner or user pursuant to subsection (g)(2)(iv). Because the proposed Subsections 87.119a(g) and 88.107a(g) comply with the provisions relating to voluntary waiver of the obligation to provide increased operation and maintenance costs at 30 CFR 701.5, we are approving them.

10. 25 Pa. Code Sections 87.119a(h) and 88.107a(h)—Special Provisions for Operation and Maintenance Costs

Proposed subsections 87.119a(h)(1) and 88.107a(h)(1) would provide that if ownership of the affected water supply changes, the operator or mine owner must continue to pay the increased operation and maintenance costs unless a release outlined in subsection (g)(4) is executed. Subsections 87.119a(h)(2) and 88.107a(h)(2) provide that an operator who incurs the obligation to pay for increased operation and maintenance costs for multiple water supplies may post one bond that covers the increased operation and maintenance costs for multiple water supplies. The procedures for calculating this bond amount shall be consistent with a single supply bond value as described in subsection (g)(3) but the bond amount must be sufficient to provide for the payment for each water supply in the event that the operator defaults on the legal obligation of permanent payment.

OSMRE Finding: We have determined that there are is no direct Federal counterpart to 25 Pa. Code sections 87.119a(h) and 88.107a(h). Subsections 87.119a(h)(1) and 88.107a(h)(1) continue to require an operator to pay increased operation and maintenance costs until release, per subsection (g) which we approved above. Nothing at subsection (h)(2) substantively changes the requirement that the operator or mine owner must pay for the increased operation and maintenance costs until release, as required by 30 CFR 701.5. We find that proposed regulations at subsection (h) are consistent with SMCRA and no less stringent than the Federal regulations. Therefore, we are approving them.

11. 25 Pa. Code Sections 87.119a(i) and 88.107a(i)—Waivers

Pennsylvania has proposed regulations at 25 Pa. Code 87.119a(i) (formerly 25 Pa. Code 87.119(a)(3)) and 25 Pa. Code 88.107a(i) (formerly 25 Pa. Code 88.107(a)(3)) related to procedures for waiving the obligation to provide water supply replacement. Pennsylvania's proposed regulations at subsection (i) would allow waiver of the requirement to restore or replace an affected water supply if: PADEP determines that the affected water supply is to be abandoned whereby a replacement is no longer needed based on the approved post-mining land use; and, a notarized written statement signed by all persons who possess an ownership interest in the water supply is submitted to PADEP establishing that the individuals knowingly and willingly agree to abandon the water supply.

OSMRE Finding: We previously did not approve the waiver provisions at 25 Pa. Code 87.119(a)(3) and 88.107(a)(3) to the extent they would allow a waiver from the requirements for replacing a water supply outside the requirements of 30 CFR 701.5 regarding the definition of the term, ''replacement of water supply.'' 70 FR 25472, 25483 (May 13, 2005). The Federal definition for ''replacement of water supply'' states that ''if the affected water supply was not needed for the land use in existence at the time of loss, contamination, or diminution, and if the supply is not needed to achieve the postmining land use, replacement requirements may be satisfied by demonstrating that a suitable alternative water source is available and could feasibly be developed. If the latter approach is selected, written concurrence must be obtained from the water supply owner.'' 30 CFR 701.5. We disapproved of Pennsylvania's prior regulations for falling below the Federal requirement, since it allowed a waiver from the restoration or replacement obligations without requiring a demonstration that a suitable alternative water source is available and could feasibly be developed, and the water supply is not needed for the land use in existence at the time it was affected by surface mining and the supply is not needed to achieve the postmining land use. 70 FR 25472, 25483 (May 13, 2005).

Pennsylvania's proposed regulations at subsection (i) would require that before the obligation to restore or replace an affected water supply can be waived, PADEP must determine the affected water supply ''is to be abandoned whereby a replacement is no longer needed based on the approved post-mining land use.'' While Pennsylvania's new proposed regulations address the Federal requirement for a demonstration that the water supply is not needed to achieve the postmining land use, there is no explicit requirement that PADEP make any findings related to the supply's necessity for the land use in existence at the time it was affected by surface mining, nor that a suitable alternative water source is available and could feasibly be developed.

Accordingly, we do not approve the proposed regulations at 25 Pa. Code 87.119a(i) and 88.107a(i) to the extent they would allow a waiver from the requirements for replacing a water supply outside the requirements of 30 CFR 701.5 regarding the definition of the term, ''replacement of water supply.''

12. 25 Pa. Code Sections 87.119a(j) and 88.107a(j)—Presumption of Liability

Pennsylvania has submitted 25 Pa. Code Sections 87.119a(j) and 88.107a(j) for approval, relating to the presumption of liability for pollution and its defenses. This section combines and makes minor changes to provisions previously located at 25 Pa. Code Sections 87.119(b)–(d) and 88.107(b)–(d).

Proposed subsection (j)(1) provides that it shall be presumed, as a matter of law, that a mine operator or owner is responsible without proof of fault, negligence, or causation for all pollution and diminution, except for bacteriological contamination, of public or private water supplies within 1,000 linear feet of the boundaries of any areas affected by surface mining activities whether or not permitted, including all reclaimed areas that underwent these activities. Areas utilized solely for haul and access roads are not included in the

presumption area. This language substantively matches that which previously appeared at 87.119(b)(1) and 88.107(b)(1).

Proposed subsection (j)(2), and the following subsection at (j)(2)(i) through (iv), provide largely similar defenses to the presumption of liability to those that previously appeared at Sections 87.119(c)(1)–(5) and 88.107(c)(1)–(5). These defenses include: the operator, mine owner, or PADEP determines that the water supply is not within the 1,000-foot area; the water supply owner refused to allow the operator or mine owner access to conduct a water supply survey prior to commencing surface mining activities; the water supply owner or water supply user refused to allow the operator or mine owner access to determine the cause of pollution or diminution or to replace or restore the water supply; the pollution or diminution existed prior to the surface mining activities as evidenced by a water supply survey conducted prior to commencing surface mining activities and as documented in the approved surface mine permit application submitted to the Department prior to permit issuance; and, the pollution or diminution is not a result of the surface mining activities.

Proposed subsection (j)(3) matches provisions previously located at sections 87.119(d) and 88.107(d), stating that if the operator or mine owner intends to demonstrate the presumption of liability is not applicable, they shall notify PADEP and provide supporting evidence. Subsection (j)(3) adds the requirement that PADEP consider the submitted proof and make a liability determination within 90 days of the operator's or mine owner's submissions.

OSMRE Finding: The foregoing subsections substantively match those we previously approved at 25 Pa. Code Sections 87.119(b)–(d) and 88.107(b)–(d). 70 FR 25472, 25483–84 (May 13, 2005). We found that the Federal regulations do not provide for a similar rebuttable presumption for such liability, but that this does not prohibit Pennsylvania from enacting such a presumption. We found those subsections are not inconsistent with the requirements of SMCRA and the Federal regulations because they do not eliminate an operator's responsibility under Section 717(b) of SMCRA. The presumptions and their enumerated defenses do not relieve the regulatory authority of its initial burden. If the evidence demonstrates that a water supply is affected within the presumption area, then the operator has the burden to rebut the presumption with one of the defenses, and the ultimate burden remains with the regulatory authority. Nothing in the changes proposed in subsection (j) changes our prior analysis. We find these provisions have no direct Federal counterpart, but that they are consistent with SMCRA and are no less stringent than the Federal regulations. Therefore, we approve them.

13. 25 Pa. Code Sections 87.119a(k) and 88.107a(k)—Operator Cost Recovery

Pennsylvania has proposed revisions to its regulations at 87.119a(k) and 88.107a(k) (formerly located at 25 Pa. Code sections 87.119(g) and 88.107(g)), which were previously not approved because they allowed for operators to recover costs if an operator successfully appeals a PADEP order to restore or replace water supply. We did not approve these regulations because they were the implementing regulations for Section 4.2(f)(5) of PASMCRA (52 P.S. 1396.4b(f)(5)), which allowed a surface operator or owner to recover sustained costs from PADEP if an effective defense to presumption was provided. Since Section 4.2(f)(5) was repealed, we found that there was no statutory authority for the regulations at 25 Pa. Code Sections 87.119(g) and 88.107(g). 70 FR 25472, 25484 (May 13, 2005).

OSMRE Finding: Pennsylvania's proposed regulations at 25 Pa. Code 87.119a(k) and 88.107a(k) identify statutory authority for their cost recovery provisions at 27 Pennsylvania Consolidated Statutes (Pa. C.S.) Section 7708 (Costs for Mining Proceedings). 27 Pa.C.S. Section 7708(a) states that the purpose of this statute is to provide costs and fees available in proceedings involving coal mining activities to the same extent of section 525(e) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1275(e)) and the regulations promulgated pursuant thereto. We previously approved 27 Pa.C.S. Section 7708, finding that it was consistent with SMCRA and no less stringent than the Federal regulations. 66 FR 57662, 57664 (November 16, 2001). Because the proposed regulations at 25 Pa. Code 87.119a(k) and 88.107a(k) are authorized by 27 Pa.C.S. Section 7708 (Costs for Mining Proceedings) which we have previously found to be consistent with SMCRA and the Federal regulations, we approve these provisions.

14. 25 Pa. Code Sections 87.119a(l) and 88.107a(l)—Other Remedies

Pennsylvania has proposed regulations at 25 Pa. Code Sections 87.119a(l) and 88.107a(l), which both provide ''nothing in this section prevents a water supply owner or water supply user who claims pollution or diminution of a water supply from pursuing any other remedy that may be provided for in law or in equity.'' This portion subsection (l) matches provisions we previously approved at 25 Pa. Code Sections 87.119(h) and 88.107(h). *See* 70 FR 25472, 25484 (May 13, 2005). Pennsylvania's proposal has added a sentence at the end, stating ''this section does not prevent an operator or mine owner from pursuing any remedy in law or in equity should the operator incur costs for restoring or replacing a water supply that experienced pollution or diminution caused by third parties.''

OSMRE Finding: The first sentence of the proposed subsection (l) matches provisions we previously approved at 25 Pa. Code Sections 87.119(h) and 88.107(h). *See* 70 FR 25472, 25484 (May 13, 2005). We found that nothing in those sections prevent anyone who claims water pollution or diminution of a water supply from pursuing any other remedy that may be provided for in law or equity. We also found that there is no Federal counterpart to these provisions, and that landowners or water supply users have the full protection of Chapters 87 and 88 even while pursuing other avenues of redress. That same analysis applies here.

Regarding the additional sentence, the provision that an operator or mine owner may pursue costs for restoring or replacing a water supply because of damage caused by third parties, also has no Federal counterpart. However, its addition does not render the Pennsylvania program inconsistent with SMCRA or less stringent than the Federal regulations. Since all the protections of Chapter 87 and 88 remain available, we have determined that the proposed regulations at subsection (l) are not inconsistent with the requirements of SMCRA or the Federal regulations. Accordingly, we approve them.

15. 25 Pa. Code sections 87.119a(m) and 88.107a(m)—Issuance of New Permits

Certain provisions of section 4.2(f)(4) (52 P.S. 1396.4b(f)(4)) of the Pennsylvania Surface Mining Conservation and Reclamation Act (PASMCRA) (52 P.S. 1396.1 *et seq.*) and 25 Pa. Code sections 87.119(i) and 88.107(i) were not previously approved in our decision of May 13, 2005, because they allowed for final bond release when there is an outstanding Pennsylvania Department of Environmental Protection (PADEP) water replacement order. 30 CFR 938.12(c)(1), (c)(7); 70 FR 25472, 25475

(May 13, 2005). 25 Pa. Code 87.119(i) and 88.107(i) provided that a PADEP water replacement order could not be used to block issuance of new permits ''or the release of bonds when a stage of reclamation work is completed.''

While the disapproved language at section 4.2(f)(4) of PASMCRA (52 P.S. 1396.4b(f)(4)) has not had the offending bond release language removed, Pennsylvania has proposed regulations largely matching the prior, non-approved subsection (i) at 25 Pa. Code 87.119a(m) and 88.107a(m). Proposed subsection (m) still provides that a PADEP water replacement order which is appealed will not be used to block issuance of new permits. However, the former provision related to bond release has been deleted.

OSMRE Finding: By striking the bond release provision from this regulation, Pennsylvania's proposed subsection (m) is now consistent with Section 519(c)(3) of SMCRA (30 U.S.C. 1269) and 30 CFR 800.40(c)(3) by preventing final bond release when a PADEP water supply replacement order is under appeal. Phase 3 bond release cannot be granted until all reclamation requirements of SMCRA and the permit are fully met. Because the proposed regulations at subsection (m) comply with SMCRA and are no less stringent than the Federal regulations, we approve of these changes. This approval resolves our prior non-approval codified at 30 CFR 938.12(c)(7).

16. 25 Pa. Code Sections 87.119a(n) and 88.107a(n)—Department Authority

Pennsylvania has submitted 25 Pa. Code Sections 87.119a(n) and 88.107a(n) for approval, which both read ''nothing in this section limits the Department's authority under section 4.2(f)(1) of [PASMCRA].''

OSMRE Finding: The foregoing proposed provisions at 25 Pa. Code match provisions we previously approved at 25 Pa. Code Sections 87.119(j) and 88.107(j). *See* 70 FR 25472, 25484 (May 13, 2005). We found that this subsection was not inconsistent with SMCRA or the Federal regulations, and the same analysis applies here. Accordingly, we are approving these provisions.

17. 25 Pa. Code Sections 87.119a(o) and 88.107a(o)—Exception

Pennsylvania has proposed regulations at 25 Pa. Code Sections 87.119a(o) and 88.107a(o), which provide ''a surface mining operation conducted under a surface mining permit issued by the Department before February 16, 1993, is not subject to subsections (b)–(i) but is subject to subsections (a) and (j).''

OSMRE Finding: Aside from the renumbering of internal cross-references, the foregoing proposed provisions at 25 Pa. Code match provisions we previously reviewed at 25 Pa. Code Sections 87.119(k) and 88.107(k). *See* 70 FR 25472, 25484 (May 13, 2005). We found that these provisions were not inconsistent with SMCRA or the Federal regulations, and that same analysis applies here. Accordingly, we approve these subsections to the extent that they require compliance with the provisions of 25 Pa. Code Sections 87.119a and 88.107a which we have approved above.

IV. Summary and Disposition of Comments

Public Comments

We asked for public comments on the amendment but received none.

Federal Agency Comments

On August 5, 2021, under 30 CFR 732.17(h)(11)(i) and section 503(b) of SMCRA, we requested comments on the amendment from various Federal agencies with an actual or potential interest in the Pennsylvania program (Administrative Record No. 907.01). We did not receive any comments.

V. OSMRE's Decision

Based on the above findings we approve, with certain exceptions, Pennsylvania's program amendment sent to us on August 5, 2021 (Administrative Record No. PA 907.00). We are not approving the following provisions to the extent noted:

25 Pa. Code 87.119a and 88.107a. We are not approving subsections (b), (c), and (f) to the extent that they would allow the replaced water supply to be of a lesser quantity and quality than the premining water supply.

25 Pa. Code 87.119a(e) and 88.107a(e). We are not approving these subsections to the extent that they would set the amount of reimbursement based on estimates of an ''adequate'' water supply rather than one of equivalent quantity and quality to the premining supply.

25 Pa. Code 87.119a(i) and 88.107a(i). We are not approving these subsections to the extent that they would allow a waiver from the requirements for replacing a water supply outside the requirements of 30 CFR 701.5 regarding the definition of the term, ''replacement of water supply.''

To implement this decision, we are amending the Federal regulations at 30 CFR part 938, that codify decisions concerning the Pennsylvania program. In accordance with the Administrative Procedure Act, this rule will take effect 30 days after the date of publication. Section 503(a) of SMCRA requires that the State's program demonstrate that the State has the capability of carrying out the provisions of the Act and meeting its purposes. SMCRA requires consistency of State and Federal standards.

VI. Statutory and Executive Order Reviews

Executive Order 12630—Governmental Actions and Interference With Constitutionally Protected Property Rights

This rule would not effect a taking of private property or otherwise have taking implications that would result in public property being taken for government use without just compensation under the law. Therefore, a takings implication assessment is not required. This determination is based on an analysis of the corresponding Federal regulations.

Executive Orders 12866—Regulatory Planning and Review and 13563—Improving Regulation and Regulatory Review

Executive Order 12866, as amended by Executive Order 14094, provides that the Office of Information and Regulatory Affairs in the Office of Management and Budget (OMB) will review all significant rules. Pursuant to OMB guidance, dated October 12, 1993 (OMB Memo M–94–3), the approval of State program amendments is exempted from OMB review under Executive Order 12866.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has reviewed this rule as required by section 3 of Executive Order 12988. The Department has determined that this **Federal Register** notice meets the criteria of section 3 of Executive Order 12988, which is intended to ensure that the agency review its legislation and proposed regulations to eliminate drafting errors and ambiguity; that the agency write its legislation and regulations to minimize litigation; and that the agency's legislation and regulations provide a clear legal standard for affected conduct rather than a general standard, and promote simplification and burden reduction. Because section 3 focuses on the quality of Federal legislation and regulations, the Department limited its review under this Executive Order to the quality of this **Federal Register** notice and to changes to the Federal regulations. The review under this Executive Order did

not extend to the language of the State regulatory program or to the program amendment that the Commonwealth of Pennsylvania drafted.

Executive Orders 13132—Federalism

This rule has potential Federalism implications as defined under section 1(a) of Executive Order 13132. Executive Order 13132 directs agencies to ''grant the States the maximum administrative discretion possible'' with respect to Federal statutes and regulations administered by the States. Pennsylvania, through its approved regulatory program, implements and administers SMCRA and its implementing regulations at the state level. This rule approves an amendment to the Pennsylvania program submitted and drafted by the State, and thus is consistent with the direction to provide maximum administrative discretion to States.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

The Department of the Interior strives to strengthen its government-to-government relationship with Tribes through a commitment to consultation with Tribes and recognition of their right to self-governance and tribal sovereignty. We have evaluated this rule under the Department's consultation policy and under the criteria in Executive Order 13175 and have determined that it has no substantial direct effects on the distribution of power and responsibilities between the Federal Government and Tribes. The basis for this determination is that our decision on the Pennsylvania program does not include Indian lands as defined by SMCRA or other Tribal lands and it does not affect the regulation of activities on Indian lands or other Tribal lands. Indian lands under SMCRA are regulated independently under the applicable, Federal Indian program. The Department's consultation policy also acknowledges that our rules may have Tribal implications where the State proposing the amendment encompasses ancestral lands in areas with mineable coal. We are currently working to identify and engage appropriate Tribal stakeholders to devise a constructive approach for consulting on these amendments.

Executive Order 13211—Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

Executive Order 13211 requires agencies to prepare a Statement of Energy Effects for a rulemaking that is (1) considered significant under Executive Order 12866, and (2) likely to have a significant adverse effect on the supply, distribution, or use of energy. Because this rule is exempt from review under Executive Order 12866 and is not significant energy action under the definition in Executive Order 13211, a statement of energy effects is not required.

National Environmental Policy Act

Consistent with sections 501(a) and 702(d) of SMCRA (30 U.S.C. 1251(a) and 1292(d), respectively) and the U.S. Department of the Interior Departmental Manual, part 516, section 13.5(A), State program amendments are not major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C).

Paperwork Reduction Act

This rule does not include requests and requirements of an individual, partnership, or corporation to obtain information and report it to a Federal agency. As this rule does not contain information collection requirements, a submission to the Office of Management and Budget under the Paperwork Reduction Act (44 US.C. 3501 *et seq.*) is not required.

Regulatory Flexibility Act

This rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal, which is the subject of this rule, is based upon corresponding Federal regulations for which an economic analysis was prepared, and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule: (a) does not have an annual effect on the economy of $100 million; (b) will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (c) does 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. This determination is based on an analysis of the corresponding Federal regulations, which were determined not to constitute a major rule.

Unfunded Mandates Reform Act

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

List of Subjects in 30 CFR Part 938

Intergovernmental relations, Surface mining, Underground mining.

Ben Owens,

Acting Regional Director, Interior Regions 1 & 2.

For the reasons set out in the preamble, 30 CFR part 938 is amended as set forth below:

PART 938—PENNSYLVANIA

■ 1. The authority citation for part 938 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

■ 2. Section 938.12 is amended by:
■ a. Removing and reserving paragraphs (c)(4) and (7).
■ b. Adding paragraph (f).

The addition reads as follows:

§ 938.12 State statutory, regulatory, and proposed program amendment provisions not approved.

* * * * *

(f) We are not approving the following portions of provisions of the proposed program amendment that Pennsylvania submitted on August 5, 2021:

(1) 25 Pa. Code 87.119a and 88.107a. We are not approving subsections (b), (c), and (f) to the extent that they would allow the replaced water supply to be of a lesser quantity and quality than the premining water supply.

(2) 25 Pa. Code 87.119a(e) and 88.107a(e). We are not approving these subsections to the extent that they would set the amount of reimbursement based on estimates of an ''adequate'' water supply rather than one of equivalent quantity and quality to the premining supply.

(3) 25 Pa. Code 87.119a(i) and 88.107a(i). We are not approving these

subsections to the extent that they would allow a waiver from the requirements for replacing a water supply outside the requirements of 30 CFR 701.5 regarding the definition of the term, ''replacement of water supply.''

■ 3. Section 938.15 is amended in the table by adding an entry for ''August 5, 2021'' in chronological order by ''Date of final publication'' to read as follows:

§ 938.15 Approval of Pennsylvania regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
*	*	*
August 5, 2021	July 28, 2025	25 Pa. Code 87.1 (addition of definitions for ''operation and maintenance costs'' and ''water supply owner,'' revision of the definition for ''water supply''); 25 Pa. Code 88.1 (addition of definitions for ''operation and maintenance costs'' and ''water supply owner,'' revision of the definition for ''water supply''); 25 Pa. Code 87.47 (revision of text to permit application requirements, including renumbering of an internal reference, rewording text to indicate ''any water supply,'' removal of requirement that water supply is ''for domestic, agricultural, industrial or other legitimate use,'' addition of a requirement to provide cost calculations to restore or replace water supplies, and addition of requirement that PADEP notify the water supply owner of any potentially affected water supply); 25 Pa. Code 88.27 (revision of text to permit application requirements, including rewording text to indicate ''any water supply,'' removal of requirement that water supply is ''for domestic, agricultural, industrial or other legitimate use,'' addition of a requirement to provide cost calculations to restore or replace water supplies, and addition of requirement that PADEP notify the water supply owner of any potentially affected water supply); 25 Pa. Code 87.119a(a), (d), (g), (h), (j), (k), (l), (m), (n), and (o); and 25 Pa. Code 88.107a(a), (d), (g), (h), (j), (k), (l), (m), (n), and (o).

[FR Doc. 2025–14245 Filed 7–25–25; 8:45 am]
BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 948

[SATS No. WV–128–FOR; Docket ID: OSM–2022–0004; S1D1S SS08011000 SX064A000 242S180110; S2D2S SS08011000 SX064A000 24XS501520]

West Virginia Regulatory Program

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

ACTION: Final rule; approval of amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are approving an amendment to the West Virginia regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). The amendment revises the West Virginia Surface Coal Mining and Reclamation Act (WVSCMRA) as contained in House Bill 4758 of 2022. The revisions require the West Virginia Department of Environmental Protection (WVDEP) to develop and maintain a database to track reclamation liabilities, including water treatment, at coal mining operations in the state of West Virginia that were permitted after August 3, 1977, and for which the SMCRA permit has yet to be completely released. The database of reclamation liabilities will serve to inform management and operation of WVDEP's Special Reclamation Program.

DATES: The effective date is August 27, 2025.

FOR FURTHER INFORMATION CONTACT: Mr. Justin Adams, Field Office Director, Charleston Field Office. Telephone: (304) 977–7177, Email: *osm-chfo@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the West Virginia Program
II. Submission of the Amendment
III. OSMRE's Findings
IV. Summary and Disposition of Comments
V. OSMRE's Decision
VI. Statutory and Executive Order Reviews

I. Background on the West Virginia Program

Subject to OSMRE's oversight, section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, State laws and regulations that govern surface coal mining and reclamation operations in accordance with the Act and consistent with the Federal regulations. *See* 30 U.S.C. 1253(a)(1) and (7).

Based on these criteria, the Secretary of the Interior conditionally approved the West Virginia program on January 21, 1981. You can find background information on the West Virginia program, including the Secretary's findings, the disposition of comments, and conditions of approval of the West Virginia program in the January 21, 1981, **Federal Register** (46 FR 5915). You can also find later actions concerning the West Virginia program and program amendments at 30 CFR 948.10, 948.12, 948.13, 948.15, and 948.16.

II. Submission of the Amendment

WV–128–FOR

By letter dated August 23, 2021 (Administrative Record No. 1658), we required the West Virginia Department of Environmental Protection (WVDEP) to submit a program amendment that ensures appropriate tracking of existing reclamation liabilities (including water treatment) at coal mining operations. This tracking must ensure that information about existing reclamation liabilities is accurate and up-to-date and must enable an accurate assessment of the solvency of the State's Special Reclamation Fund and the Special Reclamation Water Trust Fund. To comply with our request, the West Virginia Legislature passed a revision to WVSCMRA contained in House Bill 4758 of 2022 (H.B. 4758) (approved March 28, 2022). *See* 2022 W. Va. Acts ch. 130. H.B. 4758 amends section 22–3–11(i)(2) of WVSCMRA, W. Va. Code 22–3–11(i)(2), to require WVDEP to develop and maintain a database to track existing reclamation liabilities, including water treatment, at coal mining operations in the state of West

Virginia that were permitted after August 3, 1977, and for which the SCMRA permit has yet to be completely released.

By letter dated March 29, 2022 (Administrative Record No. 1666), West Virginia sent us the amendment to its program under SMCRA, which we docketed as WV–128–FOR. We announced receipt of the proposed amendment in the May 23, 2023, **Federal Register** (88 FR 33025) (Administrative Record No. 1670). This can be viewed at *www.regulations.gov* by searching the Docket ID Number OSM–2022–000 or SATS No. WV–128–FOR.

In the same notice, we opened a public comment period and provided an opportunity for a public hearing on this provision. The public comment period closed on June 22, 2023. We did not hold a public hearing or meeting because one was not requested. Letters were sent to various Federal agencies requesting comments (Administrative Record No. 1618), but none were received.

WV–125–FOR and WV–126–FOR

In the January 12, 2024, **Federal Register** (89 FR 2133), we deferred our decision on West Virginia's proposal (WV–125–FOR) to delete provisions from W. Va. Code 22–3–11(g)(2) regarding the development of a long-range planning process for the selection and prioritization of sites to be reclaimed. *Id.* at 2134–35 and 2138 (codifying our deferral at 30 CFR 948.12(k)(1)). Likewise, in the March 18, 2024, **Federal Register** (89 FR 19262), we did not approve West Virginia's proposal (WV–126–FOR) to delete from its regulations subsections a. and e. of CSR 38–2–12.5, which direct WVDEP's collection, analysis and reporting on sites where bond has been forfeited, including data relating to the quality of water being discharged from the forfeited sites. *Id.* at 19270–71 and 19273 (codifying our decision at 30 CFR 948.12(k)(10), later corrected to (l)(10) by notice in the **Federal Register** on January 17, 2025 (90 FR 5628). With West Virginia's submission of WV–128–FOR, we will revisit these proposed changes to the West Virginia program.

III. OSMRE's Findings

We are approving the revisions proposed in WV–128–FOR as described below, as well as those revisions initially proposed in WV–125–FOR and WV–126–FOR. The following are our findings concerning West Virginia's amendment under SMCRA and the Federal regulations at 30 CFR 730.5, 732.15 and 732.17.

1. W. Va. Code 22–3–11(i)(2)(C)—Relating to the Management of the Special Reclamation Program

New subparagraph (C) of W. Va. Code 22–3–11(i)(2) requires the Secretary of the WVDEP to develop and maintain a database to track existing reclamation liabilities, including water treatment, at coal mining operations in West Virginia that were permitted after August 3, 1977, and for which the SCMRA permit has yet to be completely released. The proposed addition also requires that this information be updated on a quarterly basis beginning July 2022 to ensure that actuarial studies of the special reclamation fund and special reclamation water trust fund are based on current data.

OSMRE Findings: In our August 23, 2021, letter to WVDEP, we acknowledged the complexity and potential impacts of bond forfeitures on the West Virginia-approved State program, particularly on the solvency of WVDEP's financial assurance program, which ensures funds are available to carry out reclamation responsibilities if a permittee is no longer able to do so. We also indicated that the West Virginia program had not taken sufficient steps to ensure the compilation of complete and accurate estimations of all outstanding reclamation obligations on active permits.

SMCRA requires that, before issuing a SMCRA permit, an applicant must obtain a bond that is ''sufficient to assure the completion of the reclamation plan if the work had to be performed by the regulatory authority in the event of forfeiture.'' 30 U.S.C. 1259(a). The West Virginia program has historically relied on two principal sources of funding to ensure that sufficient funds are available for reclamation: financial assurances backed by third-party providers (*e.g.,* surety bonds) and two State funds—the State's Special Reclamation Fund (SRF) and Special Reclamation Water Trust Fund (SRWTF), which are funded mostly through a reclamation tax on coal produced in the State.

Through our recent review with WVDEP of the West Virginia financial assurance program, we determined that the West Virginia program contained the same or similar deficiencies that we described in our approval of various amendments to West Virginia's program in the May 29, 2002, **Federal Register** (67 FR 37610) (Administrative Record Number 1308). Our 2002 approval relied on the justification that WVDEP's methods for collecting and maintaining this information would improve and that the amendments would provide the recently created Special Reclamation Fund Advisory Council (Advisory Council), auditors, and ultimately the West Virginia Legislature with accurate and up-to-date information regarding the extent of reclamation obligations that could fall to the State. However, our recent review revealed that the program required additional improvements and that various deficiencies had since been raised between WVDEP and the Advisory Council but had not been corrected. We elaborated in our August 23, 2021, letter to DEP that the programmatic deficiencies may have resulted in leaving unfunded environmental liabilities that may not have been discovered until after forfeiture.

The information from existing permits and bond forfeited permits must be up-to-date and accurate to adequately inform the Advisory Council's projections and recommendations. The accuracy of that information is also vital to our joint review of the West Virginia program, as well as our ultimate ability to determine whether the West Virginia program complies with 30 CFR 800.11(e)(1), which provides that OSMRE may approve a State's alternative bonding system only if it assures ''that the regulatory authority will have available sufficient money to complete the reclamation plan for any areas which may be in default at any time.'' Therefore, we had determined, in accordance with 30 CFR 732.17(c), that West Virginia was required to submit a program amendment to ensure tracking of existing reclamation liabilities (including water treatment) at mining operations. We also explained that this improvement to tracking liabilities must reflect revisions or changes to the activities occurring at relevant sites and occur with such frequency that the actuarial studies are informed by current data.

The addition of subparagraph (C) to W. Va. Code 22–3–11(i)(2) effectively supersedes what the West Virginia program had attempted to accomplish through the existing provision at W. Va. Code 22–3–11(g)(2) and its implementing regulations at CSR 38–2–12.5. Section 22–3–11(g)(2) of WVSCMRA previously required WVDEP to develop a long-range planning process for the selection and prioritization of bond forfeiture sites for reclamation, and CSR 38–2–12.5 required, among other things, that WVDEP create an inventory of all bond forfeiture sites and report annually to the West Virginia Legislature data regarding acid mine drainage at these sites. Unlike these existing provisions, West Virginia's current amendment

focuses not simply on the list of bond forfeiture sites and the associated reclamation liabilities but also on the current SMCRA permits and the reclamation liabilities that those mines entail. Reclamation liability, as we have used that term with respect to the West Virginia ABS, constitutes the cost to the State to complete reclamation, including the cost of water treatment, where necessary. *See* 60 FR 51900, 51903 (Oct. 4, 1995) (disapproving West Virginia provision imposing special reclamation tax only when bond forfeiture liabilities of the State exceed assets of the Special Reclamation Fund); 66 FR 67446, 67450 (Dec. 28, 2001) (discussing same). This amendment also specifies that the information in the inventory is to be updated quarterly. Tracking reclamation liability in a way that ensures that the cost to the State is informed and up-to-date necessarily requires tracking several different factors, including existing site conditions and the type of work that remains to be performed, the quality and nature of discharges, if any, and capital, operating, and maintenance cost of any anticipated treatment measures. All of these factors may change over time and affect the overall liability. *See also* CSR 38–2–12.5 (discussing various factors relevant in determining site specific bond amounts). For these reasons, this amendment is an improvement from the existing provisions and provides clearer benchmarks the State must meet regarding the collection, tracking, and reporting of information in its inventory of SMCRA permits and the liabilities on all Title V related bond forfeiture sites. We are approving this provision with the understanding that WVDEP will make the database available to the public consistent with its State open records laws and that WVDEP will use the database to report annually to the Advisory Council, which, in turn, satisfies its obligations under W.Va. Code 22–1–17 by reporting to the Governor and the West Virginia Legislature.

2. W. Va. Code 22–3–11(g)(2)—Relating to the Special Reclamation Fund; and CSR 38–2–12.5—Relating to the Inventory of All Sites Where Bonds Have Been Forfeited

In the January 12, 2024, **Federal Register** (89 FR 2133), we deferred our decision on West Virginia's proposed deletion of language from W. Va. Code 22–3–11(g)(2) that had required the development of a long-range planning process for the selection and prioritization of sites to be reclaimed to avoid inordinate short-term obligations of the fund's assets of such magnitude that the solvency of the fund was jeopardized. Relying on the same reason that they comprise a necessary component of fulfilling the requirements of an alternative bonding system—*i.e.,* the ability to compile, review, and report data relevant to the financial health of the system on a regular basis, we also did not approve West Virginia's proposed deletion of its implementing regulations at CSR 38–2–12.5, particularly subsection a., which required the Secretary of WVDEP to create an inventory of all sites for which bonds had been forfeited, and subsection e., which required the Secretary of WVDEP to submit a detailed annual report to the West Virginia Legislature of acid mine drainage from bond forfeiture sites. *See* 89 FR 19262, 19270–71 (Mar. 18, 2024). In light of our approval of W.Va. Code 22–3–11(i)(2)(C) above, we are now revisiting those decisions.

OSMRE's Findings: West Virginia's long-range planning process for selection and prioritization of sites to be reclaimed has been addressed by us in previous decisions, specifically in the **Federal Register** notices of October 4, 1995, (60 FR 51900) and May 29, 2002, (67 FR 37610). In both instances, we explained in detail that for West Virginia's Special Reclamation Fund and its Special Reclamation Water Trust Fund to remain solvent requires an inventory of sites requiring reclamation. Without this inventory, it is virtually impossible for the Special Reclamation Advisory Council to accurately assess the liabilities that would be included in its alternative bonding system. We further emphasized this fact in our letter to the WVDEP dated August 23, 2021, (Administrative Record No. 1659). On March 29, 2022, WVDEP submitted WV–128–FOR, discussed above, to develop and maintain a database to track all Title V liabilities of SMCRA permits and bond forfeiture sites to better inform the management and operation of the WVDEP's Special Reclamation Program (Administrative Record No. 1666). Because we are approving West Virginia's creation and maintenance of an inventory to track reclamation liabilities, including water treatment, we find that the long-range planning process is no longer necessary to ensure the sufficiency of West Virginia's alternative bonding system. Therefore, we approve the deletion of that language from W.Va. Code 22–3–11(g)(2). Likewise, because reclamation liabilities entail the cost to the State of completing the reclamation plans and, therefore, necessarily include tracking several factors relevant to cost in addition to water quality, we find the provisions at CSR 38–2–12.5.a and e are no longer necessary and approve their deletion.

IV. Summary and Disposition of Comments

Public Comments

We asked for public comments on the amendment and received a letter from Appalachian Mountain Advocates (AMA) dated June 22, 2023 (Administrative Record No. 1671), as counsel for the Sierra Club and the West Virginia Highlands Conservancy (together, Community Groups).

AMA states in its letter that the Community Groups are concerned that the amendment is ''insufficient to ensure compliance with SMCRA implementing regulations.'' The Community Groups raised concerns that the amendment does not provide West Virginia or OSMRE with enough detail to make an informed determination that West Virginia will have sufficient money to complete any reclamation plan for any areas that may be in default at any time. The Community Groups requested that OSMRE require two additional points—first, that WVDEP make the database publicly available online, and second, that WVDEP makes a written determination and analysis, based on the database, on January 1 of each year about whether West Virginia Special Reclamation Fund and Special Reclamation Water Trust Fund have sufficient funds to complete the reclamation plan for any areas which may be in default at that time. The Community Groups further assert that their concerns are exacerbated by a lack of indication by WVDEP that it has completed its database and by certain actions or omissions by the Advisory Council in its annual report filed January 1, 2023.

First, while SMCRA does dictate the manner in which certain records are made available to the public, *see, e.g.,* 30 CFR 700.14, 840.14 and 842.16 (availability of records), it does not generally supersede State open records laws, which would cover the availability of the database. Thus, we are approving this provision with the understanding that WVDEP will make information from the database available to the public in a manner that is, at a minimum, consistent with West Virginia's open records law at W. Va. Code 29B–1–1 *et seq.* and that WVDEP will use the database to report annually to the Advisory Council, which, in turn, will report to the Governor and the West Virginia Legislature.

Second, although we understand the commenter's concern, we decline to require an annual written determination by WVDEP as to the sufficiency of the West Virginia Special Reclamation Fund and the Special Reclamation Water Trust Fund. When conducting our oversight, we rely on the actuarial reports, the Advisory Commission reports, and our regular inspections, and other activities to determine whether West Virginia's alternative bonding system is capable of satisfying the requirements of 30 CFR 800.11. While a finding, such as the commenter's suggest, may provide additional information for our oversight, that requirement is not contained within the statutory text submitted to us by West Virginia; thus, we cannot approve or disapprove such a requirement and the lack of such a requirement does not make the proposed amendment not in accordance with SMCRA or inconsistent with the Federal regulations. Our subsequent oversight of West Virginia's implementation of the database will focus on the accuracy of the data, the solvency of the Funds, and whether any future amendments may be necessary.

Federal Agency Comments

On April 12, 2022, under 30 CFR 732.17(h)(11)(i) and section 503(b) of SMCRA or 884.14(a)(2) and 884.15(a), we requested comments on the amendment from various Federal agencies with an actual or potential interest in the West Virginia program (Administrative Record No. 1672). We did not receive any comments.

Environmental Protection Agency (EPA) Concurrence and Comments

Under 30 CFR 732.17(h)(11)(ii), we are required to get a written concurrence from EPA for those provisions of the program amendment that relate to air or water quality standards issued under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). None of the revisions West Virginia proposed in this amendment pertain to air or water quality standards. Therefore, we did not ask the EPA to concur on the amendment.

State Historical Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Under 30 CFR 732.17(h)(4), we are required to request comments from the SHPO and ACHP on amendments that may have an effect on historic properties. On April 12, 2022, we requested comments on West Virginia's amendment (Administrative Record No.1672). We did not receive comments.

V. OSMRE's Decision

Based on the above findings, we find that the proposed amendment is in accordance with SMCRA and consistent with the Federal regulations, and we are approving this amendment to the West Virginia regulatory program under WVSCMRA, sent to us on March 29, 2022 (Administrative Record No. 1666). We are approving this provision with the understanding that WVDEP will make information from the database available to the public consistent with State open records laws and use such information to report annually to the Advisory Council, which in turn reports to the West Virginia Governor and the West Virginia Legislature. We are also approving West Virginia's deletion of language from W. Va. Code 22–3–11(g)(2) and CSR 32–2–12.5.a and 12.5.e, which we did not approve from amendments docketed at WV–125–FOR and WV–126–FOR, respectively, in anticipation of reviewing those revisions in concert with the current amendment. To implement this decision, we are amending the Federal regulations at 30 CFR part 948 that codify decisions concerning the West Virginia program. In accordance with the Administrative Procedure Act, this rule will take effect 30 days after the date of publication.

VI. Statutory and Executive Order Reviews

Executive Order 12630—Governmental Actions and Interference With Constitutionally Protected Property Rights

This rule would not result in a taking of private property or otherwise have taking implications that would result in private property being taken for government use without just compensation under the law. Therefore, a takings implication assessment is not required. This determination is based on an analysis of the Federal regulations that set minimum performance standards for alternative bonding systems.

Executive Orders 12866—Regulatory Planning and Review, 13563—Improving Regulation and Regulatory Review

Executive Order 12866 provides that the Office of Information and Regulatory Affairs in the Office of Management and Budget (OMB) will review all significant rules. Pursuant to OMB guidance dated October 12, 1993 (OMB Memo M–94–3), the approval of State program amendments is exempted from OMB review under Executive Order 12866. Executive Order 13563, which reaffirms and supplements Executive Order 12866, retains this exemption.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has reviewed this rule as required by section 3 of Executive Order 12988. The Department determined that this **Federal Register** document meets the criteria of section 3 of Executive Order 12988, which is intended to ensure that the agency review its legislation and proposed regulations to eliminate drafting errors and ambiguity; that the agency write its legislation and regulations to minimize litigation; and that the agency's legislation and regulations provide a clear legal standard for affected conduct rather than a general standard, and promote simplification and burden reduction. Because section 3 focuses on the quality of Federal legislation and regulations, the Department limited its review under this Executive Order to the quality of this **Federal Register** document and changes to the Federal regulations. The review under this Executive Order did not extend to the language of the State regulatory program amendment that West Virginia drafted.

Executive Order 13132—Federalism

This rule has potential Federalism implications as defined under section 1(a) of Executive Order 13132. Executive Order 13132 directs agencies to ''grant the States the maximum administrative discretion possible'' with respect to Federal statutes and regulations administered by the States. West Virginia, through its approved regulatory program, implements and administers SMCRA and its implementing regulations at the State level. This rule approves an amendment to the West Virginia program submitted and drafted by the State and thus is consistent with the direction to provide maximum administrative discretion to States.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

The Department of the Interior strives to strengthen its government-to-government relationship with Tribes through a commitment to consultation with Tribes and recognition of their right to self-governance and Tribal sovereignty. We have evaluated this rule under the Department's consultation policy and under the criteria in Executive Order 13175 and have determined that it has no substantial direct effects on the distribution of power and responsibilities between the

Federal government and Tribes. The basis for this determination is that our decision on the West Virginia program does not include Indian lands as defined by SMCRA or other Tribal lands, and it does not affect the regulation of activities on Indian lands or other Tribal lands. Indian lands under SMCRA are regulated independently under the applicable Federal Indian program. The Department's consultation policy also acknowledges that our rules may have Tribal implications where the State proposing the amendment encompasses ancestral lands in areas with mineable coal. We are currently working to identify and engage appropriate Tribal stakeholders to devise a constructive approach for consulting on these amendments.

Executive Order 13211—Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

Executive Order 13211 requires agencies to prepare a Statement of Energy Effects for a rulemaking that is (1) considered significant under Executive Order 12866 and (2) likely to have a significant adverse effect on the supply, distribution, or use of energy. Because this rule is exempt from review under Executive Order 12866 and is not significant energy action under the definition in Executive Order 13211, a Statement of Energy Effects is not required.

National Environmental Policy Act

Consistent with sections 501(a) and 702(d) of SMCRA (30 U.S.C. 1251(a) and 1292(d), respectively) and the U.S. Department of the Interior Departmental Manual, part 516, section 13.5(A), State program amendments are not major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not include requests and requirements of an individual, partnership, or corporation to obtain information and report it to a Federal agency. As this rule does not contain information collection requirements, a submission to the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) is not required.

Regulatory Flexibility Act

This rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal, which is the subject of this rule, is based upon Federal regulations that set minimum performance standards for alternative bonding systems, for which an economic analysis was prepared, and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the related Federal regulations.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule: (a) does not have an annual effect on the economy of $100 million; (b) will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (c) does 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. This determination is based on an analysis of the Federal regulations that set minimum performance standards for alternative bonding systems, which were determined not to constitute a major rule.

Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or Tribal governments or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local, or Tribal governments or the private sector. This determination is based on an analysis of the Federal regulations that set minimum performance standards for alternative bonding systems, which were determined not to impose an unfunded mandate. Therefore, a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

List of Subjects in 30 CFR Part 948

Intergovernmental relations, Surface mining, Underground mining.

Ben Owens,

Acting Regional Director, Interior Regions 1 & 2.

For the reasons set out in the preamble, 30 CFR part 948 is amended as follows:

PART 948—WEST VIRGINIA

■ 1. The authority citation for part 948 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

§ 948.12 [Amended]

■ 2. Section 948.12 is amended by removing and reserving paragraphs (k) and (l)(10).

■ 3. Section 948.15 is amended by adding in chronological order an entry for ''March 29, 2022'' to the table to read as follows:

§ 948.15 Approval of West Virginia regulatory program amendments.

* * * * *

Original amendment submission date	Date of publication of final rule	Citation/description
* *	* *	* * *
March 29, 2022	July 28, 2025	W. Va. Code 22–3–11(g)(2) (partial deletion) and (i)(2)(C) (added). CSR 38–2–12.5.a and 12.5.e (deletions).

[FR Doc. 2025–14193 Filed 7–25–25; 8:45 am]

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DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[Docket ID: DOD–2020–HA–0050]

RIN 0720–AB83

TRICARE Coverage of Clinical Trials and Termination of Expanded Access Treatments

AGENCY: Defense Health Agency (DHA), Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Assistant Secretary of Defense for Health Affairs (ASD(HA)) issues this final rule regarding circumstances under which services and supplies related to emerging treatments may be covered under the TRICARE program. This rule finalizes provisions published in two interim final rules (IFRs) with request for comment, which temporarily added coverage for the treatment use of investigational drugs under U.S. Food and Drug Administration (FDA)-authorized expanded access (EA) programs when for the treatment of coronavirus disease 2019 (COVID–19) and permitted coverage of National Institute of Allergy and Infectious Disease (NIAID)-sponsored clinical trials for the treatment or prevention of COVID–19. This final rule discusses the DoD's decision not to make permanent the coverage of treatment use of investigational drugs under FDA EA programs while updating language for care associated with their administration and broadens the COVID–19 clinical trial benefit to include coverage of clinical trials sponsored or approved by any National Institutes of Health (NIH) Center or Institute to treat or prevent infectious diseases associated with a pandemic or epidemic. Lastly, the final rule expands TRICARE's clinical trial benefit by covering services and supplies provided in conjunction with Phase I, II, III, and IV clinical trials that are NIH-sponsored or approved and that involve a new treatment or cure for a specific condition or the treatment of a currently uncontrolled symptom or aspect of that condition, provided that the condition is severely debilitating, life-threatening, or a rare disease.

DATES: This rule is effective on August 27, 2025.

FOR FURTHER INFORMATION CONTACT: Jennifer Stankovic, Medical Benefits and Reimbursement Section, 303–676–3742, *Jennifer.L.Stankovic.civ@health.mil.*

SUPPLEMENTARY INFORMATION:

Discussion of Comments and Changes

The IFR titled ''TRICARE Coverage of Certain Medical Benefits in Response to the COVID–19 Pandemic'' published in the **Federal Register** on September 3, 2020 (85 FR 54914–54924), and public comments were allowed for 60 days. A total of four comments were submitted. Two comments were generally supportive of the provisions implemented in that IFR; the DoD is grateful to the public for their support. Comments specific to provisions of that IFR not covered in this final rule were discussed in full in a final rule titled ''TRICARE Coverage and Reimbursement of Certain Services Resulting From Temporary Program Changes in Response to the COVID–19 Pandemic'' that published on June 1, 2022 (87 FR 33001–33015). In the IFR of September 3, 2020, the DoD specifically asked for comments on potentially making coverage of treatment use of investigational drugs under FDA EA programs for the treatment of COVID–19 permanent and on permanently covering the drugs for all diseases. No comments were received specific to the coverage of treatment use of investigational drugs on a permanent basis, either for the treatment of COVID–19 or for the treatment of other diseases. This final rule clarifies the DoD's decision not to add permanent coverage of investigational drugs authorized for treatment use under FDA EA programs when prescribed for the treatment of COVID–19 or for other diseases. This decision was based primarily on analysis discussed later in this rule rather than the lack of comments received on this provision. The COVID–19 national emergency terminated on April 10, 2023. As the DoD is not making the provision authorizing investigational drugs for COVID–19 under FDA EA programs permanent, this final rule will remove the temporary provision from Title 32, Code of Federal Regulation (CFR), Part 199. This final rule also modifies language in the note to § 199.4(g)(15)(i)(A) by replacing the terms ''Treatment Investigational New Drugs (INDs)'' and ''Treatment INDs'' with ''investigational drugs authorized for treatment use under FDA expanded access programs'' to better reflect updated practices and terminology associated with FDA EA programs.

The IFR titled ''TRICARE Coverage of National Institute of Allergy and Infectious Disease Coronavirus Disease 2019 Clinical Trials,'' which discussed temporary coverage of NIAID-sponsored clinical trials for the treatment of COVID–19, published in the **Federal Register** on October 30, 2020 (85 FR 68753–68758). Comments were accepted for 30 days, and the DoD received four comments. The DoD thanks all commenters for their submissions. In the COVID–19 Clinical Trials IFR, the DoD specifically solicited comments on the potential expansion of TRICARE's clinical trial benefit beyond cancer clinical trials and NIAID-sponsored COVID–19 clinical trials. Two comments were generally supportive of expanding the clinical trial benefit, while the other two comments discussed the TRICARE benefit in general. The DoD received one comment discussing the importance of clinical trials in assisting with the development of products to prevent COVID–19 cases, treat COVID–19 more efficaciously, and treat severe COVID–19 complications. This comment also recommended covering expenses related to clinical trials for other life-threatening conditions that impact a large number of beneficiaries, such as cardiovascular diseases, to improve health outcomes for beneficiaries, and to support the advancement of effective clinical treatments. The DoD received one comment recommending that coverage of COVID–19 clinical trials be made permanent.

Due in part to these comments and the DoD's comprehensive review of TRICARE's clinical trials and other investigational treatment benefits, which is discussed further in-depth within the Discussion and Regulatory Impact Analysis sections of this final rule preamble, the Department is making COVID–19 clinical trial provisions permanent. As the COVID–19 national emergency terminated on April 10, 2023, before the publication of this final rule, TRICARE will only cover routine services and supplies associated with NIAID-sponsored COVID–19 clinical trials for beneficiaries who enroll in eligible clinical trials after the effective date of this rule or who previously enrolled in an eligible clinical trial before April 11, 2023. Due to low enrollment in this benefit and the fact that beneficiaries who enroll in eligible clinical trials before the termination of the national emergency will still have routine care associated with the clinical trial covered after the termination of the national emergency, the Department expects this temporary

gap in coverage to impact few, if any, beneficiaries.

The Department is also expanding the provisions to include coverage of services and supplies provided in conjunction with clinical trials sponsored or approved by any NIH Center or Institute for the treatment or prevention of infectious diseases that cause a pandemic or epidemic and result in a Government-recognized health emergency, rather than continuing to only cover services and supplies provided in conjunction with NIAID-sponsored clinical trials for treatment or prevention of COVID–19. The DoD is promulgating this change to prepare for future health emergencies caused by infectious diseases beyond the COVID–19 pandemic, as coverage for clinical trials investigating a novel infectious disease is critical to both advancing initial research into treatments and preventive measures and fostering beneficiary access to emerging treatments. The Department is also expanding this benefit to include all NIH Centers and Institutes except for the NIH Clinical Center because NIH Centers and Institutes other than NIAID have begun conducting research on COVID–19, particularly on how the disease affects specific organ systems. Likewise, the DoD expects other NIH Centers and Institutes to conduct research on previous, current, or future pandemics and epidemics that result from infectious pathogens and cause the declaration of a national emergency or public health emergency (PHE). This change also adds authorization of NIH-approved clinical trials where NIH serves as a collaborator, rather than only NIH-sponsored clinical trials, in order to further expand access to clinical trials for TRICARE beneficiaries. This expansion of TRICARE's clinical trial benefit therefore includes coverage of NIH-sponsored or approved clinical trials for the treatment or prevention of infectious diseases that cause a pandemic or epidemic and result in a Government-recognized health emergency, including COVID–19 clinical trials, rather than just NIAID-sponsored COVID–19 clinical trials. If the Government-recognized health emergency was declared before the effective date of this rule, only services and supplies provided in conjunction with eligible clinical trials after this rule's effective date may be covered.

Lastly, the Department is expanding and modernizing the TRICARE clinical trial benefit to cover services and supplies provided in conjunction with NIH-sponsored or approved Phase I–IV clinical trials that involve a new treatment or cure for a specific condition or the treatment of a currently uncontrolled symptom or aspect of that condition, provided that the condition or uncontrolled symptom of the condition under study in the clinical trial is severely debilitating, life-threatening, or a rare disease. This includes expanding coverage of cancer clinical trials to National Cancer Institute (NCI)-sponsored or approved Phase I–IV clinical trials, rather than only NCI-sponsored Phase I–III clinical trials, as cancer is itself a life-threatening condition. This expansion of TRICARE's clinical trial benefit conforms to statutory authority and is supported by the DoD's review into the clinical trials reimbursement landscape and the comments the DoD received in response to the COVID–19 Clinical Trials IFR.

I. Background

A. Statement of Need for This Rule

In 2020, the DoD published three IFRs with request for comments to respond to the COVID–19 pandemic, which included two provisions addressed in this final rule: temporary coverage of investigational drugs authorized for treatment use under FDA EA programs and temporary coverage of services and supplies provided in conjunction with NIAID-sponsored clinical trials for the treatment or prevention of COVID–19; both provisions were originally effective for the duration of the President's declared national emergency. All other provisions of those IFRs, including the first COVID–19 IFR published by the DoD on May 12, 2020 (85 FR 27921–27927), titled ''TRICARE Coverage and Payment for Certain Services in Response to the COVID–19 Pandemic,'' were finalized in a final rule, titled ''TRICARE Coverage and Reimbursement of Certain Services Resulting From Temporary Program Changes in Response to the COVID–19 Pandemic,'' published on June 1, 2022 (87 FR 33001–33015). The DoD published a fourth IFR titled ''Expanding TRICARE Access to Care in Response to the COVID–19 Pandemic'' on January 12, 2023 (88 FR 1992–2002); its provisions have not yet been finalized in a final rule.

In addition to rulemaking, before the COVID–19 clinical trial provisions could be published, Title 10, United States Code (U.S.C.), Section 1079(a)(12) also required the DoD to first enter into an inter-agency agreement with the Secretary of the Department of Health and Human Services (HHS). Instead of entering into an agreement with NIAID only, the Department foresaw the possibility of expanding the TRICARE clinical trial benefit as authorized under 10 U.S.C. 1079(a)(12) to cover studies sponsored or approved by other NIH Centers and Institutes. The DoD therefore entered into an agreement with NIH to cover certain routine costs associated with clinical trials; this inter-agency agreement is not limited to NIAID or clinical trials related to COVID–19, although the IFR published by the DoD on October 30, 2020 (85 FR 68753–68758), titled ''TRICARE Coverage of National Institute of Allergy and Infectious Disease Coronavirus Disease 2019 Clinical Trials,'' only authorized coverage of services and supplies provided in conjunction with certain NIAID-sponsored clinical trials for the treatment or prevention of COVID–19. The inter-agency agreement includes clinical trials sponsored or approved by NIH, is effective from September 19, 2020, through September 18, 2029, and provides for both parties to review the agreement every three years.

This final rule promulgates three major changes to the provisions enacted in the IFRs in response to public comments, the COVID–19 pandemic, and the DoD's comprehensive review of the clinical trials reimbursement landscape:

Consideration of Permanent TRICARE Coverage of Investigational Drugs Authorized for Treatment Use Under FDA EA Programs

First, this final rule considered permanent TRICARE coverage of investigational drugs authorized for treatment use under FDA EA programs for the treatment of COVID–19. This temporary coverage was authorized in the IFR published September 3, 2020, but that authorization expired when the President's national emergency for COVID–19 ended April 10, 2023. In the IFR, the ASD(HA) stated that the DoD would consider if any permanent coverage was appropriate and publish a final rule detailing the Department's analysis and decision. While the DoD recognizes the value of access to emerging therapies, as demonstrated by its coverage of investigational drugs during the early part of the COVID–19 pandemic, there is insufficient statutory authority to permit permanent coverage. This final rule discusses the DoD's decision and adds clarifying language regarding coverage of care associated with such drugs for any disease.

The IFR authorizing temporary coverage of these drugs permitted that temporary coverage in response to the COVID–19 pandemic and stated that the DoD would consider permanent coverage after thoroughly examining the

FDA-authorized EA program and determining what coverage, if any, was appropriate given TRICARE's statutory requirement to only cover medically necessary care under 10 U.S.C. 1079(a)(12).

To determine what coverage was appropriate, the DoD examined its own regulatory history for coverage of FDA-approved drugs, as well as changes to FDA EA programs since the DoD's regulatory provisions were enacted. The DoD, under the Civilian Health and Medical Programs of the Uniformed Services (CHAMPUS) Program (now TRICARE), first established an ''absolute requirement for approval by the [FDA] of all prescription drugs and medicines'' as a criterion for coverage on November 26, 1991 (56 FR 59870). The 1991 final rule established that care associated with certain Group ''C'' cancer drugs and treatment INDs could be covered, while the treatment IND itself could not. The 1991 rule placed these provisions in § 199.2, under the definitions for ''experimental'' and ''prescription drugs and medicines,'' with the prescription drugs and medicines provision repeated in § 199.4. That rule concluded that any use of a drug that had not been approved for general use by the FDA was necessarily experimental and could not be covered. In a final rule published January 6, 1997 (62 FR 625), the DoD issued clarifying language regarding the exclusion of unproven drugs, devices, and medical treatments and procedures. The requirement for FDA approval of drugs remained, though the definition of experimental was removed from § 199.2, and the language in § 199.4 was substantially revised. However, none of those changes had a substantive impact on coverage criteria. FDA approval remained a key requirement for coverage of drugs, and treatment INDs could not be covered although care associated with them could be covered. Since that time, no significant changes have been made to TRICARE regulations that would impact the FDA-approval requirement for drugs, or the exclusion of cost-sharing treatment INDs. Importantly, no changes have been made to the DoD's statutory authority for coverage of care under TRICARE, which mandates that such care be medically necessary in order to be eligible for TRICARE coverage. The statutory provision concerning medical necessity (10 U.S.C. 1079(a)(12)) specifically exempts care provided in certain NIH clinical trials (in which investigational drugs are often administered). Because Congress specifically carved out circumstances under which drugs and other treatments not otherwise coverable were permitted to be cost-shared, the Department has historically read the statute to mean that the carve-out represents the only exemption Congress intended to make for TRICARE coverage in investigational settings. Based on this interpretation, the DoD finds that Congress did not intend for the DoD to include unproven care in its coverage of medically necessary care.

In evaluating whether it would be appropriate for TRICARE to cost share investigational drugs authorized for treatment use under EA programs, the DoD next evaluated changes to FDA's regulation of its EA programs to determine if those changes were such that this care could be considered medically necessary under TRICARE. The FDA first formalized the treatment use of investigation drugs on May 22, 1987 (52 FR 19466), in a final rule that included the establishment of treatment INDs. The DoD's 1991 rule published after that rule, and the DoD found that treatment INDs were unproven and, thus, could not be covered under its statutory authority. The FDA revised its regulations authorizing the treatment use of investigational drugs in a final rule establishing its EA programs, which published on August 13, 2009 (74 FR 40900). FDA's rule was published under new authority granted by Congress in the FDA Modernization Act of 1997 (Pub. L. 105–115), which contained provisions specific to expanding access to treatment use of investigational drugs. In the final rule implementing its EA programs, the FDA established three categories of treatment uses of investigational drugs: single patients, including for emergency use; intermediate-size patient populations; and treatment INDs or treatment protocols. Each category of EA established criteria for authorization, with single patient access requiring the lowest level of evidence and treatment INDs and treatment protocols requiring the highest levels of evidence. The evidence for treatment INDs was not substantially different than it was in the earlier 1987 rule.

According to 21 CFR 312.320, established by the 2009 final rule, in order for the FDA to authorize a treatment IND or protocol for the treatment of a serious disease or condition, there must be ''sufficient clinical evidence of safety and effectiveness to support the [EA] use.'' The FDA states this would ordinarily be data from a Phase III trial, though compelling data from completed Phase II trials may be used. Section 312.320 further states that when the treatment IND or protocol is for a life-threatening disease or condition, ''the available scientific evidence, taken as a whole, provides a reasonable basis to conclude that the investigational drug may be effective and would not expose patients to an unreasonable and significant risk of illness or injury.'' The FDA expects this level of evidence would typically come from Phase III or Phase II trials but could be based on more preliminary clinical evidence. Additionally, in its preamble to the 2009 final rule, the FDA acknowledges ''that drugs made available under expanded access programs are typically investigational'' (74 FR 40907) and that ''it is likely that some drugs made available for treatment use will ultimately be shown to have no benefit, and in fact cause harm'' (74 FR 40911). Further, all EA drugs require an Institutional Review Board (IRB) review, similar to such reviews for clinical trials, underlining the unproven nature of these drugs.

Although the DoD appreciates the value of early access to drugs for patients with serious or life-threatening diseases, the DoD does not have the statutory authority that would allow it to permanently cover investigational therapies, even for severe illnesses. The level of evidence required by the FDA for widespread treatment use of INDs, the most stringent evidence requirement of the three EA drug categories, is insufficient to meet the DoD's statutory requirement for medically necessary care, as implemented through the regulation excluding unproven care at 32 CFR 199.4(g)(15) from TRICARE coverage as determined by a review of the available literature that falls under the categories of the hierarchy of reliable evidence in § 199.2. The DoD lacks statutory authority to treat serious or life-threatening diseases differently than other diseases when determining medical necessity. In fact, the rule that formalized the criteria for a treatment to be considered ''proven'' was prompted by a treatment for life-threatening breast cancer. The therapy in question, high dose chemotherapy with stem cell rescue, was seen by some in the medical community at the time as the best and only treatment available to patients with certain types of breast cancer resistant to other treatments. However, the DoD excluded coverage due to lack of evidence of efficacy and the presence of evidence that the therapy may actually cause harm. Over 25 years later, the therapy remains unproven and is excluded from coverage under TRICARE. The DoD noted in the 1997 rule that the purpose of its process for determining whether care should be covered is ''to prevent CHAMPUS

beneficiaries from being exposed to less than fully developed and tested medical procedures and to avoid the associated risk of unnecessary and unproven treatment'' (62 FR 628). Based on the above analysis, investigational drugs authorized for treatment use by the FDA must continue to be excluded under the TRICARE Program.

While the DoD cannot permanently cover investigational drugs authorized by the FDA for treatment use, care associated with these therapies may continue to be covered when long-standing program requirements are met: (1) that the patient's medical condition warrants the treatment, and (2) the care is provided in accordance with the generally accepted standards of medical practice. The DoD is updating the regulation to clarify that this care may be covered for any investigational drug authorized for treatment use by the FDA under its EA programs, not just treatment INDs (*i.e.,* this coverage applies also to single-patient use, including emergency access, and intermediate access). This clarification is not a change in coverage, as the DoD has long interpreted the regulation regarding care associated with treatment INDs to include the other categories of EA treatment uses.

Establishing a TRICARE Clinical Trial Benefit for Infectious Disease Health Emergencies

Second, this final rule authorizes coverage of services and supplies provided in conjunction with Phase I, II, III, and IV clinical trials sponsored or approved by any NIH Center or Institute other than the NIH Clinical Center for the treatment or prevention of an infectious disease that results in a Government-recognized infectious disease health emergency, rather than only covering NIAID-sponsored studies for the treatment or prevention of COVID–19. In this context, a Government-recognized infectious disease health emergency means that the President of the United States has declared a national emergency, or the HHS Secretary has declared a PHE for a pandemic or epidemic that occurs as a result of an infectious disease. For care rendered overseas (defined as locations outside of the 50 United States and the District of Columbia) to TRICARE beneficiaries, this definition also includes epidemics and pandemics recognized by foreign governments and by the World Health Organization, although only NIH-approved clinical trials in the region experiencing the Government-recognized epidemic or pandemic qualify for TRICARE coverage. An NIH-approved clinical trial means a clinical trial for which NIH, including an NIH Center or Institute, serves as a collaborator, as the term ''collaborator'' is defined by NIH.[1] At the time this rule's publication, NIH defines a collaborator as ''An organization other than the sponsor that provides support for a clinical study. This support may include activities related to funding, design, implementation, data analysis, or reporting.'' As 10 U.S.C. 1079(a)(12) requires clinical trials covered under the TRICARE program to be either NIH-sponsored or NIH-approved, but does not define the term ''NIH-approved,'' the DoD finds it appropriate to use the current NIH definition of ''collaborator'' as meaning ''NIH-approved'' when an NIH Center or Institute is listed as a collaborator for a clinical trial that is otherwise eligible for TRICARE coverage. Should NIH update this definition or cease listing collaborators, the DoD would determine if a change in TRICARE regulation would be beneficial to TRICARE's beneficiary population and, if so, make appropriate changes through rulemaking. The National Library of Medicine's registry of clinical trials, available from *https://www.ClinicalTrials.gov* at the time of this final rule's publication, lists information about trials, including sponsors and collaborators. These changes will ensure that TRICARE beneficiaries receive access to all clinical trials sponsored or approved by NIH Centers or Institutes for the treatment or prevention of infectious diseases associated with Government-recognized infectious disease health emergencies, including COVID–19, not only NIAID-sponsored clinical trials studying the treatment or prevention of COVID–19. In the absence of this change, beneficiaries may opt not to participate in COVID–19 clinical trials sponsored or approved by other NIH Centers and Institutes due to the potential for large out-of-pocket costs when they would have participated had TRICARE covered these costs. Many of these NIH Centers and Institutes study specific organ systems or areas of research (*e.g.,* diabetes and aging), and COVID–19 clinical trials sponsored or approved by these Centers and Institutes tend to study the short-term and long-term impact of COVID–19 in these specific areas of research, including specific short-term and long-term health problems caused by COVID–19, whereas NIAID COVID–19 clinical trials tend to study the virus and disease as a whole.

COVID–19 patients experience increased risk of complications such as severe fatigue and muscle weakness, anosmia and ageusia (*i.e.,* loss of taste and smell), dyspnea (*i.e.,* difficulty breathing), cognitive impairment, encephalitis, pneumonia, acute respiratory distress syndrome, acute liver injury, acute myocardial injury, cytokine storms, and stroke during or shortly after infection and recovery. Long-term or chronic health consequences (*i.e.,* sequelae) of COVID–19 are often referred to as ''long COVID'' and include myocarditis, multisystem inflammatory syndrome, autoimmune disorders, venous thromboembolism, diabetes mellitus, Guillain-Barre syndrome, kidney damage, lung damage, and psychiatric disorders. These short-term and long-term complications impact both individual and population health. For example, health systems, providers, and public health officials must prepare to treat and mitigate higher rates of pulmonary, cardiovascular, and kidney disease and to prevent, diagnose, and treat these conditions in populations not previously thought to be higher risk.

In addition, this change will not expire upon the termination of the President's declared national emergency for COVID–19, as is stated in the IFR published by the DoD on October 30, 2020 (85 FR 68753–68758). Continuing to cover services and supplies provided in conjunction with NIH-sponsored or approved Phase I, II, III, and IV clinical trials for the treatment or prevention of COVID–19 will ensure that TRICARE beneficiaries have the ability to participate in COVID–19 clinical trials after the termination of the national emergency without fear of significant out-of-pocket costs. Due to the novel nature of COVID–19 and the large number of COVID–19 cases since the advent of the pandemic, it is crucial that researchers continue to study treatments (including preventive treatments) for the disease and short-term and long-term health impacts of the disease and its treatments in order to improve treatment for individuals with complications from COVID–19; to better support population health efforts (*e.g.,* chronic disease management and identification of high-risk patients); and to better prepare public health experts and clinicians to mitigate future diseases and pandemics. Likewise, TRICARE coverage of clinical trials investigating treatments for and prevention of future infectious diseases that are associated with Government-recognized health emergencies will allow TRICARE to quickly and efficiently maximize beneficiary access to emerging treatments in the event of

[1] *https://clinicaltrials.gov/study-basics/glossary.*

future epidemics and pandemics, as well as support the societal need for research into emerging treatments and preventive medicine, including vaccinations.

These changes will greatly expand beneficiaries' access to clinical trials beyond the termination of the President's national emergency and will further DoD support of research studying COVID–19 and other infectious diseases that may cause a pandemic or an epidemic, including investigating treatments to improve the long-term prognosis or symptoms in sufferers of the disease.

Establishing a TRICARE Clinical Trial Benefit for Severely Debilitating Conditions, Life-Threatening Conditions, and Rare Diseases

Lastly, this final rule authorizes coverage of services and supplies provided in conjunction with Phase I, II, III, and IV clinical trials sponsored or approved by any NIH Center or Institute (except the NIH Clinical Center, which already provides all care free of charge to participating patients) for which the clinical trial studies a new treatment or cure for a specific condition or the treatment of a currently uncontrolled symptom or aspect of that condition, provided that the condition is severely debilitating, life-threatening, or a rare disease. This provision modernizes the TRICARE benefit by expanding existing coverage of clinical trials and will result in increased access to emerging therapies for beneficiaries with serious conditions and ineffective or no viable treatment options. This change will also add coverage of Phase IV NCI-sponsored and approved clinical trials and remove existing requirements specific to Phase I NCI clinical trials to maintain parity between the clinical trial benefits. TRICARE's Phase I-specific requirements are no longer necessary, as requirements in this final rule and changes to how Phase I clinical trial protocols are approved result in the existing Phase I requirements being duplicative, which may also duplicate administrative costs and increase patient, provider, and Government burden without any improvement to patient safety or access to eligible clinical trials. Phase IV trials are critical in continuing to assess a treatment's safety and efficacy, especially safety and efficacy within specific sub-populations and in conjunction with certain drugs, even after the treatment is FDA-approved.

As used in this provision, ''uncontrolled'' refers to a symptom or aspect of a specific condition that cannot be effectively managed or cured with existing medications, durable medical equipment, surgery, or other therapies. This can mean, for example, that an existing treatment has a high likelihood of harmful side effects experienced by a significant proportion of patients, including chemical dependence, elevated risk of mortality, or teratogenic effects. It can also mean that the existing treatment has a relatively miniscule probability of successfully treating a specific condition or is only palliative in nature. It does not mean that harmful side effects have the potential to occur with a specific treatment or that a specific treatment has a possibility of failure.

A ''rare disease'' refers to any disease or condition that has a prevalence of fewer than 200,000 persons in the United States; TRICARE already uses this definition for regulatory and policy requirements specific to rare diseases. ''Severely debilitating'' is defined as ''diseases or conditions that cause major irreversible morbidity'' and ''life-threatening'' is defined as ''diseases or conditions where the likelihood of death is high unless the course of the disease is interrupted; and diseases or conditions with potentially fatal outcomes, where the end point of clinical trial analysis is survival.'' The FDA uses both definitions in 21 CFR 312.81 for classifying treatments, developing clinical trials and emergency use requirements, and creating drug development guidelines. As the FDA is directly involved in the regulation and approval of new drugs and devices, the DoD finds it appropriate to use the FDA's definitions to determine which clinical trials are most appropriate to cover in writing this rule and to determine which clinical trials will be eligible for coverage under this rule. While the DoD is mirroring the FDA's definitions in implementing these provisions, the DoD's determination that these categories of diseases and corresponding definitions should be included under the TRICARE clinical trial benefit is based on the Department's evaluation of the needs of the TRICARE beneficiary population. Should the FDA update either definition, the DoD would evaluate the changes to determine if a similar change in TRICARE regulation would be beneficial to TRICARE's beneficiary population and, if so, make appropriate changes through rulemaking.

Severely debilitating conditions may have existing treatments that manage certain aspects of the condition but have no curative treatments for aspects of the disease that severely decrease the patient's health and quality of life. New clinical trials generally seek to improve upon existing treatments by improving patient outcomes, reducing side effects, or improving cost efficiency. Examples of severely debilitating conditions include Canavan Disease and Cystic Fibrosis. Like severely debilitating conditions, many life-threatening diseases have existing treatments, but these treatments may increase expected life expectancy for patients with the disease while resulting in serious side effects or not curing the disease (*e.g.,* open surgery to treat cardiovascular diseases, thrombolytics or anticoagulants to treat blood clots, insulin injections for diabetes); provide a chance of remission or disease reversal but not restore life expectancy in all patients (*e.g.,* chemotherapy); or manage symptoms associated with the disease but not increase life expectancy (*e.g.,* treatments for Alzheimer's Disease). Examples of life-threatening diseases include Hepatic Encephalopathy and Amyotrophic Lateral Sclerosis. Researchers conducting clinical trials on treatments for rare diseases experience difficulty in recruiting sufficient patient sample sizes, so it is especially important that TRICARE facilitate beneficiary participation in rare disease trials. Examples of rare diseases include Acquired Hemophilia and Guillain-Barré Syndrome. Many diseases may fall into multiple categories; for example, many rare diseases such as Duchenne Muscular Dystrophy and Creutzfeldt Jakob Disease are also severely debilitating and life-threatening. These examples are used in the context of the time of this rule's publication with the understanding that treatments for these conditions may advance over time. Additionally, these clinical trials may involve participation by vulnerable populations, such as children and pregnant individuals. As this benefit is not intended to influence beneficiaries into participating or not participating in a clinical trial, only to remove financial barriers to participation for certain clinical trials, the Department emphasizes that IRB approval and full informed consent for patients continues to be required for these clinical trials. When appropriate, the Director, DHA, may issue additional requirements for these populations in TRICARE's implementing instructions.

Requirements for TRICARE coverage of these clinical trials are similar to existing requirements for the COVID–19 and cancer clinical trial benefits, namely that TRICARE will cost-share all routine medical care and testing required for participation in the clinical trial; that participants meet entry criteria for said protocol; that providers

rendering care as part of the clinical trial be TRICARE-authorized providers; that TRICARE will not cover care rendered in the NIH Clinical Center or costs associated with non-treatment research activities; and that cost-shares and deductibles apply to TRICARE coverage of clinical trials. Like the COVID–19 and cancer clinical trial benefits, this provision also does not permit coverage of any services or supplies that are already covered under the investigational protocol, including the treatment being studied through the clinical trial. For example, TRICARE will not reimburse costs for a biologic used in clinical trials testing the efficacy of that biologic. Only routine care, meaning those supplies and services that TRICARE otherwise would have covered during the normal course of treatment (including costs for screening tests to determine clinical trial eligibility), will be eligible for coverage. Routine care includes services such as examinations, imaging, and blood tests to monitor or assess patient health during the clinical trial and supplies such as drugs that TRICARE would cover in the absence of the clinical trial that are medically necessary to treat side effects associated with the treatment under study in the clinical trial. Routine care may differ in frequency and magnitude than care would have otherwise in the absence of the investigational treatment. For example, a patient with lung cancer might receive monthly blood tests as part of a standard treatment but require weekly tests while undergoing an investigational treatment that is part of an eligible clinical trial to monitor adverse events. To further distinguish between coverage of routine services and supplies and other services and supplies provided as part of a clinical trial, this final rule amends § 199.4(g)(14) to clarify that the exclusion of ''services and supplies provided as a part of or under a scientific or medical study, grant, or research program'' does not apply to routine services and supplies provided in conjunction with clinical trials as authorized in § 199.4(e)(26). The exclusion still applies to non-routine services and supplies provided under clinical trials subject to § 199.4(e)(26), *e.g.,* the investigational treatment being studied within the clinical trial. However, TRICARE may cover treatments for complications (*i.e.,* unfortunate sequelae) related to unproven care, including care received as part of a clinical trial eligible under this benefit, as authorized in § 199.4(e)(9). Lastly, as with the COVID–19 and cancer clinical trial benefits, this provision authorizes the Director, DHA, to issue procedures and guidelines regarding the administrative process by which individual patients may be eligible for this benefit. Additional examples of requirements for the types of clinical trials, conditions, and routine costs eligible for coverage under this change to the TRICARE benefit will be detailed in the TRICARE implementing instructions (*i.e.,* the TRICARE manuals), which are available at *https://manuals.health.mil/* at the time of this final rule's publication.

All provisions of this final rule support NIH research by expanding the potential pool of patients who can participate in clinical trials for emerging treatments and expand TRICARE beneficiary access to emerging treatments and therapies for serious conditions. Participation of patients in clinical trials is crucial to the development of new treatments, particularly for conditions with few or no effective existing treatments. Patients with severely debilitating, life-threatening, or rare conditions may also seek early access to investigational treatments by participating in clinical trials, which may improve their symptoms, quality of life, and/or prognosis. While participation in clinical trials must always be voluntary and participants must be provided with full and informed consent, it is likewise critical that beneficiaries with severely debilitating, rare, or life-threatening conditions have access to and choice in available potential treatments offered through clinical trials in order to maximize their opportunity to receive available treatments, especially when the standard treatment may not successfully treat or cure the condition, or when no treatment exists. The provisions in this final rule provide additional options for and access to emerging treatments for these beneficiaries by decreasing some financial barriers to clinical trials. The Department initially established a demonstration to test the benefits and feasibility of the NCI cancer clinical trials benefit, which subsequently became a permanent benefit through rulemaking. Due to the success of that demonstration at expanding access to emerging treatments and the similarities to the types of conditions eligible under this final rule (*i.e.,* like cancer, such conditions are likewise severely debilitating, life-threatening, and/or rare diseases), the Department finds that an initial demonstration for this benefit is unnecessary and that promulgating a permanent benefit for clinical trials studying emerging treatments for these conditions under the requirements specified in this final rule will provide beneficiaries with the most efficient access to emerging treatments in the safest manner possible.

The DoD also acknowledges that clinical trial participation carries risks as well as benefits and therefore this final rule includes several components to protect patients while offering expanded coverage for clinical trials. First, the Department is limiting the clinical trial benefit to those trials studying new treatments or treatments for an uncontrolled symptom or aspect of conditions that are severely debilitating, life-threatening, and/or a rare disease. This will ensure that the DoD is only covering care that beneficiaries could not receive in the absence of the clinical trial and that may improve their symptoms or prognosis. Second, clinical trials eligible for DoD coverage must be sponsored or approved by an NIH Center or Institute. This provision, which is also required in the statutory authority for coverage of clinical trials at 10 U.S.C. 1079(a)(12), will ensure that covered clinical trials meet conventional ethical, safety, quality, and general Good Clinical Practice standards, such as IRB approval and informed consent for all participants. Lastly, Phase 0 clinical trials (exploratory IND studies that assess pharmacokinetics and pharmacodynamics) will not be eligible for coverage. TRICARE coverage of routine services associated with clinical trials that meet these standards will be the safest way for beneficiaries to pursue emerging treatments.

B. Legal Authority

This rule is issued under 10 U.S.C. 1073(a)(2) giving authority and responsibility to the Secretary of Defense to administer the TRICARE Program. The text of 10 U.S.C. chapter 55 can be found at *https://manuals.health.mil/.*

C. Community Impact

Beneficiaries who enroll in NIAID-sponsored COVID–19 clinical trials after the expiration of the COVID–19 national emergency will benefit from TRICARE continuing to reimburse costs for services and supplies provided in conjunction with eligible clinical trials, instead of having to pay for these costs out-of-pocket. Likewise, under the new provisions within this final rule, beneficiaries who enroll in future COVID–19 clinical trials sponsored or approved by other NIH Centers and Institutes will also be able to participate in such trials without paying for costs related to the clinical trials out-of-

pocket. In the event of a future pandemic or epidemic, TRICARE beneficiaries will benefit from being able to enroll in clinical trials studying the treatment or prevention of the infectious disease causing the Government-recognized infectious disease health emergency.

This final rule also expands clinical trial coverage to services and supplies provided in conjunction with clinical trials that are sponsored or approved by NIH Centers and Institutes and that involve a new treatment or cure for a specific condition or the treatment of a currently uncontrolled symptom or aspect of that condition for severely debilitating, life-threatening, and rare diseases. TRICARE beneficiaries with a severely debilitating or life-threatening condition, or who have a rare disease, will benefit from the ability to enroll in clinical trials studying investigational treatments for their condition without worrying about paying for significant medical costs related to the clinical trial out-of-pocket. This final rule will also positively impact research institutions, including NIH Centers and Institutes, by improving access for these beneficiaries to participate in valuable research, which expands the participant pool for clinical trials; this research will likewise benefit the public, who may be able to access emerging treatments for a severely debilitating, life-threatening, or rare disease depending on the results for each clinical trial. The public may also benefit from improved treatment of these conditions, which often result in higher rates of disability and lower life expectancy. Lastly, this final rule will impact the TRICARE managed care support contractors, who will be responsible for ensuring the requirements set out in these provisions are met. DHA will delineate the full extent of these responsibilities in contract modifications.

D. Regulatory History

Each of the sections under which TRICARE is administered are revised periodically to ensure requirements continue to align with the evolving health care field. The DoD most recently updated 32 CFR 199.4 on June 1, 2022 (87 FR 33001) by permanently adopting coverage of telephonic services. The coverage of care associated with treatment INDs in the second paragraph of the note to § 199.4(g)(15)(A)(i) has not been permanently revised since the 1997 final rule (62 FR 625) discussed earlier in this final rule, which clarified the coverage criteria for proven therapies under TRICARE to include that treatment INDs were not eligible for coverage but care associated with their administration could be covered when certain criteria were met. The clinical trials provision modified in this final rule last changed due to the IFR establishing the COVID–19 clinical trial benefit (85 FR 68753–68758).

II. Regulatory Impact Analysis

A. Baseline

TRICARE covered investigational drugs for treatment use when authorized by the FDA under its EA programs through a previous IFR; this coverage was temporary, limited to treatments of COVID–19, and expired upon the termination of the President's national emergency for COVID–19 on April 10, 2023. The FDA granted emergency use authorization for several COVID–19 therapies such as Remdesivir shortly after their initial authorization under FDA EA programs, and therefore TRICARE coverage of EA drugs has been very limited. Likewise, Government costs due to coverage of EA treatments have been minimal. Due to a lack of statutory authority to continue the benefit in perpetuity or to expand it for treatments other than COVID–19, the DoD is not considering continuing or expanding coverage of EA treatments in the potential courses of action below.

TRICARE also currently covers routine costs associated with Phase I, II, and III NCI-sponsored Cancer Clinical trials and Phase I, II, III, and IV clinical trials sponsored by NIAID for the treatment or prevention of COVID–19. TRICARE coverage of routine costs associated with the current clinical trial benefit, which includes NCI-sponsored Phase I, II, and III Cancer Clinical Trials, is estimated to cost $18.0M in Fiscal Year 2022 (FY22), and we estimate that this baseline cost will increase by 4.5% annually to $20.4M in FY24. These estimates were calculated using historical expenditures, current NCI clinical trials available from ClinicalTrials.gov, and projections of increases for medical costs and beneficiary demand.

TRICARE coverage of NIAID-sponsored COVID–19 clinical trials also expired upon the termination of the President's national emergency for COVID–19, although this final rule resumes coverage for NIAID-sponsored COVID–19 clinical trials starting on the final rule's effective date. Because this rule published after the termination of the national emergency, all costs related to COVID–19 clinical trials will represent incremental costs to the Government, but costs associated with NIAID-sponsored COVID–19 clinical trials are included here as baseline costs to distinguish them from the costs associated with other clinical trials. Upon examining TRICARE Encounter Data (TED) Records through July 2022, only two claims exist for TRICARE beneficiaries participating in NIAID-sponsored COVID–19 clinical trials; both claims totaled $28,683 over a 22-month period, equaling an average of $1,366 per month, or an expected average annual cost of $16,392 in FY22. Using the expected value approach, we anticipate that the Government will incur this monthly cost, on average, in the future. This low utilization is likely because most COVID–19 clinical trials were fully funded by sponsors and therefore no claims were filed for other TRICARE beneficiaries participating in COVID–19 clinical trials; therefore, we anticipate that $1,366 per month is likely over-estimating actual baseline costs.

B. Coverage of Government-Recognized Health Emergency Clinical Trials and Select NIH-Sponsored or Approved Clinical Trials

The DoD's final regulation expands TRICARE's clinical trial benefit to (1) make the coverage of NIAID-sponsored COVID–19 clinical trials permanent and cover all NIH-sponsored or approved COVID–19 trials; (2) expand coverage of NCI Cancer clinical trials to include Phase IV trials and NCI-approved Cancer clinical trials; (3) cover services and supplies provided in conjunction with Phase I, II, III, and IV clinical trials sponsored or approved by any NIH Center or Institute for the treatment or prevention of an infectious disease that results in a Government-recognized infectious disease health emergency, as defined above in the Statement of Need for this Rule section; and (4) cover services and supplies provided in conjunction with Phase I, II, III, and IV clinical trials sponsored or approved by any NIH Center or Institute in which the clinical trial studies a new treatment or cure for a specific condition or the treatment of a currently uncontrolled symptom or aspect of that condition, provided that the condition is severely debilitating, life-threatening, or a rare disease, as these terms are defined in this final rule. This expansion of clinical trial benefits creates several requirements for coverage of each type of trial.

Through this final rule, current coverage of COVID–19 clinical trials becomes permanent and is further expanded with coverage of NIH-sponsored and approved clinical trials for treatment or prevention of COVID–19, rather than NIAID-sponsored clinical trials only. This final rule also broadens the benefit in anticipation of

future infectious diseases that result in a pandemic or epidemic and result in the declaration of a national emergency or PHE. Additionally, this final rule expands coverage of NCI Cancer clinical trials to include NCI-approved Cancer clinical trials and Phase IV clinical trials, and adds coverage for clinical trials for severely debilitating, life-threatening, and rare diseases. Coverage requirements will reflect those currently in effect for NIAID-sponsored COVID–19 clinical trials. For example, the clinical trial must study a specific treatment (including preventive treatments) rather than the infectious disease or population health in general, and TRICARE will only cover routine costs associated with eligible clinical trials (*e.g.,* TRICARE will not reimburse the cost of an investigational drug or new imaging method). These clinical trials may study treatments for short or long-term health complications from the infectious disease, as well as treatments that prevent the infection or transmission of a contagion that causes the infectious disease.

This targeted approach greatly expands the clinical trial benefit to NIH-sponsored or approved Phase I, II, III, and IV clinical trials while specifying TRICARE's clinical trial benefit by imposing requirements on the types of eligible treatments (*i.e.,* the clinical trial study of a new treatment or cure for a specific condition or the treatment of a currently uncontrolled symptom or aspect of that condition) and types of eligible diseases and conditions (*i.e.,* those that are severely debilitating, life-threatening, or a rare disease). In this rule, a severely debilitating disease is defined as causing major irreversible morbidity; a life-threatening disease is defined as a disease or condition where the likelihood of death is high unless the course of the disease is interrupted or a disease with potentially fatal outcomes in which the end point of clinical trial analysis is survival; and a rare disease is defined as having a prevalence of fewer than 200,000 persons in the United States. Definitions for ''severely debilitating conditions'' and ''life-threatening conditions'' will be added to 32 CFR 199.2, as well as definitions for ''NIH-sponsored clinical trial'' and ''NIH-approved clinical trial.'' Additional discussion and examples of eligible treatments and diseases are provided earlier in the Background section of this preamble.

In addition to these changes, the termination of coverage of EA treatments for COVID–19 is also discussed in this rule. An in-depth analysis of this decision is discussed in the Background section of this preamble.

1. Analysis of Final Regulation

By (1) making the coverage of NIAID COVID–19 clinical trials permanent and covering all NIH-sponsored or approved COVID–19 trials, beneficiaries would be able to enroll in any NIH-sponsored or approved COVID–19 clinical trial for the treatment or prevention of COVID–19 after the termination of the President's national emergency for COVID–19 and be eligible for coverage of routine costs associated with such trials. Clinical trials studying treatments for short- or long-term health complications (*i.e.,* sequelae) caused by COVID–19 would also be eligible for coverage under this benefit (*e.g.,* a clinical trial studying a new oral steroid to treat Acute Respiratory Distress Syndrome caused by COVID–19 pneumonia would be eligible for coverage). Clinical trials that are solely observational or that are not studying a specific drug, vaccine, device, or other treatment would continue to be ineligible for coverage. Other coverage requirements would mirror existing regulatory requirements for NIAID COVID–19 clinical trials. For example, clinical trials conducted at the NIH Clinical Center would be ineligible for TRICARE coverage of any costs. Requirements for (2) Phase IV Cancer clinical trials will largely mirror existing regulatory requirements for NCI Cancer clinical trials, including requiring pre-authorization before the initial evaluation; requiring that providers be TRICARE-authorized; requiring that care rendered in the NIH Clinical Center be excluded from coverage; and applying normal cost-share procedures.

Additionally, this final rule financially supports clinical trial research sponsored or approved by any NIH Center or Institute for the (3) prevention and treatment for future Government-recognized infectious disease emergencies, as well as for (4) severely debilitating, life-threatening, and rare diseases. It also improves access to treatments for such diseases in the safest manner possible for TRICARE beneficiaries with the greatest need for emerging treatments, *i.e.,* beneficiaries with severely debilitating, life-threatening and rare conditions when the treatment has limited efficacy or when no treatment exists. These treatments may significantly improve beneficiary health outcomes (including symptoms, quality of life, prognosis, and life expectancy), and support of this research may assist with the full approval of emerging treatments, which would also improve the health outcomes for the general public and may reduce public and private spending due to death and disability that result from these conditions. Through expanded coverage for routine costs, clinical trials may receive higher application rates from TRICARE beneficiaries. Additionally, many groups are underrepresented in clinical trials research; this expansion in access may contribute to increased diversity within the clinical trial sample population. As discussed above, both factors are necessary to determine the actual efficacy of a treatment, especially across sub-populations (*e.g.,* is a treatment less effective for men over the age of 75 or more effective for female Indigenous Americans). For Phase IV trials studying a treatment already covered by TRICARE, the Government may realize cost-savings by paying for routine costs only, rather than also paying for the treatment. Likewise, the Government may realize cost savings from beneficiaries receiving an experimental treatment through a clinical trial, which is paid for by the investigator, over potentially less effective treatments covered by the TRICARE Program. This is especially relevant for novel infectious diseases such as COVID–19, which have few non-investigational treatments for short-term or long-term complications from the disease. Continuing the COVID–19 clinical trial benefit and expanding it to future infectious diseases that result in a pandemic or epidemic to the extent that a national emergency or PHE is declared will also support the development of treatment options for individuals who experience these complications.

The Government-recognized infectious disease health emergency clinical trial benefit, including continued coverage of COVID–19 clinical trials, will also support research efforts that may mitigate future pandemics and epidemics, including the development of treatments (as well as vaccines or other preventive treatments) for future novel infectious diseases and their associated short-term and long-term complications. While most of these benefits are intangible or otherwise infeasible to quantify, this benefit is also expected to save beneficiaries who were otherwise inclined to participate in a particular clinical trial hundreds to thousands of dollars per trial, although this amount is highly variable based on the specific type of trial. This cost is transferred from TRICARE beneficiaries participating in clinical trials to the Government and is further discussed in the cost analysis below.

As participation in this benefit is optional for clinical trial investigators, providers, and beneficiaries, this change imposes no direct burden on the public, but the pre-authorization requirement for clinical trials studying treatments for severely debilitating, life-threatening, or rare diseases will impose a minor barrier to this benefit. Pre-authorization provides some assurance that the beneficiary will not be financially liable for routine care provided under the trial. The Department finds that pre-authorization is necessary to ensure that these clinical trials meet all requirements set forth in this rule and does not anticipate pre-authorization imposing a significant burden, as most clinical trials require months to years to complete recruitment and enrollment, and a significant number of clinical trials for these categories of diseases utilize rolling enrollment. Additionally, TRICARE coverage of NCI Cancer Clinical Trials currently requires pre-authorization, and many treatments for severely debilitating, life-threatening, and rare diseases likewise have existing pre-authorization requirements under public and private health insurance plans. This requirement will also impose administrative costs to the Government; these costs are discussed in this analysis. TRICARE coverage of clinical trials studying treatments for Government-recognized infectious disease health emergencies will continue to not require pre-authorization due to the emergent, fast-paced, and novel nature of infectious diseases that cause pandemics and epidemics.

As discussed above, coverage of clinical trials carries risks to beneficiaries, who may experience mild or severe adverse events due to clinical trial participation or who may be randomly assigned to the control group. However, this rule limits eligible clinical trials to those studying a new treatment or cure for a specific condition or the treatment of a currently uncontrolled symptom or aspect of that condition, provided that the condition is severely debilitating, life-threatening, or a rare disease. These requirements therefore restrict the TRICARE clinical trial benefit to those beneficiaries in the greatest need of emerging treatments. Additionally, pursuing emerging treatments provided under an NIH-sponsored or approved clinical trial generally carries less risk to patients than unproven treatments pursued outside of clinical trial protocols due to the safety parameters required by NIH-sponsored or approved clinical trial protocols and requirements, such as IRB approval and informed consent for all patients. The Background section of this preamble further discusses patient protection.

As discussed in the baseline cost section, we estimate average annual costs at $16,392 for FY22 for NIAID-sponsored COVID–19 clinical trials. Due to low utilization and because COVID–19 clinical trials sponsored or approved by non-NIAID NIH Centers and Institutes tend to incur similar or lower costs than NIAID-sponsored COVID–19 clinical trials, we assume that costs for all NIH-sponsored or approved COVID–19 clinical trials will not exceed those for NIAID-sponsored COVID–19 clinical trials. However, we estimate a potential increase in demand and medical costs, so we projected a 4.5% increase in costs annually. Therefore, we estimate costs to be $18,704 in FY24 and estimate 5-year costs to be $102,323 from FY24–FY28. We estimate no incremental start-up or incremental administrative costs, as any administrative requirements (*e.g.,* eligibility determinations and customer support) are within the existing scope of the Managed Care Support contracts, which have already been modified to include the COVID–19 clinical trial benefit.

To approximate TRICARE costs for NCI Phase IV trials, we used a cost ratio approach to calculate the relative costs of NCI Phase IV trials compared to NCI Phase I–III clinical trials. Direct costs to the Government were calculated by first analyzing historical TRICARE expenditures for NCI-sponsored Cancer Phase I, II, and III clinical trials from TED records, representing baseline costs for this rule ($18.0M in FY22). We chose this approach because NCI Phase IV clinical trial costs are an unknown variable, but we know TRICARE-specific costs for NCI-sponsored Phase I–III trials and total enrollment in NCI-sponsored clinical trials. To accomplish this, we first analyzed public data on ClinicalTrials.gov for active, non-recruiting NCI-sponsored or approved Phase I–IV clinical trials and identified the number of participants in each trial. Each trial was also classified into one of 11 categories representing various types of clinical trials and their associated costs, including a category that represented no costs. The historical TRICARE expenditures for the NCI Phase I–III trials were then used to calculate an annual average TRICARE cost per trial enrollee for each category; this average cost per enrollee for each specific category was also used to estimate TRICARE costs for the NCI Phase IV trials. This estimate, therefore, assumes that the average cost per enrollee will be the same from NCI Phase I–III to NCI Phase IV trials in a given category, as there is no other visibility into NCI Phase IV clinical trial costs. For example, we assume that an NCI Phase IV clinical trial studying a pharmaceutical drug would incur the same costs, on average, as an NCI Phase I, II, or III clinical trial studying a pharmaceutical drug.

The annual average TRICARE cost per trial enrollee for each category was then multiplied by the total number of non-NCI, non-COVID–19 clinical trial enrollees in each category (as reported on ClinicalTrials.gov) to estimate total costs for each category. Costs were calculated separately for Phase I–III and for Phase IV trials, and then Phase IV trial costs were divided by Phase I–III trial costs to calculate an estimated cost ratio of 3.53%, meaning that NCI Phase IV trial costs for all enrollees are 3.53% of the cost of non-NCI, non-COVID–19 Phase I–III trials for all enrollees. Note that these costs represent routine costs associated with clinical trials for all patients, not TRICARE beneficiaries alone, using TRICARE cost data from NCI clinical trials. This calculation is, therefore, not intended to estimate total NCI clinical trial costs for all participants. Instead, using this methodology provides an unbiased estimate of relative costs for NCI Phase IV trials compared to NCI Phase I–III clinical trials. To estimate incremental TRICARE costs for NCI Phase IV clinical trials, we multiplied the 3.53% cost ratio by the TRICARE costs for NCI Phase I, II, and III clinical trials, which equals $0.7M in projected FY24 costs for NCI Phase IV trials.

To estimate costs for coverage of Government-recognized infectious disease health emergencies, we first identified all national emergencies and PHEs due to infectious diseases within the last ten years. The Zika virus epidemic was declared a PHE on August 12, 2016, and lasted ten months. The mpox (initially referred to as monkeypox) outbreak was declared a PHE on August 2, 2022, and the PHE lasted nearly six months. The COVID–19 pandemic was declared a PHE on January 31, 2020, and a national emergency on March 13, 2020; the national emergency ended on April 10, 2023, and the PHE ended on May 11, 2023. Using historical data, we assume that the COVID–19 pandemic is a 100-year event, like the 1918 H1N1 flu pandemic. Additionally, using NIAID COVID–19 claims data and the total duration of the three Government-recognized infectious disease health emergencies in the United States from 2012 to 2022, we assume that expenditures for clinical trials will

average approximately $735 per month ($8,820 annually in 2022 dollars). Like other estimates discussed in this rule, we assume a 4.5% increase in costs annually, based on projections made by the Centers for Medicare and Medicaid Services (CMS) Office of the Actuary. As with COVID–19 clinical trials, it is difficult to project the incidence and duration of future national emergencies and PHEs caused by pandemics and epidemics, as well as the number, duration, and type of clinical trials constructed to study each infectious disease and the participation in by TRICARE beneficiaries, so this estimate should be interpreted as an expected value over time. Therefore, we expect incremental Government costs of approximately $10,065 in FY24 and five-year costs of $55,063 from FY24–FY28.

We also used the same overall cost ratio methodology as the estimate for other NIH-sponsored or approved clinical trials to begin our estimate of covering the subset of NIH clinical trials that study severely debilitating, life-threatening, or rare diseases. After calculating costs for each category of clinical trial, we estimated the probability that each of the 556 clinical trials would meet eligibility criteria, *i.e.,* study a new treatment or cure for a specific condition or the treatment of a currently uncontrolled symptom or aspect of that condition, provided that the condition or the uncontrolled symptom of the condition under study in the clinical trial is severely debilitating, life-threatening, or a rare disease. The probabilities for each trial were multiplied by the average cost for that trial's category to estimate an expected value for the annual probability-adjusted costs for all participants. As discussed above, these costs represent Government costs for all participants if TRICARE had covered all routine costs; this calculation is also not intended to estimate total national costs for this subset of clinical trials. This methodology is instead intended to provide an unbiased estimate of relative costs to use in projecting TRICARE-specific costs for this subset of NIH clinical trials. Dividing the costs for NCI Cancer Phase I–IV clinical trials by the costs for this subset of NIH clinical trials resulted in a cost-adjustment ratio of 8.6%. In other words, we estimated that the costs of covering this subset of NIH clinical trials would be 8.6% of the costs of covering NCI Cancer Phase I–IV clinical trials. Multiplying this adjustment ratio by projected TRICARE costs for NCI Cancer Phase I–IV clinical trials equals an estimated TRICARE cost of $1.81M in FY24 to cover this subset of NIH clinical trials, including NCI-approved Cancer Phase I–III clinical trials. Adding this total to the costs of covering routine care associated with NCI Cancer Phase IV clinical trials ($0.72M), NIAID COVID–19 clinical trials ($0.02M), and Government-recognized health emergency clinical trials ($0.01M) equals a total estimated cost of $2.56M in FY24 to the Government for covering NIH-sponsored and approved clinical trials. We assume that these costs will increase 4.5% annually and project $14.00M in direct costs to the Government over five years from FY24–FY28.

Additionally, we anticipate administrative costs related to coverage of NIH-sponsored or approved clinical trials for severely debilitating, life-threatening, and rare diseases. Administrative costs represent the value of labor incurred by Government employees (including military and civilian DoD employees) and Government contractors (including sub-contractors) who administer the TRICARE benefit. One-time start-up costs and recurring administrative costs are therefore estimated at $445,510 and $88,344, respectively, in FY24; we also project a 4.5% increase in recurring administrative costs each following year. Start-up costs refer to resources used before implementing this final rule, including an impact assessment and development of requirements, administrative components, and information technology system changes. We project that approximately 1,810 full-time equivalent (FTE) hours will be required to implement all changes associated with this final rule, for an estimated one-time start-up cost of $445,510. For recurring resources required to implement these changes, we anticipate approximately one hour of labor per claim; this recurring labor includes care management, referral and pre-authorization requirements, eligibility reviews, and customer support. We assume no administrative costs will be incurred due to coverage of NIAID COVID–19 clinical trials or Government-recognized infectious disease health emergency clinical trials.

2. Total Costs for Government & Non-Government

This final rule impacts four direct medical cost components: (1) NIAID-sponsored and approved COVID–19 clinical trials, (2) NCI-sponsored and approved Cancer Phase IV clinical trials, (3) Government-recognized infectious disease health emergency clinical trials, and (4) other NIH-sponsored and approved clinical trials, which includes NCI-approved Cancer clinical trials. The subtotal for direct medical cost is estimated at $2.56M in FY24 and the five-year direct cost subtotal is estimated at $14.00M from FY24–FY28, assuming a 4.5% increase in costs annually based on projections made by the CMS Office of the Actuary. Costs for NCI-sponsored Cancer Phase I, II, and III trials are existing baseline costs and are therefore excluded. Start-up and recurring administrative costs for FY24 are estimated at $445,510 and $88,344, respectively, for a FY24 administrative cost total of $0.53M. Start-up costs are one-time costs occurring before the implementation of these provisions, while recurring administrative costs are projected to increase by 4.5% annually.

Table 1 summarizes the direct medical and administrative costs discussed above. These costs do not include any potential cost-savings, intangible benefits, or intangible costs to either the Government or non-Government entities. Additionally, healthcare providers and the general public are expected to incur zero costs, while costs to patients and Government contractors are transferred to the Government as direct medical costs or administrative costs, respectively.

TABLE 1—GOVERNMENT COSTS

[All costs in millions]

	FY24	FY25	FY26	FY27	FY28	FY24–FY28
NIAID COVID–19 Clinical Trials	$0.02	$0.02	$0.02	$0.02	$0.02	$0.10
NCI Cancer Phase IV Clinical Trials	0.72	0.75	0.79	0.82	0.86	3.94
Government-recognized Health Emergency Clinical Trials	0.01	0.01	0.01	0.01	0.01	0.05
Subset of NIH Sponsored and Approved Clinical Trials	1.81	1.89	1.98	2.06	2.16	9.90

TABLE 1—GOVERNMENT COSTS—Continued

[All costs in millions]

	FY24	FY25	FY26	FY27	FY28	FY24–FY28
Administrative Costs	0.53	0.08	0.09	0.09	0.09	0.88
Totals	3.09	2.75	2.89	3.00	3.14	14.87

3. Benefits

Compared to the TRICARE baseline, this final rule provides greater assistance to federally funded or approved clinical studies. It also allows a greater number of beneficiaries to benefit from emerging treatments, and, based on public comments, the COVID–19 pandemic, and the clinical trials reimbursement landscape, the Department finds it appropriate to expand TRICARE's clinical trial benefit. Making the coverage of NIAID-sponsored COVID–19 clinical trials permanent and covering all NIH-sponsored or approved COVID–19 trials will further support scientific efforts into studying COVID–19, provide beneficiaries with access to emerging treatments for COVID–19 treatments that are not yet proven, and would remove some financial barriers for TRICARE beneficiaries who wish to participate in a clinical trial for an emerging treatment. Removing these financial barriers may encourage participation in NIH-sponsored or approved COVID–19 clinical trials over riskier, unproven treatments outside the safety parameters required by clinical trial protocols. Additionally, our targeted approach to expanded clinical trial coverage better protects patients by selecting certain diseases and conditions, as discussed above; patient safety is a key reason TRICARE generally only covers treatments proven safe and effective. As a Government-funded health program, TRICARE must also strive to use Government dollars in a cost-effective manner. The Department believes access to emerging, unproven treatments should be provided to beneficiaries who may substantially benefit from emerging treatments, namely beneficiaries with severely debilitating, life-threatening, or rare conditions for which treatments are limited, as well as conditions that result in epidemics or pandemics. Treatments for these conditions also tend to have limited reliable evidence and the Department's coverage of routine costs will further research into treatments for these conditions by improving beneficiary access to these clinical trials.

Additionally, the Patient Protection and Affordable Care Act (PPACA) requires health plans subject to PPACA requirements to cover routine patient costs for items and services furnished in connection with participation in the trials only if the clinical trial is federally approved or funded; studies the prevention, detection, or treatment of cancer or another life-threatening disease or condition; and either has an investigational new drug application or is exempt from investigational new drug application requirements. This rule, therefore, more closely aligns TRICARE's clinical trial benefit with clinical trial coverage offered by many private health plans. Ultimately, the DoD included these provisions to achieve a balance between assisting more beneficiaries—as well as the general public—at a lower cost to the Government while also protecting patient safety and ensuring that coverage of clinical trials is provided only to individuals who have a need for emerging treatments because they have a debilitating or life-threatening disease or condition or a rare disease.

III. Regulatory Compliance Analysis

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

Executive Order 12866 and Executive Order 13563 direct agencies to assess all costs, benefits, and available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, safety effects, distributive impacts, and equity). These Executive Orders emphasize the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated not significant, under section 3(f) of Executive Order 12866.

B. Executive Order 14192, ''Unleashing Prosperity Through Deregulation''

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

C. Congressional Review Act (5 U.S.C. 801 et seq.)

Pursuant to the Congressional Review Act, this rule has not been designated a major rule, as defined by 5 U.S.C. 804(2).

D. Public Law 96–354, ''Regulatory Flexibility Act'' (5 U.S.C. 601)

The ASD(HA) certified that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities. Therefore, the Regulatory Flexibility Act, as amended, does not require us to prepare a regulatory flexibility analysis.

E. Sec. 202, Public Law 104–4, ''Unfunded Mandates Reform Act''

Section 202 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532) requires agencies to assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. This rule will not mandate any requirements for state, local, or tribal governments, and will not affect private sector costs.

F. Public Law 96–511, ''Paperwork Reduction Act'' (44 U.S.C. Chapter 35)

It has been determined that this rule does not impose reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995.

G. Executive Order 13132, ''Federalism''

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a final rule that imposes substantial direct requirement costs on state and local governments, preempts state law, or otherwise has federalism implications. This rule will not have a substantial effect on State and local governments.

H. Executive Order 13175, ''Consultation and Coordination With Indian Tribal Governments''

Executive Order 13175 establishes certain requirements that an agency

must meet when it promulgates a final rule that imposes substantial direct compliance costs on one or more Indian tribes, preempts tribal law, or effects the distribution of power and responsibilities between the Federal Government and Indian tribes. This rule will not have a substantial effect on Indian tribal governments.

List of Subjects in 32 CFR Part 199

Administrative practice and procedure, Claims, Dental, Fraud, Health care, Health insurance, Individuals with disabilities, Mental health programs, and Military personnel.

For the reasons stated in the preamble, the DoD adopts the interim final rules amending 32 CFR part 199, which were published at 85 FR 54914–54924 on September 3, 2020 and 85 FR 68753–68758 on October 30, 2020 as final with the following changes:

PART 199—CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS)

■ 1. The authority citation for part 199 continues to read as follows:

Authority: 5 U.S.C. 301; 10 U.S.C. chapter 55.

■ 2. Amend § 199.2(b) by adding definitions for ''Life threatening conditions'', ''National Institutes of Health (NIH)-approved clinical trial'', ''NIH-sponsored clinical trial'', and ''Severely debilitating conditions'' in alphabetical order to read as follows:

§ 199.2 Definitions.

* * * * *

Life threatening conditions. Diseases or conditions where the likelihood of death is high unless the course of the disease is interrupted and diseases or conditions with potentially fatal outcomes, where the end point of clinical trial analysis is survival.

* * * * *

National Institutes of Health (NIH)-approved clinical trial. An NIH-defined clinical trial, *i.e.,* a research study in which one or more human subjects are prospectively assigned to one or more interventions (which may include placebo or other control) to evaluate the effects of those interventions on health-related biomedical or behavioral outcomes, in which the NIH collaborates with the study sponsor to provide resources or other support towards the development of the clinical trial and/or analysis of its results. This support may include funding, design, implementation, data analysis, or reporting.

* * * * *

NIH-sponsored clinical trial. An NIH-defined clinical trial, *i.e.,* a research study in which one or more human subjects are prospectively assigned to one or more interventions (which may include placebo or other control) to evaluate the effects of those interventions on health-related biomedical or behavioral outcomes, in which the NIH initiates, funds, manages, and otherwise oversees the clinical trial.

* * * * *

Severely debilitating conditions. Diseases or conditions that cause major irreversible morbidity.

* * * * *

■ 3. Amend § 199.4 by:
■ a. Revising paragraph (e)(26)(ii) and (iii);
■ b. Revising paragraph (g)(14); and
■ c. Revising the second paragraph of the note to paragraph (g)(15)(i)(A).

The revisions read as follows:

§ 199.4 Basic program benefits.

* * * * *

(e) * * *

(26) * * *

(ii) *Continuous waiver*—(A) *General.* As a result of a demonstration project or rulemaking under which a waiver has been granted in connection with a National Institutes of Health (NIH)-sponsored or approved clinical trial, a determination may be made that it is in the best interest of the government and eligible beneficiaries to provide a waiver for CHAMPUS cost-sharing of routine services and supplies associated with the eligible clinical trial. Only those specified clinical trials identified under this paragraph (e)(26)(ii) and paragraph (e)(26)(iii) of this section have been authorized a continuous waiver under CHAMPUS. Continuous waivers specific to public health emergencies are described in paragraph (e)(26)(iii) of this section.

(B) *National Cancer Institute (NCI) sponsored or approved cancer prevention, screening, and early detection clinical trials.* A continuous waiver under paragraph (e)(26) of this section has been granted for CHAMPUS cost-sharing for those eligible beneficiaries selected to participate in NCI-sponsored or approved Phase I, Phase II, Phase III, and Phase IV studies for the prevention and treatment of cancer.

(*1*) CHAMPUS will cost-share all medical care and testing required to determine eligibility for an NCI-sponsored or approved trial, including the evaluation for eligibility at the institution conducting the NCI-sponsored or approved study. CHAMPUS will cost-share all medical care required as a result of participation in NCI-sponsored or approved studies. This includes purchasing and administering all approved chemotherapy agents (except for NCI-funded investigational drugs provided as part of the clinical trial) and all inpatient and outpatient care, including diagnostic and laboratory services not otherwise reimbursed under an NCI grant program if the following conditions are met:

(*i*) The provider seeking treatment for an eligible beneficiary in an NCI approved protocol has obtained pre-authorization for the proposed treatment before initial evaluation;

(*ii*) Such treatments are NCI-sponsored or approved Phase I, Phase II, Phase III, or Phase IV protocols;

(*iii*) The beneficiary continues to meet entry criteria for said protocol; and

(*iv*) The institutional and individual providers are CHAMPUS authorized providers.

(*2*) CHAMPUS will not provide reimbursement for care rendered in the National Institutes of Health Clinical Center or costs associated with non-treatment research activities associated with the clinical trials.

(*3*) Cost-shares and deductibles applicable to CHAMPUS will also apply under the NCI-sponsored or approved clinical trials.

(*4*) The Director shall issue procedures and guidelines establishing NCI-sponsorship and approval of clinical trials and the administrative process by which individual patients apply for and receive cost-sharing under NCI-sponsored or approved cancer clinical trials.

(C) *NIH-sponsored and approved clinical trials for severely debilitating diseases, life-threatening diseases, and rare diseases.* The Secretary has approved a continuous waiver under paragraph (e)(26) of this section for CHAMPUS cost-sharing for those eligible beneficiaries selected to participate in NIH-sponsored or approved Phase I, Phase II, Phase III, and Phase IV clinical trials in which the clinical trial studies a new treatment or cure for a specific condition or the treatment of a currently uncontrolled symptom or aspect of that condition, provided that the condition is severely debilitating, life-threatening, or a rare disease.

(*1*) CHAMPUS will cost-share all medical care and testing required to determine eligibility for an NIH-sponsored or approved trial, including

the evaluation for eligibility at the institution conducting the NIH-sponsored or approved study. CHAMPUS will cost-share all medical care (including associated health complications) required as a result of participation in NIH-sponsored or approved studies. This includes purchasing and administering all approved pharmaceutical agents (except for sponsor-funded investigational drugs provided as part of the clinical trial) and all inpatient and outpatient care, including diagnostic, laboratory, rehabilitation, and home health services not otherwise reimbursed under an NIH grant program if the following conditions are met:

(*i*) The provider seeking treatment for an eligible beneficiary in an NIH approved protocol has obtained pre-authorization for the proposed treatment before initial evaluation;

(*ii*) Such treatments are NIH-sponsored or approved Phase I, Phase II, Phase III, or Phase IV protocols;

(*iii*) The beneficiary continues to meet entry criteria for said protocol; and,

(*iv*) The institutional and individual providers are CHAMPUS authorized providers,

(*2*) CHAMPUS will not provide reimbursement for care rendered in the NIH Clinical Center or costs associated with non-treatment research activities associated with the clinical trials.

(*3*) Cost-shares and deductibles applicable to CHAMPUS will also apply under the NIH-sponsored or approved clinical trials.

(*4*) The Director shall issue procedures and guidelines establishing NIH-sponsorship and approval of clinical trials and the administrative process by which individual patients apply for and receive cost-sharing under eligible NIH-sponsored or approved clinical trials.

(iii) *Public health emergency or national emergency waiver*—(A) *General.* A waiver has been granted for CHAMPUS cost-sharing for eligible beneficiaries who participate in Phase I, II, III, or IV trials that are sponsored or approved by the NIH or an NIH Center or Institute for the purposes of treatment or prevention of a Government-recognized epidemic or pandemic that results in a national emergency or public health emergency.

(B) *Infectious disease health emergencies.* CHAMPUS will cover cost-sharing for those eligible beneficiaries selected to participate in NIH-sponsored or approved Phase I, II, III, and IV studies examining the treatment or prevention of an infectious disease (and any associated sequelae) that causes a pandemic or epidemic, when part of a national emergency declared by the President of the United States or a public health emergency declared by the Secretary of Health and Human Services. For eligible beneficiaries receiving covered services overseas, this coverage also includes pandemics and epidemics recognized by foreign governments and pandemics and epidemics recognized by the World Health Organization, although only NIH-approved clinical trials in the region experiencing the Government-recognized pandemic or epidemic qualify for coverage under this provision.

(*1*) CHAMPUS will cost-share all medical care and testing required to determine eligibility for an NIH-sponsored or approved trial, including the evaluation for eligibility at the institution conducting the NIH-sponsored or approved study. CHAMPUS will cost-share all medical care (including associated health complications) required as a result of participation in NIH-sponsored or approved studies. This includes purchasing and administering all approved pharmaceutical agents (except for NIH-funded investigational drugs provided as part of the clinical trial) and all inpatient and outpatient care, including diagnostic, laboratory, rehabilitation, and home health services not otherwise reimbursed under an NIH grant program if the following conditions are met:

(*i*) Such treatments are NIH-sponsored or approved Phase I, Phase II, Phase III, or Phase IV protocols;

(*ii*) The beneficiary continues to meet entry criteria for said protocol; and

(*iii*) The institutional and individual providers are CHAMPUS authorized providers.

(*2*) CHAMPUS will not provide reimbursement for care rendered in the NIH Clinical Center or costs associated with non-treatment research activities associated with the clinical trials.

(*3*) Cost-shares and deductibles applicable to CHAMPUS will also apply under the NIH-sponsored or approved clinical trials.

(*4*) Coverage of cost-sharing for those eligible beneficiaries selected to participate in a clinical trial that meets criteria under paragraph (e)(26)(iii)(B) of this section is effective the date the national or public health emergency is declared and does not terminate at the end of the emergency period.

(*5*) The Director shall issue procedures and guidelines establishing NIH-sponsorship and approval of clinical trials and the administrative process by which individual patients apply for and receive cost-sharing under eligible NIH-sponsored or approved clinical trials.

Note: A waiver has been authorized for CHAMPUS cost-sharing for those eligible beneficiaries selected to participate in NIH-sponsored or approved Phase I, II, III, and IV studies examining the treatment or prevention of Coronavirus Disease 2019 and its associated sequelae.

* * * * *

(g) * * *

(14) *Study, grant, or research programs.* Services and supplies provided as a part of or under a scientific or medical study, grant, or research program, except as authorized under paragraph (e)(26) of this section.

(15) * * *

(i) * * *

(A) * * *

Note to paragraph (g)(15)(i)(A): * * *

Certain cancer drugs, designated as Group C drugs (approved and distributed by the National Cancer Institute), and investigational drugs authorized by the FDA for treatment use under expanded access programs are not covered under TRICARE because they are not approved for marketing by the FDA. However, medical care related to the use of Group C drugs and investigational drugs authorized for treatment use under FDA expanded access programs can be cost-shared under TRICARE when the patient's medical condition warrants their administration, and the care is provided in accordance with generally accepted standards of medical practice.* * *

* * * * *

Dated: July 24, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

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BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 310

[Docket ID: DoD–2024–OS–0049]

RIN 0790–AL30

Privacy Act of 1974; Implementation

AGENCY: Office of the Secretary of Defense (OSD), Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Department of Defense (Department or DoD) is issuing a final rule to amend its regulations to exempt portions of DoD–0020, Military Human

Resource Records system of records from certain provisions of the Privacy Act of 1974. Specifically, the rule exempts portions of the Military Human Resource Records from certain provisions of the Privacy Act because of national security, and to prevent the undermining of evaluation materials used to determine potential for promotion.

DATES: This rule is effective on August 27, 2025.

FOR FURTHER INFORMATION CONTACT: Ms. Rahwa Keleta, Privacy and Civil Liberties Directorate, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Department of Defense, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700; *osd.mc-alex.oatsd-pclt.mbx.pcld-sorn@mail.mil;* (703) 571–0070.

SUPPLEMENTARY INFORMATION:

Discussion of Comments and Changes

This proposed rule published in the **Federal Register** (89 FR 42408) on May 15, 2024. Comments were accepted for 60 days until July 15, 2024. Only two comments were received, neither of which necessitated any changes to the rule. One commenter appeared to generally agree with DoD's proposed rule. The other commenter acknowledged the necessity for the exemptions being claimed, but also offered some suggestions seemingly designed to enhance transparency, accountability, record accuracy, and safeguarding. DoD agrees with these general goals and responds that it follows the requirements of the Privacy Act and DoD policy for maintaining a system of records, both of which serve to effectuate similar objectives. This final rule adds to the DoD's Privacy Act exemptions for Department-wide systems of records found in 32 CFR 310.13.

I. Background

In finalizing this rule, DoD is seeking to exempt portions of this system of records titled, DoD–0020, Military Human Resource Records, from certain provisions of the Privacy Act. This system of records describes DoD's collection, use, and maintenance of records about members of the armed forces, including active duty, reserve, and guard personnel. Records support Department requirements and individual Service members' careers, through the collection and management of personnel and employment data. This information includes individual's pay and compensation, education, assignment history, rank and promotion determinations, separation and retirement actions, and career milestones.

II. Privacy Act Exemption

The Privacy Act allows Federal agencies to exempt eligible records in a system of records from certain provisions of the Act, including those that provide individuals with a right to request access to and amendment of their own records. If an agency intends to exempt a particular system of records, it must first go through the rulemaking process pursuant to 5 U.S.C. 553(b)(1)–(3), (c), and (e). The DoD is amending 32 CFR part 310 to add a new Privacy Act exemption rule for the DoD–0020, Military Human Resource Records system of records. The DoD is adding exemptions for this system of records pursuant to 5 U.S.C. 552a(k)(1) and (k)(7) because some of its records may contain classified national security information or evaluation material, including from other systems of records, that is used to determine potential for promotion in the armed services. In some cases, such records may contain information pertaining to the identity of a source who furnished information to the Government under an express promise that the source's identity would be held in confidence (or prior to the effective date of the Privacy Act, under an implied promise). The DoD is claiming an exemption from several provisions of the Privacy Act, including various access, amendment, disclosure of accounting, and certain recordkeeping and notice requirements, to avoid, among other harms, frustrating the underlying purposes for which the information was gathered.

Regulatory Analysis

Executive Order 12866, ''Regulatory Planning and Review,'' and Executive Order 13563, ''Improving Regulation and Regulatory Review''

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distribute impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. It has been determined that this rule is not a significant regulatory action.

Executive Order 14192, ''Unleashing Prosperity Through Deregulation''

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

Congressional Review Act (5 U.S.C. 801 et seq.)

Pursuant to the Congressional Review Act, this rule has not been designated a major rule, as defined by 5 U.S.C. 804(2). This rule does not have an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

Section 202, Public Law 104–4, ''Unfunded Mandates Reform Act''

Section 202(a) of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532(a)) requires agencies to assess anticipated costs and benefits before issuing any rule whose mandates may result in the expenditure by State, local, and tribal governments in the aggregate, or by the private sector, in any one year of $100 million in 1995 dollars, updated annually for inflation. This rule will not mandate any requirements for State, local, or tribal governments, nor will it affect private sector costs.

Public Law 96–354, ''Regulatory Flexibility Act'' (5 U.S.C. Chapter 6)

The Acting Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency has certified that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities. This rule is concerned only with the administration of Privacy Act systems of records within the DoD. Therefore, the Regulatory Flexibility Act, as amended, does not require DoD to prepare a regulatory flexibility analysis.

Public Law 96–511, ''Paperwork Reduction Act'' (44 U.S.C. Chapter 35)

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) was enacted to minimize the paperwork burden for individuals; small businesses; educational and nonprofit institutions; Federal contractors; State, local, and tribal governments; and other persons resulting from the collection of

information by or for the Federal government. The Act requires that agencies obtain approval from the Office of Management and Budget before using identical questions to collect information from ten or more persons. This rule does not impose reporting or recordkeeping requirements on the public.

Executive Order 13132, ''*Federalism*''

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a final rule that has federalism implications, imposes substantial direct compliance costs on State and local governments, and is not required by statute, or has federalism implications and preempts state law. This rule will not have a substantial effect on State and local governments.

Executive Order 13175, ''*Consultation and Coordination With Indian Tribal Governments*''

Executive Order 13175 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct compliance costs on one or more Indian tribes, preempts tribal law, or affects the distribution of power and responsibilities between the Federal government and Indian tribes. This rule will not have a substantial effect on Indian tribal governments.

List of Subjects in 32 CFR Part 310

Privacy.

Accordingly, 32 CFR part 310 is amended as follows:

PART 310—PROTECTION OF PRIVACY AND ACCESS TO AND AMENDMENT OF INDIVIDUAL RECORDS UNDER THE PRIVACY ACT OF 1974

■ 1. The authority citation for 32 CFR part 310 continues to read as follows:

Authority: 5 U.S.C. 552a.

■ 2. Amend § 310.13 by adding paragraph (e)(15) to read as follows:

§ 310.13 Exemptions for DoD-wide systems.

* * * * *

(e) * * *

(15) *System identifier and name.* DoD–0020, ''Military Human Resource Records.''

(i) *Exemptions.* This system of records is exempt from 5 U.S.C. 552a(c)(3); (d)(1)–(4); (e)(1); (e)(4)(G), (H), and (I); and (f).

(ii) *Authority.* 5 U.S.C. 552a(k)(1) and (k)(7).

(iii) *Exemption from the particular subsections.* Exemption from the particular subsections is justified for the following reasons:

(A) *Subsection (c)(3), (d)(1), and (d)(2)*—(1) *Exemption (k)(1).* Records in this system of records may contain information that is properly classified pursuant to executive order. Application of exemption (k)(1) may be necessary because access to and amendment of the records, or release of the accounting of disclosures for such records, could reveal classified information. Disclosure of classified records to an individual may cause damage to national security.

(2) *Exemption (k)(7).* Records in this system of records may contain evaluation material, including from other systems of records, used to determine potential for promotion in the Armed Forces of the United States. In some cases, such records may contain information pertaining to the identity of a source who furnished information to the Government under an express promise that the source's identity would be held in confidence (or prior to the effective date of the Privacy Act, under an implied promise). Application of exemption (k)(7) may be necessary because access to, amendment of, or release of the accounting of disclosures of such records could identify these confidential sources who might not have otherwise provided information to assist the Government; hinder the Government's ability to obtain information from future confidential sources; and result in an unwarranted invasion of the privacy of others.

(B) *Subsection (d)(3) and (4).* These subsections are inapplicable to the extent that an exemption is being claimed from subsections (d)(1) and (2).

(C) *Subsection (e)(1).* In the collection of information for evaluation material used to determine potential for promotion in the Military Services, which may be incorporated into and/or maintained in military personnel records, it is not always possible to conclusively determine the relevance and necessity of particular information in the early stages of the evaluation process. In some instances, it will be only after the collected information is evaluated in light of other information that its relevance and necessity for effective decision-making can be assessed. Collection of such information may permit more informed decision-making by the Department when making required disciplinary or personnel determinations. Additionally, the information collected may be properly classified pursuant to executive order. Accordingly, application of exemptions (k)(1) or (k)(7) may be necessary.

(D) *Subsection (e)(4)(G) and (H).* These subsections are inapplicable to the extent exemption is claimed from subsections (d)(1) and (2).

(E) *Subsection (e)(4)(I).* To the extent that this provision is construed to require more detailed disclosure than the broad information currently published in the system notice concerning categories of sources of records in the system, an exemption from this provision is necessary to protect the confidentiality of sources of information, the privacy and physical safety of witnesses and informants, and testing or examination material used solely to determine individual qualifications for appointment of promotion in the Federal service. Additionally, records in this system may be properly classified pursuant to executive order. Accordingly, application of exemptions (k)(1) and (k)(7) may be necessary.

(F) *Subsection (f).* To the extent that portions of the system are exempt from the provisions of the Privacy Act concerning individual access and amendment of records, DoD is not required to establish rules concerning procedures and requirements relating to such provisions. Accordingly, application of exemptions (k)(1) and (k)(7) may be necessary.

Dated: July 23, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2025–14134 Filed 7–25–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2025–0658]

Regulated Navigation Area; Lake Washington, Seattle, WA

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a regulated navigation area on Lake Washington, Seattle Washington immediately before and after Seafair events from 8 a.m. to 8 p.m., each day from July 31, 2025, through August 3, 2025. This action is to provide for the safety of life on navigable waterways throughout the duration of this event.

The location of this regulated navigation area on portions of Lake Washington, Seattle, Washington is specified in the regulation. During the enforcement periods all vessels transiting the regulated navigation area must proceed at a speed which creates minimum wake, seven (7) miles per hour or less, unless a higher minimum speed is necessary to maintain bare steerageway.

DATES: The regulation in 33 CFR 165.1341 will be enforced immediately before and after Seafair events from 8 a.m. to 8 p.m., each day from July 31, 2025, through August 3, 2025.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email Lieutenant Anthony Pinto, U.S. Coast Guard, Sector Puget Sound, Waterways Management Division; by telephone 206–217–6051, or email *SectorPugetSoundWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the regulated navigation area in 33 CFR 165.1341 immediately before and after Seafair events from 8 a.m. to 8 p.m., each day from July 31, 2025, through August 3, 2025. This action is being taken to provide for the safety of life on navigable waterways during this event. Seafair will be having several events sporadically throughout the day. Before and after these events, the Coast Guard will be enforcing the regulated navigation area to protect the public from the potential hazards of excessive vessel traffic associated with these events. The regulation, § 165.1341(a), specifies the location of the regulated navigation area encompassing portions of Lake Washington, Seattle, Washington. During the enforcement periods, as reflected in § 165.1341(c), all vessels transiting the regulated navigation area must proceed at a speed which creates minimum wake, seven (7) miles per hour or less, unless a higher minimum speed is necessary to maintain bare steerageway.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of the enforcement period via marine information broadcast and Local Notice to Mariners.

Dated: July 23, 2025.

Mark A. McDonnell,

Captain, U.S. Coast Guard, Captain of the Port, Sector Puget Sound.

[FR Doc. 2025–14220 Filed 7–25–25; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2025–0678]

RIN 1625–AA00

Safety Zone; Beltway 8 Bridge Construction, Houston Ship Channel, Houston, TX

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing two temporary safety zones for navigable waters within a 120-yard radius of points on the north and south shore of the Houston Ship Channel under the Beltway 8 Bridge (Sam Houston Tollway Ship Channel Bridge) overhead construction. The safety zones are needed to protect personnel, vessels, and the marine environment from potential hazards created by constructing a new bridge. Entry of vessels or persons into these zones are prohibited unless specifically authorized by the Captain of the Port, Sector Houston-Galveston.

DATES: This rule is effective without actual notice from July 28, 2025 through October 22, 2025. For the purposes of enforcement, actual notice will be used from July 24, 2025 until July 28, 2025.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2025–0678 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email Marine Science Technician Chief Petty Officer Anthony W. Booth, Sector Houston-Galveston Waterway Management Division, Coast Guard; Telephone (713) 398–5823, Email *houstonwwm@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule under the authority in 5 U.S.C. 553(b)(B). This statutory provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are impracticable. The Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM). Publishing an NPRM would be impracticable and contrary to the public interest because these temporary safety zones must be established by July 24, 2025, when bridge construction activities will impact the waterway. The Coast Guard did not have sufficient information regarding the construction schedule to publish an NPRM and consider comments before this date. However, the Coast Guard is preparing an NPRM for a separate rulemaking project to establish a larger safety zone that will be in effect for the duration of the bridge construction and demolition activities, which are anticipated to last until 2030. Also, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying this rule would be contrary to the public interest because it must be established to ensure safety on the waterway during bridge construction work beginning July 24, 2025.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port Sector Houston-Galveston (COTP) has determined that potential hazards associated with Beltway 8 Bridge construction starting July 24, 2025, will be a safety concern for anyone within a 120-yard radius of construction activities on the north shore of the Houston Ship Channel at 29°44.233′ N, 95°8.767′ W, and the south shore of the Houston Ship Channel at 29°44.067′ N, 95°8.783′ W. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zones while the bridge is being constructed.

IV. Discussion of the Rule

This rule establishes safety zones from July 24, 2025, through October 22, 2025. The safety zones will cover all navigable waters within 120-yard radius of Beltway 8 bridge construction, located in Houston, TX on the north shore at 29°44.233′ N, 95°8.767′ W and south shore at 29°44.067′ N, 95°8.783′ W, in the Houston Ship Channel. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable

waters while the new bridge is being constructed. No vessel or person will be permitted to enter the safety zones without obtaining permission from COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

The Office of Management and Budget (OMB) has not designated this rule a ''significant regulatory action,'' under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed it. The Coast Guard has reviewed this rule and has determined that it is not a ''significant regulatory action'' under E.O. 12866.

This regulatory action determination is based on the size and location of the safety zones. While these temporary safety zones will be in effect for 90 days, they only restrict entry in small areas of a 120 yard radius, along the north and south shores of the Houston Ship Channel. The zone does not restrict vessel traffic in the main navigational channel of the Houston Ship Channel, and impact to vessel navigation in the area will be minimal. It also allows mariners to seek permission from the COTP to enter or transit through the zones, when safe to do so.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves safety zones lasting only 90 days that will prohibit entry within 120 yards of Beltway 8 Bridge construction. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.4.

■ 2. Add § 165.T08–0678 to read as follows:

§ 165.T08–0678 Safety Zone; Houston Ship Channel, Houston, TX.

(a) *Location.* The following areas are safety zones: All navigable waters in the Houston Ship Channel, Houston, TX, within 120-yard radius of Beltway 8 bridge construction, on the north shore at 29°44.233′ N, 95°8.767′ W, and south shore at 29°44.067′ N, 95°8.783′ W.

(b) *Definition.* As used in this section, *designated representative* means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Houston-Galveston (COTP) in the enforcement of the safety zones.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or a designated representative.

(2) Persons or vessels seeking to enter the safety zones must request permission from the COTP on VHF–FM channel 16 or by telephone at 866–539–8114. Those in the safety zones must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This rule will be enforced from July 24, 2025 through October 22, 2025.

Dated: July 22, 2025.

Ronald J. Caputo Jr,

Captain, U.S. Coast Guard, Acting Captain of the Port Houston-Galveston.

[FR Doc. 2025–14175 Filed 7–25–25; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Chapter III

[ED–2025–OESE–0021]

Final Waiver and Extension of the Project Period With Funding for Arts in Education National Program

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education.

ACTION: Final waiver and extension of project period with funding.

SUMMARY: The Secretary waives the requirements in the Education Department General Administrative Regulations that generally prohibit extensions involving the obligation of additional Federal funds. The waiver and extension enable one project under Assistance Listing Number (ALN) 84.351A to receive funding for an additional period, not to exceed September 30, 2026.

DATES: The waiver and extension of the project period are effective July 28, 2025.

FOR FURTHER INFORMATION CONTACT: Simon Earle, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202–5076. Telephone: 202–453–7923. Email: *assistanceforartseducation@ed.gov.*

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

SUPPLEMENTARY INFORMATION:

Background

On May 20, 2025, the Department published a notice in the **Federal Register** (90 FR 21441) proposing a waiver and extension of the project period with funding in order to enable one project under ALN 84.351A to receive continuation funding for an additional 12-month period, not to exceed September 30, 2026. The proposed waiver and extension of the project period with funding would allow the Department to comply with the directive in the Full-Year Continuing Appropriations and Extensions Act, 2025 and align with the dates of the Assistance for Arts Education (AAE) awards funded in FY 2021 under ALN 84.351A, which are scheduled to receive their final year of funding in FY 2025, and end on September 30, 2026. The waiver will allow the Department to issue a continuation award in FY 2025, as directed by Congress, to the currently funded 84.351A Arts in Education National Program (AENP) project at an amount consistent with the amount awarded in FY 2024.

There are no differences between the notice of proposed waiver and extension of the project period with funding and this notice of final waiver and extension of the project period with funding, as discussed in the *Analysis of Comments and Changes* section of this document.

Public Comment: In response to our invitation in the notice of proposed waiver and extension of the project period with funding, five parties submitted a comment.

Generally, we do not address technical and other minor changes or suggested changes the law does not authorize us to make under the applicable statutory authority. In addition, we do not address general comments that raised concerns not directly related to the proposed waiver and extension with funding.

Analysis of Comments and Changes

An analysis of the comments and of any changes in the priority since publication of the notice of proposed waiver and extension of the project period with funding follows.

Comment: Two commenters submitted comments that were not relevant to the waiver and extension.

Discussion: The Department does not address general comments not directly related to the proposed waiver and extension with funding.

Change: None.

Comment: Three commenters submitted comments in support of the extension of funding stating the funding is necessary to advance students' artistic development and to develop well-rounded students.

Discussion: We appreciate the commenters' support for the funding extension for AENP and agree that funding this extension will continue to advance students' artistic development.

Change: None.

Final Waiver and Extension of the Project Period With Funding

The Department intends to comply with the directive in the Full-Year Continuing Appropriations and Extensions Act, 2025 and align with the dates of the AAE awards funded in FY 2021 under ALN 84.351A, which are scheduled to receive their final year of funding in FY 2025, and end on September 30, 2026.

Consequently, the Secretary waives the requirements in 34 CFR 75.261(a) and (b)(2), which allow the extension of a project period only if the extension does not involve the obligation of additional Federal funds. This waiver allows the Department to issue a one-year FY 2025 continuation award to the currently funded 84.351A project at an amount consistent with the amount awarded in FY 2024.

Any activities carried out during the year of this continuation award must be consistent with, or a logical extension of, the scope, goals, and objectives of the grantee's application as approved in the FY 2022 competition. The requirements for continuation awards are set forth in 34 CFR 75.253.

Regulatory Flexibility Act Certification

The Secretary certifies that this proposed regulatory action would not have a substantial economic impact on a substantial number of small entities.

The U.S. Small Business Administration Size Standards define proprietary institutions as small businesses if they are independently owned and operated, are not dominant

in their field of operation, and have total annual revenue below $7,000,000. Nonprofit institutions are defined as small entities if they are independently owned and operated and not dominant in their field of operation. Public institutions are defined as small organizations if they are operated by a government overseeing a population below 50,000.

Paperwork Reduction Act of 1995

This notice of final waiver and extension of the project period with funding does not contain any information collection requirements.

Intergovernmental Review

This action is subject to Executive Order 12372 and the regulations in 34 CFR part 79.

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

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

You may also access 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.

Hayley B. Sanon,

Principal Deputy Assistant Secretary and Acting Assistant Secretary, Office of Elementary and Secondary Education.

[FR Doc. 2025–14188 Filed 7–25–25; 8:45 am]

BILLING CODE 4000–01–P

Proposed Rules

Federal Register
Vol. 90, No. 142
Monday, July 28, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[Docket No. PRM–50–121; NRC–2020–0055]

Voluntary Adoption of Revised Design Basis Accident Dose Criteria

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; denial.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is denying a petition for rulemaking, dated November 23, 2019, submitted by John G. Parillo. The petition requested that the NRC develop a rule that would allow nuclear power plant licensees to voluntarily adopt a revised accident dose acceptance criteria for the control room, exclusion area boundary, and the low population zone outer boundary. The petition further requested revisions to clarify footnotes discussing these dose acceptance criteria in the applicable regulations. The NRC docketed the petition on February 19, 2020, and assigned it Docket No. PRM–50–121. The NRC is denying the petition because the information presented does not support rulemaking and the proposed changes are not necessary to provide reasonable assurance of adequate protection of public health and safety.

DATES: The docket for the petition for rulemaking PRM–50–121 is closed on July 28, 2025.

ADDRESSES: Please refer to Docket ID NRC–2020–0055 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–2020–0055. Address questions about NRC dockets to Helen Chang; telephone: 301–415–3228; email: *Helen.Chang@nrc.gov.* For technical questions, contact the persons listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section of this document.
- *NRC's PDR:* You may examine and purchase copies of public documents by appointment at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Elijah Dickson, Office of Nuclear Reactor Regulation, telephone: 301–415–7647, email: *Elijah.Dickson@nrc.gov* or Tyler Hammock, Office of Nuclear Material Safety and Safeguards, telephone: 301–415–1381, email: *Tyler.Hammock@nrc.gov.* Both are employees of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. The Petition

Section 2.802 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Petition for rulemaking—requirements for filing,'' provides an opportunity for any interested person to petition the Commission to issue, amend, or rescind any regulation. On November 23, 2019, the NRC received a petition for rulemaking (PRM) from John G. Parillo.

The petition requested that the NRC develop a rule allowing licensees to voluntarily adopt a revised dose acceptance criteria of 10 rem total effective dose equivalent (TEDE) for the control room, the exclusion area boundary, and the low population zone. The petitioner identified concerns with the current acceptance (*i.e.,* dose) criteria in 10 CFR part 100, ''Reactor Site Criteria,'' § 100.11, ''Determination of exclusion area, low population zone, and population center distance,'' its basis document, Technical Information Document (TID)–14844, ''Calculation of Distance Factors for Power and Test Reactor Sites,'' United States Atomic Energy Commission, March 23, 1962, and the alternate accident source term requirements in 10 CFR part 50, ''Domestic Licensing of Production and Utilization Facilities,'' § 50.67, ''Accident source term.'' Additionally, this petition examined the objectives of the control room design criterion in 10 CFR part 50, appendix A, ''General Design Criteria for Nuclear Power Plants,'' criterion 19, ''Control Room,'' and the relationship between the control room design criterion and the reactor site criteria. The petitioner also identified concerns with the translation of the § 100.11 dose criteria (25 rem whole body and 300 rem thyroid) into the single 25 rem dose criterion used in other regulations, including requirements applicable to: (1) construction permit applicants under § 50.34(a); (2) applicants under 10 CFR part 52, ''Licenses, Certification, and Approvals for Nuclear Power Plants;'' and (3) licensees of operating nuclear power plants originally licensed prior to January 10, 1997, who seek to revise their accident source term under § 50.67. With regard to these regulations, applicants must demonstrate that the following radiological acceptance criteria are met: (1) an individual located on any point on the boundary of the exclusion area for any 2-hour period following the onset of postulated fission product release would not receive a radiation dose in excess of 0.25 sievert (Sv) (25 rem) TEDE; (2) an individual located at any point on the outer boundary of the low population zone, who is exposed to the radioactive cloud resulting from the postulated fission product release (during the entire period of its passage), would not receive a radiation dose in excess of 0.25 Sv (25 rem) TEDE; and (3) adequate radiation protection is provided to permit access to, and occupancy of, the control room under accident conditions without personnel receiving radiation exposures in excess of 0.05 Sv (5 rem) TEDE for the duration of the accident.

For the purposes of this document, ''siting criteria'' refers to the 0.25 Sv (25 rem) exclusion area boundary and low population zone TEDE criteria, and the ''control room design criterion'' refers to the 0.05 Sv (5 rem) control room TEDE criterion.

The NRC identified three unique categories of petitioned changes within PRM–50–121: (1) voluntary rule development; (2) conforming changes to Regulatory Guide (RG) 1.183, ''Alternative Radiological Source Terms for Evaluating Design Basis Accidents at Nuclear Power Reactors'' (ML003716792); and (3) other petitioned changes, which include proposed changes to footnotes.

Voluntary Rule Development

The petition requested that the NRC develop a rule that would allow licensees to voluntarily adopt a revised accident dose acceptance criterion of 0.1 Sv (10 rem) TEDE for the three criteria in § 50.67(b)(2). The petition stated that the voluntary rule would be reflective of modern health physics recommendations and modern plant designs. The petition stated that NRC's design basis accident (DBA) dose criteria and the resulting design of accident mitigation systems could be perceived to emphasize protection of the control room operator over protection of the public. Further, the petition stated that the proposed change would provide a better balance between protection of the control room operators and the protection of the public. The petition also noted that the control room design criterion has proven to be challenging to demonstrate because most nuclear power plants have minimal margin to the 0.05 Sv (5 rem) TEDE regulatory criterion contained in § 50.67(b)(2)(iii). The petition claimed that a uniform criterion of 0.1 Sv (10 rem) TEDE in a new § 50.67a would relieve the current regulatory burden associated with meeting the current control room design criterion for current operating nuclear power plants. Therefore, the petition also recommended conforming changes to General Design Criterion (GDC) 19 of appendix A to 10 CFR part 50 to permit the use of a 0.1 Sv (10 rem) TEDE control room design criterion if a 0.1 Sv (10 rem) TEDE criterion for the alternate source-term siting criterion was voluntarily adopted.

Proposed Changes to Regulatory Guide 1.183

The petition suggested that RG 1.183 be revised to align with the regulations in new § 50.67a, as proposed by the petition.

Other Petitioned Changes

The petition proposed several revisions to footnotes to 10 CFR parts 50, 52, and 100. First, the petition suggested that the NRC remove references to the National Bureau of Standards (NBS) Handbook 69, ''Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure,'' in 10 CFR parts 50, 52, and 100 (*i.e.,* §§ 50.34, 52.17, 52.47, 52.79, 52.137, 52.157, and 100.11) based on the petition's assertion that the NBS Handbook 69 is outdated, conflicts with 10 CFR part 20, ''Standards for Protection Against Radiation,'' and was only intended to be used for a once-in-a-lifetime accidental or emergency dose to radiation workers. Second, the petition stated that there are inconsistencies between the terms ''whole-body dose'' and ''total effective dose equivalent,'' describing the 0.25 Sv (25 rem) criterion in current regulations in 10 CFR parts 50, 52, and 100 footnotes. Third, the petition suggested revisions to footnotes to 10 CFR parts 50 and 52 to address the relationship between cancer and radiation exposures. Lastly, the petition noted a grammatical error in a footnote to § 52.17(a)(1)(ix)(A).

The petition provided a review and analysis of the regulatory history of each of the criteria and derivations from the previous whole-body and thyroid criteria to the TEDE criteria (*i.e.,* § 50.34 (61 FR 65157; December 11, 1996)). The petition also provided references to current health physics guidance recommendations from the U.S. Environmental Protection Agency (EPA), the International Commission on Radiological Protection, the International Atomic Energy Agency, Duke University and Duke Medicine, the Health Physics Society, the Centers for Disease Control and Prevention, and the NRC. The petition provided this information to present perspectives between the selected criteria numerical values to radiation protection recommendations for emergency workers, the general public, and in-utero fetal development. Lastly, the petition provided data listing the current operating reactor fleet analysis of records of licensing-basis results for each of the three § 50.67(b)(2) criteria. This data suggests that a number of operating reactors could meet a uniform 10 rem acceptance criteria without making any changes to their analysis of record radiological consequence analyses and that there is relatively small margin for most facilities with respect to the current 5 rem control room design criterion.

II. Public Comments on the Petition

On May 27, 2020 (85 FR 31709), the NRC published a notice of docketing and request for comment on the PRM in the **Federal Register**. The comment period closed on August 10, 2020. All comment submissions received on this petition are available on *https://www.regulations.gov* by searching for Docket ID NRC–2020–0055.

Three comment submissions were received: one from the Nuclear Energy Institute and two from private citizens. Of the three comment submissions, one provided general support for the petition, one opposed the petition, and one submission addressed matters outside the scope of the petition. A summary of the substantive comments and the NRC's responses follows. The comments are available as indicated in the Availability of Documents section of this document.

Comment 1: General Support for Updating the Requirements

The commenter endorsed the use of ''current science based values'' and claimed using data gained over the last 50 years would ''better protect populations and ease regulatory burden.''

NRC Response

The NRC agrees with the general assertion that regulations should be based on modern scientific data, operating experience, and analysis; however, the commenter did not present additional new information to support the petitioner's proposal that the NRC should amend its regulations to include a new voluntary rule.

Comment 2: Opposes the Petition Regarding the Need for a Universal Design and Siting Criteria for the Control Room and the Public

A commenter recommended that the NRC deny the petition and that no changes be made to specify a uniform value of 0.1 Sv (10 rem) TEDE for offsite locations and the control room design criteria. The comment asserted that § 50.67, 10 CFR part 100, GDC–19, 10 CFR part 20, and by extension, the EPA Protective Action Guidelines (PAGs) all were established for different purposes and the different requirements work together to establish a defense-in-depth strategy to protect the workers and the public. The comment also noted that 10 CFR part 20 dose limits are not directly applicable in an emergency, and that industry uses 10 CFR part 20 in conjunction with the EPA's PAGs, in

responding to a significant plant event. The comment stated that the petitioner did not provide any supporting evidence that members of the public perceive the NRC to emphasize protection of the control room over protection of the public. The comment also stated that the dose value the NRC has established for control room operators likely enhances the perception that protection of the public is the primary concern. Furthermore, the comment indicated that 10 CFR part 100 appears to address this concern by stating that the numbers in the criteria are not intended to constitute acceptable limits for emergency doses to the public under accident conditions. Lastly, the commenter noted that they are unaware of any licensee that would pursue the voluntary rule and argued that changing nuclear power plant licensing-basis regulations would place additional burdens on licensees (*e.g.,* revising licensing-basis documents, procedures, and training programs, etc.) with no commensurate improvement in safety.

NRC Response

The NRC agrees the petition should be denied. The NRC agrees that changes to the regulations to allow licensees to voluntarily adopt a revised universal acceptance criterion of 0.1 Sv (10 rem) TEDE for the control room, exclusion area boundary, and the low population zone outer boundary are not needed.

Further, the NRC agrees with the comment that the acceptance criteria in 10 CFR parts 50 and 52 are not operational radiation exposure limits under emergency conditions and recognizes that they are not the sole regulations applicable during an event. While both the siting criteria and control room design criterion are computed in terms of ''dose,'' they are ''figures-of-merit'' used to characterize the minimum necessary design, fabrication, construction, testing, and performance requirements for structures, systems, and components. The numerical selection for both acceptance criteria does not imply acceptable radiation exposure limits for the public or control room operators under accident conditions. The acceptance criteria represent reference values to be used for evaluating plant features and site characteristics intended to mitigate the radiological consequences of accidents to provide assurance of low risk to the public under postulated accidents. The current radiation protection framework, including the requirements of § 50.67, is coherent and consistent with international and national radiation protection standards and recommendations, and continues to provide reasonable assurance of adequate protection of control room operations and the public.

III. Reasons for Denial

The NRC is denying the petition. This is based on the consideration of defense-in-depth features of licensed nuclear power plants; the intended purpose of the 0.25 Sv (25 rem) TEDE siting criteria as a reference value to evaluate plant design features; modern health physics knowledge and recommendations; and previous NRC decisions related to the use of the 0.05 Sv (5 rem) TEDE for the control room design criteria and 0.25 Sv (25 rem) for the exclusion area boundary and the low population zone outer boundary.

The petition requested that the NRC develop a new rule (§ 50.67a) that would allow licensees to voluntarily adopt revised accident dose acceptance criteria of 0.1 Sv (10 rem) TEDE for the control room, exclusion area boundary, and the low population zone outer boundary. The NRC assessed the selected numerical radiation dose values referenced in § 50.67(b)(2), considering the modern health physics recommendations and current plant design information provided by the petition. The NRC also assessed the criteria based on the historical evaluation and previous NRC decisions for establishing these numerical values as representative reference values to be used for evaluating plant features and site characteristics intended to mitigate the radiological consequences of accidents to provide reasonable assurance of adequate protection to the public under postulated accidents. The evaluation was performed using the criteria provided in § 2.803, as summarized below. Based on this evaluation, the NRC concluded that the current regulations provide an adequate level of protection and rulemaking is not justified.

The siting and control room design criteria in § 50.67(b)(2) require, in part, that an individual located at any point on the outer boundary of the low population zone would not receive a radiation dose in excess of 0.25 Sv (25 rem) TEDE and that personnel in the control room would not receive radiation exposures in excess of 0.05 Sv (5 rem) TEDE under accident conditions for the duration of the accident. A detailed rationale for the use of 0.25 Sv (25 rem) TEDE as an accident dose criterion and the use of the 2-hour exposure period resulting in the maximum dose is provided in the final rule on reactor site criteria for nuclear power plants (61 FR 65157; December 11, 1996). As discussed in the final rule preamble, the NRC's use of the 0.25 Sv (25 rem) TEDE value does not mean that this is an acceptable limit for an emergency dose to the public under accident conditions, but only that it represents a reference value to be used for evaluating plant features and site characteristics intended to mitigate the radiological consequences of accidents in order to provide assurance of low risk to the public under postulated accidents.

A detailed rationale for the use of the 0.05 Sv (5 rem) TEDE control room design criterion is provided in the final rule for use of alternative source terms for operating reactors (64 FR 71990; December 23, 1999). In the preamble for the final alternate source term rule, the NRC stated that the control room design criteria are not an acceptable exposure during emergency conditions, or that other radiation protection standards of 10 CFR part 20, including individual organ dose limits, do not apply. Instead, the control room design criterion is provided only to assess the acceptability of design provisions for protecting control room operators under postulated DBA conditions. Further, the NRC noted that DBA conditions assumed in these analyses, although credible, generally do not represent actual accident sequences but are specified as conservative surrogates to create bounding conditions for assessing the acceptability of engineered safety features.

In evaluating PRM–50–121, the NRC also considered the following: (1) providing a consistent dosimetry methodology with 10 CFR part 20 based on the recommendations contained in International Commission on Radiological Protection (ICRP) Publication 26, adopted January 17, 1977, and the scientific information contained in ICRP Publication 30; (2) the basis of the conversion from whole-body and thyroid dose criteria to the updated TEDE criteria described in the final rule on reactor site criteria for nuclear power plants in light of more modern health physics models; (3) the significant margins that exist for operating plants compared to the latent cancer fatality quantitative health objective established by the NRC's Safety Goal policy (51 FR 30028; August 21, 1986); and (4) the extensive NRC and industry licensing experience in applying these dose acceptance criteria and the inherent conservatisms in their application. In addition, the NRC considered operational experience with the maximum whole-body dose received following major core damage accidents at Three Mile Island in March 1979 and

the Fukushima Daiichi Nuclear Power Plant in March 2011. As discussed in the final rule on reactor site criteria, the maximum whole body dose received by an actual individual during the Three Mile Island accident was estimated to be about 0.1 rem. The NRC also considered recently discontinued rulemaking activities (81 FR 95410; December 28, 2016) associated with revising the radiation protection regulations in 10 CFR part 20 and 10 CFR part 50, appendix I. This rulemaking activity was initially intended, in part, to reflect modern health physics recommendations from the ICRP. In discontinuing this rulemaking activity, the NRC noted that the current NRC regulatory framework continues to provide adequate protection of the health and safety of workers, the public and the environment.

Further, there is additional defense-in-depth in plant designs and operational programs (*e.g.,* conservative analysis assumptions, engineered safety features to reduce likelihood of severe accidents, emergency planning) to minimize risk of public exposure following an accident. Research studies (*e.g.,* NUREG–1935, ''State-of-the-Art Reactor Consequence Analysis (SOARCA) Report;'' NUREG–1150, ''Severe Accident Risks: An Assessment of Five U.S. Nuclear Power Plants;'' and the ongoing Level 3 probabilistic risk assessment project) and licensing experience demonstrate that these defense-in-depth measures maintain an appropriately low risk of radiation exposure to the public.

Regarding the petitioner's observation concerning the footnotes to 10 CFR parts 50, 52, and 100, the NRC agrees with the petitioner that the references to the NBS Handbook 69 are dated, but they do reflect the position of the Commission at the time the rule was initiated. This issue was addressed in Information Notice 84–40, ''Emergency Worker Doses,'' which states, in part, that ''[n]o endorsement of the NBS (National Bureau of Standards) Handbook 69 emergency dose guidelines/recommendations nor application to 10 CFR [part] 20 was ever intended.'' References to the NBS Handbook 69 in the regulations were also addressed in the final rule on reactor site criteria for nuclear power plants (61 FR 65157; December 11, 1996), where the NRC determined that the ''footnote also clearly states that the Commission's use of this value does not imply that it considers it to be an acceptable limit for an emergency dose to the public under accident conditions, but only that it represents a reference value to be used for evaluating plant features and site characteristics.'' The footnotes in 10 CFR parts 50, 52, and 100 only provide explanatory information, do not provide regulatory requirements, and have not caused regulatory issues with licensing actions due to the inconsistent language from these parts (*e.g.,* design certifications and combined license approvals). Thus, while updating these footnotes may be appropriate to reflect the current basis for the siting and control room design criteria, the NRC finds that their clarification does not, on their own, justify rulemaking.

The petitioner also noted a grammatical error in the footnote to § 52.17(a)(1)(ix)(A) and recommended that it be revised from ''in the event of an accidents'' to ''in the event of an accident.'' The NRC corrected the error in an administrative correction rule published on November 14, 2022 (87 FR 68028).

The NRC concludes that the concerns presented in the petition do not reflect immediate safety concerns. In addition, defense-in-depth features make severe accidents and radiological releases that challenge the reference dose siting and control room design criteria unlikely. Further, recent research studies have demonstrated that a significant margin exists to the NRC's safety goals. Lastly, because the NRC determined that a new § 50.67a is not needed, conforming changes to GDC–19 control room design criteria to allow for 10 rem TEDE, and revisions to RG 1.183 are not necessary. The NRC concludes that the existing regulations in 10 CFR part 100 and § 50.67(b)(2) continue to provide reasonable assurance of adequate protection of public health and safety and that rulemaking is not warranted.

V. Availability of Documents

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

Document	ADAMS accession No./ **Federal Register** Citation
PRM–50–121—Voluntary Adoption of Revised Design Basis Accident Dose Criteria, dated November 23, 2019	ML20050M894.
PRM–50–121: Petition for rulemaking; notice of docketing, and request for public comment, dated May 27, 2020	85 FR 31709.
Comment from Sandeep Sharma on PRM–50–121—Voluntary Adoption of Revised Design Basis Accident Dose Criteria; dated June 1, 2020.	ML20154K569.
Comment from Jerry Kurtz on PRM–50–121—Voluntary Adoption of Revised Design Basis Accident Dose Criteria; dated July 27, 2020.	ML20209A559.
Comment from Hilary Lane on behalf of Nuclear Energy Institute (NEI) on PRM–50–121—Voluntary Adoption of Revised Design Basis Accident Dose Criteria; August 10, 2020.	ML20233A589.
''Reactor Site Criteria Including Seismic and Earthquake Engineering Criteria for Nuclear Power Plants,'' Final Rule, dated December 11, 1996.	61 FR 65157.
''Safety Goals for the Operation of Nuclear Power Plants,'' Policy Statement, dated August 21, 1986	51 FR 30028.
''Reactor Site Criteria Including Seismic and Earthquake Engineering Criteria for Nuclear Power Plants and Proposed Denial of Petition from Free Environment, Inc. et al.,'' Proposed Rule, dated October 17, 1994.	59 FR 52255.
''Standards for Protection Against Radiation.'' Final Rule, dated May 21, 1991	56 FR 23360.
Information Notice No. 84–40: Emergency Worker Doses, dated May 30, 1984	ML103420380.
''Rulemaking Activities Being Discontinued by the NRC,'' Rulemaking activities; discontinuation, dated December 28, 2016.	81 FR 95410.
SECY–12–0064—Recommendation for Policy and Technical Direction to Revise Radiation Protection Regulations and Guidance, dated April 25, 2012.	ML121020108 (Package).
National Bureau of Standards Handbook 69 ''Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupation Exposure,'' dated August 1963.	ML20206L091.
''Use of Alternative Source Terms at Operating Reactors''; Final Rule, dated December 23, 1999	64 FR 71990.
''Radiation Protection'', Advance notice of proposed rulemaking; request for comments, dated July 25, 2014	79 FR 43284.
''Miscellaneous Corrections''; Final Rule, dated November 14, 2022	87 FR 68028.
NUREG–1150 Vol. 1, ''Severe Accident Risks: An assessment for Five U.S. Nuclear Power Plants,'' dated December 1990.	ML120960691.
NUREG–1935, ''State-of-the-Art Reactor Consequence Analyses (SOARCA) Report,'' dated November 2012	ML12332A057.

Document	ADAMS accession No./ **Federal Register** Citation
Regulatory Guide 1.183, ''Alternative Radiological Source Terms for Evaluating Design Basis Accidents at Nuclear Power Plants,'' dated July 2000.	ML003716792.
SECY–11–0089—Options for Proceeding with Future Level 3 Probabilistic Risk Assessment Activities, dated July 7, 2011.	ML11090A039 (Package).

V. Conclusion

For the reasons cited in this document, the NRC is denying PRM–50–121. The current requirements continue to provide reasonable assurance of adequate protection of public health and safety and should not be revised as proposed in the PRM.

Dated: July 24, 2025.

For the Nuclear Regulatory Commission.

Carrie Safford,

Secretary of the Commission.

[FR Doc. 2025–14146 Filed 7–25–25; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[Docket No. PRM–50–124; NRC–2022–0178]

Licensing Safety Analysis for Loss-of-Coolant Accidents

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; denial.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is denying a petition for rulemaking (PRM), dated August 1, 2022, submitted by Ralph O. Meyer. The petition requested that the NRC amend its regulations regarding the licensing safety analysis for loss-of-coolant accidents. The petition was docketed on August 1, 2022, and was assigned Docket No. PRM–50–124. The NRC is denying the petition because the NRC is addressing emergency core cooling system performance with a risk-informed and performance-based regulatory approach rather than a deterministic approach as suggested by the petitioner.

DATES: The docket for the petition for rulemaking, PRM–50–124, is closed on July 28, 2025.

ADDRESSES: Please refer to Docket ID NRC–2022–0178 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–2022–0178. Address questions about NRC dockets to Helen Chang; telephone: 301–415–3228; email: *Helen.Chang@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *NRC's PDR:* The NRC PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Denise Edwards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7204, email: *Denise.Edwards@nrc.gov.*

SUPPLEMENTARY INFORMATION:

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I. The Petition

Section 2.802 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Petition for rulemaking,'' provides an opportunity for any interested person to petition the Commission to issue, amend, or rescind any regulation. On August 1, 2022, the NRC received and docketed a PRM filed by Ralph O. Meyer. On November 23, 2022, the NRC published a notice of docketing requesting comment on the petition in the **Federal Register** (87 FR 71531). The petition requested that the NRC amend its regulations in 10 CFR 50.46, ''Acceptance criteria for emergency core cooling systems for light-water nuclear power reactors.'' The regulations in 10 CFR 50.46 require the calculation of emergency core cooling system (ECCS) performance following postulated loss-of-coolant accidents (LOCAs) to demonstrate that the acceptance criteria in 10 CFR 50.46(b) are met. The petition requested the elimination of the acceptance criteria for peak cladding temperature (PCT) and maximum cladding oxidation (commonly referred to as maximum local oxidation, or MLO) in 10 CFR 50.46(b). As a replacement for these criteria, the petition requested that the NRC regulations be revised to limit the number of fuel rod ruptures to 1 percent for small-break LOCAs and 10 percent for large-break LOCAs. The petition stated that nuclear power reactors in Germany must show that the proposed fuel rod rupture limits are met.

The NRC identified two issues in the petition, as follows:

Issue 1: The petition asserted that the current acceptance criteria for the calculated PCT and MLO in 10 CFR 50.46(b) do not ensure an easily coolable geometry at moderate and higher fuel burnups due to fuel dispersal.

Issue 2: The petition asserted that the calculations of temperature and oxidation within the burst region of a fuel rod are prone to large uncertainties, and the technical bases for the acceptance criteria on these two parameters are complex and misunderstood. Specifically, the petition stated that the beliefs that the temperature limit prevents autocatalytic oxidation and that a reduction in cladding thickness causes embrittlement are incorrect.

II. Public Comments on the Petition

The NRC invited interested persons to submit comments on the petition (87 FR 71531; November 23, 2022). In response to a request by the Nuclear Energy Institute (NEI), the comment period was extended to March 8, 2023 (88 FR 7012; February 2, 2023). The NRC received 12

comment submissions on the petition. The petitioner submitted eight comment submissions in support of the petition, including submittals after the closure of the public comment period. Westinghouse Electric Company LLC (Westinghouse), Framatome Inc., the Pressurized Water Reactors Owners Group (PWROG), and NEI each provided a comment submission opposing the petition. A summary of the significant comments and NRC responses is provided below. The NRC evaluation of the petition is provided in Section III, ''Evaluation of the Petition.''

Several comments on the petition mentioned the then-pending draft final rule commonly referred to as ''10 CFR 50.46c.'' This draft final rule was provided to the Commission in SECY–16–0033, ''Draft Final Rule—Performance-Based Emergency Core Cooling System Requirements and Related Fuel Cladding Acceptance Criteria (RIN 3150–AH42),'' dated March 16, 2016. On April 11, 2024, the Commission returned the 10 CFR 50.46c draft final rule to the staff in a staff requirements memorandum (SRM) for SECY–16–0033, ''Staff Requirements—SECY–16–0033—Draft Final Rule—Performance-Based Emergency Core Cooling System Requirements and Related Fuel Cladding Acceptance Criteria.'' The NRC comment responses below include responses to the comments on the petition that mentioned the 10 CFR 50.46c draft final rule.

Comment: The petitioner stated that it is appropriate to consider fuel fragmentation, relocation, and dispersal (FFRD) as part of the rulemaking for ''Increased Enrichment of Conventional and Accident Tolerant Fuel Designs for Light-Water Reactors'' (Increased Enrichment rulemaking).

NRC Response: The NRC agrees with this comment. The Increased Enrichment rulemaking plan was provided to the Commission in SECY–21–0109, ''Rulemaking Plan on Use of Increased Enrichment of Conventional and Accident Tolerant Fuel Designs for Light-Water Reactors,'' dated December 20, 2021. In an SRM dated March 16, 2022, SRM–SECY–21–0109, ''Staff Requirements—SECY–21–0109—Rulemaking Plan on Use of Increased Enrichment of Conventional and Accident Tolerant Fuel Designs for Light-Water Reactors,'' the Commission approved this plan and further directed the staff to consider FFRD issues relevant to higher enrichment and fuel burnup levels as part of the rulemaking.

Comment: Framatome stated that the range of burnups meant by ''moderate fuel burnup'' in the petition is not clear.

NRC Response: The NRC agrees with this comment. The term ''moderate fuel burnup'' lacks specificity. The NRC interpreted ''moderate fuel burnup'' to encompass currently authorized fuel burnups above which FFRD could potentially occur.

Comment: The petitioner stated that licensees should report the number of fuel rod ruptures during a LOCA so the NRC may determine if near-term action is needed to limit the amount of loose material in the core.

NRC Response: The NRC disagrees with this comment. The NRC has reasonable assurance that the extent and consequences of fuel dispersal during a LOCA, for currently authorized fuel burnup levels, would be limited such that core coolability would not be challenged on a large scale. This conclusion is based on research and analyses summarized in SECY–15–0148, ''Evaluation of Fuel Fragmentation, Relocation and Dispersal Under Loss-Of-Coolant Accident (LOCA) Conditions Relative to the Draft Final Rule on Emergency Core Cooling System Performance During a LOCA (50.46c),'' dated November 30, 2015.

Comment: The petitioner stated that, based on engineering judgment, setting rod rupture limits to 1 percent of the core for a small-break LOCA and 10 percent of the core for a large-break LOCA is reasonable and practical. The petitioner stated that FFRD research should focus on establishing a technical basis for these limits and refine these limits as needed.

NRC Response: The NRC agrees, in part, with this comment. The NRC agrees that research would be needed to establish the technical basis for any fuel rod rupture limits that may be imposed. However, the NRC disagrees with the statement that the petition's proposed limits are reasonable and practical because there currently is not sufficient evidence to support this assertion.

Comment: The petitioner stated that current thermal-hydraulic codes can predict cladding rupture with enough accuracy such that built-in conservatisms are not needed to calculate the number of fuel rod bursts.

NRC Response: The NRC agrees, in part, with this comment. The NRC agrees that current thermal-hydraulic codes can predict fuel rod rupture with reasonable accuracy, such that best-estimate plus uncertainty models may be used. However, current LOCA analyses are not focused on fuel rod rupture. The conservatisms in current LOCA analyses are necessary to ensure that the PCT and MLO acceptance criteria are met.

Comment: The petitioner stated that, based on analyses and international experience, fuel rod ruptures can be limited to 1 percent for small-break LOCAs and 10 percent for large-break LOCAs. However, this may require some alteration in reactor core design or adjustment of power level to achieve.

NRC Response: The NRC disagrees with this comment. The NRC determined that more research and analysis would be needed to demonstrate that the proposed fuel rod rupture limits could be met, under which operating conditions, and whether such limits are appropriate to ensure a reasonable level of safety.

Comment: The petitioner stated that current LOCA analyses do not address fuel dispersal, and that they assume it does not occur. In reality, fuel dispersal is expected to occur during LOCA.

NRC Response: The NRC agrees with this comment. The NRC acknowledges that fuel dispersal is not accounted for in current LOCA analyses and agrees that fuel dispersal is expected to occur during a LOCA. However, the NRC has reasonable assurance that the extent and consequences of fuel dispersal during a LOCA, for currently authorized fuel burnup levels, would be limited such that core coolability would not be challenged on a large scale.

Comment: The petitioner stated that increased enrichment and burnup could become an issue for long-term core cooling during large-break LOCAs.

NRC Response: The NRC agrees with this comment. The NRC agrees that the higher enrichment and higher burnups that are being considered in the future could increase the magnitude of fuel dispersal and thus it could become challenging to demonstrate long-term cooling. As noted in other comment responses, the Commission has directed the staff to consider FFRD issues relevant to higher enrichment and fuel burnup levels as part of the Increased Enrichment rulemaking.

Comment: The petitioner stated that high burnup fuel is more likely to pulverize than low burnup fuel and is thus a greater threat to long-term core cooling.

NRC Response: The NRC agrees, in part, with this comment. The NRC agrees that high burnup fuel is more likely to pulverize than low burnup fuel, which would very likely result in higher amounts of fuel dispersal. However, the impact of fuel dispersal and particle size on long-term core cooling requires additional research.

Comment: NEI, Westinghouse, Framatome, and the PWROG recommend rejection of the PRM but support rulemaking to address FFRD in

a holistic manner that considers industry initiatives including accident tolerant fuel, increased fuel enrichment, and higher fuel burnups. Several commenters requested that the NRC revise the pending draft final rule for 10 CFR 50.46c to address FFRD issues and industry fuel design initiatives. Framatome indicated that the petition could be considered as part of an update to the draft final rule for 10 CFR 50.46c.

NRC Response: The NRC agrees, in part, with these comments. As discussed in Section IV, ''Reasons for Denial,'' the NRC plans to address regulatory issues related to accident tolerant fuel, increased fuel enrichment, higher fuel burnups, and FFRD in the Increased Enrichment rulemaking. However, consistent with SRM–SECY–16–0033, the NRC plans to assess the need for further action on the 10 CFR 50.46c rulemaking after the conclusion of the Increased Enrichment rulemaking.

Comment: NEI, Framatome, Westinghouse, and the PWROG stated that revising the ECCS acceptance criteria would require a large amount of effort and resources for industry to comply with them, and this would divert resources from industry's work on accident tolerant fuel and FFRD research. One commenter noted that criteria similar to the petition's proposed criteria could be valuable as an alternative or supplemental criteria to demonstrate core coolability, but this would still require significant time and effort to develop and implement.

NRC Response: The NRC agrees, in part, with these comments. Any changes to the ECCS acceptance criteria would require significant effort from the NRC and industry. To the extent that the Increased Enrichment rulemaking would include amendments or alternatives to the ECCS acceptance criteria, the NRC would perform a regulatory analysis to consider the costs and benefits of these approaches. In addition, the cumulative effects of regulations would be considered as part of the rulemaking process to identify and resolve issues that could lead to implementation challenges.

Comment: NEI and the PWROG stated that current ECCS performance criteria in 10 CFR 50.46 remain adequate for the protection of public health and safety. The PWROG noted that the adequacy of the PCT and MLO acceptance criteria was supported by original testing, and subsequent testing to account for changes in plant operations continues to support the basic nature of these acceptance criteria. NEI and the PWROG also noted that industry and NRC analyses performed since 2012 have confirmed the safe operations of the commercial nuclear fleet.

NRC Response: The NRC agrees with the comments. The current acceptance criteria in 10 CFR 50.46 provide for adequate protection of public health and safety. The NRC agrees that industry and NRC analyses have confirmed the safe operations of the commercial nuclear fleet. As documented in a February 10, 2012, memorandum titled ''ECCS Performance Safety Assessment and Audit Report,'' the staff completed an ECCS performance safety assessment in 2011 which confirmed, on a plant-specific basis, the safe operation of the commercial nuclear fleet following the identification of concerns with the current acceptance criteria in 10 CFR 50.46. The staff updates this assessment annually to verify the continued safe operation of the fleet. Therefore, with respect to ECCS performance, adequate protection of public health and safety is provided by the current acceptance criteria in 10 CFR 50.46 in conjunction with the annual NRC assessments.

Comment: Westinghouse disagreed with the statement in the petition that the current acceptance criteria become ineffective at moderate fuel burnups because burst fuel rods experience massive fuel loss and do not retain fuel pellets in the fuel rods. The commenter stated that the petition lacks information to support this statement.

NRC Response: The NRC agrees, in part, with the comment. NRC studies to-date predict that 1 to 3 percent of the fuel in the core might be dispersed during a large-break LOCA, using conservative dispersal thresholds, for currently authorized burnup levels. The NRC considers this to be a limited amount of dispersed fuel. The consequences of fuel dispersal at higher burnups are still the topic of ongoing research by the international community.

Comment: Westinghouse and NEI stated that current methods to calculate the MLO and PCT are sufficiently detailed and conservative to demonstrate compliance with 10 CFR 50.46 with a high probability.

NRC Response: The NRC agrees with these comments for currently authorized fuel burnup levels and fuel designs.

Comment: Westinghouse stated that calculations of MLO and PCT using NRC-approved methods support the demonstration of a coolable core geometry and continued safe operation under postulated LOCA conditions.

NRC Response: The NRC agrees with this comment for currently authorized fuel burnup levels and fuel designs. This was documented in SECY–15–0148 and is supported by the NRC staff's annual updates to the ECCS performance safety assessment.

Comment: Westinghouse stated that the petition contains a quoted statement from a paper by the German Reactor Safety Commission (RSK) that was taken out of context. The commenter stated that the RSK determined that the criteria in the proposed 10 CFR 50.46c rule are adequate to prevent cladding fragmentation during quench, contrary to what the petition implies.

NRC Response: The NRC agrees with this comment. The petition implied that RSK stated that cladding temperature and oxidation cannot be used in a safety demonstration to comply with regulations. The NRC does not agree with the petition's assertions about the German regulations. In fact, the NRC confirmed that cladding temperature and oxidation are used to demonstrate compliance with RSK regulations.

Comment: Westinghouse and Framatome stated that the fact that the PCT and MLO criteria in 10 CFR 50.46 are surrogates for the demonstration of the post-quench coolability of the core is well understood and well documented. In addition, the proposed surrogate criteria in 10 CFR 50.46c would maintain the coolability goal and thus maintain plant safety.

NRC Response: The NRC agrees with these comments. Extensive technical bases for 10 CFR 50.46 have been developed and describe the rationale for the surrogate criteria, as summarized by G. Hache and H.M. Chung in ''The History of LOCA Embrittlement Criteria,'' NUREG/CP–0172, May 2001, pp. 205–237.

Comment: Westinghouse stated that the petition does not provide evidence to support the limits on the percentage of fuel rod bursts proposed in the petition as being appropriate to ensure core coolability. Westinghouse and Framatome stated that the proposed rod burst criteria in the petition do not account for important differences between the various plant designs operating in the United States. These differences could be particularly important when assessing fuel dispersal and its consequences. Framatome stated that using a core-wide burst limit does not make sense given that only high burnup rods are susceptible to fuel dispersal.

NRC Response: The NRC agrees with these comments. The petition does not provide evidence showing that the proposed fuel rod rupture limits would ensure core coolability and the petition does not account for differences in plant designs. As noted in other comment responses, research would be needed to establish the technical basis for any fuel

rod rupture limits that would be imposed.

Comment: NEI, Westinghouse, and Framatome responded to the petition's statement that the proposed fuel rod rupture limits are used in Germany. The German regulatory limits on the percentage of fuel rod ruptures are related to radiological consequences and not used for core coolability assessments. The historical ECCS acceptance criteria for MLO and PCT remain in German regulations.

NRC Response: The NRC agrees with these comments. The NRC does not agree with the petition's assertions about the German regulations.

Comment: Westinghouse, Framatome, and the PWROG stated that, as described in SECY–15–0148, plants continue to operate safely with existing burnup limits and current styles of operation. Any increases above currently licensed fuel burnup levels would require NRC approval. The NRC Research Information Letter 2021–13, ''Interpretation of Research on Fuel Fragmentation, Relocation, and Dispersal at High Burnup,'' dated December 2021, concluded that significant fine fragmentation begins above a fuel burnup threshold of 55 gigawatt days per metric ton uranium, which is conservative.

NRC Response: The NRC agrees with these comments. Today's plants, operating within their burnup limits, are safe.

Comment: Framatome stated that general aspects of FFRD have been known since the 1980s and widespread dispersal that would impact coolability was not expected to be significant.

NRC Response: The NRC agrees, in part, with the comment. The NRC agrees that fuel dispersal would be limited under current licensed burnups and operating practices. However, for higher fuel burnup levels, the NRC recognizes that fuel dispersal could challenge core coolability.

Comment: Westinghouse stated that conclusions from a Westinghouse paper cited in the petition have been superseded by new research and are not appropriate to support the suggested criteria in the petition.

NRC Response: The NRC agrees with this comment. The Westinghouse paper, as explained by the commenter, did not consider fuel pellet thermal conductivity degradation and other material high burnup phenomena.

Comment: One commenter stated that the distribution of ruptured rods in the core is important, and clusters of ruptured rods are more detrimental than more evenly distributed ruptures.

NRC Response: The NRC agrees with this comment based on engineering judgment.

III. Evaluation of the Petition

The petition states that the PCT and MLO acceptance criteria in 10 CFR 50.46(b) would not ensure adequate core cooling during a LOCA because these criteria do not prevent significant fuel dispersal at currently authorized fuel burnup levels and higher.

The PCT and MLO acceptance criteria in 10 CFR 50.46 are important to preventing gross fuel rod failure via a brittle failure mechanism. This ensures that fuel assemblies will remain in a rod-like array within the reactor core that is easier to cool than a rubble pile of fuel and cladding. However, research has shown that the PCT and MLO acceptance criteria do not prevent ductile failure of the cladding (ballooning and rupture), which could lead to fuel dispersal in the reactor core through a rupture in the fuel cladding at higher fuel burnups. Therefore, while the NRC considers the PCT and MLO to be appropriate surrogate metrics for cladding embrittlement, the NRC agrees with the petition's assertion that the acceptance criteria for the calculated PCT and MLO in 10 CFR 50.46(b) do not prevent fuel dispersal due to ductile failures at higher fuel burnup.

For currently authorized fuel burnup levels, the NRC has determined, based on research and analyses, that the extent and consequences of fuel dispersal during a LOCA would be limited such that core coolability would not be challenged on a large scale. However, for higher fuel burnup levels, the NRC recognizes that fuel dispersal could challenge core coolability. The Commission has directed the staff to consider FFRD issues relevant to higher enrichment and fuel burnup levels as part of the Increased Enrichment rulemaking.

The NRC disagrees with the petition's assertion that the technical bases for the PCT and MLO acceptance criteria in 10 CFR 50.46(b) are complex and misunderstood. The calculated PCT and MLO typically occur in the ballooned region of a fuel rod during a LOCA. The NRC acknowledges that the calculation of these parameters is complex and subject to large uncertainties but has found that these calculations can be performed in an appropriately conservative manner. It is well understood by the NRC and experts that perform such calculations that the PCT and MLO acceptance criteria are relatively simple surrogate metrics that correlate with the phenomena leading to an autocatalytic reaction and to embrittlement, respectively. In addition, the rulemaking record for 10 CFR 50.46 adequately describes the basis for the acceptance criteria.

As a solution to the issues raised in the petition, the petition requested that the NRC regulations be revised to limit the number of fuel rod ruptures to 1 percent for a small-break LOCA and 10 percent for a large-break LOCA. The petition also requested that the PCT and MLO acceptance criteria be eliminated from the NRC regulations. The petition indicates that German nuclear reactors were subject to the fuel rod rupture limits proposed in the petition.

The NRC agrees with several commenters that the petition does not provide an adequate technical basis to support the specific limits on the number of fuel rod ruptures. The German regulations include limits on the PCT and MLO during a LOCA to ensure core coolability that are similar to the acceptance criteria in the NRC regulations. The German regulations also include limits on the number of fuel rod ruptures as indicated in the petition, but these limits are related to the confinement of radioactive materials and not related to core coolability. In addition, the NRC found that the petition does not provide a technical basis to support eliminating the PCT and MLO acceptance criteria from the regulations. Specifically, the petition does not explain how limiting the number of fuel rod ruptures would prevent gross fuel rod failure via a brittle failure mechanism.

IV. Reasons for Denial

The NRC is denying PRM–50–124 because the NRC is addressing emergency core cooling system performance with a risk-informed and performance-based regulatory approach rather than a deterministic approach as suggested by the petitioner. The Commission directed the staff to use a risk-informed and performance-based approach in SRM–SECY–16–0033 and SRM–SECY–21–0109. Under this direction, the staff has begun the Increased Enrichment rulemaking, and the petitioner will have an opportunity to comment on that rulemaking.

V. Availability of Documents

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

Document	ADAMS Accession No./ **FEDERAL REGISTER** Citation
PRM–50–124, Ralph O. Meyer, Petition for Rulemaking, dated August 1, 2022	ML22284A087
PRM–50–124, ''Licensing Safety Analysis for Loss-of-Coolant Accidents,'' notice of docketing and request for comments, dated November 23, 2022.	87 FR 71531
PRM–50–124, ''Licensing Safety Analysis for Loss-of-Coolant Accidents,'' extension of comment period, dated February 2, 2023.	88 FR 7012
Nuclear Energy Institute, Request for Extension of the Comment Period for PRM–50–124, dated January 23, 2023	ML23023A275
Comment (001) from Ralph Meyer on PRM–50–124, dated October 12, 2022	ML23009B712
Comment (002) from Ralph Meyer on PRM–50–124, dated January 12, 2023	ML23031A196
Comment (003) from Zachary Harper of Westinghouse on PRM–50–124, dated February 2, 2023	ML23058A228
Comment (004) from Gayle Elliott on behalf of Framatome Inc., dated February 23, 2023	ML23061A128
Comment (005) from Mike Powell on behalf of Pressurized Water Reactors Owners Group on PRM–50–124, dated March 1, 2023.	ML23062A715
Comment (006) from Frances Pimentel on Behalf of Nuclear Energy Institute on PRM–50–124, dated March 3, 2023	ML23062A716
Comment (007) from Ralph Meyer on PRM–50–124, dated March 14, 2023	ML23074A071
Comment (008) from Ralph Meyer on PRM–50–124, dated July 26, 2023	ML23209A607
Comment (009) from Ralph Meyer on PRM–50–124, dated September 11, 2023	ML23254A398
Comment (010) from Ralph Meyer and Wolfgang Wiesenack on PRM–50–124—Licensing Safety Analysis for Loss-of-Coolant Accidents, dated January 18, 2024.	ML24024A061
Comment (011) from Ralph Meyer on PRM–50–124—Licensing Safety Analysis for Loss-of-Coolant Accidents	ML24100A815
Comment (012) Ralph Meyer on PRM–50–124—Licensing Safety Analysis for Loss-of-Coolant Accidents	ML24239A784
SECY–21–0109, ''Rulemaking Plan on Use of Increased Enrichment of Conventional and Accident Tolerant Fuel Designs for Light-Water Reactors,'' dated December 20, 2021.	ML21232A237
SRM–SECY–21–0109, ''Staff Requirements—SECY–21–0109—Rulemaking Plan on Use of Increased Enrichment of Conventional and Accident Tolerant Fuels Designs for Light-Water Reactors,'' dated March 16, 2022.	ML22075A103
SECY–16–0033, ''Draft Final Rule—Performance-Based Emergency Core Cooling System Requirements and Related Fuel Cladding Acceptance Criteria (RIN 3150–AH42),'' dated March 16, 2016.	ML15238A947 (Package)
SRM–SECY–16–0033, ''Staff Requirements—SECY–16–0033—Draft Final Rule—Performance-Based Emergency Core Cooling System Requirements and Related Fuel Cladding Acceptance Criteria (RIN 3150–AH42).	ML24102A281
SECY–15–0148, ''Evaluation of Fuel Fragmentation, Relocation and Dispersal Under Loss-Of-Coolant Accident (LOCA) Conditions Relative to the Draft Final Rule on Emergency Core Cooling System Performance During a LOCA (50.46c),'' dated November 30, 2015.	ML15230A200
NRC Research Information Letter 2021–13, ''Interpretation of Research on Fuel Fragmentation, Relocation, and Dispersal at High Burnup,'' dated December 2021.	ML21313A145
NRC Memorandum from Paul M. Clifford to William H. Ruland, ''ECCS Performance Safety Assessment and Audit Report,'' dated February 10, 2012.	ML12041A078
G. Hache and H.M. Chung, ''The History of LOCA Embrittlement Criteria,'' NUREG/CP–0172, May 2001, pp. 205–237	ML011370559

VI. Conclusion

For the reasons cited in this document, the NRC is denying PRM–50–124. The petition did not present any significant new information or arguments that would warrant the requested amendment.

Dated: July 24, 2025.

For the Nuclear Regulatory Commission.

Carrie Safford,

Secretary of the Commission.

[FR Doc. 2025–14215 Filed 7–25–25; 8:45 am]

BILLING CODE 7590–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Parts 303, 314, 335, 340, 347, 363, and 380

RIN 3064–AG15

Adjusting and Indexing Certain Regulatory Thresholds

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) is inviting comment on a proposed rule that would amend certain regulatory thresholds in the FDIC's regulations to reflect inflation. Specifically, the proposal would generally update such thresholds to reflect inflation from the date of initial implementation or the most recent adjustment, and provide for future adjustments pursuant to an indexing methodology. The changes set forth in this proposal would provide a more durable regulatory framework by helping to preserve, in real terms, the level of certain thresholds set forth in the FDIC's regulations, thereby avoiding the undesirable and unintended outcome where the scope of applicability for a regulatory requirement changes due solely to inflation rather than actual changes in an institution's size, risk profile or level of complexity.

DATES: Comments must be received on or before September 26, 2025.

ADDRESSES: You may submit comments, identified by RIN 3064–AG15, by any of the following methods:

- *FDIC Website: https://www.fdic.gov/federal-register-publications.* Follow instructions for submitting comments on the agency website.
- *Email: Comments@fdic.gov.* Include RIN 3064–AG15 in the subject line of the message.
- *Mail:* Jennifer M. Jones, Deputy Executive Secretary, Attention: Comments—RIN 3064–AG15, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery to FDIC:* Comments may be hand-delivered to the guard station at the rear of the 550 17th Street NW building (located on F Street) 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 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 proposed rule 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: Andrew Carayiannis, Chief, Policy & Risk Analytics Section; Bryan Jonasson, Deputy Chief Accountant; Keith Bergstresser, Senior Policy Analyst; Jim Yu, Senior Policy and Disclosure Analyst; Rachel Romm-Nisson, Risk Analytics Specialist, Capital Markets and Accounting Policy Branch, Division of Risk Management Supervision; Christopher Blickley, Counsel, Legal Division; Ryan Tetrick, Deputy Director, Division of Complex Institution Supervision and Resolution; Alex Greenberg, Assistant Director, Brock Walker, Assistant Director, Division of Resolutions and Receiverships; *capitalmarkets@fdic.gov,* (202) 898–6888; Federal Deposit Insurance Corporation, 3701 Fairfax Drive, Arlington, VA 22203.

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I. Introduction

A. Background

Thresholds are used to determine the scope of applicability for certain regulations promulgated by the FDIC. The most common threshold is the amount of total on-balance sheet assets of an institution (measured in dollars), which has long served as a proxy for an institution's size.[1] In some cases, asset-based size thresholds are combined with other thresholds to serve as proxies for an institution's risk profile or level of complexity, such as the amount of nonbank assets or cross-jurisdictional activities.[2] Combining thresholds in this manner helps to support a regulatory framework that is tailored to the risks presented by an individual institution or categories of institutions.[3]

While most thresholds set a general level of applicability for a regulation, in some instances, thresholds are applied within a regulation to establish exclusions, provide for optionality, or to tailor individual requirements within a broad-based regulation to the varying sizes and risk profiles of all in-scope institutions. For example, as discussed further below, thresholds of $2,500 and $1,000 are used to define certain offenses that are exempt from the application requirements of section 19 of the Federal Deposit Insurance Act (FDI Act), as implemented by 12 CFR part 303.[4]

Under the FDIC's regulations, most thresholds are static, with no mechanism for periodic adjustments over time. To adjust a static threshold, the FDIC must, in general, provide notice and seek comment on such adjustment before it can be implemented as final.[5] However, certain thresholds within the FDIC regulations are required by statute and therefore cannot be adjusted without legislative changes.[6]

The FDIC has occasionally revised discretionary regulatory thresholds or established a mechanism within a regulation to allow for adjustments on a periodic basis. For example, 12 CFR part 345, which implements the Community Reinvestment Act,[7] defines small and intermediate-small banks by reference to asset-size criteria expressed in dollar amounts, which are adjusted annually based on the year-to-year change in inflation through a **Federal Register** notice.[8] As an additional example, the FDIC adjusted 12 CFR part 348, Management Official Interlocks (Part 348), in 2019 to increase asset-based thresholds that had been established in 1996.[9] Part 348 further provides that the

[1] *See e.g.,* 12 CFR 337.12(b) (classifying institutions with less than $10 million in assets as small for examination cycle purpose); 12 CFR 327.8(e) (classifying institutions with assets of $10 billion or more as large for assessment purposes).

[2] *See e.g.,* 12 CFR 329.3.

[3] For example, for large financial institutions with total assets of $100 billion or more, capital and liquidity requirements increase in stringency based on measures of size, cross-jurisdictional activity, weighted short-term wholesale funding, nonbank assets, and off-balance sheet exposure. *See* 84 FR 59230 (Nov. 1, 2019).

[4] Specifically, under 12 CFR 303.227, the requirements of Section 19 do not apply to covered offenses where an individual could have been sentenced to a term of confinement in a correctional facility of three years or less and/or a fine of $2,500 or less, and that meet the additional criteria set forth in that section. In addition, the requirements of section 19 do not apply to ''small dollar, simple theft,'' which includes, among other requirements, the simple theft of goods, services, or currency (or other monetary instrument) if the value of the currency, goods, or services involved has a value of $1,000 or less.

[5] 5 U.S.C. 553(b); *see also* 5 U.S.C. 553(B) (providing exception where agency for good cause finds notice and comment is ''impracticable, unnecessary, or contrary to public interest'').

[6] *See e.g.,* 12 U.S.C. 1819(a) (Seventh and Tenth).

[7] 12 U.S.C. 2901 *et seq.*

[8] Specifically, this adjustment corresponds to the average of the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI–W), not seasonally adjusted, for each 12-month period ending in November, with rounding to the nearest million. *See* Community Reinvestment Act Regulations Asset-Size Thresholds, 89 FR 106480, 106481 (Dec. 30, 2024).

[9] Specifically, this threshold was adjusted to correspond to the year-to-year change in the average of the CPI–W, not seasonally adjusted, with rounding to the nearest $100 million. *See* 84 FR 54465, 54468 (Oct. 10, 2019).

FDIC will adjust such asset thresholds, as necessary, based on inflation.[10]

B. Considerations for Updating and Indexing Thresholds

As discussed above, the use of applicability thresholds allows the FDIC to differentiate and tailor regulatory requirements based on an institution's size, risk profile, and level of complexity. However, static dollar-based thresholds without periodic adjustments to reflect inflation do not preserve threshold levels in real terms, leading to unintended policy consequences. For example, smaller and mid-size institutions can become subject to requirements originally intended for relatively larger institutions, thereby increasing burden for reasons unrelated to changes in their inflation-adjusted size or risk profile.

Adjusting regulatory thresholds to reflect inflation would help ensure that they preserve their intended application in real terms over time and remain generally aligned with their intended policy objectives. However, if not properly structured, inflation-based adjustments also can lead to unintended and undesirable outcomes. For example, adjusting regulatory thresholds too frequently and in the absence of meaningful inflation can result in inefficiencies, as institutions may incur cost to frequently realign their balance sheet management practices to reflect adjusted thresholds. By contrast, adjustments that are infrequent and do not sufficiently keep pace with inflation result in thresholds that are continually decreasing in real terms in the time period between adjustments. Infrequent adjustments also result in larger, less gradual adjustments that can impair the certainty and predictability of a regulatory framework and create challenges for regulatory compliance and balance sheet management practices.

Properly structured, appropriately sequenced and predictable inflation-based threshold adjustments promote consistent application of regulatory requirements over time and contribute to a more durable regulatory framework. In addition, such adjustments can enhance transparency and certainty by providing institutions with a pre-determined schedule for future regulatory changes and therefore allow for more enhanced balance sheet management practices.

C. Overview of the Proposal and Policy Objectives

The FDIC is proposing to update certain regulatory thresholds and provide automatic adjustments to those thresholds over time using an indexing methodology. Under the proposal, the FDIC would initially update such thresholds to reflect historical inflation [11] (measured as the percentage change in the non-seasonally adjusted Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI–W)),[12] generally based off the date of initial implementation or the most recent quantitative adjustment. Additionally, the FDIC is proposing an indexing methodology for subsequent, periodic threshold adjustments that would be implemented automatically every two consecutive calendar years, or during any intervening calendar year when the cumulative change in CPI–W since the last adjustment increases by more than 8 percent.[13]

The adjustments provided for in this proposal are intended to help preserve, in real terms, certain threshold levels in the FDIC's regulations, thereby avoiding the undesirable and unintended outcome where an institution becomes subject to additional or more stringent regulatory requirements due solely to inflation rather than actual changes in the institution's size, risk profile or level of complexity.

The proposal is the first of a multi-phase effort to reevaluate thresholds within the FDIC's regulations. The thresholds selected for this initial phase are thresholds that (1) appear within regulations issued only by the FDIC, (2) are not set by statute, and (3) are relatively straightforward to adjust. For example, the proposal would initially update and provide for subsequent periodic adjustments pursuant to an indexing methodology for a number of dollar-based thresholds in 12 CFR part 363 related to audit, internal control, audit committee composition, and reporting requirements. The FDIC expects to solicit comment on one or more subsequent proposals to update and adjust additional thresholds, and, as appropriate, will seek to coordinate with other Federal agencies. Additionally, the FDIC, together with the Federal Financial Institutions Examination Council, Office of the Comptroller of the Currency, and Board of Governors of the Federal Reserve System, commenced a review under the Economic Growth and Regulatory Paperwork Reduction Act of 1996 (EGRPRA) in 2024 to solicit feedback from the public on potentially outdated or otherwise unnecessary regulatory requirements.[14] The FDIC expects to review and consider any comments received pursuant to this EGRPRA review that relate to the thresholds considered within this proposal as part of any final rulemaking.

As discussed in the sections that follow, the proposal would initially update and thereafter periodically adjust certain thresholds in the following FDIC regulations:

- 12 CFR Part 303—Filing Procedures
- 12 CFR Part 335—Securities of Nonmember Banks and State Savings Associations
- 12 CFR Part 340—Restrictions on Sale of Assets of a Failed Institution by the Federal Deposit Insurance Corporation
- 12 CFR Part 347—International Banking
- 12 CFR Part 363—Annual Independent Audits and Reporting Requirements
- 12 CFR Part 380—Orderly Liquidation Authority

II. Initial Updates

Except as otherwise provided,[15] the proposal would provide for an initial increase in the thresholds described below to reflect historical inflation and index these thresholds to account for

[10] Part 348 further indicates the FDIC will announce the revised thresholds by publishing a final rule without notice and comment in the **Federal Register**. 12 CFR 348.3(c).

[11] Certain thresholds under the proposal would be updated initially to reflect other considerations. For example, as discussed in section II.E of this Supplementary Information, the proposal would initially update thresholds in 12 CFR part 363 to help ensure sound financial management of the institutions posing the greatest potential risk to the Deposit Insurance Fund. *See infra,* n. 45.

[12] The U.S. Bureau of Labor Statistics publishes the CPI–W on a monthly basis. The CPI–W is used to annually adjust benefits paid to Social Security beneficiaries and Supplemental Security Income recipients. *See,* U.S. Social Security Administration, CPI for Urban Wage Earners and Clerical Workers, *available at www.ssa.gov/oact/STATS/cpiw.html.*

[13] Any references to inflation in this proposal refer to inflation as measured under the CPI–W, unless specifically noted otherwise.

[14] The EGRPRA requires that regulations prescribed by the Federal Financial Institutions Examination Council, Office of the Comptroller of the Currency, Federal Deposit Insurance Corporation, and Board of Governors of the Federal Reserve System be reviewed by the agencies not less frequently than once every 10 years. The purpose of the EGRPRA review is to identify outdated or unnecessary regulations and consider how to reduce regulatory burden on insured depository institutions while, at the same time, ensuring their safety and soundness and the safety and soundness of the financial system.

[15] As discussed in section II.E of this **SUPPLEMENTARY INFORMATION**, the initial updates to thresholds in part 363 would support a key underlying objective of the regulation, while maintaining consistency with the historical scope of applicability and reducing burden for smaller institutions. In addition, one threshold under part 363 that is intended to align to listing standards of the national securities exchanges would not be subject to the proposed indexing methodology.

future inflation. Initial updates would become effective, consistent with applicable law, at the beginning of the first calendar quarter following adoption of the final rule.

A. 12 CFR Part 303 (Part 303)—Filing Procedures

Section 19 of the FDI Act (section 19) prohibits, without the prior written consent of the FDIC, a person convicted of any criminal offense involving dishonesty, breach of trust, or money laundering, or who has entered into a pretrial diversion or similar program in connection with a prosecution for such an offense (collectively, covered offenses), from becoming or continuing to serve as an institution-affiliated party.[16]

Subpart L of part 303 of the FDIC's regulations implements section 19 and includes separate $2,500 and $1,000 *de minimis* thresholds for certain offenses that are excluded from the scope of section 19 and for which no section 19 application is required.[17] Specifically, under 12 CFR 303.227, the requirements of section 19 do not apply to covered offenses where the individual could have been sentenced to a term of confinement in a correctional facility of three years or less and/or a fine of $2,500 or less, and that meet the additional criteria set forth in that section. In addition, the requirements of section 19 do not apply to ''small dollar, simple theft,'' which includes, among other requirements, the simple theft of goods, services, or currency (or other monetary instrument) if the value of the currency, goods, or services involved has a value of $1,000 or less.[18]

For purposes of implementing section 19, an ongoing, significant objective of the FDIC has been to establish criteria for the *de minimis* exception framework such that it applies to offenses that are relatively minor in nature and help to ensure that prior conduct of the covered party would pose low risk to an insured institution. Over time, the FDIC has expanded the scope of the *de minimis* framework based on historical analysis that showed the FDIC routinely approved section 19 applications involving minor offenses.[19] Every expansion of the *de minimis* framework ultimately provided additional relief to potential applicants without undermining the purpose of section 19 or causing undue risk to an institution or the Deposit Insurance Fund.[20]

The non-seasonally adjusted CPI–W has increased by approximately 38 percent since the $2,500 *de minimis* threshold was set in 2012; the proposal would increase this threshold to $3,500. Similarly, the non-seasonally adjusted CPI–W has increased by approximately 23 percent since the $1,000 *de minimis* threshold was set in 2020; the proposal would increase this threshold to $1,225. These proposed updates would help preserve, in real terms, the level of such thresholds while providing meaningful relief from barriers to employment opportunities, consistent with the purpose of section 19 and prior amendments to the *de minimis* exception framework.

Question 1: What are the advantages and disadvantages of increasing the *de minimis* offense thresholds for purposes of section 19? Would the proposal appropriately support objectives of the *de minimis* exceptions framework in a manner consistent with safety and soundness?

B. 12 CFR Part 335 (Part 335)—Securities of State Nonmember Banks and Savings Associations

Part 335 of the FDIC's regulations provides securities recordkeeping and requirements for State nonmember banks and State savings associations, and generally applies only to such institutions with one or more classes of securities required to be registered under section 12 of the Securities Exchange Act of 1934 (Exchange Act), as amended.[21] Part 335 is substantially similar to Securities and Exchange Commission (SEC) regulations that implement the securities registration, disclosure, proxies and proxy solicitation, information statements, tender offer, election of directors, and beneficial ownership and reporting requirements of the Exchange Act.

The SEC and FDIC regulations both contain disclosure requirements for loans to insiders. The SEC regulations require disclosure of certain insider indebtedness in excess of $120,000, which have preferential terms, were not made in the ordinary course of business, or which involve more than the normal risk of collectability or involve other unfavorable features.[22] By contrast, part 335 requires disclosure of extensions of credit to insiders in excess of 10 percent of the capital account of an institution or $5 million, whichever is less.[23] The FDIC set the $5 million threshold in 1979, stating that the prior threshold of $10 million was too high to allow for meaningful disclosure.[24] The FDIC revisited this amount in 1997 and determined at the time that the overall benefit to the banking industry resulting from continuation of the FDIC's historical disclosure requirements under part 335, including the $5 million threshold, was in the public interest and appropriate for protection of investors.[25]

If indexed to inflation since the FDIC's most recent consideration of the indebtedness of management disclosure provisions in 1997, the $5 million threshold would be $9.9 million. The proposal would update the dollar threshold in 12 CFR 335.801(d) to $10 million to reflect inflation since that time. The proposed revision would help to preserve, in real terms, the level of this threshold.[26]

Question 2: What are the advantages and disadvantages of raising the threshold for the management indebtedness disclosure provisions under part 335 to $10 million?

Question 3: Are there any unintended consequences that the FDIC should consider in increasing the threshold for disclosure of extensions of credit to insiders?

[16] 12 U.S.C. 1829.

[17] Note that 12 CFR 303.227 contains 3 different dollar thresholds setting forth different *de minimis* exceptions. The $2,000 or less threshold for bad checks set forth in 12 CFR 303.227(b)(2)(ii) is set by statute (*see* 12 U.S.C. 1829(c)(3)(C)) and is therefore not within the FDIC's discretion to adjust and not included in this proposal.

[18] Additional criteria that must be met include (1) the theft was not committed against an insured depository institution (IDI) or insured credit union; (2) the individual has no more than one other offense that is considered exempt under this section; and (3) if there are two offenses—each of which, by itself, is considered exempt under this section—each conviction or program entry was entered at least three years prior to the date an application would otherwise be required, or at least 18 months prior to the date an application would otherwise be required if the actions that resulted in the conviction or program entry all occurred when the individual was 21 years of age or younger. Simple theft excludes burglary, forgery, robbery, identity theft, and fraud. *See* 12 CFR 303.227(b)(3).

[19] For example, in 2018, the FDIC broadened the application of the *de minimis* exception to filing an application due to the minor nature of the offenses and the low risk that the covered party would pose to an insured institution based on the conviction or program entry. By modifying these provisions, the FDIC stated it believed that there would be a reduction in the submission of applications where approval has been granted by virtue of the *de minimis* offenses exceptions to filing in the policy statement. *See* 83 FR 38143 (Aug. 3, 2018).

[20] For example, changes to the *de minimis* exception in the final rule published in 2020 would have reduced past applications by approximately 20 percent. *See* Fact Sheet: FDIC Issues Rule on Section 19 of the Federal Deposit Insurance Act (July 2020).

[21] 12 CFR part 335.

[22] 17 CFR 229.404.

[23] 12 CFR 335.801(d).

[24] *See* 44 FR 33077, 33079 (Jun. 8, 1979).

[25] *See* 62 FR 6852, 6855 (Feb. 14, 1997).

[26] For example, growth in the dollar amount of capital as a result of inflation would impact the permitted amount extensions of credit under 12 CFR 337.3(b) if an FDIC-supervised institution provides an extension of credit less than 5 percent of its unimpaired capital and unimpaired surplus.

C. 12 CFR Part 340 (Part 340)—Restrictions on Sale of Assets of a Failed Institution by the FDIC

Part 340 of the FDIC's regulations addresses restrictions on the FDIC's sale of failed IDI assets to individuals or entities that improperly profited from or engaged in wrongdoing at the expense of a failed IDI or that seriously mismanaged a failed IDI.[27] Among other restrictions, part 340 prohibits a person from acquiring any assets of a failed IDI if the person or its associated person has caused a substantial loss to that failed institution [28] or has demonstrated a pattern or practice causing a substantial loss to one or more failed institution(s).[29] Part 340 defines ''substantial loss'' to include multiple types of loss that all use a threshold of $50,000 for purposes of determining whether the losses are ''substantial.'' [30]

The FDIC added part 340 to the FDIC's regulations in 2000.[31] Subsequent updates [32] to part 340 have not substantively modified the ''substantial loss'' definition or the $50,000 threshold.[33] The substantial loss provisions and the $50,000 threshold are also included in the FDIC's Purchaser Eligibility Certification form, which is required under part 340 for all prospective purchasers of failed IDI assets.[34]

The FDIC is proposing to revise the ''substantial loss'' threshold in part 340 by raising the existing threshold from $50,000 to $100,000. If indexed to inflation since the FDIC established the ''substantial loss'' threshold in 2000, the $50,000 threshold would be $92,666. This proposed updated threshold of $100,000 approximates inflation adjustments.

Updating the threshold for ''substantial loss'' would preserve, in real terms, the level of the threshold, while allowing more prospective purchasers to make offers to buy failed IDI assets. The FDIC does not expect this proposed adjustment to adversely affect competition or the prices paid for failed IDI assets.

More generally, the FDIC has experienced challenges with implementation of part 340 and is considering future amendments to the regulation, but, in the interim, is proposing to revise the threshold for ''substantial loss'' as part of this rulemaking.

Question 4: What are the advantages and disadvantages of increasing the $50,000 substantial loss threshold that is used to determine whether individuals or entities are eligible to purchase assets of a failed institution? Does the proposal appropriately balance the potential benefit of increasing competition for failed institution assets with any public interest concerns that may be associated with increasing this threshold?

D. 12 CFR Part 347 (Part 347)—International Banking

Part 347 of the FDIC's regulations governs international banking. Subpart A to part 347, which implements section 18(d) and 18(l) of the FDI Act, sets forth the requirements for insured State nonmember bank investments in foreign organizations, permissible foreign financial activities, loans or extensions of credit to or for the account of foreign organizations, and the FDIC's recordkeeping, supervision, and approval requirements. Subpart A also addresses permissible activities for foreign branches of insured State nonmember banks.

The FDIC issued a final rule in 1998 amending its international banking regulations and consolidating them into part 347.[35] Under subpart A of part 347, a State nonmember bank may hold an equity interest in one or more foreign organizations that underwrite, deal, or distribute equity securities outside of the United States, subject to certain limitations. Two of those limitations include dollar-based thresholds. First, 12 CFR 347.111(a) provides that the aggregate underwriting commitments by the foreign organizations for the securities of a single entity, taken together with underwriting commitments by any affiliate of the State nonmember bank under the authority of 12 CFR 211.10(b), may not exceed the lesser of $60 million or 25 percent of the State nonmember bank's Tier 1 capital. Second, 12 CFR 347.111(b) provides that the equity securities of any single entity held for distribution or dealing by the foreign organizations, taken together with equity securities held for distribution or dealing by any affiliate of the insured State nonmember bank under the authority of 12 CFR 211.10, must not exceed the lesser of $30 million or 5 percent of the insured State nonmember bank's Tier 1 capital, subject to certain other requirements.

The dollar-based thresholds under subpart A of part 347 were established in 1998 and have not since been updated. At the time, the FDIC stated that it intended to maintain parity between the restrictions governing the international activities of State nonmember banks regulated by the FDIC and member banks subject to the Federal Reserve Board's (FRB) Regulation K. In 2001, the FRB issued a final rule to adjust certain limitations on activities of bank holding companies, State member banks, Edge corporations, and agreement corporations (FRB-supervised institutions). For example, the final rule expanded underwriting limits for well-capitalized, well-managed FRB-supervised institutions by tying the limit for underwriting shares to a single organization to a percentage of the institution's Tier 1 capital, and eliminating the limitation based on a dollar amount.[36] FRB-supervised institutions that are not well-capitalized and well-managed remained subject to the $60 million underwriting commitment threshold for shares of individual organizations.[37] The final rule also revised the dealing limit on shares in which an FRB-supervised institution can hold in its trading or dealing accounts for a single issuer from the lesser of $40 million or 10 percent of Tier 1 capital, increased from $30 million. The FRB justified this increase by noting that 10 years had passed since the $30 million limit was first established.[38]

Following the FRB's revisions to Regulation K, the FDIC issued a rule on April 6, 2005,[39] transferring these limits to its current location at 12 CFR 347.111; the dollar-based thresholds remained unchanged. Since these limits were established in 1998, the CPI–W has increased by approximately 95 percent. If indexed to inflation, the limits on aggregate underwriting commitments and on the equity securities of any entity held for distribution or dealing would be $118 million and $59 million, respectively.

[27] *See* 12 CFR 340.1(b).

[28] 12 CFR 340.4(a)(1).

[29] *See* 12 CFR 340.4(c).

[30] *See* 12 CFR 340.2(h).

[31] *See* 65 FR 14816, 14819 (Mar. 20, 2000).

[32] As discussed in more detail below, part 340, including the ''substantial loss'' provisions and the $50,000 threshold, was the model for and is intended to match the substantially similar provisions applicable to FDIC covered financial company asset sales under 12 CFR 380.13. *See* 80 FR 22886 (Apr. 24, 2015) (explaining that, because of the substantially similar language in the statutes authorizing the respective rules, part 340 served as a model for the development of the rules at 12 CFR 380.13.). *See also, id.,* at 80 FR 22887 (describing the updates to part 340 made to ensure consistency between part 340 and 12 CFR 380.13).

[33] *See generally, id.*

[34] The Purchaser Eligibility Certification form, *available at https://www.fdic.gov/asset-sales/purchaser-eligibility-certification-pec.pdf.*

[35] 63 FR 17056 (Apr. 8, 1998).

[36] 66 FR 54346, 54354 (Oct. 26, 2001); *see* 12 CFR 211.10(a)(14).

[37] 66 FR 54346, 54354 (Oct. 26, 2001); *see* 12 CFR 211.10(a)(15).

[38] *Id.*

[39] 70 FR 17550 (Apr. 5, 2005).

To preserve the level of these thresholds in real terms, the FDIC is proposing to revise the dollar limits in subpart A of part 347 on aggregate underwriting commitments and on equity securities held for distribution or dealing to $120 million and $60 million, respectively. The proposed increases in these limits approximate inflation adjustments since 1998. The limits on aggregate underwriting commitments and the dollar limit on equity securities held for distribution and dealing, as percentages of Tier 1 capital, would remain unchanged. The proposal would not align these thresholds with those used in parallel regulations of the FRB.

Question 5: What are the advantages and disadvantages of updating the dollar limits in subpart A of 12 CFR part 347 on aggregate underwriting commitments and on equity securities held for distribution or dealing to $120 million and $60 million, respectively?

Question 6: Should the FDIC consider eliminating the limit based on a dollar amount for underwriting shares to a single organization for institutions that are well-capitalized and well-managed and only include a limit for a percentage of an institution's Tier 1 capital, consistent with FRB Regulation K? What would be the advantages and disadvantages of such an approach?

Question 7: What are the potential unintended consequences, if any, of establishing a higher limit on equity securities held for dealing or distribution under part 347 relative to the limit that applies under Regulation K?

E. 12 CFR Part 363 (Part 363)—Annual Independent Audits and Reporting Requirements

Section 112 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA) added section 36, ''Early Identification of Needed Improvements in Financial Management,'' to the FDI Act.[40] Section 36 generally subjects IDIs above a certain asset size threshold to annual independent audits, assessments of the effectiveness of internal control over financial reporting (ICFR), and compliance with designated laws and regulations, as well as related reporting requirements. Section 36 also includes requirements for audit committees of these IDIs. Section 36 grants the FDIC discretion to set the asset size threshold for compliance with these requirements, but it also provides that the threshold shall not be less than $150 million.[41]

Part 363 of the FDIC's regulations implements section 36 and requires any IDI with total consolidated assets of $500 million or more at the beginning of its fiscal year to submit to the FDIC and other appropriate Federal and State supervisory agencies an annual report (part 363 Annual Report) comprised of audited financial statements, the independent public accountant's report thereon, and a management report containing a statement of management's responsibilities and an assessment by management of compliance with applicable laws and regulations.[42] The management report component of the part 363 Annual Report for an institution with $1 billion or more in total assets must also include an assessment by management of the effectiveness of ICFR and an independent public accountant's attestation report on ICFR.[43] The FDIC has not adjusted the $500 million mandatory compliance threshold for part 363 since its initial implementation; however, the $1 billion threshold was increased from $500 million in 2005.[44]

When the FDIC initially implemented part 363, use of a $500 million threshold captured approximately 1,000 IDIs (out of 14,000) holding 75 percent of U.S. banking assets, while exempting approximately two-thirds of institutions that would have been subject to section 36 under a $150 million threshold.[45] In addition, at the time of initial implementation, more than 96 percent of these covered institutions reported that they were subject to an annual audit by an independent public accountant at the depository institution or parent company level. The initial scope of application for part 363 was intended to help ensure sound financial management of the institutions posing the greatest potential risk to the Deposit Insurance Fund.[46]

The 2005 amendment to the ICFR threshold in part 363 reflected a recognition that compliance with the audit and reporting requirements had become more burdensome and costly, particularly for smaller nonpublic institutions.[47] In addition, due to consolidation in the banking and thrift industry and the effects of inflation, the scope of applicability for part 363 had increased to cover more than 1,150 (out of 8,900) insured institutions, representing approximately 90 percent of industry assets.[48] Following the 2005 amendment, about 600 of the largest insured institutions with approximately 86 percent of industry assets continued to be covered by the ICFR requirements of part 363. This change was intended to achieve meaningful burden reduction in a manner consistent with safety and soundness.[49] Subsequent amendments to part 363 in 2009[50] and 2020[51] did not result in permanent changes to the regulatory asset thresholds.

[40] 12 U.S.C. 1831m.

[41] Consistent with the statute, the FDIC is consulting with the other Federal banking agencies in adjusting these thresholds.

[42] *See* 12 CFR 363.2.

[43] *See* 12 CFR 363.2(b)(3) and 363.3(b).

[44] 70 FR 71226, 71227 (Nov. 28, 2005).

[45] 58 FR 31332, 31333 (June 2, 1993).

[46] *Id.*

[47] *Supra* n. 44.

[48] *Id.*

[49] *Id.*

[50] 74 FR 35726 (July 20, 2009). The most significant amendments to part 363 in 2009 included: (1) extending the time period for a non-public institution to file its Part 363 Annual Report by 30 days and replace the 30-day extension of the filing deadline that may be granted if an institution (public or non-public) is confronted with extraordinary circumstances beyond its reasonable control with a late filing notification requirement that would have general applicability; (2) providing relief from the annual reporting requirements for institutions that are merged out of existence before the filing deadline; (3) providing relief from reporting on internal control over financial reporting for businesses acquired during the fiscal year; (4) requiring management's assessment of compliance with the laws and regulations pertaining to insider loans and dividend restrictions to State management's conclusion regarding compliance and disclose any noncompliance with such laws and regulations; (5) requiring an institution's management and the independent public accountant to identify the internal control framework used to evaluate internal control over financial reporting and disclose all identified material weaknesses that have not been remediated prior to the institution's most recent fiscal year-end; (6) clarifying the independence standards with which independent public accountants must comply and enhance the enforceability of compliance with these standards; (7) specifying that the duties of the audit committee include the appointment, compensation, and oversight of the independent public accountant, including ensuring that audit engagement letters do not contain unsafe and unsound limitation of liability provisions; (8) requiring certain communications by independent public accountants to audit committees; (9) establishing retention requirements for audit working papers; (10) requiring boards of directors to adopt written criteria for evaluating an audit committee member's independence and provide expanded guidance for boards of directors to use in determining independence; (11) providing that ownership of 10 percent or more of any class of voting securities of an institution is not an automatic bar for considering an outside director to be independent of management; (12) requiring the total assets of a holding company's insured depository institution subsidiaries to comprise 75 percent or more of the holding company's consolidated total assets in order for an institution to be eligible to comply with part 363 at the holding company level; and (13) providing illustrative management reports to assist institutions in complying with the annual reporting requirements.

[51] 85 FR 67427 (Oct. 23, 2020). In 2020, the FDIC adopted an interim final rule allowing IDIs to use total consolidated assets as of December 31, 2019, for purposes of the asset thresholds in part 363 for fiscal years ending in 2021.

Most of the dollar-based thresholds in part 363 have been in place for more than 30 years. The proposal would raise the general applicability thresholds from $500 million to $1 billion, the ICFR asset threshold from $1 billion to $5 billion, and thresholds related to audit committee composition generally from $500 million to $1 billion, and from $1 billion and $3 billion to $5 billion.[52] Use of these thresholds would help support a key underlying objective of part 363—that is, achieving sound financial management at insured institutions posing the greatest risk to the Deposit Insurance Fund [53]—and maintain consistency with the historical scope of applicability according to several metrics. The $1 billion and $5 billion thresholds would cover institutions holding approximately 95 and 89 percent of industry assets, respectively. In addition, the proposed increase in the applicability threshold from $500 million to $1 billion would result in approximately the same number of institutions being subject to part 363 (approximately 1,000 institutions) in 2025 as were subject to the regulation in 1993 (at its inception) and in 2005 (when the threshold for the ICFR requirements was amended), while removing nearly 800 institutions from the general scope of applicability for part 363. Similarly, the proposed increase in the ICFR threshold from $1 billion to $5 billion would be generally consistent with the historical application of such requirements (to approximately 75 percent of institutions) at the time of initial implementation and under the 2005 amendment.

The thresholds set forth in the proposal also would achieve meaningful burden reduction for the smallest institutions, which would be removed from the scope of applicability for reporting requirements and internal control assessments. Furthermore, experience has demonstrated that smaller community institutions, particularly those in rural areas, have had difficulty complying with the audit committee composition requirements. Specifically, these institutions frequently report that it is increasingly difficult to attract and retain individuals who are willing and capable of serving as a member of an audit committee, thereby making compliance with the audit committee composition requirements of part 363 challenging.

Irrespective of the proposed changes to part 363 thresholds, IDIs may still be required to have an audit and assess internal controls over financial reporting by their respective states if the institution is state chartered.[54] Additionally, insured depository institutions that are public companies or subsidiaries of public companies that file annual and other periodic reports as required by the Sarbanes-Oxley Act of 2002 are required to have an audit and assess internal controls over financial reporting.[55] As of March 31, 2025, approximately 52 percent of institutions not subject to part 363 still obtained an audit.[56]

The FDIC is also proposing to increase the $100,000 compensation threshold under part 363 [57] related to the determination of whether a director is considered ''independent of management.'' Paragraph 28 in appendix A to part 363, ''Independent of Management'' Considerations, sets forth the criteria a board of directors should consider when determining the independence of an outside director for audit committee purposes. The independence criteria under part 363, including the $100,000 compensation threshold, are intended to be consistent with those provided under the listing standards of national securities exchanges while providing some flexibility for smaller nonpublic institutions.

The FDIC implemented the $100,000 threshold under part 363 in 2009. Since that time, the parallel threshold under the listing standards of national securities exchanges has been raised to $120,000.[58] Accordingly, the proposal would increase the $100,000 compensation threshold under part 363 to $120,00 to realign it with the parallel threshold set forth in listing standards. This revision also would address the potential unintended outcome where a director could be considered ''independent of management'' for purposes of listing standards while at the same time being considered ''not independent of management'' for purposes of part 363.

In contrast to the other thresholds in part 363 that are subject to this proposal, the $120,000 compensation threshold would not be subject to the proposed indexing methodology described in section III of this Supplementary Information as it is intended to align with parallel thresholds under listing standards, which are not subject to an indexing methodology. The FDIC expects to adjust this threshold in the future to maintain continued alignment with parallel thresholds in the listing standards of the national securities exchanges.

The table below details the proposed changes to part 363 thresholds.

PART 363 THRESHOLDS PROPOSED TO BE REVISED

Citation	Current threshold	Proposal threshold
363.1(a)	$500 million	$1 billion.
363.2(b)(3)	$1 billion	$5 billion.
363.3(b)	$1 billion	$5 billion.
363.4(a)(2)	$1 billion	$5 billion.
363.4(c)(3)	$1 billion	$5 billion.
363.5(a)(1)	$1 billion	$5 billion.
363.5(a)(2)	$500 million	$1 billion.

[52] In total, the FDIC is proposing increases to 24 regulatory asset thresholds in part 363. Several of these asset thresholds are similar and are repeated throughout part 363 pertaining to the general requirements of part 363, as well as to the holding company requirements of part 363 (for insured depository institutions that are subsidiaries of holding companies), and audit committee composition requirements.

[53] *Supra* n. 45 at 58 FR 31333.

[54] *See e.g.,* AL Code 5–2A–22 (2024); CA Fin Code 502 (2024); Conn. Gen. Stat 36a–86; and Ga. Comp. R. & Regs. R. 80–1–14–.01.

[55] Sarbanes-Oxley Act of 2002, Public Law 107–204, 116 Stat. 745 (2002), and its implementing regulations, 15 U.S.C. 7262.

[56] Call Report data, March 31, 2025. The level of audit work performed on an institution is reported in the March Call Report each year and can be found on line M.1 in the Memorandum to Schedule RC.

[57] The threshold describes situations where the director has received, or has an immediate family member who has received, during any twelve-month period within the last three years, more than $100,000 in direct and indirect compensation from the institution, its subsidiaries, and its affiliates for consulting, advisory, or other services other than director and committee fees and pension or other forms of deferred compensation for prior service (provided such compensation is not contingent in any way on continued service).

[58] Nasdaq Stock Market Rules, Rule 5605(a)(2); New York Stock Exchange Listed Company Manual, section 303A.02(b)(ii).

PART 363 THRESHOLDS PROPOSED TO BE REVISED—Continued

Citation	Current threshold	Proposal threshold
363.5(a)(2)	$1 billion	$5 billion.
363.5(b)	$3 billion	$5 billion.
Guideline 8A	$1 billion	$5 billion.
Guideline 8A	$1 billion	$5 billion.
Guideline 10	$1 billion	$5 billion.
Guideline 18A	$1 billion	$5 billion.
Guideline 27	$1 billion	$5 billion.
Guideline 27	$500 million	$1 billion.
Guideline 27	$1 billion	$5 billion.
Guideline 28(b)(4)	$100 thousand	$120 thousand.[59]
Guideline 30(b)	$1 billion	$5 billion.
Guideline 30(c)	$500 million	$1 billion.
Guideline 30(c)	$1 billion	$5 billion.
Guideline 35(a)	$500 million	$1 billion.
Guideline 35(b)	$1 billion	$5 billion.
Guideline 35(c)	$3 billion	$5 billion.
Appendix B item 2(b)	$1 billion	$5 billion.

Question 8: What are the advantages and disadvantages of increasing the thresholds within part 363, as described above?

Question 9: Does the proposal appropriately balance the objectives preserving the levels of part 363 thresholds on an inflation-adjusted basis and reducing burden for smaller institutions with the safety and soundness benefits of audit and financial controls requirements? If not, how could the proposal improve the balance of these objectives?

Question 10: Would the proposed thresholds under part 363 help to address challenges for smaller institutions in rural areas or other geographies? Please describe any elevated challenges associated with current provisions of part 363 and whether the proposal would help to address them. Please provide supporting data where available.

Question 11: To what extent do the requirements of part 363 help ensure that institutions establish and maintain appropriate lines of defense for compliance and safety and soundness purposes? How burdensome are the requirements for small institutions?

F. 12 CFR Part 380 (Part 380)—Orderly Liquidation Authority

Part 380 of the FDIC's regulations implements the FDIC's orderly liquidation authority,[60] which applies once the FDIC has been appointed receiver for a covered financial company.[61] Similar to the provisions regarding the sale and purchase of failed IDI asset sales under part 340, 12 CFR 380.13 of the FDIC's regulations sets forth restrictions on the FDIC's sale of failed covered financial company assets to individuals or entities that improperly profited from or engaged in wrongdoing at the expense of a covered financial company or seriously mismanaged a covered financial company.[62] The restrictions under 12 CFR 380.13 apply to the sale and purchase of covered financial company assets in the FDIC's capacity as receiver for a covered financial company or in its corporate capacity.[63]

Among other restrictions, 12 CFR 380.13 prohibits a person from acquiring assets of a covered financial company from the FDIC if the person or its associated person has caused a substantial loss to a covered financial company[64] or has demonstrated a pattern or practice causing a substantial loss to one or more covered financial companies.[65] As in part 340, 12 CFR 380.13 defines ''substantial loss'' to include multiple types of loss that all use a threshold of $50,000 to establish the losses as ''substantial.''[66]

The FDIC added 12 CFR 380.13 to the FDIC's regulations in 2014.[67] From inception, the FDIC has explicitly implemented the requirements in 12 CFR 380.13, including the ''substantial loss'' provisions and threshold, in a manner consistent with the restrictions related to failed IDIs asset sales under part 340.[68] Previous revisions to part 340 were also specifically intended to align the requirements in part 340 and 12 CFR 380.13.[69]

The FDIC is proposing to revise the ''substantial loss'' threshold in 12 CFR 380.13 by raising the existing threshold from $50,000 to $100,000. This proposed revised threshold approximates inflation adjustments since the FDIC created the ''substantial loss'' threshold under part 340 in 2000, which was included in 12 CFR 380.13 in 2014, and will maintain consistency between the ''substantial loss'' provisions in part 340 and 12 CFR 380.13.

In addition to maintaining consistency between these related requirements, as with part 340, updating the threshold for ''substantial loss'' will preserve, in real terms, the level of the threshold. The FDIC also does not expect this proposed adjustment to adversely affect competition for sales of covered financial company assets or the prices paid for those assets.

Question 12: What are the advantages and disadvantages of the FDIC updating the $50,000 ''substantial loss'' threshold under 12 CFR 380.13 to $100,000?

[59] As discussed above, the proposal also would raise the threshold set forth in Guideline 28(b)(4) from $100,000 to $120,000. This threshold was intended to align with the listing standards of national securities exchanges for purposes of making director independence determinations.

[60] *See* Title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act'') section 201, et. seq., 12 U.S.C. 5381, et. seq.

[61] *See* Dodd-Frank Act section 202(a), 12 U.S.C. 5382(a) (describing the process for the Secretary of the Treasury to appoint the FDIC as receiver for a covered financial company and commence orderly liquidation of the covered financial company); *see also* 12 CFR 380.1.

[62] *See* 12 CFR 380.13(a)(1).

[63] *See* 12 CFR 380.13(a)(2)(i).

[64] 12 CFR 380.13(c)(1)(i). Section 380.13 defines material participation in a transaction that caused substantial loss to a covered financial company in 12 CFR 380.13(c)(2).

[65] *See* 12 CFR 380.13(c)(3).

[66] *See* 12 CFR 380.13(b)(6).

[67] *See* 79 FR 20762, 20766–20767 (Apr. 14, 2014).

[68] *See id.* at 79 FR 20762 (explaining that the 12 CFR 380.13 final rule is modeled after the FDIC's regulation at 12 CFR part 340 because the relevant statutory provisions share substantially similar statutory language.).

[69] *See* ''Restrictions on Sale of Assets of a Financial Institution by the Federal Deposit Insurance Corporations,'' 80 FR 22886 (Apr. 24, 2015) at 80 FR 22286, 80 FR 22887 and 12 CFR 380.13.

G. Additional Thresholds

As discussed above, the proposal is intended to be the first of a multi-phase effort to reevaluate thresholds within the FDIC's regulations. The FDIC also seeks comment on which additional regulatory thresholds, if any, the FDIC should update and index. Please identify any such thresholds and explain which, if any, should be prioritized and why.

III. Indexing Methodology for Future Threshold Adjustments

The FDIC is proposing to implement an indexing methodology to make future automatic adjustments to most thresholds discussed above according to a pre-determined methodology that reflects inflation. Use of the indexing methodology would result in a more consistent and predictable application of thresholds over time, in further support of the objectives of this proposal.

A. Description of Methodology

Under the proposal, the FDIC would generally adjust the dollar thresholds described in section II of this document at the end of every consecutive two-year period based on the cumulative percent change of the non-seasonally adjusted CPI–W since the effective date of any final rulemaking. This two-year period is intended to provide an appropriate cadence for capturing meaningful changes in inflation on a timely basis while balancing the frequency in which thresholds would be amended.

If, however, the cumulative percentage change in the non-seasonally adjusted CPI–W during any intervening calendar year since the most recent adjustment exceeds 8 percent, then the thresholds subject to the indexing methodology would be adjusted during the first quarter of the following calendar year. This feature of the indexing methodology is intended to address the possibility that periods of significant inflation could cause thresholds to decrease substantially in real terms before adjustments would occur under the two-year cadence. By providing for the thresholds to be revised on an interim basis during any year since the prior adjustment in which the cumulative percent change increases by more than 8 percent, the proposal would help ensure threshold amounts reflect inflation in a timely manner and avoid the undesirable and unintended consequences of excessive inflation between adjustments.

Under the proposal, the FDIC generally would announce threshold adjustments pursuant to the indexing methodology by publishing a final rule in the **Federal Register**. The final rule would not be subject to a notice and comment period, and would amend the *Code of Federal Regulations* to reflect the adjusted numerical threshold.[70] While the FDIC would fully expect to publish a final rule in the **Federal Register** as required by the proposal, the proposal also notes that the adjustment would occur even in the absence of a publication in the **Federal Register**. The adjusted thresholds would be effective on April 1 of the year during which the adjustment occurs.[71] For example, an adjusted threshold that is calculated based on inflation through the end of 2027 would be published during the first quarter of 2028 and would become effective on April 1, 2028.

Under the proposed indexing methodology, the FDIC would not lower thresholds in any given year to reflect periods of deflation. In modern times, deflation has been rare and limited. However, as further described below, a period of deflation would be reflected in future threshold increases, as in such a scenario, thresholds would not increase until the net cumulative change in CPI–W turns positive. In the event the economy experiences a period of sustained deflation, the FDIC may consider revisiting the proposed indexing methodology.

Additionally, thresholds adjusted under the indexing methodology would be rounded, as appropriate, based on the size of the threshold (*e.g.,* thousands, millions, billions), generally, to the nearest number with two significant digits. For example, the numbers $9.8 billion; $510 million; $1.1 million; $520,000; and $2,700 each have two significant digits. As an additional example, a threshold that would otherwise be calculated as $5.964 million would be rounded to $6.0 million. In this case, both the '6' and '0' are significant digits because $6.0 million is the value of the adjusted threshold rounded to the nearest $0.1 million.

Prior to rounding, all adjusted thresholds would be calculated based on the cumulative percent change of the non-seasonally adjusted CPI–W since the effective date of any final rulemaking to implement the proposal. Referring back to a discrete starting point would ensure that any distortions due to rounding or non-adjustments for deflation do not carry forward to future adjustments. For example, if a final rule to implement this proposal becomes effective on December 31, 2025, then this date would serve as the starting point for future threshold adjustment calculations. In addition, to illustrate the effects of deflation, suppose that inflation is 0 percent in calendar year 2026 and −5 percent (5 percent deflation) in calendar year 2027. No adjustment would be made at the end of calendar year 2026 because inflation did not exceed 8 percent, and no adjustment would be made at the end of calendar year 2027 because, as stated above, the FDIC would not adjust thresholds lower in any given year. Suppose also that inflation is 0 percent in calendar year 2028 and 5 percent in calendar year 2029. The adjusted threshold calculation for 2029 would consider cumulative inflation since December 31, 2025, meaning the −5 percent inflation in 2027 would roughly offset the 5 percent inflation in 2029, and no adjustment would be made.

As an example of how the proposal would avoid rounding distortions, consider a $1 million threshold and consistent 3 percent inflation in each year from 2026 through 2029. Cumulative inflation at the end of 2027 would be roughly 6 percent, resulting in an unrounded adjusted threshold of $1.06 million ($1 million * 1.06 = $1.06 million), which would then be rounded to $1.1 million. Cumulative inflation in the years 2028 and 2029 would also be roughly 6 percent. If the indexing methodology were to be based on the previous adjustment, the new unrounded adjusted threshold would be $1.166 ($1.1 million * 1.06 = $1.166 million) and would round to $1.2 million. Thus, the $0.04 million in rounding at the end of 2027 would carry forward and add to the $0.034 million in rounding applied at the end of 2029. Conversely, under the proposed methodology, the 2029 adjustment would be calculated based on the roughly 12 percent cumulative inflation in the years 2026–2029.[72] The $1 million threshold from December 31, 2025, would be adjusted to an unrounded threshold of $1.12 million ($1 million * 1.12 = $1.12 million). The unrounded adjusted threshold would be rounded to $1.1 million, which would be equivalent to the current adjusted

[70] This process to adjust numerical thresholds in the *Code of Federal Regulations* would be similar to the process utilized in the Community Reinvestment Act in which the FDIC and FRB publish a final rule without notice and comment.

[71] The period in which new thresholds would apply may differ depending on considerations specific to each individual regulation. For example, thresholds within part 363 of FDIC regulations apply on a fiscal year basis rather than a calendar year basis and would be made applicable for fiscal years beginning after the threshold update.

[72] For simple illustration, this example ignores compounding of prior years' inflation.

threshold (established at year-end 2027), so no adjustment would be made.

Question 13: Would increasing thresholds pursuant to the proposed indexing methodology have any unintended policy consequences? Are there other factors that should be considered as part of any update to thresholds?

Question 14: Under the proposal, the FDIC would generally not expect to adjust thresholds lower in any given year, for example, following periods of deflation. Is it appropriate to only adjust thresholds higher to reflect inflation? What would be the advantages and disadvantages of adjusting thresholds to reflect both inflationary and deflationary periods?

Question 15: Does the proposal appropriately address potential distortions that could result from rounding? If not, please explain. What would be the advantages and disadvantages of not applying rounding?

Question 16: Under the proposal, adjusted thresholds would be rounded to the nearest value with two significant digits. What would be the advantages and disadvantages of adjusting thresholds under the indexing methodology to reflect the exact numerical threshold amount produced as a result of changes in inflation (instead of rounding)?

Question 17: Should the FDIC apply the proposed methodology consistently across all regulations or should the FDIC tailor alternative methodologies to consider factors specific to each individual threshold and/or regulation, or groups of thresholds and/or regulations? Would the benefits of a more tailored approach justify the cost of inconsistent indexing methods?

B. Alternatives to the Proposed Indexing Methodology

In developing this proposal, the FDIC considered other factors that could be used to adjust regulatory thresholds to preserve the levels of thresholds in real terms over time. For example, the approach to adjust thresholds could rely on an alternative index or measure of inflation (*e.g.,* core versus non-core measures). Additionally, rather than using changes in inflation as a basis for updating thresholds, the FDIC considered using changes in economic growth or banking industry assets since thresholds were originally implemented. Another alternative considered was a methodology for updating each threshold individually, based on the factors most relevant to that threshold. The FDIC also considered not updating the thresholds included in section II of this document from their current levels and instead relying solely on the proposed methodology to index thresholds. Additionally, the mechanics of the indexing methodology could involve a less or more frequent cadence, or use of a process that is less automated. The FDIC requests feedback on all alternative approaches discussed below and any other alternative approaches that should be considered.

1. Alternative Measures of Inflation

The non-seasonally adjusted CPI–W is a measure of prices paid by urban wage earners and clerical workers published by the U.S. Bureau of Labor Statistics.[73] Among other uses, the CPI–W is used by the U.S. Social Security Administration to make ''cost-of-living adjustments'' to benefit payments.[74] There are other consumer price indices that could be considered for updating and indexing thresholds within FDIC regulations. The CPI–W is calculated based on the consumption patterns of urban wage earners and clerical workers whereas the Consumer Price Index for All Urban Consumers (CPI–U) is calculated based on the consumption patterns of a broader set of urban consumers. The Chained CPI–U (C–CPI–U) reflects the consumption patterns of the broader set of urban consumers and is designed to account for consumer substitution between item categories. The Producer Price Index (PPI), also published by the U.S. Bureau of Labor Statistics, tracks the selling prices received by domestic producers.[75] The Personal Consumption Expenditures Price Index (PCEPI) is published by the U.S. Bureau of Economic Analysis and tracks the prices of goods and services purchased by consumers in the United States.[76] The U.S. Bureau of Economic Analysis also publishes a broader domestic price index, the Gross Domestic Purchases Price Index (GDPPI), which tracks prices of goods and services purchased by U.S. residents.[77]

In aggregate, there is not a significant difference in changes over time between these various consumer price indices. Each of the consumer price indices discussed above has increased between 55 percent and 67 percent over the last two decades and has increased between 87 percent and 111 percent over the last three decades.[78]

One advantage of using the CPI–W for updating and indexing thresholds within FDIC regulations is that the CPI–W is already commonly used for this purpose, including by the FDIC and other Federal agencies.[79] One advantage of using other price indices, such as the CPI–U, C–CPI–U, PPI, PCEPI, and GDPPI, may be that they are based on consumption patterns of a broader set of consumers, and, in some cases, may adjust for substitutions in consumption patterns. Use of price indices that are based on consumption patterns of a broader set of consumers could be more responsive to both household and business credit expansion relative to the CPI–W, which may be more reflective of the types of activities typically financed through the banking industry and therefore a potentially more relevant measure for revising thresholds. However, these alternatives are less frequently used by the FDIC and other Federal agencies and may be less familiar to the public.

Question 18: What would be the advantages and disadvantages of using the CPI–W as the reference index under the proposed indexing methodology? What would be the advantages and disadvantages of using other potential indices for updating and indexing thresholds within FDIC regulations? Are there other consumer price indices that should be considered for updating and indexing thresholds within FDIC regulations? If so, please explain the advantages and disadvantages of those indices relative to the CPI–W and the alternatives described above.

In addition to the consumer price indices discussed above, the U.S. Bureau of Labor Statistics and U.S. Bureau of Economic Analysis also publish ''core'' versions of their respective consumer price indices, which exclude prices for food and energy, as prices in those categories tend to be more volatile. Core price indices are often used by monetary policy authorities, such as the Board of Governors of the Federal Reserve System in seeking to understand underlying, longer-term inflation dynamics. However, core price indices, by their nature as price indices focusing on a subset of consumer prices, do not

[73] *See* U.S. Bureau of Labor Statistics, CPI-Urban Wage Earners and Clerical Workers (Current Series)), *available at https://datawww.bls.gov/PDQWebhelp/one_screen/cw.htm.*

[74] *See* Social Security Administration, Latest Cost of Living Adjustments, *available at https://www.ssa.gov/OACT/COLA/latestCOLA.html.*

[75] *See* U.S. Bureau of Labor Statistics, Producer Price Index, *available at https://www.bls.gov/ppi/.*

[76] *See* Bureau of Economic Analysis, Personal Expenditures Price Index, *available at https://www.bea.gov/data/personal-consumption-expenditures-price-index.*

[77] *See* Bureau of Economic Analysis, Gross Domestic Purchases Price Index, *available at https://www.bea.gov/data/prices-inflation/gross-domestic-purchases-price-index.*

[78] C–CPI–U has been published since 2000 and is not included in the three-decade comparison.

[79] *See* § 345.12(u)(2) of appendix G to 12 CFR part 345; *see also* 12 CFR 1003.2(g)(1)(i).

provide as complete of a picture of inflation as compared to broader indices and may miss changing trends such as food and energy prices. One advantage of using the CPI–W for updating and indexing thresholds within FDIC regulations, as opposed to the core CPI–W or other core price indices, is that the CPI–W is already commonly referenced, including by FDIC regulations. Another advantage of the CPI–W relative to the core CPI–W or other core price indices is that the CPI–W provides a broader representation of consumer price inflation, making its use as an index more appropriate for thresholds that are updated to reflect inflation at a cadence of once-per-year or once-every-two-years pace, as under the proposal. Using a core index for purposes of updating thresholds would not provide a full reflection of price changes over these time periods, since core indexes are designed to reduce the amount of volatility in the price levels they measure. Using a core index over a one- and two-year cadence may therefore not maintain thresholds in real terms over time.

Question 19: What would be the advantages and disadvantages of using core consumer price indices for purposes of updating and indexing thresholds within FDIC regulations relative to using indices that are not limited to core prices?

The U.S. Bureau of Labor Statistics provides a non-seasonally adjusted and seasonally adjusted version of the CPI–W series. The seasonally adjusted data adjust for recurring seasonal price trends, due to weather, holidays, etc., and are the preferred measure for examining short-term (less than a year) price trends in the economy.[80] By comparison, the non-adjusted data do not include adjustments for recurring seasonal price trends and reflect all prices that consumers pay, including as a result of seasonal patterns. The proposal would adjust thresholds in FDIC regulations at the end of every two-year period with the potential for an interim adjustment in the intervening year if non-seasonally adjusted inflation exceeds 8 percent. The FDIC believes use of the non-seasonally adjusted CPI–W series would serve as a more appropriate reference than the seasonally adjusted CPI–W series for the purpose of updating and indexing thresholds within FDIC regulations because such adjustments are intended to reflect longer-term changes in inflation.

Question 20: What would be the advantages and disadvantages of using seasonally adjusted price indices for updating and indexing thresholds within FDIC regulations? What would be the advantages and disadvantages of using non-seasonally adjusted price indices?

In addition to consumer price indices, the FDIC considered the use of other types of indices to update and index the regulatory thresholds subject to this proposal. The U.S. Bureau of Economic Analysis publishes a Gross Domestic Product (GDP) data series on a quarterly basis, which measures U.S. economic activity.[81] Historically, the U.S. economy has expanded in real terms (outside of recessions), which means the (nominal) GDP index has typically increased at a faster rate than the consumer price indices discussed above.[82] For example, U.S. nominal GDP has increased by 299 percent over the past three decades, compared to a 111 percent increase in the CPI–W over the same period. Therefore, if GDP were used as the basis for updating and indexing thresholds within FDIC regulations, such thresholds would be initially updated to a higher amount and, going forward, would likely increase at a faster rate than under the proposal.

Using changes in inflation as a basis for updating and indexing thresholds within FDIC regulations would have the advantage of specifically targeting price levels to ensure dollar thresholds remain relatively consistent, in real terms, over time. However, financial activity is closely related to broader macroeconomic activity and tends to grow together with the economy. Using GDP as a basis for updating and indexing thresholds may provide for thresholds that more closely reflect the banking industry's proportional role in the economy. However, a disadvantage of using GDP within an indexing methodology is that it is subject to business cycle fluctuations which may not always correspond with price level changes, such as in a ''stagflationary'' environment where stagnant economic growth occurs simultaneously with inflation. Using GDP as a basis for threshold adjustments during such a scenario may result in thresholds that are not revised as price levels increase, potentially limiting the ability to maintain dollar-based threshold levels in real terms over time. Another disadvantage of using GDP within an indexing methodology is that it is a lagging indicator that is frequently revised. As such, depending on the frequency of revisions, thresholds could be revised according to a percentage change in GDP that is subsequently revised, thereby limiting the indexing methodology's accuracy as well as the durability of revised threshold amounts in maintaining their levels in real terms. Additionally, the U.S. economy is complex and measures of GDP can consider a wider range of factors than changes in price level alone. As such, GDP may be an inappropriate measure to revise thresholds relative to inflation.

Question 21: What would be the advantages and disadvantages of using GDP for updating and indexing thresholds within FDIC regulations?

The FDIC also considered updating and indexing thresholds within FDIC regulations using measures of growth in banking or financial sector activity. The banking sector and the broader financial sector have grown faster than GDP over the last several decades. For example, total U.S. household financial assets have grown by approximately 502 percent over the last three decades.[83] Total bank assets for all FDIC-insured institutions have similarly grown by approximately 380 percent over the last three decades, while total bank deposits at those institutions have grown by approximately 432 percent over the same period.[84] If thresholds within FDIC regulations were updated based on growth in banking or financial sector activity, the proposed thresholds would be several times larger than those suggested by the growth in consumer prices. Although it is difficult to predict future growth in the banking industry over the long-term, if recent growth rates continue, indexing thresholds within FDIC regulations using measures of banking activity and financial sector activity would result in thresholds growing faster relative to indexing based on consumer prices. Using a measure of banking or financial sector activity as a basis for which thresholds are revised

[80] *See* U.S. Bureau of Labor Statistics, Consumer Price Index Seasonally Adjusted Data, *available at https://www.bls.gov/cpi/seasonal-adjustment/using-seasonally-adjusted-data.htm.*

[81] U.S. Bureau of Labor Statistics, Table 1.1.5. Gross Domestic Product, line 1, *available at https://apps.bea.gov/iTable/?reqid=19&step=2&isuri=1&categories=survey.*

[82] Changes in GDP (sometimes referred to as changes in nominal GDP) can be broken down into changes in prices inflation plus changes in real economic output (real GDP).

[83] *See* Financial Accounts of the United States (Z.1) published by the Board of Governors of the Federal Reserve System at *https://www.federalreserve.gov/releases/z1/.*

[84] *See* FDIC Quarterly Banking Profile ending December 31, 1994 (indicating total assets of $5.02 trillion and total deposits of $3.6 trillion) relative to FDIC Quarterly Banking Profile ending December 31, 2024 (indicating total assets of $24.1 trillion and total deposits of $19.2 trillion), available at *https://www.fdic.gov/quarterly-banking-profile/past-quarterly-banking-profiles.*

would have the advantage of more closely aligning threshold levels with changes in the banking industry and the relevance of banks in supporting broader economic activity. For example, the FDIC could use changes in total assets of all IDIs as a measure to revise thresholds within FDIC regulations, which would ensure such thresholds remain relevant to banking industry dynamics. Using growth in the size of the banking industry to adjust thresholds in FDIC regulations would account for growth trends that are specific to the banking industry and may be better correlated with the characteristics of banks that affect the costs and benefits of particular regulations.

Overall, using growth in the size of the banking industry to adjust thresholds in FDIC regulations would keep the proportion of impacted banks relatively constant since the threshold would increase with industry size. However, a disadvantage of this approach is that many thresholds are intended to apply to banks of a certain size, not necessarily a fixed proportion of the industry. As the banking industry grows, the increase in thresholds may outpace actual changes in size and risk profile for an individual institution. Further, aggregate changes in industry growth may not always be representative of, or broadly consistent with, changes occurring across banks of different size ranges. For example, total banking industry assets grew roughly $5.45 trillion, or 29 percent, from year-end 2019 to year-end 2024.[85] By comparison, total assets of banks with assets between $1 billion to $100 billion increased by $963 billion, or 19 percent, over the same time period, while total assets of banks with assets less than $1 billion decreased by $33 billion, or 3 percent.

Another disadvantage of this approach is that banking or financial sector activity reflects both real growth and changes in inflation. Accordingly, the measure of growth used to adjust and index regulatory thresholds would have to be discounted for inflation in order to capture actual, activity-driven trends within the banking industry. One method of discounting banking sector growth for inflation would be to inflation-adjust total assets prior to measuring total asset growth. Under this approach, total real growth in banking industry assets for all FDIC-insured institutions that accounts for inflation from 1995–2005 would be 128 percent compared to 380 percent from nominal growth.[86] Compared to the use of inflation alone, such an approach would be relatively more complex and less transparent to banks and market participants.

Another disadvantage of this approach is that certain thresholds, including several as part of this proposal, are set at levels that are unrelated to asset size. Using total assets as a basis for revising thresholds may therefore result in threshold revisions that are inappropriate and disadvantageous for certain banks. By contrast, using inflation as a basis for revising thresholds would allow for a more simple, transparent, and consistent approach across varying thresholds and banks of varying sizes.

Question 22: What would be the advantages and disadvantages of using measures of banking or financial sector activity for updating and indexing thresholds within FDIC regulations?

The table below presents a comparison of growth in the various indices described above across a period of three decades. Growth in total assets across the banking industry exhibited the largest percentage change, followed by GDP growth. Seasonal adjustments, for those indices that applied them as an alternative measurement, only increased or decreased percentage changes slightly compared to their counterparts without seasonal adjustments.

	Percentage change			
	1995–2005	2005–2015	2015–2025	1995–2025
CPI–W:				
Non-seasonally adjusted	26.0	22.5	36.3	110.5
Seasonally adjusted	26.5	22.6	36.3	111.3
Core CPI–W:				
Non-seasonally adjusted	23.5	20.5	35.8	102.1
Seasonally adjusted	23.7	20.5	35.8	102.4
CPI–U:				
Non-seasonally adjusted	26.9	22.6	35.9	111.4
Seasonally adjusted	27.3	22.5	35.9	112.0
C–CPI–U: *				
Non-seasonally adjusted[1]	N/A	19.9	32.1	N/A
Core CPI–U:				
Non-seasonally adjusted	25.0	20.6	35.4	104.1
Seasonally adjusted	25.2	20.5	35.4	104.2
PCEPI:				
Non-seasonally adjusted[2]	21.2	18.5	N/A	N/A
Seasonally adjusted	20.5	19.5	29.6	86.5
Core PCEPI:				
Non-seasonally adjusted[2]	18.9	19.1	N/A	N/A
Seasonally adjusted	18.9	18.2	29.3	81.6
PPI, all commodities: *				
Non-seasonally adjusted	22.8	27.2	34.0	109.4
GDPPI	20.2	22.4	27.1	87.0
GDP:				
Non-seasonally adjusted	69.5	41.8	66.0	299.0
Seasonally adjusted	69.7	41.5	66.0	298.5
Banking Industry Assets:				
Nominal growth	101.2	53.9	55.0	379.9

[85] *See* FDIC Quarterly Banking Profile for December 31, 2024, and December 31, 2019, *available at https://www.fdic.gov/quarterly-banking-profile/past-quarterly-banking-profiles.*

[86] *See* total assets reported for all FDIC-insured institutions in FDIC Quarterly Banking Profile ending December 31, 2024, and December 31, 1994, both inflation-adjusted using the non-seasonally adjusted CPI–W *available at https://fred.stlouisfed.org/series/CWUR0000SA0L1E.*

	Percentage change			
	1995–2005	2005–2015	2015–2025	1995–2025
Real growth[3]	59.7	25.6	13.7	127.9

Percentage changes are based on beginning-of-year measurements. For example, the percentage changes for 1995–2005 are based on January 1, 1995, through January 1, 2005. Some measurements use end-of-year balances from the preceding year (*e.g.,* December 31, 1994, was used for 1995) to compute the percentage changes.

Source data for the indices vary in intervals (monthly, quarterly, annual) but should not affect the change per 10-year span presented above.

Percent change 1995–2025 does not equal the arithmetic sum of the 10-year percent change columns due to compounding.

* Data for these indices was only available without seasonal adjustments.

[1] Data for non-seasonally adjusted C–CPI–U prior to 1999 is not available.

[2] Data for PCEPI and Core PCEPI, non-seasonally adjusted, after January 1, 2024, is not available.

[3] Inflation adjusted using CPI–W, non-seasonally adjusted.

2. Adjustment Frequency Within the Indexing Methodology

Under the proposal, thresholds would generally be adjusted every two years. In addition, thresholds would be adjusted if the cumulative change in non-seasonally adjusted CPI–W since the last adjustment exceeds 8 percent.

Certain other FDIC and other Federal regulations that reference the CPI–W require threshold adjustments on a more frequent basis. For example, the regulations implementing the Community Reinvestment Act and the Home Mortgage Disclosure Act require adjustments to thresholds based on the year-to-year change in the average CPI–W for each 12-month period.[87]

The FDIC considered various other adjustment frequencies including quarterly, semi-annually, annually, every 3 years, and every 5 years. Thresholds updated based on a shorter adjustment frequency (*e.g.,* quarterly) would have the advantage of consistently reflecting changes in inflation and not becoming outdated during the periods between adjustments. For institution-level thresholds, a shorter adjustment frequency would reduce the number of institutions that cross a threshold between adjustments solely based on growth consistent in consumer prices. For most of the index options, including for the CPI–W, an adjustment frequency as short as monthly would be feasible based on data availability. A disadvantage of shorter update frequencies is that it can lead to confusion for institutions and uncertainty regarding the applicability of various rules. Institutions also would have to more routinely update systems and compliance programs to reflect more frequently adjusted thresholds.

Longer adjustment frequencies (*e.g.,* every 3 years, every 5 years) generally have the opposite advantages and disadvantages as compared to the shorter adjustment frequencies. Longer adjustment frequencies would lessen the burden involved with tracking threshold changes. However, prolonged adjustments heighten the potential for banking organizations to cross thresholds between adjustments due to inflation.

The proposal would use a two-year period for measuring inflation, which is intended to provide an appropriate cadence for capturing meaningful changes in inflation on a timely basis while balancing the frequency in which thresholds revisions would be amended. Additionally, by providing for adjustments in intervening years where inflation exceeds 8 percent, the proposal would help mitigate the potential for institutions to cross one or more thresholds when inflation increases significantly during a two-year period. In the event thresholds were increased in two consecutive years due to inflation exceeding 8 percent, the adjustment period would reset and the next increase would occur after two years, unless inflation exceeded 8 percent again the following year.

Question 23: What would be the advantages and disadvantages of revising thresholds through ad-hoc review versus regular, periodic adjustments through a pre-determined indexing methodology as provided under the proposal?

Question 24: What would be the advantages and disadvantages of using shorter or longer adjustment frequencies within the indexing methodology for thresholds in FDIC regulations? For example, the FDIC could adjust thresholds at the end of every one-year period, or it could adjust thresholds at the end of every three-year, five-year or ten-year period. Would there be unintended consequences of using a longer period, such as impacting the ability of the indexing methodology to preserve thresholds in real terms on an inflation-adjusted basis? Alternatively, would there be unintended consequences of using a shorter period, such as adding undue complexity or burden?

Question 25: What would be the advantages and disadvantages of providing for a potential adjustment in intervening year(s) if the cumulative change in the non-seasonally adjusted CPI–W since the last adjustment exceeds 8 percent? Is there a level other than 8 percent that should be considered to require an adjustment in the intervening year(s)? If so, what would be the advantages and disadvantages of such a level relative to the 8 percent level under the proposal? How should the FDIC balance the objective of reflecting periods of significant inflation with the complexity of allowing for interim adjustments during the two-year cadence?

3. Milestone Approach

The FDIC considered an alternative approach that would adjust thresholds annually based on the change in inflation only if an inflation-adjusted threshold reaches a pre-determined level. Under this alternative, for each regulatory threshold, the FDIC would calculate a potential adjusted threshold based on inflation measured at the end of each year relative to when a threshold was last adjusted. However, a threshold would only be adjusted higher if the potential adjusted threshold exceeded a certain milestone amount.

Under this alternative, milestone amounts could be tailored for each threshold to reflect a material change as a result of inflation. For example, for thresholds between $100 million and $1 billion, milestone amounts could occur every $10 million. Under this approach, if a regulatory threshold is $500 million today, it could be adjusted higher only if the cumulative change in inflation, as measured at the end of a year relative to when a threshold was implemented or last revised, would result in an adjusted threshold of $510 million or higher. Milestone amounts could similarly be set at higher levels for larger thresholds. For example, for thresholds between $1 billion and $10 billion, milestone amounts could occur every $100 million; between $10 billion and $100

[87] *See* § 345.12(u)(2) of appendix G to 12 CFR part 345; *see also* 12 CFR 1003.2(g)(1)(i).

billion, milestone amounts could occur every $1 billion; and between $100 billion and $1 trillion, milestone amounts could occur every $10 billion.

The milestone approach would be similar to a rounding methodology where adjusted thresholds are rounded to the nearest number with two significant digits that is also less than the unrounded adjusted threshold. Relative to an alternative without rounding, the milestone approach would have the advantage of limiting threshold changes to a degree of materiality, eliminating potential smaller, immaterial changes. Additionally, the approach would support transparency and predictability as potential future to threshold amounts would be known in advance, subject to changes in inflation. However, the approach may lead to confusion and uncertainty, as it may be challenging for the public to track when increases in various thresholds will be triggered.

Question 26: What would be the advantages and disadvantages to using a milestone approach compared to the proposed indexing methodology?

Question 27: If the FDIC were to implement a milestone approach to adjust thresholds in future periods for purposes of any final rule to implement the proposal, should the milestone approach be combined with a minimum cumulative change in inflation level (*e.g.,* 8 percent) to help ensure that thresholds adjustments keep pace with significant periods of inflation? What would be the advantages and disadvantages of this approach relative to both the milestone approach described above and the indexing methodology set forth in the proposal?

4. Degree of Automation in Indexing

The proposal provides that the FDIC would, every two years, publish a **Federal Register** notice announcing thresholds adjustments based on a pre-determined methodology. The FDIC has considered an alternative that would enhance the degree of automation by directly incorporating the indexing calculation into each regulatory threshold. Under this approach a threshold would be defined within regulation as a starting value multiplied by an index value. For example, part 347 currently contains a $60 million threshold for aggregate underwriting commitment limits applicable to foreign organizations held by insured State nonmember banks. This threshold was established in 1998. In January 1998, the CPI–W had an index level of 158.4. The direct reference approach would redefine the threshold to be equal to the most recent index level of the CPI–W multiplied by a starting value of $380,000, which would correspond to the dollar value needed to arrive at a threshold of approximately $60 million when multiplied by the CPI–W.[88] The CPI–W value as of May 2025 was 314.839.[89] Therefore, under the direct reference approach, the current dollar value of the threshold would be $119.64 million.[90] Under this approach, the threshold would automatically update again once the June 2025 CPI–W value was released. The FDIC could also use this same approach to mimic the proposal, in which the actual threshold would rise every two years and would be rounded. The FDIC could also post the thresholds on its website and notify institutions and the public when they are increased.

The direct reference approach has the advantage of enhancing the automation provided under the proposal, which could help contribute to a relatively more streamlined adjustment process. However, a disadvantage of the direct reference approach is it may be slightly less clear for members of the public or regulated entities. While the FDIC could post the thresholds on its website, the revised threshold amounts would not be in the *Code of Federal Regulations.*

Question 28: What would be the advantages and disadvantages of using the direct reference approach to index thresholds in FDIC regulations?

Question 29: Are there other automated approaches (*e.g.,* fixed dollar amounts or percentages) that may be appropriate?

IV. Economic Analysis

A. Expected Effects

As discussed above, the proposal would update certain dollar thresholds within the FDIC's regulations generally to incorporate changes in inflation since the thresholds were initially implemented or most recently adjusted. Further, the proposed rule would implement an indexing methodology to adjust thresholds in future periods.

If promulgated, the proposed rule would affect institutions with a wide range of sizes and risk profiles. To estimate the expected effects of the proposal, this analysis considers all relevant regulations and guidance applicable to these institutions, as well as information on the financial condition of all IDIs as of the quarter ending March 31, 2025.

Based on the FDIC's analysis, the FDIC expects the proposal could affect IDIs, individuals and other entities as follows:

- *Part 303:* The requirements in part 303 generally apply to all IDIs and any other person or entity submitting an application or filing to the FDIC, as provided for under part 303. As of March 31, 2025, the latest period for which data is available, there were 4,471 IDIs. However, the FDIC does not have the data necessary to estimate the number non-IDIs that may be subject to the requirements of part 303.
- *Part 335:* The requirements of part 335 apply generally to all securities issued by FDIC-supervised depository institutions that are subject to the registration requirements of section 12(b) or 12(g) of the Securities Exchange Act of 1934.[91] As of March 31, 2025, the FDIC was the primary federal supervisor for 2,835 IDIs.
- *Part 340:* The requirements in part 340 generally apply to persons (both individuals and entities) seeking to purchase the assets of failed IDIs in FDIC conservatorship or receivership. Using data from the period 2019–23, as well as internal estimates and analysis, of part 340 Purchaser Eligibility Certification (PEC340) submissions, the FDIC estimates approximately 140 PEC340 submissions annually from covered individuals and other entities.
- *Part 347:* The requirements in part 347 generally apply to FDIC-supervised IDIs and foreign banks with uninsured U.S. bank branch subsidiaries or any foreign bank seeking to establish an uninsured U.S. bank branch subsidiary. As of March 31, 2025, 124 FDIC-supervised IDIs reported having one or more uninsured U.S. bank branches, for a total of 180 uninsured U.S. bank branches.
- *Part 363:* The requirements of part 363 generally apply to all IDIs. Part 363 generally provides annual independent audit and reporting requirements for such institutions. As noted above, as of March 31, 2025, there were 4,471 IDIs.
- *Part 380:* The requirements in part 380 generally apply to persons (individuals and entities) interested in buying assets of failed financial companies in FDIC conservatorship or receivership under Orderly Liquidation Authority. Using internal estimates and analysis, the FDIC estimates approximately 66 part 380 Purchaser Eligibility Certification (PEC380) submissions annually from covered persons.[92]

[88] Specifically: $950,000 * 158.4 = $150.48 million.

[89] As of June 12, 2025.

[90] $950,000 * 314.839 = $299.10 million.

[91] 15 U.S.C. 78 *et seq.*

[92] Both parts 340 and 380 require potential participants in asset sales by the FDIC to certify their eligibility with the FDIC prior to participation. Potential participants interested in bidding on

B. Estimates of the Number of Directly Affected Entities

This section discusses the expected effects of the proposal separately under each part of the FDIC's regulations that includes a threshold that would be subject to an inflation-based adjustment.

1. Part 303

Section 303.227 discusses the criteria for *de minimis* exceptions for purposes of section 19 of the FDI Act. These criteria include $2,500 and $1,000 thresholds for certain offenses that are exempt from the requirements to submit a section 19 application to the FDIC. The proposed rule would update these thresholds from $2,500 and $1,000 to $3,500 and $1,225, respectively.

The FDIC used the historical annual number of institutions that have submitted a section 19 application as a conservative estimate of the number of entities that would be affected by this amendment. Over the six-year period ending on March 31, 2025, the FDIC received 328 applications under section 19, or approximately 55 applications annually. Section 19 applications can be submitted by individuals as well as IDIs. The FDIC does not have the information necessary to attribute each application submitted by an individual under section 19 made over this period to a particular IDI. Accordingly, for the purposes of this analysis, the FDIC conservatively estimates that each section 19 application is submitted by a unique IDI.

An increase in the thresholds under the *de minimis* exception framework would increase the number of persons subject to the exceptions in 12 CFR 303.227. Given the 40-percent increase in the general *de minimis* threshold of $2,500 to $3,500 and the 22.5-percent increase in the *de minimis* threshold for small-dollar theft of $1,000 to $1,225, the FDIC assumes a corresponding decrease of between 22.5 percent and 40 percent in the estimated number of section 19 applications. Therefore, the FDIC estimates that the proposed rule could reduce the annual number of IDIs submitting section 19 applications from 55 to between 43 and 33 IDIs (rounded to the nearest IDI).[93]

The proposed rule would also establish requirements to amend certain dollar thresholds in part 303 described above in future periods. The FDIC does not have the information necessary to precisely estimate the number of entities and the number of applications under part 303 that would be affected by the periodic adjustments to these dollar thresholds in the proposed rule as a result of future changes in inflation. However, since the proposed rule would more closely align these dollar thresholds with their real values over time, the FDIC believes that it would mitigate unintended changes in the volume of covered entities in future periods.

2. Part 335

Section 335.801 provides a materiality threshold for disclosures related to extensions of credit to insiders. Under this section, extensions of credit to such individuals that are in excess of 10 percent of the equity capital accounts of the bank or State savings association or $5 million, whichever is less, shall be deemed material and shall be disclosed in addition to any other required disclosure. The proposed rule would update the $5 million threshold to $10 million.

To estimate the number of institutions that would be directly affected by this change, the FDIC identified nine IDIs[94] that are subject to the requirements under the 1934 Securities Exchange Act and are required to make additional disclosures related to loans to insiders (by virtue of being traded on a national exchange or having more than 2,000 shareholders of record and $10 million in assets). The FDIC does not have the data necessary to quantify the indebtedness of insiders at these institutions such that it would be able to identify which disclosures would no longer be required by virtue of the increased materiality threshold under the proposal. Therefore, the FDIC conservatively estimates that nine IDIs may be affected by the threshold adjustments in part 335 under the proposed rule.

The proposed rule would also establish requirements to amend the dollar thresholds in part 335 described above in future periods. The FDIC does not have the information necessary to precisely estimate the number of entities that would be affected by the ongoing adjustments to these dollar thresholds as a result of future changes in inflation. However, since the proposed rule would more closely align these dollar thresholds with their real values over time, the FDIC believes that it would mitigate unintended changes in the volume of covered entities in future periods.

3. Part 340

Section 340.4 relates to the definition of ''substantial loss'' in the context of restrictions on the sale of failed bank assets. A person may not acquire any assets of a failed institution from the FDIC if the person or associated person has participated, as an officer or director of a failed institution or of an affiliate of a failed institution, in a material way in one or more transaction(s) that caused a substantial loss to that failed institution.[95] Section 340.2 defines ''substantial loss'' using a threshold of greater than $50,000 in losses, unpaid final judgments, delinquent obligations, or deficiency balance following a foreclosure. The proposed rule would revise the greater than $50,000 threshold to greater than $100,000.

The FDIC does not have the data necessary to estimate the number of persons who would submit PECs if the proposed thresholds defining substantial losses were increased to greater than $100,000. To estimate the number of persons who would be affected by the proposal, the FDIC analyzed historical trends for annual part 340 Purchaser Eligibility Certification (PEC340) submissions, based on information from 2019 through 2023. This analysis found the FDIC receives approximately 140 PEC340 submissions annually from individuals or entities. The FDIC does not have the data to estimate the number of unique entities that would submit a PEC; therefore, the FDIC conservatively estimates that each PEC is submitted by a unique entity.

An increase in the threshold would reduce the number of persons subject to the restrictions of part 340 by removing persons involved in transactions resulting in losses of greater than $50,000 to greater than $100,000. Given the 100 percent increase in the threshold, the FDIC assumes a corresponding 100 percent increase (rounded to the nearest whole number of persons)[96] in the estimated number of persons that would be expected to submit PECs under 12 CFR 340.7. This results in an estimated 280 entities that

assets of a failed IDI must file a PEC340 associated with part 340, while those interested in bidding on covered financial company assets must file a PEC380 under part 380.

[93] 55 IDIs estimated under the current rule. A 22.5-percent reduction, corresponding to an increase in the *de minimis* small-dollar theft threshold from $1,000 to $1,225, would result in 43 IDIs estimated under the proposal. A 40-percent reduction, corresponding to an increase in the general *de minimis* exceptions threshold from $2,500 to $3,500, would result in 33 IDIs estimated under the proposal.

[94] *See* List of FDIC-Supervised Banks Filing under the Securities Exchange Act, *available at https://www.fdic.gov/analysis/list-fdic-supervised-banks-filing-under-securities-exchange-act.*

[95] Additional qualitative criteria are available in the regulation.

[96] ($100,000 − $50,000)/$50,000 = 100 percent.

would submit under the proposed rule, an increase of 140 from the current rule.

The proposed rule would also adjust the dollar thresholds in part 340 in future periods using an indexing methodology. The FDIC does not have the information necessary to precisely estimate the number of entities that would be affected by future adjustments to these dollar thresholds as a result of future changes in inflation. However, since the proposed rule would more closely align these dollar thresholds with their real values over time, the FDIC believes that it would mitigate unintended changes in the volume of covered entities in future periods.

4. Part 347

Section 347.111 contains two thresholds that would be adjusted under the proposal. The first is for aggregate underwriting commitment limits applicable to foreign organizations held by insured State nonmember banks, which currently may not exceed the lesser of $60 million or 25 percent of the bank's Tier 1 capital. The proposal would increase the current $60 million threshold to $120 million. The second threshold in 12 CFR 347.111 is for distribution and dealing limits applicable to foreign organizations held by insured State nonmember banks, which currently may not exceed the lesser of $30 million or 5 percent of the bank's Tier 1 capital. The proposal would increase the current $30 million threshold to $60 million.

To estimate the number of institutions potentially affected by these changes, the FDIC used data from the Federal Reserve's National Information Center (NIC) to identify the number of foreign entities with a parent company that is an IDI. From this data, the FDIC was able to identify 31 IDIs with foreign subsidiaries. Of these, five are State nonmember banks and would be subject to part 347. The FDIC does not have the data necessary to (1) estimate the number of IDIs that would be subject to these restrictions, and (2) understand the business models of these IDIs and their propensity to find and make business deals that would be subject to these restrictions under the current and proposed rule. Therefore, the FDIC conservatively estimates that all five State nonmember banks would be affected by these changes.

The proposed rule would also adjust the dollar thresholds in part 347 in future periods using an indexing methodology. The FDIC does not have the information necessary to precisely estimate the number of entities that would be affected by future adjustments to these dollar thresholds as a result of future changes in inflation. However, since the proposed rule would more closely align these dollar thresholds with their real values over time, the FDIC believes that it would mitigate unintended changes in the volume of covered entities in future periods.

5. Part 363

Part 363 contains 24 different thresholds that would be updated by the proposed rule, the applicability of which are based on an IDI's total consolidated assets at the beginning of its fiscal year.

For brevity, this analysis groups provisions with the same amended dollar threshold level together to address estimated changes in covered institutions. Under the proposed rule, the total assets thresholds for the following requirements in part 363 would be raised from $500 million to $1 billion:

- 12 CFR 363.1(a), which provides the general applicability criteria for part 363.
- 12 CFR 363. 5(a)(2), which establishes minimum audit committee requirements for IDIs with assets of greater than $500 million but less than $1 billion. This threshold is referenced in part 363, appendix A, paragraphs 27, 30(c), and 35(a).

As of March 31, 2025, there were 774 IDIs that report total assets of at least $500 million and less than $1 billion. These 774 IDIs would no longer be subject to the requirements described above as a result of the proposal.

Under the proposed rule, the total assets thresholds for the following requirements in part 363 would be raised from $1 billion to $5 billion:

- 12 CFR 363.2(b)(3), which requires management to provide an assessment of the effectiveness of ICFR as part of the part 363 annual report submission. This threshold is referenced in part 363, appendix A, paragraphs 8A and 10, as well as part 363, appendix B, paragraph 2(b).
- 12 CFR 363.3(b), which requires the independent public accountant to examine, attest to, and report separately on management's assessment of ICFR. This threshold is referenced in part 363, appendix A, paragraph 18A, as well as part 363, appendix B, paragraph 2(b).
- 12 CFR 363.4(a)(2), which requires publicly traded IDIs to submit copies of management's assessment of the effectiveness of ICFR in addition to its part 363 Annual Report.
- 12 CFR 363.4(c)(3), which requires publicly traded IDIs to submit copies of independent accountant's letters and reports.
- 12 CFR 363.5(a)(1), which establishes additional minimum audit committee requirements for IDIs with assets of greater than $1 billion. This threshold is referenced in part 363, appendix A, paragraphs 27, 30(b), and 35(b).
- 12 CFR 363.5(a)(2), which establishes minimum audit committee requirements for IDIs with assets of greater than $500 million but less than $1 billion. This threshold is referenced in part 363, appendix A, paragraphs 27, 30(c), and 35(a).

As of March 31, 2025, there were 752 IDIs that report between total assets of at least $1 billion and less than $5 billion in assets. These 752 IDIs would no longer be subject to the requirements under 12 CFR 363.2 and 363.3, as well as the audit committee requirements under 12 CFR 363.5(a)(1) as a result of the proposal.

The provisions in 12 CFR 363.4 only apply to publicly traded IDIs. For purposes of this analysis, the FDIC conservatively estimates that all 752 IDIs will be affected by the changes to the thresholds for these provisions while acknowledging that fewer IDIs will be affected by these changes.

With respect to the general audit committee requirements under 12 CFR 363.5(a)(2) of the proposed rule, the 774 IDIs currently subject to 12 CFR 363.5(a)(2)—that is, those with between $500 million and $1 billion in assets—would no longer be subject to these requirements. In addition, the 752 IDIs with total assets of greater than $1 billion and less than $5 billion—which are no longer subject to the requirements under 12 CFR 363.5(a)(1), would now be subject to the requirements under 12 CFR 363.5(a)(2). Therefore, the FDIC estimates 1,526 IDIs would be affected by this change.[97]

In addition, the proposal would raise the following other asset size thresholds in part 363:

- 12 CFR 363.5(b), which establishes additional minimum audit committee composition requirements for IDIs with assets of greater than $3 billion. This threshold is referenced in part 363, appendix A, paragraph 35(c) and would be increased to $5 billion under the proposal.

As of March 31, 2025, there are 133 IDIs that report total assets greater than $3 billion and less than $5 billion.

[97] The net change in the number of IDIs that would be subject to these requirements from the current rule is 22, as 774 IDIs (with total assets of at least $500 million and less than $1 billion) are subject under the current rule, and 752 (with total assets of at least $1 billion and less than $5 billion) would be subject under the proposed rule. 774 − 752 = 22 IDIs.

These IDIs would no longer be subject to the requirements of 12 CFR 363.5(b) under the proposed rule. The remaining 293 IDIs—all with total assets greater than $5 billion—would continue to be subject to this requirement under the proposed rule.

- 12 CFR part 363, appendix A, paragraph 28(b)(4), which discusses criteria to determine if an outside director is ''independent of management'', including a $100,000 maximum direct and indirect compensation threshold. The proposal would increase this compensation threshold to $120,000.

The FDIC does not have the data necessary to estimate the number of potential directors of IDI audit committees that this update would affect.

The proposal would also adjust most dollar thresholds in part 363 under the indexing methodology.[98] The FDIC does not have the information necessary to precisely estimate the number of IDIs that would be affected by the ongoing adjustments to these dollar thresholds as a result of future changes in inflation. However, since the proposed rule would more closely align these dollar thresholds with their real values over time, the FDIC believes that it would mitigate unintended changes in the volume of covered IDIs in future periods.

6. Part 380

As discussed above, 12 CFR 380.13 provides a definition of ''substantial loss'' in the context of restrictions on the sale of failed financial company assets. A person may not acquire any assets of a covered financial company from the FDIC if the person or associated person has participated, as an officer or director of a covered financial company or of an affiliate of a covered financial company, in a material way in one or more transaction(s) that caused a substantial loss to that covered financial company.[99] Section 380.13(b)(6) defines ''substantial loss'' using a threshold of greater than $50,000 in losses, unpaid final judgments, delinquent obligations, or deficiency balance following a foreclosure. The proposed rule would update the greater than $50,000 threshold to greater than $100,000.

The FDIC lacks data on the number of persons who would submit PECs if the proposed thresholds defining substantial losses were increased to greater than $100,000. To estimate the number of persons who would be affected by the proposed rule, the FDIC uses internal information and analysis of the expected annual number of PEC submissions for these persons.[100] From this analysis, the FDIC estimates approximately 66 PEC submissions annually from covered persons. The FDIC does not have the data to estimate the number of unique entities that would submit PECs from this analysis. Therefore, the FDIC conservatively estimates that each PEC is submitted by a unique entity.

The 100-percent proposed increase in the thresholds would likely decrease the number of persons subject to the restrictions in part 380. Given the 100-percent increase in the threshold the FDIC assumes a corresponding 100-percent increase (rounded to the nearest whole number of persons) [101] in the estimated number of persons that would be expected to submit PECs under 12 CFR 380.13(f). This results in an estimated 132 entities that would need to submit under the proposed rule, an increase of 66 from the current rule.

The proposed rule would also adjust the dollar thresholds in part 380 in future periods using an indexing methodology. The FDIC does not have the information necessary to precisely estimate the number of entities that would be affected by future adjustments to these dollar thresholds as a result of future changes in inflation. However, since the proposed rule would more closely align these dollar thresholds with their real values over time, the FDIC believes that it would mitigate unintended changes in the volume of covered entities in future periods.

Summary of the Scope of Affected Entities

The following table summarizes the FDIC's preliminary estimates of the scope of entities affected by the proposed changes in this document.

TABLE 2—SUMMARY OF ESTIMATED CHANGES IN THE NUMBER OF COVERED ENTITIES

FDIC regulation	Section	Current threshold	Estimated current number of covered entities	Preliminary recommended threshold	Estimated preliminary number of covered entities	Change in number of covered entities (proposed minus current) **
Part 303—Filing Procedures	303.227	$2,500/$1,000	55	$3,500/$1,225	43 to 33	−12 to −22.*
Part 335—Securities of Nonmember Banks and State Savings Associations.	335.801	>10% of the equity capital accounts or $5 million.	9	>10% of the equity capital accounts or $10 million.	9	0.*
Part 340—Restrictions on Sale of Assets of a Failed Institution by the FDIC.	340.2	>$50,000 losses, delinquent obligations, unpaid balances or judgments.	140	>$100,000 losses, delinquent obligations, unpaid balances or judgments.	280	140.*
Part 347—International Banking.	347.111	$60 million; 25% of bank's Tier 1 capital.	5	$120 million	5	0.*
	347.111	$30 million; 5% of bank's Tier 1 capital.	5	$60 million	5	0.*
Part 363—Annual Independent Audits and Reporting Requirements.	363.1	$500 million or more	1,819	$1 billion	1,045	−774.
	363.2(b)(3)	$1 billion or more	1,045	$5 billion	293	−752.
	363.3	$1 billion or more	1,045	$5 billion	293	−752.
	363.4(a)(2) and (c)(3)	Less than $1 billion	3,426	Less than $5 billion	4,178	752.*

[98] As discussed above, the dollar value threshold under 12 CFR part 363, appendix A, paragraph 28(b)(4), pertaining to independence of management would not be periodically adjusted for inflation under the proposal. This threshold was initially adopted to follow the parallel threshold under the listing standards of national securities exchanges. Therefore, the revision under the proposal to increase this threshold from $100,000 to $120,000 would bring it into alignment with these parallel thresholds. *See* Nasdaq Stock Market Rules, Rule 5605(a)(2), ''Definition of Independence;'' New York Stock Exchange Listed Company Manual, section 303A.02(b)(ii), ''Independence Tests.''

[99] Additional qualitative criteria are available in the regulation.

[100] *See* Office of Management and Budget, Information Collection List, Covered Financial Company Asset Sales Prospective Purchaser Eligibility Certification, *available at https://www.reginfo.gov/public/do/PRAICList?ref_nbr=202311-3064-003.*

[101] ($100,000 − $50,000)/$50,000 = 100 percent.

TABLE 2—SUMMARY OF ESTIMATED CHANGES IN THE NUMBER OF COVERED ENTITIES—Continued

FDIC regulation	Section	Current threshold	Estimated current number of covered entities	Preliminary recommended threshold	Estimated preliminary number of covered entities	Change in number of covered entities (proposed minus current) **
	363.5	$500 million or more but less than $1 billion.	774	$1 billion but less than $5 billion.	752	−22.
	363.5	$1 billion or more	1,045	$5 billion	293	−752.
	363.5	More than $3 billion	426	More than $5 billion	293	−133.
	Guideline 28(b)(4)	$100,000	1,819	$120,000	1,819	0.*
Part 380—Restrictions on Sale of Assets of a Failed Financial Company by the FDIC.	380.13	>$50,000 losses, delinquent obligations, unpaid balances or judgments.	66	>$100,000 losses, delinquent obligations, unpaid balances or judgments.	132	66.*

* The FDIC does not have the data necessary to identify the exact number of entities affected by this threshold adjustment.
** In the final column (Change in number of covered entities), positive values represent an increase in the number of covered entities attributable to the proposed thresholds and negative values represent a decrease in the number of covered entities.
Source: FDIC calculations.

C. Costs and Benefits of the Proposal

The amendments in this proposal would be expected to improve the alignment between the risks intended to be addressed by a regulation and the covered institutions to which it applies. This enhanced alignment would likely generate positive net benefits overall by ensuring that smaller institutions would not be unduly burdened by regulations meant to apply to larger institutions.

If the set of institutions posing elevated risks has evolved since the regulation's enactment, then preservation of the real value of the thresholds through an inflation-based or other amendment may or may not be beneficial. For example, if risk profiles of institutions evolved since a regulation's enactment such that a broader set of institutions belonged in a higher risk category, then inflation-induced scoping in of these institutions may be inappropriately capturing the relevant risk. However, in that case, it would likely be appropriate for the FDIC to reevaluate the threshold and regulation more broadly, rather than continuing to rely on unadjusted threshold levels.

More generally, the proposal's benefits for institutions that were covered under one or more of the regulations' current thresholds but not covered under the proposed thresholds may be approximately equal to the cost-savings from reduced compliance costs under the current thresholds, along with increased lending and economic activity resulting from lower compliance costs. The proposal's costs to these institutions, and to the banking industry and broader financial system, may be a reduction in safety and soundness. However, since the proposed rule would more closely align dollar thresholds with their real values over time, the impact on safety and soundness of realigning these thresholds is expected to be negligible and outweighed by the broader benefits of this proposal.

Institutions that move from out-of-scope to within scope (or vice versa) of a particular regulation due to the proposed threshold adjustments may incur some short-term additional costs associated with transitioning or adjusting their internal systems, policies, and procedures to comply with the associated regulation. The FDIC does not have the information necessary to be able to estimate these costs, but expects them to be relatively minor.

The FDIC has identified certain costs and benefits associated with specific threshold adjustments, as described below.

Question 30: Do the benefits of amending the thresholds as proposed outweigh any costs associated with how they will be updated or adjusted in the future to reflect inflation? To what extent do longstanding thresholds contribute to predictability of their application? Would altering thresholds contribute to confusion or burden associated with understanding their revised application? Would considering only one approach, to either update thresholds or adjust them according to the proposed indexing methodology, alleviate any of these costs?

1. Part 303

For IDIs submitting applications under section 19 of the FDI Act, the threshold adjustments for the *de minimis* exceptions under 12 CFR 303.227 likely would result in a reduction of section 19 applications. To the extent that IDIs who would have had to file section 19 applications for certain individuals as part of their hiring processes under the current rule no longer have to do so, they may realize some cost savings. As previously discussed, the FDIC estimates that the update to the dollar threshold for the *de minimis* exceptions under 12 CFR 303.227 would reduce annual section 19 applications by 12 to 22. Therefore, the FDIC believes that the aggregate costs savings would be relatively minor. Additionally, the proposed threshold adjustments for section 19 may allow IDIs a greater degree of flexibility in hiring new employees. The FDIC does not have the data necessary to determine the effect of the proposed rule on this potential increase in flexibility, but expects that such increases also would be relatively minor.

2. Part 335

For IDIs that are subject to the requirements under the 1934 Securities Exchange Act and need to make additional disclosures related to loans to insiders under 12 CFR 335.801, the proposed threshold update for ''material'' disclosures of indebtedness of management from $5 million in the current rule to $10 million would likely benefit affected IDIs by reducing the number of ''material'' disclosures of indebtedness of management that these IDIs need to make. The FDIC does not have the data necessary to estimate the exact number of disclosures that may be affected from this change. However, as discussed above, the FDIC estimates that nine IDIs could be directly affected by this aspect of the proposed rule. Therefore, the FDIC believes that any associated cost savings would be relatively minor.

3. Part 340

As discussed above, the units of analysis for part 340 are persons (individuals and entities) interested in acquiring assets of failed institutions under FDIC receivership or conservatorship. The FDIC does not

have data on the direct effects of the proposed changes in thresholds for substantial losses on the precise number of persons that would engage in bidding to purchase assets of failed institutions, although, as stated above, the FDIC estimates an approximately 100 percent increase in PEC340 submissions under the proposed rule.[102] The FDIC anticipates two potential effects. First, the increased thresholds would likely reduce the number of persons that are subject to restrictions, resulting in more potential bidders for the assets of failed institutions. This expected effect could increase the prices of the assets sold, relative to a market with fewer bidders (under current thresholds). Second, any increase in the prices of assets sold would benefit the health of the Deposit Insurance Fund by allowing the FDIC to more quickly recover any losses attributable to the failure of an institution.

4. Part 347

For IDIs that own or have an equity interest in foreign organizations that underwrite, deal, or distribute equity securities outside the U.S., the threshold adjustments to increase (1) the aggregate underwriting commitments from $60 million in the current rule to $120 million in the proposed rule and (2) equity securities held for distribution and dealing from $30 million in the current rule to $60 million in the proposed rule may increase the volume and/or amount of such transactions. To the extent that an IDI engages in such transactions, it may realize benefits from the threshold amendments under the proposal, including potentially being more competitive with foreign banks and other entities. The FDIC does not have the data necessary to estimate the extent to which these IDI engage in such transactions. However, IDIs that increase their participation in these transactions may experience costs associated with complying with new or additional requirements under foreign financial regulatory frameworks. The FDIC does not have the data necessary to estimate such costs, but expects that they would be modest relative to the potential benefits.

5. Part 363

The proposal would update the thresholds in part 363 pertaining to external audits and other requirements. For IDIs that are subject to the external audit requirements found in part 363, the broad threshold amendments described above would reduce the number of IDIs that would be subject to the general external audit requirements in part 363, as well as the number of IDIs that would be subject to the additional requirements for larger institutions. These institutions would realize some degree of cost savings associated with some of these reduced requirements, though these savings would vary based on the characteristics of the institution.

The proposal would also revise a dollar threshold in guidelines found in part 363, appendix A, paragraph 28(b)(4), which describe criteria to determine if an outside director is ''independent of management.'' Because the proposal would increase the threshold for general applicability of part 363 from $500 million in assets to $1 billion, fewer IDIs would correspondingly need to comply with these guidelines because fewer IDIs are subject to requirements to create audit committees. Thus, IDIs scoped out of part 363 under the proposed rule may see some cost savings associated with not having to determine if members of audit committees are independent of management.

The FDIC is also proposing to increase the $100,000 compensation threshold under part 363 related to the determination of whether a director is considered ''independent of management.'' For the IDIs that still comply with this guideline, the revision of this threshold from $100,000 to a proposed $120,000 might allow IDIs to find directors for their audit committees sooner and could reduce costs and burdens associated with the audit committee formation process. The FDIC does not have the data necessary to estimate the extent of these potential cost savings, but expects them to be relatively modest.

The FDIC does not expect these cost savings to be outweighed by any significant increase in the risk profile of IDIs generally or the expected losses to the Deposit Insurance Fund. As discussed above, the largest IDIs would see no change in requirements. Preserving the level of these thresholds in real terms would reduce compliance burden at smaller institutions related to extensive data gathering, documentation, and review. Further, smaller institutions typically operate with fewer personnel than larger institutions, which can divert resources and add to the burden borne by smaller community institutions in complying with part 363. Additionally, burdens associated with complying with audit committee composition requirements can be challenging for smaller community institutions, especially in rural areas, whereby it can be difficult to recruit qualified, independent board members who meet the criteria described in part 363. For covered institutions that are required to comply with ICFR requirements, these compliance costs and resource constraints can be regressive, falling more heavily on smaller institutions. Accordingly, for smaller IDIs, the shift in requirements is intended to address significant reporting and recordkeeping compliance burdens—such as those associated with complying with the audit committee requirements—and to improve regulatory tailoring based on institutions' sizes and risk profiles. Due to the tailored and measured approach taken to the adjustment of thresholds contained in part 363, the FDIC does not believe these changes would significantly increase risk to the Deposit Insurance Fund.

6. Part 380

As discussed above, the units of analysis for part 380 are persons (individuals and entities) interested in acquiring assets of covered financial companies under FDIC receivership. The FDIC does not have data on the direct effects of the proposed changes in thresholds for substantial losses on the number of persons that would engage in bidding to purchase assets of covered financial companies, although, as stated above, the FDIC estimates an approximately 100 percent increase in PEC380 submissions under the proposed rule. However, the FDIC anticipates the increased thresholds would likely reduce the number of persons that are subject to restrictions, resulting in more potential bidders for covered financial companies' assets liquidated by the FDIC. This expected effect could benefit the health of the Deposit Insurance Fund by increasing the prices of the assets sold, relative to a market with fewer bidders (under current thresholds).

V. Administrative Law Matters

A. The Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA)[103] states that no agency may conduct or sponsor, nor is the respondent required to respond to, an information collection unless it displays a currently valid Office of Budget and Management (OMB) control number. The FDIC reviewed the proposed rule and determined that it would revise certain information collection requests

[102] The PECs associated with part 340 do not include information on the amounts of financial losses incurred by an applicant or associated financial institution.

[103] 44 U.S.C 3501 through 3521.

previously cleared by OMB under the following OMB Control Nos.:

1. 3064–0018: Application Pursuant to Section 19 of the Federal Deposit Insurance Act
2. 3064–0030: Securities of State Nonmember Banks and State Savings Associations
3. 3064–0113: External Audits
4. 3064–0194: Covered Financial Company Asset Purchaser Eligibility Certification

The FDIC will submit the proposed revisions to these information collections to OMB for review under section 3507(d) of the PRA [104] and 5 CFR 1320.11 of the OMB's implementing regulations.[105] Comments are invited on:

(a) Whether the revisions to existing collections of information are necessary for the proper performance of the FDIC's functions, including whether the information has practical utility;

(b) The accuracy of the estimate of the burden of the information collections, including the validity of the methodology and assumptions used;

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

(d) Ways to minimize the burden of the information collections 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.

All comments will become a matter of public record. Comments on the collection of information should be sent to the address listed in the **ADDRESSES** section of this document. A copy of the comments may also be submitted to the OMB desk officer by mail to U.S. Office of Management and Budget, 725 17th Street NW, #10235, Washington, DC 20503.

Proposed Revisions to Existing Information Collections

Title of Information Collection: Application Pursuant to Section 19 of the Federal Deposit Insurance Act.

OMB Number: 3064–0018.

Affected Public: Insured depository institutions and individuals.

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

The proposed rule would raise the threshold for certain offenses under which no application to the FDIC under section 19 of the FDI Act is required. By raising the dollar threshold for the *de minimis* exception, the proposed rule would decrease the number of respondents submitting applications to the FDIC. Based on the proposed rule as well as historical data, the FDIC estimates a decrease from 43 respondents to 21 respondents, resulting in a total annual burden for OMB No. 3064–0018 of 336 hours, a decrease of 352 hours.[106]

Title of Information Collection: Securities of State Nonmember Banks and State Savings Associations.

OMB Number: 3064–0030.

Affected Public: Insured State nonmember banks and State savings associations.

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

The proposed rule would raise the thresholds for disclosure requirements for extensions of credit to insiders from in excess of 10 percent of the capital account of an institution or $5 million, whichever is less, to 10 percent of the capital account of an institution or $10 million. Raising this threshold would decrease the total information the FDIC requests from the affected respondents; therefore, it would be a substantive modification to the previously approved information collection titled ''14A Proxy Statements.'' As such, the FDIC is required to submit the information collection for review and approval by OMB.[107] However, based on available historical data, similar reporting requirements imposed by the SEC, and the FDIC's supervisory experience and expertise, the FDIC does not anticipate a change in the burden estimates for this information collection.

Title of Information Collection: External Audits.

OMB Number: 3064–0113.

Affected Public: All insured financial institutions with total assets of $1 billion or more and other insured financial institutions with total assets of less than $1 billion that voluntarily choose to comply.

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

The proposed rule would raise several thresholds in part 363. It would raise the general applicability thresholds from $500 million to $1 billion, the ICFR asset threshold from $1 billion to $5 billion, and thresholds related to audit committee composition generally from $500 million to $1 billion, and from $1 billion and $3 billion to $5 billion. By raising the thresholds in part 363, the proposed rule would change several existing information collections under OMB Control No. 3064–0113 by changing the number of respondents or changing the reporting requirements. Accordingly, the FDIC would revise the categories of the existing information collections to better align with proposed rule's updated thresholds. The updated burden estimates and the information collection categories are as follows:

TABLE 1—SUMMARY OF ESTIMATED ANNUAL BURDEN

[OMB No. 3064–0113]

Information collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Average time per response (HH:MM)	Annual burden (hours)
Institutions with $10 billion or More in Total Consolidated Assets					
1. Annual Report, 12 CFR part 363 (Mandatory)	Recordkeeping (Annual)	160	1	150:00	24,000
2. Annual Report, 12 CFR part 363 (Mandatory)	Reporting (Annual)	160	1	150:00	24,000
3. Audit Committee Composition, 12 CFR part 363 (Mandatory)	Recordkeeping (Annual)	160	1	03:00	480
4. Audit Committee Composition, 12 CFR part 363 (Mandatory)	Reporting (Annual)	160	1	03:00	480
5. Filing of Other Reports, 12 CFR part 363 (Mandatory)	Recordkeeping (Annual)	160	1	00:08	21
6. Filing of Other Reports, 12 CFR part 363 (Mandatory)	Reporting (Annual)	160	1	00:08	21
7. Notice of Change in Accountants, 12 CFR part 363 (Mandatory)	Recordkeeping (Annual)	40	1	00:15	2
8. Notice of Change in Accountants, 12 CFR part 363 (Mandatory)	Reporting (Annual)	40	1	00:15	2

[104] 44 U.S.C. 3507(d).

[105] 5 CFR 1320.11.

[106] FDIC Application Pursuant to Section 19 of the Federal Deposit Insurance Act, OMB No. 3064–0018, *available at https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202407-3064-005.*

[107] 5 CFR 1320.5(g).

TABLE 1—SUMMARY OF ESTIMATED ANNUAL BURDEN—Continued
[OMB No. 3064–0113]

Information collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Average time per response (HH:MM)	Annual burden (hours)
Institutions with $5 billion to less than $10 billion in Total Consolidated Assets					
9. Annual Report, 12 CFR part 363 (Mandatory)	Recordkeeping (Annual)	133	1	125:00	16,625
10. Annual Report, 12 CFR part 363 (Mandatory)	Reporting (Annual)	133	1	125:00	16,625
11. Audit Committee Composition, 12 CFR part 363 (Mandatory)	Recordkeeping (Annual)	133	1	03:00	399
12. Audit Committee Composition, 12 CFR part 363 (Mandatory)	Reporting (Annual)	133	1	03:00	399
13. Filing of Other Reports, 12 CFR part 363 (Mandatory)	Recordkeeping (Annual)	133	1	00:08	18
14. Filing of Other Reports, 12 CFR part 363 (Mandatory)	Reporting (Annual)	133	1	00:08	18
15. Notice of Change in Accountants, 12 CFR part 363 (Mandatory)	Recordkeeping (Annual)	33	1	00:15	8
16. Notice of Change in Accountants, 12 CFR part 363 (Mandatory)	Reporting (Annual)	33	1	00:15	8
Institutions with $1 billion to less than $5 billion in Total Consolidated Assets					
17. Annual Report, 12 CFR part 363 (Mandatory)	Recordkeeping (Annual)	752	1	12:30	9,400
18. Annual Report, 12 CFR part 363 (Mandatory)	Reporting (Annual)	752	1	12:30	9,400
19. Audit Committee Composition, 12 CFR part 363 (Mandatory)	Recordkeeping (Annual)	752	1	01:00	752
20. Audit Committee Composition, 12 CFR part 363 (Mandatory)	Reporting (Annual)	752	1	01:00	752
21. Filing of Other Reports, 12 CFR part 363 (Mandatory)	Recordkeeping (Annual)	752	1	00:08	100
22. Filing of Other Reports, 12 CFR part 363 (Mandatory)	Reporting (Annual)	752	1	00:08	100
23. Notice of Change in Accountants, 12 CFR part 363 (Mandatory)	Recordkeeping (Annual)	188	1	00:15	47
24. Notice of Change in Accountants, 12 CFR part 363 (Mandatory)	Reporting (Annual)	188	1	00:15	47
Institutions with less than $1 billion of Total Consolidated Assets					
25. Filing of Other Reports, 12 CFR part 363 (Voluntary)	Recordkeeping (Annual)	3,426	1	00:15	857
26. Filing of Other Reports, 12 CFR part 363 (Voluntary)	Reporting (Annual)	3,426	2	00:15	1,713
Total Annual Burden (Hours)					106,290

Source: FDIC.
Note: The estimated annual IC time burden is the product, rounded to the nearest hour, of the estimated annual number of responses and the estimated time per response for a given IC. The estimated annual number of responses is the product, rounded to the nearest whole number, of the estimated annual number of respondents and the estimated annual number of responses per respondent. This methodology ensures the estimated annual burdens in the table are consistent with the values recorded in OMB's consolidated information system.

Based on the proposed rule, the FDIC estimates a total annual burden for OMB Control No. 3064–0113 of 106,290 hours, resulting in a burden decrease of 31,924 hours from the most recent PRA renewal.[108]

Title of Information Collection: Covered Financial Company Asset Sales Purchaser Eligibility Certification.

OMB Number: 3064–0194.

Affected Public: Any individual or entity that is a potential purchaser of assets from (1) the FDIC as receiver for a Covered Financial Company (CFC); or (2) a bridge financial company (BFC) that requires the approval of the FDIC, as receiver for the predecessor CFC and as the sole shareholder of the BFC (*e.g.,* the BFC's sale of a significant business line).

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

The proposed rule would revise the ''substantial loss'' threshold in 12 CFR 380.13 by raising the existing threshold from $50,000 to $100,000. Raising this threshold would decrease the total information the FDIC requests from the affected respondents; therefore, it would be a substantive modification to the previously approved information collection titled ''Covered Financial Company Asset Sales Purchaser Eligibility Certification.'' [109] As such, the FDIC is required to submit the information collection for review and approval by OMB.[110] The FDIC does not anticipate a change in the burden estimates for this information collection. This determination is based on the FDIC supervisory experience and analysis of prospective respondents.

B. Regulatory Flexibility Act Analysis

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.[111] 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.[112] 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-insured institutions.

To estimate the expected effects of the proposed rule, this analysis considers all relevant regulations and guidance applicable to these institutions, as well as information on the financial condition of all IDIs as of the quarter ending March 31, 2025.

[108] FDIC External Audits, OMB No. 3064–0113, *available at https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202207-3064-004.*

[109] FDIC Covered Financial Company Asset Purchaser Eligibility Certification, OMB No. 3064–0194, *available at https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202311-3064-003.*

[110] *See supra* fn. 104.

[111] 5 U.S.C. 601 *et seq.*

[112] The SBA defines a small banking organization as having $850 million or less in assets and determines an organization's assets 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). 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 the RFA.

Part 303

As previously discussed, 12 CFR 303.227 discusses the criteria for *de minimis* exemptions for purposes of section 19 of the FDI Act. These criteria include $2,500 and $1,000 thresholds for certain offenses that are exempt from the requirements to submit a section 19 application to the FDIC. The proposed rule would adjust these thresholds from $2,500 and $1,000 to $3,500 and $1,225, respectively.

To estimate the number of small, FDIC-insured institutions that could be affected by this change in the proposed rule, the FDIC used the historical annual number of institutions that have submitted a section 19 application. Over the six-year period ending on March 31, 2025, the FDIC received 328 applications under section 19, or approximately 55 applications annually. Section 19 applications can be submitted by individuals as well as IDIs. The FDIC does not have the information necessary to attribute each application submitted by an individual under section 19 made over this period to a particular IDI. Accordingly, for the purposes of this analysis the FDIC conservatively estimates that each section 19 application is submitted by a unique IDI.

An increase in these *de minimis* thresholds would increase the number of persons subject to the exemptions in 12 CFR 303.227. Given the 40 percent increase in the general *de minimis* threshold of $2,500 to $3,500 and the 22.5 percent increase in the *de minimis* threshold for small-dollar theft of $1,000 to $1,225, the FDIC assumes a corresponding decrease of between 22.5 percent and 40 percent in the estimated number of submissions under section 19. Therefore, the FDIC estimates that the proposed rule could reduce the annual number of IDIs submitting section 19 applications from 55 to between 43 and 33 IDIs (rounded to the nearest IDI).[113]

Using Call Report data from March 31, 2025, the FDIC estimates that approximately 70 percent of all IDIs are classified as ''small.'' [114] Therefore, the FDIC estimates that the change in this threshold could reduce the number of small IDIs submitting section 19 applications from 39 to between 30 and 23 IDIs (rounded to the nearest IDI), a decrease of between 9 and 16 IDIs.[115] The FDIC estimates that each section 19 application takes approximately 16 hours to complete.[116] Using a wage rate of $104.43/hour,[117] the FDIC estimates that the proposed rule would result in between $15,037.92 and $26,734.08 in total annual cost savings for these 9 to 16 affected small IDIs, or approximately $1,670.88 in annual cost savings to each small IDI that would no longer need to file a section 19 application as a result of the proposed rule. As discussed above, the FDIC estimates between 9 and 16 small IDIs would be affected by this change. Given the small number of affected small entities and the relatively minor amount of cost savings, the FDIC believes that the changes in thresholds for these provisions would be likely to have small effects on small IDIs.

Part 335

Section 335.801 provides a materiality threshold for disclosures related to extensions of credit to insiders. Under this section, extensions of credit to such individuals that are in excess of 10 percent of the equity capital accounts of the bank or State savings association or $5 million, whichever is less, shall be deemed material and shall be disclosed in addition to any other required disclosure. The proposed rule would revise the $5 million threshold to $10 million.

To estimate the number of small FDIC-supervised institutions that could be affected by this change in the proposed rule, the FDIC identified nine IDIs [118] that are subject to the requirements under the 1934 Securities Exchange Act and are required to make additional disclosures related to loans to insiders (by virtue of being traded on a national exchange or having more than 2,000 shareholders of record and $10 million in assets). For the purposes of this analysis, the FDIC conservatively estimates that nine FDIC-supervised IDIs may be affected by the threshold adjustments in part 335 under the proposed rule. Of these nine IDIs, one is classified as ''small.'' Given the small number of affected small entities, the fact that the requirement to issue these disclosures would still exist under the proposed rule, and that these disclosures would still be issued via proxy statements under the proposed rule, the FDIC does not believe that the change in this threshold would have a significant effect on small entities.

Part 340

Section 340.4 relates to the definition of ''substantial loss'' in the context of restrictions on the sale of failed bank assets. A person may not acquire any assets of a failed institution from the FDIC if the person or associated person has participated, as an officer or director of a failed institution or of an affiliate of a failed institution, in a material way in one or more transaction(s) that caused a substantial loss to that failed institution.[119] Section 340.2 defines ''substantial loss'' using a threshold of greater than $50,000 in losses, unpaid final judgments, delinquent obligations, or deficiency balance following a foreclosure. The proposed rule would revise the greater than $50,000 threshold to greater than $100,000.

To estimate the number of small institutions that could be affected by this change in the proposed rule, the FDIC analyzed historical trends for annual part 340 Purchaser Eligibility Certification (PEC340) submissions, based on information from 2019 through 2023. From this analysis, the FDIC estimates approximately 140 PEC340 submissions annually from individuals or entities. The FDIC does not have the data to estimate the number of unique entities that would submit a PEC; therefore, the FDIC conservatively estimates that each PEC340 is submitted by a unique entity.

An increase in the thresholds would decrease the number of persons subject to the restrictions of part 340 by removing persons involved in transactions resulting in losses of greater than $50,000 to greater than $100,000. Given the 100 percent increase in the threshold, the FDIC assumes a corresponding 100 percent increase

[113] 55 IDIs estimated under the current rule. A 22.5-percent reduction, corresponding to an increase in the *de minimis* small-dollar theft threshold from $1,000 to $1,225, would result in 43 IDIs estimated under the proposal. A 40-percent reduction, corresponding to an increase in the general *de minimis* exemption threshold from $2,500 to $3,500, would result in 33 IDIs estimated under the proposal.

[114] FDIC Call Report Data, March 31, 2025.

[115] 55 Section 19 applications from unique IDIs * 70 percent of all IDIs classified as ''small'' ≈ 39 small IDIs. A 22.5-percent reduction, corresponding to an increase in the *de minimis* small-dollar theft threshold from $1,000 to $1,225, would result in 30 ''small'' IDIs estimated under the proposal. A 40-percent reduction, corresponding to an increase in the general *de minimis* exemption threshold from $2,500 to $3,500, would result in 23 ''small'' IDIs estimated under the proposal.

[116] Information collection request ICR 3064–0018 at *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202407-3064-005*.

[117] Bureau of Labor Statistics: 'National Industry-Specific Occupational Employment and Wage Estimates: Industry: Credit Intermediation and Related Activities (5221 and 5223 only)' (May 2024), Employer Cost of Employee Compensation (March 2024), and Employment Cost Index (March 2024 and March 2025). For this ICR, the FDIC estimated the following labor allocation for entities complying with these requirements: Executives and Managers (11–0000): 10 percent; Lawyers (23–0000): 20 percent; Compliance Officers (13–1040): 60 percent; and Clerical Workers (43–0000): 10 percent.

[118] See *https://www.fdic.gov/analysis/list-fdic-supervised-banks-filing-under-securities-exchange-act* for the list of IDIs.

[119] Additional qualitative criteria are available in the regulation.

(rounded to the nearest whole number of persons) [120] in the estimated number of persons that would be expected to submit PECs under 12 CFR 340.7. This results in an estimated 280 entities that would submit under the proposed rule, an increase of 140 from the current rule.

As discussed above, the FDIC estimates that approximately 70 percent of all IDIs are classified as ''small.'' Therefore, the FDIC estimates that, of the estimated increase of 140 PECs submitted under part 340 due to the proposed rule, approximately 98 will be submitted by ''small'' entities. Using internal estimates and analysis of PEC340 submissions from 2019 through 2023, the FDIC estimates that each PEC under part 340 takes approximately 30 minutes to complete.[121] Using a wage rate of $164.65/hour,[122] the FDIC estimates that the 98 small entities would incur approximately $8,067.85 in additional annual costs, or approximately $82.33 each, associated with submitting PECs due to the proposed rule. Given the small number of affected small entities and the relatively minor amount of costs incurred, the FDIC believes that the changes in thresholds for these provisions would be likely to have small effects on small, FDIC-supervised IDIs.

Part 347

Section 347.111 contains two thresholds that would be adjusted under the proposal. The first is for aggregate underwriting commitment limits applicable to foreign organizations held by insured State nonmember banks, which currently may not exceed the lesser of $60 million or 25 percent of the bank's Tier 1 capital. The proposal would increase the current $60 million threshold to $120 million. The second threshold in 12 CFR 347.111 is for distribution and dealing limits applicable to foreign organizations held by insured State nonmember banks, which currently may not exceed the lesser of $30 million or 5 percent of the bank's Tier 1 capital. The proposal would increase the current $30 million threshold to $60 million.

To estimate the number of small FDIC-supervised institutions that could be affected by this change in the proposed rule, the FDIC used NIC data to identify the number of foreign entities with a parent company that is an IDI. From this data, the FDIC was able to identify 31 IDIs with foreign subsidiaries. Of these, five are State nonmember banks and would be subject to part 347. The FDIC does not have the data necessary to: (1) estimate the number of IDIs that would be subject to these restrictions, and (2) understand the business models of these IDIs and their propensity to find and make business deals that would be subject to these restrictions under the current and proposed rules. Therefore, the FDIC conservatively estimates that all five State nonmember banks would be affected by these changes. Of these five, none are classified as ''small.'' Therefore, the FDIC does not believe that the change in this threshold would have any effect on small entities.

Part 363

The proposed rule would make several changes to the thresholds in part 363. Most of these—such as those pertaining to management and the independent accountant's assessment of the effectiveness of ICFR, as well as certain independence and experience requirements for members of audit committees—do not affect small entities because they are imposed on IDIs with over $1 billion in total consolidated assets. However, certain requirements are having their asset size thresholds adjusted from $500 million to $1 billion. Specifically, the proposed rule would amend the following thresholds that may affect small entities:

(1) Section 363.1 imposes requirements to conduct annual audits of financial statements, submission of communications, and other reports on any IDI with respect to any fiscal year in which its consolidated total assets as of the beginning of such fiscal year are $500 million or more. The proposed rule would increase the current threshold from $500 million to a proposed $1 billion.

(2) Section 363.5(a)(2) requires that each IDI with consolidated total assets of $500 million or more but less than $1 billion must establish an independent audit committee of its board of directors, the members of which must be outside directors, a majority of whom must be independent of management of the IDI. The proposed rule would increase the current threshold from $500 million to a proposed $1 billion.

These changes would, if adopted, scope out ''small'' entities with between $500 million and $1 billion in assets. Using Call Report data as of March 31, 2025, there are 579 ''small'' IDIs with between $500 million and $1 billion in assets. These IDIs would all be scoped out of part 363 under the proposal. The FDIC estimates that, under the current rule, IDIs with between $500 million and $1 billion in assets would receive approximately 28 hours in annual cost savings per small IDI associated with the requirements in part 363.[123] Using a wage rate of $100.18/hour,[124] the FDIC estimates that the proposed rule would result in approximately $1.62 million in cost savings for these 579 small entities, or $2,800 for each small IDI.[125] Therefore, the FDIC believes that the changes in thresholds for these provisions would be likely to have small effects on small IDIs.

Part 380

As discussed above, 12 CFR 380.13 provides a definition of ''substantial loss'' in the context of restrictions on the sale of failed financial company assets. A person may not acquire any assets of a covered financial company from the FDIC if the person or associated person has participated, as an officer or director of a covered financial company or of an affiliate of a covered financial company, in a material way in one or more transaction(s) that caused a substantial loss to that covered financial company.[126] Section 380.13(b)(6) defines ''substantial loss'' using a threshold of greater than $50,000 in losses, unpaid final judgments, delinquent obligations, or deficiency balance following a foreclosure. The proposed rule would revise the greater than $50,000 threshold to greater than $100,000.

The FDIC lacks data on the number of entities who would submit PECs if the proposed thresholds defining substantial losses were increased to greater than $100,000. To estimate the number of small institutions that could be affected by this change in the

[120] ($100,000 − $50,000)/$50,000 = 100 percent.

[121] Information collection request ICR 3064–0135 at *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202111-3064-002.*

[122] Bureau of Labor Statistics: 'National Industry-Specific Occupational Employment and Wage Estimates: Industry: Credit Intermediation and Related Activities (5221 and 5223 only)' (May 2024), Employer Cost of Employee Compensation (March 2024), and Employment Cost Index (March 2024 and March 2025). For this ICR, the FDIC estimated the following labor allocation for entities complying with these requirements: Executives and Managers (11–0000): 10 percent; and Purchasing Managers (11–3060): 90 percent.

[123] Information collection request ICR 3064–0113 at *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202207-3064-004.*

[124] Bureau of Labor Statistics: 'National Industry-Specific Occupational Employment and Wage Estimates: Industry: Credit Intermediation and Related Activities (5221 and 5223 only)' (May 2024), Employer Cost of Employee Compensation (March 2024), and Employment Cost Index (March 2024 and March 2025). See Table 2 of the FDIC's Supporting Statement at *https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202207-3064-004* for information on the labor allocations for this ICR.

[125] (579 small IDIs * 28 hours in cost savings) = 16,212 hours in annual compliance cost savings.

16,212 hours * $100.18 per hour = $1,624,118.16.

[126] Additional qualitative criteria are available in the regulation.

proposed rule, the FDIC uses internal information and analysis of the expected annual number of PEC submissions for these persons.[127] From this analysis, the FDIC estimates approximately 66 PEC submissions annually from covered entities. The FDIC does not have the data to estimate the number of unique entities that would submit PECs from this analysis. Therefore, the FDIC conservatively estimates that each PEC is submitted by a unique entity.

The 100 percent proposed increase in the thresholds would decrease the number of persons subject to the restrictions in part 380. Given the 100 percent increase in the threshold the FDIC assumes a corresponding 100 percent increase (rounded to the nearest whole number of persons) [128] in the estimated number of persons that would be expected to submit PECs under 12 CFR 380.13(f). This results in an estimated 132 entities that would submit under the proposed rule, an increase of 66 from the current rule.

As discussed above, the FDIC estimates that approximately 70 percent of all IDIs are classified as ''small.'' Therefore, the FDIC estimates that, of the estimated increase of 66 PECs submitted under part 380 due to the proposed rule, approximately 46 would be submitted by ''small'' entities. Using internal information and analysis of the expected annual number of PEC submissions, the FDIC estimates that each PEC under part 380 takes approximately 2.5 hours to complete.[129] Using a wage rate of $112.73/hour,[130] the FDIC estimates that the 46 small entities would incur approximately $12,963.95 in additional annual costs, or approximately $281.83 each, associated with submitting PECs due to the proposed rule. Given the small number of affected small entities and the relatively minor amount of costs incurred, the FDIC believes that the changes in thresholds for these provisions would be likely to have small effects on small, FDIC-supervised IDIs.

Summary of Effects on Small Entities

As of the quarter ending March 31, 2025, the FDIC insured 4,471 institutions, of which 3,130 are considered ''small'' for the purposes of the RFA. As of the same time period the FDIC supervised 2,835 institutions, of which 2,109 are considered ''small'' for the purposes of the RFA. As previously discussed, the threshold changes in parts 303, 340, 363, and 380 were estimated to directly affect between 9 and 16, 98, 579, and 46 small entities, respectively. Further, the FDIC estimates that the threshold changes in parts 303, 340, 363, and 380 would result in certain changes in compliance costs for directly affected entities of $1,670.88, $82.33, $2,800, and $281.83 per entity, per year, respectively. The FDIC does not have the information necessary to calculate cumulative quantified effects of all of the threshold changes in parts 303, 340, 363, and 380 for each directly affected small IDI. However, conservatively assuming that a small FDIC-supervised or FDIC-insured IDI is affected by all of the proposed changes described above, it would receive cost savings of approximately $4,106.72 annually.[131] This amount exceeds 5 percent of total annual salaries and benefits or 2.5 percent of total noninterest expenses at just three small IDIs.[132] Therefore, the FDIC does not believe that the changes in these thresholds would have a significant economic effect on small IDIs.

Finally, certain aspects of the proposed rule—such as those pertaining to section 19 and PEC applications under parts 303, 340, and 380—may affect individuals. The RFA applies to a small entity, which is defined in 5 U.S.C. 601(6) as having ''the same meaning as the terms 'small business', 'small organization' and 'small governmental jurisdiction' defined in paragraphs (3), (4) and (5) of'' 5 U.S.C. 601. As such, a rule or information collection that affects only natural persons does not affect any small entities.

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.

C. Plain Language

Section 722 of the Gramm-Leach-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 proposed rule 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

Section 302 of the Riegle Community Development and Regulatory Improvement Act of 1994 (RCDRIA) requires that the Federal banking agencies, including the FDIC, in determining the effective date and administrative compliance requirements of new regulations that impose additional reporting, disclosure, or other requirements on IDIs, consider, consistent with principles of safety and soundness and the public interest, any administrative burdens that such regulations would place on depository institutions, including small depository institutions, and customers of depository institutions, as well as the benefit of such regulations.[133] Subject to certain exceptions, new regulations and amendments to regulations prescribed by a Federal banking agency that impose additional reporting, disclosure, or other new requirements on IDI shall 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.[134] The requirements of

[127] Information collection request ICR 3064–0194 at *https://www.reginfo.gov/public/do/PRAICList?ref_nbr=202311-3064-003.*

[128] ($100,000 − $50,000)/$50,000 = 100 percent.

[129] Information collection request ICR 3064–0194 at *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202311-3064-003.*

[130] Bureau of Labor Statistics: 'National Industry-Specific Occupational Employment and Wage Estimates: Industry: Credit Intermediation and Related Activities (5221 and 5223 only)' (May 2024), Employer Cost of Employee Compensation (March 2024), and Employment Cost Index (March 2024 and March 2025). For this ICR, the FDIC estimated the following labor allocation for entities complying with these requirements: Executives and Managers (11–0000): 10 percent; Lawyers (23–0000): 10 percent; Compliance Officers (13–1040): 10 percent; and Financial Analysts (13–2051): 70 percent.

[131] Approximately $4,470.88 in estimated annual cost savings − $364.16 in estimated annual costs = $4,106.72.

[132] FDIC Call Report data for the four-quarter period from June 30, 2024, through March 31, 2025.

[133] 12 U.S.C. 4802(a).

[134] 12 U.S.C. 4802(b).

RCDRIA will be considered as part of the overall rulemaking process, and the FDIC invites comments that will further inform its consideration of RCDRIA.

E. Executive Order 12866 and 13563

Under Executive Order 12866, as affirmed and supplemented by Executive Order 13563, ''significant regulatory actions'' are subject to review by the Office of Management and Budget (OMB).

The FDIC has submitted this proposed regulatory action to OMB for review. OMB has determined this proposed regulatory action is not a significant regulatory action subject to further review under section 3(f) of Executive Order 12866.

F. The Providing Accountability Through Transparency Act of 2023

The Providing Accountability Through Transparency Act of 2023 [135] requires that a notice of proposed rulemaking includes 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 under section 206(d) of the E-Government Act of 2002.[136] The proposal and the required summary can be found at *https://www.fdic.gov/resources/regulations/federal-register-publications/index.html.*

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 314

Accounting, Administrative practice and procedure, Authority delegations (Government agencies), Bank deposit insurance, Banks, Banking, Brokers, Confidential business information, Credit, Foreign banking, Holding companies, Insurance, Investments, Reporting and recordkeeping requirements, Savings associations, Securities, Trusts and trustees.

12 CFR Part 335

Accounting, Banks, Banking, Confidential business information, Reporting and recordkeeping requirements, Securities.

12 CFR Part 340

Banks, Banking, Reporting and recordkeeping requirements.

12 CFR Part 347

Authority delegations (Government agencies), Bank deposit insurance, Banks, Banking, Credit, Foreign banking, Investments, Reporting and recordkeeping requirements, U.S. investments abroad.

12 CFR Part 363

Accounting, Administrative practice and procedure, Banks, Banking, Reporting and recordkeeping requirements.

12 CFR Part 380

Brokers, Holding companies, Insurance, Investments, Trusts and trustees.

Authority and Issuance

For the reasons set forth in the preamble, the Board of Directors of the Federal Deposit Insurance Corporation proposes to add part 314 and amend parts 303, 335, 340, 347, 363, and 380 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.

§ 303.227 [Amended]

■ 2. In § 303.227(a)(2), remove ''$2,500'' and add in its place ''$3,500, as adjusted from time to time in accordance with 12 CFR 314.1,''.

■ 3. In § 303.227(b)(3)(i), remove ''$1,000'' and add in its place ''$1,225, as adjusted from time to time in accordance with 12 CFR 314.1,''.

■ 4. Add part 314, consisting of § 314.1, to read as follows:

PART 314—INDEXING OF SPECIFIED REGULATORY THRESHOLDS

Sec.
314 .1 Threshold indexing.

Authority: 12 U.S.C. 378, 1464, 1813, 1815, 1817, 1818, 1819, 1819(a) (Seventh and Tenth), 1820, 1821(p), 1823, 1828, 1829, 1831a, 1831e, 1831m, 1831o, 1831p–1, 1831w, 1835a, 1843(l), 3103, 3104, 3105, 3108, 3109, 3207, 5385(h), 5389, 5390(s)(3), 5390(b)(1)(C), 5390(a)(7)(D), 5381(b), 5390(r), 5390(a)(16)(D), 5414, 5415, and 15 U.S.C. 78j–1, 78l(i), 78m, 78n, 78p, 78w, U.S.C. 1601–1607, 5412, 5414, 5415, 7241, 7242, 7243, 7244, 7261, 7262, 7264, and 7265; Pub. L. No. 111–203, section 939A, 124 Stat. 1376, 1887 (July 21, 2010) (codified 15 U.S.C. 78o–7 note).

§ 314.1 Threshold indexing.

(a) *Methodology.* The dollar thresholds specified in paragraph (c) of this section shall be adjusted by multiplying the baseline threshold values specified in paragraph (c) of this section by one plus the cumulative percent change in the non-seasonally adjusted Consumer Price Index for Urban Wage Earners and Clerical Workers, measured from the effective date of this rule, as further described in paragraph (b) of this section, and shall be rounded in accordance with paragraph (d) of this section.

(b) *Frequency.*

(1) *In general—biennial adjustments.* Except as otherwise provided in paragraph (b)(2) or (b)(3) of this section, the adjustments described in paragraph (a) of this section shall be made during the first quarter following each consecutive two calendar year period ending December 31, beginning with December 31 of the second full calendar year of the two-year period following the effective date of this rule.

(2) *Periods of high inflation—annual adjustments.* If the cumulative percent change of the non-seasonally adjusted Consumer Price Index for Urban Wage Earners and Clerical Workers, measured over the calendar year during which the most recent adjustment was made, exceeds 8 percent, then the dollar thresholds shall be adjusted in accordance with paragraph (a) of this section during the first quarter following such calendar year.

(3) *Periods of negative inflation—no adjustments.* Notwithstanding paragraph (b)(1) or (b)(2) of this section, if an adjustment of dollar thresholds using the cumulative percent change of the non-seasonally adjusted Consumer Price Index for Urban Wage Earners and Clerical Workers from the effective date of this rule or the most recent adjustment, as applicable, would not result in an increase from the current dollar thresholds, no adjustment will be made pursuant to paragraph (a) of this section.

(c) *Specified thresholds.* The thresholds in the following sections shall be adjusted in accordance with paragraph (a) of this section relative to the baseline threshold values specified below:

(1) § 303.227(a)(2) of this chapter, baseline threshold value $3,500;

(2) § 303.227(b)(3)(i) of this chapter, baseline threshold value $1,225;

(3) § 335.801(d) of this chapter, baseline threshold value $10,000,000;

(4) § 340.2(h)(1) of this chapter, baseline threshold value $100,000;

(5) § 340.2(h)(2) of this chapter, baseline threshold value $100,000;

[135] 12 U.S.C. 553(b)(4).

[136] 44 U.S.C 3501 note.

(6) § 340.2(h)(3) of this chapter, baseline threshold value $100,000;
(7) § 340.2(h)(4) of this chapter, baseline threshold value $100,000;
(8) § 347.111(a)(1) of this chapter, baseline threshold value $120,000,000;
(9) § 347.111(b)(1) of this chapter, baseline threshold value $60,000,000;
(10) § 363.1(a) of this chapter, baseline threshold value $1,000,000,000;
(11) § 363.2(b)(3) of this chapter, baseline threshold value $5,000,000,000;
(12) § 363.3(b) of this chapter, baseline threshold value $5,000,000,000;
(13) § 363.4(a)(2) of this chapter, baseline threshold value $5,000,000,000;
(14) § 363.4(c)(3) of this chapter, baseline threshold value $5,000,000,000;
(15) § 363.5(a)(1) of this chapter, baseline threshold value $5,000,000,000;
(16) Both thresholds in § 363.5(a)(2) of this chapter, baseline threshold values of $1,000,000,000 or more but less than $5,000,000,000, respectively;
(17) § 363.5(b) of this chapter, baseline threshold value $5,000,000,000;
(18) Both thresholds in paragraph (8)(A) of appendix A of part 363 of this chapter, baseline threshold value $5,000,000,000;
(19) Paragraph (10) of appendix A of part 363 of this chapter, baseline threshold value $5,000,000,000;
(20) Paragraph (18)A of appendix A of part 363 of this chapter, baseline threshold value $5,000,000,000;
(21) All three thresholds in paragraph (27) of appendix A of part 363 of this chapter, with the first baseline threshold value being $5,000,000,000 or more and the second and third baseline threshold values being $1,000,000,000 or more but less than $5,000,000, respectively;
(22) Paragraph (30)(b) of appendix A of part 363 of this chapter, baseline threshold value $5,000,000,000;
(23) Both thresholds in paragraph (30)(c) of appendix A of part 363 of this chapter, baseline threshold value $1,000,000,000 or more but less than $5,000,000,000, respectively;
(24) Paragraph (35)(a) of appendix A of part 363 of this chapter, baseline threshold value $1,000,000,000;
(25) Paragraph (35)(b) of appendix A of part 363 of this chapter, baseline threshold value $5,000,000,000;
(26) Paragraph (35)(c) of appendix A of part 363 of this chapter, baseline threshold value $5,000,000,000;
(27) Paragraph 2(b) of appendix B of part 363 of this chapter, baseline threshold value $5,000,000,000;
(28) § 380.13(b)(6)(i) of this chapter, baseline threshold value $100,000;
(29) § 380.13(b)(6)(ii) of this chapter, baseline threshold value $100,000;
(30) § 380.13(b)(6)(iii) of this chapter, baseline threshold value $100,000; and
(31) § 380.13(b)(6)(iv) of this chapter, baseline threshold value $100,000.

(d) *Rounding.* When adjusting thresholds under this section, each threshold shall be rounded based on the size of the threshold (*e.g.,* thousands, millions, billions) to the nearest number with two significant digits.

(e) *Effective date of threshold adjustments.* The FDIC shall announce the thresholds adjusted in accordance with this section by publishing in the **Federal Register** a final rule without notice and comment. Such adjusted thresholds shall be effective on April 1 of the year during which an adjustment is made.

(f) *Failure to publish final rule in* ***Federal Register***. In the event, for any reason, a final rule is not published in the **Federal Register** in the first quarter of a year in which it is required under this section, the thresholds specified in paragraph (c) of this section will adjust as provided in this section and be effective on April 1, notwithstanding the lack of a final rule published in the **Federal Register**.

PART 335—SECURITIES OF STATE NONMEMBER BANKS AND STATE SAVINGS ASSOCIATIONS

■ 5. The authority citation for part 335 continues to read as follows:

Authority: 12 U.S.C. 1819, 15 U.S.C. 78j–1, 78l(i), 78m, 78n, 78p, 78w, 5412, 5414, 5415, 7241, 7242, 7243, 7244, 7261, 7262, 7264, and 7265.

§ 335.801 [Amended]

■ 6. In § 335.801(d) introductory text, remove ''$5 million,'' and add in its place ''$10 million, as adjusted from time to time in accordance with 12 CFR 314.1,''.

PART 340—RESTRICTIONS ON SALE OF ASSETS OF A FAILED INSTITUTION BY THE FEDERAL DEPOSIT INSURANCE CORPORATION

■ 7. The authority citation for part 340 continues to read as follows:

Authority: 12 U.S.C. 1819 (Tenth), 1821(p).

§ 340.2 [Amended]

■ 8. In § 340.2(h), remove ''$50,000'' wherever it appears and add in its place ''$100,000, as adjusted from time to time in accordance with 12 CFR 314.1''.

PART 347—INTERNATIONAL BANKING

■ 9. The authority citation for part 347 continues to read as follows:

Authority: 12 U.S.C. 1813, 1815, 1817, 1819, 1820, 1828, 3103, 3104, 3105, 3108, 3109; Pub. L. No. 111–203, section 939A, 124 Stat. 1376, 1887 (July 21, 2010) (codified 15 U.S.C. 78o–7 note).

§ 347.111 [Amended]

■ 10. Amend § 347.111 by:
■ a. In paragraph (a)(1), removing ''$60 million'' and adding in its place ''$120 million, as adjusted from time to time in accordance with 12 CFR 314.1,''; and
■ b. In paragraph (b)(1) introductory text, removing ''$30 million'' and adding in its place ''$60 million, as adjusted from time to time in accordance with 12 CFR 314.1,''.

PART 363—ANNUAL INDEPENDENT AUDITS AND REPORTING REQUIREMENTS

■ 11. The authority citation for part 363 continues to read as follows:

Authority: 12 U.S.C. 1831m.

§ 363.1 [Amended]

■ 12. In § 363.1(a), remove ''$500 million'' and add in its place ''$1 billion, as adjusted from time to time in accordance with 12 CFR 314.1,''.

§ 363.2 [Amended]

■ 13. In § 363.2(b)(3) introductory text, remove ''$1 billion'' and add in its place ''$5 billion, as adjusted from time to time in accordance with 12 CFR 314.1,''.

§ 363.3 [Amended]

■ 14. In § 363.3(b) introductory text, remove ''$1 billion'' and add in its place ''$5 billion, as adjusted from time to time in accordance with 12 CFR 314.1,''.

§ 363.4 [Amended]

■ 15. Amend § 363.4 by:
■ a. In paragraph (a)(2), removing ''$1 billion'' and adding in its place ''$5 billion, as adjusted from time to time in accordance with 12 CFR 314.1,''; and
■ b. In paragraph (c)(3), removing ''$1 billion'' and adding in its place ''$5 billion, as adjusted from time to time in accordance with 12 CFR 314.1,''.

§ 363.5 [Amended]

■ 16. Amend § 363.5 by:
■ a. In paragraph (a)(1), removing ''$1 billion'' and adding in its place ''$5 billion, as adjusted from time to time in accordance with 12 CFR 314.1,'';
■ b. In paragraph (a)(2), removing ''$500 million'' and adding in its place ''$1 billion, as adjusted from time to time in accordance with 12 CFR 314.1,'';

■ c. In paragraph (a)(2), removing ''$1 billion'' and adding in its place ''$5 billion, as adjusted from time to time in accordance with 12 CFR 314.1,''; and
■ d. In paragraph (b), removing ''$3 billion'' and adding in its place ''$5 billion, as adjusted from time to time in accordance with 12 CFR 314.1,''.

Appendix A to Part 363 [Amended]

■ 17. Amend appendix A to part 363 by:
■ a. In paragraph 8A introductory text, removing ''$1 billion'', wherever it appears, and adding in its place ''$5 billion, as adjusted from time to time in accordance with 12 CFR 314.1,'';
■ b. In paragraph 10, removing ''$1 billion'' and adding in its place ''$5 billion, as adjusted from time to time in accordance with 12 CFR 314.1,'';
■ c. In paragraph 18A introductory text, removing ''$1 billion'' and adding in its place ''$5 billion, as adjusted from time to time in accordance with 12 CFR 314.1,'';
■ d. In paragraph 27:
■ i. Removing ''$1 billion'', wherever it appears, and adding in its place ''$5 billion, as adjusted from time to time in accordance with 12 CFR 314.1,''; and
■ ii. Removing ''$500 million'' and adding in its place ''$1 billion, as adjusted from time to time in accordance with 12 CFR 314.1,'';
■ e. In paragraph 28(b)(4), removing ''$100,000'' and adding in its place ''$120,000'';
■ f. In paragraph 30(b), removing ''$1 billion'' and adding in its place ''$5 billion, as adjusted from time to time in accordance with 12 CFR 314.1,'';
■ g. In paragraph 30(c):
■ i. Removing ''$500 million'' and adding in its place ''$1 billion, as adjusted from time to time in accordance with 12 CFR 314.1,''; and
■ ii. Removing ''$1 billion'' and adding in its place ''$5 billion, as adjusted from time to time in accordance with 12 CFR 314.1,'';
■ h. In paragraph 35(a) introductory text, removing ''$500 million'' and adding in its place ''$1 billion, as adjusted from time to time in accordance with 12 CFR 314.1,'';
■ i. In paragraph 35(b), removing ''$1 billion'' and adding in its place ''$5 billion, as adjusted from time to time in accordance with 12 CFR 314.1,''; and
■ j. In paragraph 35(c), removing ''$3 billion'' and adding in its place ''$5 billion, as adjusted from time to time in accordance with 12 CFR 314.1,''.

Appendix B to Part 363 [Amended]

■ 18. In appendix B to part 363, paragraph 2(b), remove ''$1 billion'' and add in its place ''$5 billion, as adjusted from time to time in accordance with 12 CFR 314.1,''.

PART 380—ORDERLY LIQUIDATION AUTHORITY

■ 19. The authority citation for part 380 continues to read as follows:

Authority: 12 U.S.C. 5385(h); 12 U.S.C. 5389; 12 U.S.C. 5390(s)(3); 12 U.S.C. 5390(b)(1)(C); 12 U.S.C. 5390(a)(7)(D); 12 U.S.C. 5381(b); 12 U.S.C. 5390(r); 12 U.S.C. 5390(a)(16)(D).

§ 380.13 [Amended]

■ 20. In § 380.13(b)(6), remove ''$50,000'' wherever it appears and add in its place ''$100,000, as adjusted from time to time in accordance with 12 CFR 314.1''.

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. 2025–14132 Filed 7–25–25; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL HOUSING FINANCE AGENCY

12 CFR Part 1293

RIN 2590–AB53

Fair Lending, Fair Housing, and Equitable Housing Finance Plans

AGENCY: Federal Housing Finance Agency.

ACTION: Notice of proposed rulemaking; repeal of 12 CFR part 1293.

SUMMARY: The Federal Housing Finance Agency (''FHFA'' or the ''Agency'') is requesting comment on the notice of proposed rulemaking repealing the Fair Lending, Fair Housing, and Equitable Housing Finance Plans regulation.

DATES: FHFA will accept written comments on the proposed rule on or before September 26, 2025.

ADDRESSES: You may submit your comments on the proposed rule, identified by regulatory information number (RIN) 2590–AB53, by any one of the following methods:

- *Agency Website: https://www.fhfa.gov/regulation/federal-register?comments=open.*
- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. If you submit your comment to the Federal eRulemaking Portal, please also send it by email to FHFA at *RegComments@fhfa.gov* to ensure timely receipt by FHFA. Include the following information in the subject line of your submission: Comments/RIN 2590–AB53.
- *Hand Delivered/Courier:* The hand delivery address is: Clinton Jones, General Counsel, Attention: Comments/RIN 2590–AB53, Federal Housing Finance Agency, 400 Seventh Street SW, Washington, DC 20219. Deliver the package at the Seventh Street entrance Guard Desk, First Floor, on business days between 9 a.m. and 5 p.m.
- *U.S. Mail, United Parcel Service, Federal Express, or Other Mail Service:* The mailing address for comments is: Clinton Jones, General Counsel, Attention: Comments/RIN 2590–AB53, Federal Housing Finance Agency, 400 Seventh Street SW, Washington, DC 20219. Please note that all mail sent to FHFA via U.S. Mail is routed through a national irradiation facility, a process that may delay delivery by approximately two weeks.

FOR FURTHER INFORMATION CONTACT: Leda Bloomfield, Associate Director, Office of Affordable Housing and Community Investment, (202) 649–3415, *Leda.Bloomfield@fhfa.gov;* Clinton Jones, General Counsel, Office of General Counsel, (202) 649–3006, *Clinton.Jones@fhfa.gov.* These are not toll-free numbers. The mailing address is: Federal Housing Finance Agency, 400 Seventh Street SW, Washington, DC 20219. For TTY/TRS users with hearing and speech disabilities, dial 711 and ask to be connected to any of the contact numbers above.

SUPPLEMENTARY INFORMATION:

I. Request for Comments

FHFA invites comments on all aspects of the proposed rule and will take all comments into consideration before issuing a final rule. Comments will be posted to the electronic rulemaking docket on the FHFA public website at *https://www.fhfa.gov,* except as described below. Commenters should submit only information the commenter wishes to make available publicly. FHFA 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. FHFA may, in its discretion, redact or refrain from posting all or any portion of any comment that contains content that is obscene, vulgar, profane, or threatens harm. All comments, including those that are redacted or not posted, will be retained in their original form in FHFA's internal rulemaking file and considered as required by all applicable laws. Commenters that would like FHFA to consider any portion of their comment exempt from disclosure on the basis that

it contains trade secrets, or financial, confidential or proprietary data or information, should follow the procedures in section IV.D. of FHFA's *Policy on Communications with Outside Parties in Connection with FHFA Rulemakings,* at *https://www.fhfa.gov/sites/default/files/documents/Ex-Parte-Communications-Public-Policy_3-5-19.pdf.* FHFA cannot guarantee that such data or information, or the identity of the commenter, will remain confidential if disclosure is sought pursuant to an applicable statute or regulation. *See* 12 CFR 1202.8 and 1214.2 and the FHFA *FOIA Reference Guide* at *https://www.fhfa.gov/about/foia-reference-guide* for additional information.

II. Purpose of Proposed Rule Repealing 12 CFR Part 1293

Pursuant to Executive Order (''Executive Order'' or ''E.O.'') 14219, FHFA reviewed its regulations for consistency with law and Administration policy.[1] FHFA also reviewed existing FHFA regulations with a goal of improving prudence and financial responsibility in the expenditure of funds, from both public and private sources, alleviating unnecessary regulatory burdens, avoiding confusion in roles and responsibilities with other agencies having primary jurisdiction, and avoiding duplicative statements of FHFA authorities. In furtherance of these goals, FHFA proposes to repeal 12 CFR part 1293 (part 1293).

III. Agency Authority To Repeal 12 CFR Part 1293

The Federal Housing Enterprises Financial Safety and Soundness Act of 1992, as amended (12 U.S.C. 4501 *et seq.*) (''Safety and Soundness Act''), authorizes FHFA to exercise general regulatory authority over the Federal National Mortgage Corporation (''Fannie Mae''), the Federal Home Loan Mortgage Corporation (''Freddie Mac''), and the Federal Home Loan Banks (''FHLBanks'') (Fannie Mae and Freddie Mac collectively, the ''Enterprises;'' the Enterprises and the Banks collectively, ''regulated entities''), to ensure that the purposes of the Safety and Soundness Act, the Fannie Mae Charter Act, the Freddie Mac Corporation Act, and any other applicable law are carried out.[2] The Safety and Soundness Act also authorizes FHFA to issue, following notice and comment requirements under the Administrative Procedure Act (''APA''), any regulation necessary to carry out its duties with respect to the Enterprises and to ensure that the purposes of the Safety and Soundness Act, the Fannie Mae Charter Act, and the Freddie Mac Corporation Act are accomplished.[3] FHFA's rulemaking authority extends to amendment or repeal of a regulation, including regulations that impose unnecessary regulatory burdens.[4] Additionally, part 1293 is not a regulation mandated by statute, and FHFA has discretion to modify or repeal as appropriate.

IV. Regulatory Background

FHFA published its proposed regulation on Fair Lending, Fair Housing, Equitable Housing Finance Plans on April 26, 2023 [5] and its final rule on May 16, 2024.[6] FHFA determined the final rule to be a major rule with an estimated annual impact on the economy in excess of $100 million. FHFA was not required by statute to publish the regulation. The regulation includes: (1) a requirement that each regulated entity comply with the Fair Housing Act 42 U.S.C. 3601 *et seq.,* Equal Credit Opportunity Act (''ECOA'') 15 U.S.C. 1691 *et seq.,* the fair housing provisions of the Safety and Soundness Act 12 U.S.C. 4545, and the prohibitions on Unfair or Deceptive Acts or Practices (''UDAP'') under the Federal Trade Commission (''FTC'') Act, 15 U.S.C. 45; (2) a specific duty applying to directors serving on a regulated entity board of directors relating to fair lending and UDAP compliance; and (3) requirements relating to Enterprise equitable housing finance planning. The regulation specifies that it does not establish any third-party rights.

V. Grounds for Repeal

A. Standard of Review for Regulatory Repeal

The APA requires a reviewing court to set aside agency action that is, among other things, ''arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law'' or ''in excess of statutory jurisdiction, authority, or limitations, or short of statutory right.'' [7] Agency actions subject to a court's review include repeal of a regulation.[8] FHFA's authority extends to amendment or repeal of a regulation.[9] FHFA proposes to repeal part 1293 to enhance prudence and financially responsible expenditure of funds, from both public and private sources; alleviate unnecessary regulatory burdens; avoid confusion about roles and responsibilities relative to other agencies with primary statutory jurisdiction; avoid redundant statements about FHFA authority; and align with Administration policy. Modification or repeal of part 1293 is within FHFA's discretion under its rule making authority.

B. FHFA Alignment With Administration Policy

On February 19, 2025, the President issued Executive Order 14219 under which federal agencies are required to review all regulations subject to their jurisdiction and repeal, as appropriate, regulations inconsistent with law or policy.[10] Administration policy includes the policy to be ''prudent and financially responsible in the expenditure of funds, from both public and private sources, and to alleviate unnecessary regulatory burdens.'' [11] Administrative priorities include lowering the cost of housing and expanding housing supply.[12] Administration policies also include, under Executive Order 14173, protecting the civil rights of all Americans, terminating discriminatory and illegal preferences, programs, and activities, and combating illegal private-sector diversity, equity, and inclusion preferences, policies, programs, and activities; [13] and, under Executive Order 14151 terminating to the maximum extent allowed by law, all equity programs or action plans.[14] Further, Administration policy is to focus enforcement resources on regulations that are squarely authorized by constitutional Federal statutes and to

[1] 90 FR 10583 (February 25, 2025).

[2] 12 U.S.C. 4511(b).

[3] 12 U.S.C. 4526(a) and (b) (requiring regulations to be issued after notice and opportunity for comment pursuant to 5 U.S.C. 553).

[4] The APA defines ''rule making'' as the ''agency process for formulating, amending, or repealing a rule.'' 5 U.S.C. 551(5).

[5] 88 FR 25293 (April 26, 2023).

[6] 89 FR 42768 (May 16, 2024). FHFA determined the final rule to exceed the $100 million threshold in annual economic impact and to qualify as a major rule under the Congressional Review Act, 5 U.S.C. 801 *et seq.* FHFA verified the determination with the Office of Management and Budget, Office of Information and Regulatory Affairs.

[7] *See* 5 U.S.C. 706(2)(A) and (C).

[8] *See* 5 U.S.C. 702 (judicial review of ''agency action''); 551(13) (''agency action'' includes an agency ''rule''); 551(5) (''rule making'' is the agency process for formulating, amending, or repealing a rule).

[9] The APA defines ''rule making'' as the ''agency process for formulating, amending, or repealing a rule.'' 5 U.S.C. 551(5).

[10] Executive Order 14219 (February 19, 2025), section 2, at 90 FR 10583 (February 25, 2025).

[11] Executive Order 14192 (January 31, 2025), section 2, at 90 FR 9065 (February 6, 2025).

[12] Presidential Memorandum of January 20, 2025, at 90 FR 8245 (January 28, 2025).

[13] Executive Order 14173 (January 21, 2025), section 2, at 90 FR 8633 (January 31, 2025).

[14] Executive Order 14151 (January 20, 2025), section 2(b)(i), at 90 FR 8339 (January 29, 2025).

reduce regulatory burden.[15] FHFA believes that repeal of part 1293 will align with one or more of these policies.

C. Alleviating Unnecessary Regulatory Burdens

1. Compliance Requirements Under § 1293.11(a) and (b) Are Unnecessary, and Create Confusion With Agencies Having Primary Jurisdiction

Section 1293.11(a) and (b), requires the regulated entities to comply with statutes administered by other agencies. These are the Fair Housing Act; ECOA; with respect to the Enterprises only, 12 U.S.C. 4545; [16] and the FTC Act's prohibition against unfair, deceptive, abusive acts and practices under 15 U.S.C. 45.[17] However, these regulatory requirements are unnecessary because, among other reasons, the administering agencies for those statutes have promulgated regulatory requirements.

With respect to the Fair Housing Act, the Department of Housing and Urban Development (''HUD'') is the administering agency.[18] Similarly, with respect to the fair housing provisions of the Safety and Soundness Act, HUD is the administering agency.[19] With respect to ECOA, the Consumer Financial Protection Bureau (''CFPB'') succeeded the Federal Reserve Board as the agency responsible for issuing regulations.[20] Finally, the FTC is the administering agency for the FTC Act including for prescribing rules that define prohibited unfair or deceptive acts or practices.[21] It is, therefore, unnecessary and redundant for FHFA to publish a regulation requiring compliance with those statutes.

Repealing § 1293.11(a) and (b) would not implicate any reliance interest given that to the extent they are applicable, they simply restate existing obligations. Paragraphs (a) and (b) do not provide any specific benefits because, to the extent they are applicable, they are redundant and may induce additional cost burden due to administrative confusion. Duplicative overlap in regulation and statute throughout agency functions is costly for the government and repeal would result in savings.[22]

2. Requirement Establishing a Specific Director Duty Under § 1293.11(c) Is Unnecessary

Section 1293.11(c) establishes a duty for a regulated entity director to direct the operations of the regulated entity in conformity with the Fair Housing Act, the fair housing provisions of the Safety and Soundness Act, ECOA and the UDAP prohibition under the FTC Act, including by appropriately considering compliance with those specified laws in the board's oversight of the regulated entity and its business activities.

Notwithstanding FHFA's authority to establish or modify corporate governance requirements applicable to the regulated entities, the establishment of the specific director duty in § 1293.11(c) is unnecessary at this time because, among other reasons, under the Safety and Soundness Act, FHFA exercises its general regulatory authority over its regulated entities to ensure that the purposes of applicable law are carried out.[23]

FHFA's exercise of general regulatory authority in this regard is reflected, in part, in FHFA's corporate governance regulation which requires a regulated entity to establish and maintain ''a compliance program that is reasonably designed to assure that the regulated entity complies with applicable laws, rules, regulations, and internal controls'' and to file regulatory reports.[24] FHFA examines the regulated entities on whether they comply with laws, regulations, and regulatory requirements that they operate under.[25] FHFA requires each board of directors to adopt and have in effect at all times a strategic business plan.[26] Existing corporate governance standards also require a regulated entity's board of directors to direct the ''conduct and affairs of the entity in furtherance of the safe and sound operations of the entity and shall remain reasonably informed of the condition, activities, and operations of the entity.'' [27] Each regulated entity's board of directors is responsible for approving and having in effect at all times an enterprise-wide risk management program, which includes ensuring management competency and processes to identify, manage, monitor, and control risk exposures.[28] FHFA also holds accountable each regulated entity board of directors for periodically reviewing the capabilities for, and adequacy of resources allocated to, enterprise-wide risk management.[29]

Moreover, under recent caselaw developments, corporate directors and managers have a responsibility, under

[15] Executive Order 14219 (February 19, 2025), section 1, at 90 FR 10583 (February 25, 2025).

[16] *See* 12 CFR 1293.2 (defines ''fair housing and fair lending laws'' to be the Fair Housing Act, the Equal Credit Opportunity Act, and, with respect to an Enterprise, 12 U.S.C. 4545).

[17] *See* 12 CFR 1293.11(a) and (b) (compliance with fair housing and fair lending laws and the FTC Act's prohibition against UDAP).

[18] *See* 42 U.S.C. 3608(a) (''The authority and responsibility for administering this Act shall be in the Secretary of Housing and Urban Development'').

[19] The Secretary of Housing and Urban Development administers 12 U.S.C. 4545. This authority resided with HUD when the Safety and Soundness Act was first enacted in 1992. *See* Public Law 102–550, title XIII, sec. 1325 (Oct. 28, 1992). In 2008, despite transferring other responsibilities, such as for housing goals, to FHFA, Congress retained fair housing and fair lending authority for the Secretary of HUD. *See* Public Law 110–289, div. A, title I, sec. 1122(b) (July 30, 2008) (Retention of Fair Housing Responsibilities by HUD under 12 U.S.C. 4545). Under HUD's regulations, however, FHFA, as successor to the Office of Federal Housing Enterprise Oversight (OFHEO), exercises supervisory enforcement authority under the Safety and Soundness Act over violations or potential violations of 12 U.S.C. 4545 referred by HUD. *See* 24 CFR 81.47; 59 FR 18266, 18273 (April 15, 1994) (Interagency Policy Statement on Fair Lending).

[20] *See* 15 U.S.C. 1691b(a) (''The Bureau shall prescribe regulations to carry out the purposes of this subchapter''). Prior to the Dodd-Frank Act, the Federal Reserve Board had interpretive and rulemaking authority over ECOA. *See, e.g.,* 15 U.S.C. 1691b (2009). Following the Dodd-Frank Act, interpretive and rulemaking authority transferred to the CFPB. *See* Public Law 111–203, sec. 1085(1) (July 21, 2010) (amending ECOA to replace ''Board'' with ''Bureau''); 15 U.S.C. 1691b(a) (''The Bureau shall prescribe regulations to carry out the purposes of this subchapter . . .''). ECOA also authorizes CFPB to take regulatory action to create classifications, adjustments, or exceptions for transactions necessary to effectuate the purpose of ECOA. 15 U.S.C. 1691b(a).

[21] *See* 15 U.S.C. 57a(a)(1)(A) (interpretive rules and general statements of policy regarding UDAP) & (B) (rules which ''define with specificity'' acts or practices which are unfair or deceptive).

[22] *See, e.g.,* U.S. Gov't Accountability Off., GAO–21–104648, *Addressing Fragmentation, Overlap, and Duplication: Progress in Enhancing Government Effectiveness and Achieving Hundreds of Billions of Dollars in Financial Benefits* (2021) (GAO reported $515 billion in cost savings from congressional and executive agency efforts to reduce, eliminate, or better manage fragmentation, overlap, or duplication).

[23] It should be noted that FHFA similarly declined to designate 12 CFR part 1293 as a Prudential Management and Operations Standard, in response to commenter concerns that it would be an inappropriate use of the PMOS authority and that existing supervisory and enforcement authorities are sufficient. 89 FR at 42778.

[24] *See* 12 CFR 1239.12 (requires a program to assure compliance with ''applicable laws, rules, and regulations'') and 1239.13 (regulatory reporting of information needed to evaluate safety and soundness or compliance with law, order, rule, or regulation); 80 FR at 72334 (compliance program needs to be reasonably designed to assure compliance with applicable laws and regulations).

[25] *See* 77 FR 67644, 67646–47 (November 13, 2012) (FHFA Examination Rating System) (highest overall composite ratings, and component ratings for management and operational risk, depend on whether the regulated entity is in ''substantial compliance'' with laws and regulations).

[26] *See* 12 CFR 1239.14(a) (Adoption of strategic business plan).

[27] *See* 12 CFR 1239.4(a) (Duties and responsibilities of directors).

[28] *See* 12 CFR 1239.11(a) (Risk management program); *see also* 12 CFR part 1236, Appendix, Prudential Management and Operations Standards (''PMOS''), Standard 8—Overall Risk Management Processes. PMOS Standard 8 establishes the board of directors responsibility for overseeing the regulated entity's overall risk management processes, ensuring management competency and that processes are in place to identify, manage, monitor, and control risk exposures.

[29] *See* 12 CFR 1239.11(b)(2)(iii) (board risk committee responsibilities).

their fiduciary duties, to oversee compliance with laws that apply to their business, which could include applicable anti-discrimination laws.[30] The duty of a director requires a good faith effort to assure that an adequate corporate information and reporting system exists that provides timely and accurate information for the board and senior management to make judgments about compliance and business performance; such approach assures that board service by qualified persons is more likely, thus benefitting corporate shareholders as a class.[31]

Thus, § 1293.11(c) providing for a regulatory duty for directors to direct their institution in conformity with certain specified laws is not needed.[32] Due to its redundancy, § 1293.11(c) does not provide any specific benefits, and may induce additional cost burden due to administrative confusion.[33] Repealing § 1293.11(c) would not implicate any reliance interest because paragraph (c) duplicates existing obligations in a manner that may cause confusion.

3. Section 1293.12(a) Duplicates Statutory Reporting Process, and § 1293.12(b) Certification Requirement Is Unnecessary

Section 1293.12(a) provides for regulated entity reporting to FHFA. This provision is unnecessary because FHFA is already authorized under 12 U.S.C. 4514 to require regulated entity submission of reports without a separate and redundant regulatory provision, such as § 1293.12(a). Having a separate regulatory provision that may have different enforcement remedies from the Agency's existing statutory reporting authority could lead to confusion regarding the basis for information requests and potentially create unnecessary complexity in the entities' reporting processes. Repealing § 1293.12(a) and, instead, relying on the existing statutory reporting authority promotes clarity and efficiency.

Due to its redundancy, § 1293.12(a) does not provide any specific benefits, and may induce additional cost burden due to administrative confusion. Because § 1293.12(a) merely restates FHFA's existing statutory reporting authority in a potentially confusing manner, no reliance interests are affected by repeal of this provision.

Section 1293.12(b) provides for regulated entity certification of compliance with certain laws. It should be noted that, to the extent laws are applicable to the activities of the regulated entities, the regulated entities are required to comply. Section 1293.12(b) adds redundant compliance burdens in the form of a certification and supporting process. It may also lead to confusion over the appropriate attention a board of directors should place on compliance with fair housing and fair lending laws as compared to other laws in overseeing regulated entity safety and soundness and enterprise risk management. Repealing § 1293.12(b) would thus reduce regulatory burden and confusion in support of FHFA's goal to ensure board oversight of safety and soundness and compliance.[34]

4. Subpart C (§§ 1293.21 to 1293.27) Equitable Housing Finance Planning Requirements Could Conflict With Policy

A. Summary of Subpart C Requirements

Part 1293, subpart C (''subpart C''), establishes a regulatory requirement for the Enterprises to develop, execute, and report on an Equitable Housing Finance Plan (''Plan''). First, subpart C requires each Enterprise to adopt a Plan every three years that identifies barriers to sustainable housing opportunities faced by one or more underserved communities, goals and objectives with respect to the identified barriers, and meaningful actions to support accomplishment of the goals and objectives.[35] Each Enterprise is required to submit its Plan or annual update by September 30 of the year prior to the year covered by the Plan.[36] Under the subpart, FHFA must review the submitted Plan or update for any content inconsistent with the Safety and Soundness Act, the authorizing statute, or other applicable law, and may remove such content prior to Enterprise publication.[37] The subpart requires each Enterprise to ensure that a Plan relies on adequate information in identifying the underserved community for its Plan, and provides that actions not compliant with the Safety and Soundness Act, the authorizing statutes, or other applicable law do not qualify as meaningful actions.[38]

Subpart C requires each Enterprise to annually report publicly on its progress under its Plan, including a summary of outcomes for the year (including outcomes for any activity, homeownership programs, or products performed under the Plan) by race, ethnicity, and underserved community group, and an assessment of the Enterprise's underwriting outcomes and improvements.[39] Each Enterprise must submit its report to FHFA, prior review by February 15 and publish by April 15.[40] Subpart C also requires a public engagement process (conducted by FHFA) for each Enterprise to consider public input, including from stakeholders such as housing market participants and members of underserved communities, in developing and implementing its Plan.[41]

Subpart C requires the board of directors for each Enterprise to

[30] *See, e.g., In re McDonald's Corp. S'holder Derivative Litig.,* 289 A.3d 343 (Del. Ch. 2023) (in derivative action against corporate officers for breach of duty to oversee corporate compliance with employment discrimination and sexual harassment laws, court applied the standard of care in the *Caremark Int'l* case requiring good faith in overseeing a corporate compliance reporting system and held corporate officers to same fiduciary duty of oversight as corporate directors for matters within the officers' areas of responsibility); *In re Caremark Int'l,* 698 A.2d 959, 970 (Del. Ch. 1996) (a director's duty includes a duty, in good faith, to assure that an adequate corporate information and reporting system exists reasonably designed to provide senior management and the board timely, accurate information sufficient to reach informed judgments concerning both the corporation's compliance with law and its business performance); *Graham* v. *Allis-Chalmers Mfg. Co.,* 188 A.2d 125 (Del. 1963) (a director has a duty to take action to address wrongdoing when they are aware of ''red flags'').

[31] *See, e.g., In re Caremark Int'l,* 698 A.2d at 971 (''[A] demanding test of liability in the oversight context is probably beneficial to corporate shareholders as a class, as it is in the board decision context, since it makes board service by qualified persons more likely'').

[32] While corporate officers individually may not be found vicariously liable for an employee's or agent's violation of the Fair Housing Act, *Meyer* v. *Holley,* 537 U.S. 280 (2003), regulated entity directors retain responsibilities established the authorizing statutes, FHFA regulations, and the elected body of corporate governance law. Regulated entity directors remain subject to FHFA enforcement authority for unsafe or unsound practices, breach of fiduciary duty, and violations of law.

[33] The regulated entities also expressed concern that the imposition of an additional director duty may not fully align with the appropriate oversight duties of the Board and could interfere with application of the business judgement rule. *See* Fannie Mae comment letter from Stergios Theologides pg. 5–6 & Freddie Mac comment letter from Danny Gardner, pg. 2.

[34] Empirical studies show that economic growth is dampened by administrative burden associated with regulations. *See* James Broughel and Robert W. Hahn, *The Impact of Economic Regulation on Growth: Survey and Synthesis,* 16 Reg. & Governance, 448–69 (2022); Bentley Coffey et al., *The Cumulative Cost of Regulations,* Rev. of Econ. Dynamics (2020); Jeremy Straughter & Kathleen Carley, *Towards a Network Theory of Regulatory Burden,* 6 Applied Network Science (2021). Regulatory burden can reduce incentives for businesses to invest and innovate. *See* Alberto Alesina et al., *Regulation and Investment,* 3 J. Eur. Econ. Ass'n, 791–825 (2005); Philippe Aghion, Antonin Bergeaud, & John Van Reenen, *The Impact of Regulation on Innovation,* 113 Am. Econ. Rev., 2894–2936 (2023).

[35] *See* 12 CFR 1293.22(a) & (b).

[36] *See* 12 CFR 1293.22(c).

[37] *See* 12 CFR 1293.22(f).

[38] *See* 12 CFR 1293.25.

[39] *See* 12 CFR 1293.23(a) & (b).

[40] *See* 12 CFR 1293.23(c)–(e).

[41] *See* 12 CFR 1293.24.

appropriately consider the objectives, actions, and goals of the Enterprise Plan, housing goals, Duty to Serve plans and targets, and other mission-related obligations in the board's oversight of the Enterprise.[42]

B. Notwithstanding FHFA Authority To Establish Corporate Governance Requirements, Policy Supports Repeal of Subpart C

Similar to director duties for its regulated entities, FHFA has the authority to establish or modify corporate governance requirements for its regulated entities.[43] These requirements may include, for example, regulatory requirements related to a regulated entity strategic business plan.[44] Notwithstanding FHFA's authority to establish or modify corporate governance requirements related to planning, there has been a change in federal policy with respect to activities that promote equity since FHFA published the final Fair Lending, Fair Housing, Equitable Housing Finance Plans rule in 2024. The final rule does not define ''equity,'' but other defined terms used in the regulation which form the basis of the equitable housing planning requirements were informed by the concept of equity as it was interpreted in Executive Order 13985.[45] Executive Order 13985, however, was rescinded on January 20, 2025, when the President issued Executive Order 14148.[46]

In addition, subpart C potentially conflicts with current policy by establishing requirements that use the defined term ''underserved community.''

Specifically, subpart C's requirement that the regulated entity adopt a Plan that identifies an ''underserved community'' that is experiencing barriers to sustainable housing, and that sets forth ''meaningful actions'' to reduce those barriers for the individuals could raise issues with three Executive Orders. These are Executive Order 14173 (Ending Illegal Discrimination and Restoring Merit-Based Opportunity),[47] and Executive Order 14151 (Ending Radical and Wasteful Government DEI Programs and Preferencing).[48]

Executive Order 14173 covers ''major corporations, financial institutions . . . [that] have adopted and actively use dangerous, demeaning, and immoral race- and sex-based preferences under guise of so-called 'diversity, equity, and inclusion' (DEI) . . . that can violate the civil-rights laws of this Nation.'' [49] It establishes current federal government policy as ''protecting the civil rights of all Americans'' and, to further this policy, the Executive Order requires all ''agencies to terminate all discriminatory and illegal preferences, mandate, policies, programs, activities, guidance, regulations, enforcement actions, consent orders, and requirements.'' [50] The Executive Order further requires ''all agencies to enforce . . . longstanding civil-rights laws and to combat illegal private-sector DEI preferences, mandates, policies, programs, and activities.'' [51]

Executive Order 14151 covers internal federal agency DEI programs, policies, and budgets, which the Executive Order views as illegal discrimination programs, and does not appear to cover Enterprise activities under part 1293.[52] Executive Order 14151 requires the heads of the Office of Management and Budget (''OMB''), the U.S. Department of Justice (''DOJ''), and the U.S. Office of Personnel Management (''OPM'') to coordinate the termination of ''all discriminatory programs, including illegal DEI . . . mandates, policies, programs, preferences, and activities in the Federal Government.'' [53]

With respect to Executive Order 14173, to the extent that the Plan required under § 1293.22 provides for Enterprise actions to reduce barriers to housing faced by individuals of a particular race and sex without showing a need to remediate ''specific instances of past discrimination that violated the Constitution or a statute'' and narrow tailoring of the actions, such a Plan could conflict with Executive Order 14173 against ''illegal'' DEI.[54] Similarly, if the Enterprise actions are viewed as based on the Enterprise independent judgment, and the Plan fails to show that the actions do not unnecessarily trammel on the rights of those not of that race or sex, such a Plan could also conflict with the Executive Order's instruction against ''illegal'' DEI.[55]

C. FHFA Is Committed To Promoting Affordable Housing Through Statutorily Authorized Activities

In discussing the background for developing part 1293, FHFA observed disparities in homeownership rates by race and ethnicity.[56] FHFA also noted barriers to affordable housing in certain areas or by certain demographic groups. For example, in rural areas, FHFA noted that there was limited capital for affordable single- and multi-family-housing, lower borrower credit scores, and higher mortgage denial rates.[57] In terms of the racial homeownership gap, FHFA noted that African-American households are less likely to receive family assistance with down payment or other forms of financial assistance.[58] FHFA also noted gaps in approval rates for automated underwriting systems between demographic groups,[59] home appraisal and valuation disparities,[60] as well as overall income and wealth disparities among demographic groups.[61] Subpart C codified a conservator policy that the Enterprises develop and implement Equitable Housing Finance Plans, with the aim of identifying and addressing barriers to sustainable housing opportunities for underserved communities.

As this section discusses, Congress provided express authorities for FHFA, the FHLBanks, and the Enterprises to fulfill their public purposes in promoting access to credit throughout the nation. These authorities include housing goals to serve low-income and very low-income families under 12 U.S.C. 4561 to 4564 for the Enterprises and 12 U.S.C. 1430c implemented at 12

[42] *See* 12 CFR 1293.26.

[43] *See* Discussion, above, in section V.C.2, concerning the Specific Director Duty.

[44] *See* 83 FR 52950 (October 19, 2018) (final rule amending 12 CFR part 1239 to add new 12 CFR 1239.14 requiring a board-approved strategic business plan); 83 FR 14781, 14782 (April 6, 2018) (proposed rule noting that the regulated entities were established to fulfill public purposes and the strategic business plan would support board oversight of regulated entity's successful implementation of its strategic business plan and its public purposes).

[45] *See* 89 FR 42768, 42779, *citing* Executive Order 13985 (Advancing Racial Equity and Support for Underserved Communities Through the Federal Government).

[46] *See* Executive Order 14148 (January 20, 2025), at 90 FR 8237 (January 28, 2025).

[47] 90 FR 8633 (January 31, 2025).

[48] 90 FR 8339 (January 29, 2025).

[49] 90 FR at 8633 (Section 1).

[50] 90 FR at 8633 (Section 2).

[51] *Id.*

[52] Executive Order 14151 states that to carry out this directive, the heads of OPM and DOJ ''shall review and revise, as appropriate, all existing Federal employment practices, union contracts, and training policies or programs to comply with this order.'' It also requires each agency to terminate ''all 'equity action plans,' 'equity' actions, initiatives, or programs, 'equity-related' grants or contracts.''

[53] 90 FR at 8339 (Section 2).

[54] *See Students for Fair Admissions* v. *President and Fellows of Harvard College,* 600 U.S. 181, 207 (2023).

[55] *See, e.g., United Steelworkers of America, AFL–CIO–CLC* v. *Weber,* 443 U.S. 193 (1979) (Corporation's voluntary affirmative action plan that granted preference to black employees over more senior white employees for admission to in-plant craft training programs did not violate Title VII. ''The legislative record [of Title VII] shows that . . . Congress did not intend to limit traditional business freedom to such a degree as to prohibit all voluntary, race-conscious affirmative action'').

[56] *See* 89 FR 42771–74.

[57] *Id.* at 42772.

[58] *Id.* at 42771.

[59] *Id.* at 42772.

[60] *Id.* at 42773.

[61] *Id.* at 42771.

CFR 1281.11 for the Banks, Enterprise requirements to support FHFA's duty to serve underserved markets under 12 U.S.C. 4565, and establishment and support of the Housing Trust Fund and Capital Magnet Fund under 12 U.S.C. 4568 to 4569.

The Safety and Soundness Act requires FHFA to establish annual housing goals for single-family and multifamily mortgages purchased by the Enterprises.[62] The annual housing goals are one measure of the extent to which the Enterprises are meeting their public purposes, which include ''an affirmative obligation to facilitate the financing of affordable housing for low- and moderate-income families in a manner consistent with their overall public purposes, while maintaining a strong financial condition and a reasonable economic return,'' [63] through statutorily authorized activities. The housing goals help ensure the Enterprises fulfill their public purposes by promoting access to affordable housing opportunities for low-income families, families living in low-income areas, and very low-income families.[64]

In 2024, the Enterprises supported the financing of over 781,000 home purchase loans to first-time homebuyers, including about 390,000 home purchase loans to low-income borrowers (earning at or below 80 percent of area median income).[65] Of these borrowers, nearly 88,000 were very low-income (earning at or below 50 percent of the area median income).[66] The Enterprises also supported the financing of over 573,000 housing goal-eligible units affordable to low-income renters, almost 129,000 units affordable to very low-income renters, and almost 27,000 units in small multifamily properties (5–50 units) affordable to low-income renters.[67] FHFA intends to continue to ensure that the Enterprises serve the needs of low-income and very low-income families.

The Safety and Soundness Act also requires the Enterprises to develop loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages for very low-, low-, and moderate-income families in three underserved markets: manufactured housing, affordable housing preservation, and rural housing, in order to increase liquidity and improve the distribution of investment capital in these markets.[68] To support the Enterprise duty to serve underserved markets, each Enterprise is required to submit an Underserved Markets Plan describing the activities and objectives that it will undertake to maintain or increase liquidity to an underserved market.[69]

In 2024, in the manufactured housing market, both Enterprises exceeded their objectives for purchasing blanket loans for Manufactured Housing Communities (MHCs) with certain pad lease protections specified in the DTS regulation, resulting in a combined purchase of over 36,000 eligible units.[70] For the affordable housing preservation market, the Enterprises serve as an important source of capital for other federal, state, and locally supported programs and projects, including HUD's Section 8 Program. The Enterprises also provided liquidity for the rural housing market, purchasing over 17,000 loans supporting housing in high-needs rural regions.[71]

FHFA is authorized to recommend establishment of additional underserved markets to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.[72] Although FHFA has not yet exercised this authority, FHFA retains the authority to identify new categories for Congressional action and believes that this is available for ensuring that the Enterprises meet their public purposes.

Additionally, the Safety and Soundness Act also requires the Enterprises to set aside in each fiscal year an amount equal to 4.2 basis points (0.042 percent) for every dollar of unpaid principal balance on total new business purchases in the prior year. In 2024, the Enterprises set aside $301 million,[73] and in February 2025 they set aside $333 million.[74] Of the amount set aside, the Enterprises must transfer 65 percent to the Housing Trust Fund, which is administered by HUD. They must transfer 35 percent to the Capital Magnet Fund, which is administered by the U.S. Department of the Treasury.[75] The Housing Trust Fund allocates funding annually to states and state-designated entities to produce or preserve affordable housing through the acquisition, new construction, reconstruction, and/or rehabilitation of non-luxury housing.[76] The Capital Magnet Fund competitively awards funds to finance affordable housing activities, related economic development activities, and community service facilities.[77]

Upon review, FHFA believes that the regulated entities' public purposes can be accomplished more effectively through the exercise of existing statutory authorities.[78] The Enterprises remain subject to longstanding statutory obligations to support access to credit in underserved markets, primarily through the Affordable Housing Goals, their duty to serve underserved markets, and affordable housing allocation requirements. In this context, subpart C is unnecessary and may divert Enterprise and Agency resources from approaches that are aligned with FHFA's statutory mandates.

D. Repeal Would Reduce Regulatory Burden and Programmatic Cost

The repeal of subpart C is likely to result in significant decreases in compliance and programmatic costs for the Enterprises. Assuming that subpart C continues in effect, economic activity flowing from the regulation can be estimated, in part, by evaluating Enterprise investments made under their Plans. The Enterprises have completed performance on their 2022–2024 Plans. A significant element of the 2022–2024 Enterprise Plans was their acquisition of loans made under special purpose credit programs (''SPCP'') and subsidies paid to borrowers via credits to lenders. These subsidies provide monetary assistance to borrowers such as downpayment or closing cost assistance.

As part of the development of the final rule in 2024, FHFA performed an economic analysis for the 2022–2024 Enterprise Plans. FHFA's 2024

[62] 12 U.S.C. 4561(a).

[63] 12 U.S.C. 4501(7).

[64] 12 U.S.C. 4562 (single-family housing goals) & 4563 (multifamily housing goals).

[65] *See* Enterprise 2024 Annual Housing Activity Reports & Annual Mortgage Reports, available at *https://www.fanniemae.com/about-us/corporate-governance/ahar-and-amr* and *https://www.freddiemac.com/about/business/affordable-housing.*

[66] *Id.*

[67] *Id.*

[68] 12 U.S.C. 4565 (duty to serve underserved markets).

[69] 12 CFR 1282.32 (underserved markets plan).

[70] *See* Enterprise 2024 Annual Housing Activity Reports & Annual Mortgage Reports, available at *https://www.fanniemae.com/about-us/corporate-governance/ahar-and-amr* and *https://www.freddiemac.com/about/business/affordable-housing.*

[71] *Id.*

[72] *See* 12 U.S.C.4565(c).

[73] *See* 2024 Annual Housing Report, Table 12 available at: *https://www.fhfa.gov/document/annual-housing-report-2024.*

[74] *See* Freddie Mac, Annual Report (Form 10–K) 102 (Feb. 13 2025), *https://www.freddiemac.com/investors/financials/pdf/10k_021325.pdf;* Fannie Mae, Annual Report (Form 10–K) 67 (Feb. 14, 2025), *https://www.fanniemae.com/media/54826/display.*

[75] *See* 12 U.S.C. 4567(a).

[76] *See* 12 U.S.C. 4568.

[77] *See* 12 U.S.C. 4568 & 4569.

[78] Members of Congress, the Regulated Entities, and industry groups also agreed with this approach during rulemaking for subpart C.

economic analysis concluded that the annual economic effect of part 1293 exceeded $100 million. The analysis was based on: (1) preliminary data on actual Enterprise acquisitions of SPCP loans, which at that time, totaled 565 loans for both Enterprises; (2) the total number of SPCP loans that the Enterprises planned to purchase in the remaining time under their Equitable Housing Finance Plans (''Plans'') for 2022–24, which was 9,000 loans for both Enterprises at an average UPB of $300,000 per loan; and (3) monetary subsidies to borrowers via credits to lenders described in their 2022–2024 Plans related to SPCP loans acquired. Based on the information available at the time, FHFA determined that the annual economic effect of the 2022–2024 Plans from the SPCP loan acquisitions was $2.73 billion, exceeding the threshold of $100 million annually to be a major rule.

Since publication of the final rule, FHFA obtained updated information on actual Enterprise purchases of SPCP loans and borrower subsidies for 2022–2024. The Enterprises purchased approximately 57,282 SPCP loans, and paid approximately $81.9 million in subsidies via lender credits to assist borrowers with loan pricing, closing costs, or downpayment under their 2022–2024 Plans.[79] For the period 2022–2024, the economic activity produced by part 1293 is revised from $2.73 billion to $17.2 billion, including $81.9 million in subsidies paid to borrowers via lender credits. This economic activity is now historical, and will not change even if part 1293 is modified or repealed.

On March 25, 2025, FHFA, as conservator, directed the Enterprises to terminate future support of such loan acquisition.[80]

Further, as a result of the repeal of part 1293, the Enterprises will no longer be required to engage in developing, executing and reporting on the Equitable Housing Finance Plans, and thus will benefit from reduced administrative cost, including personnel and outreach.

FHFA intends to continue to exercise its general regulatory authority to ensure that the purposes of the Safety and Soundness Act, including housing goals, are carried out. FHFA will continue to publicly report through its annual Report to Congress, Annual Housing Report, and other performance and accountability documents, ensuring transparency and continued focus on the Enterprises' missions within their statutory mandate. To the extent the regulated entities continue to meet their public purposes in other ways, some of the forgone benefits under the baseline scenario may be offset in the repeal scenario through benefits from their continued efforts to meet their public purposes of providing mortgage liquidity throughout the Nation.

The final rule became effective in July 2024 and does not require or commit the Enterprises to specific engagement or activities with any specified stakeholders. Repeal would likely have minimal impact on any reliance interests.[81]

5. Adequate Alternatives Exist To Render the Enterprise Data Collection and Reporting Requirements Under § 1293.41 Unnecessary

Section 1293.41 requires each Enterprise to collect, maintain, and provide to FHFA single-family mortgage data on borrower and applicant language preference and homeownership education. Section 1293.41 does not require consumers to respond to the language preference and homeownership education questions, but, if the consumer choses to, requires that the Enterprises collect and maintain the information.

The Enterprises and industry stakeholders through MISMO, the mortgage industry's standards development body, are already engaged in collecting and using mortgage-related data as part of their standard business practices and risk management.[82] These organizations, through collaborative efforts involving a wide range of industry stakeholders—including lenders, servicers, technology providers, and consumer advocates—develop and maintain comprehensive sets of data elements that address industry needs. This organic, industry-driven process ensures that data standards remain relevant, adaptable, and responsive to emerging trends and requirements. The current standards encompass a large body of data elements, reflecting the complexity and multifaceted nature of mortgage origination and servicing.

FHFA's role in this ecosystem is to foster a safe, sound, and liquid housing finance system. While FHFA has the authority to mandate data collection, unilaterally requiring the Enterprises to collect specific data elements, such as borrower and applicant language preference and homeownership education, risks inappropriately elevating these elements over others that may be equally or more critical to industry operations, risk management, or consumer protection. Such a prescriptive approach could inadvertently disrupt the established, consensus-based process of data standardization. Instead, FHFA believes that the prioritization and integration of new data elements are best determined through the ongoing efforts of industry stakeholders.

FHFA has access to language preference and homeownership counseling and education data through the National Survey of Mortgage Originations (NSMO). NSMO is a quarterly survey jointly funded and managed by FHFA and CFPB that provides unique and rich information for a nationally representative sample of newly originated mortgages to provide valuable data to help inform policy and research.

Therefore, § 1293.41 creates unnecessary redundancy, compliance burden, and potential administrative confusion without significant added value or benefit. Because § 1293.41 unnecessarily duplicates pre-existing MISMO standards, no reliance interests are implicated by repeal. Mandating a separate, specific collection under § 1293.41 adds an unnecessary layer of compliance obligation for which there are adequate alternatives.

6. Equitable Housing Finance Requirements (FHLBanks), §§ 1293.31 and 1293.32

Section 1293.31 requires each Bank to report on actions it voluntarily took to support underserved communities, which report is accompanied by a declaration by a designated officer pursuant to 12 U.S.C. 4514(a)(4) that the report is true and correct to the officer's knowledge and belief.

Section 1293.32 requires each Bank to report publicly on any voluntary actions taken to overcome housing barriers faced by any underserved community and planned actions. Alternatively, it requires each Bank to provide notice that it has not and does not plan to take any voluntary actions to overcome housing barriers by any underserved community.

The Agency believes that, at this time, the FHLBanks' statutorily required Affordable Housing Programs and Community Investment Programs provide adequate means for the FHLBanks to carry out their statutory purposes. Many of the Equitable

[79] Freddie Mac & Fannie Mae 2022 & 2023 Performance Reports, Equitable Housing Finance Plan. Freddie Mac & Fannie Mae Quarterly Reporting for 2024.

[80] William Pulte (@pulte), X (Mar. 25 2025), *https://x.com/pulte/status/1904621959213965690.*

[81] 12 CFR 1293.1(c) (Part 1293 does not create a private right of action).

[82] *See* ''Mortgage Industry Standards Maintenance: Standards & Resources Page'' available at, *https://www.mismo.org/standards-resources.*

Housing Finance Program requirements could be met through the FHLBanks' Affordable Housing Programs (''AHPs'') and Community Investment Programs. For example, the AHPs require the FHLBanks to identify and address district affordable housing and credit needs in their Targeted Community Lending Plans, in coordination with their Affordable Housing Advisory Council, members, and other key stakeholders. Requiring a separate reporting mechanism is therefore unnecessary for activities proceeding under these existing program frameworks.

In addition, reporting under §§ 1293.31 and 1293.32 imposes an administrative burden on the FHLBanks, diverting resources from potentially more impactful activities. Such burden includes costs associated with defining ''voluntary actions,'' collecting data, preparing narratives, and securing officer declarations. Similarly, FHFA expends resources in reviewing these voluntary reports, which, due to their inconsistent nature, may offer limited actionable insights. These resources could be more efficiently allocated to other supervisory functions.

Repealing §§ 1293.31 and 1293.32 is further supported by the fact that these sections are not yet effective. As a result, FHFA believes there is little reliance interest in maintaining the requirements, including efforts in establishing processes, allocating resources, or developing reporting mechanisms to comply. Repealing at this stage avoids disrupting any existing compliance frameworks or requiring the undoing of established practices.

7. Subpart A's Housekeeping Provisions Would Be Unnecessary if the Operative Portions of the Regulation Were Repealed

Finally, part 1293, subpart A contains supporting provisions to administer part 1293. These include, under § 1293.1, a summary description of the regulation, an express provision that the regulation does not permit a regulated entity to engage in any activity inconsistent with applicable law, an express clarification that the regulation does not create third party rights, and a severability provision. Subpart A also includes, under § 1293.2, a definitions section. It also includes, under § 1293.3 a provision providing for examination and enforcement of the regulation. Lastly, § 1293.4 contains a provision to clarify that the regulation does not limit the agency from acting under its other authorities. These administrative provisions could be repealed as unnecessary if FHFA repeals the operative provisions of part 1293 discussed above.

VI. Reservation of Authority

Notwithstanding any repeal of part 1293, FHFA retains all authority, and continues to exercise general regulatory, examination, and enforcement authorities over its regulated entities to ensure that they are operated and managed in a safe and sound manner, comply with applicable law, and fulfill their public purposes. FHFA exercise of these authorities may be reflected in its supervision and enforcement program and activities, including appropriate rulemaking, examination, and enforcement to address safety and soundness and compliance with applicable law. FHFA exercise of these authorities may also be reflected in coordination and cooperation with other federal agencies generally or on specific matters to ensure that the purposes of the Safety and Soundness Act, the authorizing statutes, and any other applicable law are carried out. The repeal of unnecessary FHFA requirements for the regulated entities to comply with specified laws administered by other agencies is not intended to affect the applicability, effectiveness, or enforcement of those laws with respect to the regulated entities.

VII. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires that a regulation that has a significant economic impact on a substantial number of small entities, small businesses, or small organizations must include an initial regulatory flexibility analysis describing the regulation's impact on small entities. FHFA need not undertake such an analysis if the agency has certified that the regulation will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605(b). FHFA has considered the impact of the proposed rulemaking under the Regulatory Flexibility Act and FHFA certifies that the proposed rule, if adopted as a final rule, will not have a significant economic impact on a substantial number of small entities because the regulation only applies to Fannie Mae, Freddie Mac, and the FHLBanks, which are not small entities for purposes of the Regulatory Flexibility Act.

VIII. Paperwork Reduction Act

The proposed rule to repeal part 1293 would not contain any information collection requirement that would require the approval of OMB under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Therefore, OMB review for the Paperwork Reduction Act is not required.

IX. Regulatory Planning and Review Under Executive Orders 12866 and 14215

Executive Order 14215 [83] (Independent Agency Accountability) amends Executive Order 12866 [84] (Regulatory Planning and Review) to include in its definition of ''agency,'' those agencies under 44 U.S.C. 3502(1) including any ''independent regulatory agency.'' Accordingly, pursuant to Executive Order 12866 as amended, FHFA must determine whether its regulatory action proposing repeal is ''significant'' and subject to review by OMB. Executive Order 12866 defines a ''significant regulatory action'' as one that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

FHFA has determined the proposed rule not to be a significant regulatory action for purposes of E.O. 12866. OMB has reviewed FHFA's economic impact analysis and has concurred in the determination that this proposed rule to repeal part 1293 is not a significant regulatory action and does not require OMB coordination and review under E.O. 12866. Further, as a deregulatory action, FHFA does not expect the proposed action to interfere with the actions of another agency, materially alter the budgetary impact of programs, nor raise novel issues relating to legal mandates or the President's priorities.

X. Providing Accountability Through Transparency Act of 2023

The Providing Accountability Through Transparency Act of 2023 (5 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

[83] 90 FR 10447 (February 24, 2025).

[84] 58 FR 51735 (October 4, 1993).

proposed rule, in plain language, that shall be posted on the internet website under section 206(d) of the EGovernment Act of 2002 (44 U.S.C. 3501 *note*) (commonly known as regulations.gov). FHFA's summary of its notice of proposed rulemaking for repeal of part 1293 can be found at *https://www.regulations.gov.*

List of Subjects in 12 CFR Part 1293

Fair housing, Federal home loan banks, Government-sponsored enterprises, Mortgages, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, under the authority of 12 U.S.C. 4511, 4513, 4513b, and 4526, FHFA proposes to remove and reserve 12 CFR part 1293.

PART 1293—[REMOVED AND RESERVED]

■ 1. Remove and reserve part 1293, consisting of §§ 1293.1 through 1293.41.

Clinton Jones,

General Counsel, Federal Housing Finance Agency.

[FR Doc. 2025–14183 Filed 7–25–25; 8:45 am]

BILLING CODE 8070–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–1721; Project Identifier MCAI–2025–00268–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus SAS Model A330–200, A330–200 Freighter, A330–300, A330–800, A330–900, A340–200, A340–300, A340–500, and A340–600 series airplanes. This proposed AD was prompted by reported occurrences of forward passenger/crew doors jamming during slide deployment caused by improper door rigging. This proposed AD would require repetitive detailed inspections, and, depending on findings, corrective action(s). The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by September 11, 2025.

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

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

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–1721; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.* It is also available at *regulations.gov* under Docket No. FAA–2025–1721.
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

FOR FURTHER INFORMATION CONTACT: Emma Copeland, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 224–323–1241; email: *Emma.M.Copeland@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under the **ADDRESSES** section. Include ''Docket No. FAA–2025–1721; Project Identifier MCAI–2025–00268–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *regulations.gov*, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Emma Copeland, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 224–323–1241; email: *Emma.M.Copeland@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2025–0053, dated March 5, 2025 (EASA AD 2025–0053) (also referred to as the MCAI), to correct an unsafe condition for all Airbus SAS Model A330–200, A330–200 Freighter, A330–300, A330–800, A330–900, A340–200, A340–300, series airplanes, and Model A340–541, A340–542, A340–642, and A340–643 airplanes. Model A340–542 and –643 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this proposed AD therefore does not include those airplanes in the applicability. The MCAI states that there were reported occurrences of forward passenger/crew doors jamming during slide deployment caused by door mis-rigging. This

condition, if not detected and corrected, could lead to unsuccessful slide deployment which, in case of an emergency, could prevent timely evacuation from the airplane, possibly resulting in injury to the occupants.

The FAA is proposing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–1721.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2025–0053 specifies procedures for repetitive detailed inspections to check the clearances between the door and door frame on each door stop fitting, check the rigging values of the X-guide roller, check the clearance values between the rollers and the guide fittings, and ensure all door stop screw tab washers are properly bent on forward passenger/crew doors. On-condition actions include performing adjustment of the door(s), performing another detailed inspection of the clearance, obtaining and following further instructions if discrepancies remain, and reporting any measured value that is not within limits or any washer that is not bent properly. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

These products have been approved by the civil aviation authority of another country and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, that authority has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2025–0053 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2025–0053 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2025–0053 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2025–0053 does not mean that operators need to comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2025–0053. Material required by EASA AD 2025–0053 for compliance will be available at *regulations.gov* under Docket No. FAA–2025–1721 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 159 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
6 work-hours × $85 per hour = $1,275	$0	$1,275	$202,725

The FAA estimates the following costs to do any necessary on-condition actions that would be required based on the results of any required actions. The FAA has no way of determining the number of aircraft that might need these on-condition actions:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
13 work-hours × $85 per hour = $935	$0	$935

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

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to take approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2025–1721; Project Identifier MCAI–2025–00268–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by September 11, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS airplanes specified in paragraphs (c)(1) and (2) of this AD, certificated in any category.

(1) Model A330–201, –202, –203, –223, –243, –223F, –243F, –301, –302, –303, –321, –322, –323, –341, –342, –343, –841 and –941 airplanes.

(2) Model A340–211, –212, –213, –311, –312, –313, –541, and –642 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 52, Doors.

(e) Unsafe Condition

This AD was prompted by reported occurrences of forward passenger/crew doors jamming during slide deployment caused by improper door rigging. The FAA is issuing this AD to address occurrences of forward passenger/crew doors jamming during slide deployment. The unsafe condition, if not addressed, could result in unsuccessful slide deployment preventing timely evacuation from the airplane, possibly resulting in injury to the occupants.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2025–0053, dated March 5, 2025 (EASA AD 2025–0053).

(h) Exceptions to EASA AD 2025–0053

(1) Where EASA AD 2025–0053 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraphs (2), (3), and (5) of EASA AD 2025–0053 specify ''any discrepancy'', this AD requires replacing that text with ''any measured value that is not within limits or lock washer that does not bend correctly''.

(3) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0053.

(i) Additional AD Provisions

The following provisions also apply to this AD:

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

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, AIR–520, Continued Operational Safety Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraph (i)(2) of this AD, if any material contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(j) Additional Information

For more information about this AD, contact Emma Copeland, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 224–323–1241; email: *Emma.M.Copeland@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0053, dated March 5, 2025.

(ii) [Reserved]

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

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

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

Issued on July 24, 2025.

Peter A. White,

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

[FR Doc. 2025–14244 Filed 7–25–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–1361; Project Identifier AD–2025–00217–T]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 787–9 and 787–10 airplanes. This proposed AD was prompted by reports of multiple supplier notices of escapement (NOEs) indicating that ram air turbine (RAT) forward fittings were possibly manufactured with an incorrect titanium alloy material. This proposed AD would require a high frequency eddy current (HFEC) or handheld X-ray fluorescence (XRF) spectrometer inspection of the RAT forward fitting to determine the titanium alloy material, and applicable on-condition actions. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by September 11, 2025.

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

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

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–1361; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For the Boeing material identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com*.
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2025–1361.

FOR FURTHER INFORMATION CONTACT: Joseph Hodgin, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3962; email: *joseph.j.hodgin@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under the **ADDRESSES** section. Include ''Docket No. FAA–2025–1361; Project Identifier AD–2025–00217–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *regulations.gov*, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Joseph Hodgin, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3962; email: *joseph.j.hodgin@faa.gov*. Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA has received a report indicating reports of multiple supplier NOEs indicating that RAT forward fittings were possibly manufactured with an incorrect titanium alloy material. The titanium material that was possibly used is a Grade 1 or 2 commercially pure unalloyed titanium, which has significantly reduced strength, fatigue and damage tolerance properties compared to the type design Grade 5 Ti–6Al–4V alloy material. A RAT forward fitting that was possibly manufactured with the incorrect titanium alloy material could fail when the RAT is deployed. This condition, if not addressed, could result in loss of backup hydraulic and/or electrical power as well as the RAT module departing from the airplane.

FAA's Determination

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

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin B787–81205–SB530090–00 RB, Issue 001, dated February 24, 2025. This material specifies procedures for a HFEC or handheld XRF spectrometer inspection of the RAT forward fitting to determine the titanium alloy material, and applicable on-condition actions. On-condition actions include an open hole HFEC for cracking of all fastener hole locations common to titanium parts of the interfacing structure of each affected RAT forward fitting, replacing any RAT forward fitting that was not manufactured with the correct titanium alloy material, and repair.

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the material already described, except for any differences identified as exceptions in the regulatory text of this proposed AD. For information on the procedures and compliance times, see this material at *regulations.gov* under Docket No. FAA–2025–1361.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 9 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	3 work-hours × $85 per hour = $255	$0	$255	$2,295

The FAA estimates the following costs to do any necessary inspections or replacements that would be required based on the results of the proposed inspection. The agency has no way of determining the number of aircraft that might need these inspections or replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Open hole inspection	3 work-hours × $85 per hour = $255	$0	$255
Replacement	3 work-hours × $85 per hour = $255	30,260	30,515

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

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2025–1361; Project Identifier AD–2025–00217–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by September 11, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 787–9 and 787–10 airplanes, certificated in any category, as identified in Boeing Alert Requirements Bulletin B787–81205–SB530090–00 RB, Issue 001, dated February 24, 2025.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of multiple supplier notices of escapement (NOEs) indicating that ram air turbine (RAT) forward fittings were possibly manufactured with an incorrect titanium alloy material. The FAA is issuing this AD to address RAT forward fittings that were possibly manufactured with the incorrect titanium alloy material. The unsafe condition, if not addressed, could result in loss of backup hydraulic and/or electrical power as well as the RAT module departing from the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert

Requirements Bulletin B787–81205–SB530090–00 RB, Issue 001, dated February 24, 2025, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin B787–81205–SB530090–00 RB, Issue 001, dated February 24, 2025.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin B787–81205–SB530090–00, Issue 001, dated February 24, 2025, which is referred to in Boeing Alert Requirements Bulletin B787–81205–SB530090–00 RB, Issue 001, dated February 24, 2025.

(h) Exceptions to Requirements Bulletin Specifications

(1) Where the Compliance Time column of the table in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin B787–81205–SB530090–00 RB, Issue 001, dated February 24, 2025, refers to the Issue 001 date of Requirements Bulletin B787–81205–SB530090–00 RB, this AD requires using the effective date of this AD.

(2) Where Boeing Alert Requirements Bulletin B787–81205–SB530090–00 RB, Issue 001, dated February 24, 2025, specifies contacting Boeing for repair and installation instructions: This AD requires doing the repair and installation using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

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

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

(j) Related Information

For more information about this AD, contact Joseph Hodgin, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3962; email: *joseph.j.hodgin@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin B787–81205–SB530090–00 RB, Issue 001, dated February 24, 2025.

(ii) [Reserved]

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

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

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

Issued on July 9, 2025.

Lona C. Saccomando,

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

[FR Doc. 2025–14237 Filed 7–25–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 310

[Docket ID: DOD–2025–OS–0276]

RIN 0790–AL59

Privacy Act of 1974; Implementation

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule.

SUMMARY: The Department of Defense (Department or DoD) is giving concurrent notice of a new Department-wide system of records pursuant to the Privacy Act of 1974 for the DoD–0027, ''Suspension and Debarment Records'' system of records and this proposed rulemaking. In this proposed rulemaking, the Department proposes to exempt portions of this system of records from certain provisions of the Privacy Act because of law enforcement and confidential source considerations.

DATES: Send comments on or before September 26, 2025.

ADDRESSES: You may submit comments, identified by docket number, Regulation Identifier Number (RIN), and title, by any of the following methods.

* *Federal Rulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.

* *Mail:* Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Attn: Mailbox 24, Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name and docket number or RIN for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *https://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Rahwa Keleta, Defense Privacy and Civil Liberties Directorate, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Department of Defense, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700; *osd.mc-alex.oatsd-pclt.mbx.pcld-sorn@mail.mil;* (703) 571–0070.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, the Department is establishing a new system of records titled ''Suspension and Debarment Records,'' DoD–0027. This system of records notice supports the collection of and documentation of decisions regarding suspension, debarment, or other administrative actions, as authorized by the Federal Acquisition Regulation or the Non-procurement Common Rule. Additional information about Suspension and Debarment records may be found in the accompanying notice of a new system of records, published elsewhere in today's issue of the **Federal Register**.

II. Privacy Act Exemption

The Privacy Act permits Federal agencies to exempt eligible records in a system of records from certain provisions of the Act, including those that provide individuals with a right to request access to and amendment of their own records. If an agency intends to exempt a particular system of records, it must first go through the rulemaking process pursuant to 5 U.S.C. 553(b)(1)–(3), (c), and (e). This proposed rulemaking explains why an exemption

is being claimed for this system of records and invites public comment, which DoD will consider before the issuance of a final rule implementing the exemption.

The Department proposes to modify 32 CFR part 310 to add a new Privacy Act exemption rule for DoD–0027, ''Suspension and Debarment Records.'' In this proposed rule, the Department proposes to exempt portions of this system of records from certain provisions of the Privacy Act because information in this system of records may fall within the scope of 5 U.S.C. 552a(k)(2) and (k)(5).

The DoD is proposing to add a new Privacy Act exemption rule for this system of records because records in the system may contain investigatory material compiled for law enforcement purposes within the scope of 5 U.S.C. 552a(k)(2). This exemption authorizes agencies to claim an exemption for systems of records that contain investigatory materials compiled for law enforcement purposes, other than material within the scope of 5 U.S.C. 552a(j)(2). Information in this system may contain such investigatory materials for the purpose of preventing, among other harms, the identification of actual or potential subjects of investigation and/or sources of investigative information and to avoid frustrating the underlying law enforcement purpose for which the records were collected. The DoD therefore is proposing to exempt this system from several provisions of the Privacy Act, including various access, amendment, disclosure of accounting, and certain record-keeping and notice requirements, to prevent identification of actual or potential subjects of investigation and/or identification of sources of investigative information to prevent harm to the underlying law enforcement purpose.

In addition, the DoD proposes an exemption for this system of records because these records may contain investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, and the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise of confidentiality. The Privacy Act, pursuant to 5 U.S.C. 552a(k)(5), authorizes agencies to claim an exemption for systems of records that contain information identifying sources crucial to determining suitability for holding positions of trust. This exemption is generally applicable to confidential source-identifying material in background and personnel-type investigative files used to determine suitability, eligibility, or qualification for Federal contracts. Records in this system of records are only exempt from the Privacy Act to the extent the purposes underlying the exemption pertain to the record.

A notice of a new system of records for DoD–0027 is also published in this issue of the **Federal Register**.

Regulatory Analysis

Executive Order 12866, ''Regulatory Planning and Review,'' and Executive Order 13563, ''Improving Regulation and Regulatory Review''

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distribute impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. It has been determined that this rule is not a significant regulatory action.

Executive Order 14192, ''Unleashing Prosperity Through Deregulation''

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

Section 202, Public Law 104–4, ''Unfunded Mandates Reform Act''

Section 202(a) of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532(a)) requires agencies to assess anticipated costs and benefits before issuing any rule whose mandates may result in the expenditure by State, local, and tribal governments in the aggregate, or by the private sector, in any one year of $100 million in 1995 dollars, updated annually for inflation. This rule will not mandate any requirements for State, local, or tribal governments, nor will it affect private sector costs.

Public Law 96–354, ''Regulatory Flexibility Act'' (5 U.S.C. Chapter 6)

The Acting Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency has certified that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities. This rule is concerned only with the administration of Privacy Act systems of records within the DoD. Therefore, the Regulatory Flexibility Act, as amended, does not require DoD to prepare a regulatory flexibility analysis.

Public Law 96–511, ''Paperwork Reduction Act'' (44 U.S.C. Chapter 35)

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) was enacted to minimize the paperwork burden for individuals; small businesses; educational and nonprofit institutions; Federal contractors; State, local, and tribal governments; and other persons resulting from the collection of information by or for the Federal government. The Act requires that agencies obtain approval from the Office of Management and Budget before using identical questions to collect information from ten or more persons. This rule does not impose reporting or recordkeeping requirements on the public.

Executive Order 13132, ''Federalism''

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule that has federalism implications, imposes substantial direct compliance costs on State and local governments, and is not required by statute, or has federalism implications and preempts state law. This rule will not have a substantial effect on State and local governments.

Executive Order 13175, ''Consultation and Coordination With Indian Tribal Governments''

Executive Order 13175 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct compliance costs on one or more Indian tribes, preempts tribal law, or affects the distribution of power and responsibilities between the Federal government and Indian tribes. This rule will not have a substantial effect on Indian tribal governments.

List of Subjects in 32 CFR Part 310

Privacy.

Accordingly, 32 CFR part 310 is proposed to be amended as follows:

PART 310—PROTECTION OF PRIVACY AND ACCESS TO AND AMENDMENT OF INDIVIDUAL RECORDS UNDER THE PRIVACY ACT OF 1974

■ 1. The authority citation for 32 CFR part 310 continues to read as follows:

Authority: 5 U.S.C. 552a.

■ 2. Amend § 310.13 by reserving paragraphs (e)(16)–(19) and adding paragraph (e)(20) to read as follows:

§ 310.13 Exemptions for DoD-wide systems.

* * * * *

(e) * * *

(16) [Reserved]

(17) [Reserved]

(18) [Reserved]

(19) [Reserved]

(20) *System identifier and name.* DoD–0027, ''Suspension and Debarment Records.''

(i) *Exemptions.* This system of records is exempt from 5 U.S.C. 552a(c)(3); (d)(1), (2), (3), and (4); (e)(1); (e)(4)(G), (H), (I), and (f).

(ii) *Authority.* 5 U.S.C. 552a(k)(2) and (k)(5).

(iii) *Exemption from the particular subsections.* Exemption from the particular subsections is justified for the following reasons:

(A) *Subsections (c)(3), (d)(1), and (d)(2).*

(*1*) *Exemption (k)(2).* Records in this system of records may contain investigatory material compiled for law enforcement purposes other than material within the scope of 5 U.S.C. 552a(j)(2). Application of exemption (k)(2) may be necessary because access to, amendment of, or release of the accounting of disclosures of such records could: inform the record subject of an investigation of the existence, nature, or scope of an actual or potential law enforcement or disciplinary investigation, and thereby seriously impede law enforcement efforts by permitting the record subject and other persons to whom the subject might disclose the records or accounting of records to avoid criminal penalties, civil remedies, or disciplinary measures; interfere with a civil or administrative action or investigation by allowing the subject to tamper with witnesses or evidence, and to avoid detection or apprehension, which may undermine the entire investigatory process; or reveal confidential sources who might not have otherwise come forward to assist in an investigation and thereby hinder DoD's ability to obtain information from future confidential sources, and result in an unwarranted invasion of the privacy of others. Amendment of such records could also impose a highly impracticable administrative burden by requiring investigations to be continuously reinvestigated. If an individual, however, is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible because of the maintenance of the information, the individual will be provided access to the information except to the extent that disclosure would reveal the identity of a confidential source.

(*2*) *Exemption (k)(5).* Records in this system of records may contain information concerning investigatory material compiled solely for determining suitability, eligibility, and qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information. In some cases, such records may contain information pertaining to the identity of a source who furnished information to the Government under an express promise that the source's identity would be held in confidence (or prior to the effective date of the Privacy Act, under an implied promise). Application of exemption (k)(5) for such records may be necessary because access to, amendment of, or release of the accounting of disclosures of such records could identify these confidential sources who might not otherwise come forward to assist the Government, could hinder the Government's ability to obtain information from future confidential sources, and result in an unwarranted invasion of the privacy of others.

(B) *Subsection (d)(3), and (d)(4).* These subsections are inapplicable to the extent that an exemption is being claimed from subsections (d)(1) and (2). Accordingly, exemptions from subsections (d)(3), and (d)(4) are claimed pursuant to (k)(2) and (k)(5).

(C) *Subsection (e)(1).* In the collection of information for investigatory purposes it is not always possible to conclusively determine the relevance and necessity of particular information in the early stages of the investigation or adjudication. In some instances, it will be only after the collected information is evaluated in light of other information that its relevance and necessity for effective investigation and adjudication can be assessed. Collection of such information permits more informed decision-making by the Department when making required disciplinary determinations. Accordingly, application of exemptions (k)(2) and (k)(5) may be necessary.

(D) *Subsection (e)(4)(G) and (H).* These subsections are inapplicable to the extent exemption is claimed from subsections (d)(1) and (2). If suspension or debarment action is taken against an individual, the individual will be notified and have the procedural rights set forth by the governing regulation, *i.e.,* 48 CFR subpart 9.4 for contracts, and 2 CFR part 180 for non-procurement transactions. These regulations address the respondent's access to the administrative record and response rights.

(E) *Subsection (e)(4)(I).* To the extent that this provision is construed to require more detailed disclosure than the broad, generic information currently published in the system notice, an exemption from this provision is necessary to protect the confidentiality of sources of information and to protect the existence, nature, or scope of an actual or potential law enforcement which may seriously impede law enforcement efforts, prior to the initiation of any suspension or debarment action. Accordingly, application of exemptions (k)(2) and (k)(5) may be necessary.

(F) *Subsection (f).* The agency's rules are inapplicable to those portions of the system that are exempt. Accordingly, application of exemption (k)(2) and (k)(5) may be necessary. If suspension or debarment action is taken against an individual, the individual will be notified and have the procedural rights set forth by the governing regulation, *i.e.,* 48 CFR subpart 9.4 for contracts, and 2 CFR part 180 for non-procurement transactions. These regulations address the respondent's access to the administrative record and response rights.

(iv) *Exempt records from other systems.* In the course of carrying out the overall purpose for this system, exempt records from other systems of records may in turn become part of the records maintained in this system. To the extent that copies of exempt records from those other systems of records are maintained in this system, the DoD claims the same exemptions for the records from those other systems that are entered into this system, as claimed for the prior system(s) of which they are a part, provided the reason for the exemption remains valid and necessary.

Dated: July 23, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2025–14138 Filed 7–25–25; 8:45 am]

BILLING CODE 6001–FR–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2025–0249; FRL–12888–01–R1]

Air Plan Approval; Rhode Island; Amendments to Motor Vehicle Inspection and Maintenance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the Rhode Island Department of Environmental Management Office of Air Resources on December 20, 2023, that includes an amended regulation for the Enhanced Motor Vehicle Inspection and Maintenance (I/M) program in Rhode Island. Overall, the submittal removes obsolete references, adds definitions, and clarifies the Rhode Island I/M program requirements, which consist primarily of conducting Onboard Diagnostics (OBD) testing. The intended effect of this action is to propose approval of the State's amended I/M program regulation into the Rhode Island SIP. This action is being taken under the Clean Air Act (CAA). EPA has evaluated the SIP revision and has preliminarily determined the changes will not impact emissions under the Rhode Island I/M program. EPA is proposing to conclude that approval of the SIP revision will not interfere with attainment or maintenance of any National Ambient Air Quality Standard (NAAQS) or with any other applicable requirement of the CAA. Therefore, EPA is proposing to determine that Rhode Island's December 20, 2023, SIP revision is consistent with the applicable provisions of the CAA.

DATES: Written comments must be received on or before August 27, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OAR–2025–0249 at *https://www.regulations.gov,* or via email to [insert appropriate regional email address]. For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the ''For Further Information Contact'' section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.* Publicly available docket materials are available at *https://www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection.

FOR FURTHER INFORMATION CONTACT: Ayla Martinelli, Air Quality Branch, U.S. Environmental Protection Agency, EPA Region 1, 5 Post Office Square—Suite 100, (Mail code 5–MI), Boston, MA 02109–3912, tel. (617) 918–1057, email: *martinelli.ayla@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us,'' or ''our'' refers to the EPA.

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I. Background and Purpose

On December 20, 2023, the Rhode Island Department of Environmental Management Office of Air Resources submitted to EPA a revision to its SIP that amends the State's I/M program regulations. EPA is proposing to approve Rhode Island's revised I/M program because it is consistent with the CAA I/M requirements and EPA's I/M regulations at 40 CFR part 51, subpart S, and will strengthen the SIP. Specifically, the revision consists of amendments to Rhode Island's Air Pollution Control Regulations (APCR) Part 34, ''Rhode Island Motor Vehicle Inspection and Maintenance Program,'' to remove provisions related to tailpipe emissions testing using a dynamometer and to make other adjustments, as well as other administrative and technical documentation required in a SIP submittal to address the requirements for the implementation of the motor vehicle inspection and maintenance program in Rhode Island. The State's I/M program, as currently approved into the SIP, exempts vehicles from testing that are more than 25 model years old. As a result, Rhode Island ceased tailpipe testing of pre-OBD-equipped vehicles [1] in 2021.

II. What are the Clean Air Act requirements for I/M programs?

The CAA, 42 U.S.C. 7401, *et seq.,* requires certain states to implement I/M programs to detect light duty motor vehicles that emit excessive amounts of certain air pollutants. These programs are intended to help states meet federal NAAQS for ozone and carbon monoxide to promote public health and welfare by requiring vehicles with excess emissions to have their emissions control systems repaired to remain in use. Sections 182 and 187 of the CAA requires I/M programs in those areas of the nation that are most impacted by ozone and carbon monoxide pollution. 42 U.S.C. 7511a, 7511c, 7512a. Section 184 of the CAA also created an ''Ozone Transport Region'' (OTR) that geographically includes the states from Virginia to Maine (including all of Rhode Island) and the District of Columbia Consolidated Metropolitan Statistical Area. In addition, EPA promulgated I/M regulations at 40 CFR part 51, subpart S. The CAA and EPA's regulations under 40 CFR 51.350 outline the applicable motor vehicle I/M requirements according to an area's NAAQS nonattainment status and classification and/or geographic location within the OTR.

As a result of having areas designated nonattainment for the 1997 8-hour ozone NAAQS (see 40 CFR 81.340) and by virtue of its inclusion in the OTR, Rhode Island has implemented a statewide Low Enhanced vehicle emissions testing program since January of 2000. The Rhode Island I/M program, first approved into the SIP on February 9, 2001, included all the elements required of a Low Enhanced I/M program (66 FR 9661). At that time, the Rhode Island I/M program operated statewide at licensed private garages that also performed the required safety tests on vehicles. Rhode Island operated a test-and-repair network with vehicle tailpipe emissions testing performed

[1] On-Board Diagnostic systems (OBD) became a requirement for light-duty gasoline vehicles starting in the 1996 model year.

with dynamometers and synced into a computer connected network. Enforcement was by windshield stickers but was changed to registration denial in January 2001. Since that time, the program has been modified in several ways. Rhode Island submitted an I/M program SIP revision on January 28, 2009, and supplemented it on February 17, 2017, which EPA approved into the SIP on May 25, 2018 (83 FR 24223). This revision marked the shift to On-Board Diagnostics (OBD) testing for model year 1996 and newer vehicles, but the state continued to require that 1995 and older vehicles (up to 25 years old) receive a tailpipe emissions test using a dynamometer to meet the previously SIP-approved exhaust emissions standards, or a two-speed idle test for vehicles with drive configurations that prevented a dynamometer test. The OBD system continuously monitors the emission control systems and will activate the malfunction indicator lamp (MIL) on the dashboard, also commonly referred to as the ''Check Engine'' light, if a fault, also known as a Diagnostic Trouble Code (DTC), is detected. During an OBD test in an I/M program, the presence of one or more DTCs that command the MIL on indicates a failed inspection. In general, vehicles that fail inspection must be repaired and be retested. OBD I/M programs can yield emission benefits even from vehicles that do not fail a test. For instance, many motorists, when seeing the OBD ''Check Engine'' light is on, will elect to repair their vehicle prior to their required inspection.

III. Summary of Rhode Island's Regulatory Changes

The I/M program in Rhode Island's current approved SIP exempts model year vehicles 25 years old or older from having to obtain repairs, following a failed emissions inspection. Thus, since 2021, all vehicles subject to tailpipe emissions testing using a dynamometer have aged out of any requirement to obtain testing and repairs under the Rhode Island I/M program. Rhode Island's amended APCR Part 34, submitted as a SIP revision on December 20, 2023, updates the I/M program in Rhode Island, including removing provisions related to dynamometer testing, which has ceased, and other minor clarifications. Since these administrative changes to the State's regulations being proposed here for inclusion in the SIP do not affect the emissions reduction potential of the currently SIP-approved Rhode Island I/M program, the SIP submittal satisfies the anti-backsliding requirements of CAA section 110(l) and will not interfere with any applicable requirement concerning attainment and reasonable further progress, or with any other applicable requirement of the CAA.

Rhode Island's amended APCR Part 34 updates numerous regulatory provisions by amending language to clarify the I/M program requirements in Rhode Island. A summary of the most substantial changes made to the subsections and provisions as they currently exist in the Rhode Island SIP follows. Rhode Island (1) adjusted the title of section 34.1, and added a separate subsection for the already existing description of 'Purpose'; (2) added an ''Incorporated Materials'' addendum as section 34.4; (3) removed the following definitions from 34.5: ''adjusted vehicle weight'', ''curb weight'', ''exhaust emissions standard'', gross vehicle weight rating'', ''IM240'', ''loaded vehicle weight'', ''new motor vehicle'', ''operator'', ''RI2000'', ''remote sensing device'', and ''transient emission test''; (4) added definitions for ''malfunction indicator light'', and ''emission control component inspection'' to 34.5; (5) made multiple amendments to 34.7 by replacing dynamometer language with emissions control component inspection related material; (6) completely removed section 34.8 regarding exhaust emissions standards; (7) changed the title and content of section 34.9 by adding subsections for evaporative emission standards and emissions control component standards; (8) updated and renumbered section 34.11 by simplifying equipment audit requirements; and (9) amended and renumbered section 34.12 to include video and still images in quality control data. Other minor edits are found throughout the proposed revision, including other renumbering and rewording.

IV. Proposed Action

EPA is proposing to approve Rhode Island's December 20, 2023, SIP revision containing Rhode Island's revised motor vehicle I/M program regulation. The revisions to the State's I/M regulation are administrative in nature and will not interfere with attainment or maintenance of any NAAQS or with any other applicable requirement of the CAA. Therefore, EPA is proposing to determine that Rhode Island's December 20, 2023, SIP revision is consistent with the applicable provisions of the CAA.

EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to this proposed rule by following the instructions listed in the **ADDRESSES** section of this **Federal Register**.

V. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference Rhode Island's Air Pollution Control Regulations (APCR) Part 34—Rhode Island Motor Vehicle Inspection and Maintenance (I/M) Program, as discussed in section III. The EPA has made, and will continue to make, these documents generally available through *https://www.regulations.gov* and at the EPA Region 1 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

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

List of Subjects in 40 CFR Part 52

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

Dated: July 10, 2025.

Mark Sanborn,

Regional Administrator, EPA Region 1.

[FR Doc. 2025–14105 Filed 7–25–25; 8:45 am]

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Notices

Federal Register
Vol. 90, No. 142
Monday, July 28, 2025

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

DEPARTMENT OF COMMERCE

Office of the Secretary

[Docket No. 250718–0126]

RIN 0690–XR11

Procedures for Considering Environmental Impacts; Correction

AGENCY: Office of the Secretary (OS), Department of Commerce (DOC).

ACTION: Notice of Availability; Request for Comments; Correction.

SUMMARY: A July 1, 2025, Notice in the **Federal Register** entitled ''Procedures for Considering Environmental Impacts'' announced an update of Department of Commerce (DOC or Department) Administrative Order 216–6, ''Implementing the National Environmental Policy Act,'' (NEPA) and NEPA implementing procedures specific to sub-components of DOC. As part of that Notice, the National Oceanic and Atmospheric Administration (NOAA) solicited comments on proposals to establish new categorical exclusions (CEs) and amend existing CEs. The description of CEs in that Notice included several technical errors. This correction provides revised CE text and a new deadline for public comments.

DATES: To ensure consideration, comments on NOAA's revised proposal to establish new and amend existing CEs must be submitted by August 27, 2025.

ADDRESSES: Please submit your comments by only one of the following means, identifying your submission by docket number. All electronic submissions must be made to *http://www.regulations.gov.*

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for submitting comments.
- *Mail: NOAA NEPA Coordinator, 1315 East–West Highway, Room 15877, Silver Spring, MD 20910.*

Instructions: All comment submissions must include the agency name, docket name, and docket number (NOAA–HQ–2025–0207). Note that all comments received will be posted without change to *www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Katie Renshaw, Chief, Environmental Review and Coordination Section, Office of General Counsel, *katherine.renshaw@noaa.gov,* (301) 515–0324.

SUPPLEMENTARY INFORMATION:

I. Background

The July 1, 2025, notice in the **Federal Register** (90 FR 28717) announcing the Department's updates to its NEPA implementing procedures specific to sub-components of DOC included several technical errors in the description of revised CEs proposed by NOAA. Rather than provide only the corrected language, the instant notice provides below the entirety of the updated section of the July 1 Notice entitled ''Proposed Revisions to NOAA Categorical Exclusions; Request for Comments.''

II. Proposed Revisions to NOAA Categorical Exclusions; Request for Comments

In 2017, NOAA finalized its most recent revision to its NEPA procedures, including a wholesale overhaul of NOAA's CEs, covering categories of actions that normally do not have a significant effect on the human environment, individually or in the aggregate, and therefore do not require preparation of an EA or EIS. 42 U.S.C. 4336(b)(2), 4336c, 4336e(1); 82 FR 4306 (January 13, 2017). As part of the review of its agency NEPA procedures, NOAA has also reviewed and is proposing revisions to its categorical exclusions. This proposal is based on NOAA's experience implementing these CEs, a review of NOAA's operational activities, input from the NOAA NEPA Working Group, and legal and mission changes. The changes to the CEs would prioritize efficient environmental review in tandem with NOAA's revised NEPA procedures.

This section lists each proposed revision to the text of NOAA's CEs and summarizes NOAA's rationale for each proposed revision. Modifications to the examples of how to apply CEs are available in the substantiation record at *http://www.regulations.gov* and *www.noaa.gov/nepa.* The substantiation record provides a full and detailed discussion of and substantiation for each proposed revision to NOAA's CEs. This Notice does not discuss any CEs for which NOAA is proposing to modify only the examples and not change the scope of the CE.

Proposed New Categorical Exclusions

B13: Licensing of Private Remote Sensing Space Systems

NOAA is proposing a new CE to cover remote sensing licensing actions in response to regulatory and program changes under the Land Remote Sensing Policy Act (LRSPA), 51 U.S.C. 60101–60162, and its implementing regulations at 15 CFR part 960. The proposed new CE would cover the issuance of licenses under the LRSPA by the Commercial Remote Sensing Regulatory Affairs (CRSRA) division of NOAA's Office of Space Commerce for private entities to operate space-based private remote sensing space systems. The CE would also cover associated actions related to the licenses such as the imposition of license conditions, shutter control directives issued in the interests of national security, the modification of such licenses, and disposal of the system ''in a manner satisfactory to the President.''

Proposed CE text: ''B13: Issuance of licenses, conditions, or license modifications, and associated actions under the Land Remote Sensing Policy Act (51 U.S.C. 60101–60162) for the operation of private remote sensing space system activities.''

E5: Shellfish Outplanting

This proposed CE would cover the limited collection of shellfish from healthy, abundant wild populations using minimally invasive procedures and resulting in collection of few animals relative to the overall wild population. The farms and lease sites covered by the proposed CE are those that employ recommended protocols that prevent the introduction of disease, chemicals, toxins, and non-native species; safeguard genetic integrity of

native populations; and conduct their operations in compliance with established Federal and state regulatory guidelines and best management practices. The CE would cover small-scale, limited research that does not involve the introduction or use of new or modified gear, use of new or non-approved chemical compounds or chemicals, introduction of a species not previously present within the waterbody, an increase in the operational footprint of an existing farm or lease site, or the creation of a new commercial aquaculture farm or research lease site.

Proposed CE text: ''E5: Research involving the limited collection and placement of native, naturalized, or shellfish species already found in the watershed ('outplanting'). This CE covers a limited collection of shellfish from healthy, abundant wild populations using minimally invasive procedures and resulting in collection of few animals relative to the overall wild population. This CE covers outplanting on existing commercial aquaculture farms or aquaculture research lease sites or in an established Floating Upweller System (FLUPSY) for experimental purposes. The farms and lease sites covered by this CE are those that employ recommended protocols that prevent the introduction of disease, chemicals, toxins, and non-native species, safeguard genetic integrity of native populations, and conduct their operations in compliance with established Federal and state regulatory guidelines and best management practices. This CE covers small-scale, limited research that does not involve the introduction or use of new or modified gear, use of new or non-approved chemical compounds or chemicals, a species not previously present within the waterbody, an increase in the operational footprint of an existing farm or lease site, or the creation of a new commercial aquaculture farm or research lease site.''

F8: Release Response and Cleanup

NOAA is proposing to add a new CE to cover environmental assessment, response, and cleanup for real property management purposes at sites and facilities that NOAA is responsible for managing. This CE will ensure increased effective response and management across NOAA properties while bringing NOAA's program into alignment with similar management regimes at sister agencies.

Proposed CE text: ''F8: Activities related to release response and cleanup from releases for which NOAA is responsible. This includes, but is not limited to, release response activities, site characterization studies, and environmental monitoring (including sampling, analytical testing, waste disposal, siting, construction, operation, surveying, as well as installation and decommissioning of characterization and monitoring devices).''

G10, G11, & G12: Aircraft Operations

NOAA's Office of Marine and Aviation Operations (OMAO) manages and operates NOAA's fleet of fifteen research and survey ships and ten specialized environmental data-collecting aircraft. NOAA aircraft operate throughout the world providing a wide range of capabilities including hurricane reconnaissance and research, marine mammal and fisheries assessment, and coastal mapping. NOAA aircraft carry scientists and specialized instrument packages to conduct research for NOAA's missions.

These proposed CEs would incorporate and adopt language and parameters similar to those established by other agencies that operate and maintain aircraft fleets such as the U.S. Air Force and U.S. Navy. NOAA is proposing these CEs in order to ensure NEPA coverage for routine use of aircraft in NOAA's missions. NOAA's existing CEs are limited to the use of systems to collect data and the repositioning of assets, not fully covering the broad scope of NOAA's aviation missions. These CEs would fill this gap by extending CE coverage to OMAO's training operations, special use airspace requests, airfield procedures, and routine use of aircraft for both operational and support purposes. In addition to bringing NOAA's CE use into alignment with other operational agencies, these CEs will help ensure mission readiness across NOAA's aircraft fleet.

Proposed CE text: ''G10: Aircraft operations training conducted on or over nonmilitary land or water areas, where such training is consistent with the type and tempo of existing non-military airspace, land, and water use.''

''G11: Formal requests to the Federal Aviation Administration, or host-nation equivalent agency, to establish or modify special use airspace.''

''G12: Adopting airfield approach, departure, and en route procedures that are less than 3,000 feet above ground level and that also do not route air traffic over noise-sensitive areas, including residential neighborhoods or cultural, historical, and outdoor recreational areas.''

Proposed Technical and Editorial Changes

NOAA is proposing technical and editorial corrections to several of its existing CEs. NOAA has determined these proposed changes do not substantively affect the scope or change the meaning of the CEs. NOAA is proposing these revisions to correct grammatical errors, eliminate duplicative text, provide clarification for practitioners, ensure consistency, update examples, and use plain language. The proposed text of each of the CEs for which NOAA proposes technical and editorial changes are as follows: ''A2: Preparation of a recovery plan pursuant to Section 4(f)(1) of the Endangered Species Act (16 U.S.C. 1553(f)(1)). Such plans are advisory documents that provide consultative and technical assistance in recovery planning and do not implement site-specific or species-specific management actions. However, implementation of specific tasks identified in a recovery plan may require additional NEPA analysis depending on the nature of the action.

''A3: Temporary fishery closures or extensions of closures under Section 305(c)(3)(C) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(c)(3)(C)) to ensure public health and safety.

''A6: Review and approval of changes to state coastal management programs under Section 306(e) of the Coastal Zone Management Act (16 U.S.C. 1455(e)) and NOAA's regulations at 15 CFR. Part 923.

''B1: Issuance of permits or permit modifications under Section 10(a)(1)(A) of the Endangered Species Act (ESA) (16 U.S.C. 1539(a)(1)(A)) for take, import, or export of endangered species for scientific purposes or to enhance the propagation or survival of the affected species, or in accordance with the requirements of an ESA Section 4(d) regulation for threatened species.

''B2: Issuance of permits or permit amendments under Section 104 of the Marine Mammal Protection Act (16 U.S.C. 1374) for take or import of marine mammals for scientific research, enhancement, commercial or educational photography or public display purposes; and issuance of Letters of Confirmation under the General Authorization for scientific research involving only Level B harassment.

''B3: Issuance of, and amendments to, 'low effect' Incidental Take Permits and their supporting 'low effect' Habitat Conservation Plans under Section 10(a)(1)(B) of the Endangered Species Act (16 U.S.C. 1539(a)(1)(B)).

''B4: Issuance of incidental harassment authorizations under Sections 101(a)(5)(A) and (D) of the Marine Mammal Protection Act (16 U.S.C. 1371(a)(5)(A) and (D)) for the incidental, but not intentional, take by harassment of marine mammals during specified activities and for which no serious injury or mortality is anticipated.

''B5: Issuance of, or amendments to, general permits for activities that are included in established permit categories at 15 CFR part 922 subpart D and that meet the regulatory review criteria at 15 CFR. Part 922 subpart D, and any applicable site-specific regulations.

''B6: Issuance of, or amendments to, special use permits for activities in a national marine sanctuary that are necessary to establish conditions of access to and use of any sanctuary resource or promote public use and understanding of a sanctuary resource and must be conducted in a manner that does not destroy, cause the loss of, or injure sanctuary resources in accordance with Section 310 of the National Marine Sanctuaries Act (16 U.S.C. 1441).

''B7: Issuance of, or amendments to, authorizations for activities allowed by a valid Federal, regional, state, local or tribal government approval (*e.g.,* leases, permits, and licenses) issued after the effective date of designation or expansion, so long as such authorizations are based upon a consideration of the regulatory review criteria at 15 CFR part 922, subpart D.

''B8: Issuance of, or amendments to, certifications for pre-existing activities authorized by a valid Federal, regional, state, local, or tribal government approval (*e.g.,* leases, permits, and licenses) or rights of subsistence use or access in existence on the effective date of the final regulations for a designation or revised terms of designation of any national marine sanctuary where the Office of National Marine Sanctuaries issues terms and conditions that are either ministerial or prescribe avoidance, minimization, or mitigation measures.

''B9: Issuance of, or amendments to, Papahānaumokuākea Marine National Monument (as originally established by Presidential Proclamation 8031, and named Papahānaumokuākea by Presidential Proclamation 8112) permits for activities that are included in established permit categories (50 CFR part 404) and that meet the regulatory review criteria (50 CFR 404.11), that limit any potential impacts so that the proposed activity will be conducted in a manner compatible with the monument's primary objective of resource protection.

''B12: Issuance of Exempted Fishing Permits, Scientific Research Permits, and other permits for research that may impact species regulated under the authority of the Magnuson- Stevens Fishery Conservation and Management Act and the Atlantic Tunas Convention Act. This CE is limited to permits that authorize activities that are limited in size, magnitude, or duration with no potential for significant individual or cumulative impacts.

''C1: Habitat restoration actions, provided that such action: (1) Transplants only organisms currently or formerly present at the site or in its immediate vicinity (if transplant is a component of the action); (2) Does not require substantial placement of fill or dredging; (3) Does not involve any removal of debris, excavation, or conditioning of soils unless such removal of debris, excavation, or conditioning of soils is geographically limited to the impact area such that site conditions will not impede or negatively alter natural processes, is in compliance with all permit and disposal requirements, and will not impact aquifers or recharge areas; and (4) Does not involve an added risk of human or environmental exposure to toxic or hazardous substances, pathogens, or radioactive materials.

''Note on the application of C1: If applicable, limitations and mitigation measures identified in the NOAA Restoration Center Programmatic Environmental Impact Statement for Habitat Restoration Actions must be followed. This CE includes, but is not limited to, response or restoration actions under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Oil Pollution Act (OPA), or National Marine Sanctuaries Act (NMSA), if such actions help to restore an ecosystem, habitat, biotic community, or population of living resources to a determinable pre-impact condition prior to the incident leading to the response or restoration. The decision maker should consider the scope and scale of response and restoration actions proposed under CERCLA, OPA, or NMSA, which may preclude the use of this CE.

''D2: Provision of a grant, a contract or other financial assistance to a State, Fishery Management Council, or Marine Fisheries Commission under Section 402(d) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a(d)).

''E2: Social science projects and programs, including economic, political science, human geography, demography, and sociology studies.

''E6: Research that involves the development and testing of new and modified fishing gear and technology in order to reduce adverse effects from fishing gear on non-target species, and is limited in size, magnitude, or duration.

''F5: Installation, operation, maintenance, improvements, repair, upgrade, removal, and/or replacement of instruments or instrument systems in or on: (1) An existing structure or object (*e.g.,* tower, antenna, building, pier, buoy, terrestrial vehicle, or bridge), (2) On previously disturbed (*e.g.,* filled, paved, or cleared) ground, or (3) On undisturbed ground, if the equipment installation, operation, and removal will require no or minimal ground disturbance. Microwave/radio communications towers and antennas must be limited to 200 feet in height without guy wires.

''F6: The determination that real property is excess to the needs of NOAA, when the real property is excessed in conformity with General Services Administration procedures or is legislatively authorized to be excessed.

''G1: Routine administrative actions such as (1) program planning, direction and evaluation, (2) administrative tasks, services, and support including personnel and fiscal management, advisory services, document and policy preparation, and records management, and (3) development, establishment, or modification of an interagency agreement, memorandum of understanding, memorandum of agreement, cooperative agreement, or university agreement for administrative purposes. This CE does not include any associated activities proposed in these documents beyond the administrative task of creating and establishing the document. Actions subsequently funded by or undertaken pursuant to the approved documents may require additional NEPA review at the time those actions are proposed.

''G5: Enforcement operations conducted under statutory mandate. This does not include bringing judicial or administrative civil or criminal enforcement actions which are outside the scope of NEPA.

''G8(a): Activities that take place in existing facilities and are purely educational, informational, or advisory to other agencies, public and private entities, visitors, individuals, or the general public, including meetings, virtual training exercises, and simulations.

''G8(b): Activities that take place outside of existing facilities and are educational, information, or advisory to other agencies, public and private entities, visitors, individuals, or the general public, including field training exercises.

''H7: Transferring real property to a non-Federal entity, an agency other than the General Services Administration, as well as to States, local agencies, and Indian Tribes, including return of public domain lands to the Department of the Interior.''

Proposed Substantive Changes

NOAA's review of its CEs determined that the following four CEs would benefit from revisions that clarify the scope and applicability of the CEs. Internal discussions also resulted in many instances in the addition or revision of examples provided for the CEs for the benefit of NOAA NEPA practitioners. This section explains the substantive revisions NOAA is proposing to its CEs and the rationale for those revisions.

A1: Updates to Fishery Management Actions

NOAA is proposing to amend A1 in order to increase clarity for NOAA staff on its scope and purpose. This CE is intended to cover fishery management actions under the Magnuson-Stevens Fishery Conservation and Management Act that do not substantially change fishing location, timing, effort, gear type or harvest levels. This class of fishery management actions tends to be changes or corrections to previously implemented actions such as technical corrections; changes to reporting and notification requirements; changes to provisions for allowable gear when transiting through closed areas; setting annual catch limits, quotas, retention limits, possession limits, trip limits, or size limits; implementation of regional fishery management organization decisions that are similar to annual catch or retention limits (*e.g.,* authorized harvest levels, adjustments for exceeding or not fully harvesting a U.S. catch limit, adjustments for transferring U.S. quota to another country per negotiations, adjustments to size limits, conservation equivalency); adjustment to catch share program rules (*e.g.,* methods of accountability or distribution); and measures intended to improve human safety at sea.

The proposed text is as follows: ''A1: A fishery management action, including those that change regulations, which does not result in a substantial change in any of the following: fishing location, timing, effort, authorized gear types, or harvest levels.''

A5: Updates to National Estuarine Research Reserve Actions

NOAA is proposing to amend A5 to allow for National Estuarine Research Reserve (NERR) boundary changes so long as certain conditions are met. Additionally, the CE would be limited in that it does not apply to new NERR management plans, the addition of a new component to the NERR, or to the execution of any specific action subsequently funded to support the updated NERR management plan. The proposed changes and revisions would not result in a substantial change in scope or applicability from the listed CEs.

The proposed text is as follows: ''A5: Updates to existing National Estuarine Research Reserve (NERR) management plans and boundary changes, as long as these changes do not significantly change allowable uses, uses requiring a permit, or restrictions on uses. This CE includes changes to the NERR boundary where the following conditions are met: (1) The boundary change meets site selection and feasibility criteria. 15 CFR 921.11; (2) The proposed management of the properties is consistent with the NERRS regulations. 15 CFR 921.1, 921.13; and (3) The state has adequate state control over the parcels. 15 CFR 921.30(a). This CE does not apply to management plans for newly designated NERRs, the addition of a new component to a multiple-site NERR, or to the execution of any specific action subsequently funded by NOAA to support the updated NERR management plan.''

E1 & E3 Updates to Research-Related Actions

NOAA is proposing to create a streamlined E3 CE that combines a portion of the E1 CE with the E3, E4, and E5 CEs in an effort to consolidate research-related activities. This consolidation would increase certainty and efficiency in practice and align NOAA's NEPA procedures more closely to other agencies' NEPA procedures, which often only have a single research-related CE. This change is not intended to change the scope of actions covered under the existing CEs. The past several years implementing the 2017 CEs have revealed practical inefficiencies and confusion around selecting the appropriate research-related CE—between E1, which largely focused on laboratory-based activities; E3, which largely focused on nondestructive data collection techniques; E4, which largely focused on the observation of living resources, without physical contact; and E5, which largely focused on physical interaction with living resources. It was not uncommon for a proposed action to involve activities that fell within the gambit of more than one of these research-related CEs. Because the activities under each of these CEs have already been determined by NOAA to not have individual or aggregate significant impacts on the human environment and the research activities considered are at times a single proposed action, NOAA has determined it is appropriate to combine E1 (in part), E3, E4, and E5 into a single research-related CE. The consolidation of E1 (in part), E3, E4, and E5 will rectify the unnecessary administrative burden present in the current NOAA NEPA Procedures and reduce uncertainty, increase efficiency, and ensure compliance with NEPA when applying CEs. Although this change is not intended to change the scope of actions covered under the 2017 CEs, NOAA is proposing to clarify the bounds of the proposed revised E3 by identifying two prerequisites for its use. Specifically, any activities covered by the proposed CE would be required to: (1) use scientifically accepted best management practices (BMPs) or peer-reviewed scientifically accepted methods that minimize impacts, as applicable, and (2) avoid locations or times that would normally result in long-term adverse ecosystem impacts. These changes, along with a new definition of ''long-term adverse ecosystem impacts'' and examples of best management practices in the substantiation record, are intended to elucidate the types of ''methodologies and locations to ensure that there are no long-term adverse impacts to ecosystems'' that were considered in the 2017 version of E5.

The proposed text is as follows: ''E1: Computational and dry laboratory activities including data input and analysis; database and software development and maintenance; virtual simulations and modeling; and bench-scale fabrication, development, calibration, and testing of prototypes.''

''E3: Scientific research activities that involve: field observation, measurements, or surveys; collecting, analyzing, processing, or archiving samples or data; capturing, handling, marking, or tagging living specimens; or any combination thereof.

''This CE applies so long as the activities: (1) use scientifically accepted best management practices (BMPs) or peer-reviewed scientifically accepted methods that minimize impacts, as applicable, and (2) avoid locations or times that would normally result in

long-term adverse ecosystem impacts. Long-term adverse ecosystem impacts means an impact that persists after the project has concluded that alters or disrupts ecosystem functioning, such as modifying species behavioral patterns or altering habitat functions. The Administrative Record to this CE presents a non-exhaustive list of available resources on BMPs and peer-reviewed scientifically accepted methods that apply to many of the activities encompassed by this CE.''

E4: Updates to Aquaculture Research Actions

The proposed edits to the aquaculture research CE, E8, would reduce unnecessary administrative burden for aquaculture activities with no potential for significant impacts to the human environment, reduce uncertainty, increase efficiency, and ensure compliance with NEPA. This CE would be limited to research activities conducted at land-based facilities and does not extend to operations of the facility that are independent of research activities. The scope of this CE would not extend to aquaculture farms or aquaculture research sites operating in marine or coastal waters.

The proposed text is as follows: ''E4: Biological, chemical, food production, ecological, or toxicological research conducted in an established, land-based mesocosm or aquaculture facility (*e.g.,* recirculating aquaculture system, biofloc system, hatchery) that employs recommended protocols providing for containment and disposal of waste, chemicals, toxins, non-native species, etc., in compliance with established Federal and state regulatory guidelines, and best management practices.''

NOAA requests comments from the public on its proposed revisions to existing CEs and new CEs. NOAA also invites comment on the substantiation record and supporting materials it has prepared to substantiate this proposal. The agency will consider input from the public and consult with CEQ for a conformity determination before finalizing its proposal.

Dated: July 18, 2025.

David Langdon,

Deputy Director of Policy, Department of Commerce.

[FR Doc. 2025–14110 Filed 7–25–25; 8:45 am]

BILLING CODE 3510–12–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Requirements for Approved Construction Investments

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 November 7, 2024 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: Economic Development Administration (EDA), Department of Commerce.

Title: Requirements for Approved Construction Investments.

OMB Control Number: 0610–0096.

Form Number(s): None.

Type of Request: Regular submission (revision and extension of a currently approved information collection).

Number of Respondents: 3,500.

Average Hours per Response: 2 hours.

Burden Hours: 7,000 hours.

Needs and Uses: EDA may award assistance for construction projects through its Public Works and Economic Adjustment Assistance (EAA) Programs. Public Works Program investments help support the construction or rehabilitation of essential public infrastructure and facilities necessary to generate or retain private sector jobs and investments, attract private sector capital, and promote vibrant economic ecosystems, regional competitiveness and innovation. The EAA Program provides a wide range of technical, planning and infrastructure assistance in regions experiencing adverse economic changes that may occur suddenly or over time.

EDA is seeking an extension of the series of checklists and templates that constitute EDA's post-approval construction tools and the Standard Terms and Conditions for Construction Projects. These checklists and templates, as well as any special conditions incorporated into the terms and conditions at the time of award, supplement the requirements that apply to EDA-funded construction projects.

Affected Public: Current recipients of EDA construction (Public Works or Economic Assistance Adjustment) awards, to include (1) cities or other political subdivisions of a state, including a special purpose unit of state or local government engaged in economic or infrastructure development activities, or a consortium of political subdivisions; (2) states; (3) institutions of higher education or a consortium of institutions of higher education; (4) public or private non-profit organizations or associations; (5) District Organizations; and (6) Indian Tribes or a consortia of Indian Tribes.

Frequency: One time, although some are periodic.

Respondent's Obligation: Mandatory.

Legal Authority: The Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 *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 the title of the collection.

Sheleen Dumas,

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

[FR Doc. 2025–14202 Filed 7–25–25; 8:45 am]

BILLING CODE 3510–24–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Delivery Verification Procedure for Imports

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and

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

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before September 26, 2025.

ADDRESSES: Interested persons are invited to submit comments by email to Nancy Kook, IC Liaison, Bureau of Industry and Security, at *PRA@bis.doc.gov* or to *PRAcomments@doc.gov*). Please reference OMB Control Number 0694–0016 in the subject line of your comments. 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 Nancy Kook, IC Liaison, Bureau of Industry and Security, phone 202–482–2440 or by email at *PRA@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

Foreign governments, on occasions, require U.S. importers of strategic commodities to furnish their foreign supplier with a U.S. Delivery Verification Certificate validating that the commodities shipped to the U.S. were in fact received. This procedure increases the effectiveness of controls on the international trade of strategic commodities.

II. Method of Collection

Electronically or on paper.

III. Data

OMB Control Number: 0694–0016.

Form Number(s): BIS–647P.

Type of Review: Regular submission, extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 21.

Estimated Time per Response: 40 minutes.

Estimated Total Annual Burden Hours: 14 hours.

Estimated Total Annual Cost to Public: 0.

Respondent's Obligation: Voluntary.

Legal Authority: Export Control Reform Act of 2018 (Title XVII, Subtitle B of Pub. L. 115–232) (ECRA).

IV. Request for Comments

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

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

Sheleen Dumas,

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

[FR Doc. 2025–14140 Filed 7–25–25; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; International Import Certificate

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Notice of information collection, request for comment.

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

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before September 26, 2025.

ADDRESSES: Interested persons are invited to submit comments by email to Nancy Kook, IC Liaison, Bureau of Industry and Security, at *PRA@bis.doc.gov* or to *PRAcomments@doc.gov*). Please reference OMB Control Number 0694–0017 in the subject line of your comments. 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 Nancy Kook, IC Liaison, Bureau of Industry and Security, phone 202–482–2440 or by email at *PRA@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

Foreign governments, on occasions, require U.S. importers of strategic commodities to furnish their foreign supplier with a U.S. Delivery Verification Certificate validating that the commodities shipped to the U.S. were in fact received. This procedure increases the effectiveness of controls on the international trade of strategic commodities.

II. Method of Collection

Electronically or on paper.

III. Data

OMB Control Number: 0694–0017.

Form Number(s): BIS–645P.

Type of Review: Regular submission, extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 550.

Estimated Time per Response: 16 minutes.

Estimated Total Annual Burden Hours: 146.7 hours.

Estimated Total Annual Cost to Public: 0.

Respondent's Obligation: Voluntary.

Legal Authority: Section 1761(h) of the Export Control Reform Act of 2018 (Title XVII, Subtitle B of Pub. L. 115–232) (ECRA).

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a)

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

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

Sheleen Dumas,

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

[FR Doc. 2025–14141 Filed 7–25–25; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–833]

Large Diameter Welded Pipe From the Republic of Türkiye: Preliminary Results and Rescission, in Part, of Antidumping Duty Administrative Review; 2023–2024

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that large diameter welded pipe (welded pipe) from the Republic of Türkiye (Türkiye) is not being sold in the United States at less than normal value (NV) during the period of review (POR), May 1, 2023, through April 30, 2024. We are also rescinding this review with respect to three companies for which all requests for review where withdrawn and seven companies which had no entries in the U.S. Customs and Border Protection (CBP) data. Interested parties are invited to comment on these preliminary results.

DATES: Applicable July 28, 2025.

FOR FURTHER INFORMATION CONTACT: Benito Ballesteros, AD/CVD Operations, Office IX, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–7425.

SUPPLEMENTARY INFORMATION:

Background

On May 2, 2019, Commerce published in the **Federal Register** the antidumping duty (AD) order on welded pipe from Türkiye.[1] On July 5, 2024, Commerce initiated an administrative review of the *Order* covering 12 companies, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).[2] On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.[3] On December 9, 2024, Commerce tolled certain deadlines in this administrative proceeding by an additional 90 days.[4] On April 29, 2025, Commerce extended the deadline for the preliminary results of this administrative review until June 5, 2025.[5] Finally, on May 30, 2025, Commerce extended the deadline for the preliminary results of this administrative review until July 23, 2025.[6]

For details regarding the events that occurred subsequent to the initiation of this review, *see* the Preliminary Decision Memorandum.[7] A list of topics discussed in the Preliminary Decision Memorandum is included in as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov*. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx*.

Scope of the Order

The merchandise covered by the *Order* is welded pipe from Türkiye. For a complete description of the scope of the *Order, see* the Preliminary Decision Memorandum.

Partial Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if a party who requested the review withdraws the request within 90 days of the date of publication of the notice of initiation in the **Federal Register**. On October 3, 2024, the petitioner[8] timely withdrew its request for review of three companies: (1) Noksel Celik Boru Sanayi A.S. (Noksel); (2) Toscelik Profil ve Sac End. A.S.[9] (Toscelik Profil); and (3) Toscelik Spiral Boru Uretim A.S. (Toscelik Spiral).[10] Because no other party requested a review of Noksel, Toscelik Profil, or Toscelik Spiral, Commerce is rescinding this review with respect to these companies, in accordance with 19 CFR 351.213(d)(1).

Further, pursuant to 19 CFR 351.213(d)(3), Commerce will rescind an administrative review when there are no reviewable entries of subject merchandise during the POR for which liquidation is suspended.[11] Normally, upon completion of an administrative review, the suspended entries are liquidated at the AD assessment rate calculated for the review period.[12] Therefore, for an administrative review of a company to be conducted, there

[1] *See Large Diameter Welded Pipe from the Republic of Turkey: Amended Final Affirmative Antidumping Duty Determination and Antidumping Duty Order,* 84 FR 18799 (May 2, 2019); and *Large Diameter Welded Pipe from the Republic of Turkey: Notice of Court Decision Not in Harmony With Amended Final Determination in the Less-Than-Fair-Value Investigation; Notice of Amended Final Determination Pursuant to Court Decision; and Notice of Revocation of Antidumping Duty Order, in Part,* 85 FR 35262 (June 9, 2020) (*Amended Final Determination*) (collectively, *Order*).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 89 FR 55567 (July 5, 2024) (*Initiation Notice*).

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

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

[5] *See* Memorandum, ''Extension of Deadline for Preliminary Results of 2023—2024 Antidumping Duty Administrative Review,'' dated April 29, 2025.

[6] *See* Memorandum, ''Extension of Deadline for Preliminary Results of 2023—2024 Antidumping Duty Administrative Review,'' dated May 30, 2025.

[7] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review of Large Diameter Welded Pipe from the Republic of Türkiye; 2023–2024,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[8] The petitioner is the American Line Pipe Producers Association Trade Committee.

[9] In English, this company's name is Toscelik Profile and Sheet Ind. Co.

[10] *See* Petitioner's Letter, ''Partial Withdrawal of Request for Administrative Review,'' dated October 3,2024.

[11] *See, e.g., Large Diameter Welded Pipe from Greece: Rescission of Antidumping Duty Administrative Review; 2022–2023,* 89 FR 4274 (January 23, 2024).

[12] *See* 19 CFR 351.212(b)(2).

must be a reviewable, suspended entry that Commerce can instruct CBP to liquidate at the AD assessment rate calculated for the POR.[13]

On September 5, 2024, we notified parties of our intent to rescind this administrative review, in part, with respect to the following companies because there were no suspended entries of subject merchandise produced or exported by these companies during the POR: (1) Cagil Makina San ve Tic A.S. AKA Cagil Makina A.S. (Cagil); (2) Cimtas Boru Imalatiral Ticaret Ltd. (Cimtas); (3) Erciyas Celik Boru Sanayi A.S. (Erciyas); (4) Mazlum Mangtay Boru Son. Ins. Tar. Urn. San. ve Tic. A.S. (Mazlum); (5) Ozbal Celik Boru San. Tic. Ve TAAH A.S. (Ozbal); (6) Spirally Welded Steel Pipe Inc. (Spirally Welded); and (7) Umran Celik Boru Sanayii A.S. (Umran).[14] We invited interested parties to comment on our intent to rescind the review, in part;[15] however, we received no comments from interested parties. Therefore, in the absence of any suspended entries of subject merchandise from Cagil, Cimtas, Erciyas, Mazlum, Ozbal, Spirally Welded, and Umran during the POR, we are rescinding the administrative review for these companies, in accordance with 19 CFR 351.213(d)(3).

Methodology

Commerce is conducting this review in accordance with sections 751(a)(1) and (2) of the Act. We calculated constructed export price in accordance with section 772(b) of the Act. We calculated NV in accordance with section 773 of the Act. For a full description of the methodology underlying these preliminary results, *see* the Preliminary Decision Memorandum.

Review-Specific Rate for Companies Not Selected for Individual Review

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

Where the weighted-average dumping margins for individually examined respondents are zero, *de minimis,* or determined based entirely on facts available, section 735(c)(5)(B) of the Act provides that Commerce may use ''any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated . . .'' In this review, Commerce preliminarily calculated a weighted-average dumping margin of zero percent for HDM Celik Boru Sanayi Ve Ticaret A.S (HDM). Therefore, we are preliminarily assigning a rate of zero percent to Emek Boru Makine Sanayi ve Ticaret A.S. (Emek Boru), the company not selected for individual examination in this review, in accordance with section 735(c)(5)(B) of the Act.

Preliminary Results of the Review

We preliminarily determine that the following estimated weighted-average dumping margins exist for the period of May 1, 2023 through April 30, 2024:

Producer or Exporter	Weighted-average dumping margin (percent)
HDM Celik Boru Sanayi Ve Ticaret A.S.[16]	0.00
Emek Boru Makine Sanayi ve Ticaret A.S	0.00

Verification

On October 14, 2024, the petitioner requested that Commerce conduct verification of the factual information submitted by HDM in this administrative review.[17] Accordingly, as provided in section 782(i)(3) of the Act, we verified the information we relied upon in these preliminary results.[18]

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties for these preliminary results within five days of any 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).

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. Pursuant to 19 CFR 351.309(c)(1)(ii), we have modified the deadline for interested parties to submit case briefs to Commerce to no later than 21 days after the date of the publication of this notice. Rebuttal briefs, limited to issues raised in case briefs, may be filed no later than five days after the date for filing case briefs.[19] Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[20] All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings, we have encouraged interested parties to provide an executive summary of their briefs that should be limited to five pages total, including footnotes. In this review, we instead request that interested parties provide, at the beginning of their briefs, a public executive summary for each issue raised in their briefs.[21] Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[22]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement

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

[14] *See* Memorandum, ''Notice of Intent to Rescind Review, In Part,'' dated September 5, 2024.

[15] *Id.*

[16] This rate also applies to HDM Spiral Kaynakli Celik Boru A.S., the English name of which is HDM Spirally Welded Steel Pipe Inc.

[17] *See* Petitioner's Letter, ''Request for Verification,'' dated October 14, 2024.

[18] *See* Memoranda, ''Verification of the Sales Response of HDM Çelik Boru Sanayi ve Ticaret A.Ş.,'' dated May 1, 2025; and ''Verification of the Sales Response of JD Fields & Company,'' dated May 12, 2025.

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

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

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

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

and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing.[23]

Assessment Rates

Upon completion of this administrative review, Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[24] The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by this review and for future deposits of estimated duties, where applicable.[25] Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Pursuant to 19 CFR 351.212(b)(1), if HDM's weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.5 percent) in the final results of this review, we intend to calculate importer-specific *ad valorem* antidumping duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of those same sales. If HDM's weighted-average dumping margin in the final results is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific rate is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(2), we intend to instruct CBP to liquidate the appropriate entries without regard to antidumping duties.[26]

Commerce's ''automatic assessment'' practice will apply to entries of subject merchandise during the POR produced by HDM for which it did not know that the merchandise it sold to an intermediary (*e.g.,* a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate those entries at the all-others rate (*i.e.,* 1.57 percent) [27] if there is no rate for the intermediate company(ies) involved in the transaction.[28]

For Emek Boru, the company that was not selected for individual examination, we intend to assign an assessment rate equal to the weighted-average dumping margin calculated in the final results of this review for HDM, unless that rate is zero or *de minimis,* in which case we intend to instruct CBP to liquidate relevant entries without regards to antidumping duties.

For the companies for which we are rescinding this review, we will instruct CBP to assess antidumping duties on all appropriate entries at a rate equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, in accordance with 19 CFR 351.212(c)(l)(i). Commerce intends to issue these rescission instructions to CBP no earlier than 35 days after the date of publication of this notice in the **Federal Register**.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies listed above will be equal to the weighted-average dumping margin established in the final results of this review, except if the rate is *de minimis* (*i.e.,* less than 0.50 percent), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not covered by this review, the cash deposit rate will continue to be the company-specific rate published for the most recently-completed segment of this proceeding in which the company was examined; (3) if the exporter is not a firm covered in this review, a prior review, or the LTFV investigation, but the producer is, the cash deposit rate will be the rate established for the most recently-completed segment of this proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 1.57 percent, the all-others rate established in the *Amended Final Determination.* [29] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Final Results of Review

Unless otherwise extended, Commerce intends to issue the final results of this administrative review including the results of its analysis of issues raised in written briefs, no later than 120 days after the date of publication of this notice in the **Federal Register**, pursuant to 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties, and/or an increase in the amount of antidumping duties by the amount of the countervailing duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, 19 CFR 351.213, and 351.221(b)(4).

Dated: July 22, 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

Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Discussion of the Methodology
V. Currency Conversion
VI. Recommendation

[FR Doc. 2025–14214 Filed 7–25–25; 8:45 am]

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[23] *See* 19 CFR 351.310(d).

[24] *See* 19 CFR 351.212(b)(1)

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

[26] *Id.*

[27] *See Amended Final Determination,* 85 FR at 35263.

[28] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[29] *See Amended Final Determination,* 85 FR at 35263.

DEPARTMENT OF COMMERCE

International Trade Administration

[C–428–848]

Forged Steel Fluid End Blocks From the Federal Republic of Germany: Final Results of the Countervailing Duty Administrative Review; 2023

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that countervailable subsidies were provided to BGH Edelstahl Siegen GmbH (BGH), a producer and exporter of forged steel fluid end blocks (fluid end blocks) from the Federal Republic of Germany (Germany). The period of review (POR) is January 1, 2023, through December 31, 2023.

DATES: Applicable July 28, 2025.

FOR FURTHER INFORMATION CONTACT: Rachel Accorsi or Shane Subler, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3149 or (202) 482–6241, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 19, 2024, Commerce published the *Preliminary Results* of this administrative review in the **Federal Register**, and invited interested parties to comment.[1] On December 9, 2024, Commerce tolled the deadline to issue the final results in this administrative review by 90 days.[2] On July 3, 2025, Commerce extended the deadline for these final results to July 22, 2025.[3] For a complete description of the events that occurred subsequent to the *Preliminary Results, see* the Issues and Decision Memorandum.[4]

Scope of the Order[5]

The products covered by the *Order* are fluid end blocks from Germany. A full description of the scope of the *Order* is contained in the Issues and Decision Memorandum.

Analysis of Comments Received

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

Changes Since the Preliminary Results

Based on our analysis of comments received from interested parties and the evidence on the record, we have not made any changes to the *Preliminary Results.* The reasons for this conclusion are explained in the Issues and Decision Memorandum. Accordingly, we made no changes to the countervailable subsidy rate calculations from the *Preliminary Results* for mandatory respondent BGH.[6]

Methodology

Commerce conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found to be countervailable, we find that there is a subsidy, *i.e.,* a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.[7] The Issues and Decision Memorandum contains a full description of the methodology underlying Commerce's conclusions.

Final Results of Review

In accordance with 19 CFR 351.221(b)(5), we calculated an individual net countervailable subsidy rate for BGH. Commerce determines that, during the POR, the net countervailable subsidy rate for the producer/exporter under review is as follows:

Company	Subsidy rate (percent *ad valorem*)
BGH Edelstahl Siegen GmbH[8]	3.51

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with the final results of a review within five days of the date of publication of the notice in the **Federal Register** in accordance with 19 CFR 351.224(b). However, because Commerce has not made any changes to the *Preliminary Results,* there are no new calculations to disclose.

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), 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 final results of this review, for BGH at the applicable *ad valorem* assessment rates listed for the POR (*i.e.,* January 1, 2023, to December 31, 2023). Commerce intends to issue assessment instructions to CBP for these companies no earlier than 35 days after the publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

In accordance with section 751(a)(1) of the Act, Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for the POR for the company listed above 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

[1] *See Forged Steel Fluid End Blocks from Germany: Preliminary Results and Recission, In Part of Countervailing Duty Administrative Review; 2023,* 89 FR 103780 (December 19, 2024) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

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

[3] *See* Memorandum, ''Extension of Deadline for Final Results of Countervailing Duty Administrative Review,'' dated July 3, 2025.

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

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

[6] *See* Memorandum, ''Preliminary Results Calculations for BGH Edelstahl Siegen GmbH,'' dated December 12, 2024.

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

[8] Commerce found the following companies to be cross-owned with BGH Edelstahl Siegen GmbH: Boschgotthardshütte O. Breyer GmbH, BGH Edelstahlwerke GmbH, RPS Rohstoff-, Press- und Schneidbetrieb Siegen GmbH, and SRG Schrott und Recycling GmbH.

administrative review. For all non-reviewed firms subject to the *Order,* we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, effective upon publication of these final results, shall remain in effect until further notice.

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

We are issuing and publishing these final results of administrative review and notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: July 22, 2025.

Christopher Abbott,

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

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Subsidies Valuation
V. Analysis of Programs
VI. Discussion of the Issues
Comment 1: Whether the Electricity Price Brake Act (StromPBG) Is Specific
Comment 2: Whether the German Carbon Leakage Regulation (BECV) Is a Countervailable Subsidy
Comment 3: Whether the Climate Protection Technology Program (CPTP) Is Specific
Comment 4: Whether the Special Equalization Scheme (SES)—Reduced Surcharge Programs Are Countervailable
Comment 5: Whether the Electricity Tax Act (StromStG) and the Energy Tax Act (EnergieStG) Programs Are Specific
Comment 6: Whether the Free Allocation of EU ETS Allowances Is Countervailable
Comment 7: Whether the EU ETS—Compensation of Indirect CO_2 Costs Program Is Countervailable
VII. Recommendation

[FR Doc. 2025–14216 Filed 7–25–25; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–172, C–570–173]

Vanillin From the People's Republic of China: Antidumping and Countervailing Duty Orders

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

SUMMARY: Based on affirmative final determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC), Commerce is issuing antidumping (AD) and countervailing duty (CVD) orders on vanillin from the People's Republic of China (China).

DATES: Applicable July 28, 2025.

FOR FURTHER INFORMATION CONTACT: Bryan Hansen (AD) or Dylan Hill (CVD) AD/CVD Operations, Offices I and IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3683 and (202) 482–1197, respectively.

SUPPLEMENTARY INFORMATION:

Background

In accordance with sections 705(d), 735(d), and 777(i) of the Tariff Act of 1930, as amended (the Act), on June 6, 2025, Commerce published its affirmative final determination of sales at less-than-fair-value (LFTV) of vanillin from China and its affirmative final determination that countervailable subsidies are being provided to producers and exporters of vanillin from China.[1]

On July 18, 2025, the ITC notified Commerce of its final affirmative determinations that an industry in the United States is materially injured within the meanings of sections 705(b)(1)(A)(i) and 735(b)(1)(A)(i) of the Act by reason of subsidized imports of vanillin from China and by reason of imports of vanillin that are sold in the United States at less than fair value.[2]

Scope of the Orders

The product covered by these orders is vanillin from China. For a complete description of the scope of these orders, *see* the appendix to this notice.

Antidumping Duty Order

On July 18, 2025, in accordance with section 735(d) of the Act, the ITC notified Commerce of its final determination that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act by reason of imports of vanillin that are sold in the United States for less than fair value. Therefore, in accordance with sections 735(c)(2) and 736 of the Act, Commerce is issuing this AD order. Because the ITC determined that imports of vanillin from China are materially injuring a U.S. industry, unliquidated entries of such merchandise from China, entered or withdrawn from warehouse for consumption, are subject to the assessment of antidumping duties.

Therefore, in accordance with section 736(a)(1) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise for all relevant entries of vanillin from China. Antidumping duties will be assessed on unliquidated entries of vanillin from China entered, or withdrawn from warehouse, for consumption on or after January 16, 2025, the date of publication of the *LTFV Preliminary Determination,*[3] but will not include entries occurring after the expiration of the provisional measures period and before publication of the ITC's final injury determination, as further described in the ''Provisional Measures—AD '' section of this notice.

Suspension of Liquidation and Cash Deposits—AD

In accordance with section 736 of the Act, Commerce intends to instruct CBP to reinstitute the suspension of liquidation of vanillin from China, effective on the date of publication of the ITC's final affirmative injury determination in the **Federal Register**. These instructions suspending liquidation will remain in effect until further notice. Commerce also intends

[1] *See Vanillin from the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value,* 90 FR 24093 (June 6, 2025); *see also Vanillin from the People's Republic of China: Final Affirmative Countervailing Duty Determination,* 90 FR 24095 (June 6, 2025).

[2] *See* ITC's Letter, ''Chair Determinations Letter to Commerce,'' dated July 18, 2025 (ITC Notification Letter).

[3] *See Vanillin from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination and Extension of Provisional Measures,* 90 FR 4720 (January 16, 2025) (*LTFV Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

to instruct CBP to require cash deposits equal to the estimated weighted-average dumping margins indicated in the table below. The rate for the China-wide entity applies to all producers and exporters not specifically listed below, as appropriate.

Estimated Weighted-Average Dumping Margins

The estimated weighted-average dumping margins are as follows:

Exporter	Producer	Weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offsets) (percent)
Jiangxi Brother Pharmaceutical Co., Ltd	Jiangxi Brother Pharmaceutical Co., Ltd	190.20	190.15
Chongqing Thrive Fine Chemicals Co., Ltd	Chongqing Thrive Fine Chemicals Co., Ltd	190.20	190.15
HongKong Wictive Merchants Co., Ltd	Kunshan Asia Aroma Corp., Ltd	190.20	190.15
Kunshan Asia Aroma Corp., Ltd	Kunshan Asia Aroma Corp., Ltd	190.20	190.15
Mianyang Sunshine Bio-Tech Co., Ltd	Mianyang Sunshine Bio-Tech Co., Ltd	190.20	190.15
Shanghai Fuxin Fine Chemical Co., Ltd	Jiaxing Zhonghua Chemical Co., Ltd	190.20	190.15
Shenzhen Siyomicro Bio-Tech Co., Ltd	Shenzhen Siyomicro Bio-Tech Co., Ltd	190.20	190.15
Wuxi Lotus Essence Co., Ltd	Jiaxing Zhonghua Chemical Co., Ltd	190.20	190.15
Xiamen Bestally Biotechnology Co., Ltd	Xiamen Oamic Biotech Co., Ltd	190.20	190.15
China-Wide Entity		*379.87	379.82

* Rate based on facts available with adverse inferences.

Provisional Measures—AD

Section 733(d) of the Act states that suspension of liquidation pursuant to an affirmative preliminary determination may not remain in effect for more than four months, except where exporters representing a significant proportion of exports of the subject merchandise request that Commerce extend the four-month period to no more than six months. Commerce published the *LTFV Preliminary Determination* on January 16, 2025.

The provisional measures period, beginning on the date of publication of the LTFV *Preliminary Determination,* ended on July 14, 2025. Therefore, in accordance with section 733(d) of the Act and our practice,[4] Commerce will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of vanillin from China entered, or withdrawn from warehouse, for consumption after July 14, 2025, the final day on which the provisional measures were in effect, until and through the day preceding the date of publication of the ITC's final affirmative injury determination in the **Federal Register**. Suspension of liquidation and the collection of cash deposits will resume on the date of publication of the ITC's final determination in the **Federal Register**.

Countervailing Duty Order

As stated above, on July 18, 2025, the ITC notified Commerce of its final determinations that an industry in the United States is materially injured within the meaning of section 705(b)(1)(A)(i) of the Act by reason of subsidized imports of vanillin from China.[5] Therefore, in accordance with section 705(c)(2) of the Act, Commerce is issuing this countervailing duty order. Moreover, because the ITC determined that imports of vanillin from China are materially injuring a U.S. industry, unliquidated entries of such merchandise from China, entered or withdrawn from warehouse for consumption, are subject to the assessment of countervailing duties.

Therefore, in accordance with section 706(a) of the Act, Commerce intends to direct CBP to assess, upon further instruction by Commerce, countervailing duties on unliquidated entries of vanillin from China entered, or withdrawn from warehouse, for consumption on or after November 18, 2024, the date of the publication of the *CVD Preliminary Determination,*[6] but will not include entries occurring after the expiration of the provisional measures and before the publication in the **Federal Register** of the ITC's final injury determination under section 705(b) of the Act, as further described in the ''Provisional Measures—CVD'' section of this notice.

Suspension of Liquidation and Cash Deposits

In accordance with section 706 of the Act, we will instruct CBP to reinstitute suspension of liquidation on all relevant entries of vanillin from China, effective on the date of publication of the ITC's final affirmative injury determination in the **Federal Register**, and to assess, upon further instruction by Commerce, pursuant to section 706(a)(1) of the Act, countervailing duties for each entry of the subject merchandise in an amount based on the net countervailable subsidy rate for the subject merchandise. These instructions suspending liquidation will remain in effect until further notice.

Commerce will also instruct CBP to require cash deposits equal to the amounts as indicated below. Accordingly, effective on the date of publication of the ITC's final affirmative injury determination in the **Federal Register**, CBP will require, at the same time as importers would normally deposit estimated duties on the subject merchandise, a cash deposit for each entry of subject merchandise equal to the subsidy rates listed below.[7] The all-others rate applies to all producers or exporters not specifically listed below, as appropriate.

Estimated Countervailable Subsidy Rates

The estimated countervailable subsidy rates are as follows:

Company	Subsidy rate (percent *ad valorem*)
Jiaxing Guihua Imp. & Exp. Co., Ltd	42.10
All Others	42.10

Provisional Measures—CVD

Section 703(d) of the Act states that the suspension of liquidation pursuant

[4] *See, e.g., Certain Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea and Taiwan: Amended Final Affirmative Antidumping Determination for India and Taiwan, and Antidumping Duty Orders,* 81 FR 48390, 48392 (July 25, 2016).

[5] *See* ITC Notification Letter.

[6] *See Vanillin from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination with Final Antidumping Duty Determination,* 89 FR 90671 (November 18, 2024) (*CVD Preliminary Determination*).

[7] *See* section 706(a)(3) of the Act.

to an affirmative preliminary determination may not remain in effect for more than four months. Commerce published the *CVD Preliminary Determination* on November 18, 2024.[8] As such, the four-month period beginning on the date of the publication of the *Preliminary Determinations* ended on March 17, 2024.

Therefore, in accordance with section 703(d) of the Act, we instructed CBP to terminate the suspension of liquidation and to liquidate, without regard to countervailing duties, unliquidated entries of vanillin from China entered, or withdrawn from warehouse, for consumption after March 18, 2025, the date on which the provisional measures were no longer in effect, until and through the day preceding the date of publication of the ITC's final injury determination in the **Federal Register**. Suspension of liquidation and the collection of cash deposits will resume on the date of publication of the ITC's final determination in the **Federal Register**.

Establishment of the Annual Inquiry Service Lists

Commerce published the *Final Rule* and the *Procedural Guidance* in the **Federal Register** on September 20, 2021, and September 27, 2021, respectively.[9] The *Final Rule* and *Procedural Guidance* provide that Commerce will maintain an annual inquiry service list for each order or suspended investigation, and any interested party submitting a scope ruling application or request for circumvention inquiry shall serve a copy of the application or request on the persons on the annual inquiry service list for that order, as well as any companion order covering the same merchandise from the same country of origin.[10]

In accordance with the *Procedural Guidance,* for orders published in the **Federal Register** after November 4, 2021, Commerce will create an annual inquiry service list segment in Commerce's online e-filing and document management system, Antidumping and Countervailing Duty Electronic Service System (ACCESS), available at *https://access.trade.gov,* within five business days of publication of the notice of the order. Each annual inquiry service list will be saved in ACCESS, under each case number, and under a specific segment type called ''AISL-Annual Inquiry Service List.'' [11]

Interested parties who wish to be added to the annual inquiry service list for an order must submit an entry of appearance to the annual inquiry service list segment for the order in ACCESS within 30 days after the date of publication of the order. For ease of administration, Commerce requests that law firms with more than one attorney representing interested parties in an order designate a lead attorney to be included on the annual inquiry service list. Commerce will finalize the annual inquiry service list within five business days thereafter. As mentioned in the *Procedural Guidance,* [12] the new annual inquiry service list will be in place until the following year, when the *Opportunity Notice* for the anniversary month of the order is published.

Commerce may update an annual inquiry service list at any time as needed based on interested parties' amendments to their entries of appearance to remove or otherwise modify their list of members and representatives, or to update contact information. Any changes or announcements pertaining to these procedures will be posted to the ACCESS website at *https://access.trade.gov.*

Special Instructions for Petitioners and Foreign Governments

In the *Final Rule,* Commerce stated that, ''after an initial request and placement on the annual inquiry service list, both petitioners and foreign governments will automatically be placed on the annual inquiry service list in the years that follow.'' [13] Accordingly, as stated above, the petitioner and the Government of China (GOC) should submit their initial entries of appearance after publication of this notice in order to appear in the first annual inquiry service lists for these orders for which they qualify as interested parties. Pursuant to 19 CFR 351.225(n)(3), the petitioner and the GOC will not need to resubmit their entries of appearance each year to continue to be included on the annual inquiry service list. However, the petitioner and the GOC are responsible for making amendments to their entries of appearance during the annual update to the annual inquiry service list in accordance with the procedures described above.

Notifications to Interested Parties

This notice constitutes the AD and CVD orders with respect to vanillin from China pursuant to section 736(a) and 706(a) of the Act. Interested parties can find a list of AD and CVD orders currently in effect at *https://www.trade.gov/data-visualization/adcvd-proceedings.*

These orders are published in accordance with sections 736(a) and 706(a) of the Act, and 19 CFR 351.211(b).

Dated: July 23, 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 Orders

The merchandise covered by these orders is vanillin, with the molecular formula $C_8H_8O_3$ or $C_9H_{10}O_3$. Merchandise subject to these orders consists of natural vanillin, synthetic vanillin, bio-sourced synthetic vanillin (biovanillin) (each also known as 4-Hydroxy-3-methoxybenzaldehyde), and ethylvanillin (also known as 3-Ethoxy-4-hydroxybenzaldehyde). Vanillin covered by these orders is a chemical compound with the Chemical Abstracts Service (CAS) number 121–33–5 or 121–32–4. Vanillin is covered by these orders regardless of whether it is in a crystalline powder or crystal form. Vanillin is covered by the scope of these orders, irrespective of purity, particle size, or physical form.

Merchandise subject to these orders is specified within the Harmonized Tariff Schedule of the United States (HTSUS) under subheading 2912.41.0000 and 2912.42.0000. The HTSUS subheadings and CAS registry numbers are provided for convenience and customs purposes only. The written description of the merchandise covered by these orders is dispositive.

[FR Doc. 2025–14213 Filed 7–25–25; 8:45 am]

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[8] *See CVD Preliminary Determination.*

[9] *See Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws,* 86 FR 52300 (September 20, 2021) (*Final Rule*); and *Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions,* 86 FR 53205 (September 27, 2021) (*Procedural Guidance*).

[10] *Id.*

[11] This segment will be combined with the ACCESS Segment Specific Information (SSI) field which will display the month in which the notice of the order or suspended investigation was published in the **Federal Register**, also known as the anniversary month. For example, for an order under case number A–000–000 that was published in the **Federal Register** in January, the relevant segment and SSI combination will appear in ACCESS as ''AISL-January Anniversary.'' Note that there will be only one annual inquiry service list segment per case number, and the anniversary month will be pre-populated in ACCESS.

[12] *See Procedural Guidance,* 86 FR at 53206.

[13] *See Final Rule,* 86 FR at 52335.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE924]

Marine Mammals; File No. 28408

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Iain Kerr, D.H.L., Ocean Alliance, 32 Horton Street, Gloucester, MA 01930, has applied in due form for a permit to conduct research on marine mammals.

DATES: Written comments must be received on or before August 27, 2025.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the ''Features'' box on the Applications and Permits for Protected Species home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 28408 from the list of available applications. These documents are also available upon written request via email to *NMFS.Pr1Comments@noaa.gov*.

Written comments on this application should be submitted via email to *NMFS.Pr1Comments@noaa.gov*. Please include File No. 28408 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to *NMFS.Pr1Comments@noaa.gov*. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Shasta McClenahan, Ph.D., or Amy Hapeman, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The applicant requests a 10-year permit to conduct research in U.S. and international waters of the North Atlantic Ocean and Hawaii to study behavioral, feeding, and acoustic ecology, distribution, toxicology, microplastics, and the effects of anthropogenic noise. Up to 15 species of cetaceans and 2 species of pinnipeds may be harassed including the following ESA-listed species: blue whales (*Balaenoptera musculus*), fin whales (*B. physalus*), North Atlantic right whales (*Eubalaena glacialis*), sei whales (*B. borealis*), and sperm whales (*Physeter macrocephalus*). Research may be conducted from a vessel or unmanned aircraft system for counts, observations, photography and video recording, photo-ID, photogrammetry, thermal imaging, passive acoustics, biological sampling (exhaled air, feces, sloughed skin, and skin and blubber biopsy), cell line development, and suction-cup tagging. Parts may be imported and exported for analysis, including those collected on the high seas, and parts collected in foreign territorial waters. See the application for complete numbers of animals requested by species, age-class, and procedure.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: July 23, 2025.

Shannon Bettridge,

Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2025–14129 Filed 7–25–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF053]

South Atlantic Fishery Management Council (Council); Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a meeting of its advisory panels via webinar to address Executive Order *Restoring American Seafood Competitiveness.*

DATES: The webinar meeting of advisory panels will take place on August 11, 2025. The meeting will begin at 6 p.m., EDT. See **SUPPLEMENTARY INFORMATION**.

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

FOR FURTHER INFORMATION CONTACT: Christina Wiegand, Fishery Social Scientist, SAFMC; phone 843/571–4366 or toll free 866/SAFMC–10; FAX 843/769–4520; email: *christina.wiegand@safmc.net.*

SUPPLEMENTARY INFORMATION: On April 17, 2025, President Trump issued Executive Order 14276: *Restoring American Seafood Competitiveness.* Among other things, the Executive Order requires the regional fishery management councils to identify actions that would stabilize markets, improve access, enhance economic profitability, and prevent closures. As a part of this process, the South Atlantic Council will gather input from their advisory panels to prioritize which management actions may achieve the goals stated in the Executive Order. Public comment on Executive Order 14276 will be accepted via the Council's website.

The agenda for the webinar meeting of the advisory panels is as follows: Council staff will briefly introduce Executive Order 14276 and the input requested of the Council. The presentation will also include a status update on Council actions identified in 2020 in response to Executive Order 13921: *Promoting American Seafood Competitiveness and Economic Growth.* Attendees will have the opportunity to provide input on the Executive Orders. The AP meeting is open to the public via webinar. Information will be posted on the Council's website at *https://safmc.net/meetings/* as it becomes available.

Written comments from members of the public should be addressed to John Carmichael, Executive Director, SAFMC, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405. Written comments must be received by August 15, 2025, by 5 p.m.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aid should be directed to the Council office (see **ADDRESSES**) five days prior to the meeting.

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

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

Dated: July 24, 2025.

Rey Israel Marquez,

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

[FR Doc. 2025–14178 Filed 7–25–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF024]

Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Crab Rationalization Cost Recovery Program

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

ACTION: Notification of fee percentage.

SUMMARY: NMFS publishes notification of a 1.2 percent fee for cost recovery under the Bering Sea and Aleutian Islands Crab Rationalization Program (Program). This action is intended to provide holders of crab allocations notice of the 2025/2026 crab fishing year fee percentage so they can calculate the required cost recovery fee payment, which must be submitted to NMFS by July 31, 2026.

DATES: The Crab Rationalization Program Registered Crab Receiver permit holder is responsible for submitting the fee liability payment to NMFS by July 31, 2026.

FOR FURTHER INFORMATION CONTACT: Amy Hadfield, (907) 586–7228.

SUPPLEMENTARY INFORMATION:

Background

NMFS Alaska Region administers the Program in the North Pacific. Fishing under the Program began on August 15, 2005. Regulations implementing the Program can be found at 50 CFR part 680.

The Program is a limited access privilege program authorized by section 313(j) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Program includes a cost recovery provision to collect fees to recover the actual costs directly related to the management, data collection, and enforcement of the Program. The Program is consistent with the cost recovery provisions included under section 304(d)(2)(A) of the Magnuson-Stevens Act. NMFS developed the cost recovery regulations to conform to statutory requirements and to reimburse the agency for the actual costs directly related to the management, data collection, and enforcement of the Program. The cost recovery provision allows collection of 133 percent of the actual management, data collection, and enforcement costs not to exceed 3 percent of the ex-vessel value of crab harvested under the Program. The Program provides that a proportional share of fees charged will be forwarded to the State of Alaska for reimbursement of its share of management and data collection costs for the Program.

A crab allocation holder generally incurs a cost recovery fee liability for every pound of crab landed. Catcher vessel and processor quota shareholders split the cost recovery fees equally with each paying half, while catcher/processor quota shareholders pay the full fee percentage for crab processed at sea. The crab allocations subject to cost recovery include Individual Fishing Quota, Crew Individual Fishing Quota, Individual Processing Quota, Community Development Quota, and the Adak community allocation. The Registered Crab Receiver (RCR) permit holder must collect the fee liability from the crab allocation holder who is landing crab. Additionally, the RCR permit holder must collect their own fee liability for all crab delivered to the RCR. The RCR permit holder is responsible for submitting this payment to NMFS on or before July 31, in the year following the crab fishing year in which landings of crab were made.

The dollar amount of the fee due is determined by multiplying the fee percentage (not to exceed 3 percent) by the ex-vessel value of crab debited from the allocation. Program details may be found in the implementing regulations at § 680.44.

Fee Percentage

Each year, NMFS calculates and publishes in the **Federal Register** the fee percentage according to the factors and methodology described at § 680.44(c)(2). The formula for determining the fee percentage is the ''direct program costs'' divided by ''value of the fishery,'' where ''direct program costs'' are the direct program costs for the Program for the previous fiscal year, and ''value of the fishery'' is the ex-vessel value of the catch subject to the crab cost recovery fee liability for the current year. Fee collections for any given year may be less than or greater than the actual costs and fishery value for that year, as regulations establish the fee percentage in the first quarter of the crab fishing year based on the fishery value and costs in the prior year.

According to the fee percentage formula described above, the estimated percentage of costs to value for the 2024/2025 fishery is 1.2 percent. This is lower than the effective fee percentage for the 2023/2024 crab fishing year of 3 percent (89 FR 54785 July 2, 2024). The fishery value increased by approximately 38 percent from the prior year and overall direct program costs decreased by approximately 42 percent, resulting in a reduced fee percentage. A more detailed explanation will be provided in the annual Cost Recovery Report, which will be published in April of 2026. Similar to previous years, the largest direct Program costs were incurred by the State of Alaska Department of Fish and Game and the NOAA Office of Law Enforcement.

Authority: 16 U.S.C. 1862; Pub. L. 109–241; Pub. L. 109–479.

Dated: July 23, 2025.

Kelly Denit,

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

[FR Doc. 2025–14135 Filed 7–25–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF075]

Gulf Fishery Management Council; Public Meetings

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

ACTION: Notice of public hearings and webinars.

SUMMARY: The Gulf Fishery Management Council (Gulf Council) will hold three in-person public hearings and one webinar to solicit public comments on *Reef Fish* Amendment 58B: Modifications to *Deep-water Grouper* complex changes based on the recent stock assessment for *Yellowedge Grouper,* Scientific and Statistical Committee recommendations, and feedback from the June 2025 Council meeting.

DATES: The public hearings will take place August 11–19, 2025. The in-person public hearings and webinar will begin at 6 p.m. and will conclude no later than 9 p.m., EDT. For specific dates and times, see **SUPPLEMENTARY INFORMATION**. Written public comments must be received on or before 5 p.m. EDT on August 19, 2025.

ADDRESSES: Please visit the Gulf Council website at *www.gulfcouncil.org* for meeting materials and webinar registration information.

Meeting addresses: The public hearings will be held in Madeira Beach, Ft. Myers, and Panama City, FL; and one virtual webinar. For specific locations, dates and times see **SUPPLEMENTARY INFORMATION** below.

Council address: Gulf Fishery Management Council, 4107 W Spruce Street, Suite 200, Tampa, FL 33607; telephone: (813) 348–1630.

FOR FURTHER INFORMATION CONTACT: Emily Muehlstein; Public Information Officer; *emily.muehlstein@gulfcouncil.org,* Gulf Fishery Management Council; telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION: The agenda for the following three in-person public hearings and webinar is as follows: Council staff will begin with a presentation on the purpose, need, and proposed management alternatives in *Reef Fish* Amendment 58B.

Staff and a Council member will be available to answer any questions, and the public will have the opportunity to provide testimony on the amendment and other related testimony.

In-Person Locations and Webinars

Monday, August 11, 2025; City of Maderia Beach Recreation Civic Center, 200 Rex Place, Madeira Beach, FL 33708, (727) 392–0665.

Thursday, August 14, 2025; Hilton Garden Inn, 1101 US Hwy. 231, Panama City, FL 32405, (850) 392–1093.

Monday, August 18, 2025; Doubletree by Hilton, 13051 Bell Tower Drive, Ft. Myers, FL 33907, (239) 482–2900.

Tuesday, August 19, 2025; via webinar.

Visit *www.gulfcouncil.org* website and click on the ''meetings and public hearings'' tab for registration information. After registering, you will receive a confirmation email containing information about joining the webinar.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira (see **ADDRESSES**), at least 10 working days prior to the meeting date.

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

Dated: July 24, 2025.

Rey Israel Marquez,

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

[FR Doc. 2025–14177 Filed 7–25–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF044]

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of America (Formerly Gulf of Mexico)

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

ACTION: Notice; issuance of letter of authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), as amended, its implementing regulations, and NMFS' MMPA regulations for taking marine mammals incidental to geophysical surveys related to oil and gas activities in the Gulf of America, originally published as ''Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico,'' notification is hereby given that NMFS has modified the Letter of Authorization (LOA) issued to Fugro USA Marine, Inc. (Fugro) for the take of marine mammals incidental to geophysical survey activity in the Gulf of America (GOA).

DATES: The LOA is effective from July 23, 2025 through August 31, 2025.

ADDRESSES: The LOA, LOA request, and supporting documentation are available online at: *https://www.fisheries.noaa.gov/action/incidental-take-authorization-oil-and-gas-industry-geophysical-survey-activity-gulf-mexico.* In case of problems accessing these documents, please call the contact listed below (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Jenna Harlacher, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

On January 19, 2021, we issued a final rule with regulations to govern the unintentional taking of marine mammals incidental to geophysical survey activities conducted by oil and gas industry operators, and those persons authorized to conduct activities on their behalf (collectively ''industry operators''), in U.S. waters of the GOA [1] over the course of 5 years (86 FR 5322, January 19, 2021). The rule was based on our findings that the total taking from the specified activities over the 5-year period will have a negligible impact on the affected species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of those species or stocks for subsistence uses, and became effective on April 19, 2021.

The regulations at 50 CFR 217.180 *et seq.* allow for the issuance of LOAs to industry operators for the incidental take of marine mammals during geophysical survey activities and prescribe the permissible methods of taking and other means of effecting the least practicable adverse impact on

[1] Pursuant to Executive Order 14172, ''Restoring Names That Honor American Greatness,'' and Department of the Interior Secretarial Order 3423, ''The Gulf of America,'' the body of water formerly known as the Gulf of Mexico is now called the Gulf of America. Accordingly, this **Federal Register** Notice hereafter refers to the Gulf of America.

marine mammal species or stocks and their habitat (often referred to as mitigation), as well as requirements pertaining to the monitoring and reporting of such taking. Under 50 CFR 217.186(e), issuance of an LOA shall be based on a determination that the level of taking will be consistent with the findings made for the total taking allowable under these regulations and a determination that the amount of take authorized under the LOA is of no more than small numbers.

NMFS subsequently discovered that the 2021 rule was based on erroneous take estimates. We conducted another rulemaking using correct take estimates and other newly available and pertinent information relevant to the analyses supporting some of the findings in the 2021 final rule and the taking allowable under the regulations. We issued a final rule in April 2024, effective May 24, 2024 (89 FR 31488, April 24, 2024).

The 2024 final rule made no changes to the specified activities or the specified geographical region in which those activities would be conducted, nor to the original 5-year period of effectiveness. In consideration of the new information, the 2024 rule presented new analyses supporting affirmance of the negligible impact determinations for all species, and affirmed that the existing regulations, which contain mitigation, monitoring, and reporting requirements, are consistent with the ''least practicable adverse impact'' standard of the MMPA.

Summary of Request and Analysis

Fugro plans to conduct a three-dimensional (3D) ocean bottom node (OBN) survey in the West Delta Area Block 124, with water depths ranging from approximately 60 to 90 meters (m). See section F of the LOA application for a map of the area. Fugro anticipates using two source vessels each with a 160 cubic inch (in^3) single airgun, operating in tandem from the vessels in a flip flop operation. Please see the LOA application for additional detail.

Consistent with the preamble to the final rule, the survey effort proposed by Fugro in its LOA request was used to develop LOA-specific take estimates based on the acoustic exposure modeling results described in the preamble (89 FR 31488, April 24, 2024). In order to generate the appropriate take number for authorization, the following information was considered: (1) survey type; (2) location (by modeling zone [2]); (3) number of days; (4) source; and (5) month.[3] The acoustic exposure modeling performed in support of the rule provides 24-hour exposure estimates for each species, specific to each modeled source and survey type in each zone and month.

No 3D OBN surveys were included in the modeled survey types, and use of existing proxies (*i.e.,* two-dimensional (2D), 3D narrow-azimuth (NAZ), 3D wide-azimuth (WAZ), Coil) is generally conservative for use in evaluation of 3D OBN survey effort, largely due to the greater area covered by the modeled proxies. Summary descriptions of these modeled survey geometries are available in the preamble to the proposed rule (83 FR 29212, 29220, June 22, 2018). In Fugro's case, these proxies are overly conservative and therefore exposure modeling results were generated using the single airgun proxy. Because these results assume use of a 90-in^3 airgun, the take numbers authorized through this LOA are considered the most similar to the sound source planned for use by Fugro, as compared to the other proxies modeled for the rule. All other proxies would likely overestimate take due to Fugro's total daily survey area, short total survey duration, and size of the airgun array proposed for use.

The survey will take place over approximately 4 days with all days planned in Zone 2. The monthly distribution of survey days is not known in advance, though we assume that the planned 4 days of source operation would occur contiguously. Take estimates for each species are based on the time period that produces the greatest value.

Based on the results of our analysis, NMFS has determined that the level of taking expected for this survey and authorized through the LOA is consistent with the findings made for the total taking allowable under the regulations. See table 1 in this notice and table 6 of the rule (89 FR 31488, April 24, 2024).

Small Numbers Determination

Under the rule, NMFS may not authorize incidental take of marine mammals in an LOA if it will exceed ''small numbers.'' In short, when an acceptable estimate of the individual marine mammals taken is available, if the estimated number of individual animals taken is up to, but not greater than, one-third of the best available abundance estimate, NMFS will determine that the numbers of marine mammals taken of a species or stock are small (see 89 FR 31535, May 24, 2024). For more information please see NMFS' discussion of small numbers in the 2021 final rule (86 FR 5438, January 19, 2021).

The take numbers for authorization, determined as described above in the Summary of Request and Analysis section, are used by NMFS in making the necessary small numbers determinations, through comparison with the best available abundance estimates (see discussion at 86 FR 5322, 5391, January 19, 2021). For this comparison, NMFS' approach is to use the maximum theoretical population, determined through review of current stock assessment reports (SAR; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*) and model-predicted abundance information (*https://seamap.env.duke.edu/models/Duke/GOM/*). Information supporting the small numbers determinations is provided in table 1.

TABLE 1—TAKE ANALYSIS [1]

Species	Authorized take	Abundance [2]	Percent abundance
Rice's whale	0	51	n/a
Sperm whale	0	2,451	n/a
Kogia spp	0	1,385	n/a
Beaked whales	0	1,038	n/a
Rough-toothed dolphin	[3] 14	4,853	0.3
Bottlenose dolphin	109	166,538	0.1
Clymene dolphin	0	6,136	n/a
Atlantic spotted dolphin	[4] 26	21,506	0.1

[2] For purposes of acoustic exposure modeling, the GOA was divided into seven zones. Zone 1 is not included in the geographic scope of the rule.

[3] Acoustic propagation modeling was performed for two seasons: Winter (December–March) and Summer (April–November). Marine mammal density data is generally available on a monthly basis, and therefore further refines take estimates temporally.

TABLE 1—TAKE ANALYSIS [1]—Continued

Species	Authorized take	Abundance [2]	Percent abundance
Pantropical spotted dolphin	0	50,209	n/a
Spinner dolphin	0	2,991	n/a
Striped dolphin	0	16,102	n/a
Fraser's dolphin	0	1,665	n/a
Risso's dolphin	0	1,974	n/a
Blackfish [5]	0	9,535	n/a
Short-finned pilot whale	0	3,277	n/a

[1] Scalar ratios were not applied in this case due to brief survey duration.
[2] Best abundance estimate. For most taxa, the best abundance estimate for purposes of comparison with take estimates is considered here to be the model-predicted abundance (Garrison *et al.,* 2023). For Rice's whale, Atlantic spotted dolphin, spinner dolphin, and Risso's dolphin, the estimated SAR abundance estimate is used.
[3] Modeled take of two increased to account for potential encounter with a group of average size (Maze-Foley and Mullin, 2006).
[4] Modeled take of 24 increased to account for potential encounter with a group of average size (Maze-Foley and Mullin, 2006).
[5] The ''blackfish'' guild includes melon-headed whales, false killer whales, pygmy killer whales, and killer whales.

Based on the analysis contained herein of Fugro's proposed survey activity described in its LOA application and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the affected species or stock sizes (*i.e.,* less than one-third of the best available abundance estimate) and therefore the taking is of no more than small numbers.

Authorization

NMFS has determined that the level of taking for this LOA request is consistent with the findings made for the total taking allowable under the incidental take regulations and that the amount of take authorized under the LOA is of no more than small numbers. Accordingly, we have issued an LOA to Fugro authorizing the take of marine mammals incidental to its geophysical survey activity, as described above.

Dated: July 23, 2025.

Kimberly Damon-Randall,

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

[FR Doc. 2025–14148 Filed 7–25–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE448]

Request for Nominations to the Northwest Atlantic Fisheries Organization Consultative Committee

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

ACTION: Request for nominations.

SUMMARY: NMFS is seeking nominations for qualified individuals to be appointed to serve as members of the Northwest Atlantic Fisheries Organization Consultative Committee. The purpose of this body is to ensure that the interests of U.S. stakeholders are considered in the development of positions and policy relative to U.S. participation in the Northwest Atlantic Fisheries Organization (NAFO). Self-nominations will be accepted.

DATES: Nominations will be accepted at any time.

ADDRESSES: Please submit nominations electronically to Shannah Jaburek, at the NMFS Greater Atlantic Regional Fisheries Office via email at *Shannah.Jaburek@noaa.gov*.

FOR FURTHER INFORMATION CONTACT: Shannah Jaburek by email at *Shannah.Jaburek@noaa.gov,* or by phone at 978–282–8456; or Patrick E. Moran by email at *Pat.Moran@noaa.gov,* or by phone at 301–427–8370.

SUPPLEMENTARY INFORMATION: NAFO is an international regional fisheries management organization that coordinates scientific study and cooperative management of the fisheries resources of the northwest Atlantic Ocean, excluding salmon, tunas/marlins, whales, and sedentary species (*e.g.,* shellfish). NAFO was established in 1979 by the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries. The United States acceded to the Convention in 1995 and has participated actively in NAFO since that time. In 2005, NAFO launched a reform effort to amend the Convention in order bring it more in line with the principles of modern fisheries management. As a result of these efforts, the Amendment to the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries entered into force in May 2017.

NAFO currently has 13 Contracting Parties, including Canada, Cuba, Denmark (in respect of Faroe Islands and Greenland), European Union, France (in respect of St. Pierre and Miquelon), Iceland, Japan, Norway, Republic of Korea, Russian Federation, Ukraine, United Kingdom, and the United States.

16 U.S.C. 5607 provides that the Secretaries of Commerce and State shall jointly establish a NAFO Consultative Committee (NCC) to advise the Secretaries of Commerce and State on issues related to the NAFO Convention. Membership in the NCC is open to representatives from the New England and Mid-Atlantic Fishery Management Councils, the States represented on those Councils, the Atlantic States Marine Fisheries Commission, the fishing industry, the seafood processing industry, and others knowledgeable and experienced in the conservation and management of fisheries in the northwest Atlantic Ocean. Members are appointed to a 2-year term and are eligible for reappointment. The NCC is exempted from the Federal Advisory Committee Act with respect to carrying out their consultation and advisory functions under 16 U.S.C. 5601 *et seq*. NCC members are invited to attend all non-executive meetings of the U.S. Commissioners and, at such meetings, are given an opportunity to be heard on proposed programs of study and investigation, reports, recommendations, and regulations of issues relating to the Act and proceedings of NAFO. In addition, NCC members may attend all public meetings of the NAFO Commission and any other meetings to which they are invited.

If you are interested in becoming or nominating a member of the NCC, please contact Shannah Jaburek or Patrick E. Moran (see **FOR FURTHER INFORMATION CONTACT** section) for additional details. The NAFO Annual Meeting is held in September of each year. Additional information about NAFO and the annual meetings can be

found at: *https://www.nafo.int/Meetings/AM.*

Dated: July 23, 2025.

Alexa Cole,

Director, Office of International Affairs, Trade, and Commerce National Marine Fisheries Service.

[FR Doc. 2025–14137 Filed 7–25–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF027]

Marine Mammals and Endangered Species

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

ACTION: Notice; issuance of permits, permit amendments, and permit modifications.

SUMMARY: Notice is hereby given that permits, permit amendments, and permit modifications have been issued under the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA), as applicable.

ADDRESSES: The permits and related documents are available for review upon written request via email to *NMFS.Pr1Comments@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Shasta McClenahan, Ph.D., (File Nos. 26663, 28847 and 28860), Courtney Smith, Ph.D. (File No. 28850), and Erin Markin, Ph.D., (File Nos. 24016, 28617, and 28803); at (301) 427–8401.

SUPPLEMENTARY INFORMATION: The requested permits have been issued under the MMPA of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226), as applicable. Notices were published in the **Federal Register** on the dates listed below that requests for a permit, permit amendment, or permit modification had been submitted by the below-named applicants. To locate the **Federal Register** notice that announced our receipt of the application and a complete description of the activities, go to *https://www.federalregister.gov* and search for the file number provided in table 1 below.

TABLE 1—ISSUED PERMITS, PERMIT AMENDMENTS, AND PERMIT MODIFICATIONS

File No.	Version No.	RTID	Applicant	Previous **Federal Register** notice	Issuance date
24016	02	0648–XE712	Jason Kahn, Ph.D., NMFS, 1315 East West Highway, Silver Spring, MD 20910.	90 FR 22062, May 23, 2025.	July 7, 2025.
26663	02	0648–XE738	Alaska Whale Foundation, P.O. Box 1927, Petersburg, AK 99833 (Responsible Party: Andy Szabo, Ph.D.).	91 FR 20283, May 13, 2025.	July 1, 2025.
28617	N/A	0648–XE822	Matthew Balazik, Ph.D., U.S. Army Corps of Engineers, 251 John Tyler Memorial Highways, Henrico, VA 23231.	90 FR 15563, April 14, 2025.	July 1, 2025.
28727	N/A	0648–XE711	Amandine Gamble, Ph.D., Cornell University, 606 Tower Road, Ithaca, NY 14853.	90 FR 14247, March 31, 2025.	July 8, 2025.
28803	N/A	0648–XE709	Jacob Steinberg, CosmoVision Media Group, 64 Kenilworth Drive East, Stamford, CT 06902.	90 FR 15709, April 15, 2025.	June 25, 2025.
28847	N/A	0648–XE869	Allyson Hindle, Ph.D., University of Nevada Las Vegas, 4505 South Maryland Parkway, Las Vegas, NV 89154.	90 FR 20626, May 15, 2025.	June 25, 2025.
28850	N/A	0648–XE718	Cascadia Research Collective, 218½ West Fourth Avenue, Olympia, WA 98501 (Responsible Party: John Calambokidis).	90 FR 17779, April 29, 2025.	June 27, 2025.
28860	N/A	0648–XE837	British Broadcasting Corporation (BBC) Natural History and Factual Productions Ltd. and BBC Studios Americas Inc., Bridgewater House, Counterslip, Redcliffe, Bristol, BS1 6BX, United Kingdom (Responsible Party: Sarah Conner).	90 FR 20463, May 14, 2025.	June 25, 2025.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activities proposed are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

As required by the ESA, as applicable, issuance of these permit was based on a finding that such permits: (1) were applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: July 23, 2025.

Shannon Bettridge,

Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2025–14185 Filed 7–25–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE979]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice; availability of a proposed evaluation and pending determination; request for comments.

SUMMARY: The Yurok Tribe provided a Tribal Resource Management Plan (TRMP) to NMFS pursuant to the limitation on take prohibitions for actions conducted under Tribal Plans promulgated under the Endangered Species Act (ESA). The TRMP specifies harvest and monitoring activities for tribal fisheries affecting ESA-listed Southern Oregon/Northern California Coast coho salmon in the portion of the Klamath River within the Yurok Reservation. NMFS has prepared a Proposed Evaluation and Pending Determination (PEPD) as to whether implementation of the TRMP will appreciably reduce the likelihood of survival and recovery of ESA-listed salmon and steelhead. Notice is hereby given that the PEPD is available for public review and comment prior to NMFS making a final determination.

DATES: Comments must be received at the appropriate address (see **ADDRESSES**) no later than 5 p.m. Pacific time on August 27, 2025. Comments received after this date may not be accepted.

ADDRESSES: Comments may be submitted by email. The mailbox address for providing email comments is: *salmon.harvest.comments@noaa.gov.* In the subject line of the email, include the following identifier: ''Comments on Yurok Tribal Fisheries Determination.'' The document available for public comment can be found at: *https://www.fisheries.noaa.gov/action/tribal-resource-management-plan-trmp-yurok-tribe.*

FOR FURTHER INFORMATION CONTACT: Anthony Siniscal at 971–322–8407, or via email: *Anthony.Siniscal@noaa.gov.*

SUPPLEMENTARY INFORMATION:

ESA Listed Species Covered in This Notice

Southern Oregon/Northern California Coast Coho salmon (*Oncorhynchus kisutch*): threatened, naturally produced, and artificially propagated.

Background

The proposed TRMP provides a framework through which tribal salmon fisheries can be implemented while meeting requirements specified under the ESA. Activities described in the plan include tribal fisheries for coho salmon in the Klamath River. The TRMP describes the proposed fisheries, limits for harvest, and monitoring associated with the fisheries. The management objective is for the Yurok Tribe to conduct fisheries in a manner that does not appreciably reduce the likelihood of survival and recovery of ESA-listed coho salmon.

The Yurok Tribe submitted a TRMP to NMFS for review under the ESA Tribal 4(d) Rule. Under section 4 of the ESA, the Secretary of Commerce (Secretary) is required to adopt such regulations as deemed necessary and advisable for the conservation of species listed as threatened. The ESA salmon and steelhead 4(d) rule (50 CFR 223.203; 65 FR 42422, July 10, 2000, as updated in 70 FR 37160, June 28, 2005) applies the prohibitions of section 9 to fish with an intact adipose fin that are part of a threatened West Coast salmon ESU or steelhead DPS, and specifies categories of activities that are exempted from the ESA section 9 take prohibitions. The ESA Tribal 4(d) Rule (50 CFR 223.204; 65 FR 42481, July 10, 2000) states that the take prohibitions of ESA section 9 will not apply to Tribal Plans provided that the Secretary has determined that the Tribal Plan will not appreciably reduce the likelihood of survival and recovery for the listed species (50 CFR 223.204(a)). Prior to making a final determination on Tribal Plans, NMFS must take public comments on its pending determination as to whether or not implementation of the plan will appreciably reduce the likelihood of survival and recovery of ESA-listed salmonids (50 CFR 223.204(b)(3)).

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

Dated: July 23, 2025.

Kelly Denit,

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

[FR Doc. 2025–14111 Filed 7–25–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF074]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) will hold public meetings of the Council including joint session with the Atlantic States Marine Fisheries Commission (ASMFC) Interstate Fishery Management Programs (ISFMP) Policy Board and the Bluefish and Summer Flounder, Scup, and Black Sea Bass Management Boards.

DATES: The meetings will be held Monday, August 11 through Thursday, August 14, 2025. For agenda details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: This meeting will be an in-person meeting with a virtual option. Council members, other meeting participants, and members of the public will have the option to participate in person at The Westin Annapolis (100 Westgate Circle, Annapolis, MD 21401) or virtually via Webex webinar. Webinar connection instructions and briefing materials will be available at: *https://www.mafmc.org/briefing/august-2025.*

Council address: Mid-Atlantic Fishery Management Council, 800 N. State St., Suite 201, Dover, DE 19901; telephone: (302) 674–2331; *www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D. Executive Director, Mid-Atlantic Fishery Management Council; telephone: (302) 526–5255. The Council's website, *www.mafmc.org,* also has details on the meeting location, proposed agenda, webinar listen-in access, and briefing materials.

SUPPLEMENTARY INFORMATION: The following items are on the agenda, although agenda items may be addressed out of order (changes will be noted on the Council's website when possible).

Monday, August 11

Executive Order on Restoring American Seafood Competitiveness

Develop prioritized list of recommendations for submission to NOAA Fisheries

South Atlantic Fishery Management Council (SAFMC) Blueline Tilefish Letter

Review correspondence from the SAFMC regarding blueline tilefish
Discuss next steps

Tuesday, August 12

2026–2028 Illex Squid Specifications

Review *Illex* assessment and alternative quota evaluation method
Review recommendations from the Scientific and Statistical Committee (SSC), Monitoring Committee, Advisory Panel, and staff
Adopt specifications and management measures for 2026–2028

Overview of SQUIBS Longfin Squid Data Collection Program (Dr. Anna Mercer, Cooperative Research Branch Chief, Northeast Fisheries Science Center (NEFSC))

Overview of the recently completed Squibs data project

Atlantic Sea Scallop Research Track Assessment

Overview of the recently completed Research Track stock assessment and peer review

LUNCH

Council Convenes With the Atlantic States Marine Fisheries Commission (ASMFC) Interstate Fishery Management Program (ISFMP) Policy Board

Recreational Sector Separation Amendment

Review and provide feedback on preliminary conceptual alternatives

Discuss plans for addressing recreational data collection issues removed from this amendment

ISFMP Policy Board Adjourns

Council Convenes With the ASMFC Bluefish Management Board

2026–2027 Bluefish Specifications

Review recommendations from the SSC, Monitoring Committee, Advisory Panel and staff

Adopt specifications for 2026–2027, including recreational management measures

Council Adjourns

ASMFC Bluefish Board Only

ASMFC Bluefish Fishery Management Plan review

Wednesday, August 13

Council Convenes With the ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board

2026–2027 Summer Flounder Specifications

Review recommendations from the SSC, Monitoring Committee, Advisory Panel and staff

Adopt specifications for 2026–2027

Review and revise 2026–2027 commercial measures if needed

2026–2027 Scup Specifications

Review recommendations from the SSC, Monitoring Committee, Advisory Panel and staff

Adopt specifications for 2026–2027

Review and revise 2026–2027 commercial measures if needed

LUNCH

2026–2027 Black Sea Bass Specifications

Review recommendations from the SSC, Monitoring Committee, Advisory Panel and staff

Adopt specifications for 2026–2027

Review and revise 2026–2027 commercial measures if needed

White Paper on Separate OFLs and ABCs for Summer Flounder, Scup, and Black Sea Bass

Review SSC white paper and discuss next steps

Council Adjourns

ASMFC Summer Flounder, Scup, and Black Sea Bass Board Only

ASMFC Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan review

Thursday, August 14

Swearing in of New Council Member and Election of officers

Business Session

Committee Reports (SSC, NTAP); Executive Director's Report; Organization Reports; and Liaison Reports

Other Business and General Public Comment

Although non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during these meetings. Actions will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c).

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to Shelley Spedden, (302) 526–5251, at least 5 days prior to the meeting date.

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

Dated: July 24, 2025.

Rey Israel Marquez,

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

[FR Doc. 2025–14186 Filed 7–25–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2025–HQ–0069]

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, Department of Defense (DoD).

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974 (as amended), the Department of the Army is modifying and reissuing a current system of records titled, ''Army Family Advocacy Program Files,'' A0608–18 DASG. The system of records name is changing from ''Army Family Advocacy Program Files'' to ''Army Family Advocacy Program Records.'' This system of records was originally established to maintain records that identify, monitor, track and provide treatment to alleged offenders, eligible victims and their families of substantiated spouse/child abuse, and neglect. The system is being updated to expand coverage to intimate partners of service members and the intimate partner's children as it pertains to allegations of domestic abuse and child abuse/neglect. Additionally, Army is updating the routine use section to add the DoD standard routine uses (routine uses A through J). The Army is also modifying various other sections within the system of records notice (SORN) to improve clarity or update information that has changed.

DATES: This system of records is effective upon publication; however, comments on the Routine Uses will be accepted on or before August 27, 2025. The Routine Uses are effective at the close of the comment period, unless comments have been received from interested members of the public that require modification and republication of the notice.

ADDRESSES: You may submit comments, identified by docket number and title, by either of the following methods:

* *Federal Rulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.

* *Mail:* Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Attn: Mailbox 24, Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *https://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Joyce Luton, Department of the Army,

Records Management Directorate, Attention: Army Privacy and Civil Liberties Office, 9301 Chapek Road (Building 1458), Fort Belvoir, VA 22060–5527 or by calling (571) 515–0213.

SUPPLEMENTARY INFORMATION:

I. Background

The Army Family Advocacy Program (FAP) is a program mandated by Congress to address issues related to child abuse and neglect, domestic abuse, and problematic sexual behavior in children and youth. The Army FAP uses a web-based application to create an electronic platform for managing various aspects of incident response, including child and adult abuse incident determination, case management for offenders and victims, background checks for childcare providers, and data collection for reporting to Congress. The application also hosts and utilizes the Army Central Registry (ACR), which is a DoD-mandated registry of abuse incidents, to provide data to authorized agencies within DoD, as well as Federal, State, and local law enforcement agencies and child protection services. The ACR consults with other Service abuse registries and furnishes on-demand responses to queries from Congress and the Executive branch.

Subject to public comment, the DoD is updating the routine use section to add the standard DoD routine uses (routine uses A through J). Additionally, the system of records is being renamed from ''Army Family Advocacy Program Files'' to ''Army Family Advocacy Program Records.'' The following sections of this SORN are also being modified: (1) to the Authority for Maintenance of the System section to update citation(s) and add additional authorities; (2) to the Categories of Individuals Covered by the System section to expand the individuals covered and Categories of Records to clarify how the records relate to the revised Category of Individuals; (3) to the Administrative, Technical, and Physical Safeguards to update the individual safeguards protecting the personal information; (4) to the Retention and Disposal section to reflect the approved disposition; (5) to the Record Access Procedures section to reflect the need for individuals to identify the appropriate DoD office or component to which their request should be directed; (6) to the Notification and Contesting Records Procedures section to update the appropriate citation for contesting records; and (7) to the System Manager and System Location sections to update the addresses and office names. Furthermore, this notice includes non-substantive changes to simplify the formatting and text of the previously published notice.

DoD SORNs have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or at the Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency (OATSD(PCLT)) website at *https://dpcld.defense.gov/privacy*.

II. Privacy Act

Under the Privacy Act, a ''system of records'' is a group of records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined as a U.S. citizen or lawful permanent resident.

In accordance with 5 U.S.C. 552a(r) and Office of Management and Budget (OMB) Circular No. A–108, OATSD(PCLT) has provided a report of this system of records to the OMB and to Congress.

Dated: July 23, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

SYSTEM NAME AND NUMBER:

Army Family Advocacy Program Records, A0608–18 DASG.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Department of Defense (Department or DoD), located at 1000 Defense Pentagon, Washington, DC 20301–1000, and other Department installations, offices, or mission locations. Information may also be stored within a government-certified cloud, implemented and overseen by the Department's Chief Information Officer (CIO), 6000 Defense Pentagon, Washington, DC 20301–6000.

SYSTEM MANAGER:

The system manager is Commander, U.S. Army Medical Command, ATTN: MCHO–CL–H(ACR), 2450 Connell Road, Fort Sam Houston, TX 78234–6010.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 7013, Secretary of the Army; 18 U.S.C. 1512: Tampering With A Witness, Victim, or An Informant; 18 U.S.C. 1513: Retaliating Against A Witness, Victim, or An Informant; 18 U.S.C. 1514: Civil Action to Restrain Harassment of A Victim or Witness; DoD Instruction (DoDI) 1030.02, Victim and Witness Assistance; DoDI 6025.18, Health Insurance Portability and Accountability Act (HIPPA) Privacy Rule Compliance in DoD Health Care Programs; DoDI 6400.01, Family Advocacy Program; DoDI 6400.06, DoD Coordinated Community Response to Domestic Abuse Involving DoD Military and Certain Affiliated Personnel; DoDI 6400.07, Standards for Victim Assistance Services in the Military Community; DoD Manual (DoDM) 6400.01 V2, Family Advocacy Program (FAP): Child Abuse and Domestic Abuse Incident Reporting System; Army Regulation (AR) 608–18, The Army Family Advocacy Program; and E.O. 9397 (SSN), as amended.

PURPOSE(S) OF THE SYSTEM:

A. To maintain records that identify, monitor, track and provide treatment to alleged offenders, eligible victims and their families of substantiated spouse/intimate partner/child abuse, and neglect. To manage prevention programs to reduce the incidence of abuse throughout the Army military communities.

B. To support necessary litigation, use civilian resources for counseling and treating individuals or families involved in cases, and provide referrals as appropriate to law enforcement authorities for the purpose of investigating a suspected case of abuse.

C. To facilitate collaboration and coordination among law enforcement, medical professionals, community resources, civilian authorities, and child protection agencies, unit commanders and preventive services.

D. To enable coordination and collaboration in the implementation of preventive measures and community education regarding child abuse and neglect, as well as spouse/intimate partner abuse, and to provide a platform for victim advocacy management and case management for New Parent Support services within family services.

F. To perform research studies and compile statistical data.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Eligible military members and their family, intimate partners of military members, children of intimate partners, and DoD civilians who participate in the Army Family Advocacy Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. Personal information to include name, social security number (SSN), DoD ID number, date of birth, race, sex, ethnicity, employment and home

address, marital and family status, employment and education information, supervisor, and unit contacts, personal and employment work contacts, past legal, dental, and medical care history to include behavioral health history, childhood history, spiritual, cultural and religious information, and all information related to allegations of domestic and family maltreatment. These reporting requirements include SSN's when identifying sponsors, victims and alleged perpetrators of child and domestic violence.

B. Other records include Family Advocacy Incident Determination Committee (IDC) records of established cases of child/spouse/intimate partner abuse or neglect to include those occurring in Army sanctioned or operated activities. Files may contain extracts of law enforcement investigative reports, child welfare reports, medical evaluations, victim reporting preference statements, impact statements, photographic documentation of incidents and injuries, correspondence, IDC reports, IDC determinations, Command actions, risk assessments, biopsychosocial assessments, treatment plans and documentation of treatment, follow-up and evaluative reports, supportive data relevant to individual family advocacy incident files, summary statistical data reports and similar relevant files.

Note: This system of records may contain individually identifiable health information. DoDI 6025.18, Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule Compliance in DoD Health Care Programs may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.

RECORD SOURCE CATEGORIES:

Records and information stored in this system of records are obtained from the individual, educational institutions, medical institutions, police and investigating officers, state and local government agencies, witnesses, and records and reports prepared on behalf of the Army by boards, committees, panels, auditors, etc. Information may also derive from interviews, personal history statements, and observations of behavior by professional persons (*i.e.,* social workers, physicians, including psychiatrists and pediatricians, psychologists, nurses, and lawyers).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, all or a portion of the records or information contained herein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal Government when necessary to accomplish an agency function related to this system of records.

B. To the appropriate Federal, State, local, territorial, tribal, foreign, or international law enforcement authority or other appropriate entity where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law, whether criminal, civil, or regulatory in nature.

C. To any component of the Department of Justice for the purpose of representing the DoD, or its components, officers, employees, or members in pending or potential litigation to which the record is pertinent.

D. In an appropriate proceeding before a court, grand jury, or administrative or adjudicative body or official, when the DoD or other Agency representing the DoD determines that the records are relevant and necessary to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

E. To the National Archives and Records Administration for the purpose of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

F. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

G. To appropriate agencies, entities, and persons when (1) the DoD suspects or confirms a breach of the system of records; (2) the DoD determines as a result of the suspected or confirmed breach there is a risk of harm to individuals, the DoD (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the DoD's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

H. To another Federal agency or Federal entity, when the DoD determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

I. To another Federal, State or local agency for the purpose of comparing to the agency's system of records or to non-Federal records, in coordination with an Office of Inspector General in conducting an audit, investigation, inspection, evaluation, or some other review as authorized by the Inspector General Act of 1978, as amended.

J. To such recipients and under such circumstances and procedures as are mandated by Federal statute or treaty.

K. To departments and agencies of the Executive Branch of government in performance of their official duties relating to coordination of family advocacy programs, medical care, and research concerning child abuse and neglect, and spouse/intimate partner abuse.

L. To Federal, State, or local governmental agencies when it is deemed appropriate to use civilian resources in counseling and treating individuals or families involved in child abuse or neglect or spouse abuse; or when appropriate or necessary to refer a case to civilian authorities for civil or criminal law enforcement; or when a state, county, or municipal child protective service agency inquirers about a prior record of substantiated abuse for the purpose of investigating a suspected case of abuse.

M. To the National Academy of Sciences, private organizations, and individuals for health research in the interest of the Federal government and the public and authorized surveying bodies for professional certification and accreditation such as Joint Commission on the Accreditation of Health Care Organizations.

N. To victims and witnesses of a crime for purposes of providing information consistent with the requirements of the Victim and Witness Assistance Program, regarding the investigation and disposition of an offense.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records may be stored electronically or on paper in secure facilities in a locked drawer behind a locked door. Electronic records may be stored locally on digital media; in agency-owned cloud environments; or in vendor Cloud Service Offerings certified under the Federal Risk and Authorization Management Program (FedRAMP).

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records may be retrieved by name, SSN or DoD ID number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Electronic records are kept indefinitely in archived or active status. Paper records that are allowed for destruction are shredded.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The Army reviewed the safeguards established for the system to ensure they are compliant with DoD requirements. Due to the nature of the information collected, the impact and potential effect on an individual's privacy, if compromised, is high. The following administrative, technical and physical administrative controls are applied to restrict access to those who require the data in the performance of their official duties: records are maintained in controlled areas accessible only to authorized personnel; access to personal information is further restricted by the use of Common Access Cards and user ID/passwords; and paper records are maintained in a controlled facility where physical entry is restricted by the use of locks, a card access control system, staffed reception areas and cameras inside and outside which monitor all doors. Other controls in place include user identification and passwords, an Intrusion Detection System, encryption, firewalls, Virtual Private Networks and Public Key Infrastructure Certificates. Additional controls in place include periodic security audits, ensuring only authorized personnel have access to personally identifiable information, encryption of backups containing sensitive data, and securing backups off-site.

RECORD ACCESS PROCEDURES:

Individuals seeking access to their records should address written inquiries to the commander of the medical center or hospital where treatment was received, attention Patient Administration Division Office; or to the Commander, U.S. Army Medical Command, ATTN: MCHO–CL–H(ACR), Fort Sam Houston, TX 78234–6010; or the FOIA Requester Service Center, Office of Freedom of Information, Army Records Management Directorate or email: *usarmy.belvoir.hqda-esa.mbx.rmda-foia@army.mil.* For verification purposes, the individual should provide the full name, SSN of the patient's sponsor, and current address, date and location of treatment, and any details that will assist in locating the record, and signature. Signed written requests should contain the name and number of this system of records notice along with full name, current address, and email address of the individual. In addition, the requester must provide either a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the appropriate format:

If executed outside the United States: ''I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).''

If executed within the United States, its territories, possessions, or commonwealths: ''I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).''

CONTESTING RECORD PROCEDURES:

The DoD rules for accessing records, contesting contents, and appealing initial Component determinations are contained in 32 CFR part 310, or may be obtained from the system manager.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system of records should follow the instructions for Record Access Procedures above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

DoD has exempted records maintained in this system from 5 U.S.C. 552a(c)(3); (d)(1), (2), (3) and (4); (e)(1); (e)(4)(G), (H) and (I); and (f) of the Privacy Act, pursuant to 5 U.S.C. 552a(k)(2), and (k)(5), as applicable. An exemption rule for this system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c), and (e) and published in 32 CFR part 310. In addition, when exempt records received from other systems of records become part of this system, DoD also claims the same exemptions for those records that are claimed for the prior system(s) of records of which they were a part, and claims any additional exemptions set forth here.

HISTORY:

August 29, 2003; 68 FR 52009.

[FR Doc. 2025–14120 Filed 7–25–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2025–OS–0277]

Privacy Act of 1974; System of Records

AGENCY: Department of Defense (DoD).

ACTION: Notice of a new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the DoD is creating a new system of records titled ''Suspension and Debarment Records,'' DoD–0027. This system of records notice (SORN) is being established to collect and document decisions regarding suspension, debarment, or other administrative remedy under the Federal Acquisition Regulation, or the Non-procurement Common Rule. Additionally, DoD is issuing a Notice of Proposed Rulemaking, which proposes to exempt this system of records from certain provisions of the Privacy Act, elsewhere in today's issue of the **Federal Register**.

DATES: This system of records is effective upon publication; however, comments on the Routine Uses will be accepted on or before August 27, 2025. The Routine Uses are effective at the close of the comment period, unless comments have been received from interested members of the public that require modification and republication of the notice. Proposed exemptions are not effective until publication of the final rule.

ADDRESSES: You may submit comments, identified by docket number and title, by either of the following methods:

* *Federal Rulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.

* *Mail:* Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Attn: Mailbox 24, Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *https://*

www.regulations.gov as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Rahwa Keleta, Defense Privacy and Civil Liberties Directorate, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Department of Defense, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700; *osd.mc-alex.oatsd-pclt.mbx.pcld-sorn@mail.mil;* (703) 571–0070.

SUPPLEMENTARY INFORMATION:

I. Background

The Suspension and Debarment Records system of records is used to process referrals for administrative remedies under the Federal Acquisition Regulation, Subpart 9.4, or the Non-procurement Common Rule, 2 CFR part 180, to provide relevant information to the Suspension and Debarment Official (SDO) for consideration in determining appropriate administrative remedies, and to document both the SDO decision and the underlying agency record.

The SDO has authority to exclude both business entities and individuals from contracting with the Federal Government and from participating in covered Federal non-procurement transactions such as grants, scholarships, cooperative agreements, loans, and loan guarantees. Grounds for exclusion include, but are not limited to, the following: commission of fraud or a criminal offense in connection with a Government contract or non-procurement transaction, failure to disclose overpayments received on contracts, failure to pay debts owed to the Federal Government, a history of poor performance on a contract or non-procurement transaction, and any other cause of so serious or compelling a nature that it affects the present responsibility of the business entity or individual. A full list of grounds for exclusion and the respondents' procedural rights are set forth in the regulations referenced above.

Documents maintained will include the notice of the exclusion and the administrative record supporting the action. The latter may include copies of the underlying contract or non-procurement transaction, communications between agency personnel and the respondent, law enforcement reports, audit results, and other relevant documents. If the respondent submits matters in opposition, these documents will also become part of the record.

DoD SORNs have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or at the Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency (OATSD (PCLT)) website at *https://pclt.defense.gov/DIRECTORATES/Privacy-and-Civil-Liberties-Directorate/Privacy/SORNs/.*

II. Privacy Act

Under the Privacy Act, a ''system of records'' is a group of records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined as a U.S. citizen or lawful permanent resident.

In accordance with 5 U.S.C. 552a(r) and Office of Management and Budget (OMB) Circular No. A–108, OATSD (PCLT) has provided a report of this system of records to the OMB and to Congress.

Dated: July 23, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

SYSTEM NAME AND NUMBER:

Suspension and Debarment Records, DoD–0027.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATIONS:

A. Department of Defense (Department or DoD), located at 1000 Defense Pentagon, Washington, DC 20301–1000, and other Department installations, offices, or mission locations.

B. Information may also be stored within a government-certified cloud, implemented and overseen by the Department's Chief Information Officer (CIO), 6000 Defense Pentagon, Washington, DC 20301–6000.

SYSTEM MANAGERS:

The system managers are as follows:

A. Chief, Acquisition Fraud Remedies, Office of General Counsel, Defense Health Agency, 7700 Arlington Blvd., Falls Church, VA 22042–5101.

B. General Counsel, Headquarters, Defense Logistics Agency, 8725 John J. Kingman Road, Suite 1644, Fort Belvoir, VA 22060–6221.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Acquisition Streamlining Act of 1994, Public Law 103–355, Sec. 2455; Executive Order (E.O.) 12689, Debarment and Suspension (August 16, 1989), 54 FR 34131; E.O. 12549, Debarment and Suspension (February 18, 1986), 51 FR 6370; 2 Code of Federal Regulation (CFR) Part 180; 2 CFR Subtitle B, Chapter XI, Federal Agency Regulations for Grants and Agreements, Department of Defense, Part 1125; 48 CFR, Chapter 1, Federal Acquisition Regulation; 48 CFR Chapter 2, Defense Acquisition Regulations System, Department of Defense; and DoD Instruction 7050.05, Coordination of Remedies for Fraud and Corruption Related to Procurement Activities.

PURPOSE(S) OF THE SYSTEM:

To process referrals for administrative remedies under the Federal Acquisition Regulation or the Non-procurement Common Rule, to provide relevant information to the DoD Suspension and Debarment Official (SDO) for consideration in determining appropriate administrative remedies, and to document both the SDO decision and the underlying agency record.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been referred to the SDO for consideration of suspension and/or debarment under Federal Acquisition Regulation, Subpart 9.4 or the non-procurement common rule, Title 2 Code of Federal Regulations Part 180; and individuals who have been suspended, debarred, or entered into administrative agreements with the SDO.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal information, including name, address, nationality, and Social Security Number of the respondent; written referrals for suspension or debarment action; intra-agency and inter-agency communications regarding proposed or completed suspensions or debarments; notices to the respondent of suspensions and proposed debarments; evidence considered by the SDO, including, *e.g.,* federal contracts or subcontracts, contractor performance assessment reports, contracting officer memoranda, audits, investigatory reports, and court documents such as information, indictments, plea agreements, judgments of conviction, and civil judgments; respondents' responses to notices and other communications; and SDO formal decisions.

RECORD SOURCE CATEGORIES:

Records and information stored in this system of records are obtained from: Individuals, contractors, Federal investigative organizations, federal and state court records, contracting officers,

other officials or federal employees; departmental and other records containing information pertinent to suspension and debarment decisions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, all or a portion of the records or information contained herein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal Government when necessary to accomplish an agency function related to this system of records.

B. To the appropriate Federal, State, local, territorial, tribal, foreign, or international law enforcement authority or other appropriate entity where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law, whether criminal, civil, or regulatory in nature.

C. To any component of the Department of Justice for the purpose of representing the DoD, or its components, officers, employees, or members in pending or potential litigation to which the record is pertinent.

D. In an appropriate proceeding before a court, grand jury, or administrative or adjudicative body or official, when the DoD or other Agency representing the DoD determines that the records are relevant and necessary to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

E. To the National Archives and Records Administration for the purpose of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

F. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

G. To appropriate agencies, entities, and persons when (1) the DoD suspects or confirms a breach of the system of records; (2) the DoD determines as a result of the suspected or confirmed breach there is a risk of harm to individuals, the DoD (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the DoD's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

H. To another Federal agency or Federal entity, when the DoD determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

I. To another Federal, State, or local agency for the purpose of comparing to the agency's system of records or to non-Federal records, in coordination with an Office of Inspector General in conducting an audit, investigation, inspection, evaluation, or some other review as authorized by the Inspector General Act of 1978, as amended.

J. To such recipients and under such circumstances and procedures as are mandated by Federal statute or treaty.

K. To other Federal agencies, to coordinate suspension and debarment actions and to ensure prime contractors, participants in federal programs, and Federal agencies give effect to the Department's suspension and debarment decisions.

L. To General Service Administration's (GSA's) System for Award Management to maintain an Exclusion list in accordance with FAR 9.404 and 2 CFR 180.500–180.513, and to GSA for input into the Federal Awardee Performance and Integrity Information System (FAPIIS), which publicly discloses administrative agreements as required by Section 872 of The Duncan Hunter National Defense Authorization Act of 2009 (Pub. L. 110–417).

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records may be stored electronically or on paper in secure facilities in a locked drawer behind a locked door. The records may be stored on magnetic disc, tape, or digital media; in agency-owned cloud environments; or in vendor Cloud Service Offerings certified under the Federal Risk and Authorization Management Program (FedRAMP).

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records may be retrieved by the name of the individual and/or legal entity referred for an exclusion action.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained until the end of the fiscal year three years following the termination of (a) an exclusion or administrative agreement or (b) the period in which a legal challenge may be brought, whichever is later. In the case of an action based on a violation of the Drug-Free Workplace Act, records are maintained until the end of the fiscal year five years following the termination of (a) an exclusion or administrative agreement or (b) the period in which a legal challenge may be brought, whichever is later. The records are then deleted. If there is more than one exclusion for the same entity/individual, *e.g.,* a debarment following a suspension, the termination date of the last exclusion will apply to the entire record. In cases in which the SDO has declined to take action on a referral, the records will be destroyed at the end of the fiscal year three years following the date of the referral.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The DoD safeguards records in this system of records according to applicable rules, policies, and procedures, including all applicable DoD automated system security and access policies. DoD policies require the use of controls to minimize the risk of compromise of personally identifiable information (PII) in paper and electronic form and to enforce access by those with a need to know and with appropriate clearances. Additionally, the DoD established security audit and accountability policies and procedures which support the safeguarding of PII and detection of potential PII incidents. DoD routinely applies administrative, technical, and physical safeguards to information systems and paper recordkeeping systems such as the following: multifactor authentication, including CAC authentication and password; physical token as required; physical and technological access controls governing access to data; network encryption to protect data transmitted over the network; disk encryption security disks storing data; key management services to safeguard encryption keys; masking of sensitive data as practicable; mandatory information assurance and privacy training for individuals who will have access to sensitive data; identification

and marking of PII; physical access safeguards including multifactor identification physical access controls, detection and electronic alert systems for access to servers and other network infrastructure, and electronic intrusion detection systems in DoD facilities.

RECORD ACCESS PROCEDURES:

Individuals seeking access to their records should follow the procedures in 32 CFR part 310. Individuals should address written inquiries to the DoD component with oversight of the records, as the component has Privacy Act responsibilities concerning access, amendment, and disclosure of the records within this system of records. The public may identify the contact information for the appropriate DoD office through the following website: *www.FOIA.gov.* Signed written requests should contain the name and number of the system of records notice along with full name, current address, and email address of the individual. If the requester is an owner or officer of a business concern holding a Defense Health Agency (DHA) contract or subcontract, the individual should also provide the name and Commercial and Government Entity (CAGE) code of the business concern. In addition, the requester must provide either a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the appropriate format:

If executed outside the United States: ''I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).''

If executed within the United States, its territories, possessions, or commonwealths: ''I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).''

CONTESTING RECORD PROCEDURES:

The DoD rules for accessing records, contesting contents, and appealing initial Component determinations are contained in 32 CFR part 310, or may be obtained from the system manager.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system of records should follow the instructions for Record Access Procedures above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

DoD has exempted records maintained in this system from 5 U.S.C. 552a(c)(3); (d)(1), (2), (3), and (4); (e)(1), (e)(4)(G), (H), and (I); and (f) of the Privacy Act, pursuant to 5 U.S.C. 552a(k)(2) and (k)(5). In addition, when exempt records received from other systems of records become part of this system, the DoD also claims the same exemptions for those records that are claimed for the system(s) of records from which they were a part and claims any additional exemptions set forth here. An exemption rule for this system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), and (c), and published in 32 CFR part 310.

HISTORY:

None.

[FR Doc. 2025–14139 Filed 7–25–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2025–HQ–0071]

Privacy Act of 1974; System of Records

AGENCY: Department of Navy (DON), Department of Defense (DoD).

ACTION: Notice of a new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Navy is publishing a new system of records titled, ''Midshipmen Development Center (MDC) Records,'' N01531–2. This system is being established to support the psychological and nutritional well-being of midshipmen at the United States Naval Academy. The system will enable the Midshipmen Development Center to collect and maintain records that cater to the unique needs of the Brigade of Midshipmen, promoting their overall development and success. Records include documentation of individual and group counseling sessions, psychological evaluations, treatment for eating disorders, crisis intervention services, consultations with psychologists, and performance enhancement support provided to midshipmen.

DATES: This new system of records is effective upon publication; however, comments on the Routine Uses will be accepted on or before August 27, 2025. The Routine Uses are effective at the close of the comment period, unless comments have been received from interested members of the public that require modification and republication of the notice.

ADDRESSES: You may submit comments, identified by docket number and title, by either of the following methods:

* *Federal Rulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.

* *Mail:* Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Attn: Mailbox 24, Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *https://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Strong, Director, PA/FOIA Office (DNS–36), Department of the Navy, 2000 Navy Pentagon, Washington, DC 20350–2000, or by phone at (202) 685–6533.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of the Navy is establishing the Midshipmen Development Center (MDC) Records, N01531–2 as a Privacy Act system of records. The United States Naval Academy is establishing this system of records to collect and maintain information that supports the Midshipmen Development Center's mission to address the psychological and nutritional needs of the Brigade of Midshipmen. The records will include documentation of various services provided, such as individual and group counseling, psychological assessments, eating disorder treatment, crisis intervention, psychological consultations, and performance enhancement support, all aimed at promoting the well-being and development of midshipmen.

DoD system of records notices (SORNs) have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or at the Defense Privacy, Civil Liberties Directorate website at *https://pclt.defense.gov/DIRECTORATES/Privacy-and-Civil-Liberties-Directorate/Privacy/SORNs/.*

II. Privacy Act

Under the Privacy Act, a ''system of records'' is a group of records under the

control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined as a U.S. citizen or lawful permanent resident.

In accordance with 5 U.S.C. 552a(r) and Office of Management and Budget (OMB) Circular No. A–108, OATSD (PCLT) has provided a report of this system of records to the OMB and to Congress.

Dated: July 23, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

SYSTEM NAME AND NUMBER:

Midshipmen Development Center (MDC) Records, N01531–2.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

U.S. Naval Academy, 290 Buchanan Road, Annapolis, MD 21402–1304.

SYSTEM MANAGER:

The system manager is Superintendent, U.S. Naval Academy, 121 Blake Road, Annapolis, MD 21402–1300, 410–293–1550, *privacy@usna.edu.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Navy; 10 U.S.C. 8451a, Superintendent; 10 U.S.C. 12205—Commissioned officers: appointment; educational requirement; and DoDI 1322.22, Service Academies.

PURPOSE(S) OF THE SYSTEM:

The system of records supports the U.S. Naval Academy's Midshipmen Development Center (MDC) in its mission to provide comprehensive psychological and nutritional support to the Brigade of Midshipmen, ensuring their overall well-being and success.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Naval Academy midshipmen seeking or referred for individual and group counseling, psychological assessments, eating disorder treatment, crisis intervention, psychological consultations, and performance enhancement assistance.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. Personal information such as: name, date of birth, race and ethnicity, sex, contact information (phone number and email address), family information, personal interest information, and personal history.

B. Academic and military records such as: class ranking, quality point rating, military records to include alpha and company numbers.

C. Medical information such as: health history, health and wellbeing surveys, and physical records to include fitness assessments.

D. Counseling records such as: individual and group counseling, psychological assessments, eating disorder treatment, crisis intervention, psychological consultations, performance enhancement assistance.

RECORD SOURCE CATEGORIES:

Records and information stored in this system of records are obtained from the individual, clinical staff, and third parties such as friends, peers, chain of command, faculty and staff, or family.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, all or a portion of the records or information contained herein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the federal government when necessary to accomplish an agency function related to this system of records.

B. To the appropriate Federal, State, local, territorial, tribal, foreign, or international law enforcement authority or other appropriate entity where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law, whether criminal, civil, or regulatory in nature.

C. To any component of the Department of Justice for the purpose of representing the DoD, or its components, officers, employees, or members in pending or potential litigation to which the record is pertinent.

D. In an appropriate proceeding before a court, grand jury, or administrative or adjudicative body or official, when the DoD or other Agency representing the DoD determines that the records are relevant and necessary to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

E. To the National Archives and Records Administration for the purpose of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

F. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

G. To appropriate agencies, entities, and persons when (1) the DoD suspects or confirms a breach of the system of records; (2) the DoD determines as a result of the suspected or confirmed breach there is a risk of harm to individuals, the DoD (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the DoD's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

H. To another Federal agency or Federal entity, when the DoD determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

I. To another Federal, State, or local agency for the purpose of comparing to the agency's system of records or to non-Federal records, in coordination with an Office of Inspector General in conducting an audit, investigation, inspection, evaluation, or some other review as authorized by the Inspector General Act, as amended.

J. To such recipients and under such circumstances and procedures as are mandated by Federal statute or treaty.

K. To military and civilian health care providers to further the medical care and treatment of the patient. Counseling records are not part of the official military medical record; however, if a patient's condition worsens or requires additional treatment not available at the MDC, information may be discussed with other health care providers in the agency or local health care providers in emergency situations.

L. To officials and employees of local and state governments and agencies in the performance of their official duties relating to professional certification, licensing, and accreditation of health care providers.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are stored electronically or on paper in secure facilities with restricted access.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records may be retrieved by name, student ID number, or email.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Final Disposition Temporary. Destroy 1 year after cutoff or when no longer needed.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Paper records are stored in locked file containers, cabinets, vaults, or secured rooms with restricted access. Information maintained electronically requires role-based file access, Common Access Card (CAC), Public Key Infrastructure (PKI), and/or user ID and password. Data in transit is encrypted.

RECORD ACCESS PROCEDURES:

Individuals seeking access to their records should follow the procedures in 32 CFR part 310. Individuals should address written inquiries to the Department of Navy FOIA Requester Service Center, Office of Freedom of Information, *foiaonline.gov*, 2000 Navy Pentagon, Washington, DC 20350–2000. Signed written requests should contain the name and number of this system of records notice along with full name, current address, email address of the individual and telephone number. Requester should also include alpha number if known. In addition, the requester must provide either a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the appropriate format:

If executed outside the United States: ''I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).''

If executed within the United States, its territories, possessions, or commonwealths: ''I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).''

CONTESTING RECORD PROCEDURES:

The DoD rules for accessing records, contesting contents, and appealing initial Component determinations are contained in 32 CFR part 310, or may be obtained from the system manager.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system of records should follow the instructions for Record Access Procedures above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

None.

[FR Doc. 2025–14115 Filed 7–25–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF EDUCATION

National Assessment Governing Board; Meeting; Correction

AGENCY: National Assessment Governing Board, Department of Education.

ACTION: Notice; correction.

SUMMARY: The National Assessment Governing Board (hereafter referred to as the Board or Governing Board) published a document in the **Federal Register** on Friday, July 11, 2025, announcing the schedule and proposed agenda of the Thursday, July 30, 2025 and Friday, August 1, 2025, quarterly meeting of the Governing Board. The meeting agenda has been revised to reflect the changes below to the Thursday, July 31, 2025, session of the Governing Board meeting.

FOR FURTHER INFORMATION CONTACT: Angela Scott (202) 357–7502.

SUPPLEMENTARY INFORMATION:

Correction

Notice of the hybrid meeting was published in the **Federal Register** on Friday, July 11, 2025, in FR Doc. 2025–13008 at 90 FR 30893–30895. The meeting notice is being amended to update the supplementary information to revise to reflect the new time for these meetings. On page 30894 in the 1st and 2nd columns make the following correction to the topics and times of the Open and Closed sessions. The Executive Committee originally scheduled to meet in closed session on Thursday, July 31, 2025, from 9:00 a.m. to 10:00 a.m., will meet in open session from 9:00 a.m. to 9:10 a.m. for opening remarks from the Chair and to take action on the nomination of the Governing Board's Vice Chair for 2025–2026. The meeting will transition to closed session from 9:10 a.m. to 10:00 a.m. The Governing Board's Executive Director will provide an update on the Board's ongoing work from 9:10 a.m. to 9:20 a.m., and an update on the NAGB budget from 9:20 a.m. to 9:30 a.m. These briefings must be closed because they pertain to the federal budget and acquisition process. Public disclosure of this confidential information would significantly impede implementation of the NAEP assessment program if conducted in open session. Such matters are protected by exemption 9(B) of section 552b(c) of title 5 of the United States Code. The meeting will continue in closed session from 9:30 a.m. to 10:00 a.m. for a discussion on Preparing for Upcoming Report Card Releases. This session must be closed because it will include discussion of data which cannot be released to the public at this time. Public disclosure of this confidential information would significantly impede implementation of the NAEP assessment program if conducted in open session. Such matters are protected by exemption 9(B) of the Government Sunshine Act, 5 U.S.C. 552. The meeting will end at 10:00 a.m. as originally announced.

Elizabeth Schneider,

Executive Deputy Director, National Assessment Governing Board (NAGB), U. S. Department of Education.

[FR Doc. 2025–14118 Filed 7–25–25; 8:45 am]

BILLING CODE P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2025–SCC–0217]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application for Grants Under the Strengthening Institutions Program, ALN# 84.031A & 84.031F

AGENCY: Office of Postsecondary Education (OPE), 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 27, 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 Nalini Lamba-Nieves, 202–453–7953.

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 grants under the Strengthening Institutions Program, ALN# 84.031A & 84.031F.

OMB Control Number: 1840–0114.

Type of Review: An extension without change of a currently approved ICR.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 590.

Total Estimated Number of Annual Burden Hours: 38,350.

Abstract: This request is for an extension of the application booklet for the Strengthening Institutions Program (SIP), Assistance Listing Numbers (ALN) # 84.031A and 84.031F. SIP provides grants to eligible institutions of higher education (IHEs) to improve their academic programs, institutional management, and fiscal stability to increase their self-sufficiency and strengthen their capacity. Funding is targeted to institutions that enroll a large proportion of financially disadvantaged students and have low per-student expenditures. Section 311(b) and Section 391(a)(1) of Title III, Part A of the Higher Education Act of 1965, as amended (HEA), 20 US Code Section 1057 and the governing regulations (34 CFR 607.1–607.31) require collection of the information identified in the application package prior to any new awards being made.

This collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1894–0001). Therefore, the 30-day public comment period notice will be the only public comment notice published for this information collection.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2025–14208 Filed 7–25–25; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2376–052]

Eagle Creek Reusens Hydro, LLC; Notice of Intent To Prepare an Environmental Assessment

On February 28, 2022, Eagle Creek Reusens Hydro, LLC filed a relicense application for the 12.5-megawatt Reusens Hydroelectric Project No. 2376 (Reusens Project or project). The project is located on the James River in Bedford and Amherst Counties, Virginia.

In accordance with the Commission's regulations, on May 13, 2025, Commission staff issued a notice that the Reusens 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 Reusens 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 Reusens 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, 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	July 23, 2026.

Any questions regarding this notice may be directed to Laurie Bauer at (202) 502–6519 or *laurie.bauer@ferc.gov.*

Dated: July 23, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–14173 Filed 7–25–25; 8:45 am]

BILLING CODE 6717–01–P

[1] For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1753197743.

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: EC25–118–000.
Applicants: Innovative Solar 42, LLC.
Description: Application for Authorization Under Section 203 of the Federal Power Act of Innovative Solar 42, LLC.
Filed Date: 7/22/25.
Accession Number: 20250722–5169.
Comment Date: 5 p.m. ET 8/12/25.

Docket Numbers: EC25–119–000.
Applicants: IIF US Holding 2 LP, on behalf of its Public Utility Subsidiaries.
Description: Application for Authorization Under Section 203 of the Federal Power Act of IIF US Holding 2 LP.
Filed Date: 7/22/25.
Accession Number: 20250722–5174.
Comment Date: 5 p.m. ET 8/12/25.

Docket Numbers: EC25–120–000.
Applicants: Carousel Wind, LLC, Carousel Wind Farm, LLC.
Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Carousel Wind, LLC, et al.
Filed Date: 7/22/25.
Accession Number: 20250722–5175.
Comment Date: 5 p.m. ET 8/12/25.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG25–400–000.
Applicants: Bowman Wind, LLC.
Description: Bowman Wind, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 7/23/25.
Accession Number: 20250723–5026.
Comment Date: 5 p.m. ET 8/13/25.
Docket Numbers: EG25–401–000.
Applicants: Lotus Wind, LLC.
Description: Lotus Wind, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 7/23/25.
Accession Number: 20250723–5028.
Comment Date: 5 p.m. ET 8/13/25.
Docket Numbers: EG25–402–000.
Applicants: Lafitte Solar, LLC.
Description: Lafitte Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 7/23/25.
Accession Number: 20250723–5090.
Comment Date: 5 p.m. ET 8/13/25.
Docket Numbers: EG25–403–000.
Applicants: Rush Springs Solar, LLC.
Description: Rush Springs Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 7/23/25.
Accession Number: 20250723–5092.
Comment Date: 5 p.m. ET 8/13/25.
Docket Numbers: EG25–404–000.
Applicants: Pierce County Energy Center, LLC.
Description: Pierce County Energy Center, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 7/23/25.
Accession Number: 20250723–5093.
Comment Date: 5 p.m. ET 8/13/25.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2374–022; ER17–2059–013.
Applicants: Puget Sound Energy, Inc., Puget Sound Energy, Inc.
Description: Supplement to 04/30/2025, Notice of Non-Material Change in Status of Puget Sound Energy, Inc., et al.
Filed Date: 7/23/25.
Accession Number: 20250723–5050.
Comment Date: 5 p.m. ET 8/13/25.
Docket Numbers: ER11–3377–015; ER11–3376–014; ER11–3378–015; ER19–2429–012.
Applicants: Brookfield Smoky Mountain Hydropower LP, South Hurlburt Wind, LLC, North Hurlburt Wind, LLC, Horseshoe Bend Wind, LLC.
Description: Notice of Non-Material Change in Status of Horseshoe Bend Wind, LLC, et al.
Filed Date: 7/22/25.
Accession Number: 20250722–5179.
Comment Date: 5 p.m. ET 8/12/25.
Docket Numbers: ER19–2822–001; ER15–1065–004; ER15–1676–004; ER19–2460–002; ER20–1014–002; ER20–1015–002; ER20–2458–002; ER21–285–002; ER23–2813–002; ER24–1386–001.
Applicants: Bartonsville Energy Facility, LLC, Castle Solar, LLC, Sigurd Solar LLC, Hunter Solar LLC, Cove Mountain Solar 2, LLC, Cove Mountain Solar, LLC, DWW Solar II, LLC, Balko Wind Transmission, LLC, Balko Wind, LLC, Airport Solar LLC.
Description: Supplement to 01/31/2025, Notice of Change in Status of Airport Solar LLC, et al.
Filed Date: 7/17/25.
Accession Number: 20250717–5136.
Comment Date: 5 p.m. ET 8/7/25.
Docket Numbers: ER21–1133–007; ER10–1618–022.
Applicants: Rolling Hills Generating, L.L.C., Hummel Station, LLC.
Description: Notice of Change in Status of Hummel Station, LLC, et al.
Filed Date: 7/22/25.
Accession Number: 20250722–5184.
Comment Date: 5 p.m. ET 8/12/25.
Docket Numbers: ER22–1627–008; ER22–398–007.
Applicants: Mesa Wind Power LLC, AM Wind Repower LLC.
Description: Notice of Non-Material Change in Status of AM Wind Repower LLC, et al.
Filed Date: 7/22/25.
Accession Number: 20250722–5180.
Comment Date: 5 p.m. ET 8/12/25.
Docket Numbers: ER25–2440–001.
Applicants: Basin Electric Power Cooperative, Southwest Power Pool, Inc.
Description: Tariff Amendment: Basin Electric Power Cooperative submits tariff filing per 35.17(b): Basin Electric's Amended Formula Rate Revisions to Implement Rate Incentives to be effective 8/1/2025.
Filed Date: 7/23/25.
Accession Number: 20250723–5039.
Comment Date: 5 p.m. ET 8/13/25.
Docket Numbers: ER25–2507–000.
Applicants: Ventasso Energy Storage, LLC.
Description: Supplement to 06/12/2025, Ventasso Energy Storage, LLC tariff filing.
Filed Date: 7/10/25.
Accession Number: 20250710–5168.
Comment Date: 5 p.m. ET 7/31/25.
Docket Numbers: ER25–2945–000.
Applicants: Route 66 Solar Energy Center, LLC.
Description: § 205(d) Rate Filing: Filing of Shared Facilities Agreement to be effective 9/1/2025.
Filed Date: 7/22/25.
Accession Number: 20250722–5148.
Comment Date: 5 p.m. ET 8/12/25.
Docket Numbers: ER25–2946–000.
Applicants: Origin Wind Energy, LLC.
Description: § 205(d) Rate Filing: Origin Wind Energy, LLC Revised MBR Tariff to be effective 7/23/2025.
Filed Date: 7/22/25.
Accession Number: 20250722–5166.
Comment Date: 5 p.m. ET 8/12/25.
Docket Numbers: ER25–2947–000.
Applicants: Tucson Electric Power Company.
Description: § 205(d) Rate Filing: Rate Schedule No. 359 to be effective 7/23/2025.
Filed Date: 7/22/25.
Accession Number: 20250722–5164.
Comment Date: 5 p.m. ET 8/12/25.
Docket Numbers: ER25–2949–000.
Applicants: Midcontinent Independent System Operator, Inc., Ameren Transmission Company of Illinois.
Description: § 205(d) Rate Filing: Ameren Transmission Company of Illinois submits tariff filing per 35.13(a)(2)(iii: 2025–07–23_SA 4538 ATXI–MEC JOA to be effective 9/22/2025.
Filed Date: 7/23/25.
Accession Number: 20250723–5019.
Comment Date: 5 p.m. ET 8/13/25.
Docket Numbers: ER25–2950–000.
Applicants: Southwest Power Pool, Inc., Southwestern Power Administration.
Description: § 205(d) Rate Filing: Southwestern Power Administration submits tariff filing per 35.13(a)(2)(iii: Submission of Changes to the Southwestern Power Admin Pricing Zone Rates to be effective 6/1/2025.
Filed Date: 7/23/25.
Accession Number: 20250723–5025.
Comment Date: 5 p.m. ET 8/13/25.
Docket Numbers: ER25–2951–000.
Applicants: Wheelabrator Portsmouth Inc.
Description: Tariff Amendment: Notice of Cancellation of Market-Based Rate Tariff to be effective 7/24/2025.
Filed Date: 7/23/25.
Accession Number: 20250723–5042.
Comment Date: 5 p.m. ET 8/13/25.
Docket Numbers: ER25–2952–000.
Applicants: Dominion Energy South Carolina, Inc.
Description: § 205(d) Rate Filing: CEPC Emergency Aid Agreement to be effective 9/22/2025.
Filed Date: 7/23/25.
Accession Number: 20250723–5047.
Comment Date: 5 p.m. ET 8/13/25.
Docket Numbers: ER25–2953–000.
Applicants: New England Power Pool Participants Committee.
Description: § 205(d) Rate Filing: 134th Agreement to be effective 10/1/2025.
Filed Date: 7/23/25.
Accession Number: 20250723–5052.
Comment Date: 5 p.m. ET 8/13/25.
Docket Numbers: ER25–2954–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Ministerial Clean-Up Revisions for ER24–3135–000 to be effective 3/31/2025.

Filed Date: 7/23/25.

Accession Number: 20250723–5057.

Comment Date: 5 p.m. ET 8/13/25.

Docket Numbers: ER25–2955–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Revisions to Clarify How LMPs are Calculated During System Outage or Market Hold to be effective 9/22/2025.

Filed Date: 7/23/25.

Accession Number: 20250723–5084.

Comment Date: 5 p.m. ET 8/13/25.

Docket Numbers: ER25–2956–000.

Applicants: Direct Energy Marketing LLC.

Description: Compliance filing: Notice of Succession and Request for Waiver to be effective 7/24/2025.

Filed Date: 7/23/25.

Accession Number: 20250723–5098.

Comment Date: 5 p.m. ET 8/13/25.

Docket Numbers: ER25–2957–000.

Applicants: Central Maine Power Company.

Description: § 205(d) Rate Filing: Executed Amended SGIA Between Central Maine Power and CPV Spruce Mountain Wind to be effective 6/27/2025.

Filed Date: 7/23/25.

Accession Number: 20250723–5101.

Comment Date: 5 p.m. ET 8/13/25.

Docket Numbers: ER25–2958–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: § 205(d) Rate Filing: Amendment to Service Agreement No. 864, WAPA to be effective 9/22/2025.

Filed Date: 7/23/25.

Accession Number: 20250723–5103.

Comment Date: 5 p.m. ET 8/13/25.

Docket Numbers: ER25–2959–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: § 205(d) Rate Filing: Initial Filing of Rate Schedule FERC No. 420 to be effective 9/22/2025.

Filed Date: 7/23/25.

Accession Number: 20250723–5105.

Comment Date: 5 p.m. ET 8/13/25.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Dated: July 23, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–14169 Filed 7–25–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP25–1009–000.

Applicants: Florida Southeast Connection, LLC.

Description: § 4(d) Rate Filing: Negotiated Rate Agreement Filing to be effective 8/1/2025.

Filed Date: 7/22/25.

Accession Number: 20250722–5145.

Comment Date: 5 p.m. ET 8/4/25.

Docket Numbers: RP25–1010–000.

Applicants: UGI Storage Company.

Description: Annual Report of Operational Sales and Purchases of UGI Storage Company.

Filed Date: 7/22/25.

Accession Number: 20250722–5185.

Comment Date: 5 p.m. ET 8/4/25.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organization, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Dated: July 23, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–14170 Filed 7–25–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 803–123]

Pacific Gas and Electric Company; Notice of Intent To Prepare an Environmental Assessment

On May 6, 2025, Pacific Gas and Electric Company filed an application for a temporary variance from the minimum flow requirements for the Desabla-Centerville Project No. 803. The project is located on Butte Creek, West Branch Feather River, and their tributaries in Butte County, California. The project occupies federal lands managed by the U.S. Forest Service and Bureau of Land Management.

The licensee requests a temporary variance of the instantaneous minimum flow requirements in the West Branch Feather River below the Hendricks Head Dam and in Philbrook Creek below Philbrook Reservoir. Specifically, the

licensee requests that the instantaneous minimum flow requirements for a normal water year: (1) in the West Branch Feather River, of 15 cubic feet per second (cfs), respectively, be temporarily modified to 7 cfs over 48 hours; and (2) in Philbrook Creek, of 2 cfs, be temporarily modified to between 1 and 2 cfs over 48 hours. The licensee proposes to execute these changes as soon as the Commission grants approval until September 30, 2025. The proposed variance would help preserve cold water storage in Philbrook Reservoir, increase flow to Butte Creek via the Hendricks Canal, and decrease water residence time in the DeSabla Forebay, thus minimize high temperature effects to Central Valley spring-run Chinook salmon, and to preserve water for release later in the summer months towards the end of their holding period when the situation is most critical.

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.[1] Commission staff plans to issue an EA by August 6, 2025. Revisions to the schedule may be made as appropriate.

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 Ms. Joy Kurtz at (202) 502–6760 or *joy.kurtz@ferc.gov.*

Dated: July 23, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–14172 Filed 7–25–25; 8:45 am]

BILLING CODE 6717–01–P

[1] The unique identification number for documents relating to this environmental review is EAXX–019–20–000–1750253551.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL25–103–000]

Aulander Holloman Solar, LLC; Notice of Institution of Section 206 Proceeding and Refund Effective Date

On July 23, 2025, the Commission issued an order in Docket No. EL25–103–000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e, instituting an investigation to determine whether Holloman Lessee, LLC's Rate Schedule is considered unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. *Aulander Holloman Solar, LLC,* 192 FERC ¶ 61,081 (2025).

The refund effective date in Docket No. EL25–103–000 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. EL25–103–000 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 21 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 23, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–14171 Filed 7–25–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–25–0009; Docket No. CDC–2025–0222]

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 the National Disease Surveillance Program. This program collects disease specific surveillance reports of the rare diseases Reye Syndrome, Kawasaki Syndrome,

Acute Flaccid Myelitis, and Creutzfeldt-Jakob Disease (CJD).

DATES: CDC must receive written comments on or before September 26, 2025.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2025–0222 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 Disease Surveillance Program (OMB Control No. 0920–0009, Exp. 1/31/2026)—Revision—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Surveillance of the incidence and distribution of disease has been an important function of the US Public Health Service (PHS) since an 1878 Act of Congress authorized the PHS to collect morbidity reports. After the Malaria Control in War Areas Program had fulfilled its original 1942 objective of reducing malaria transmission, its basic tenets were carried forward and broadened by the formation of the Communicable Disease Center (CDC) in 1946. CDC was conceived of as a well-equipped, broadly staffed agency used to translate facts about analysis of morbidity and mortality statistics on communicable diseases and through field investigations. It was soon recognized that control measures (such as the DDT spraying for malaria) did not alleviate the threat of disease reintroduction. In 1950, the Malaria Surveillance Program began and in 1952, the National Surveillance Program started. Both programs were based on the premise that diseases cannot be diagnosed, prevented, or controlled until existing knowledge is expanded and new ideas developed and implemented. The original scope of the National Surveillance Program included the study of malaria, murine typhus, smallpox, psittacosis, diphtheria, leprosy, and sylvatic plague. Over the years, the mandate of CDC has broadened in preventive health activities and the surveillance systems maintained have expanded.

This program is authorized under the Public Health Service Act, Section 301 and 306 (42 U.S.C. 241 and 242K). This data collection covers surveillance activities associated with four, rare diseases: 1. Creutzfeldt-Jakob Disease (CJD); 2. Reye Syndrome; 3. Kawasaki Syndrome; and 4. Acute Flaccid Myelitis. Changes are being requested only to the Acute Flaccid Myelitis form (race and ethnicity responses).

CDC requests OMB approval for an estimated 78 annual burden hours, down 20 hours from the previous total of 98. 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)
Epidemiologist	CJD	10	2	20/60	7
	Kawasaki Syndrome	20	2	15/60	10
	Reye Syndrome	1	1	20/60	1
	Acute Flaccid Myelitis	60	2	30/60	60
Total					78

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. 2025–14201 Filed 7–25–25; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–25–0639; Docket No. CDC–2025–0223]

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 Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) Special Exposure Cohort Petitions. This information collection project permits respondents to submit petitions to HHS requesting the addition of classes of employees to the Special Exposure Cohort under EEOICPA.

DATES: CDC must receive written comments on or before September 26, 2025.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2025–0223 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

Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) Special Exposure Cohort Petitions (OMB Control No. 0920–0639, Exp. 1/31/2026)—Extension—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

On October 30, 2000, the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), 42 U.S.C. 7384–7385 [1994, supp. 2001] was enacted. The Act established a compensation program to provide a lump sum payment of $150,000 and medical benefits as compensation to covered employees suffering from designated illnesses incurred because of their exposure to radiation, beryllium, or silica while in the performance of duty for the Department of Energy and certain of its vendors, contractors and subcontractors. This legislation also provided for payment of compensation for certain survivors of these covered employees. This program has been mandated to be in effect until Congress ends the funding.

Among other duties, the Department of Health and Human Services (HHS) was directed to establish and implement procedures for considering petitions by classes of nuclear weapons workers to be added to the ''Special Exposure Cohort'' (the ''Cohort''). In brief, EEOICPA authorizes HHS to designate such classes of employees for addition to the Cohort when NIOSH lacks sufficient information to estimate with sufficient accuracy the radiation doses of the employees, and if HHS also finds that the health of members of the class may have been endangered by the radiation dose the class potentially incurred. HHS must also obtain the advice of the Advisory Board on Radiation and Worker Health (the ''Board'') in establishing such findings. On May 28, 2004, HHS issued a rule that established procedures for adding such classes to the Cohort (42 CFR part 83). The rule was amended on July 10, 2007.

The HHS rule authorizes a variety of respondents to submit petitions. Petitioners are required to provide the information specified in the rule to qualify their petitions for a complete evaluation by HHS and the Board. HHS has developed two forms to assist the petitioners in providing this required information efficiently and completely. Form A is a one-page form to be used by EEOICPA claimants for whom NIOSH has attempted to conduct dose reconstructions and has determined that available information is not sufficient to complete the dose reconstruction. Form B, accompanied by separate instructions, is intended for all other petitioners. Forms A and B can be submitted electronically as well as in hard copy. Respondent/petitioners should be aware that HHS is not

requiring respondents to use the forms. Respondents can choose to submit petitions as letters or in other formats, but petitions must meet the informational requirements stated in the rule. NIOSH expects, however, that all petitioners for whom Form A would be appropriate will use the form, since NIOSH will provide it to them upon determining that their dose reconstruction cannot be completed and encourage them to submit the petition. NIOSH expects most petitioners for whom Form B would be appropriate will also use the form, since it provides a simple, organized format for addressing the informational requirements of a petition.

NIOSH will use the information obtained through the petition for the following purposes: (a) identify the petitioner(s), obtain their contact information, and establish that the petitioner(s) is qualified and intends to petition HHS; (b) establish an initial definition of the class of employees being proposed to be considered for addition to the Cohort; (c) determine whether there is justification to require HHS to evaluate whether or not to designate the proposed class as an addition to the Cohort (such an evaluation involves potentially extensive data collection, analysis, and related deliberations by NIOSH, the Board, and HHS); and (d) target an evaluation by HHS to examine relevant potential limitations of radiation monitoring and/or dosimetry-relevant records and to examine the potential for related radiation exposures that might have endangered the health of members of the class.

Finally, under the rule, petitioners may contest the proposed decision of the Secretary to add or deny adding classes of employees to the cohort by submitting evidence that the proposed decision relies on a record of either factual or procedural errors in the implementation of these procedures. NIOSH estimates that the average time to prepare and submit such a challenge is five hours. Because of the uniqueness of this submission, NIOSH is not providing a form. The submission will typically be in the form of a letter to the Secretary.

CDC requests OMB approval for an estimated 43 annual burden hours. There are no costs to respondents unless a respondent/petitioner chooses to purchase the services of an expert in dose reconstruction, an option provided for under the rule.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Avg. burden per response (in hrs.)	Total burden (in hrs.)
Petitioners	Form A, 42 CFR 83.9	2	1	3/60	1
	Form B, 42 CFR 83.9	5	1	5	25
Petitioners using a submission format other than Form B (as permitted by rule).	42 CFR 83.9	1	1	6	6
Petitioners Appealing final HHS decision (no specific form is required).	42 CFR 83.18	2	1	5	10
Claimant authorizing a party to submit petition on his/her behalf.	Authorization Form, 42 CFR 83.7	3	1	3/60	1
Total					43

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. 2025–14200 Filed 7–25–25; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–R–138, CMS–10882 and CMS–10716]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by August 27, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct

or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Reinstatement with change of a previously approved collection; *Title of Information Collection:* Medicare Geographic Classification Review Board Procedures and Criteria; *Use:* During the first few years of IPPS, hospitals were paid strictly based on their physical geographic location concerning the wage index (Metropolitan Statistical Areas (MSAs)) and the standardized amount (rural, other urban, or large urban). However, a growing number of hospitals became concerned that their payment rates were not providing accurate compensation. The hospitals argued that they were not competing with the hospitals in their own geographic area, but instead that they were competing with hospitals in neighboring geographic areas.

At that point, Congress enacted Section 1886(d)(10) of the Act which enabled hospitals to apply to be considered part of neighboring geographic areas for payment purposes based on certain criteria. The application and decision process are administered by the MGCRB which is not a part of CMS so that CMS could not be accused of any untoward action. However, CMS needs to remain apprised of any potential payment changes. Hospitals are required to provide CMS with a copy of any applications that they made to the MGCRB. CMS also developed the guidelines for the MGCRB that were the interim final issue of the **Federal Register** and must ensure that the MGCRB properly applied the guidelines. This check and balance process also contributes to limiting the number of hospitals that ultimately need to appeal their MGCRB decisions to the CMS Administrator. *Form Number:* CMS–R–138 (OMB control number: 0938–0573); *Frequency:* Occasionally; *Affected Public:* Businesses or other for-profits and Not-for-profit institutions; *Number of Respondents:* 850; *Total Annual Responses:* 850; *Total Annual Hours:* 850. (For policy questions regarding this collection contact Noel Manlove at 410–786–5161.)

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Part C and Part D Medicare Prescription Payment Plan Model Documents; *Use:* Sections 1860D–2(b)(2)(E)(v)(II)–(IV) of the Act state the requirements for Part D plan sponsors in implementing the program, which include the processes for outreach to enrollees identified as likely to benefit, election, and termination. Subsection II states that any Part D enrollee may elect into the program prior to or during the plan year. Subsection III details that Part D plan sponsors and MA organizations must have a mechanism in place to inform enrollees that they are likely to benefit from electing into the program at the point of sale (POS). Subsection IV(aa) states that plans must terminate a beneficiary's participation in the program when the beneficiary fails to pay the amounts owed under this program.

CMS has developed the seven model notices to provide standardized and consistent language for potential and active program participants, regardless of which Part D plan they may be enrolled in. The seven model notices and their content serve as an example of how to convey information on the Medicare Prescription Payment Plan to Part D enrollees and program participants, as applicable. Though Part D plan sponsors are not required to use the model materials and content verbatim, use of the model materials will satisfy the communications requirements included in § 423.137. If a Part D plan sponsor chooses not to use a model material, they must meet the content requirements in § 423.137 for the alternate notices they develop. CMS notes that the ''Medicare Prescription Payment Plan Likely to Benefit Notice,'' is a standardized material that Part D plan sponsors are required to use in the form and manner provided by CMS. *Form Number:* CMS–10882 (OMB control number: 0938–1475); *Frequency:* Yearly; *Affected Public:* Individuals and Households, Private Sector, Federal Government, Businesses or other for-profits and Not-for-profit institutions; *Number of Respondents:* 234,227; *Total Annual Responses:* 39,514,987; *Total Annual Hours:* 135,080. (For policy questions regarding this collection contact Deven Gosalia at (410)786–8264 or *Deven.gosalia@cms.hhs.gov*.)

3. *Type of Information Collection Request:* Revision with change of a currently approved collection; *Title of Information Collection:* Applicable Integrated Plan Coverage Decision Letter; Use: Section 1859(f)(8) of the Act requires development of unified grievance and appeals processes for D–SNPs, to the extent feasible. We finalized regulations for integrated organization determinations at § 422.631, affecting D–SNP administration for January 1, 2021 and beyond. The rule requires applicable integrated plans to send an enrollee a written notice of any adverse decision on an integrated organization determination using a notice that is written in plain language and contains the information detailed at § 422.631(d)(1)(iii).

Applicable integrated plans as defined at § 422.561 issue form CMS–10716 when a request for either a medical service or payment is denied in whole or in part after considering both the Medicare and Medicaid benefit. Applicable integrated plans issue this form to enrollees when the plan reduces, stops, suspends, changes, or denies, in whole or in part, a request for a service or item (including a Part B drug) or a request for payment of a service or item (including a Part B drug) that the enrollee has already received. The form provides the enrollee with information regarding their right to an appeal of the applicable integrated plan's decision and the enrollee will use the instructions to navigate the appeal process. *Form Number:* CMS–10716 (OMB control number 0938–1386); *Frequency:* Occasionally; *Affected Public:* Private Sector and Business or other for-profits; *Number of Respondents:* 129; *Number of Responses:* 10,468; *Total Annual Hours:* 1,745. (For questions regarding this collection contact Kristi Sugarman at 415–744–3629.)

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2025–14210 Filed 7–25–25; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[Docket No. USGS–2025–0008; OMB Control Number 1028–0130; GX25WB12E6R22]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Wildlife Video Data Scoring

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, we, the U.S. Geological Survey (USGS) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before August 27, 2025.

ADDRESSES: You may submit comments by one of the following methods:

- *Internet: https://www.regulations.gov.* Search for and submit comments on Docket No. USGS–2025–0008.
- *U.S. Mail:* USGS, Information Collections Clearance Officer, 12201 Sunrise Valley Drive, MS 159, Reston, VA 20192.

FOR FURTHER INFORMATION CONTACT: Heather Johnson by email at *heatherjohnson@usgs.gov,* or by telephone at 907–786–7155. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the PRA of 1995 (44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format. An agency may not conduct or sponsor, nor is an individual required to respond to a collection of information unless it displays a currently valid OMB control number.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on May 19, 2025, (90 FR 21332) No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the USGS, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How the USGS might minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

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

Abstract: We have developed an online application that enables collaborators and volunteers to watch video clips collected from wildlife video camera collars and enter data observed in the clips. Information collected from the videos will be analyzed to assess wildlife activity budgets, reproduction, diets, and preferred habitat conditions, and used to better understand mechanisms influencing wildlife movements, distributions and population trends. Results of the analyses will be published in peer-reviewed scientific publications that will be available to the public.

There has been a reduction in burden hours in this renewal, as most of the expected project work has already been completed.

Title of Collection: Wildlife Video Data Scoring.

OMB Control Number: 1028–0130.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Project collaborators which include DOI agency employees and volunteers.

Total Estimated Number of Annual Respondents: 14.

Total Estimated Number of Annual Responses: 8,414.

Estimated Completion Time per Response to read announcement/instructions: 120 minutes on average.

Estimated Completion Time per Response to complete survey: 2 minutes on average.

Total Estimated Number of Annual Burden Hours: 308.

Respondent's Obligation: Voluntary.

Frequency of Collection: Depends on the time and interest of the respondent. Some respondents will enter data on a weekly basis, others will enter data less frequently.

Total Estimated Annual Nonhour Burden Cost: None.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Christian E. Zimmerman,

Center Director Supervisory Biologist.

[FR Doc. 2025–14106 Filed 7–25–25; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A2407–014–004–065516; #O2412–014–004–047181.1]

Proposed Reinstatement of Terminated Oil and Gas Leases, Weld County, CO

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of lease reinstatements.

SUMMARY: In accordance with the Mineral Leasing Act of 1920, Okreek Oil and Gas LLC, Bison IV Properties Colorado, LLC, and Morning Gun Exploration LLC, filed timely petitions with the Bureau of Land Management (BLM) for reinstatement of competitive oil and gas leases located in Pawnee Grasslands, Weld County, Colorado. The lessees paid the required rentals that accrued from the dates of termination. The BLM has not issued new leases that affect these lands prior to receiving the

petition. The BLM proposes to reinstate these leases because they meet the requirements of the Mineral Leasing Act and BLM regulations and are in conformance with the existing Eastern Resource Management Plan, signed on January 9, 2024.

FOR FURTHER INFORMATION CONTACT: Scott Curtis, Supervisory Land Law Examiner, Fluid Minerals Adjudication, Bureau of Land Management Colorado State Office, P.O. Box 151029, DFC—Bldg., 40, Lakewood, CO 80215; telephone: (303) 239–3600; email: *BLM_CO_LeaseSale@blm.gov*.

Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The lessees agreed to the new lease terms for rentals and royalties of $20 per acre, or fraction thereof, per year, and 20 percent respectively. The lessees paid the required $500 administrative fee for lease reinstatement and the $151 cost of publishing this notice. The lessees met the requirements for reinstatement of the leases per section 31(d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188). The BLM proposes to reinstate the leases referenced below, effective with their respective termination dates, under the original terms and conditions of the leases and the increased rental and royalty rates cited above.

Lease No.	Lessee	Termination date
COCO105304064 (COC77287)	Okreek Oil and Gas LLC	1/1/2022
COCO105306256 (COC77307)	Okreek Oil and Gas LLC	1/1/2022
COCO105306257 (COC77308)	Okreek Oil and Gas LLC	1/1/2022
COCO105310452 (COC77361)	Okreek Oil and Gas LLC	1/1/2022
COCO105310457 (COC77366)	Bison IV Properties Colorado, LLC *(formerly) Upland Exploration*	1/1/2023
COCO105311215 (COC76971)	Morning Gun Exploration LLC	7/1/2021
COCO105311217 (COC76973)	Morning Gun Exploration LLC	7/1/2021
COCO105311218 (COC76974)	Morning Gun Exploration LLC	7/1/2021
COCO105311219 (COC76975)	Morning Gun Exploration LLC	7/1/2021
COCO105373576 (COC76976)	Morning Gun Exploration LLC	7/1/2021

(Authority: 30 U.S.C. 188(e)(4) and 43 CFR 3108.23)

Kemba K. Anderson,

Fluid Minerals Branch Chief.

[FR Doc. 2025–14108 Filed 7–25–25; 8:45 am]

BILLING CODE 4331–16–P

NATIONAL INDIAN GAMING COMMISSION

Notice of Approved Class III Tribal Gaming Ordinance

AGENCY: National Indian Gaming Commission.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public of the approval of Confederated Tribes of Grand Ronde Class III gaming ordinance by the Chairman of the National Indian Gaming Commission.

DATES: This notice is applicable July 28, 2025.

FOR FURTHER INFORMATION CONTACT: Dena Wynn, Office of General Counsel at the National Indian Gaming Commission, 202–632–7003, or by facsimile at 202–632–7066 (not toll-free numbers).

SUPPLEMENTARY INFORMATION: The Indian Gaming Regulatory Act (IGRA) 25 U.S.C. 2701 *et seq.,* established the National Indian Gaming Commission (Commission). Section 2710 of IGRA authorizes the Chairman of the Commission to approve Class II and Class III tribal gaming ordinances. Section 2710(d)(2)(B) of IGRA, as implemented by NIGC regulations, 25 CFR 522.8, requires the Chairman to publish, in the **Federal Register**, approved Class III tribal gaming ordinances and the approvals thereof.

IGRA requires all tribal gaming ordinances to contain the same requirements concerning tribes' sole proprietary interest and responsibility for the gaming activity, use of net revenues, annual audits, health and safety, background investigations and licensing of key employees and primary management officials. The Commission, therefore, believes that publication of each ordinance in the **Federal Register** would be redundant and result in unnecessary cost to the Commission.

Thus, the Commission believes that publishing a notice of approved Class III tribal gaming ordinances in the **Federal Register**, is sufficient to meet the requirements of 25 U.S.C. 2710(d)(2)(B). Every ordinance and approval thereof is posted on the Commission's website (*www.nigc.gov*) under General Counsel, Gaming Ordinances within five (5) business days of approval.

On March 10, 2025, Chairman of the National Indian Gaming Commission approved Confederated Tribes of Grand Ronde Tribe Class III Gaming Ordinance. A copy of the approval letter is posted with this notice and can be found with the approved ordinance on the NIGC's website (*www.nigc.gov*) under General Counsel, Gaming Ordinances. A copy of the approved Class III ordinance will also be made available upon request. Requests can be made in writing to the Office of General Counsel, National Indian Gaming Commission, Attn: Dena Wynn, 1849 C Street NW, MS #1621, Washington, DC 20240 or at *info@nigc.gov.*

National Indian Gaming Commission.

Dated: December 6, 2024.

Rea Cisneros,

General Counsel (Acting).

Editorial Note: This document was received for publication by the Office of the Federal Register on July 24, 2025.

March 10, 2025
VIA EMAIL
Cheryle A. Kennedy, Chairwoman
Confederated Tribes of Grand Ronde
9615 Grand Ronde Road
Grand Ronde, OR 97347
Re: Confederated Tribes of Grand Ronde Amended Gaming Ordinance
Dear Chairwoman Kennedy:

This letter responds to your request of January 23, 2025, on behalf of the Confederated Tribes of Grand Ronde (Tribes) for the National Indian Gaming Commission's (NIGC) Acting Chairwoman to review and approve an amendment to the Tribes' gaming ordinance (Ordinance). The Ordinance was amended by Resolution 185–24 on November 20, 2024.

Thank you for bringing these amendments to our attention. The Ordinance, as noted above, is approved as it is consistent with the requirements of the Indian Gaming Regulatory Act and NIGC regulations. If you have any questions or require anything further, please contact Logan Takao Cooper at (503) 318–7524 or *Logan.Takao-Cooper@nigc.gov.*

Sincerely,

Sharon M. Avery,

Acting Chairwoman.

[FR Doc. 2025–14190 Filed 7–25–25; 8:45 am]

BILLING CODE 7565–01–P

NATIONAL INDIAN GAMING COMMISSION

Notice of Approved Class III Tribal Gaming Ordinance

AGENCY: National Indian Gaming Commission.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public of the approval of Moapa Band of Paiutes Tribe Class III gaming ordinance by the Chairman of the National Indian Gaming Commission.

DATES: This notice is applicable July 28, 2025.

FOR FURTHER INFORMATION CONTACT: Dena Wynn, Office of General Counsel at the National Indian Gaming Commission, 202–632–7003, or by facsimile at 202–632–7066 (not toll-free numbers).

SUPPLEMENTARY INFORMATION: The Indian Gaming Regulatory Act (IGRA) 25 U.S.C. 2701 *et seq.,* established the National Indian Gaming Commission (Commission). Section 2710 of IGRA authorizes the Chairman of the Commission to approve Class II and Class III tribal gaming ordinances. Section 2710(d)(2)(B) of IGRA, as implemented by NIGC regulations, 25 CFR 522.8, requires the Chairman to publish, in the **Federal Register**, approved Class III tribal gaming ordinances and the approvals thereof.

IGRA requires all tribal gaming ordinances to contain the same requirements concerning tribes' sole proprietary interest and responsibility for the gaming activity, use of net revenues, annual audits, health and safety, background investigations and licensing of key employees and primary management officials. The Commission, therefore, believes that publication of each ordinance in the **Federal Register** would be redundant and result in unnecessary cost to the Commission.

Thus, the Commission believes that publishing a notice of approved Class III tribal gaming ordinances in the **Federal Register**, is sufficient to meet the requirements of 25 U.S.C. 2710(d)(2)(B). Every ordinance and approval thereof is posted on the Commission's website (*www.nigc.gov*) under General Counsel, Gaming Ordinances within five (5) business days of approval.

On July 24, 2023, the Chairman of the National Indian Gaming Commission approved Moapa Band of Paiutes Tribe Class III Gaming Ordinance. A copy of the approval letter is posted with this notice and can be found with the approved ordinance on the NIGC's website (*www.nigc.gov*) under General Counsel, Gaming Ordinances. A copy of the approved Class III ordinance will also be made available upon request. Requests can be made in writing to the Office of General Counsel, National Indian Gaming Commission, Attn: Dena Wynn, 1849 C Street NW, MS #1621, Washington, DC 20240 or at *info@nigc.gov.www.nigc.gov*) under General Counsel, Gaming Ordinances. A copy of the approved Class III ordinance will also be made available upon request. Requests can be made in writing to the Office of General Counsel, National Indian Gaming Commission, Attn: Dena Wynn, 1849 C Street NW, MS #1621, Washington, DC 20240 or at *info@nigc.gov.*

National Indian Gaming Commission.

Dated: January 7, 2025.

Rea Cisneros,

General Counsel (Acting).

Editorial Note: This document was received for publication by the Office of the Federal Register on July 24, 2025.

July 24, 2023
VIA EMAIL
Chairman Gregory T. Anderson
P.O. Box 340
Moapa, Nevada 89025
Re: Moapa Band of Paiute Indians
Amended Gaming Ordinance
Dear Chairman Anderson:

This letter responds to the June 15, 2023 submission on behalf of the Moapa Band of Paiute Indians (''Tribe'') informing the National Indian Gaming Commission that the Tribe amended its gaming ordinance. The Moapa Business Council adopted the amended gaming ordinance in Resolution M–23–06–01 on June 7, 2023.

The ordinance contains language in the definition of Gaming Operation that may be read as applying to individually owned gaming. The ordinance states that a ''gaming operation may be operated by the Tribe directly; by a management contractor; or, under certain conditions, by another person or entity.'' 1 The Tribe explained that this language is intended to apply to tribal corporations chartered under Section 17 of the Indian Reorganization Act of 1934 and that the provision does not allow for individually owned gaming. 2 Considering the Tribe's interpretation of the definition of Gaming Operation, the amendments to the amended gaming ordinance reflect updates that are consistent with the Indian Gaming Regulatory Act (IGRA) and NIGC regulations.

Thank you for bringing these amendments to our attention. The amended ordinance is approved as it is consistent with the requirements of IGRA and NIGC's regulations. If you have any questions or require anything further, please contact Rachel Hill at (918) 581–6214.

Sincerely,

E. Sequoyah Simermeyer,

Chairman.

[FR Doc. 2025–14197 Filed 7–25–25; 8:45 am]

BILLING CODE 7565–01–P

NATIONAL INDIAN GAMING COMMISSION

Notice of Approved Class III Tribal Gaming Ordinance

AGENCY: National Indian Gaming Commission.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public of the approval of Little River Band of Ottawa Indians Tribe Class III gaming ordinance by the Chairman of the National Indian Gaming Commission.

DATES: This notice is applicable July 28, 2025.

FOR FURTHER INFORMATION CONTACT: Dena Wynn, Office of General Counsel at the National Indian Gaming Commission, 202–632–7003, or by facsimile at 202–632–7066 (not toll-free numbers).

SUPPLEMENTARY INFORMATION: The Indian Gaming Regulatory Act (IGRA) 25 U.S.C. 2701 *et seq.,* established the National Indian Gaming Commission (Commission). Section 2710 of IGRA authorizes the Chairman of the Commission to approve Class II and Class III tribal gaming ordinances. Section 2710(d)(2)(B) of IGRA, as implemented by NIGC regulations, 25 CFR 522.8, requires the Chairman to publish, in the **Federal Register**, approved Class III tribal gaming ordinances and the approvals thereof.

IGRA requires all tribal gaming ordinances to contain the same requirements concerning tribes' sole proprietary interest and responsibility for the gaming activity, use of net revenues, annual audits, health and safety, background investigations and licensing of key employees and primary management officials. The Commission, therefore, believes that publication of each ordinance in the **Federal Register** would be redundant and result in unnecessary cost to the Commission.

Thus, the Commission believes that publishing a notice of approved Class III tribal gaming ordinances in the **Federal Register**, is sufficient to meet the requirements of 25 U.S.C. 2710(d)(2)(B). Every ordinance and approval thereof is posted on the Commission's website (*www.nigc.gov*) under General Counsel, Gaming Ordinances within five (5) business days of approval.

On May 29, 2024, the Chairman of the National Indian Gaming Commission approved Little River Band of Ottawa Indians Tribe Class III Gaming Ordinance. A copy of the approval letter is posted with this notice and can be found with the approved ordinance on the NIGC's website (*www.nigc.gov*) under General Counsel, Gaming Ordinances. A copy of the approved Class III ordinance will also be made available upon request. Requests can be made in writing to the Office of General Counsel, National Indian Gaming Commission, Attn: Dena Wynn, 1849 C Street NW, MS #1621, Washington, DC 20240 or at (*www.nigc.gov*) under General Counsel, Gaming Ordinances. A copy of the approved Class III ordinance will also be made available upon request. Requests can be made in writing to the Office of General Counsel, National Indian Gaming Commission, Attn: Dena Wynn, 1849 C Street NW, MS #1621, Washington, DC 20240 or at *info@nigc.gov.*

National Indian Gaming Commission.

Dated: March 14, 2025

Rea Cisneros,

General Counsel (Acting).

Editorial Note: This document was received for publication by the Office of the Federal Register on July 24, 2025.

May 29, 2024
VIA EMAIL
Gary Pitchlynn
P.O. Box 722786
Norman, OK 73070
Re: Little River Band of Ottawa Indians
Amended Gaming Ordinance
Dear Mr. Pitchlynn:

This letter responds to your May 2, 2024 submission on behalf of the Little River Band of Ottawa Indians (''Band'') for the National Indian Gaming Commission (''NIGC'') Chairwoman to review and approve amendments to the Band's gaming ordinance. The Band adopted the Ordinance through resolution #24–0424–077 on April 24, 2024. We understand that these amendments ensure consistency with updated NIGC regulations.

Thank you for bringing these amendments to our attention. The amended ordinance is approved as it is consistent with the requirements of IGRA and NIGC's regulations. If you have any questions, please contact NIGC Staff Attorney Josh Proper at *joshua.proper@nigc.gov* or (540) 760–3026.

Sincerely,

Sharon M. Avery,

NIGC Chairwoman (A).

[FR Doc. 2025–14196 Filed 7–25–25; 8:45 am]

BILLING CODE 7565–01–P

NATIONAL INDIAN GAMING COMMISSION

Notice of Approved Class III Tribal Gaming Ordinance

AGENCY: National Indian Gaming Commission.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public of the approval of Rincon Band of Luiseño Class III gaming ordinance by the Chairman of the National Indian Gaming Commission.

DATES: This notice is applicable July 28, 2025.

FOR FURTHER INFORMATION CONTACT: Dena Wynn, Office of General Counsel at the National Indian Gaming Commission, 202–632–7003, or by facsimile at 202–632–7066 (not toll-free numbers).

SUPPLEMENTARY INFORMATION: The Indian Gaming Regulatory Act (IGRA) 25 U.S.C. 2701 *et seq.,* established the National Indian Gaming Commission (Commission). Section 2710 of IGRA authorizes the Chairman of the Commission to approve Class II and Class III tribal gaming ordinances. Section 2710(d)(2)(B) of IGRA, as implemented by NIGC regulations, 25 CFR 522.8, requires the Chairman to publish, in the **Federal Register**, approved Class III tribal gaming ordinances and the approvals thereof.

IGRA requires all tribal gaming ordinances to contain the same requirements concerning tribes' sole proprietary interest and responsibility for the gaming activity, use of net revenues, annual audits, health and safety, background investigations and licensing of key employees and primary management officials. The Commission, therefore, believes that publication of each ordinance in the **Federal Register** would be redundant and result in unnecessary cost to the Commission.

Thus, the Commission believes that publishing a notice of approved Class III tribal gaming ordinances in the **Federal Register**, is sufficient to meet the requirements of 25 U.S.C. 2710(d)(2)(B). Every ordinance and approval thereof is posted on the Commission's website (*www.nigc.gov*) under General Counsel, Gaming Ordinances within five (5) business days of approval.

On August 9, 2024 Chairman of the National Indian Gaming Commission approved Rincon Band of Luiseño Tribe Class III Gaming Ordinance. A copy of the approval letter is posted with this notice and can be found with the approved ordinance on the NIGC's website (*www.nigc.gov*) under General Counsel, Gaming Ordinances. A copy of the approved Class III ordinance will also be made available upon request. Requests can be made in writing to the Office of General Counsel, National Indian Gaming Commission, Attn: Dena Wynn, 1849 C Street NW, MS #1621, Washington, DC 20240 or at *info@nigc.gov*.

National Indian Gaming Commission.

Dated: December 6, 2024.

Rea Cisneros,

General Counsel (Acting).

Editorial Note: This document was received for publication by the Office of the Federal Register on July 24, 2025.

August 9, 2024
Joseph Linton, Vice Chairman
Rincon Band of Luiseño Indians
One Government Center Lane
Valley Center, CA 92082
Re: Rincon Band of Luiseño Indians
Gaming Ordinance
Dear Vice Chairman Linton:

I am writing with respect to the July 5, 2024 request of the Rincon Band of Luiseño Indians to the National Indian Gaming Commission to review and approve the Tribe's gaming ordinance. The gaming ordinance was adopted by Resolution No. 2024–48 of the Tribal Council.

Thank you for providing the gaming ordinance for our review. The ordinance is approved as it is consistent with the requirements of the Indian Gaming Regulatory Act and NIGC regulations. If you have any questions concerning this letter, please contact Senior Attorney Austin Badger at (202) 632–7003.

Sincerely,

Sharon M. Avery,

Chairwoman (A).

[FR Doc. 2025–14189 Filed 7–25–25; 8:45 am]

BILLING CODE 7565–01–P

NATIONAL INDIAN GAMING COMMISSION

Notice of Approved Class III Tribal Gaming Ordinance

AGENCY: National Indian Gaming Commission.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public of the approval of Shawnee Tribe Class III gaming ordinance by the Chairman of the National Indian Gaming Commission.

DATES: This notice is applicable July 28, 2025.

FOR FURTHER INFORMATION CONTACT: Dena Wynn, Office of General Counsel at the National Indian Gaming Commission, 202–632–7003, or by facsimile at 202–632–7066 (not toll-free numbers).

SUPPLEMENTARY INFORMATION: The Indian Gaming Regulatory Act (IGRA) 25 U.S.C. 2701 *et seq.,* established the National Indian Gaming Commission (Commission). Section 2710 of IGRA authorizes the Chairman of the Commission to approve Class II and Class III tribal gaming ordinances. Section 2710(d)(2)(B) of IGRA, as implemented by NIGC regulations, 25 CFR 522.8, requires the Chairman to publish, in the **Federal Register**, approved Class III tribal gaming ordinances and the approvals thereof.

IGRA requires all tribal gaming ordinances to contain the same requirements concerning tribes' sole proprietary interest and responsibility for the gaming activity, use of net revenues, annual audits, health and safety, background investigations and licensing of key employees and primary management officials. The Commission, therefore, believes that publication of each ordinance in the **Federal Register** would be redundant and result in unnecessary cost to the Commission.

Thus, the Commission believes that publishing a notice of approved Class III tribal gaming ordinances in the **Federal Register**, is sufficient to meet the requirements of 25 U.S.C. 2710(d)(2)(B). Every ordinance and approval thereof is posted on the Commission's website (*www.nigc.gov*) under General Counsel, Gaming Ordinances within five (5) business days of approval.

On June 24, 2024, Chairman of the National Indian Gaming Commission approved Shawnee Tribe Class III Gaming Ordinance. A copy of the approval letter is posted with this notice and can be found with the approved ordinance on the NIGC's website (*www.nigc.gov*) under General Counsel, Gaming Ordinances. A copy of the approved Class III ordinance will also be made available upon request. Requests can be made in writing to the Office of General Counsel, National Indian Gaming Commission, Attn: Dena Wynn, 1849 C Street NW, MS #1621, Washington, DC 20240 or at *info@nigc.gov.*

National Indian Gaming Commission.

Dated: December 6, 2024.

Rea Cisneros,

General Counsel (Acting).

Editorial Note: This document was received for publication by the Office of the Federal Register on July 24, 2025.

June 24, 2024
VIA E–MAIL
Ben Barnes, Chief
Shawnee Tribe
P.O. Box 189
Miami, OK 74354
Re: Shawnee Tribe Amended and Restated Gaming Act
Dear Chief Barnes:

This letter responds to your request for the National Indian Gaming Commission (NIGC) Chair to review and approve the Shawnee Tribe's amended and restated gaming act (Act). The Shawnee Tribe Business Council adopted the Act by Resolution R–06–17–2024–A on June 17, 2024.

Thank you for bringing the Act to our attention and for providing us with a copy. The Act is approved as it is consistent with the Indian Gaming Regulatory Act and NIGC regulations.

If you have any questions or require anything further, please contact NIGC Acting Associate General Counsel Femila Ervin by email at *femila.ervin@nigc.gov,* or by phone at 301–751–7700.

Sincerely,

Sharon Avery,

NIGC Chairwoman (Acting).

cc: Cassie Harper, Chief of Staff, Shawnee Tribe.
Rob Roy Smith, Kilpatrick Townsend & Stockton LLP.

[FR Doc. 2025–14195 Filed 7–25–25; 8:45 am]

BILLING CODE 7565–01–P

NATIONAL INDIAN GAMING COMMISSION

Notice of Approved Class III Tribal Gaming Ordinance

AGENCY: National Indian Gaming Commission.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public of the approval of Tonto Apache Tribe Class III gaming ordinance by the Chairman of the National Indian Gaming Commission.

DATES: This notice is applicable July 28, 2025.

FOR FURTHER INFORMATION CONTACT: Dena Wynn, Office of General Counsel at the National Indian Gaming Commission, 202–632–7003, or by facsimile at 202–632–7066 (not toll-free numbers).

SUPPLEMENTARY INFORMATION: The Indian Gaming Regulatory Act (IGRA) 25 U.S.C. 2701 *et seq.,* established the National Indian Gaming Commission (Commission). Section 2710 of IGRA authorizes the Chairman of the Commission to approve Class II and Class III tribal gaming ordinances. Section 2710(d)(2)(B) of IGRA, as implemented by NIGC regulations, 25 CFR 522.8, requires the Chairman to publish, in the **Federal Register**, approved Class III tribal gaming ordinances and the approvals thereof.

IGRA requires all tribal gaming ordinances to contain the same requirements concerning tribes' sole proprietary interest and responsibility for the gaming activity, use of net revenues, annual audits, health and safety, background investigations and licensing of key employees and primary management officials. The Commission, therefore, believes that publication of each ordinance in the **Federal Register** would be redundant and result in unnecessary cost to the Commission.

Thus, the Commission believes that publishing a notice of approved Class III tribal gaming ordinances in the **Federal Register**, is sufficient to meet the requirements of 25 U.S.C. 2710(d)(2)(B). Every ordinance and approval thereof is posted on the Commission's website (*www.nigc.gov*) under General Counsel, Gaming Ordinances within five (5) business days of approval.

On February 21, 2024, Chairman of the National Indian Gaming Commission approved Tonto Apache Tribe Class III Gaming Ordinance. A copy of the approval letter is posted with this notice and can be found with the approved ordinance on the NIGC's website (*www.nigc.gov*) under General Counsel, Gaming Ordinances. A copy of the approved Class III ordinance will also be made available upon request. Requests can be made in writing to the Office of General Counsel, National Indian Gaming Commission, Attn: Dena Wynn, 1849 C Street NW, MS #1621, Washington, DC 20240 or at *info@nigc.gov.*

National Indian Gaming Commission.

Dated: December 6, 2024.

Rea Cisneros,

General Counsel (Acting).

Editorial Note: This document was received for publication by the Office of the Federal Register on July 24, 2025.

February 21, 2024

VIA EMAIL

Calvin Johnson, Chairman

Tonto Apache Tribe

Tonto Apache Reservation #30

Payson, AZ 85541

Re: Tonto Apache Tribe Amended Gaming Ordinance

Dear Chairman Johnson,

This letter responds to the January 30, 2024 resubmission on behalf of the Tonto Apache Tribe (Tribe) informing the National Indian Gaming Commission (NIGC) that the Tribe amended its gaming ordinance and regulations. We understand that these amendments reflect changes in tribal law and ensure consistency with federal and state law as required by its gaming compact with the state of Arizona. Upon review, many of the amendments are technical and non-substantive in nature, with some substantive changes made regarding the tribal gaming regulatory body and internal ethics standards.

We understand that that the Ordinance requires a ''request for'' fingerprints by the Executive Director on licensing applications, rather than just the fingerprints themselves. 25 CFR 556.4(a)(6) requires that for licensing applications, a tribe shall request from each primary management official and from each key employee fingerprints consistent with procedures adopted by said tribe. We interpret that the Tribe will still require fingerprint submissions for licensing applications consistent with our regulations.

Thank you for bringing these amendments to our attention. The amended ordinance and regulations, as noted above, are approved as they are consistent with the requirements of the Indian Gaming Regulatory Act and NICG's regulations. If you have any questions or require anything further, please contact Logan Takao Cooper at (503) 318–7524 or *Logan.Takao-Cooper@nigc.gov.*

Sincerely,

E. Sequoyah Simermeyer,

Chairman.

[FR Doc. 2025–14191 Filed 7–25–25; 8:45 am]

BILLING CODE 7565–01–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6326; NPS–WASO–NAGPRA–NPS0040516; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: California Department of Transportation, Oakland, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the California Department of Transportation (Caltrans) has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the associated funerary objects in this notice may occur on or after August 27, 2025.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Lindsay Busse and Althea Asaro, PQS Principal Investigators—Prehistoric Archaeology California Department of Transportation, District 111 Grand Avenue, Oakland, CA 94612, email *lindsay.busse@dot.ca.gov* and *althea.asaro@dot.ca.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of Caltrans, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

The 4,720 associated funerary objects are catalog entries representing lithics, paleobotanicals, soil samples, faunal remains, shell, shell and beads; of the 4,720 associated funerary object catalogs, 43 catalog numbers are missing and Caltrans and Sonoma State University (SSU) continue to look for them. These collections are primarily the result of archaeological investigations along Interstate 80 in Solano County for Caltrans improvement projects between 1963 and 2011 at archaeological sites CA–SOL–30/H (Acc. #96–7 & 2011–16), CA–SOL–270/H (Acc. #2011–22), P–48–000898 (Acc. #2011–24), and P–48–000897 (Acc. #2011–23). One collection is from CA–NAP–411 (Acc. #99–1), which is located in the City of Napa in Napa County. There are no known/documented potentially hazardous substances used to treat any of the cultural items

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the associated funerary objects described in this notice.

Determinations

Caltrans has determined that:

- The 4,720 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between associated funerary objects described in this notice and the Yocha Dehe Wintun Nation, California.

Requests for Repatriation

Written requests for repatriation of the associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the associated funerary objects described in this notice to a requestor may occur on or after August 27, 2025. If competing requests for repatriation are received, Caltrans must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. Caltrans is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: July 1, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14160 Filed 7–25–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6333; NPS–WASO–NAGPRA–NPS0040522; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: County of Sacramento, Sacramento, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the County of Sacramento has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the associated funerary objects in this notice may occur on or after August 27, 2025.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Candise Vogel, Sacramento County Office of Planning and Environmental Review, 827 7th Street #225, Sacramento, CA 95814, email *vogelca@saccounty.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the County of Sacramento and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Associated funerary objects were removed from CA–SAC–237 (also known as the Chatterson site) in Sacramento County, CA. The associated funerary objects came into the possession of the County of Sacramento during a road expansion project in 2006. Occupation of the site is estimated to have occurred during approximately 2,500 to 1,500 BP with an additional historic period occupation. The 936 associated funerary objects include 820 flaked stone, 102 faunal remains, four floral remains, and 10 historic items. Of this number at least 68 artifacts are currently missing from the collection. The County of Sacramento continues to look for all missing objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the associated funerary objects described in this notice.

Determinations

The County of Sacramento has determined that:

- The 936 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the associated funerary objects described in this notice and the Buena Vista Rancheria of Me-Wuk Indians of California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Ione Band of Miwok Indians of California; Jackson Band of Miwuk Indians; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; United Auburn Indian Community of the Auburn Rancheria of California; and the Wilton Rancheria, California.

Requests for Repatriation

Written requests for repatriation of the associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the associated funerary objects described in this notice to a requestor may occur on or after August 27, 2025. If competing requests for repatriation are received, the County of Sacramento must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. The County of Sacramento is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: July 1, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14163 Filed 7–25–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–40562; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before June 28, 2025, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by August 12, 2025.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line ''Public Comment on <property or proposed district name, (County) State>.'' If you have no access to email, you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 2013, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 2013, Washington, DC 20240, *sherry_frear@nps.gov,* 202–913–3763.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before June 28, 2025. Pursuant to Section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

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.

Nominations submitted by State or Tribal Historic Preservation Officers:

Key: State, County, Property Name, Multiple Name (if applicable), Address/Boundary, City, Vicinity, Reference Number.

ALABAMA

Mobile County

Wilmer Hall, 3811 Old Shell Road, Mobile, SG100012074

DISTRICT OF COLUMBIA

District of Columbia

Episcopal Home for Children, 5901 Utah Avenue NW, Washington, SG100012073

MICHIGAN

Osceola County

Evart Downtown Historic District, Chiefly, North and South Main Street bounded by East Eighth Street, East Fifth Street, River Street, and Pine Street, Evart, SG100012093

MONTANA

Cascade County

Franklin School, 820 1st Avenue SW, Great Falls, SG100012075

NORTH CAROLINA

Dare County

Etheridge, Adam Dough, House, 1140 Highway 64, Manteo vicinity, SG100012088

Guilford County

Roberts Hall, 933 Roberts Hall Lane, High Point, SG100012089

Moore County

Amos Broadway Building, 1071 West New York Avenue, Southern Pines, SG100012079

Pasquotank County

Oak Grove Cemetery, 1400 Peartree Road, Elizabeth City, SG100012090

Warren County

Warren County Community Center, 111 West Franklin Street, Warrenton, SG100012077

All Saints Episcopal Church, 201 West Franklin Street, Warrenton, SG100012078

OHIO

Cuyahoga County

St. Mary School, 227 Front Street, Berea, SG100012076

PENNSYLVANIA

Bucks County

Ridge Valley Historic District, Allentown Road and Ridge Valley Road, West Rockhill Township (Sellersville), SG100012082

Philadelphia County, First Federal Savings & Loan Association of Philadelphia, 1330–32 Point Breeze Avenue, Philadelphia, SG100012081

TENNESSEE

Maury County

Old Stone Creamery, 2301 Sugar Ridge Road, Spring Hill, SG100012065

Putnam County

Ralph's Donut Shop, 59 S Cedar Avenue, Cookeville, SG100012064

Sullivan County

Earles Drug Store, 134 West Center Street, Kingsport, SG100012070

TEXAS

Anderson County

Bethel Baptist Church, 2849 County Rd. 2608, Tennessee Colony, SG100012086

UTAH

Utah County

Springville Historic District (Boundary Increase and Decrease) (Springville MPS), Roughly bounded by 400 North, 400 East, 800 South, Main St., 400 South and 400 West Springville, BC100012084

VERMONT

Chittenden County

Clemmons Farm, 2158 Greenbush Road, Charlotte, SG100012087

A request for removal has been made for the following resource(s):

SOUTH CAROLINA

Chester County

Elliott House, N of Richburg off SC 901 on CR 136, Richburg vicinity, OT71000764

Florence County

Young Farm, W of Florence on US 76, Florence vicinity, OT83003854

Lexington County

Hendrix, Henry Franklin, House, (Batesburg-Leesville MRA), Hendrix Heights Plantation, Leesville, OT82003886

Additional documentation has been received for the following resource(s):

MICHIGAN

Emmet County

Petoskey Downtown Historic District (Additional Documentation) (Petoskey MRA), Roughly bounded by Rose, Division, Michigan, and Petoskey, Petoskey, AD86002048

OREGON

Marion County

Silver Creek Youth Camp-Silver Falls State Park (Additional Documentation), 20024 Silver Falls Hwy., Sublimity vicinity, AD02000673

TENNESSEE

Davidson County

Omohundro Water Filtration Complex District (Additional Documentation) (Omohundro Waterworks System TR), 1400 Pumping Station Road, Nashville, AD87000380

UTAH

Utah County

Springville Historic District (Additional Documentation) (Springville MPS), Roughly bounded by 400 North, 400 East, 800 South, Main St., 400 South and 400 West, Springville, AD03000157

WISCONSIN

Dodge County

Widmer' s Cheese Cellars, 214 West Henni Street, Theresa, SG100012094

Nomination(s) submitted by Federal Preservation Officers:

The State Historic Preservation Officer reviewed the following nomination(s) and responded to the Federal Preservation Officer within 45 days of receipt of the nomination(s) and supports listing the properties in the National Register of Historic Places.

DISTRICT OF COLUMBIA

District of Columbia

World War I Memorial at Pershing Park, Between Pennsylvania Avenue NW (north and south), and 14th and 15th Streets NW, Washington, SG100012083

MISSOURI

Newton County

George Washington Carver National Monument (Boundary Increase), Address Restricted, Diamond vicinity, BC100012071

George Washington Carver National Monument (Additional Documentation), Address Restricted Diamond vicinity, AD66000114

Authority: Section 60.13 of 36 CFR part 60.

Sherry A. Frear,

Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2025–14142 Filed 7–25–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–40709; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before July 12, 2025, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by August 12, 2025.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line ''Public Comment on <property or proposed district name, (County) State>;.'' If you have no access to email, you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 2013, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 2013, Washington, DC 20240, *sherry_frear@nps.gov,* 202–913–3763.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before July12, 2025. Pursuant to Section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

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.

Nominations submitted by State or Tribal Historic Preservation Officers:

Key: State, County, Property Name, Multiple Name (if applicable), Address/Boundary, City, Vicinity, Reference Number.

GEORGIA

Wilkes County

New Ford Baptist Church and Cemetery, 402 Bradford Road, Tignall, SG100012159

KANSAS

McPherson County

Lakeside Park Band Shell, (New Deal-Era Resources of Kansas MPS), 511 N Lakeside Drive, McPherson, MP100012140

Sedgwick County

Interdale Apartments (Residential Resources of Wichita, Sedgwick County, Kansas 1870–1957 MPS), 916–924 North Broadway Avenue, Wichita, MP100012138

McAfee Pool Complex, 1329 E 16th Street, Wichita, SG100012139

Seward County

JE George Building, 202 and 204 North Kansas Avenue, Liberal, SG100012146

Smith County

Athol Community Hall, 320 Main St., Athol, SG100012145

MASSACHUSETTS

Plymouth County

School Street-Main Street Historic District (Historic Resources of Downtown Brockton Dating to the Height of the Shoe Industry, 1840- 1946 MPS), Roughly bounded by Main Street to the west, School Street to the north and east and East Elm Street to the south, Brockton, MP100012152

Rocky Marciano House, 168 Dover Street, Brockton, SG100012153

Skim Milk Bridge and Causeway Historic District, Off Scotland Street over Town River, West Bridgewater, SG100012154

Worcester County

Earl Company Factory, 34 Tremaine Street, Leominster, SG100012151

MINNESOTA

Carver County

Tukihasan Oyanke—Winter Shell Site (Woodland Tradition in Minnesota MPS), Address Restricted, San Francisco Township vicinity, MP100012156

NEW YORK

Chemung County

The George and Theodora Bragg House, 611 Jay Street, Elmira, SG100012131

Columbia County

The Red Rock Monument, 321 County Route 24, East Chatham vicinity, SG100012134

Erie County

Niagara Hall, 831–833 Niagara Street, Buffalo, SG100012132

Commercial Buildings at 136–142 SENECA STREET, 136–142 Seneca Street, Buffalo, SG100012133

Rensselaer County

Cluett, Peabody & Co. Factory and Power Boiler House Complex (Textile Factory Buildings in Troy, New York, 1880–1920 MPS), 431–433 River Street, Troy, MP100012135

NORTH CAROLINA

Jackson County

St. David's-in-the-Valley Episcopal Church, 286 Forest Hills Road, Cullowhee, SG100012158

OKLAHOMA

Ottawa County

Hudson Service Station (Route 66 and Associated Resources in Oklahoma AD MPS), 218 South Main Street, Miami, MP100012147

PENNSYLVANIA

Blair County

Jaffa Mosque, 2200 Broad Avenue, Altoona, SG100012143

Bucks County

Bristol Railroad Station, 100 Prospect Street, Bristol, SG100012144

Delaware County

Ellis Porter Yarnall House, 764 Concord Road, Glen Mills, SG100012141

VIRGINIA

Frederick County

Gravel Springs Farm, 2074 S Pifer Road, Star Tannery, SG100012136

Halifax County

Williamson Farm, 3005 Williamson Road, Alton vicinity, SG100012142

Mecklenburg County

Park View High School, 205 Park View Circle, South Hill, SG100012137

Additional documentation has been received for the following resource(s):

MINNESOTA

Brown County

New Ulm Commercial Historic District (Additional Documentation), Roughly bounded by Minnesota St., bet 1st S and 3rd N Sts., New Ulm, AD05001438

Hennepin County

Flour Exchange Building (Additional Documentation), 323–329 S 3rd St; 300–314 4th Ave., Minneapolis, AD77000740

Nomination(s) submitted by Federal Preservation Officers:

The State Historic Preservation Officer reviewed the following nomination(s) and responded to the Federal Preservation Officer within 45 days of receipt of the nomination(s) and supports listing the properties in the National Register of Historic Places.

COLORADO

Routt County

Farwell Ditch, Routt National Forest, Hahn's Peak, SG100012148

Authority: Section 60.13 of 36 CFR part 60.

Sherry A. Frear,

Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2025–14145 Filed 7–25–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6323; NPS–WASO–NAGPRA–NPS0040512; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC, and S'edav Va'aki Museum, City of Phoenix

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior, Bureau of Indian Affairs (BIA) and the S'edav Va'aki Museum, City of Phoenix have completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after August 27, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Lindsey Vogel-Teeter, S'edav Va'aki Museum, 4619 East Washington Street, Phoenix, AZ 85034, email *lindsey.vogel-teeter@phoenix.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the BIA and S'edav Va'aki Museum and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified. The six associated funerary objects are four twined basketry fragments, one braided cordage fragment, and one lot of faunal bone. Around 1951, human remains and associated funerary items were removed from a ''cave east of pyramids on east side of lake'' in Pyramid Lake within the Pyramid Lake Reservation, Washoe County, Nevada by an unknown individual. These human remains and cultural items were found in the collection of the Museum around 1996. The human remains are represented by human hair which was previously identified as an ''object'' in a 2022 summary letter, and they have been reclassified as human remains in compliance with changes to the NAGPRA regulations.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The BIA and the S'edav Va'aki Museum have determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The six objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after August 27, 2025. If competing requests for repatriation are received, the BIA and the S'edav Va'aki Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The BIA and the S'edav Va'aki Museum are responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: July 1, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14162 Filed 7–25–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6327; NPS–WASO–NAGPRA–NPS0040518; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Columbia University, Department of Anthropology, New York, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Department of Anthropology at Columbia University has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after August 27, 2025.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Jill Shapiro, Columbia University, The Department of Anthropology, Columbia University, Schermerhorn Hall Ext. 1200 Amsterdam Avenue, New York, NY 10027, email *jss19@columbia.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Department of Anthropology, Columbia University, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified. No associated funerary objects are present. The skull of a single adult was found in a box during the move of the Columbia University Osteology Laboratory in the summer of 2023. This individual was

previously unknown to the Department's current faculty, so it is unclear when or how they came to Columbia; the remains were not part of a known archaeological expedition. The skull of this individual was accompanied by a piece of paper with the notation ''Dakota'' but it is uncertain what county or state the cranium came from. Inventory research conducted in summer and fall 2024 by a professional hired jointly by the Departments of Anthropology and Ecology, Evolution, and Environmental Biology, yielded no additional information as to the origin or acquisition history of this individual. There were no associated funerary remains. To the best of our knowledge, the remains have not been treated with any potentially hazardous substances.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

The Department of Anthropology, Columbia University has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a connection between the human remains described in this notice and the Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Oglala Sioux Tribe; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Turtle Mountain Band of Chippewa Indians of North Dakota; and the Yankton Sioux Tribe of South Dakota.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after August 27, 2025. If competing requests for repatriation are received, the Department of Anthropology, Columbia University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The Department of Anthropology, Columbia University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: July 1, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14152 Filed 7–25–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6321; NPS–WASO–NAGPRA–NPS0040509; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: The University of Kansas, Lawrence, KS

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Kansas has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after August 27, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. Thomas Torma, The University of Kansas, Office of Audit, Risk, and Compliance, 1450 Jayhawk Boulevard, 351 Strong Hall, Lawrence, KS 66045, email *t-torma@ku.edu*.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of Kansas, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing at least five individuals have been identified. The three associated funerary objects are one point, one bone awl, and one lot of split long bone. These individuals and belongings from 14GL401 were uncovered during the construction of a gas pipeline in April 1961. They were donated to the University of Kansas by a Mr. Jerome Bussen.

Human remains representing at least two individuals have been identified. No associated funerary objects are present. In August 1952 the individuals were collected from an unspecified site near Atwood, Kansas in Rawlins County by K.L. Walters and donated to the University of Kansas in 1952.

Human remains representing at least two individuals have been identified. No associated funerary objects are present. These individuals were donated to the University of Kansas in 1953 by the Garden City Police Department after they were discovered in an unspecified location north of Garden City, Kansas in present day Finney County.

Human remains representing at least two individuals have been identified. No associated funerary objects are present. There are no accession records for these individuals. However, the remains included a Physical Evidence Custody Receipt signed by a representative of the Kansas Bureau of Investigation which indicates that the remains come from Gray County, KS.

Human remains representing at least two individuals have been identified. No associated funerary objects are present. These individuals were donated to the University of Kansas on April 17, 1958, by the Code H. Hall, Sheriff of Stevens County after they were discovered near the Cimmaron River on April 12, 1958.

Cultural Affiliation

Based on the information available and the results of consultation, cultural

affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The University of Kansas has determined that:

- The human remains described in this notice represent the physical remains of 13 individuals of Native American ancestry.
- The three objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Cheyenne and Arapaho Tribes, Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; and the Northern Arapaho Tribe of the Wind River Reservation, Wyoming.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after August 27, 2025. If competing requests for repatriation are received, the University of Kansas must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The University of Kansas is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: July 1, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14154 Filed 7–25–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6301; NPS–WASO–NAGPRA–NPS0040612; PPWOCRADN0–PCU00RP14.R50000]

Notice of Proposed Transfer or Reinterment: U.S. Army Corps of Engineers, Tulsa District, Tulsa, OK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Army Corps of Engineers, Tulsa District (USACE Tulsa) proposes to transfer human remains or cultural items removed from Federal or Tribal lands.

DATES: Disposition, transfer, or reinterment of the human remains or cultural items in this notice may occur on or after August 27, 2025.

ADDRESSES: Send written claims for disposition of the human remains or cultural items in this notice to Jacqueline Rodgers, U.S. Army Corps of Engineers, Tulsa District, 2488 East 81st Street, Tulsa, OK 74137, email *jacqueline.rodgers@usace.army.mil.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The identifications in this notice are the sole responsibility of the USACE Tulsa, and additional information on the human remains or cultural items described in this notice, including the results of consultation, can be found in the related records. The National Park Service is not responsible for the identifications in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified. No associated funerary objects are present. There is no additional information on the recovery of this individual. The individual was first documented in 1998 during a NAGPRA accounting effort for the Tulsa District. Originally this individual was mistakenly assumed to have been recovered from site 34MA1 at Lake Texoma, however archival research disproved that assumption. It is likely this individual was found by USACE Tulsa staff at Lake Texoma and was confused with a contemporary recovery from site 34MA1. Lake Texoma occupies portions of Marshall, Johnston, Bryan, and Love Counties in Oklahoma and Cooke and Grayson Counties in Texas. The portion of the reservoir within the state of Oklahoma also lies within the exterior boundaries of Chickasaw Nation reservation. The Chickasaw Nation reservation does not extend into the state of Texas. It is unknown from which part of the reservoir this individual was recovered.

Consultation

Invitations to consult were sent to the Caddo Nation of Oklahoma; Comanche Nation, Oklahoma; Quapaw Nation; The Chickasaw Nation, The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; The Osage Nation; and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco, & Tawakonie), Oklahoma. Respondents who participated in consultation include the Caddo Nation of Oklahoma; The Chickasaw Nation; The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; The Osage Nation; and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco, & Tawakonie), Oklahoma.

Priority for Disposition

One year after the discovery or excavation of the human remains or cultural items described in this notice, USACE Tulsa did not identify any lineal descendant, Indian Tribe, or Native Hawaiian organization with priority for disposition. No known lineal descendant who can trace ancestry to the human remains in this notice has been identified. No Indian Tribe or Native Hawaiian organization from whose Tribal lands the human remains in this notice were removed has been identified. No Indian Tribe or Native Hawaiian organization with cultural affiliation to the human remains in this notice has been clearly or reasonably identified. The Federal land from which the human remains in this notice were removed is not recognized by a final judgement of the Indian Claims Commission or the United States Court of Claims as the aboriginal land of some Indian Tribe.

Determinations

The USACE Tulsa has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The Chickasaw Nation has requested transfer of the human remains described in this notice.

Claims for Disposition

Written claims for disposition of the human remains or cultural items described in this notice must be sent to the appropriate official identified in this notice under **ADDRESSES**. Claims for disposition may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization who shows that they have priority for disposition.

Disposition, transfer, or reinterment of the human remains or cultural items described in this notice may occur on or after August 27, 2025. If competing claims for disposition are received, the USACE Tulsa must determine the most appropriate claimant prior to disposition. Claims for joint disposition of the human remains or cultural items are considered a single claim and not completing claims. The USACE Tulsa is responsible for sending a copy of this notice to the lineal descendants, Indian Tribes, and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3002, and the implementing regulations, 43 CFR 10.7.

Dated: July 9, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14166 Filed 7–25–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6242; NPS–WASO–NAGPRA–NPS0040529; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Indiana University, Bloomington, IN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Indiana University has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after August 27, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. Jayne-Leigh Thomas, NAGPRA Executive Director, Indiana University, Student Building 318, 701 E Kirkwood Avenue, Bloomington, IN 47405, email *thomajay@iu.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of Indiana University and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, three individuals have been identified in total from the McKinnan site in Pike County, Illinois. There are no AFOs present. There is no collection history aside from that the collection likely came to Indiana University from Gregory Perino.

From the Swartz Mound and Village site in Pike County, Illinois, human remains representing, at least, two individuals have been identified. There are no AFOs present. There is no collection history aside from that the collection likely came to Indiana University from Gregory Perino.

Human remains representing, at least, 71 individuals have been identified from the Lawrence Gay Mound Group in Pike County, Illinois. There are two AFOs present—one lot of shell and one lot of lithics). These materials were excavated by Gregory Perino and Della C. Cook in 1970–1971.

Human remains representing, at least, one individual have been identified from the Schaffner site in Pike County, Illinois. There are no AFOs present. This site was excavated in 1968 by Gregory Perino.

Human remains representing, at least, one individual have been identified from the Stilwell II site in Pike County, Illinois. There are no AFOs present. Gregory Perino conducted salvage work at the site in 1962, documenting intact Early Archaic deposits and this collection likely arrived with other material from Perino.

Human remains representing, at least, 260 individuals have been identified from the Joe Gay Mound Group in Pike County, Illinois. There are seven AFOs present—one lot of lithics, one lot of shell, one lot of faunal bone, one lot of beads, one lot of sandstone, one lot of daub, and one lot of ceramics. These materials were by Gregory Perino and Della Cook in 1970.

Human remains representing, at least, 154 individuals have been identified from the Homer Adams Mound Group in Pike County, Illinois. There are three AFOs present—one lot of ceramics, one lot of charcoal, and one lot of lithics. These materials were excavated by Gregory Perino and Della C. Cook in 1971.

There are no known pesticide contaminants on any of these collections.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

Indiana University has determined that:

- The human remains described in this notice represent the physical remains of 492 individuals of Native American ancestry.
- The 12 associated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Citizen Potawatomi Nation, Oklahoma; Eastern Shawnee Tribe of Oklahoma; Forest County Potawatomi Community, Wisconsin; Iowa Tribe of Kansas and Nebraska; Kaw Nation, Oklahoma; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Miami Tribe of Oklahoma; Omaha Tribe of Nebraska; Otoe-Missouria Tribe of Indians, Oklahoma; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; Prairie Band Potawatomi Nation; Quapaw Nation; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Shawnee Tribe; and the Winnebago Tribe of Nebraska.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after August 27, 2025. If competing requests for repatriation are received, Indiana University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. Indiana University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: July 1, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14150 Filed 7–25–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6325; NPS–WASO–NAGPRA–NPS0040515; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: The University of Tennessee, Department of Anthropology, Knoxville, TN, and University of Kansas, Topeka, KS

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), The University of Tennessee, Department of Anthropology (UTK) and the University of Kansas (KU) have completed an inventory of human remains and associated funerary objects and have determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after August 27, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. Ellen Lofaro, University of Tennessee, Office of Repatriation, 5723 Middlebrook Pike, Knoxville, TN 37996, email *nagpra@utk.edu* and Dr. Thomas Torma, University of Kansas, Office of Audit, Risk & Compliance, The University of Kansas, 1450 Jayhawk Boulevard, 351 Strong Hall Lawrence, KS 66045, email *t-torma@ku.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of UTK and KU, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, five individuals have been identified. These individuals were removed from the Taylor Mound site, 14DP3, in Doniphan County, KS, during a field school led by Dr. Patricia O'Brien of Kansas State University in the summer of 1968. This site dates to the Middle Woodland period (circa BCE 350–400 CE). Ceramics were also found that showed continued usage of the site into the late prehistoric period (Central Plains Tradition), 1100–1350 CE. Based on a past pattern of practice, it is likely that William Bass brought these human remains with him from KU when he began working at UTK in 1971. The two lots of associated funerary objects are one lot of lithics and one lot of objects placed with or near human remains.

Human remains representing, at least, one individual have been identified. This individual was removed from the Kelley site, 14DP11, in Doniphan County, KS, between 1967 and 1968 during a field school taught jointly by Dr. Alfred E. Johnson at KU, Dr. O'Brien at Kansas State University, staff at Wichita State University, and staff at the University of Missouri. This site dates to the mid-late Woodland with a Valley Variant/Steed Kisker Phase component, circa 1000–1250 CE. Based on a past pattern of practice, it is likely that William Bass brought these human remains with him from KU when he began working at UTK in 1971. The one lot of associated funerary objects is one lot of objects placed with or near human remains.

To our knowledge, no potentially hazardous substances have been used to treat any of the Ancestral remains or associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice. Cultural affiliation between the human remains and Indian Tribes listed in this notice was established via geographical, archaeological, Native American Traditional Knowledge/Expert Opinion, and oral history. Doniphan County, KS, is part of the aboriginal lands of Iowa Tribe of Kansas and Nebraska and Kaw Nation.

Determinations

UTK and KU have determined that:

- The human remains described in this notice represent the physical remains of six individuals of Native American ancestry.
- The three lots of objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Iowa Tribe of Kansas and Nebraska and the Kaw Nation, Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after August 27, 2025. If competing requests for repatriation are received, UTK and KU must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. UTK and KU are responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: July 1, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14159 Filed 7–25–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6319; NPS–WASO–NAGPRA–NPS0040507; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion Amendment: U.S. Department of the Interior, Bureau of Land Management, Arizona State Office, Phoenix, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice; amendment.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior, Bureau of Land Management (BLM), Arizona State Office has amended a notice of inventory completion published in the **Federal Register** on May 16, 2025. This notice amends the Indian Tribes or Native Hawaiian organizations with cultural affiliation.

DATES: Repatriation of the human remains may occur on or after August 27, 2025.

ADDRESSES: Send written requests for repatriation of the human remains to Raymond Suazo, Arizona State Director, BLM Arizona State Office, One North Central Avenue, Suite 800, Phoenix, AZ 85004, email *BLM_AZ_ASOWEB@blm.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the BLM, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Amendment

This notice amends the determination of cultural affiliation published in a notice of inventory completion in the **Federal Register** (90 FR 21064, May 16, 2025). Repatriation of the human remains in the original notice of inventory completion has not occurred.

Determinations

The BLM has determined that:

- There is a connection between the human remains described in the original notice and the Ak-Chin Indian Community; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Pascua Yaqua Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and the Tohono O'odham Nation of Arizona.

Requests for Repatriation

Written requests for repatriation of the human remains in the original notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in the original notice to a requestor may occur on or after August 27, 2025. If competing requests for repatriation are received, the BLM must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The BLM is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: July 1, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14151 Filed 7–25–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6322; NPS–WASO–NAGPRA–NPS0040510; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Ball State University, Muncie, IN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Ball State University (BSU) intends to repatriate certain cultural items that meet the definition sacred objects and/or objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after August 27, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Chyan Gilaspy, Ball State University, Applied Anthropology Laboratories, 2000 W Riverside Avenue, Muncie, IN 47306, email *NAGPRA@bsu.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of BSU and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of two cultural items have been requested for repatriation. The two sacred objects/objects of cultural patrimony are one woven basket with a lid and one without and were donated to BSU by a private donor in 1989 and 1990, respectively. Records indicate the 1989 basket was from the Northwest Coast, and the 1990 basket originated in the Klamath River region of Oregon. There are no institutional records indicating the application of any potentially hazardous substances used to treat the cultural items, however, XRF testing confirmed the presence of potentially hazardous substances.

Determinations

BSU has determined that:

- The two sacred objects/objects of cultural patrimony described in this notice are, according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization, specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, and have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band,

clan, lineage, ceremonial society, or other subdivision).

- There is a reasonable connection between the cultural items described in this notice and the Modoc Nation.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after August 27, 2025. If competing requests for repatriation are received, BSU must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. BSU is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: July 1, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14164 Filed 7–25–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6338; NPS–WASO–NAGPRA–NPS0040527; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Old Dartmouth Historical Society, d.b.a. New Bedford Whaling Museum, New Bedford, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Old Dartmouth Historical Society, d.b.a. New Bedford Whaling Museum (NBWM) intends to repatriate certain cultural items that meet the definition sacred objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after August 27, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Naomi Slipp, The Old Dartmouth Historical Society, d.b.a. The New Bedford Whaling Museum, 18 Johnny Cake Hill, New Bedford, MA 02740, email *nslipp@whalingmuseum.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the NBWM, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of eight cultural items have been requested for repatriation. The eight sacred objects are one hook (2001.100.1347), one cloth (00.200.914.2), two necklaces (2001.100.2063; 2001.100.2343), two wristlets (2001.100.2301; 2001.100.2302), one bark cloth (00.200.609), and one pendant (2001.100.2157). The sacred objects were removed from Hawaii.

Six cultural items (2001.100.1347; 2001.100.2063; 2001.100.2157; 2001.100.2301; 2001.100.2302; and 2001.100.2343) were previously in the collection of the Kendall Whaling Museum before merging with NBWM in 2001.

Two cultural items (00.200.609; 00.200.914.2) were found in the collection at NBWM. It is unknown exactly how or when they were obtained.

The NBWM has no knowledge of any potentially hazardous substances used to treat the sacred objects.

Determinations

The NBWM has determined that:

- The eight sacred objects described in this notice are specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.
- There is a reasonable connection between the cultural items described in this notice and the Kia'i Kanaloa.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after August 27, 2025. If competing requests for repatriation are received, the NBWM must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The NBWM is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: July 1, 2025

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14168 Filed 7–25–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6335; NPS–WASO–NAGPRA–NPS0040524; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Kansas State Historical Society, Topeka, KS

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Kansas State Historical Society (KSHS) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after August 27, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. Nicole Klarmann, Kansas State Historical Society, 6425 SW 6th Avenue, Topeka, KS 66615–1099, email *kshs.nagpra@ks.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the KSHS, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, two individuals have been identified from site 14DC315 in Decatur County, KS (UBS 1994–19). The 169 associated funerary objects include chipped stone and rock, an ochre cluster and flakes, burned stone, animal bone, clam shells, and a drill tip. In July 1994, human remains were found in back dirt during a construction project.

Human remains representing, at least, one individual have been identified from site 14DC320 in Decatur County, KS (UBS 2017–10). The one associated funerary object includes a projectile point. Human remains were found eroding from a road during a construction project.

Human remains representing, at least, two individuals have been identified from the Rogers site (14PH312) in Phillips County, KS (UBS 1990–23). The 243 associated funerary objects include animal remains, chert and jasper tools, cores and flakes, and projectile points. A local landowner found the human remains and objects during roadwork.

Human remains representing, at least, one individual have been identified (UBS 2014–07A). No associated funerary objects are present. The donor said the human remains were either from a burial ground near Guide Rock, Nebraska or McElmo Canyon in Colorado.

To our knowledge, no hazardous substances were used to treat any of the human remains or associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The KSHS has determined that:

- The human remains described in this notice represent the physical remains of six individuals of Native American ancestry.
- The 413 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Northern Arapaho Tribe of the Wind River Reservation, Wyoming.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after August 27, 2025. If competing requests for repatriation are received, the KSHS must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The KSHS is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: July 1, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14153 Filed 7–25–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–40489; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before June 21, 2025, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by August 12, 2025.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line ''Public Comment on <property or proposed district name, (County) State>.'' If you have no access to email, you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 2013, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 2013, Washington, DC 20240, *sherry_frear@nps.gov,* 202–913–3763.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before June 21, 2025. Pursuant to Section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

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.

Nominations submitted by State or Tribal Historic Preservation Officers:

Key: State, County, Property Name, Multiple Name (if applicable), Address/Boundary, City, Vicinity, Reference Number.

MINNESOTA

Dakota County

Luther Memorial Church, 315 15th Avenue North, South St. Paul, SG100012054

Kanabec County

Coin School, 805 Forest Avenue West, Mora, SG100012053

MISSISSIPPI

Tallahatchie County

Charleston Downtown Historic District, George P. Cossar Boulevard, Court Square, Main Street, Market Street North and Market Street South, Charleston, SG100012050

MISSOURI

Jefferson County

St. Joseph's Hill Infirmary, 265 St. Joseph Hill Road, Pacific vicinity, SG100012047

NEW HAMPSHIRE

Grafton County

Colburn Park Historic District (Boundary Increase), Part of Campbell Street, Court Street, Part of Hanover Street/Lebanon Mall, Part of Mascoma Street, Part of School Street, West Park Street, Lebanon, BC100012049

NEW YORK

Cayuga County

Peleg and Eunice White House, 2297 Dixon Road, Ledyard, SG100012063

Erie County

Manze Block, 461–471 Niagara Street, Buffalo, SG100012062

Fulton County

Bleecker District No. 3 School, 112 Lily Lake Road, Bleecker, SG100012061

New York County

St. Peter's Church, 619 Lexington Avenue, New York, SG100012060

NORTH DAKOTA

Burleigh County

Byrne, Patrick E., House, 120 W Ave. A, Bismarck, SG100012055

WISCONSIN

Dane County

Mackenzie, Alan and Janet, House, Address Restricted, Madison, SG100012052

WYOMING

Albany County

Laramie West Side Historic District, West of downtown Laramie and the Union Pacific Railroad tracks and east of the Laramie River, Laramie, SG100012058

Sublette County

Emerson School (Educational Facilities in Wyoming, 1850–1960 MPS), 342 East Fork Big Sandy Road, Boulder vicinity, MP100012057

Additional documentation has been received for the following resource(s):

NEW HAMPSHIRE

Grafton County

Colburn Park Historic District (Additional Documentation), N, S, E, and W Park Sts., 3 Campbell St., 1 School St., 1 Bank St., and 9–10 Lebanon Mall, Lebanon, AD86000782

NEW YORK

New York County

Louis N. Jaffee Art Theater Building (Additional Documentation), 189 Second Ave., New York, AD85002427

Nomination(s) submitted by Federal Preservation Officers:

The State Historic Preservation Officer reviewed the following nomination(s) and responded to the Federal Preservation Officer within 45 days of receipt of the nomination(s) and supports listing the properties in the National Register of Historic Places.

MONTANA

Park County

Herbert Summer Cabin, West Boulder tract, Big Timber vicinity, SG100012056

Authority: Section 60.13 of 36 CFR part 60.

Sherry A. Frear,

Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2025–14143 Filed 7–25–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6334; NPS–WASO–NAGPRA–NPS0040523; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Kansas State Historical Society, Topeka, KS

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Kansas State Historical Society (KSHS) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after August 27, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. Nicole Klarmann, Kansas State Historical Society, 6425 SW 6th Avenue, Topeka, KS 66615–1099, email *kshs.nagpra@ks.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the KSHS, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified from Gove County, KS (UBS 2000–08). No associated funerary objects are present. Human remains were excavated by a McPherson College professor and his students in 1935 from a dry creek that fed into Hackberry Creek. The human remains were reconstructed using various glues and plaster of Paris/dental stone before being shellacked.

Human remains representing, at least, two individuals have been identified from site 14GH321 in Graham County, KS (UBS 1990–13). No associated funerary objects are present. An individual found fragmentary human remains in 1990 under a rock overhang while walking through a small tributary on the South Fork Solomon River.

Human remains representing, at least, one individual have been identified from site 14LO315 in Logan County, KS (UBS 1989–44). The 5,257 associated funerary objects include horse riding equipment, knives, a kettle, buckles, arrow points, conchos, a medallion, bucket, rifle barrel, bullets, gun flint, brass coils, tinklers, ochre, hoops, leather fragments, hair plates and pipes, animal bones, bear claws and pendant, beads, jewelry, buttons, and a mirror. In 1917, a farmer removed the human remains and objects from an eroding bank of the Smoky Hill River.

Human remains representing, at least, 13 individuals have been identified from the Pfaff site (14NS319) in Ness County, KS (UBS 1989–18N, UBS 1996–32, UBS 2008–05). The 687 associated funerary objects include pottery sherds, beads, a pendant, a gorget, projectile points, scrapers, an awl, and animal bones. A mound was accidentally disturbed in the 1950's when the landowner was leveling land with a bulldozer.

Human remains representing, at least, seven individuals have been identified from Koerner Mound (14NS1) in Ness

County, KS (UBS 1991–60). The 95 associated funerary objects include shell beads, Olivella shell beads, projectile points, a scraper, debitage, bone hairpins or awls, and a shell fragment. A limestone burial mound was excavated by the landowner and then by KSHS.

To our knowledge, and unless noted above, no hazardous substances were used to treat any of the human remains or associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The KSHS has determined that:

- The human remains described in this notice represent the physical remains of 24 individuals of Native American ancestry.
- The 6,039 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Northern Arapaho Tribe of the Wind River Reservation, Wyoming and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco, & Tawakonie), Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after August 27, 2025. If competing requests for repatriation are received, the KSHS must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The KSHS is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: July 1, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14161 Filed 7–25–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6320; NPS–WASO–NAGPRA–NPS0040508; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Disposition: U.S. Department of the Interior, Bureau of Land Management, Arizona State Office, Tucson, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior, Bureau of Land Management, Arizona State Office, Tucson Field Office (BLM Tucson Field Office) intends to carry out the disposition of human remains and unassociated funerary objects removed from Federal or Tribal lands to the lineal descendants, Indian Tribe, or Native Hawaiian organization with priority for disposition in this notice.

DATES: Disposition of the human remains and cultural items in this notice may occur on or after August 27, 2025. If no claim for disposition is received by July 28, 2026, the human remains and cultural items in this notice will become unclaimed human remains and cultural items.

ADDRESSES: Send written claims for disposition of the human remains and cultural items in this notice to Colleen J. Dingman, Field Manager, Bureau of Land Management, Tucson Field Office, 3201 E Universal Way, Tucson, AZ 85756, email *cjdingman@blm.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the BLM Tucson Field Office, and additional information on the human remains and cultural items in this notice, including the results of consultation, can be found in the related records. The National Park Service is not responsible for the identifications in this notice.

Abstract of Information Available

Based on the information available, human remains representing, at least, one individual has been reasonably identified. No associated funerary objects are present. The 31 unassociated funerary objects are 29 brownware pottery sherds and two basalt flakes. The discovery was reported to the field office on November 30, 2023. The discovery consisted of 27 cremated bone fragments of 4cm in length and less found within and next to a small erosional gully in a Hohokam-tradition archaeological site in Pinal County, Arizona.

Determinations

The BLM Tucson Field Office has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The 31 unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- The Gila River Indian Community of the Gila River Indian Reservation, Arizona has priority for disposition of the human remains and cultural item described in this notice.

Claims for Disposition

Written claims for disposition of the human remains and cultural items in this notice must be sent to the appropriate official identified in this notice under **ADDRESSES**. If no claim for disposition is received by July 28, 2026, the human remains and cultural items in this notice will become unclaimed human remains and cultural items.

Claims for disposition may be submitted by:

1. Any lineal descendant, Indian Tribe, or Native Hawaiian organization identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that they have priority for disposition.

Disposition of the human remains and cultural items in this notice may occur on or after August 27, 2025. If competing claims for disposition are received, the BLM Tucson Field Office must determine the most appropriate claimant prior to disposition. Requests for joint disposition of the human remains and cultural items are considered a single request and not competing requests. The BLM Tucson Field Office is responsible for sending a copy of this notice to the lineal descendants, Indian Tribes, and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3002, and the implementing regulations, 43 CFR 10.7.

Dated: July 1, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14167 Filed 7–25–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6331; NPS–WASO–NAGPRA–NPS0040520; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Turtle Bay Exploration Park, Redding, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Turtle Bay Exploration Park (TBEP) intends to repatriate certain cultural items that meet the definition of sacred objects/objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after August 27, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Julia Cronin, Turtle Bay Exploration Park, 844 Sundial Bridge Drive, Redding, CA 96001, email *jcronin@turtlebay.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of TBEP, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 38 cultural items have been requested for repatriation. The 38 sacred objects/objects of cultural patrimony are basketry, regalia, personal items, adornments, a fishing implement, and a stone tool. These belongings have been determined to be of Yurok origin and craftsmanship.

A ''tourist trinket'' basket and a leather-and-bear-claw headdress were purchased by the Redding Museum and Art Center (RMAC; TBEP's founding institution) in 1963 from Fred Taber. Taber's father (1882–1959) owned an antique shop in Central Valley, CA, through which he amassed a personal collection of Native American items.

Two dentalium necklaces (one with abalone), a fine basket cap, an elk horn purse, and a cradle basket were purchased from Emilie Hoag Buckingham (1911–1997) in 1964. Emilie's large basket collection was primarily amassed by her grandmother, Emily Perkins Smith (1842–?), and added to by her mother Maude Smith Hoag (1872–1957); both lived in the San Francisco Bay Area. The collection was housed at the California State Indian Museum for a period of time before coming to RMAC in 1964.

In 1968, Mrs. Evelyn Wood of Anderson, CA, donated a basket cap (c. 1950). She received it from friends while working as a social worker along the Klamath River between 1950 and 1955. Later in 1968, I.T. Riley donated a doll cradle basket (c. 1920), made for Irene Temerance Miller at Requa, CA.

In 1971, the Redding Museum League raised funds for RMAC to purchase a clamshell necklace from the Alice Dunaway collection through Fred Casebeer. Alice, a collector from Happy Camp, CA, began acquiring baskets in 1921 and continued until her death in 1982. Many of the baskets were made by her Karuk mother, accepted as payment for room and board, or acquired for their beauty.

On April 19, 1972, the Museum purchased a pair of abalone and dentalia hair ties, mink and woodpecker hair wraps, and a mink and woodpecker wrap purse from John Becker of Eureka, CA, and accessioned them in 1973. These items originated from Mettah Village in Yurok territory.

In 1974, RMAC purchased a basalt maul from Geddes Harper of Eureka, CA, attributed to the Coastal Yurok. It was accessioned the same year.

In 1976, from Don Boyd of Redding, RMAC acquired a fishing spear toggle composed of pitch with a modern nail as a point. Boyd was an artist and art instructor at Shasta College, involved in their Archaeology Program, and an avocational archaeologist. He was also an avid collector of art and Indigenous belongings.

In 1981, the Museum purchased two basketry items from the large collection of Mrs. V. Lovell of Sacramento, CA. These included a ''tourist-type'' bowl (c. 1920) and a cap.

In 1982, RMAC purchased three baskets from the Clarke Museum in Eureka, CA which deaccessioned a small portion of its Native American basketry to other nonprofit institutions in accordance with its bylaws. The baskets included a flour tray (c.1870–1880), a food drying basket (c.1920), and a storage basket (c.1890), the latter attributed to Coastal Yurok.

In 1990, the Museum acquired 10 basketry items from Agnes Rodli, who obtained them while living in Weitchpec, CA, between 1945 and 1947. The collection includes a tobacco basket, a plaque, two bowls, three miniature cradles, a miniature gathering basket, a miniature bowl, and a miniature eel trap, all dating from the 1940s.

In 2014, Carolyn Bond donated a basket bowl, a basket bottle, and two basket caps from her personal collection. The bowl appears to have been designed for a lid, though none accompanied it to the Museum. Carolyn acquired the bowl in 1970 and the bottle in 1972. The caps were purchased in 1975 from Mrs. Argo of Old Station, CA. Carolyn, former Museum Director of RMAC, acquired these baskets before assuming the role in 1977 and retired in 1988.

In 2019, Jack Hauenstein, an avid collector of Indigenous belongings, baskets in particular, donated four baskets to TBEP. These included three bowls and one tobacco basket.

TBEP does not treat Indigenous belongings with hazardous materials. However, it is not documented whether these items received treatment prior to the care of RMAC.

Determinations

Turtle Bay Exploration Park has determined that:

- The 38 sacred objects/objects of cultural patrimony described in this notice are, according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization, specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, and have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision).
- There is a reasonable connection between the cultural items described in this notice and the Pulikla Tribe of Yurok People (previously listed as Resighini Rancheria, California).

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after August 27, 2025. If competing requests for repatriation are received, TBEP must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. TBEP is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: July 1, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14165 Filed 7–25–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6329; NPS–WASO–NAGPRA–NPS0040517; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: California Department of Transportation, District 7, Los Angeles, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), California Department of Transportation (Caltrans), intends to repatriate certain cultural items that meet the definition of unassociated funerary objects, sacred objects, and/or objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after August 27, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Caprice Harper, California Department of Transportation, 100 S Main Street, MS–16A, Los Angeles, CA 90012, email *caprice.harper@dot.ca.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of Caltrans, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 16 lots of cultural items have been requested for repatriation. The five lots of objects of cultural patrimony include lithics/debitage, groundstone, ecofacts, fire affected rock, and faunal bone. The 11 lots of unassociated funerary objects include lithics/debitage, groundstone, ecofacts, fire affected rock, faunal bone, personal adornments, shells, beads, ceremonial items, pottery, and post-contact or modern items.

The objects of cultural patrimony were recovered from CA–LAN–4620, CA–LAN–4621, and CA–LAN–4633 in 2015–2016 as a part of Caltrans' State Route 138 Northwestern Corridor Improvements Project in the Antelope Valley, west of Lancaster, in Los Angeles County. They are currently in the custody of the Tejon Tribal Curation Facility under Accession LAN–1.

The unassociated funerary objects were recovered from CA–SBR–66, CA–SBR–182, CA–SBR–6312, CA–SBR–7044/H, CA–SBR–12336, and CA–LAN–4189H in 2006 as a part of the Southern California Logistics Airport Rail Service (SCLARS) Project and in 2014 as a part of the High Desert Corridor (HDC) Project. They are currently in the custody of the San Bernardino County Museum (SBCM) under Accession SBCM–6352.

There are no known/documented potentially hazardous substances used to treat any of the cultural items.

Determinations

Caltrans has determined that:

- The 11 lots of unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- The five lots of objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Yuhaaviatam of San Manuel Nation (*previously* listed as San Manuel Band of Mission Indians, California).

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not

identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after August 27, 2025. If competing requests for repatriation are received, Caltrans must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. Caltrans is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: July 1, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14149 Filed 7–25–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6324; NPS–WASO–NAGPRA–NPS0040514; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, Bureau of Land Management, Alaska State Office, Anchorage, AK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior, Bureau of Land Management, Alaska State Office (BLM Alaska) has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the associated funerary objects in this notice may occur on or after August 27, 2025.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Robin O. Mills, Bureau of Land Management, 222 W 7th Avenue #13, Anchorage, AK 99513, email *rmills@blm.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the BLM Alaska, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A Notice of Inventory Completion, published in the **Federal Register** on July 21, 2000 (65 FR 45401), repatriated a minimum number of 49 ancestors and 387 associated funerary objects to the Native Village of Kotzebue, that were located at the Haffenreffer Museum of Anthropology, at Brown University, and originating from burials excavated by Louis Giddings in the 1950s and 1960s at Cape Krusenstern and other sites in Alaska. The new data reported here include additional associated funerary objects at the Haffenreffer originating from the burials at Cape Krusenstern whose remains were repatriated in 2000.

Based on the information available, these 65 associated funerary objects include lithics, lithic blades and biface fragments, an antler handle, and worked bone from Giddings' Burials 3, 4, 7, 8, 11, and 13.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the associated funerary objects described in this notice.

Determinations

The BLM Alaska has determined that:

- The 65 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the associated funerary objects described in this notice and the Native Village of Kotzebue.

Requests for Repatriation

Written requests for repatriation of the associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the associated funerary objects in this notice to a requestor may occur on or after August 27, 2025. If competing requests for repatriation are received, the BLM Alaska must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. The BLM Alaska is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: July 1, 2025

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14157 Filed 7–25–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6336; NPS–WASO–NAGPRA–NPS0040525; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Kansas State Historical Society, Topeka, KS

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Kansas State Historical Society (KSHS) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after August 27, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. Nicole Klarmann, Kansas State Historical Society, 6425 SW 6th Avenue, Topeka, KS 66615–1099, email *kshs.nagpra@ks.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the KSHS, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, five individuals have been identified from either Colorado or Kansas (UBS 1991–81). The one associated funerary object is a projectile point. The human remains and point were given to KSHS in 1920 with no provenience information. To our knowledge, a mandible was reconstructed with glue, otherwise no known hazardous substances were used to treat any of the other human remains or associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The KSHS has determined that:

- The human remains described in this notice represent the physical remains of five individuals of Native American ancestry.
- The one object described in this notice is reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Jicarilla Apache Nation, New Mexico; Northern Arapaho Tribe of the Wind River Reservation, Wyoming; and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco, & Tawakonie), Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after August 27, 2025. If competing requests for repatriation are received, the KSHS must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The KSHS is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: July 1, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14158 Filed 7–25–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6339; NPS–WASO–NAGPRA–NPS0040528; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Shelburne Museum, Shelburne, VT

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Shelburne Museum has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after August 27, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Alexander Kikutis, Shelburne Museum, P.O. Box 10, Shelburne, Vermont 05482, email *nagpra@shelburnemuseum.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Shelburne Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing, at least, one individual have been reasonably identified. The Ancestor was removed from an unknown location, possibly New York, by an unknown individual. In 1960, the Ancestor was given to the Shelburne Museum by Mr. and Mrs. A.D. Allison in honor of Mrs. William T. Beach. In December 2024, the Ancestor was identified during a collections assessment. The Allison family were friends with the Beach family. Willian N. Beach (1873–1955) was an avid sportsman who travelled widely for hunting. Both the Allison and Beach family had homes in Great Neck, Long Island, NY. The Beach family was also close with the Webb family, who owned property in the Adirondacks. Based on this information, it is possible the Ancestor was removed from New York. The 13 associated funerary objects are one lot obsidian points, darts, and modified flakes, one lot worked lithic debitage, one lot ground stone tools, one animal bone awl, one lot faunal fragments, one lot missed material, one lot wood fragments with possible paint residue, one staurolite cruciform (fairy stone cross), one lot lithic points, one lot unclassified lithics, one agate, one corrugated pot sherd, and one rectangular rounded pot sherd.

The Shelburne Museum of has no knowledge or record of any potentially hazardous substances being used to treat the human remains or associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The Shelburne Museum has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The 13 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a reasonable connection between the human remains and associated funerary objects described in this notice and the Cayuga Nation; Delaware Nation, Oklahoma; Delaware Tribe of Indians; Oneida Indian Nation; Oneida Nation; Onondaga Nation; Saint Regis Mohawk Tribe; Seneca Nation of Indians; Seneca-Cayuga Nation; Shinnecock Indian Nation; Stockbridge Munsee Community, Wisconsin; Tonawanda Band of Seneca; and the Tuscarora Nation.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after August 27, 2025. If competing requests for repatriation are received, the Shelburne Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The Shelburne Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: July 1, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14155 Filed 7–25–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–40624; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before July 5, 2025, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by August 12, 2025.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line ''Public Comment on <property or proposed district name, (County) State>.'' If you have no access to email, you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 2013, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 2013, Washington, DC 20240, *sherry_frear@nps.gov,* 202–913–3763.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before July 5, 2025. Pursuant to Section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

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.

Nominations submitted by State or Tribal Historic Preservation Officers:

Key: State, County, Property Name, Multiple Name (if applicable), Address/Boundary, City, Vicinity, Reference Number.

CONNECTICUT

Windham County

Isaac and Sarah Upham House, 51 Quinebaug Road, Thompson, SG100012114

KANSAS

Atchison County

Atchison's Black Business District, 1118 North 7th Street, Atchison, SG100012099
Park, Anna & Richard Avery, Mansion, 517 Parallel Street, Atchison, SG100012100

Cowley County

First Presbyterian Church, 1101 Millington Street, Winfield, SG100012098

Douglas County

Akers House (Lawrence, Kansas MPS), 1645 Louisiana Street, Lawrence, MP100012096
First Methodist Episcopal Church, 704 8th Street, Baldwin, SG100012097
Thomas House (Lawrence, Kansas MPS), 1904 Meadowlark Lane, Lawrence, MP100012119

Meade County

Hotel Bunyan, 211 Main Street, Fowler, SG100012120

Miami County

First Presbyterian Church of Paola, 110 East Peoria Street, Paola, SG100012121

MARYLAND

Queen Anne's County

Salem School (Rosenwald Schools of Maryland MPS), 3302 Church Hill Road, Church Hill, MP100012113

MICHIGAN

Kent County

Auburn Hills Historic District, Auburn Avenue NE, Dale Court NE, Drexel Court NE, Palmer Court NE, Travis Street NE, and 1301 Sweet Street NE, Grand Rapids, SG100012128

NEW YORK

Jefferson County

Snell-Gillett House, 213 Mill Street, Theresa, SG100012104

Ontario County

St. Stephen's Roman Catholic Church Complex, 48 Pulteney Street, 17 Elmwood Avenue, and 90 Pulteney Street, Geneva, SG100012105

Saratoga County

Ballston Spa National Bank, 87 Front Street, Ballston Spa, SG100012106

Suffolk County

John Steinbeck Cottage, 2 Bluff Point Lane, Sag Harbor, SG100012103

Warren County

Mohican Point, 4860 Lake Shore Drive (9N), Bolton Landing, SG100012102

NORTH CAROLINA

Mecklenburg County

Johnston Building, 212 S Tryon Street, Charlotte, SG100012112

Moore County

Vass Cotton Mill, 340 Seaboard Street, Vass, SG100012101

Trinity AME Zion Church, 972 West Pennsylvania Avenue, Southern Pines, SG100012117

PENNSYLVANIA

Berks County

First Reformed Church, 621 Washington Street, Reading, SG100012115

Cambria County

Johnstown Masonic Temple, 130 Valley Pike, Johnstown, SG100012125

Mercer County

Jeremiah Sturgeon Chapel, 233 George Junior Road, Grove City, SG100012129

Montgomery County

Lynnewood Hall, 920 Spring Avenue, Elkins Park, SG100012095

Northampton County

Heller-Wagner Grist Mill (Hellertown), 150 W Walnut St., Hellertown, SG100012126

VERMONT

Windsor County

Demers Avenue Historic District, 41, 43, 53, 65, 71, 83 Demers Avenue, Hartford, SG100012107

Victory Circle-Highland Park Historic District, Victory Circle, Highland Avenue, Hartford, SG100012108

VIRGINIA

Nelson County

Shipman Historic District, James River Road (Route 56), Craigtown Road (Route 639), Braddock Lane, Lentz Lane, Marietta Lane, Church Street, Lonesome Pine Road, Shipman, SG100012116

Newport News INDEPENDENT CITY

Stuart Gardens Apartments, Garden Drive, Roanoke Avenue, 16th Street, Jebs Place, Newport News, SG100012123

Roanoke INDEPENDENT CITY

Lucy Addison High School, 40 Douglass Avenue NW, Roanoke, SG100012118

Staunton INDEPENDENT CITY

Fairview Cemetery, 11 Lambert Street, Staunton, SG100012124

WISCONSIN

Dodge County

Widmer' s Cheese Cellars, 214 West Henni Street, Theresa, SG100012094

Additional documentation has been received for the following resource(s):

WISCONSIN

Walworth County

Elkhorn Band Shell (Additional Documentation), Sunset Park, bounded by Devendorf, W. Centralia, & Park Sts., Elkhorn, AD12000490

(Authority: Section 60.13 of 36 CFR part 60)

Sherry A. Frear,

Chief, National Register of Historic Places/ National Historic Landmarks Program.

[FR Doc. 2025–14144 Filed 7–25–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6332; NPS–WASO–NAGPRA–NPS0040521; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: University of North Dakota, Grand Forks, ND

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of North Dakota, Grand Forks, ND intends to repatriate a certain cultural item that meets the definition of a sacred object and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after August 27, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Dr. Crystal Alberts, University of North Dakota, Twamley Hall Room 300, 264 Centennial Drive, Grand Forks, ND 58202, email *und.nagpra@und.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of North Dakota and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of one cultural item has been requested for repatriation. The one sacred object is a pipe. According to University of North Dakota's documentation, the pipe was taken from a location in Montrail County, North Dakota. The item has not been treated with potentially hazardous substances to the best of the University of North Dakota's knowledge.

Determinations

The University of North Dakota has determined that:

- The one sacred object described in this notice is a specific ceremonial object needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.
- There is a reasonable connection between the cultural items described in this notice and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after August 27, 2025. If competing requests for repatriation are received, the University of North Dakota must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. The University of North Dakota is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: July 1, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14156 Filed 7–25–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[OMB Control Number 1029–0098; S1D1S SS08011000 SX064A000 256S180110; S2D2S SS08011000 SX064A000 25XS501520]

Submission to the Office of Management and Budget for Review and Approval; Petition Process for Designation of Federal Lands as Unsuitable for All or Certain Types of Surface Coal Mining Operations and for Termination of Previous Designations

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

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before August 27, 2025.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to William Frankel, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW, Room 4547-MIB, Washington, DC 20240, or by email to *wfrankel@osmre.gov.* Please reference OMB Control Number 1029–0098 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: William Frankel by email at *wfrankel@osmre.gov,* or by telephone at 202–208–0121. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on May 21, 2025 (90 FR 21788). No comments were received.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) is the collection necessary to the proper functions of the agency; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the agency enhance the quality, utility, and clarity of the information to be collected; and (5) how might the agency minimize the burden of this collection on the respondents, including through the use of information technology.

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

Abstract: Consistent with section 522 of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1272, this part (30 CFR part 769) establishes the minimum procedures and standards for designating Federal lands unsuitable for certain types of surface mining operations and for terminating designations pursuant to a petition. The information requested will aid the regulatory authority in the decision-making process to approve or disapprove a request.

Any person having an interest which is or may be adversely affected has the right to petition the regulatory authority to have an area designated as unsuitable for surface coal mining operations, or to have an existing designation terminated. At a minimum, the regulatory authority requires the following information:

(a) Petitioner's name, address, and telephone number are needed to identify the individual, company, etc., requesting the designation or termination.

(b) Identification of the area is required to determine the location of the area, its size and relationship to the section 522 areas.

(c) Petitioner's interest is needed to determine the status of petitioners for the validity of acceptance of the petition.

(d) Description of how mining of the area has affected, or how mining may affect people or the environment is needed to justify the unsuitability petition.

(e) Allegations of facts and supporting evidence are needed to comply with requirements of section 522(a) and (b).

To terminate designations of lands as unsuitable for surface mining operations, the regulatory authority must be provided with additional information as follows:

(a) Where the unsuitability determination was based on State or local land use plans, fragile or historic lands, loss of land productivity, or lands subject to natural hazards:

(i) Discuss the nature or abundance of the protected resource affected.

(ii) Discuss the resources or conditions not being affected by mining operations in the surrounding area to ensure adequate protection of resources.

(b) Where the unsuitability petition was based on a finding that reclamation was not technologically or economically feasible, a demonstration that reclamation is now technologically and economically feasible. This is needed to determine the level of resources and the basis for termination of a designation.

The regulatory authority will use this information to identify, locate, compare, and contrast the area, resources, and conditions for the purpose of complying with section 522.

Title of Collection: 30 CFR part 769—Petition process for designation of Federal lands as unsuitable for all or certain types of surface coal mining operations and for termination of previous designations.

OMB Control Number: 1029–0098.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals.

Total Estimated Number of Annual Respondents: 1.

Total Estimated Number of Annual Responses: 1.

Estimated Completion Time per Response: 1,000 hours.

Total Estimated Number of Annual Burden Hours: 1,000.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: One time.

Total Estimated Annual Nonhour Burden Cost: $0.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

William L. Frankel,

Information Collection Clearance Officer, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 2025–14179 Filed 7–25–25; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[OMB Control Number 1029–0057; S1D1S SS08011000 SX064A000 256S180110; S2D2S SS08011000 SX064A000 25XS501520]

Submission to the Office of Management and Budget for Review and Approval; Reclamation on Private Lands

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

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before August 27, 2025.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to William Frankel, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW, Room 4547–MIB, Washington, DC 20240, by phone (202) 208–0121, or by email to *wfrankel@osmre.gov.* Please reference OMB Control Number 1029–0057 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: William Frankel by email at *wfrankel@osmre.gov,* or by telephone at 202–208–2716. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on December 6, 2024 (89 FR 97065). No comments were received.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) is the collection necessary to the proper functions of the agency; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the agency enhance the quality, utility, and clarity of the information to be collected; and (5) how might the agency minimize the burden of this collection on the respondents, including through the use of information technology.

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

Abstract: Section 408 of the Surface Mining Control and Reclamation Act of 1977 authorizes Federal, State, and Tribal governments to reclaim private lands and allows for the establishment of procedures for the recovery of the cost of reclamation activities on privately owned lands. These procedures are intended to ensure that governments have sufficient capability to file liens so that certain landowners will not receive a windfall from reclamation.

Title of Collection: Reclamation on Private Lands.

OMB Control Number: 1029–0057.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: State and Tribal governments.

Total Estimated Number of Annual Respondents: 1.

Total Estimated Number of Annual Responses: 1.

Estimated Completion Time per Response: 120 hours.

Total Estimated Number of Annual Burden Hours: 120.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: One time.

Total Estimated Annual Nonhour Burden Cost: $0.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

William L. Frankel,

Information Collection Clearance Officer, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 2025–14182 Filed 7–25–25; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Pharmacy Billing Requirements

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Office of Workers' Compensation Programs (OWCP)-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 27, 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.

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: The National Council for Prescription Drug Programs standardized pharmacy billing data requirements are the electronic billing format used by pharmacies throughout the country to request payment for prescription drugs through data clearinghouses. They identify the provider, claimant, prescribing physician, drug by National Drug Code number, prescription volume and charge. Similar data elements are required to process paper-based pharmacy bills. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 9, 2025 (90 FR 19731).

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–OWCP.

Title of Collection: Pharmacy Billing Requirements.

OMB Control Number: 1240–0050.

Affected Public: Private Sector—Businesses or other for-profits, Not-for-profit institutions.

Total Estimated Number of Respondents: 777,528.

Total Estimated Number of Responses: 777,528.

Total Estimated Annual Time Burden: 12,994 hours.

Total Estimated Annual Other Costs Burden: $0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior PRA Analyst.

[FR Doc. 2025–14131 Filed 7–25–25; 8:45 am]

BILLING CODE 4510–26–P

NUCLEAR REGULATORY COMMISSION

[NRC–2023–0034]

Draft NUREG: Operator Licensing Examiner Standards for Research and Test Reactors

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft report; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft NUREG, NUREG–1478, Revision 3, ''Operator Licensing Examiner Standards for Research and Test Reactors.'' This draft NUREG establishes the policies, procedures, and practices for the development, administration, and grading of written examinations and operating tests used for examining licensees and applicants for reactor operator and senior reactor operator licenses at research and test reactor facilities. It also provides procedures and guidance for maintaining operators' licenses and for the NRC to conduct requalification examinations when necessary. Draft NUREG–1478, Revision 3, introduces electronic systems and technology, includes current research and test reactor regulations, adjusts grading criteria for accuracy, and streamlines the examination standards by organizing them in topic-based sections for ease of use.

DATES: Submit comments by September 26, 2025. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2023–0034. 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: Michele DeSouza, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0747; email: *Michele.DeSouza@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2023–0034 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–2023–0034.
- *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.* Draft NUREG–1478, Revision 3, is available in ADAMS under Accession No. ML25199A236.
- *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–2023–0034 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. Discussion

Draft NUREG–1478, Revision 3, improves research and test reactors operator licensing current processes and clarifies guidance as needed. Draft NUREG–1478, Revision 3 provides policies, procedures, and practices for the development, administration, and grading of examinations used for licensing operators at research and test reactors under the NRC's regulations in part 55 of title 10 of the *Code of Federal Regulations,* ''Operators' Licenses.'' This draft NUREG also provides guidance for maintaining operators' licenses and for the NRC to conduct requalification examinations when necessary. The NRC is issuing the draft NUREG to (1) incorporate the use of electronic systems and technology for application submittals and supporting facility documentation, (2) include current regulatory requirements pertaining to operator licensing at research and test reactors, (3) adjust grading criteria for the written examination to provide consistent and accurate grading, and (4) reorganize the examination standards to provide a streamlined topic-based approach.

III. Executive Order (E.O.) 12866

The Office of Information and Regulatory Affairs determined that this draft NUREG is not a significant regulatory action under E.O. 12866.

Dated: July 24, 2025.

For the Nuclear Regulatory Commission.

Michael Brown,

Chief, Non-Power Production and Utilization Facility Oversight Branch, Division of Advanced Reactors and Non-Power Production and Utilization Facilities, Office of Nuclear Reactor Regulation.

[FR Doc. 2025–14174 Filed 7–25–25; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2024–297; K2025–390; MC2025–1582 and K2025–1575]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* July 30, 2025.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *https://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Public Proceeding(s)
III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. *See* 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

1. *Docket No(s).:* CP2024–297; *Filing Title:* USPS Request Concerning Amendment One to Priority Mail &

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

USPS Ground Advantage Contract 256 and Materials Under Seal; *Filing Acceptance Date:* July 22, 2025; *Filing Authority:* 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative:* Jennaca Upperman; *Comments Due:* July 30, 2025.

2. *Docket No(s).:* K2025–390; *Filing Title:* USPS Request Concerning Amendment One to Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 713, with Materials Filed Under Seal; *Filing Acceptance Date:* July 22, 2025; *Filing Authority:* 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative:* Evan Wise; *Comments Due:* July 30, 2025.

3. *Docket No(s).:* MC2025–1582 and K2025–1575; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1393 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 22, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Jennaca Upperman; *Comments Due:* July 30, 2025.

III. Summary Proceeding(s)

None. See Section II for public proceedings.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2025–14112 Filed 7–25–25; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. K2025–190; MC2025–1569 and K2025–1562; MC2025–1580 and K2025–1573; MC2025–1583 and K2025–1576; MC2025–1584 and K2025–1577; MC2025–1586 and K2025–1578]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* July 31, 2025.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *https://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
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I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041.

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. *See* 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

1. *Docket No(s).:* K2025–190; *Filing Title:* USPS Request Concerning Amendment One to Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 565, with Materials Filed Under Seal; *Filing Acceptance Date:* July 23, 2025; *Filing Authority:* 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative:* Evan Wise; *Comments Due:* July 31, 2025.

2. *Docket No(s).:* MC2025–1569 and K2025–1562; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1389 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 23, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Gregory Stanton; *Comments Due:* July 31, 2025.

3. *Docket No(s).:* MC2025–1580 and K2025–1573; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1392 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 23, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Gregory Stanton; *Comments Due:* July 31, 2025.

4. *Docket No(s).:* MC2025–1583 and K2025–1576; *Filing Title:* USPS Request to Add Priority Mail Contract 910 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 23, 2025; *Filing*

Authority: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Jennaca Upperman; *Comments Due:* July 31, 2025.

5. *Docket No(s).:* MC2025–1584 and K2025–1577; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1394 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 23, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Kenneth Moeller; *Comments Due:* July 31, 2025.

6. *Docket No(s).:* MC2025–1586 and K2025–1578; *Filing Title:* USPS Request to Add Priority Mail Contract 911 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 23, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Jennaca Upperman; *Comments Due:* July 31, 2025.

III. Summary Proceeding(s)

None. See Section II for public proceedings.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2025–14204 Filed 7–25–25; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103528]

Order Extending Temporary Conditional Exemptive Relief, Pursuant to Section 36(a)(1) of the Securities Exchange Act of 1934 and Rule 608(e) of Regulation NMS Thereunder, From Certain Requirements of Appendix D, Section 3 of the National Market System Plan Governing the Consolidated Audit Trail

July 23, 2025.

I. Introduction

On May 29, 2025,[1] Financial Information Forum (''FIF'') requested that the Securities and Exchange Commission (the ''Commission'' or the ''SEC'') extend temporary conditional exemptive relief, pursuant to its authority under section 36(a)(1) of the Securities Exchange Act of 1934 (''Exchange Act'')[2] and Rule 608(e) of Regulation NMS under the Exchange Act,[3] related to the requirements set forth in Appendix D, section 3 of the national market system plan governing the consolidated audit trail (the ''CAT NMS Plan'')[4] that the consolidated audit trail (the ''CAT'') ''must be able to create the lifecycle between . . . [c]ustomer orders to 'representative' orders created in firm accounts for the purpose of facilitating a customer order (*e.g.,* linking a customer order handled on a riskless principal basis to the street-side proprietary order).''[5] For the reasons set forth below, the Commission has determined to grant FIF's request for a six-month extension of the temporary conditional exemptive relief previously provided by the Commission with respect to the above-described requirements set forth in Appendix D, section 3 of the CAT NMS Plan for representative order scenarios in which Industry Members do not have a systematic or direct link between their order management systems and execution management systems.

II. Background

On July 18, 2012, the Commission adopted Rule 613 of Regulation NMS, which required national securities exchanges and national securities associations (the ''Participants'')[6] to jointly develop and submit to the Commission a national market system plan to create, implement, and maintain the CAT.[7] The goal of Rule 613 was to create a modernized audit trail system that would provide regulators with timely access to a comprehensive set of trading data, thus enabling regulators to more efficiently and effectively analyze and reconstruct market events, monitor market behavior, conduct market analysis to support regulatory decisions, and perform surveillance, investigation, and enforcement activities. On November 15, 2016, the Commission approved the national market system plan required by Rule 613—the CAT NMS Plan.[8]

On December 16, 2020, the Commission issued an exemptive relief order regarding the implementation of the CAT NMS Plan (the ''First Order'').[9] This order granted temporary conditional exemptive relief from several requirements set forth in the CAT NMS Plan, including the requirements set forth in Appendix D, section 3 of the CAT NMS Plan that the CAT ''must be able to create the lifecycle between . . . [c]ustomer orders to 'representative' orders created in firm accounts for the purpose of facilitating a customer order (*e.g.,* linking a customer order handled on a riskless principal basis to the street-side proprietary order).''[10] This relief was initially granted until July 31, 2023.[11]

On July 8, 2022, the Commission issued a new exemptive relief order (the ''Second Order''),[12] which superseded the First Order and modified and/or clarified certain aspects of the First Order. The Second Order granted temporary conditional exemptive relief

[1] *See* Letter from Howard Meyerson, Managing Director, Financial Information Forum, to Commission, dated May 29, 2025, *available at https://fif.com/index.php/working-groups/category/271-comment-letters?download=3276:fif-request-for-six-month-extension-of-the-current-exemptive-relief-relating-to-rep-order-linkage&view=category* (the ''Request'').

[2] 15 U.S.C. 78mm(a)(1).

[3] 17 CFR 242.608(e).

[4] *See* Securities Exchange Act Release No. 79318 (Nov. 15, 2016), 81 FR 84696 (Nov. 23, 2016) (''CAT NMS Plan Approval Order''). The CAT NMS Plan is Exhibit A to the CAT NMS Plan Approval Order. *See id.* at 84943–85034. The CAT NMS Plan functions as the limited liability company agreement of the jointly owned limited liability company formed under Delaware state law through which the Participants conduct the activities of the CAT (the ''Company''). Each Participant is a member of the Company and jointly owns the Company on an equal basis. The Participants submitted to the Commission a proposed amendment to the CAT NMS Plan on August 29, 2019, which they designated as effective on filing. Under the amendment, the limited liability company agreement of a new limited liability company named Consolidated Audit Trail, LLC serves as the CAT NMS Plan, replacing in its entirety the CAT NMS Plan. *See* Securities Exchange Act Release No. 87149 (Sept. 27, 2019), 84 FR 52905 (Oct. 3, 2019).

[5] *See id.* at Appendix D, section 3. A representative order is an order originated in a firm-owned or -controlled account, including principal, agency average price and omnibus accounts, by an industry member for the purpose of working one or more customer or client orders. *See, e.g.,* Securities Exchange Act Release No. 88702 (Apr. 20, 2020), 85 FR 23075, 23076 n.26 (Apr. 24, 2020).

[6] The Participants include BOX Exchange LLC, Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., Cboe C2 Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Cboe Exchange, Inc., Financial Industry Regulatory Authority, Inc., Investors' Exchange LLC, Long-Term Stock Exchange, Inc., MEMX LLC, Miami International Securities Exchange LLC, MIAX Emerald, LLC, MIAX PEARL, LLC, MIAX Sapphire, LLC, Nasdaq BX, Inc., Nasdaq GEMX, LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, Nasdaq PHLX LLC, The Nasdaq Stock Market LLC, New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE National, Inc., and NYSE Texas, Inc.

[7] *See* Securities Exchange Act Release No. 67457 (July 18, 2012), 77 FR 45722 (Aug. 1, 2012); 17 CFR 242.613.

[8] *See* CAT NMS Plan Approval Order, *supra* note 4.

[9] *See* Securities Exchange Act Release No. 90688 (Dec. 16, 2020), 85 FR 83634 (Dec. 22, 2020).

[10] *See id.* at 83636. The Commission stated its understanding that ''the Participants do not currently have the ability to create lifecycles in certain representative order scenarios, particularly because of the difficulty of linking representative orders for Industry Members with separate order management systems and execution management systems that do not currently have a systematic or direct link between them.'' *Id.*

[11] *Id.*

[12] *See* Securities Exchange Act Release No. 95234 (July 8, 2022), 87 FR 42247 (July 14, 2022).

until July 31, 2024, from the above-described linkage requirements set forth in Appendix D, section 3 for ''representative order scenarios in which Industry Members do not have a systematic or direct link between their order management systems and execution management systems.'' [13] The Commission subsequently issued an order (the ''Third Order''), on May 19, 2023, extending such exemptive relief until January 31, 2025.[14] This relief was superseded by a new order issued by the Commission on November 2, 2023 (the ''Fourth Order''),[15] which was intended to mirror the temporary conditional exemptive relief granted by the Third Order (and the Second Order) with respect to the requirements set forth in Appendix D, section 3 of the CAT NMS Plan regarding lifecycle linkages between customer orders and representative orders for scenarios in which Industry Members do not have a systematic or direct link between their order management systems and execution management systems.[16] The Fourth Order maintained the January 31, 2025 deadline established by the Third Order.[17] On January 17, 2025, the Commission again extended this temporary conditional exemptive relief until July 31, 2025 (the ''Fifth Order'').[18]

III. Request for Relief

FIF requests that the Commission extend the previously granted temporary conditional exemptive relief until January 31, 2026.[19]

Without such relief, FIF states that it understands that Industry Members would be required to report linkage to a specific representative order.[20] FIF states that it may be difficult or impossible for Industry Members to comply with the requirements to report linkages for certain scenarios. ''In some scenarios,'' FIF states that ''no representative order exists, and thus it is not possible for Industry Members to provide the linkage to a specific representative order.'' [21] In other scenarios, FIF states that ''Industry Members do not maintain this linkage in their books and records.'' [22] Finally, FIF states that there are scenarios in which ''the CAT system does not provide a method to provide linkage to a specific representative order.'' [23]

FIF states that Industry Members would therefore be faced with ''one of the following choices: (i) submit large numbers of Order Fulfillment events that the CAT system would reject and that would not be repairable; (ii) abandon certain common existing trading workflows that are fundamental to the current equity trading markets; or (iii) refrain from reporting large numbers of Order Fulfillment events to CAT.'' [24] FIF further explained the potential harms that could flow from the expiration of the existing exemptive relief:

For example, it is a common workflow for Industry Members to trade as principal against customer orders without the Industry Member creating a firm order . . . . If Industry Members submit large numbers of Order Fulfillments that the CAT system will reject, this will present a significant processing and workflow challenge for the CAT system, the regulators and Industry Members as large numbers of rejected and unsubmitted CAT events pile-up. This will also generate increased processing and operational costs for the CAT system and FINRA CAT and increased operational costs for Industry Members. If Industry Members were to refrain from reporting Order Fulfillments to CAT, this would result in less data being reported to CAT as compared to reporting these Order Fulfillment events without linkage.[25]

FIF states that its members have further identified for Commission staff and other regulators the challenges with implementing certain CAT linkage requirements relating to representative orders and order fulfillments in presentations [26] and previous exemptive relief requests that were submitted to the Commission in March 2024 and July 2024.[27]

IV. Discussion

Section 36(a)(1) of the Exchange Act grants the Commission the authority to ''conditionally or unconditionally exempt any person, security, or transaction . . . from any provision or provisions of [the Exchange Act] or of any rule or regulation thereunder, to the extent that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors.'' [28] Rule 608(e) of Regulation NMS similarly grants the Commission the authority to ''exempt from [Rule 608], either unconditionally or on specified terms and conditions, any self-regulatory organization, member thereof, or specified security, if the Commission determines that such exemption is consistent with the public interest, the protection of investors, the maintenance of fair and orderly markets and the removal of impediments to, and perfection of the mechanisms of, a national market system.'' [29]

The Commission has determined that additional time is needed to identify and evaluate appropriate long-term solutions for certain trading scenarios.[30] In developing those solutions, the Commission emphasizes its willingness to consider alternative solutions that achieve the regulatory goals of Rule 613 and the CAT NMS Plan. The Commission therefore determines that the requested extension of the existing temporary conditional exemptive relief is appropriate in the public interest and consistent with the protection of investors under section 36(a)(1) of the Exchange Act, as well as consistent with the public interest, the protection of investors, the maintenance of fair and orderly markets, and the perfection of the mechanisms of a national market system under Rule 608(e) of Regulation NMS.

Specifically, the Commission extends the existing temporary conditional exemptive relief granted by the Commission from the requirements set forth in Appendix D, section 3 of the CAT NMS Plan related to lifecycle linkages between customer orders and representative orders [31] for

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[13] *Id.* at 42256. The term ''Industry Member'' is defined as ''a member of a national securities exchange or a member of a national securities association.'' *See* CAT NMS Plan, *supra* note 4, at section 1.1.

[14] *See* Securities Exchange Act Release No. 97530 (May 19, 2023), 88 FR 33655 (May 24, 2023).

[15] *See* Securities Exchange Act Release No. 98848 (Nov. 2, 2023), 88 FR 77128 (Nov. 8, 2023).

[16] *Id.* at 77132.

[17] *Id.*

[18] *See* Securities Exchange Act Release No. 102234 (Jan. 17, 2025), 90 FR 8078 (Jan. 23, 2025).

[19] *See* Request, *supra* note 1, at 2.

[20] *Id.; see also, e.g.,* FAQ F5, *available at https://catnmsplan.com/faq?search_api_fulltext=&field_topics=76&sort_by=field_faq_number* (''All Industry Members will be required to provide representative order linkages to unlinked OMS/EMS and position fill scenarios no later than July 31, 2025 due to the expiry of the exemptive relief granted by the SEC on January 17, 2025.'').

[21] *See* Request, *supra* note 1, at 2.

[22] *Id.*

[23] *Id.* FIF states that these scenarios are more fully described in a previous request for exemptive relief submitted to the Commission. *Id.; see also* Letter from Howard Meyerson, Managing Director, FIF, to Commission, dated July 2, 2024, *available at https://fif.com/index.php/working-groups/category/271-comment-letters?download=2962:fif-exemptive-request-letter-to-the-sec-on-representative-order-linkage&start=10&view=category.*

[24] See Request, *supra* note 1, at 2–3 (footnote omitted).

[25] *See id.* at 3.

[26] *Id.*

[27] *See id.* at 3–4 n.14–15 and associated text.

[28] 15 U.S.C. 78mm(a)(1).

[29] 17 CFR 242.608(e).

[30] Additionally, Commission staff have been instructed to undertake a comprehensive review of the CAT. *See* Prepared Remarks Before SEC Speaks, Chairman Paul S. Atkins, May 19, 2025, *available at https://www.sec.gov/newsroom/speeches-statements/atkins-prepared-remarks-sec-speaks-051925.*

[31] The requirements related to lifecycle linkages between customer orders and representative orders

representative order scenarios in which Industry Members do not have a systematic or direct link between their order management systems and execution management systems, until January 31, 2026. Such relief is intended to mirror the exemptive relief provided by the Second Order, the Third Order, the Fourth Order, and the Fifth Order.

V. Conclusion

Accordingly, *it is hereby ordered*, pursuant to section 36(a)(1) of the Exchange Act [32] and Rule 608(e) under the Exchange Act,[33] that the above-described temporary conditional exemptive relief be extended.

By the Commission.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–14130 Filed 7–25–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2 p.m. on Thursday, July 31, 2025.

PLACE: The meeting will be held via remote means and at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at *https://www.sec.gov*.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION: For further information, please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

(Authority: 5 U.S.C. 552b)

Dated: July 24, 2025.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2025–14246 Filed 7–24–25; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0208]

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension: Rule 17a–1

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 17a–1 (17 CFR 240.17a–1) requires that every national securities exchange, national securities association, registered clearing agency, and the Municipal Securities Rulemaking Board keep on file for a period of not less than five years, the first two years in an easily accessible place, at least one copy of all documents, including all correspondence, memoranda, papers, books, notices, accounts, and other such records made or received by it in the course of its business as such and in the conduct of its self-regulatory activity, and that such documents be available for examination by the Commission.

There are 38 entities required to comply with the rule: 28 national securities exchanges, 1 national securities association, 8 registered clearing agencies, and the Municipal Securities Rulemaking Board. The Commission staff estimates that the average number of hours necessary for compliance with the requirements of Rule 17a–1 by each entity is 52 hours per year. In addition, 3 national securities exchanges notice-registered pursuant to Section 6(g) of the Act (15 U.S.C. 78f(g)) are required to preserve records of determinations made under Rule 3a55–1 under the Act (17 CFR 240.3a55–1), which the Commission staff estimates will take 1 hour per exchange per year, for a total of 3 hours per year. Accordingly, the Commission staff estimates that the total number of hours necessary to comply with the requirements of Rule 17a–1 is 1,979 hours per year.

The collection of information is mandatory and is kept confidential as permitted by the Freedom of Information Act (5 U.S.C. 552 *et seq.*).

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 26, 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 24, 2025.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–14205 Filed 7–25–25; 8:45 am]

BILLING CODE 8011–01–P

set forth in Appendix D, section 3 of the CAT NMS Plan are described in the Second Order. *See* Second Order, *supra* note 12, at 42255–56.

[32] 15 U.S.C. 78mm(a)(1).

[33] 17 CFR 242.608(e).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103532; File No. SR–CBOE–2025–049]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend a Fee Waiver Currently Offered for Cboe Silexx

July 23, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 14, 2025, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, 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

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to amend fees related to the Cboe Legacy Silexx platform versions. 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 (*https://www.cboe.com/us/options/regulation/rule_filings/*) and at the Exchange's Office of the Secretary.

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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to extend the time of a fee waiver currently offered for Cboe Silexx, effective May 1, 2025.[3] By way of background, the Exchange offers several versions of its Silexx platform. Originally, the Exchange offered the following versions of the Silexx platform: Basic, Pro, Pro Plus Risk and Buy-Side Manager (''Legacy Platforms''). The Legacy Platforms are designed so that a User may enter orders into the platform to send to the executing broker, including TPHs, of its choice with connectivity to the platform. The executing broker can then send orders to Cboe Options (if the broker-dealer is a Trading Permit Holder (''TPH'')) or other U.S. exchanges (and trading centers) in accordance with the User's instructions. Users cannot directly route orders through any of the Legacy Platforms to an exchange or trading center nor is the platform integrated into or directly connected to Cboe Option's System. In 2019, the Exchange made available a new version of the Silexx platform, Silexx FLEX, which supports the trading of FLEX Options and allows authorized Users with direct access to the Exchange to establish connectivity and submit orders directly to the Exchange.[4] In 2020, the Exchange made an additional version of the Silexx platform available, Cboe Silexx, which supports the trading of non-FLEX Options and allows authorized Users with direct access to the Exchange to establish connectivity and submit orders directly to the Exchange.[5] Cboe Silexx is essentially the same platform as Silexx FLEX, with the same applicable functionality, except that it additionally supports non-FLEX trading. As noted in previous filings, the Exchange is in the process of transitioning the Legacy Platforms to the current version of Cboe Silexx and Silexx FLEX.[6]

The Exchange previously introduced a fee waiver of two months to allow users of Cboe Silexx to transition to the new version of the platform without incurring duplicative Login ID and Market Data Feed fees for access to both the old and new versions of Cboe Silexx during this transitional period.[7] The Exchange further noted that it believed not assessing duplicative fees for Users transitioning to Cboe Silexx would serve as an incentive to market participants to start using the Cboe Silexx platform, while also providing time and flexibility for such Users to become familiar with and fully acclimated to the new platform.[8] For this same reason, the Exchange now proposes to extend the existing fee waiver for Cboe Silexx Login ID fees that are incurred during the migration from a period of two months to four months, which does not need to be consecutive.

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.[9] Specifically, the Exchange believes the proposed rule change is consistent with the Section

[3] The Exchange initially submitted the proposed rule change on May 1, 2025 (SR–CBOE–2025–032). On May 12, 2025, the Exchange withdrew that filing and submitted SR–CBOE–2025–036. On July 1, 2025, the Exchange withdrew that filing and submitted SR–CBOE–2025–046. On July 14, 2025, the Exchange withdrew that filing and submitted this filing. In the previous filing (SR–CBOE–2025–036), the Exchange proposed to increase the number of months from two to three for the fee waiver currently offered by Cboe Silexx and the Exchange now propose to amend from three to four months.

[4] *See* Securities Exchange Act Release No. 87028 (September 19, 2019) 84 FR 50529 (September 25, 2019) (SR–CBOE–2019–061). Only Users authorized for direct access and who are approved to trade FLEX Options may trade FLEX Options via Cboe Silexx. Only authorized Users and associated persons of Users may establish connectivity to and directly access the Exchange, pursuant to Rule 5.5 and the Exchange's technical specifications.

[5] *See* Securities Exchange Act Release No. 88741 (April 24, 2020) 85 FR 24045 (April 30, 2020) (SR–CBOE–2020–040). Only authorized Users and associated persons of Users may establish connectivity to and directly access the Exchange, pursuant to Rule 5.5 and the Exchange's technical specifications.

[6] *See* Securities Exchange Release No. 98722 (October 11, 2023) 88 FR 71619 (October 17, 2023) (SR–CBOE–2023–060). Only authorized Users and associated persons of Users will continue to be able to establish connectivity to and directly access the Exchange, pursuant to Rule 5.5 and the Exchange's technical specifications. Unauthorized Users will not be able to connect directly to the Exchange. The new Cboe Silexx platform will function in the same manner as the Legacy Platforms versions currently available to Users: it will be completely voluntary; orders entered through the platform will receive no preferential treatment as compared to orders electronically sent to Cboe Options in any other manner; orders entered through the platform will be subject to current trading rules in the same manner as all other orders sent to the Exchange, which is the same as orders that are sent through the Exchange's System today; the Exchange's System will not distinguish between orders sent from Silexx and orders sent in any other manner; and Silexx will provide technical support, maintenance and user training for the new platform version upon the same terms and conditions for all Users. The Exchange plans to decommission the Legacy Platforms at a future to-be-determined date, at which time the Legacy Platforms will be unavailable to users.

[7] *See supra* note 3.

[8] Id.

[9] 15 U.S.C. 78f(b).

6(b)(5) [10] 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) [11] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. Additionally, the Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act, which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its TPHs and other persons using its facilities.

The Exchange believes that increasing the time permitted for waivers is also reasonable, equitable and not unfairly discriminatory because the waiver applies to users who are already subject to a monthly Login ID fee (albeit for the Legacy Platform), as well as Market Data Feed fees (for those receiving it on the Legacy Platform). Additionally, the fee waiver period will be limited to the timeframe during which such Users have access to the old and new version of Cboe Silexx and would otherwise result in duplicative fees. The Exchange further believes a fee waiver of four months is an appropriate and reasonable amount of time for Users to become familiar with and fully acclimated to the new platform and therefore able to terminate their connection to the Legacy Platforms. The Exchange notes that a timeline of four months is more fitting now, as many of the users who are some of the final users to transition from the Legacy Platforms may have more nuanced issues to address while they are migrating to Cboe Silexx.

Finally, the Exchange notes that use of the platform is discretionary and not compulsory, as users can choose to route orders, including to Cboe Options, without the use of the platform. Indeed, the Legacy Platforms are not an exclusive means of trading, and if market participants believe that other products, vendors, front-end builds, etc. available in the marketplace are more beneficial or cost effective than the Legacy Platforms (or the current version of Cboe Silexx and Silexx FLEX), they may simply use those products instead, including for routing orders to the Exchange (indirectly or directly if they are authorized Users). The Exchange makes the platform available as a convenience to market participants, who will continue to have the option to use any order entry and management system available in the marketplace to send orders to the Exchange and other exchanges; the platform is merely an alternative offered by the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change will not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed rule change will apply to similarly situated participants uniformly, as described in detail above.

The Exchange does not believe that the proposed rule changes will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed change applies only to Cboe Options. Additionally, the Legacy Platforms are similar to types of products that are widely available throughout the industry, including from some exchanges and the current version of Cboe Silexx and Silexx FLEX, at similar prices. Further, the proposed rule change is intended to further assist participants in their migration efforts by waiving the Cboe Silexx Login ID fees for an additional period for this optional platform. As discussed, the use of the platform continues to be completely voluntary and market participants will continue to have the flexibility to use any entry and management tool that is proprietary or from third-party vendors, and/or market participants may choose any executing brokers to enter their orders. The Legacy Platforms are not an exclusive means of trading, and if market participants believe that other products, vendors, front-end builds, etc. available in the marketplace are more beneficial than the Legacy Platforms (or the current version of Cboe Silexx and Silexx FLEX), they may simply use those products instead, including for routing orders to the Exchange (indirectly or directly if they are authorized Users). Use of the functionality is completely voluntary.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [12] and paragraph (f) of Rule 19b–4 [13] 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–CBOE–2025–049 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CBOE–2025–049. 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

[10] 15 U.S.C. 78f(b)(5).

[11] *Id.*

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f).

that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CBOE–2025–049 and should be submitted on or before August 18, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–14113 Filed 7–25–25; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-Day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before September 26, 2025.

ADDRESSES: Send all comments to Jill Ellis, Center Counsel, COVID EIDL Servicing Center, Small Business Administration, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: Jill Ellis, Center Counsel, COVID EIDL Servicing Center *jill.ellis@sba.gov* 817–393–2735, or Shauniece Carter, Interim Agency Clearance Officer, 202–205–6536, *Shauniece.carter@sba.gov.*

SUPPLEMENTARY INFORMATION: Small Business Administration SBA Form 912 is used to collect basic identifying information needed to make character and eligibility determinations with respect to applicants and borrowers for monetary loan assistance or for participation in SBA programs. The form is being revised to streamline and align with current SBA regulations.

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

OMB Control Number: 3245–0178.

Title: Statement of Personal History.

Description of Respondents: Applicants/Principals/Borrowers participating in SBA programs.

Form Number: SBA Form 912.

Total Estimated Annual Responses: 10,000.

Total Estimated Annual Hour Burden: 2,500.

Shauniece Carter,

Interim Agency Clearance Officer.

[FR Doc. 2025–14125 Filed 7–25–25; 8:45 am]

BILLING CODE 8026–09–P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 290 (Sub No. 421X)]

Norfolk Southern Railway Company—Discontinuance Exemption—in Shenandoah and Warren Counties, Va.

Norfolk Southern Railway Company (NSR) has filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments and Discontinuances of Service* to discontinue service over an approximately 11.0-mile rail line between milepost B 51.0 +/− near Riverton Junction in Front Royal, Va., and Milepost B 62.0 +/− in Strasburg, Va. (the Line). The Line traverses U.S. Postal Service Zip Codes 22657 and 22630.

NSR has certified that: (1) no local traffic has moved over the Line for at least two years; (2) any overhead traffic on the Line can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the Line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period; and (4) the requirements at 49 CFR 1105.12 (newspaper publication) and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the discontinuance of service shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA)[1] to subsidize continued rail service has been received, this exemption will be effective on August 27, 2025, unless stayed pending reconsideration Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA to subsidize continued rail service under 49 CFR 1152.27(c)(2)[2] must be filed by August 7, 2025.[3] Petitions for reconsideration must be filed by August 18, 2025.

All pleadings, referring to Docket No. AB 290 (Sub No 421X), 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. Additionally, a copy of each pleading filed with the Board must be sent to NSR's representative, Crystal M. Zorbaugh, Mullins Law Group PLLC, 2001 L St. NW, Suite 720, Washington, DC 20036.

If the verified notice contains false or misleading information, the exemption is void ab initio.

Board decisions and notices are available at *www.stb.gov*.

Decided: July 23, 2025.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Zantori Dickerson,

Clearance Clerk.

[FR Doc. 2025–14136 Filed 7–25–25; 8:45 am]

BILLING CODE 4915–01–P

[14] 17 CFR 200.30–3(a)(12).

[1] Persons interested in submitting an OFA to subsidize continued rail service must first file a formal expression of intent to file an offer, indicating the intent to file an OFA for subsidy and demonstrating that they are preliminarily financially responsible. *See* 49 CFR 1152.27(c)(2)(i).

[2] The filing fee for OFAs can be found at 49 CFR 1002.2(f)(25).

[3] 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 an environmental review during abandonment, this discontinuance does not require environmental review.

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2024–0307]

Commercial Driver's License: Application for Exemption; Bianco Trucking Services, LLC d.b.a. CDL and Operator Training

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition; denial of application for exemption.

SUMMARY: FMCSA announces its decision to deny the application from Bianco Trucking Services, LLC d.b.a. CDL and Operator Training (''Bianco'') for an exemption to allow students between the ages of 18 and 20 holding a ''K'' restricted commercial learners permit (CLP) issued by another State to attend its driver training facility in Michigan. FMCSA analyzed the application and public comments and determined that granting the exemption would not likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; 202–366–2722; *richard.clemente@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Dockets Operations at (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Viewing Comments and Documents

To view any documents mentioned as being available in the docket, go to *https://www.regulations.gov/docket/FMCSA-2024-0307/document* and choose the document to review. To view comments, click this notice, then click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant's safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard in U.S.C 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)).

III. Background

Current Regulatory Requirements

Drivers of commercial motor vehicles (CMVs), as defined in 390.5T, engaged in interstate commerce, must be at least 21 years of age, 49 CFR 391.11(b)(1). CLP holders who are younger than age 21 may drive in intrastate commerce only. Under 49 CFR 383.153(b)(2)(ix)(G), CLPs issued to drivers under the age of 21 must be marked with a ''K'' restriction limiting the driver to intrastate operations in the driver's State of domicile.

Applicant's Request

Bianco's application for exemption was described in detail in a **Federal Register** notice on January 15, 2025, (90 FR 3990) and will not be repeated as the facts have not changed.

IV. Public Comments

On January 15, 2025, FMCSA requested public comment on Bianco's application for an exemption [90 FR 3990]. The Agency received one comment from AWM Associates, LLC (AWM) that opposed granting the exemption. AWM stated, ''The application presents an unfair economic advantage over other CDL schools. The FMCSA should deny the request as there's not a ''K'' restriction in Part 383.95, the ''K'' restriction is a Wisconsin state law based on 391.11(b)(1).''

In response to AWM's comment, Bianco stated, ''Part 383.95 was referenced for this exemption as it relates to the restrictions that can be placed on a CDL after issuance, similar to an air-brake restriction or a fifth-wheel restriction . . .'' Bianco continued, ''Part 391.11 is in regard to drivers who operate a CMV in interstate operations as defined in part 391.1(a) and 391.1(b). As the students are not getting financially compensated to operate these vehicles for the school in question, they would not fall under that regulation.'' Bianco concluded, ''With Entry Level Driver Training being a requirement by the FMCSA, regardless of the driver's state of residence, potential students should have the opportunity to attend programs that are registered with the Training Provider Registry that fits them best. This could be geographically, economically, or personal preference.''

V. FMCSA Decision

FMCSA has evaluated Bianco's application and the public comments and denies the exemption request. On December 9, 2024, the Agency denied a similar exemption request from 3 North LLC, (89 FR 97702). In that decision, the Agency agreed with the American Association of Motor Vehicle Administrators that allowing drivers with a ''K'' restriction to operate in States other than their State of domicile would disrupt and confuse each State's use of the ''K'' restriction. The same reasoning applies to Bianco's request for an exemption. Furthermore, based on information provided by the applicant, FMCSA is unable to determine that the applicant would likely achieve a level of safety equivalent to, or greater than, the level obtained by complying with the regulations.

For the reasons stated, the Bianco exemption application is denied.

Sue Lawless,

Assistant Administrator.

[FR Doc. 2025–14126 Filed 7–25–25; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2025–0125]

Hours of Service; National Propane Gas Association; Application for Exemption; Extension of Comment Period

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: National Propane Gas Association; application for exemption; extension of comment period.

SUMMARY: FMCSA extends the comment period for its July 1, 2025, notice requesting public comment on the application from the National Propane Gas Association (NPGA) for an exemption from various hours-of-service (HOS) requirements between December 15 and March 15 each year to enable the propane industry to better prepare and respond to emergencies threatening human health and safety during winter. The Agency finds it is appropriate to extend the comment period to provide interested parties additional time to submit their responses to the notice. Therefore, FMCSA extends the deadline for the submission of comments for 15 days.

DATES: The comment period for the notice published on July 1, 2025, at 90 FR 28854 is extended by 15 days. Comments must be received on or before August 15, 2025.

ADDRESSES: You may submit comments identified by Docket Number FMCSA–2025–0125 by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* See the Public Participation and Request for Comments section below for further information.
- *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

Each submission must include the Agency name and the docket number (FMCSA–2025–0125) for this notice. Note that DOT posts all comments received without change to *www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

Privacy Act: In accordance with 49 U.S.C. 31315(b), DOT solicits comments from the public to better inform its processes. DOT posts these comments, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System (FDMS)), which can be reviewed at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices.* The comments are posted without edit and are searchable by the name of the submitter.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; 771–216–2436 or *richard.clemente@dot.gov.* If you have questions on viewing or submitting material to the docket, call Docket Operations at (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2025–0125), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to *https://www.regulations.gov/document/FMCSA-2025-0125-0002* and click ''Comment,'' and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

FMCSA will consider all comments and material received during the comment period. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as ''PROPIN'' to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at *brian.g.dahlin@dot.gov.* At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov* insert FMCSA–2025–0125 in the keyword box, select the document tab and choose the document to review. To view comments, go to *https://www.regulations.gov/document/FMCSA-2025-0125-0002,* then click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Docket Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

II. Background

On July 1, 2025, FMCSA published a notice of application for exemption from the National Propane Gas Association (NPGA) with a comment deadline of

July 31, 2025 (90 FR 28854). NPGA requests a five-year exemption for its member company drivers to waive the requirements of 49 CFR 395.3 with prior notice to FMCSA, each year between the period of December 15 and March 15, when the need for propane as heating fuel is most urgent.

On July 15, 2025, the New York State Department of Transportation asked the Agency to extend the comment period to August 29, 2025. The New York State Department of Transportation expressed concern that exemptions from safety and hazardous materials regulations have the potential to undermine safety and complicate the enforcement process, and the application requires extensive review. FMCSA believes it is appropriate to extend the July 31, 2025, deadline to provide interested parties additional time to submit comments to the docket. Therefore, FMCSA extends the comment period for all comments until August 15, 2025.

Larry W. Minor,

Associate Administrator of Policy.

[FR Doc. 2025–14187 Filed 7–25–25; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2025–0130]

Agency Information Collection Activities; Renewal of an Approved Information Collection: Annual Report of Class I and Class II For-Hire Motor Carriers

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. FMCSA requests approval to renew the previously approved ICR now titled, ''Annual Report of Class I and Class II For-Hire Motor Carriers,'' OMB Control No. 2126–0032. This ICR applies to Class I and Class II for-hire motor carriers of property (Form M) and Class I for-hire motor carriers of passengers (Form MP–1) and collects financial, operating, equipment, and employment data from individual motor carriers of property and household goods and from individual motor carriers of passengers. This ICR is necessary to comply with FMCSA's financial and operating statistics requirements at chapter III of title 49 CFR part 369 titled, ''Reports of Motor Carriers.''

DATES: Comments on this notice must be received on or before September 26, 2025.

ADDRESSES: You may submit comments identified by Docket Number FMCSA–2025–0130 using any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590–0001 between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.
- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Mr. Jeffrey Secrist, Office of Registration, Chief, Registration Division, DOT, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 385–2367; *jeff.secrist@dot.gov.*

SUPPLEMENTARY INFORMATION:

Instructions

All submissions must include the Agency name and docket number. For detailed instructions on submitting comments, see the Public Participation heading below. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Public Participation and Request for Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2025–0130), indicate the specific section of this document to which your comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *https://www.regulations.gov/docket/FMCSA-2025-0130/document,* click on this notice, click ''Comment,'' and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its regulatory process. DOT posts these comments, including any personal information the commenter provides, to *www.regulations.gov* as described in the system of records notice DOT/ALL 14 (Federal Docket Management System (FDMS)), which can be reviewed at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices.* The comments are posted without edits and are searchable by the name of the submitter.

Background

Title 49, United States Code (U.S.C.) section 14123 requires certain for-hire motor carriers of property, passengers, and household goods to file annual financial reports. The annual reporting program was implemented on December 24, 1938 (3 FR 3158), and it was subsequently transferred from the Interstate Commerce Commission to DOT's Bureau of Transportation Statistics (BTS) on January 1, 1996. The Secretary of Transportation delegated to BTS the responsibility for the program on December 17, 1996 (61 FR 68162). Responsibility for collection of the reports was transferred from BTS to FMCSA on August 17, 2004 (69 FR 51009), and the regulations were redesignated as 49 CFR part 369 on August 10, 2006 (71 FR 45740). FMCSA collects carriers' annual reports and furnishes copies of the reports when requested under the Freedom of Information Act (FOIA). Annual financial reports are filed on Form M

(Class I and II for-hire property carriers, including household goods carriers) and Form MP–1 (Class I for-hire passenger carriers). For-hire motor carriers (including interstate and intrastate) subject to the Federal Motor Carrier Safety Regulations are classified on the basis of their gross carrier operating revenues.[1]

The data and information collected is publicly available through FOIA requests. FMCSA has created electronic forms that may be prepared, signed electronically, and submitted to FMCSA via *https://ask.fmcsa.dot.gov/app/ask/.*

Title: Annual Report of Class I and Class II For-Hire Motor Carriers.

OMB Control Number: 2126–0032.

Type of Request: Renewal of a currently approved ICR.

Respondents: Class I and Class II For-Hire Motor Carriers of Property and Class I For-Hire Motor Carriers of Passengers.

Estimated Number of Respondents: 12 total (4 per year).

Estimated Time per Response: 9 hours for Form M and 0.3 hours for Form MP–1.

Expiration Date: November 30, 2025.

Frequency of Response: Annually.

Estimated Total Annual Burden: 36 hours [36 hours (Form M) + 0 hours (Form MP–1)].

The estimated annual respondents for Form M decreased from 34 in the previously approved ICR to 4 in the current ICR. The estimated annual burden hours for Form M decreased by 270 hours [36 proposed hours − 306 currently approved hours = − 270 hours]. Estimated annual respondents for Form MP–1 stayed the same. The previously approved ICR had 0 annual hours. The current ICR has 0 annual hours. This estimate is based off the number of Form M and Form MP–1 submissions received by the Agency between 2022 and 2024, which results in these estimates of annual respondents/responses for the upcoming information collection period.

Labor costs to industry have decreased by $12,491 annually [$2,007 in proposed costs − $14,498 currently approved costs = − $12,491]. This is due to the decreased estimates of annual respondents/responses. Other annual costs to respondents (*i.e.,* associated with mailing completed forms to FMCSA) have decreased by $30 [($4 in proposed mailing costs for Form M + $0 in proposed mailing costs for Form MP–1) − ($34 in previously approved mailing costs for Form M + $0 in previously approved mailing costs for Form MP–1) = $ − 30]. This change is also due to the decreased estimates of annual respondents/responses.

For the Federal Government, annual costs have decreased by $68 [$11 in proposed costs − $79 in previously approved costs = $68]. This change is due to the decreased estimates of annual respondents/responses.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The Agency will summarize or include your comments in the request for OMB's clearance of this ICR.

Issued under the authority of 49 CFR 1.87.

Nicole Michel,

Acting Associate Administrator, Office of Research and Registration.

[FR Doc. 2025–14211 Filed 7–25–25; 8:45 am]

BILLING CODE 4910–EX–P

[1] For purposes of the Financial and Operating Statistics program, carriers are classified into the following two groups: (1) Class I carriers are those having annual carrier operating revenues (including interstate and intrastate) of $10 million or more after applying the revenue deflator formula as set forth in Note A of 49 CFR 369.2; and (2) Class II carriers are those having annual carrier operating revenues (including interstate and intrastate) of at least $3 million, but less than $10 million after applying the revenue deflator formula as set forth in 49 CFR 369.2.

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2010–0062]

Belt Railway Company of Chicago's Request To Amend Its Positive Train Control System

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of availability and request for comments.

SUMMARY: This document provides the public with notice that, on July 11, 2025, the Belt Railway Company of Chicago (BRC) submitted a request for amendment (RFA) to its FRA-certified positive train control (PTC) system. FRA is publishing this notice and inviting public comment on the railroad's RFA to its PTC system.

DATES: FRA will consider comments received by August 18, 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–2010–0062. For convenience, all active PTC dockets are hyperlinked on FRA's website at *https://railroads.dot.gov/research-development/program-areas/train-control/ptc/railroads-ptc-dockets.* All comments received will be posted without change to *https://www.regulations.gov;* this includes any personal information.

FOR FURTHER INFORMATION CONTACT: Gabe Neal, Staff Director, Signal, Train Control, and Crossings Division, telephone: 816–516–7168, email: *Gabe.Neal@dot.gov.*

SUPPLEMENTARY INFORMATION: In general, title 49 United States Code (U.S.C.) section 20157(h) requires FRA to certify that a host railroad's PTC system complies with title 49 Code of Federal Regulations (CFR) part 236, subpart I, before the technology may be operated in revenue service. Before making certain changes to an FRA-certified PTC system or the associated FRA-approved PTC Safety Plan (PTCSP), a host railroad must submit, and obtain FRA's approval of, an RFA to its PTC system or PTCSP under 49 CFR 236.1021.

Under 49 CFR 236.1021(e), FRA's regulations provide that FRA will publish a notice in the **Federal Register** and invite public comment in accordance with 49 CFR part 211, if an RFA includes a request for approval of a material modification of a signal or train control system. Accordingly, this notice informs the public that, on July 11, 2025, BRC submitted an RFA to its Interoperable Electronic Train Management System (I–ETMS), which seeks FRA's approval to disable BRC's I–ETMS back office subsystem temporarily to perform necessary power redundance and network infrastructure upgrades. That RFA is available in Docket No. FRA–2010–0062.

Interested parties are invited to comment on BRC's RFA by submitting written comments or data. During FRA's review of this railroad's RFA, FRA will consider any comments or data submitted within the timeline specified in this notice and to the extent

practicable, without delaying implementation of valuable or necessary modifications to a PTC system. *See* 49 CFR 236.1021; *see also* 49 CFR 236.1011(e). Under 49 CFR 236.1021, FRA maintains the authority to approve, approve with conditions, or deny a railroad's RFA at FRA's sole discretion.

Privacy Act Notice

In accordance with 49 CFR 211.3, FRA solicits comments from the public to better inform its decisions. DOT posts these comments, without edit, including any personal information the commenter provides, to *https://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See *https://www.regulations.gov/privacy-notice* for the privacy notice of regulations.gov. 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. 2025–14119 Filed 7–25–25; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2025–0003]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, this notice announces that FRA is forwarding the Information Collection Request (ICR) summarized below to the Office of Management and Budget (OMB) for review and comment. The ICR describes the information collection and its expected burden. On April 29, 2025, FRA published a notice providing a 60-day period for public comment on the ICR. FRA received no comments in response to the notice.

DATES: Interested persons are invited to submit comments on or before August 27, 2025.

ADDRESSES: Written comments and recommendations for the proposed ICR should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find the particular ICR by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Ms. Arlette Mussington, Information Collection Clearance Officer, at email: *arlette.mussington@dot.gov* or telephone: (571) 609–1285 or Ms. Joanne Swafford, Information Collection Clearance Officer, at email: *joanne.swafford@dot.gov* or telephone: (757) 897–9908.

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. *See* 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. On April 29, 2025, FRA published a 60-day notice in the **Federal Register** soliciting public comment on the ICR for which it is now seeking OMB approval. *See* 90 FR 17879. FRA has received no comments related to the proposed collection of information.

Before OMB decides whether to approve this proposed collection of information, it must provide 30-days' notice for public comment. Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983, Aug. 29, 1995. The 30-day notice informs the regulated community of their opportunity to file relevant comments and affords the agency adequate time to consider public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect.

Comments are invited on the following ICR regarding: (1) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the information will have practical utility; (2) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

Title: Disqualification Proceedings.

OMB Control Number: 2130–0529.

Abstract: Title 49 CFR part 209, subpart D (subpart D) codifies FRA procedures to provide due process to individuals whom FRA proposes to disqualify from sensitive safety service, as authorized by 49 U.S.C. 20111. The only section in subpart D that contains information collection requirements subject to the PRA is 49 CFR 209.331, Enforcement of disqualification order, which requires: (a) a railroad employing or formerly employing a disqualified individual to disclose the terms and conditions of the order to the individual's new or prospective employer railroad; (b) a railroad considering hiring an individual in a safety-sensitive position to inquire with the individual's prior employer, if the former employer is a railroad, whether the individual is serving under a disqualification order; and (c) a disqualified individual to inform the individual's current and prospective railroad employers, and provide a copy of the order. As explained in its 60-day notice, FRA is removing the burden estimates that were included in the last renewal of this ICR, pertaining to §§ 209.307 and 209.309, because the information described in those sections is collected ''during the conduct of an administrative action, investigation, or audit involving an agency against specific individuals or entities.'' *See* 5 CFR 1320.4(a)(2).

Type of Request: Extension without change (with changes in estimates) of a currently approved collection.

Affected Public: 754 railroads and 181,210 railroad employees.

Form(s): N/A.

Respondent Universe: 754 railroads and 181,210 railroad employees.

Frequency of Submission: On occasion.

Total Estimated Annual Responses: 4.

Total Estimated Annual Burden: 2 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: $178.26.

FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information that does

not display a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Christopher S. Van Nostrand,

Deputy Chief Counsel.

[FR Doc. 2025–14124 Filed 7–25–25; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2025–0005]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, this notice announces that FRA is forwarding the Information Collection Request (ICR) summarized below to the Office of Management and Budget (OMB) for review and comment. The ICR describes the information collection and its expected burden. On April 29, 2025, FRA published a notice providing a 60-day period for public comment on the ICR. FRA received no comments in response to the notice.

DATES: Interested persons are invited to submit comments on or before August 27, 2025.

ADDRESSES: Written comments and recommendations for the proposed ICR should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find the particular ICR by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Ms. Arlette Mussington, Information Collection Clearance Officer, at email: *arlette.mussington@dot.gov* or telephone: (571) 609–1285 or Ms. Joanne Swafford, Information Collection Clearance Officer, at email: *joanne.swafford@dot.gov* or telephone: (757) 897–9908.

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. *See* 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. On April 29, 2025, FRA published a 60-day notice in the **Federal Register** soliciting public comment on the ICR for which it is now seeking OMB approval. *See* 90 FR 17877. FRA has received no comments related to the proposed collection of information.

Before OMB decides whether to approve this proposed collection of information, it must provide 30 days' notice for public comment. Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983, Aug. 29, 1995. The 30-day notice informs the regulated community of their opportunity to file relevant comments and affords the agency adequate time to consider public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect.

Comments are invited on the following ICR regarding: (1) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the information will have practical utility; (2) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

Title: Railroad Noise Emission Compliance Regulations.

OMB Control Number: 2130–0527.

Abstract: Under authority granted by the Noise Control Act of 1972, the Environmental Protection Agency (EPA) has established limits for noise emissions related to rail carriers in 40 CFR part 201. Those limits are enforced by FRA under 49 CFR part 210. Specifically, § 210.27 requires that all new locomotives be tested and certified to comply with the noise emission standards.

The information collected under § 210.27 is used by FRA to confirm that new locomotives are tested and do not emit noise that exceeds the maximum noise standards, in order to control harmful noise and promote public health and welfare.

Type of Request: Extension without change of a currently approved collection.

Affected Public: Businesses.

Form(s): N/A

Respondent Universe: 4 locomotive manufactures.

Frequency of Submission: On occasion.

Total Estimated Annual Responses: 4.

Total Estimated Annual Burden: 2 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: $178.26.

FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information that does not display a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Christopher S. Van Nostrand,

Deputy Chief Counsel.

[FR Doc. 2025–14127 Filed 7–25–25; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA 2025–0035]

Agency Information Collection Activity Under OMB Review: Fixed Guideway Capital Investment Grants (CIG) Program Section 5309

AGENCY: Federal Transit Administration, Department of Transportation.

ACTION: Notice of request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Federal Transit Administration (FTA) to request the Office of Management and Budget (OMB) to approve a request for an extension without change to an existing information collection: Fixed Guideway Capital Investment Grants (CIG) Program Section 5309.

DATES: Comments must be submitted before September 26, 2025.

ADDRESSES: To ensure that your comments are not entered more than once into the docket, submit comments identified by the docket number by only one of the following methods:

1. *Website: https://www.regulations.gov.* Follow the instructions for submitting comments on the U.S. Government electronic docket site. All electronic submissions must be made to the U.S. Government electronic docket site at *https://www.regulations.gov.* Commenters

should follow the directions below for mailed and hand-delivered comments.

2. *Fax:* 202–366–7951.

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

4. *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: You must include the agency name and docket number for this notice at the beginning of your comments. Submit two copies of your comments if you submit them by mail. For confirmation that FTA has received your comments, include a self-addressed stamped postcard. Note that all comments received, including any personal information, will be posted and will be available to internet users, without change, to *https://www.regulations.gov.* You may review DOT's complete Privacy Act Statement in the **Federal Register** published April 11, 2000, (65 FR 19477), or you may visit *https://www.regulations.gov.*

Docket: For access to the docket to read background documents and comments received, go to *https://www.regulations.gov* at any time. Background documents and comments received may also be viewed at the U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Faisal Chowdhury 202–366–9851 or *faisal.chowdhury@dot.gov.*

SUPPLEMENTARY INFORMATION: Interested parties are invited to send comments regarding any aspect of this information collection, including: (1) the necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection.

Title: Fixed Guideway Capital Investment Grants (CIG) Program Section 5309

OMB Number: 2132–0561

Background

In accordance with the Paperwork Reduction Act (PRA) of 1995, the Federal Transit Administration (FTA) is requesting Office of Management and Budget (OMB) 3-year approval of an extension without change for a currently approved collection. The Federal Transit Administration (FTA) administers the discretionary Capital Investment Grants (CIG) grant program under 49 U.S.C. 5309 that provides funding for major transit capital investments including heavy rail, light rail, commuter rail, streetcar, bus rapid transit, and ferries. Three types of eligible projects are outlined in law: smaller scaled transit capital projects known as ''Small Starts''; new fixed guideway transit systems and extensions to existing fixed guideway systems known as ''New Starts''; and projects to improve overall system capacity in existing fixed guideway corridors, known as ''Core Capacity''. The CIG program has a longstanding requirement that FTA evaluate proposed projects against a prescribed set of statutory criteria at specific points during the projects' development including when they seek to enter a subsequent phase of the process or a construction grant agreement. In addition, FTA must report on its evaluations and ratings annually to Congress.

The current Federal Public Transportation Law, 49 U.S.C. 5309, has not changed the statutorily defined project justification and local financial commitment criteria that are the subject of this information collection. In addition, the statutorily required approval steps for projects seeking CIG funds have not changed. FTA will seek comment from stakeholders through the publication of a separate **Federal Register** Notice outside of the PRA process. In general, the information used by FTA for CIG project evaluation and rating should arise as a part of the normal project planning process.

Respondents: State and local government agencies, including transit agencies.

Estimated Annual Number of Respondents: 155 respondents.

Estimated Total Annual Burden: 68,840 hours.

Frequency: Annually.

Kusum Dhyani,

Director, Office of Management Planning.

[FR Doc. 2025–14209 Filed 7–25–25; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2025–0267]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V BIOP SEA QUEEN

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before August 27, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2025–0267 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Search MARAD–2025–0267 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD–2025–0267, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body

of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR–620, Washington, DC 20590. Telephone: (202) 366–5400. Email: *smallvessels@dot.gov*

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if MARAD, after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.[1]

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD–2025–0267 at *https://www.regulations.gov.* Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I Submit Comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to Read Public Comments, and Find Supporting Information?

The docket online is located at *https://www.regulations.gov,* keyword search MARAD–2025–0267 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025–14117 Filed 7–25–25; 8:45 am]

BILLING CODE 4910–81–P

[1] The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2025–0268]

Request for Comments on the Renewal of a Previously Approved Collection: Merchant Marine Medals and Awards

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Maritime Administration (MARAD) invites public comments on our intention to request Office of Management and Budget (OMB) approval to renew an information collection in accordance with the Paperwork Reduction Act of 1995. The proposed collection OMB 2133–0506 (Merchant Marine Medals and Awards) is used to by MARAD personnel to process and verify requests for service awards. There are no changes to this collection since the last renewal. We are required to publish this notice in the **Federal Register** to obtain comments from the public and affected agencies.

ADDRESSES: Written comments and recommendations for the proposed information collections 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: Katrina McRae, 202–366–3198, Office of Sealift Support, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, Email: *Katrina.mcrae@dot.gov*

SUPPLEMENTARY INFORMATION:

Title: Merchant Marine Medals and Awards.

OMB Control Number: 2133–0506.

Type of Request: Extension without change of a previously approved collection.

Abstract: This collection of information provides a method of awarding merchant marine medals and decorations to masters, officers, and crew members of U.S. ships, in recognition of their service in areas of danger during the operations by the Armed Forces of the United States in World War II, Korea, Vietnam, and Operation Desert Storm.

Respondents: Masters, officers, and crew members of U.S. ships.

Affected Public: Individuals or households.

Estimated Number of Respondents: 550.

Estimated Number of Responses: 550.

Estimated Hours per Response: 1.

Annual Estimated Total Annual Burden Hours: 550.

Frequency of Response: Once Annually.

A 60-day **Federal Register** Notice soliciting comments on this information collection was published on May 5, 2025 (90 FR 19085).

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.49.)

By Order of the Maritime Administration.

T. Mitchell Hudson, Jr.

Secretary, Maritime Administration.

[FR Doc. 2025–14116 Filed 7–25–25; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2025–0005; Notice 1]

PACCAR, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: PACCAR, Inc. (PACCAR) has determined that certain model year (MY) 2022–2025 Peterbilt and Kenworth trucks do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 121, *Air Brake Systems.* PACCAR filed a noncompliance report dated December 17, 2024, and amended the report on January 14, 2025. PACCAR petitioned NHTSA (the ''Agency'') on January 9, 2025, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This document announces receipt of PACCAR's petition.

DATES: Send comments on or before August 27, 2025.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and may be submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver comments by hand to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except for Federal Holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at *https://www.regulations.gov* by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000 (65 FR 19477–78).

FOR FURTHER INFORMATION CONTACT: Ahmad Barnes, General Engineer, NHTSA, Office of Vehicle Safety Compliance, (202) 366–7236.

SUPPLEMENTARY INFORMATION:

I. *Overview:* PACCAR determined that certain MY 2022–2025 Peterbilt and Kenworth trucks do not fully comply with paragraph S5.3.4.1 of FMVSS No. 121, *Air Brake Systems* (49 CFR 571.121).

PACCAR filed a noncompliance report dated December 17, 2024, and amended the report on January 14, 2025, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* PACCAR petitioned NHTSA on January 9, 2025, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance.*

This notice of receipt of PACCAR's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or another exercise of judgment concerning the merits of the petition.

II. *Vehicles Involved:* Approximately 13,767 of the following vehicles, manufactured between July 16, 2021 and August 16, 2024, were reported by the manufacturer:

- MY 2022–2025 Peterbilt 579
- MY 2025 Peterbilt 537
- MY 2025 Peterbilt 548
- MY 2025 Kenworth T880
- MY 2025 Kenworth T480
- MY 2022–2025 Kenworth T680
- MY 2025 Kenworth T380

III. *Rule Requirements:* Paragraph S5.3.4.1 of FMVSS No. 121 includes the requirements relevant to this petition. Paragraph S5.3.4.1(a) of FMVSS No. 121 provides that the air pressure in each of the service brake chambers of a truck must drop from 95 to 5 psi in 0.55 seconds or less upon the first movement of the service brake control. Paragraph S5.3.4.1(b) of FMVSS No. 121 requires that for trucks designed to tow vehicles equipped with air brakes, the pressure in a 50-cubic-inch test reservoir (connected to the control line output coupling) must drop to 5 psi within 0.75 seconds or less after the first movement of the service brake control.

IV. *Noncompliance:* PACCAR explains that the subject vehicles may exceed the intended service brake release timing, and therefore do not comply with paragraphs S5.3.4.1 of FMVSS No. 121. Specifically, the subject vehicles exceed the brake release timing requirement by 0.07–0.25 seconds.

V. *Summary of PACCAR's Petition:* The following views and arguments presented in this section, ''V. Summary of PACCAR's Petition,'' are the views and arguments provided by PACCAR. They have not been evaluated by the

Agency and do not reflect the views of the Agency. PACCAR describes the subject noncompliance and contends that the noncompliance is inconsequential as it relates to motor vehicle safety.

PACCAR explains that tests performed by its engineers in June of 2024 found that while battery electric vehicle (BEV) trucks met the maximum brake release timing requirements in paragraph S5.3.4.1 of FMVSS No. 121, internal combustion engine (ICE) vehicles failed to meet the timing requirements. PACCAR notes that while the BEV and ICE vehicles share a ''similar air routing structure'' and similar interacting driver assist systems (such as Hill Start, Adaptive Cruise Control, and Stop & Auto-Go), ICE vehicles have a differing valve placement. In September of 2024, PACCAR contracted Link Commercial Vehicle Testing (Link) to conduct further compliance testing of the air brakes on a model T680 Kenworth truck. Link tested the air brakes on the T680 Kenworth truck both with and without a check valve (meant to prevent air backflow) installed. The tests conducted by Link found that the air brakes performed within FMVSS No. 121 standards with the check valve installed or with the ABS system active while the trucks are in operation. The same tests found that vehicles without the control valve or an active ABS system exceeded the brake release timing requirements because of air backflow from the Hill Start Aid valve assembly back into the Stop & Auto-Go control line.

PACCAR prefaces its arguments by quoting sections of the Federal Registry on the nature and purpose of FMVSS No. 121. PACCAR quotes NHTSA as saying that FMVSS No. 121 is ''a set of requirements to govern the braking behavior of a vehicle during application of the service brakes'' (. . .) ''(p)rincipal among these are stopping performance requirements that include a minimum stopping distance requirement for trucks and buses and lateral stability and wheel lockup requirements for all vehicles.'' The brake release time requirements are to assure that air brake systems ''can meet the [standard's] stopping distance requirements without lockup.'' [1]

PACCAR then quoted a research report regarding pneumatic brake release timing in heavy duty vehicles released by NHTSA in 1985:

> Pneumatic release timing, defined as the time required for the pressure in the brake chambers to fall from 95 psi to 5 psi after the driver releases the brake control, also effects air brake system performance. If the driver in attempting to stop a vehicle, locks the wheels causing the vehicle to begin to skid immediate release of the brakes is necessary if the driver is to regain control. Therefore, release timing should also be as fast as possible. (*R. Radlinski & S. Williams, NHTSA Heavy Duty Vehicle Brake Research Program Report No. 5—Pneumatic Timing, Report No. DOT HS 806 897 (NHTSA Dec. 1985)*)

PACCAR argues that the subject vehicles meet the purposes of FMVSS No. 121 as described in NHTSA's own statements in the **Federal Register** and the above-mentioned research report by ''minimizing stopping distance, avoiding lockup, and maintaining vehicle stability'' although they do not conform with the brake release times as required in FMVSS No. 121.

PACCAR states that the longer braking time does not adversely affect braking performance, and thereby meets the purpose of the regulations, for the following reasons:

1. PACCAR believes that the vehicle's stopping distance is not negatively impacted by the vehicle's inability to meet the brake timing requirements. PACCAR explains that the test vehicle was able to meet the stopping distance requirements of FMVSS No. 121 S5.3.1 with or without the control valve installed.

2. PACCAR contends that the vehicle's inability to meet brake timing requirements does not create an increased risk of vehicle lockup. Link tested the vehicle's ABS performance according to the stability and control test specified in FMVSS No. 121, paragraph S5.3.6, both with and without the control valve, and found the performance to meet requirements under either condition.

3. PACCAR argues that longer brake timing in the vehicle without a control valve was not found to impact vehicle stability control because the vehicle is equipped with an electronic stability control system (ESC). With an ESC system, the brake air pressure is released from the ABS modulator in the ''delivery air circuit,'' thus circumventing the need for a ''control air circuit'' that contains the check valve. Therefore, PACCAR states that the vehicle is still in compliance with FMVSS No. 136 with or without the check valve.

4. PACCAR states that NHTSA's Pneumatic Timing Report mentions that the risk of dangerous destabilization in tractor trucks hauling trailers can be mitigated by ensuring that the trailer release timing is equal to or slower than the tractor release timing. PACCAR states that the noncompliant vehicles (with or without a check valve) achieve this desired timing between tractor brakes and trailer brakes by ensuring that the tractor brake timing will be faster than the brakes on the trailer. In the test published by Link, it was found that the tractor release time is 0.70 seconds, whereas the release timing for the 50-in reservoir (and by extension the trailer's brakes) is slower at 1 second. Regardless of whether or not the trailer is equipped with ABS, PACCAR states, the ESC system will correct any instability caused by noncompliant release times.

PACCAR reiterates that the purpose of the regulation is met, even if the vehicles not equipped with a check valve do not comply with the exact brake release timing requirements in the regulation. PACCAR states that there is no decrease in stopping distance, increased risk of wheel lock-up, or increase in vehicle instability.

PACCAR concludes by stating its belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety and its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that PACCAR no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after PACCAR notified them that the subject noncompliance existed.

(Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

Otto G. Matheke III,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2025–14123 Filed 7–25–25; 8:45 am]

BILLING CODE 4910–59–P

[1] FMVSS No. 121 Final Rule, 36 FR 3817 (Feb. 27, 1971)

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2024–0064; Notice 1]

Volkswagen Group of America, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: Volkswagen Group of America, Inc. (Volkswagen) has determined that certain model year (MY) 2018–2024 Audi SQ5, MY 2021–2024 Audi SQ5 Sportback, MY 2018–2024 Audi Q5, and MY2021–2024 Audi Q5 Sportback do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 118, *Power-Operated Window, Partition, and Roof Panel Systems.* Volkswagen filed a noncompliance report dated August 9, 2024, and subsequently petitioned NHTSA (the ''Agency'') on August 30, 2024, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This document announces receipt of Volkswagen's petition.

DATES: Send comments on or before August 27, 2025.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and may be submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver comments by hand to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except for Federal Holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at *https://www.regulations.gov* by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000 (65 FR 19477–78).

FOR FURTHER INFORMATION CONTACT: Kamna Ralhan, General Engineer, NHTSA, Office of Vehicle Safety Compliance, (202) 366–6443.

SUPPLEMENTARY INFORMATION:

I. Overview: Volkswagen determined that certain MY 2018–2024 Audi SQ5, MY 2021–2024 Audi SQ5 Sportback, MY 2018–2024 Audi Q5, and MY 2021–2024 Audi Q5 Sportback do not fully comply with paragraph S6(a) of FMVSS No. 118, *Power-Operated Window, Partition, And Roof Panel Systems.* (49 CFR 571.118).

Volkswagen filed a noncompliance report dated August 9, 2024, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* Volkswagen petitioned NHTSA on August 30, 2024, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance.*

This notice of receipt of Volkswagen's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or another exercise of judgment concerning the merits of the petition.

II. Vehicles Involved: Volkswagen reports that approximately 460,169 of the following vehicles, manufactured between November 9, 2016, to June 28, 2024, are potentially involved:

- MY 2018–2024 Audi SQ5
- MY 2021–2024 Audi SQ5 Sportback
- MY 2018–2024 Audi Q5
- MY 2021–2024 Audi Q5 Sportback

III. Relevant FMVSS Requirements: Paragraph S6(a) FMVSS No. 118 includes the requirements relevant to this petition. It requires that the actuation devices used to close power-operated windows must not begin to close an open window during a specific prescribed test. The test requires that a 20mm radius steel ball exerting 135 Newtons of force or less to any portion of the window actuation device cannot cause the window to actuate.

IV. Noncompliance: Volkswagen found during internal testing that the switch for the driver's side window could actuate when tested in accordance with the conditions outlined in FMVSS No. 118 S6(a). Volkswagen found that the plastic material around the switch was able to flex enough to allow the 20mm radius steel ball to come into contact with and actuate the switch using 129.55 Newtons of force, causing the window to close.

V. Summary of Volkswagen's Petition: The following views and arguments presented in this section, ''V. Summary of Volkswagen's Petition,'' are the views and arguments provided by Volkswagen. They have not been evaluated by the Agency and do not reflect the views of the Agency. Volkswagen describes the subject noncompliance and contends that the noncompliance is inconsequential as it relates to motor vehicle safety.

Volkswagen opens its petition by providing some background on the requirements and the testing conditions in question. Volkswagen states that the purpose of these requirements is to ''minimize the likelihood of death of injury from accidental operation of power operated windows'' caused by accidental kneeling or leaning on the power window switch. Volkswagen claims that the steel ball test required by paragraph S6 FMVSS No. 118 was enacted by NHTSA in 2004 to create a baseline measurement of safety from the

accidental closure of windows; however, the requirements of paragraph S6 do not apply if the automatic reversal requirements of paragraph S5 of FMVSS No. 118 are met.

Volkswagen claims that the type of switch installed in the subject vehicles are recognized by NHTSA to be significantly less dangerous than the switches that the steel ball test was designed to protect against in 2004. Volkswagen explains that the subject vehicles use a pull-to-close switch recessed into the control panel, rather than the ''rocker'' or ''toggle'' switches that are flush with the control panel surface. To illustrate the recognized difference in risk, Volkswagen cites the FMVSS No. 118 final rule, in which NHTSA stated that the switch design is related to injuries where the vehicle occupants unintentionally close power windows by leaning against or kneeling or standing on power window switches. Volkswagen further explains that NHTSA recognized that virtually all of the vehicles involved in such injuries had ''rocker'' and ''toggle'' switches, which are more prone to accidental actuation than switches that must be lifted to close the window. The pull-to-close switches are considered resistant to inadvertent closure because incidental contact with those switches will not readily cause a window to close, rather, it may cause a window to open.

Volkswagen notes that while the functionality and risk of accidental closure are different than the ''rocker'' or ''toggle,'' pull-to-close switches are still subject to the steel ball test required by paragraph S6 FMVSS No. 118.

Volkswagen claims that this noncompliance is inconsequential to motor vehicle safety for eight reasons:

1. The subject vehicles are equipped with pull-to-close window switches. Volkswagen states that, as already established by NHTSA's statements in the FMVSS No. 118 final rule, these switches are inherently resistant to accidental closure as accidental contact with these switches would cause the window to open, rather than close.

2. Volkswagen states that, in addition to pull-to-close switches, the subject vehicles have door paneling specifically designed to make accidental closure even more unlikely. Volkswagen explains that the switches themselves are in a concave recession of the door handle and are surrounded by plastic and leather components. Volkswagen claims that these two features are recognized by NHTSA to limit the ''situations in which contact with the switch could occur in a manner that would cause the window to close.'' Volkswagen believes the reason this is safer as elbows or knees would need to ''be small enough to fit within the concave portion of the door, within the recessed portion of the armrest, and within the distance between the switch and mirror control knob'' to touch the controls, much less open the window.

3. Volkswagen's testing and simulations could not identify a real-world scenario in which an accidental closure was likely to occur. Volkswagen hypothesized two scenarios where accidental contact with the switch could occur, but because of the design reasons stated above, Volkswagen believes either scenario would cause the window to open rather than close. Volkswagen provides some illustrations of the simulated scenarios in its petition where unintended contact with the switches could occur; essentially either scenario would require a child under the age of 3 weighing over 30.3 pounds to hit the switches at a particular angle in order to accidentally open the windows.

4. Volkswagen claims its testing found that increasing the size of the 20mm steel ball required by the test by even a millimeter would require an amount of force to lift the switch up exceeding the 135 Newtons specified by the test conditions in paragraph S6 of FMVSS No. 118. This means that in a real-world scenario, anything larger than 20mm would not activate the window switch with less than 135 Newtons of force.

5. Volkswagen states that the switches in the subject vehicles comply with paragraph S4 of FMVSS No. 118—in this case, meaning that the ignition key would need to be in the vehicle for the windows to operate. Volkswagen asserts that the purpose of this is to ensure that an occupant, presumably an adult, would be in the vehicle and would be able to supervise any child occupants. Also, the ignition, and by extension the window, is disabled after the driver opens the driver's side door and exits the vehicle (as per S4(e) of FMVSS No. 118). Volkswagen states that ''for a child under three to actuate the window in a manner described above, they would need to be unattended, unrestrained, the vehicle ignition would have to be active, and the driver would have to have exited without using the front two doors.'' Therefore, Volkswagen contends, the conditions for accidentally opening the window are exceedingly improbable.

6. Volkswagen cites two granted petitions for noncompliance, one for Volkswagen in 1995 (60 FR 48197, Sept. 18, 1995), and one for Mitsubishi from 1999 (64 FR 1650, Jan. 11, 1999) to show that NHTSA has previously granted similar inconsequential noncompliance petitions. According to Volkswagen, NHTSA found that it was unlikely for an adult driver or passenger to exit the vehicle in a manner that would evade the requirements put in place by paragraph S4 of FMVSS No. 118, and thereby leave an unsupervised child alone in the vehicle to potentially activate the power windows. Either the driver of the vehicles would have to exit the vehicle in an unlikely manner or there would still be an adult in the vehicle to supervise any children at risk of accidentally operating the window.

7. Volkswagen states that the subject vehicles are equipped with a UN ECE R–21 complaint Automatic Reversal System (ARS). While this automatic reversal system's deflection rod ratio does not exactly align with paragraph S5 of FMVSS No. 118 ARS requirements, Volkswagen says NHTSA ''has acknowledged the safety effectiveness of any ARS, even those not specifically compliant to safety regulations.''

8. Volkswagen states that is unaware of any reports of injuries, complaints, or field reports related to this issue for any of the 500,000 Audi Q5 vehicles sold in the North American market or in any other market.

Volkswagen concludes by stating its belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety and its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that Volkswagen no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Volkswagen notified them that the subject noncompliance existed.

(Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

Otto G. Matheke, III,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2025–14122 Filed 7–25–25; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

[Docket No. DOT–OST–2015–0070]

Withdrawal of Approval and Grant of Antitrust Immunity to Alliance Agreements Under 49 U.S.C. 41308 and 41309

AGENCY: Office of the Secretary of Transportation (OST), Department of Transportation (DOT).

ACTION: Notice of Supplemental Order to Show Cause.

SUMMARY: The United States Department of Transportation has issued a Supplemental Order to Show Cause tentatively withdrawing the approval of and grant of antitrust immunity (ATI) for alliance agreements concerning the joint venture (JV) between Delta Air Lines, Inc. (Delta) and Aerovias de Mexico, S.A. de C.V. (Aeromexico).

DATES: The order was served on July 19, 2025. Objections or comments to the Department's tentative findings and conclusions shall be due no later than 14 calendar days from the service date of the Order, and answers to objections shall be due no later than seven (7) business days thereafter. Interested parties and potential commenters should check the above-captioned docket on *www.regulations.gov* for further updates from the Department on the procedural schedule. In the event that no objections are filed, all further procedural steps shall be deemed waived, and the Department may enter an order making final the tentative findings and conclusions.

ADDRESSES: You may send comments, identified by docket number DOT–OST–2015–0070, via the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for sending comments. In addition, comments must be properly served on all interested parties in accordance with the Department's procedural regulations (14 CFR part 302).

FOR FURTHER INFORMATION CONTACT: Jason Horner, Transportation Industry Analyst, Office of Aviation Analysis, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone: (202) 366–5903; email: *jason.horner@dot.gov.*

SUPPLEMENTARY INFORMATION: On July 19, 2025, the Department issued a Supplemental Order to Show Cause (Order 2025–7–12) tentatively withdrawing the approval of and grant of antitrust immunity for alliance agreements concerning the JV between Delta and Aeromexico. The supplemental order provides the Department's reasoning, including detailing ongoing competitive concerns in the U.S.-Mexico air services market. If finalized, Delta and Aeromexico will cease to have a grant of ATI following a wind down period that ends at midnight on October 25, 2025. The joint venture agreement and the agreement(s) integral to the joint venture that require antitrust immunity would also be disapproved.

The Supplemental Order to Show Cause has been posted in docket DOT–OST–2015–0070 at *www.regulations.gov.* The order directs all interested persons to show cause why the Department should not issue an order making final the tentative findings and conclusions discussed therein. Objections or comments to the tentative findings and conclusions are due no later than 14 calendar days from July 19, 2025, the service date of the order, and answers to objections shall be due no later than seven (7) business days thereafter. In the event that no objections are filed, all further procedural steps shall be deemed waived, and the Department may enter an order making final the tentative findings and conclusions. Comments must be properly served on all interested parties in accordance with the Department's procedural regulations (14 CFR part 302).

(Authority: 14 CFR part 303.43)

Jared Smith,

Deputy Assistant Secretary, Office of Aviation and International Affairs, U.S. Department of Transportation.

[FR Doc. 2025–14207 Filed 7–25–25; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Revision of an Approved Information Collection; Submission for OMB Review; Interagency Policy Statement on Funding and Liquidity Risk Management

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 a revision to its information collection titled, ''Interagency Policy Statement on Funding and Liquidity Risk Management.'' The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: Comments must be received by August 27, 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: 1557–0244, 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 ''1557–0244'' 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 ''1557–0244'' or ''Interagency Policy Statement on Funding and Liquidity Risk Management.'' 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 Policy Statement on Funding and Liquidity Risk Management.

OMB Control No.: 1557–0244.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Description: On March 22, 2010, the OCC, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the National Credit Union Administration (the agencies), in conjunction with the Conference of State Bank Supervisors, issued a policy statement on funding and liquidity risk management (Policy Statement).[1] The Policy Statement sets forth guidance and principles for sound liquidity risk management that apply to OCC-supervised national banks, Federal savings associations, and Federal branches and agencies of foreign banking organizations (together, banks). The Policy Statement summarizes and builds on previously issued guidance.[2] In 2023, the agencies supplemented their liquidity risk management guidance with an Addendum to the Policy Statement.[3]

The OCC is proposing to revise this information collection to account for all the recordkeeping provisions set forth in the Policy Statement related to liquidity risk management policies, procedures, and assumptions, and Contingency Funding Plans (CFPs). The information collection currently does not account for the recordkeeping provisions related to CFPs and does not fully account for the recordkeeping provisions related to liquidity risk management policies, procedures, and assumptions. In addition, the OCC is proposing to revise the information collection to account for the guidance in the Addendum to the Policy Statement.

Section-by-Section Analysis

Section 3 of the Policy Statement provides that banks should use liquidity risk management processes and systems that are commensurate with the bank's complexity, risk profile, and scope of operations. In addition, banks' processes and plans should be well documented and available for supervisory review.

Section 6 of the Policy Statement provides that a bank's liquidity management process should be sufficient to meet its daily funding needs and cover both expected and unexpected deviations from normal operations. Accordingly, banks should have a comprehensive management process for identifying, measuring, monitoring, and controlling liquidity risk, which should be fully integrated into the bank's risk management processes. Section 6 of the Policy Statement also describes the following critical elements of sound liquidity risk management:

- Effective corporate governance consisting of oversight by the board of directors and active involvement by management in a bank's control of liquidity risk.
- Appropriate strategies, policies, procedures, and limits used to manage and mitigate liquidity risk.
- Comprehensive liquidity risk measurement and monitoring systems (including assessments of the current and prospective cash flows or sources and uses of funds) that are commensurate with the complexity and business activities of the bank.
- Active management of intraday liquidity and collateral.
- An appropriately diverse mix of existing and potential future funding sources.
- Adequate levels of highly liquid marketable securities free of legal, regulatory, or operational impediments, that can be used to meet liquidity needs in stressful situations.
- CFPs that sufficiently address potential adverse liquidity events and emergency cash flow requirements.
- Internal controls and internal audit processes sufficient to determine the adequacy of the bank's liquidity risk management process.

Section 7 of the Policy Statement provides that a bank's board of directors or its delegated committee should oversee the establishment and approval of liquidity management strategies, policies and procedures, and review them at least annually. In addition, the board should ensure that it understands and periodically reviews the bank's CFPs for handling potential adverse liquidity events.

Section 9 of the Policy Statement provides that a bank's senior management should determine the structure, responsibilities, and controls for managing liquidity risk and for overseeing the liquidity positions of the bank. These elements should be clearly documented in liquidity risk policies and procedures. For institutions comprised of multiple entities, such elements should be fully specified and documented in policies for each material legal entity and subsidiary. Senior management should be able to monitor liquidity risks for each entity across the institution on an ongoing

[1] 75 FR 13656 (March 22, 2010). The former Office of Thrift Supervision, which merged with the OCC on July 21, 2011, was also involved in issuing the Policy Statement.

[2] For national banks and Federal savings associations, refer to the *Comptroller's Handbook on Liquidity*.

[3] *See* OCC Bulletin 2023–25, ''Liquidity: Addendum to the Interagency Policy Statement on Funding and Liquidity Risk Management'' (July 28, 2023), *https://www.occ.gov/news-issuances/ulletins/2023/bulletin-2023-25.html.*

basis. Processes should be in place to ensure that the group's senior management is actively monitoring and quickly responding to all material developments and reporting to the boards of directors as appropriate.

Section 11 of the Policy Statement provides that banks should have documented strategies for managing liquidity risk and clear policies and procedures for limiting and controlling risk exposures that appropriately reflect the bank's risk tolerances. The strategies should identify primary sources of funding for meeting daily operating cash outflows, as well as seasonal and cyclical cash flow fluctuations. Strategies should also address alternative responses to various adverse business scenarios. Policies and procedures should provide for the formulation of plans and courses of actions for dealing with potential temporary, intermediate-term, and long-term liquidity disruptions. Policies, procedures, and limits also should address liquidity separately for individual currencies, legal entities, and business lines, when appropriate and material, and should allow for legal, regulatory, and operational limits for the transferability of liquidity as well.

Section 12 of the Policy Statement states that a bank's policies should clearly articulate a liquidity risk tolerance that is appropriate for the business strategy of the bank considering its complexity, business mix, liquidity risk profile, and its role in the financial system. Policies should also contain provisions for documenting and periodically reviewing assumptions used in liquidity projections. Policy guidelines should employ both quantitative targets and qualitative guidelines.

Section 13 of the Policy Statement provides that a bank's policies should specify the nature and frequency of management reporting. Senior managers should receive liquidity risk reports at least monthly, while the board of directors should receive liquidity risk reports at least quarterly. Management reporting may need to be more frequent, depending on the complexity of the bank's business mix and liquidity risk profile. Regardless of an institution's complexity, it should have the ability to increase the frequency of reporting on short notice, if the need arises. Liquidity risk reports should impart to senior management and the board a clear understanding of the bank's liquidity risk exposure, compliance with risk limits, consistency between management's strategies and tactics, and consistency between these strategies and the board's expressed risk tolerance.

Section 14 of the Policy Statement provides that banks should consider liquidity costs, benefits, and risks in strategic planning and budgeting processes. Significant business activities should be evaluated for liquidity risk exposure as well as profitability. More complex and sophisticated banks should incorporate liquidity costs, benefits, and risks in the internal product pricing, performance measurement, and new product approval process for all material business lines, products, and activities. Incorporating the cost of liquidity into these functions should align the risk-taking incentives of individual business lines with the liquidity risk exposure their activities create for the bank as a whole. The quantification and attribution of liquidity risks should be explicit and transparent at the line management level and should include consideration of how liquidity would be affected under stressed conditions.

Section 15 of the Policy Statement provides that the process for measuring liquidity risk should include robust methods for comprehensively projecting cash flows arising from assets, liabilities, and off-balance-sheet items over an appropriate set of time horizons. Banks should ensure that the assumptions used are reasonable, appropriate, and adequately documented. Banks should periodically review and formally approve these assumptions.

Section 18 of the Policy Statement provides that banks should conduct stress tests regularly for a variety of bank-specific and market-wide events across multiple time horizons. The magnitude and frequency of stress testing should be commensurate with the complexity of the bank and the level of its risk exposures. Stress test outcomes should be used to identify and quantify sources of potential liquidity strain and to analyze possible impacts on the bank's cash flows, liquidity position, profitability, and solvency. Stress tests should also be used to ensure that current exposures are consistent with the bank's established liquidity risk tolerance. The results of stress tests should also play a key role in shaping the bank's contingency planning.

Section 20 of the Policy Statement states that liquidity risk reports should provide aggregate information with sufficient supporting detail to enable management to assess the sensitivity of the bank to changes in market conditions, its own financial performance, and other important risk factors. Banks also should report on the use and availability of government support, such as lending and guarantee programs, and implications on liquidity positions, particularly since these programs are generally temporary or reserved as a source for contingent funding.

Section 23 of the Policy Statement provides that liquidity risk management plans should describe assumptions regarding the transferability of funds and collateral.

Section 24 of the Policy Statement provides that senior management should develop and adopt an intraday liquidity strategy that allows the bank to:

- Monitor and measure expected daily gross liquidity inflows and outflows;
- Manage and mobilize collateral when necessary to obtain intraday credit;
- Identify and prioritize time-specific and other critical obligations in order to meet them when expected;
- Settle other less critical obligations as soon as possible;
- Control credit to customers when necessary; and
- Ensure that liquidity planners understand the amounts of collateral and liquidity needed to perform payment-system obligations when assessing the organization's overall liquidity needs.

Section 25 of the Policy Statement provides that a bank should establish a funding strategy that provides effective diversification in the sources and tenor of funding.

Section 31 of the Policy Statement provides additional guidance concerning the CFP, as described in section 6. The section provides that all banks, regardless of size and complexity, should have a formal CFP that clearly sets out the strategies for addressing liquidity shortfalls in emergency situations. A CFP should delineate policies to manage a range of stress environments, establish clear lines of responsibility, and articulate clear implementation and escalation procedures. It should be regularly tested and updated to ensure that it is operationally sound. Sections 34, 35, and 37 of the Policy Statement include additional guidance concerning CFPs.

Section 34 of the Policy Statement provides that CFPs should be revised to reflect macroeconomic and bank-specific conditions.

Section 35 of the Policy Statement provides that the CFP should identify stress events, assess levels of severity and timing, assess funding sources and needs, identify potential funding sources, establish liquidity event management processes, and establish a

monitoring framework for contingent events.

Section 36 of the Policy Statement provides that smaller banks should have plans in place for managing press inquiries that may arise during a liquidity event.

Section 41 of the Policy Statement provides that a bank's internal controls should address relevant elements of the risk management process, including adherence to policies and procedures, the adequacy of risk identification, risk measurement, reporting, and compliance with applicable rules and regulations.

Section 42 of the Policy Statement provides that management should ensure that an independent party regularly reviews and evaluates the various components of the bank's liquidity risk management process. These reviews should assess the extent to which the bank's liquidity risk management complies with both supervisory guidance and industry sound practices, taking into account the level of sophistication and complexity of the bank's liquidity risk profile. Smaller, less-complex banks may achieve independence by assigning this responsibility to the audit function or other qualified individuals independent of the risk management process.

The Addendum to the Policy Statement provides that banks should be aware of the operational steps required to obtain funding from contingency funding sources, including potential counterparties, contact details, and availability of collateral. In addition, banks should:

- Regularly test any contingency borrowing lines to ensure the bank's staff are well versed in how to access them and that they function as envisioned;
- Engage in planning that recognizes the operational challenges involved in moving and posting collateral to access critical funding in a timely fashion;
- Ensure that the CFPs recognize that during times of stress, contingency lines may become unavailable and include a range of contingency funding sources;
- Review and revise the CFPs periodically and more frequently as market conditions and strategic initiatives change in order to address evolving liquidity risks; and
- Incorporate the discount window as part of their contingency funding arrangements. If the discount window is included in the bank's CFP, establish and maintain operational readiness to borrow from the discount window.

Estimated Burden

Estimated Frequency of Response: On occasion.

Estimated Number of Respondents: Liquidity Risk Management Policies, Procedures, Assumptions, and Contingency Funding Plans—Implementation of recordkeeping 8; Liquidity Risk Management Policies, Procedures, Assumptions, and Contingency Funding Plans—Ongoing recordkeeping 979.

Estimated Total Annual Burden: 31,648 hours.

Comments: On May 29, 2025, the OCC published a 60-day notice for this information collection, (90 FR 22827). There were no comments 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. 2025–14133 Filed 7–25–25; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: This action was issued on July 22, 2025. See **SUPPLEMENTARY INFORMATION** for relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, 202–622–2420; Assistant Director for Licensing, 202–622–2480; Assistant Director for Sanctions Compliance, 202–622–2490 or *https://ofac.treasury.gov/contact-ofac.*

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website: *https://ofac.treasury.gov.*

Notice of OFAC Action

On July 22, 2025, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

BILLING CODE 4810–AL–P

Individuals

1. AL-SUNAYDAR, Muhammad (a.k.a. AL SUNAIDAR, Mohammed Mohammed Abdullah (Arabic: محمد محمد عبدالله السنيدار)), Sana'a, Yemen; DOB 05 Mar 1987; POB Sana'a, Yemen; nationality Yemen; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport RE138611 (Saint Kitts and Nevis) issued 30 Jan 2023 expires 29 Jan 2033; alt. Passport 04493923 (Yemen) expires 20 Sep 2017 (individual) [SDGT] (Linked To: ANSARALLAH).

   Designated pursuant to section 1(a)(iii)(C) of E.O. 13224 of September 23, 2001, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism," 66 FR 49079, 3 CFR, 2001 Comp., p. 786, as amended by Executive Order 13886 of September 9, 2019, "Modernizing Sanctions To Combat Terrorism," 84 FR 48041, 3 CFR, 2019 Comp., p. 356 ("E.O. 13224, as amended"), for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, ANSARALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

2. AL WAZIR, Yahya Mohammed Mohammed, Yemen; DOB 17 May 1981; POB Al-Amanah, Yemen; nationality Yemen; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport 04496457 (Yemen) expires 01 Oct 2017; alt. Passport 02156424 (Yemen) expires 20 Dec 2011 (individual) [SDGT] (Linked To: ANSARALLAH).

   Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, ANSARALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

Entities

1. ARKAN MARS PETROLEUM COMPANY FOR OIL PRODUCTS IMPORTS (Arabic: شركة اركان مارس بتروليم لاستيراد المشتقات النفطية) (a.k.a. ARKAN MARS PETROLEUM COMPANY FOR OIL DERIVATIVES IMPORTS; a.k.a. ARKAN MARS PETROLEUM DERIVATIVES IMPORT COMPANY LIMITED), Sana'a, Yemen; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 07 Mar 2019; Tax ID No. 48507 (Yemen); Registration Number 1876/19 (Yemen) [SDGT] (Linked To: ANSARALLAH).

   Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, ANSARALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

2. ARKAN MARS PETROLEUM DMCC (Arabic: اركان مارس بتروليوم م.د.م.س), Dome Tower, Cluster N, Office 1305 & 1306, Jumeirah Lake Towers, Dubai, United Arab Emirates; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 28 Apr 2019; Organization Type: Support activities for petroleum and natural gas extraction; Registration Number DMCC-684373 (United Arab Emirates) [SDGT] (Linked To: ANSARALLAH).

   Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, ANSARALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

3. ARKAN MARS PETROLEUM FZE, Floor 16, Gold Tower, Jumeirah Lake Towers, Al Thanyah 5, Cluster I Street, Dubai, United Arab Emirates; Ajman, United Arab Emirates; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 20 Apr 2020; Registration Number 18617 (United Arab Emirates) [SDGT] (Linked To: ANSARALLAH).

   Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, ANSARALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

4. AMRAN CEMENT FACTORY (Arabic: مصنع إسمنت عمران) (a.k.a. OMRAN CEMENT FACTORY), Amran Governorate, Sana'a, Yemen; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 1982; Organization Type: Manufacture of articles of concrete, cement and plaster [SDGT] (Linked To: ANSARALLAH).
   Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, ANSARALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

5. AL-SAIDA STONE FOR TRADING AND AGENCIES, 5 Hadda Street, Sana'a, Yemen; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 2021 to 2023; Organization Type: Wholesale and retail trade [SDGT] (Linked To: ANSARALLAH).

   Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, ANSARALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

Lisa M. Palluconi,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2025–14184 Filed 7–25–25; 8:45 am]

BILLING CODE 4810–AL–C

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons and vessels that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. Additionally, OFAC is revising the entry of a vessel identified as blocked property on OFAC's SDN List. All property and interests in property subject to U.S. jurisdiction of these persons and vessels are blocked, and U.S. persons generally are prohibited from engaging in transactions with them.

DATES: This action was issued on June 18, 2025. See **SUPPLEMENTARY INFORMATION** for relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, 202–622–2420; Assistant Director for Licensing, 202–622–2480; Assistant Director for Sanctions Compliance, 202–622–2490; or *https://ofac.treasury.gov/contact-ofac.*

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website: *https://ofac.treasury.gov.*

Notice of OFAC Action

On June 18, 2025, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individuals:

1. DABBASH, Abdullah Ahsan Abdullah, Yemen; DOB 01 Jan 1978; nationality Yemen; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport 02456632 (Yemen) expires 23 Mar 2013 (individual) [SDGT] (Linked To: YEMEN ELAPH PETROLEUM DERIVATIVES IMPORT).

Designated pursuant to section 1(a)(iii)(B) of Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism,'' 66 FR 49079, as amended by Executive Order 13886 of September 9, 2019, ''Modernizing Sanctions To Combat Terrorism,'' 84 FR 48041 (E.O. 13224, as amended), for for owning or controlling, directly or indirectly, YEMEN ELAPH PETROLEUM DERIVATIVES IMPORT, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

2. AL-WASHLI, Zaid (a.k.a. AL-WUSHLI, Zaid Ahmed Taha Mohammed), Al-Hudaydah, Yemen; DOB 1982; POB Dhamar Governorate, Yemen; nationality Yemen; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; National ID No. 01010296670 (Yemen); Military Registration Number 6017985 (Yemen) (individual) [SDGT] (Linked To: ANSARALLAH).

Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for having acted or purported to act for or on behalf of, directly or indirectly, ANSARALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

3. TALEA, Ali Ahmed Daghsan, Sanaa, Yemen; DOB 05 Apr 1985; nationality Yemen; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport 04875301 (Yemen) expires 01 Sep 2018 (individual) [SDGT] (Linked To: ANSARALLAH).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, ANSARALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

4. DAGHSAN, Daghsan Ahmed (a.k.a. TALEA, Dqssan Ahmed Dqssan), Yemen; DOB 03 Apr 1974; nationality Yemen; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport 05569423 (Yemen) expires 01 Apr 2020 (individual) [SDGT] (Linked To: ANSARALLAH).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, ANSARALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

Entities:

1. TAMCO ESTABLISHMENT FOR OIL DERIVATIVES (a.k.a. TAMCO PETROLEUM), Al Sabeen District, Amana, Sanaa, Yemen; Shaikh Othman Jolat Alkarraa Aden, Taiz Street, Aden, Yemen; Sanaa Street, Hudaydah, Yemen; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 30 Aug 2018; Tax ID No. 6/11414 (Yemen); Registration Number 12896 (Yemen) [SDGT] (Linked To: ANSARALLAH).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, ANSARALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

2. YAHYA AL-USAILI COMPANY FOR IMPORT LIMITED, Hudaydah, Yemen; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 26 Jul 2016; Tax ID No. 161677/3 (Yemen); Registration Number 51/6132 (Yemen) [SDGT] (Linked To: ANSARALLAH).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, ANSARALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

3. ABBOT TRADING CO., LTD. (a.k.a. YEMEN ABBOT TRADING CO., LTD.), Zayid Street, Shaub Directorate, Sanaa, Yemen; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date Feb 2019; Company Number 14 (Yemen) [SDGT] (Linked To: ANSARALLAH).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of,

ANSARALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

4. BLACK DIAMOND PETROLEUM DERIVATIVES, Sanaa, Yemen; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 2017; Registration Number 2017010225 (Yemen) [SDGT] (Linked To: ANSARALLAH).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, ANSARALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

5. STAR PLUS YEMEN TRADING LIMITED (a.k.a. STAR PLUS YEMEN TRADING COMPANY LTD.), 7 Yulyu, Al-Hudaydah, Al-Hudaydah Governorate, Yemen; Sanaa, Yemen; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 22 Mar 2017; Commercial Registry Number 11/85 (Yemen) [SDGT] (Linked To: ANSARALLAH).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, ANSARALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

6. ROYAL PLUS SHIPPING SERVICES AND COMMERCIAL AGENCIES, Sanaa, Yemen; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 2017; Organization Type: Transportation and storage [SDGT] (Linked To: ANSARALLAH).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, ANSARALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

7. GASOLINE AMAN COMPANY FOR OIL DERIVATIVES IMPORTS (a.k.a. GASOLINE AMAN PETROLEUM DERIVATIVES IMPORT), Sanaa, Yemen; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 13 Mar 2018; Tax ID No. 164280–4 (Yemen); Registration Number 2018010217 (Yemen) [SDGT] (Linked To: ANSARALLAH).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, ANSARALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

8. AZZAHRA ESTABLISHMENT FOR COMMERCE AND AGENCIES (a.k.a. AL ZAHRAA ESTABLISHMENT FOR TRADE AND AGENCIES; a.k.a. AZZAHRA ENTERPRISE FOR TRADING AND AGENCIES), Yemen; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 24 Apr 2018; Tax ID No. 93905 (Yemen); Company Number 226/96 (Yemen); alt. Company Number 236/96 (Yemen); Registration Number 91/431 (Yemen) [SDGT] (Linked To: ANSARALLAH).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, ANSARALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

9. YEMEN ELAPH PETROLEUM DERIVATIVES IMPORT (a.k.a. YEMEN AILAF IMPORT DERIVATIVES PETROLEUM), Sanaa, Yemen; Aden, Yemen; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 2015; Registration Number 2015010532 (Yemen) [SDGT] (Linked To: ANSARALLAH).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, ANSARALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

10. BEST WAY TANKER CORP, Suite 10, 3rd Floor, La Ciotat, Mont Fleuri, Mahe Island, Seychelles; Strada Gradina Botanica 14/3, MD–2032, Chisinau, Moldova; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 2023; Identification Number IMO 6386836 [SDGT] (Linked To: ANSARALLAH).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, ANSARALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

11. OCEAN VOYAGE LLC (a.k.a. OCEAN VOYAGE MAHDUD MASULIYYATLI CAMIYYATI), Zahid Xalilov, House 113, M12, Apt. M2, Baku AZ1141, Azerbaijan; Apartment M2, M12, Zahid Khalilov Kucasi, Yasamal District, 113, Baku AZ1141, Azerbaijan; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 04 Jun 2024; Tax ID No. 1308871731 (Azerbaijan); Identification Number IMO 6507571 [SDGT] (Linked To: ANSARALLAH).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, ANSARALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

12. ATLANTIS M. SHIPPING CO, Trust Company Complex, Ajeltake Road, Majuro, Ajeltake Island 96960, Marshall Islands; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 2025; Identification Number IMO 0237712; Commercial Registry Number 131335 (Marshall Islands) [SDGT] (Linked To: ANSARALLAH).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, ANSARALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

On June 18, OFAC also identified the following vessels as property in which a blocked person has an interest under the sanctions authorities listed below:

Vessels:

1. VALENTE (T8A4170) Crude Oil Tanker Palau flag; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Vessel Year of Build 2005; Vessel

Registration Identification IMO 9298272; MMSI 511100949 (vessel) [SDGT] (Linked To: BEST WAY TANKER CORP).

Identified pursuant to Executive Order 13224, as amended, for being property in which BEST WAY TANKER CORP., a person whose property and interests in property are concurrently blocked pursuant to E.O. 13224, as amended, has an interest.

2. ATLANTIS MZ (a.k.a. CAILI STAR; a.k.a. TOMIE) (D604003) Crude Oil Tanker Unknown flag; Former Vessel Flag Comoros; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Vessel Year of Build 2000; Vessel Registration Identification IMO 9218181; MMSI 620800003 (vessel) [SDGT] (Linked To: ATLANTIS M. SHIPPING CO).

Identified pursuant to Executive Order 13224, as amended, for being property in which ATLANTIS M. SHIPPING CO, a person whose property and interests in property are concurrently blocked pursuant to E.O. 13224, as amended, has an interest.

On June 18, 2025, OFAC also published the following revised information for the entry on the SDN List for the following vessel, who shall continue to be identified as blocked under the sanctions authority listed below.

TULIP BZ (T7AV5) LPG Tanker San Marino flag; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Vessel Registration Identification IMO 9014420; MMSI 268249300 (vessel) [SDGT] (Linked To: ZAAS SHIPPING & TRADING CO).

-to-

SARAH (a.k.a. TULIP BZ) (D604004) LPG Tanker Unknown flag; Former Vessel Flag Comoros; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Vessel Year of Build 1993; Vessel Registration Identification IMO 9014420; MMSI 620800004 (vessel) [SDGT] (Linked To: ZAAS SHIPPING & TRADING CO).

Lisa M. Palluconi,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2025–14109 Filed 7–25–25; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0523]

Agency Information Collection Activity Under OMB Review: Loan Analysis

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, 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 27, 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. 2900–0523.''

FOR FURTHER INFORMATION CONTACT:

VA PRA information: Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov*.

SUPPLEMENTARY INFORMATION:

Title: Loan Analysis, VA FORM 26–6393.

OMB Control Number: 2900–0523 *https://www.reginfo.gov/public/do/PRASearch.*

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 26–6393. The form is currently used by employees of both lending institutions and VA to determine the ability of a borrower to qualify for any type of VA-guaranteed loan authorized by 38 U.S.C. 3710(a). Lenders complete and submit the form to provide evidence that the lender's decision to submit a prior approval loan application or close a loan on the automatic basis is based upon appropriate application of VA credit standards as required by 38 U.S.C. 3710(b) and 3710(g). Section 36.4340, 38 CFR, implements those underwriting standards, which include evaluating income, expenses, and credit history. This form specifically pertains to those standards evaluating a borrower's present and anticipated income and expenses and credit history.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 90 FR 21549, May 20, 2025. The respondent burden has decreased due to the estimated number of respondents.

Affected Public: Individuals and households.

Estimated Annual Burden: 210,000 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 420,000.

Authority: 44 U.S.C. 3501 *et seq.*

Lanea Haynes,

Acting, VA PRA Clearance Officer, (Alt) Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2025–14107 Filed 7–25–25; 8:45 am]

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