



FEDERAL REGISTER

Vol. 90

Tuesday,

No. 167

September 2, 2025

Pages 42309–42515

OFFICE OF THE FEDERAL REGISTER



The **FEDERAL REGISTER** (ISSN 0097-6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see www.federalregister.gov.

The seal of the National Archives and Records Administration authenticates the **Federal Register** as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at www.govinfo.gov, a service of the U.S. Government Publishing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 1, 1 (March 14, 1936) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, gpocusthelp.com.

The annual subscription price for the **Federal Register** paper edition is \$860 plus postage, or \$929, for a combined **Federal Register**, **Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is \$330, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register**, including postage, is based on the number of pages: \$11 for an issue containing less than 200 pages; \$22 for an issue containing 200 to 400 pages; and \$33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for \$3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Publishing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see bookstore.gpo.gov.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 90 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Publishing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche 202-512-1800
Assistance with public subscriptions 202-512-1806

General online information 202-512-1530; 1-888-293-6498

Single copies/back copies:

Paper or fiche 202-512-1800
Assistance with public single copies 1-866-512-1800
(Toll-Free)

FEDERAL AGENCIES

Subscriptions:

Assistance with Federal agency subscriptions:

Email FRSubscriptions@nara.gov
Phone 202-741-6000

The Federal Register Printing Savings Act of 2017 (Pub. L. 115-120) placed restrictions on distribution of official printed copies of the daily **Federal Register** to members of Congress and Federal offices. Under this Act, the Director of the Government Publishing Office may not provide printed copies of the daily **Federal Register** unless a Member or other Federal office requests a specific issue or a subscription to the print edition. For more information on how to subscribe use the following website link: <https://www.gpo.gov/frsubs>.



Contents

Federal Register

Vol. 90, No. 167

Tuesday, September 2, 2025

Agriculture Department

See Forest Service

Census Bureau

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Annual Business Survey, 42382–42384

Centers for Medicare & Medicaid Services

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 42411–42413

Children and Families Administration

NOTICES

Intent to Award a Sole Source Cooperative Agreement:
American Public Human Services Association for the Association of Administrators of the Interstate Compact on the Placement of Children in Washington, DC, 42413

Coast Guard

PROPOSED RULES

Safety Zone:
Charles River, Boston, MA, 42338–42342

Commerce Department

See Census Bureau

See Industry and Security Bureau

See International Trade Administration

See National Oceanic and Atmospheric Administration

See National Telecommunications and Information Administration

Defense Department

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 42399–42401

Employment and Training Administration

RULES

Rescission of Workforce Investment Act Regulations, 42322–42323

Energy Department

See Federal Energy Regulatory Commission

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 42401

Environmental Protection Agency

RULES

National Emission Standards for Hazardous Air Pollutants:
Polyether Polyols Production Industry: Removal of Affirmative Defense, 42323–42328

PROPOSED RULES

Air Quality State Implementation Plans; Approvals and Promulgations:
Georgia; Removal of Nonattainment Area New Source Review, 42343–42347
State Coal Combustion Residuals Permit Program:
Wyoming, 42347–42355

Federal Aviation Administration

RULES

Airworthiness Directives:

Airbus Helicopters, 42310–42312

Airbus SAS Airplanes, 42312–42315

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Authorizations and Waivers and Airspace Authorizations in Controlled Airspace, 42500–42501

Federal Communications Commission

PROPOSED RULES

Resilient Networks; Disruptions to Communications, 42355–42363

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 42408–42410
Hearings, Meetings, Proceedings, etc.:
Communications Security, Reliability, and Interoperability Council, 42407–42408

Federal Energy Regulatory Commission

NOTICES

Application:

Pacific Gas and Electric Co., 42401–42402

Rochester Gas and Electric Corp., 42402–42403

Texas Eastern Transmission, LP, 42405–42407

Combined Filings, 42403–42405, 42407

Federal Highway Administration

NOTICES

Requests for Nominations:

Working Group on Covered Resources, 42501–42502

Federal Reserve System

NOTICES

Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 42410

Federal Transit Administration

NOTICES

Requests for Nominations:

Transit Advisory Committee for Safety, 42502–42503

Fish and Wildlife Service

NOTICES

Permits; Applications, Issuances, etc.:

Alabama Beach Mouse; Baldwin County, AL, Incidental Take and Proposed Habitat Conservation Plans; Categorical Exclusion, 42425–42426

Sand Skink and Blue-Tailed Mole Skink, Polk County, FL, Incidental Take and Proposed Habitat Conservation Plan; Categorical Exclusion, 42426–42427

Sand Skink; Orange County, FL, Incidental Take and Proposed Habitat Conservation Plan; Categorical Exclusion, 42427–42428

Forest Service

NOTICES

Directive Publication, 42382

General Services Administration**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Acquisition Regulation; Construction Manager as Constructor, 42410–42411

Health and Human Services Department

See Centers for Medicare & Medicaid Services
See Children and Families Administration
See Health Resources and Services Administration
See National Institutes of Health
See Substance Abuse and Mental Health Services Administration

Health Resources and Services Administration**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
The Teaching Health Center Graduate Medical Education Program Eligible Resident or Fellow Full-Time Equivalent Chart, 42413–42415

Homeland Security Department

See Coast Guard
See U.S. Customs and Border Protection

RULES

Ratification of Department Action, 42309–42310

Housing and Urban Development Department**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Family Self-Sufficiency, 42422–42423
Project Rental Assistance Program of Section 811 Supportive Housing for Persons with Disabilities, 42424

Indian Affairs Bureau**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Leasing of Osage Reservation Lands for Oil and Gas Mining, 42429–42430
Tribal Energy Resource Agreements, 42431–42432
Tribal Transportation Program, 42430–42431
Hearings, Meetings, Proceedings, etc.:
Advisory Board for Exceptional Children, 42428–42429

Industry and Security Bureau**RULES**

Relaxing Export Controls for Syria, 42315–42321
Revocation of Validated End-User Authorizations in the People's Republic of China, 42321–42322

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
License Exemptions and Exclusions, 42384

Interior Department

See Fish and Wildlife Service
See Indian Affairs Bureau
See Land Management Bureau
See National Park Service

NOTICES

Adoption of Categorical Exclusions under the National Environmental Policy Act, 42432–42439

Internal Revenue Service**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 42510
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Debt Instruments with Original Discount; Imputed Interest on Deferred Payment Sales or Exchanges of Property; Property Traded on an Established Market, 42509–42510
Guidance Regarding the Transition Tax, 42509
Leveraged Leases, 42510–42511
Reverse Like-Kind Exchanges, 42508–42509

International Trade Administration**NOTICES**

Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Advance Notification of Sunset Review, 42387–42388
Certain Quartz Surface Products from the Republic of Turkiye, 42384–42385
Forged Steel Fluid End Blocks from Italy; Correction, 42393
Opportunity to Request Administrative Review and Join Annual Inquiry Service List, 42389–42393
Initiation of Five-Year (Sunset) Reviews, 42388–42389
Sales at Less Than Fair Value; Determinations, Investigations, etc.:
Temporary Steel Fencing from the People's Republic of China; Correction, 42385–42387

International Trade Commission**NOTICES**

Investigations; Determinations, Modifications, and Rulings, etc.:
Kitchen Appliance Shelving and Racks from China; Institution of a Five-Year Review, 42443–42446
Steel Concrete Reinforcing Bar from Mexico and Turkey; Institution of Five-Year Reviews, 42440–42443

Judicial Conference of the United States**NOTICES**

Hearings, Meetings, Proceedings, etc.:
Advisory Committee on Criminal Rules, 42446
Advisory Committee on Evidence Rules, 42446

Labor Department

See Employment and Training Administration
See Occupational Safety and Health Administration

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Pattern of Violations, 42447–42448
Surface Coal Mines Daily Inspection; Certified Person; Reports of Inspection, 42446–42447

Land Management Bureau**RULES**

Locating, Recording, and Maintaining Mining Claims or Sites—Failure to Comply, 42329–42332
Locating, Recording, and Maintaining Mining Claims or Sites—Fees, 42334–42336
Locating, Recording, and Maintaining Mining Claims or Sites—Introduction, 42332–42334
Rescission of Regulations Regarding Mining Claim Payments; Withdrawal, 42336–42337
Rescission of Regulations Regarding Plans of Operations for Mining Claims; Withdrawal, 42328–42329

NOTICES

Plats of Survey:
Colorado; Correction, 42439

Maritime Administration**NOTICES**

Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade:
M/V Day Frikki Tiki, 42505–42506
M/V Day Tripper, 42503–42504
Use of Foreign-built Small Passenger Vessel in United States Coastwise Trade:
M/V Hey Bay, 42504–42505

National Aeronautics and Space Administration**NOTICES**

Charter Amendments, Establishments, Renewals and Terminations:
International Space Station Advisory Committee, 42451

National Institutes of Health**NOTICES**

Hearings, Meetings, Proceedings, etc.:
Center for Scientific Review, 42415

National Oceanic and Atmospheric Administration**RULES**

Fisheries of the Exclusive Economic Zone off Alaska:
Pacific Cod by Catcher Vessels Using Trawl Gear in the Central Regulatory Area of the Gulf of Alaska, 42337

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Tuna Tracking and Verification Program, 42394–42395
Hearings, Meetings, Proceedings, etc.:
New England Fishery Management Council, 42393–42394
Implementation of Fish and Fish Product Import Provisions of the Marine Mammal Protection Act:
Comparability Findings and Implementation of Import Restrictions; Certification of Admissibility for Certain Fish Products, 42395–42398

National Park Service**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Reporting and Recordkeeping for Snow Coaches and Snowmobiles, Yellowstone National Park, 42439–42440

National Telecommunications and Information Administration**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Internet Use Survey, 42398–42399

Nuclear Regulatory Commission**NOTICES**

Draft Report:
Level 3 Probabilistic Risk Assessment Project Documentation (Volume 5), 42451–42453
Facility Operating and Combined Licenses:
Applications and Amendments Involving Proposed No Significant Hazards Considerations, etc., 42453–42461
Meetings; Sunshine Act, 42451

Occupational Safety and Health Administration**NOTICES**

Nationally Recognized Testing Laboratories:
DEKRA Certification Inc.; Request for Renewal of Recognition, 42449–42451
TUV SUD America, Inc.; Grant of Expansion of Recognition and Modification, 42448–42449

Pipeline and Hazardous Materials Safety Administration**NOTICES**

Requests for Nominations:
Pipeline Safety; Gas and Liquid Pipeline Advisory Committees, 42506–42507

Postal Regulatory Commission**NOTICES**

New Postal Products, 42461–42463

Postal Service**NOTICES**

Meetings; Sunshine Act, 42463

Presidential Documents**PROCLAMATIONS**

Special Observances:
Minneapolis, MN, Tragedy; Honoring the Victims (Proc. 10966), 42513–42515

Securities and Exchange Commission**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 42471–42472
Meetings; Sunshine Act, 42487–42488
Self-Regulatory Organizations; Proposed Rule Changes:
Cboe BZX Exchange, Inc., 42480–42487
Cboe Exchange, Inc., 42464–42468
MIAX PEARL, LLC, 42478–42480
Nasdaq PHLX LLC, 42488–42496
New York Stock Exchange LLC, 42474–42476
NYSE American LLC, 42468–42470
NYSE Arca, Inc., 42472–42474
NYSE National, Inc., 42470–42471
NYSE Texas, Inc., 42476–42478

Small Business Administration**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 42496–42498

State Department**NOTICES**

Culturally Significant Objects Imported for Exhibition:
Henri Rousseau: A Painter's Secrets, 42499–42500
Learning to Draw, 42499
Monet and Venice, 42499
Renoir Drawings, 42499

Substance Abuse and Mental Health Services Administration**NOTICES**

List of Certified Laboratories and Instrumented Initial Testing Facilities That Meet Minimum Standards to Engage in Urine Drug Testing, 42416–42417

Trade Representative, Office of United States**NOTICES**

Product Exclusion Extensions:

China's Acts, Policies, and Practices Related to
Technology Transfer, Intellectual Property, and
Innovation, 42500

Transportation Department

See Federal Aviation Administration

See Federal Highway Administration

See Federal Transit Administration

See Maritime Administration

See Pipeline and Hazardous Materials Safety
Administration

See Transportation Statistics Bureau

PROPOSED RULES

Procedures for Transportation Workplace Drug and Alcohol
Testing Programs:

Addition of Fentanyl to the Department of
Transportation's Drug-Testing Panel; Harmonization
with Certain Items in the HHS Mandatory Guidelines
for Urine and Oral Fluid; and Technical
Amendments, 42363–42381

Transportation Statistics Bureau**NOTICES**

Agency Information Collection Activities; Proposals,
Submissions, and Approvals:

Crash Causal Factors Program Heavy-Duty Truck Study
Interview Data Collection, 42507–42508

Treasury Department

See Internal Revenue Service

U.S. Customs and Border Protection**NOTICES**

Agency Information Collection Activities; Proposals,
Submissions, and Approvals:
Bonded Warehouse Proprietor's Submission, 42417
e-Allegations Submission, 42421–42422
Suspending Duty-Free De Minimis Treatment for All
Countries, 42418–42421

Unified Carrier Registration Plan**NOTICES**

Meetings; Sunshine Act, 42511

Separate Parts In This Issue**Part II**

Presidential Documents, 42513–42515

Reader Aids

Consult the Reader Aids section at the end of this issue for
phone numbers, online resources, finding aids, and notice
of recently enacted public laws.

To subscribe to the Federal Register Table of Contents
electronic mailing list, go to [https://public.govdelivery.com/
accounts/USGPOOFR/subscriber/new](https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new), enter your e-mail
address, then follow the instructions to join, leave, or
manage your subscription.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR**Proclamations:**

10966.....42515

8 CFR

1.....42309

14 CFR39 (2 documents)42310,
42312**15 CFR**

736.....42315

740.....42315

746.....42315

748.....42321

20 CFR

660.....42322

661.....42322

662.....42322

663.....42322

664.....42322

665.....42322

666.....42322

667.....42322

668.....42322

669.....42322

670.....42322

671.....42322

672.....42322

33 CFR**Proposed Rules:**

165.....42338

40 CFR

63.....42323

Proposed Rules:

52.....42343

257.....42347

43 CFR3830 (5 documents)42328,
42329, 42332, 42334, 42336**47 CFR****Proposed Rules:**

4.....42355

49 CFR**Proposed Rules:**

40.....42363

50 CFR

679.....42337

Rules and Regulations

Federal Register

Vol. 90, No. 167

Tuesday, September 2, 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.

DEPARTMENT OF HOMELAND SECURITY

8 CFR Chapter I

[USCIS Docket No. USCIS-2019-0021]

RIN 1615-AC49

Ratification of Department Action

AGENCY: Department of Homeland Security (DHS).

ACTION: Ratification.

SUMMARY: The Department of Homeland Security is publishing notice of the Secretary of Homeland Security's ratification of a rule.

DATES: The ratification was signed on August 20, 2025 and relates back to the original date of the action that it ratifies.

FOR FURTHER INFORMATION CONTACT: Office of the General Counsel, DHS, Washington, DC 20528 (202) 282-9822.

SUPPLEMENTARY INFORMATION: On August 20, 2025, the Secretary of Homeland Security ratified the interim final rule titled "Implementing Bilateral and Multilateral Asylum Cooperative Agreements Under the Immigration and Nationality Act." See 84 FR 63994 (Nov. 19, 2019). DHS is now publishing the

ratification in the **Federal Register** out of an abundance of caution. Neither the ratification nor the publication is a statement that the ratified action would be invalid absent the ratification, whether published or otherwise.

Joseph N. Mazzara,

Acting General Counsel, U.S. Department of Homeland Security.

Appendix

Secretary
U.S. Department of Homeland Security
Washington, DC 20528

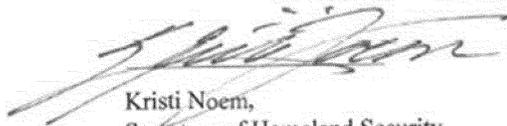


RATIFICATION

The joint Department of Homeland Security (DHS) – Department of Justice (DOJ) interim final rule (“IFR”) titled *Implementing Bilateral and Multilateral Asylum Cooperative Agreements Under the Immigration and Nationality Act*, published at 84 Fed. Reg. 63,994 (Nov. 19, 2019) (“ACA IFR”), was approved and issued by former Acting Secretary Chad Wolf. Former Acting Secretary Wolf’s approval and issuance of the ACA IFR was a delegable action that may be ratified. See 5 U.S.C. § 3348(a)(2). Out of an abundance of caution, I am affirming and ratifying the approval and issuance of the ACA IFR to provide an independent basis to address potential legal challenges to the final rule.

I am taking this action because of a Government Accountability Office opinion, see B-331650 (Comp. Gen., Aug. 14, 2020) and actions filed in federal court alleging that the April 9, 2019, order of succession issued by former Secretary Kirstjen Nielsen and the November 8, 2019, order of succession issued by former Acting Secretary Kevin McAleenan were not valid. See, e.g., *Guedes v. Bureau of Alcohol, Tobacco, Firearms, and Explosives*, 920 F.3d 1, 13 (D.C. Cir. 2019) (“We have repeatedly held that a properly appointed official’s ratification of an allegedly improper official’s prior action ... resolves the claim on the merits by remedy[ing] [the] defect (if any) from the initial appointment.”) (internal quotation marks and citation omitted, brackets in original).

I have familiarized myself with the contents, purpose, and requirements of the ACA IFR. Pursuant to my authority as Secretary of Homeland Security and based on my review of the action listed above, I hereby make a detached and considered affirmation and ratification of the ACA IFR.


Kristi Noem,
Secretary of Homeland Security

18.20.25
Date

[FR Doc. 2025–16809 Filed 8–29–25; 8:45 am]

BILLING CODE 9110–9M–P

DEPARTMENT OF TRANSPORTATION

ACTION: Final rule.

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–0752; Project Identifier MCAI–2024–00340–R; Amendment 39–23124; AD 2025–17–14]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus Helicopters Model EC 130 B4 and EC 130 T2 helicopters. This AD was prompted by a report of heavy damage on the fenestron due to the loss of the tail rotor (TR) blade, which broke at the TR hub tension-torsion bar (tension-torsion bar). This AD requires inspecting the tension-torsion bar and, depending on the inspection results, replacing the part with a serviceable part. This AD also prohibits performing maintenance using certain maintenance

manuals. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 7, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 7, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-0752; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

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

- You may view this material at the FAA, FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222 5110. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-0752.

FOR FURTHER INFORMATION CONTACT: Tara Lucas, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (206) 231-3189; email: tara.lucas@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Helicopters Model EC 130 B4 and EC 130 T2 helicopters. The NPRM was published in the **Federal Register** on May 9, 2025 (90 FR 19660). The NPRM was prompted by AD 2024-0113, dated June 13, 2024 (EASA AD 2024-0113) (also referred to as the MCAI), issued by EASA, which is the Technical Agent for the Member States of the European Union. The MCAI states that an occurrence was reported of heavy damage on the fenestron due to the loss of the TR

blade, which broke at the tension-torsion bar and separated from the hub assembly.

In the NPRM, the FAA proposed to require inspecting the tension-torsion bar and, depending on the inspection results, replacing the part with a serviceable part. The NPRM also proposed to prohibit performing maintenance using certain maintenance manuals. The FAA is issuing this AD to prevent failure of the tension-torsion bar, which could result in loss of the TR anti-torque function and consequent loss control of the helicopter.

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-0752.

Discussion of Final Airworthiness Directive

Comments

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

Conclusion

These products have been approved by the 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 reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for minor editorial changes, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2024-0113, which specifies procedures for inspecting all lamellas that compose the tension-torsion bar and, if any discrepancy is detected, replacing the part with a serviceable part. The material referenced by EASA AD 2024-0113 defines discrepancies as cracks, nail-sensitive scratches, distorted lamellas, circular contact indications, and marks. EASA AD 2024-0113 also prohibits accomplishing maintenance using certain maintenance manuals dated prior to March 5, 2024.

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

Costs of Compliance

The FAA estimates that this AD affects 108 helicopters of U.S. registry. Labor rates are estimated at \$85 per hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

Inspecting all 10 tension-torsion bars on each helicopter (to include removing any corrosion) will take 4 work-hours for an estimated cost of \$340 per helicopter and \$36,720 for the U.S. fleet.

If required, replacing a tension-torsion bar will take 4 work-hours and parts will cost \$1,144 for an estimated cost of \$1,484 per replacement.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2025–17–14 Airbus Helicopters:

Amendment 39–23124; Docket No. FAA–2025–0752; Project Identifier MCAI–2024–00340–R.

(a) Effective Date

This airworthiness directive (AD) is effective October 7, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Helicopters Model EC 130 B4 and EC 130 T2 helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 6500, Tail Rotor Drive System.

(e) Unsafe Condition

This AD was prompted by a report of heavy damage on the fenestron due to the loss of the tail rotor (TR) blade, which broke at the TR hub tension-torsion bar. The FAA is issuing this AD to prevent failure of the tension-torsion bar. The unsafe condition, if not addressed, could result in loss of the TR anti-torque function and consequent loss of control of the helicopter.

(f) Compliance

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

(g) Required Actions

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency AD 2024–0113, dated June 13, 2024 (EASA AD 2024–0113).

(h) Exceptions to EASA AD 2024–0113

(1) Where EASA AD 2024–0113 requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(2) Where EASA AD 2024–0113 refers to its effective date, this AD requires using the effective date of this AD.

(3) Where EASA AD 2024–0113 defines Groups, for this AD, Group 1 also includes those helicopters for which it cannot be determined if maintenance was accomplished using Aircraft Maintenance

Manual (AMM) 64–21–00.6–27A or 64–21–00.6–27B, dated earlier than March 5, 2024.

(4) Where paragraph (2) of EASA AD 2024–0113 specifies “discrepancies as identified in the ASB are”, this AD requires replacing that text with, “a discrepancy, which is defined as a crack, nail-sensitive scratch, deformed lamella, broken lamella, mark, circular contact indication (other than those on the first and last lamella of the tension-torsion bar), or the P/N is not written on the first and the last lamella, is”.

(5) Where paragraph (3) of EASA AD 2024–0113 specifies “an aeroplane”, this AD requires replacing that text with “any helicopter”.

(6) Where the material referenced in EASA AD 2024–0113 specifies to discard parts, this AD requires removing those parts from service.

(7) Where the material referenced in EASA AD 2024–0113 specifies actions for non-installed equipment or parts, this AD does not require those actions.

(8) This AD does not adopt the “Remarks” section of EASA AD 2024–0113.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2024–0113 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Special Flight Permits

Special flight permits are prohibited.

(k) Alternative Methods of Compliance (AMOCs)

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

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The following provisions also apply to this AD.

(l) Additional Information

For more information about this AD, contact Tara Lucas, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (206) 231–3189; email: tara.lucas@faa.gov.

(m) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2024–0113, dated June 13, 2024.

(ii) [Reserved]

(3) For EASA material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3,

50668 Cologne, Germany; phone: +49 221 8999 000; email: ADS@easa.europa.eu; website: easa.europa.eu. You may find the EASA material on the EASA website at ad.easa.europa.eu.

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

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

Issued on August 20, 2025.

Steven W. Thompson,

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

[FR Doc. 2025–16761 Filed 8–29–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–2268; Project Identifier MCAI–2025–01296–T; Amendment 39–23127; AD 2025–17–17]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus SAS Model A318, A319, A320, and A321 series airplanes. This AD was prompted by a determination that a batch of main landing gear (MLG) aft pintle pins did not have nickel plating applied to the inner bore during manufacturing. This AD requires replacing affected parts with serviceable parts and also prohibits the installation of affected parts. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 17, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 17, 2025.

The FAA must receive comments on this AD by October 17, 2025.

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

• *Federal eRulemaking Portal*: Go to [regulations.gov](https://www.regulations.gov). Follow the instructions for submitting comments.

• *Fax*: 202-493-2251.

• *Mail*: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

• *Hand Delivery*: Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-2268; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

• For European Union Aviation Safety Agency (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.

• You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-2268.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone 206-231-3225; email: dan.rodina@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments using a method listed under the **ADDRESSES** section. Include “Docket No. FAA-2025-2268; Project Identifier MCAI-2025-01296-T” at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR

11.35, the FAA will post all comments received, without change, to [regulations.gov](https://www.regulations.gov), including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this final rule.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Dan Rodina, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone 206-231-3225; email: dan.rodina@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 2025-0167, dated July 30, 2025 (EASA AD 2025-0167) (also referred to as the MCAI), to correct an unsafe condition for all Airbus SAS Model A318-111, -112, -121, and -122 airplanes; Model A319-111, -112, -113, -114, -115, -131, -132, -133, -151N, -153N, -171N, and -173N airplanes; Model A320-211, -212, -214, -215, -216, -231, -232, -233, -251N, -252N, -253N, -271N, -272N, and -273N airplanes; Model A321-111, -112, -131, -211, -212, -213, -231, -232, -251N, -251NX, -252N, -252NX, -253N, -253NX, -253NY, -271N, -271NX, -271NY, -272N, and -272NX airplanes. Model A320-215 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this AD therefore does not include those airplanes in the applicability. The MCAI states that it was determined that a batch of MLG aft pintle pins having Part Number (P/N) D3215600500600 or P/N D3215303000800 did not have nickel plating applied to the inner bore during manufacturing. The unsafe condition, if not corrected, could lead to the

development of corrosion with potential crack initiation in the affected parts, possibly resulting in a MLG collapse, with consequent damage to the airplane and injury to occupants.

The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-2268.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2025-0167, which specifies procedures to replace affected MLG pintle pins having Part Number P/N D3215600500600 or P/N D3215303000800 with a serviceable part. EASA AD 2025-0167 also prohibits the installation of affected parts. 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 AD after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Requirements of This AD

This AD requires accomplishing the actions specified in EASA AD 2025-0167 described previously, except for any differences identified as exceptions in the regulatory text of this 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, EASA AD 2025-0167 is incorporated by reference in this AD. This AD requires compliance with EASA AD 2025-0167 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in EASA AD 2025-0167 does not mean that

operators need 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 2025–0167. Material required by EASA AD 2025–0167 for compliance will be available at *regulations.gov* under Docket No. FAA–2025–2268 after this AD is published.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for “good cause,” finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under this section, an agency, upon finding good cause, may issue a final rule without

providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies forgoing notice and comment prior to adoption of this rule because MLG aft pintle pins that do not have nickel plating applied to the inner bore could lead to the development of corrosion with potential crack initiation in the affected parts, possibly resulting in a MLG collapse, consequent damage to the airplane and injury to occupants. Additionally, the compliance time in this AD is shorter than the time necessary for the public to comment and for publication of the final rule. Accordingly, notice and opportunity for prior public comment

are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b).

In addition, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days, for the same reasons the FAA found good cause to forgo notice and comment.

Regulatory Flexibility Act (RFA)

The requirements of the RFA do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule without prior notice and comment. Because the FAA has determined that it has good cause to adopt this rule without notice and comment, RFA analysis is not required.

Costs of Compliance

The FAA estimates that this AD affects 1,945 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
35 work-hours × \$85 per hour = \$2,975	\$14,000	\$16,975	\$305,550 (Up to 18 airplanes*).

* Only airplanes with affected parts must do the replacement. There are only 18 affected parts.

Authority for This Rulemaking

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

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

Regulatory Findings

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

responsibilities among the various levels of government.

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

- (1) Is not a “significant regulatory action” under Executive Order 12866, and
- (2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2025–17–17 Airbus SAS: Amendment 39–23127; Docket No. FAA–2025–2268; Project Identifier MCAI–2025–01296–T.

(a) Effective Date

This airworthiness directive (AD) is effective September 17, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS Model airplanes specified in paragraphs (c)(1) through (4) of this AD, certificated in any category.

(1) Model A318–111, –112, –121, and –122 airplanes.

(2) Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, –153N, –171N, and –173N airplanes.

(3) Model A320–211, –212, –214, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes.

(4) Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –251NX, –252N, –252NX, –253N, –253NX, –253NY, –271N, –271NX, –271NY, –272N, and –272NX airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing Gear.

(e) Unsafe Condition

This AD was prompted by a determination that a batch of main landing gear (MLG) aft pintle pins did not have nickel plating

applied to the inner bore during manufacturing. The FAA is issuing this AD to address MLG aft pintle pins without nickel plating. The unsafe condition, if not corrected, could lead to the development of corrosion with potential crack initiation in the affected parts, possibly resulting in a MLG collapse, with consequent damage to the airplane and injury to 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 2025–0167, dated July 30, 2025 (EASA AD 2025–0167).

(h) Exceptions to EASA AD 2025–0167

(1) Where EASA AD 2025–0167 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2025–0167 defines a serviceable part as “MLG Aft Pintle Pin eligible for installation in accordance with Airbus instructions, which is not an affected part”, this AD requires replacing that text with “MLG Aft Pintle Pin eligible for installation, which is not an affected part”.

(3) Where paragraph (1) of EASA AD 2025–0167 specifies to replace an affected part “in accordance with the instructions of the AOT”, this AD requires replacing that text with “in accordance with paragraphs 5.5 of the instructions of the AOT”.

(4) Where the definition of affected part in EASA AD 2025–0167 specifies “a serial number as listed in the Appendix 1 of the AOT, as defined in this AD”, this AD requires replacing that text with “a serial number as listed in the Appendix 1 of Airbus AOT A32N036–25, dated July 23, 2025”.

(5) This AD does not adopt the “Remarks” section of EASA AD 2025–0167.

(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 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 referenced in EASA AD 2025–0167 that contains paragraphs that are labeled as RC, the instructions in RC paragraphs, including subparagraphs under an RC paragraph, must be done to comply with this AD; any paragraphs, including subparagraphs under those paragraphs, that are not identified as RC are recommended. The instructions in paragraphs, including subparagraphs under those paragraphs, 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 instructions identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to instructions identified as RC require approval of an AMOC.

(j) Additional Information

For more information about this AD, contact Dan Rodina, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3225; email: dan.rodina@faa.gov.

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0167, dated July 30, 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-locations or email fr.inspection@nara.gov.

Issued on August 25, 2025.

Peter A. White,

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

[FR Doc. 2025–16728 Filed 8–28–25; 11:15 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 736, 740, and 746

[Docket No. 250827–0147]

RIN 0694–AK28

Relaxing Export Controls for Syria

AGENCY: Bureau of Industry and Security, Department of Commerce.

ACTION: Final rule.

SUMMARY: In this final rule, the Bureau of Industry and Security (BIS) makes changes to the Syria export control measures under the Export Administration Regulations (EAR), consistent with Executive Order (E.O.) 14312, Providing for the Revocation of Syria Sanctions, which directed the removal of sanctions on Syria. This final rule relaxes the EAR’s existing restrictions on exports and reexports to Syria of items subject to the EAR by making the following changes: revising certain restrictive license application review policies that had applied to most items subject to the EAR to be more favorable; expanding existing license exceptions to apply to Syria; and adding new license exceptions for Syria, including for EAR99 items.

DATES: This rule is effective September 2, 2025.

FOR FURTHER INFORMATION CONTACT: For questions on this final rule, contact Benjamin Barron, Supervisory Export Policy Analyst, Human Rights and Embargoes Division, Bureau of Industry and Security, Department of Commerce, Phone: 202–482–4252, Email: HumanRights.Embargoes@bis.doc.gov.

SUPPLEMENTARY INFORMATION:

I. Background

A. Export Restrictions Regarding Syria Prior to This Final Rule

Section (5)(a)(1) of the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (Pub. L. 108–175) (the SAA), requires the Department of Commerce to prohibit the export to Syria of all items (commodities, software, and technology) that are specified on the Commerce Control List (CCL), supplement no. 1 to part 774 of the EAR. The SAA also directed the President to select at least two additional restrictions from a set of six enumerated restrictions. One of these restrictions is a prohibition on the export and reexport to Syria of products of the United States other than food and medicine, which are items that are subject to the EAR but not specified on

the CCL *i.e.*, EAR99 items. See section 5(a)(2)(A) of the SAA. In E.O. 13338 of May 11, 2004, Blocking Property of Certain Persons and Prohibiting the Export of Certain Goods to Syria, the E.O. that implemented the SAA, President George W. Bush selected the prohibition set forth in section 5(a)(2)(A) of the SAA on the export of EAR99 items apart from food and medicine.

Pursuant to section 5(b) of the SAA, the application of the aforementioned restrictions may be waived upon a determination by the President that it is in the national security interest of the United States to do so and the submission of a report containing the reasons for such a determination to the appropriate congressional committees. Additionally, as part of E.O. 13338, the President exercised national security waiver authority pursuant to section 5(b) of the SAA and waived restrictions otherwise required by the SAA, thereby allowing for the case-by-case licensing by BIS of certain specified categories of export and reexport transactions involving items on the CCL. Further, in E.O. 13338, the President delegated authority to issue future waivers to the Secretary of State.

Pursuant to E.O. 13338, BIS added General Order No. 2 to the EAR (specifically, in supplement no. 1 to part 736) as part of a May 14, 2004, final rule (69 FR 26766) that amended the EAR to reflect the new export restrictions on Syria. As set forth in § 746.9 (Syria) and General Order No. 2, BIS imposed export controls and adopted a restrictive license application review policy (a general policy of denial) on exports and reexports to Syria of nearly all items subject to the EAR except for EAR99 food and medicine.

In December 2011, to facilitate compliance, BIS amended the EAR in a final rule by moving the substantive provisions setting forth the controls for exports and reexports to Syria from General Order No. 2 to a revised § 746.9 and retaining the waiver provisions of General Order No. 2 in supplement no. 1 to part 736 (76 FR 77115; Dec. 12, 2011). In June 2013, to address foreign policy concerns raised by the Syrian civil war, then-Secretary of State John Kerry issued a waiver of the SAA's export restrictions to permit items for the support of the Syrian people. BIS implemented this waiver in § 746.9(c)(2) of the EAR by adding items necessary for the support of the Syrian people as a new category of items subject to case-by-case licensing. See 78 FR 43972 (July 23, 2013).

Additionally, since 2013, Syria has been subject to export control

restrictions under the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (CBW Act). Syria was made subject to an initial round of export and reexport restrictions on items controlled under the EAR for national security reasons in September 2013 following the State Department's August 2, 2013, determination under the CBW Act that the Syrian Government had used chemical weapons in violation of international law or lethal chemical weapons against its own nationals. See section 307(a)(5) of the CBW Act and the Department of State's September 10, 2013, **Federal Register** notice (78 FR 55326). In December 2013, the State Department rendered Syria subject to additional export and reexport restrictions that extended the scope of items to most items subject to the EAR. See section 307(b)(2)(C) of the CBW Act and the Department of State's December 10, 2013, **Federal Register** notice (78 FR 74218).

B. Basis for Changes to Export Control Measures for Syria Made in This Final Rule

The President announced his intention to lift sanctions against Syria on May 13, 2025, and on June 30, 2025, determined that it was in the national security and foreign policy interests of the United States to remove sanctions, restrictive export controls, and other forms of restrictions on Syria in E.O. 14312. The President's announcement and issuance of E.O. 14312 reflect the U.S. Government's commitment to supporting a Syria that is stable, unified, and at peace with itself and its neighbors.

In section 6 of E.O. 14312 the President waived the application of section 5(a)(1) of the SAA with respect to items on the CCL and section 5(a)(2)(A), with respect to the export of items subject to the EAR apart from EAR99 food and medicine. Additionally, section 7 of the E.O. waived the sanctions imposed under sections 307(a)(5) and 307(b)(2)(C) of the CBW Act that had imposed restrictions on the export and reexport to Syria of items subject to the EAR.

In this final rule, BIS makes changes to the Syria export control measures in § 746.9 of the EAR consistent with E.O. 14312, in which the President waived export restrictions that had been required under the SAA and the CBW Act. BIS in this final rule is also removing General Order No. 2 to part 746 from the EAR in light of the President's termination of the national emergency declared in E.O. 13338 and revocation of that E.O. The actions taken

by BIS in this final rule support critical economic activity and stabilization efforts outlined in E.O. 14312 and align with the U.S. Government's broader objective of promoting peace, economic security, and prosperity in Syria.

BIS's regulatory measures in this final rule also complement those taken recently by the U.S. Department of the Treasury, Office of Foreign Assets Control (OFAC) to remove certain sanctions on Syria. Pursuant to E.O. 14312, OFAC removed the Syrian Sanctions Regulations, 31 CFR part 542 (SySR), from the Code of Federal Regulations on August 26, 2025, (90 FR 41505). E.O. 14312 further revokes six Executive Orders which form the foundation of the Syria sanctions program and terminates the national emergency underlying those Executive Orders. Persons designated solely pursuant to these orders have been removed from OFAC's List of Specially Designated Nationals and Blocked Persons (SDN List). Certain persons, including Bashar al-Assad and other destabilizing regional actors, remain on the SDN List due to their designation under separate sanctions authorities. These changes follow Syria General License 25 of May 23, 2025, "Authorizing Transactions Prohibited by the Syrian Sanctions Regulations or Involving Certain Blocked Persons," and the Department of State's related waiver of the Caesar Syria Civilian Protection Act on May 23, 2025, that generally authorize transactions with the Government of Syria and certain Syria SDNs that would otherwise be prohibited under the SySR as well as various other sanctions authorities.

As a general matter, E.O. 14312 does not authorize or otherwise provide relief to Bashar al-Assad or his associates, to ISIS or other terrorist organizations, human rights abusers, or other persons that threaten the peace, security, or stability of the United States, Syria, and its neighbors. Notably, certain individuals and entities that have participated in or otherwise supported malign and destabilizing actions in Syria, including by supporting the former regime of Bashar al-Assad, continue to be designated on the SDN List and transactions involving these persons and entities may remain subject to license requirements from BIS pursuant to § 744.8 of the EAR.

C. Overview of This Final Rule

In this final rule, BIS makes changes to the export control measures for Syria under the EAR. The three sets of changes being made are described in section II as follows:

A. Addition of new or expanded license exception eligibility for exports and reexports to Syria;

B. Adoption of more permissive license review policies for exports and reexports to Syria; and

C. Other conforming and streamlining updates, including removal of provisions that are obsolete, *e.g.*, General Order No. 2.

II. Amendments to the EAR

Specific changes to the EAR that are being made by this final rule are as follows:

A. Addition of New or Expanded License Exception Eligibility for Exports and Reexports to Syria

This final rule expands the eligibility of EAR license exceptions for Syria by adding a new license exception for Syria called License Exception Syria Peace and Prosperity (SPP) under § 740.5, amending the scope of existing License Exception Consumer Communications Devices (CCD) under § 740.19 to add Syria to the country scope, and making additional paragraphs of existing license exceptions available for exports and reexports to Syria. Additional license exception eligibility will authorize exports and reexports to Syria under the EAR consistent with U.S. national security and foreign policy interests and align with the E.O. 14312's objective to support peace, stability, security, and prosperity in Syria.

1. *Changes to part 740 (License exceptions), to add new or expanded license exception eligibility for exports and reexports to Syria.*

i. *Addition of new License Exception Syria Peace and Prosperity (SPP).* In § 740.5, currently reserved, this final rule changes the section to add License Exception SPP. New License Exception SPP will authorize exports and reexports to Syria of all items designated "EAR99" subject to the terms and conditions therein and the general restrictions set forth under § 740.2 of the EAR. In § 740.5(a) (Scope) of License Exception SPP, this final rule specifies that this license exception will overcome license requirements for the export or reexport of all items designated "EAR99." Items designated "EAR99" are items subject to the EAR but not specifically described on the CCL in an ECCN.

In § 740.5(b) (Restrictions), this final rule adds this paragraph to specify that License Exception SPP does not authorize exports or reexports prohibited under a part 744 end-use or end-user control, including under § 744.8 for transactions involving persons designated on OFAC's SDN List

with certain identifiers specified under § 744.8(a)(1), unless authorized under an OFAC specific license or general license or are exempted under OFAC's regulations.

This final rule as a conforming change adds a reference to License Exception SPP in § 746.9(b)(1) to specify that it is an available license exception for Syria, provided that the export or reexport is not otherwise restricted under § 740.2 and meets all the terms and conditions of License Exception SPP.

ii. *Expansion of existing License Exception CCD to add Syria to the country scope.* In § 740.19 Consumer Communications Devices (CCD), this final rule revises this section to add Syria as an eligible destination under the terms of § 740.19(a). In § 740.19(b) (Eligible commodities and software), this final rule revises this paragraph to indicate that all commodities and software described in § 740.19(b) are eligible for export or reexport to Syria pursuant to the terms of § 740.19. In § 740.19(c)(1) (Organizations), which establishes eligible and ineligible organizations for transactions pursuant to the terms of CCD, this final rule modifies this paragraph to indicate that CCD does not restrict eligibility to any end user in Syria. However, CCD cannot authorize transactions that require a license under part 744 of the EAR or with persons that are sanctioned under programs administered by another agency, including the Departments of State and the Treasury. For example, License Exception CCD may not be used to export consumer communications devices to persons designated on OFAC's SDN List with certain identifiers specified under § 744.8(a)(1), unless authorized by OFAC or exempt. Notably, members of the former regime of Bashar al-Assad may be designated on the SDN List under various program identifiers.

This final rule as a conforming change adds a reference to License Exception CCD in § 746.9(b)(8) to specify that it is an available license exception for Syria, provided that the transaction is not otherwise restricted under § 740.2 and meets all the applicable terms and conditions of License Exception CCD.

iii. *Revision to License Exception AVS to specify that only EAR99 and AT-only ECCNs are eligible under License Exception AVS.* In § 740.15 (License Exception AVS, for Aircraft, Vessels and Spacecraft) under paragraph (b)(4), this final rule revises this paragraph to ensure that only items designated as EAR99 or controlled on the CCL only for anti-terrorism reasons are eligible to be sent to Syria under paragraph (b) of License Exception AVS. This revised

text is intended to ensure that no equipment and spare parts for a vessel or aircraft that could make a significant contribution to the military potential of Syria, including its military logistics capability, or could enhance Syria's ability to support acts of international terrorism, is authorized to Syria without the required notification to Congress, consistent with 50 U.S.C. 4813(c)(2). This final rule also adds a Note to paragraph (b)(4) to specify that for purposes of paragraph (b)(4), ECCNs 2B999, 3A991, 4A994, 5A992 (except for .z), and 9A991 are treated as ECCNs controlled exclusively for AT reasons.

This final rule as a conforming change adds a reference to License Exception AVS in §§ 746.9(b)(4) to specify that it is an available license exception for Syria, provided that the transaction is not otherwise restricted under § 740.2 and meets all the applicable terms and conditions of License Exception AVS.

2. *Revising the general restriction on the use of EAR license exceptions for Syria in § 746.9(b) to allow for additional license exception eligibility for exports and reexports to Syria.* In § 746.9(b) (License exceptions), this final rule revises this paragraph to expand the scope of available license exceptions for exports and reexports to Syria and renumbers the paragraphs as follows:

i. *Section 746.9(b)(1)—Newly added License Exception SPP eligibility paragraph for Syria.* This final rule replaces the reference to License Exception Temporary imports, exports, reexports, and transfers (in-country) (TMP) in (b)(1) with a reference to new License Exception Syria Peace and Prosperity (SPP) pursuant to new § 740.5 of the EAR.

ii. *Section 746.9(b)(2)—Newly redesignated and expanded License Exception TMP eligibility paragraph for Syria.* Prior to this final rule, TMP for Syria was available solely for items for use by the news media (*see* § 740.9(a)(9)). This final rule expands the scope of TMP's eligibility for Syria-destined items. Specifically, it adds certain technology pursuant to the provisions in § 740.9(a)(3), shipping containers pursuant to the provisions § 740.9(a)(7), certain exports to a U.S. person's foreign subsidiary, affiliate, or facility abroad pursuant to § 740.9(a)(10), and certain personal protective "equipment" pursuant to the provisions of § 740.9(a)(11)(ii) of the EAR. In connection with this expansion, BIS makes conforming changes, including by placing the contents of TMP-related text in (b)(2).

iii. *Section 746.9(b)(3)—Newly added License Exception RPL eligibility*

paragraph for Syria. This final rule replaces the reference to Technology and software—unrestricted (TSU) in (b)(3) and adds License Exception Servicing and replacement of parts and equipment (RPL) pursuant to the provisions of § 740.10(a) of the EAR. This final rule states that RPL is not available for exports or reexports that support the Syrian police, military, or intelligence end users or end uses pursuant to supplement no. 2 to part 742. In practical terms, this means that the license exception may not be used for items on the CCL when destined to Syrian police, military, or intelligence end users or end uses.

iv. *Section 746.9(b)(4)—Newly redesignated and expanded License Exception GOV eligibility paragraph for Syria.* This final rule broadens the eligibility for exports and reexports to Syria under § 740.11, Governments, international organizations, international inspections under the Chemical Weapons Convention, and the International Space Station (GOV) to enable operations of certain cooperating governments and inspections under the Chemical Weapons Convention. As a conforming change, it replaces the reference to License Exception Baggage (BAG) in (b)(4) with the reference to GOV formerly for personal or official use by personnel and agencies of the U.S. Government as set forth in § 740.11(b)(2) (formerly in § 746.9(b)(2)). Specifically, the availability of the license exception is broadened by retaining the U.S. Government authorization for Syria under paragraph (b)(2), but revises the text to specify that all of the authorizing paragraphs under § 740.11(b)(2), including (b)(2)(iii)–(vii), are available for Syria, not just § 740.11(b)(2)(i) and (ii).

The revision to this text will clarify that exports or reexports made for or on behalf of a department or agency of the U.S. Government pursuant to § 740.11(b)(2)(iii), items exported at the direction of the U.S. Department of Defense or the Department of Energy pursuant to § 740.11(b)(2)(iv), items sold, leased, or loaned by the U.S. Department of Defense to a foreign country or international organization pursuant to the Arms Export Control Act or the Foreign Assistance Act of 1961 pursuant to § 740.11(b)(2)(v), transfer of technology in furtherance of a contract between the exporter and an agency of the U.S. Government, if the contract provides for such technology and the technology is not “development” or “production” technology for “600 series” items pursuant to § 740.11(b)(2)(vi), microelectronics items in furtherance of

a contract between the exporter or reexporter and a department or agency of the U.S. Government, if the contract provides for such export or reexport of the microelectronics item by the exporter or reexporter pursuant to § 740.11(b)(2)(vii), and exports or reexports to “Cooperating Governments and the North Atlantic Treaty Organization” pursuant to the provisions of § 740.11(c) and items for international inspections under the Chemical Weapons Convention pursuant to § 740.11(d) of the EAR are authorized for Syria under License Exception GOV.

v. *Section 746.9(b)(5)—Newly redesignated and expanded License Exception TSU eligibility paragraph for Syria.* This final rule replaces the reference to AVS in (b)(5) with the reference to License Exception Technology and software—unrestricted (TSU). Prior to this final rule, BIS had allowed under this license exception operation technology and software, sales technology, and software updates pursuant to the terms TSU in § 740.13(a), (b), or (c) formerly in (b)(3). This final rule broadens the eligibility for Syria by adding copies of technology previously authorized for export to the same recipient pursuant to § 740.13(g) of the EAR.

vi. *Section 746.9(b)(6)—Newly redesignated, but not expanded, License Exception BAG eligibility paragraph for Syria.* This final rule moves the reference to BAG for exports of personally-owned items by individuals leaving the United States as personal baggage pursuant to the terms of § 740.14(a) through (d) formerly in (b)(4) to new section (b)(6). The scope and applicability of License Exception BAG for Syria as set out in § 740.14 remains unchanged.

vii. *Section 746.9(b)(7)—Newly redesignated and expanded License Exception AVS eligibility paragraph for Syria.* Prior to this final rule, License Exception AVS was only available for foreign flagged/owned/operated aircraft reexported to Syria on temporary sojourn pursuant to the terms of § 740.15(a)(4). This final rule broadens the eligibility for Syria to authorize vessels and U.S. flagged aircraft. This final rule implements this change by expanding License Exception AVS eligibility to exports of U.S.-registered civil aircraft and vessels and temporary reexports of U.S. and foreign registered civil aircraft and vessels to Syria on temporary sojourn pursuant to the terms of § 740.15(a)–(d) of the EAR. BIS notes that the expansion of the availability of this license exception is not intended to authorize any operations by U.S.

registered civil aircraft in Syria pursuant to regulatory regimes other than the EAR, e.g., rules or regulations issued by the Federal Aviation Administration (FAA). As a conforming change, this final rule moves the reference to License Exception AVS from (b)(5) into new paragraph (b)(7).

Significantly, License Exception AVS is available subject to the restriction that the transaction will not support the Syrian police, military, or intelligence end users and end uses pursuant to supplement no. 2 to part 742. As described above, License Exception AVS is also being amended to ensure that equipment and spare parts are only authorized to Syria—including to aircraft registered in Syria, or controlled, leased, or chartered by a Syrian national—under AVS if they are designated as EAR99 or controlled on the CCL for anti-terrorism reasons only. Other equipment and spare parts destined to Syria must be licensed by BIS and will be reviewed consistent with the requirements in 50 U.S.C. 4813(c).

viii. *§ 746.9(b)(8)—Newly added License Exception CCD eligibility paragraph for Syria.* This final rule adds new paragraph (b)(8) for the export or reexport of certain consumer communications devices pursuant to the provisions of CCD in § 740.19.

B. Adoption of More Permissive License Review Policies for Exports and Reexports to Syria

In § 746.9(c) (Licensing policy), this final rule revises licensing policies to align them with the Administration’s policy objectives as set forth in the President’s May 13, 2025, announcement and in E.O. 14312 by adopting more permissive license review policies under paragraphs (c)(1) and (2). These more permissive license review policies will allow for additional exports and reexports to be approved for Syria under the EAR that are consistent with U.S. national security and foreign policy interests and align with the E.O. 14312’s objective to support peace, stability, security, and prosperity in Syria.

1. *Adoption of presumption of approval licensing policy for certain end uses.* In § 746.9(c)(1), this final rule revises the case-by-case policy for certain CCL categories of items to adopt a presumption of approval for a broad range of commercial end uses to support economic and business development in Syria and to support the Syrian people.

2. *Adoption of case-by-case licensing policy for other end uses.* In § 746.9(c)(1), this final rule removes the general policy of denial that had applied

to most categories of CCL items consistent with the SAA's restrictions apart from the categories of items subject to case-by-case review prior to this final rule under § 746.9(c)(2) due to the exercise of waiver authority. Items on the CCL will now be reviewed under the presumption of approval as described in paragraph (c)(1) or on a case-by-case basis as described in paragraph (c)(2) to determine whether approval would be in the national security and foreign policy interests of the United States. Specifically, items on the CCL that will be reviewed under the presumption of approval as described in paragraph (c)(1) are those that support economic and business development in Syria or that support the Syrian people, including through the improvement or maintenance of telecommunications, water supply and sanitation, power generation, aviation, or other civil services that support peace and prosperity in Syria without making a significant contribution to the military potential of Syria or the ability of Syria to support acts of international terrorism.

Items on the CCL will also be reviewed according to the license review policies for the items set out in relevant sections of part 742, with the exception of § 742.9, which is superseded by § 746.9, as described in § 742.9(e). All end-use and end-user controls set out in part 744 of the EAR, as applicable, will continue to apply. Additionally, this final rule does not make changes to provisions of the EAR that specify requirements that are based upon Syria's designation as a State Sponsor of Terrorism.

When it is determined that an export or reexport could make a significant contribution to the military potential of Syria, including its military logistics capability, or could enhance Syria's ability to support acts of international terrorism, the Secretaries of State and Commerce will notify the Congress 30 days prior to issuance of a license, consistent with 50 U.S.C. 4813(c)(2). Consistent with the Secretary of State's December 28, 1993, determination, and as described in supplement no. 2 to part 742 of the EAR, the export of certain items destined to Syrian military, police, intelligence or other sensitive end-users and end uses will trigger this notification requirement. Exports of EAR99 items or items controlled only for anti-terrorism reasons generally will not trigger this requirement.

C. Other Conforming and Streamlining Updates, Including Removal of Provisions That Are Obsolete, e.g., General Order No. 2

1. *Removal of obsolete references to the SAA and adding a cross reference to see § 746.9 for Syria.* In § 746.1(a)(3) (Syria), this final rule revises this paragraph to remove all references to the SAA and replaces the language with a simple cross reference to § 746.9 of this part, which sets forth the specific license requirements, licensing policy and license exceptions applicable to Syria.

2. *Removal of General Order No. 2.* In supplement no. 1 to part 736 (General Orders) under paragraph (b) (General Order No. 2), this final rule removes General Order No. 2 and reserves paragraph (b). This final rule also makes the following three conforming changes in other parts of the EAR:

In § 746.1(a)(3) (Syria), this final rule removes the reference to General Order No. 2.

In § 746.9 introductory text, this final rule removes the reference to General Order No. 2. and the rest of the introductory text to § 746.9 that referred to legal authorities that are no longer applicable. Lastly, in § 746.9, this final rule deletes the Note to § 746.9 that provided a cross reference to General Order No. 2.

3. *Removal of reference to certain items not subject to the EAR being outside the scope of § 746.9 license requirements.* In § 746.9(c)(3), this final rule removes this paragraph because it is not needed. The limitation is already addressed under the exclusions from the scope of the EAR under part 734 of the EAR as well as under § 746.9(a) (License requirements), which specifies that the license requirements for Syria apply to items "subject to the EAR" as described in paragraph (a).

Export Control Reform Act of 2018

On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which included ECRA (codified, as amended, at 50 U.S.C. 4801–4852). ECRA provides the legal basis for BIS's principal authorities and serves as the authority under which BIS issues this rule. In particular, and as noted elsewhere, Section 1753 of ECRA (50 U.S.C. 4812) authorizes the regulation of exports, reexports, and transfers (in-country) of items subject to U.S. jurisdiction. Further, Section 1754(a)(1)–(16) of ECRA (50 U.S.C. 4813(a)(1)–(16)) authorizes, *inter alia*, the establishment of a list of controlled items; the prohibition of unauthorized

exports, reexports, and transfers (in-country); the requirement of licenses or other authorizations for exports, reexports, and transfers (in-country) of controlled items; apprising the public of changes in policy, regulations, and procedures; and any other action necessary to carry out ECRA that is not otherwise prohibited by law. Pursuant to Section 1762(a) of ECRA (50 U.S.C. 4821(a)), these changes can be imposed in a final rule without prior notice and comment.

Rulemaking Requirements

1. BIS has examined the impact of this rule as required by Executive Orders (E.O.) 12866 and 13563, which direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (*e.g.*, potential economic, environmental, public, health, and safety effects, distributive impacts, and equity). Pursuant to E.O. 12866, this final rule has been determined to be a "significant regulatory action" and has been reviewed by the Office of Information and Regulatory Affairs. This rule is exempt from the requirements of E.O. 14192, because it is being issued with respect to a national security function of the United States, per section 5(a) of E.O. 14192.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This rule involves the following OMB-approved collections of information subject to the PRA:

- 0694–0088, "Simple Network Application Process and Multipurpose Application Form," which carries a burden hour estimate of 29.4 minutes for a manual or electronic submission;
- 0694–0096 "Five Year Records Retention Period," which carries a burden hour estimate of less than 1 minute; and
- 0607–0152 "Automated Export System (AES) Program," which carries a burden hour estimate of 3 minutes per electronic submission.

BIS estimates that these regulatory changes related to Syria under the EAR that involve the expanded availability of license exceptions will result in a reduction of 414 license applications submitted annually to BIS. The reduced burden falls within the existing

estimates associated with these control numbers and should not be used as an estimate for the number of anticipated future exports and reexports to Syria under these license exceptions because the expanded license exception availability will encourage exporters and reexporters who may have avoided doing business with Syria because of the restrictive export controls that had been in place under the EAR. Additional information regarding these collections of information—including all background materials—can be found at <https://www.reginfo.gov/public/do/PRAMain> by using the search function to enter either the title of the collection or the OMB Control Number.

3. This rule does not contain policies with Federalism implications as that term is defined under E.O. 13132.

4. Pursuant to section 1762(a) of ECRA (50 U.S.C. 4821), this action is exempt from the Administrative Procedure Act (APA) (5 U.S.C. 553) requirements for notice of proposed rulemaking, opportunity for public participation, and delay in effective date.

5. Because neither the Administrative Procedure Act nor any other law requires that notice of proposed rulemaking and an opportunity for public comment be given for this rule, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Accordingly, no Final Regulatory Flexibility Analysis is required, and none has been prepared.

List of Subjects

15 CFR Part 736

Exports.

15 CFR Part 740

Administrative practice and procedure, Exports and Reporting and recordkeeping requirements.

15 CFR Part 746

Exports, Reporting and recordkeeping requirements.

Accordingly, parts 736, 740, and 746 of the Export Administration Regulations (15 CFR parts 730 through 774) is amended as follows:

PART 736—GENERAL PROHIBITIONS

■ 1. The authority citation for part 736 is revised to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp., p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; Notice of November 7, 2024, 89 FR 88867 (November

8, 2024); Notice of May 7, 2025, 90 FR 19619 (May 9, 2025).

■ 2. Supplement no. 1 to part 736 is amended by removing and reserving paragraph (b).

PART 740—LICENSE EXCEPTIONS

■ 3. The authority citation for part 740 is revised to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 7201 *et seq.*; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228.

■ 4. Add section 740.5 to read as follows:

§ 740.5 License Exception Syria Peace and Prosperity (SPP)

(a) *Scope.* License Exception SPP authorizes the export or reexport of all items subject to the EAR designated EAR99 to Syria.

(b) *Restrictions.* This license exception does not authorize exports or reexports, which otherwise require a license under any part 744 end-use or end-user control, including under § 744.8 for transactions involving persons designated on OFAC’s Specially Designated Nationals and Blocked Persons List with certain identifiers specified under § 744.8(a)(1), unless authorized by OFAC or exempt.

■ 5. Section 740.15 is amended by revising paragraph (b)(4) to read as follows:

§ 740.15 Aircraft, vessels and spacecraft (AVS).

* * * * *

(b) * * *

(4) *Cuba and Syria.* Only items designated as EAR99 or controlled on the Commerce Control List (CCL) (supplement no. 1 to part 774 of the EAR) solely for anti-terrorism reasons (*i.e.*, anti-terrorism must be the only reason for control that applies to the item as set forth in the Export Control Classification Number (ECCN) that controls the item) are eligible for export or reexport to Cuba or Syria pursuant to this paragraph (b).

Note to paragraph (b)(4): For purposes of paragraph (b)(4), ECCNs 2B999, 3A991, 4A994, 5A992 (except for .z), and 9A991 are treated as ECCNs controlled exclusively for AT reasons.

* * * * *

■ 6. Section 740.19 is amended by:

■ a. Revising paragraph (a);

■ b. Revising the paragraph (b) introductory text; and

■ c. Revising the first sentence of paragraph (c)(1)(i).

The revisions read as follows:

§ 740.19 Consumer Communications Devices (CCD).

(a) *Authorizations.* This section authorizes the export, reexport, or transfer (in-country) of commodities and software to Belarus, Cuba, Russia, and Syria subject to the requirements stated in this section. This section does not authorize U.S.-owned or controlled entities in third countries to engage in reexports of foreign produced commodities to Cuba for which no license would be issued by the Department of the Treasury pursuant to 31 CFR 515.559.

(b) *Eligible commodities and software.* Commodities and software in paragraphs (b)(1) through (8) of this section are eligible for export, reexport, or transfer (in-country) under this section to and within Belarus, Cuba, Russia, and Syria. Commodities and software in paragraphs (b)(9) through (18) of this section are eligible for export reexport, or transfer (in-country) to Cuba or Syria only.

* * * * *

(c) * * *

(1) * * *

(i) The license exception in this section may be used to export, reexport, or transfer (in-country) eligible commodities and software to Syria or to and for the use of independent non-governmental organizations in Belarus, Cuba, or Russia.

* * * * *

PART 746—EMBARGOES AND OTHER SPECIAL CONTROLS

■ 7. The authority citation for part 746 is revised to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 287c; Sec 1503, Pub. L. 108–11, 117 Stat. 559; 22 U.S.C. 2151 note; 22 U.S.C. 6004; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; E.O. 12854, 58 FR 36587, 3 CFR, 1993 Comp., p. 614; E.O. 12918, 59 FR 28205, 3 CFR, 1994 Comp., p. 899; Presidential Determination 2003–23, 68 FR 26459, 3 CFR, 2004 Comp., p. 320; Presidential Determination 2007–7, 72 FR 1899, 3 CFR, 2006 Comp., p. 325; Pub. L. 118–50; E.O. 14312.

■ 8. Section 746.1 is amended by revising paragraph (a)(3) to read as follows:

§ 746.1 Introduction.

(a) * * *

(3) *Syria.* Section 746.9 of this part sets forth the specific license requirements, licensing policy and license exceptions applicable to Syria.

* * * * *

■ 9. Section 746.9 is amended by:

■ a. Removing the introductory text to the section;

- b. Revising paragraphs (b) and (c); and
- c. Removing the Note to § 746.9.

The revisions read as follows:

§ 746.9 Syria.

* * * * *

(b) *License Exceptions.* No License Exceptions to the license requirements set forth in paragraph (a) of this section are available for exports or reexports to Syria, except the following:

(1) SPP for the export or reexport of “EAR99” items pursuant to § 740.5;

(2) TMP for technology pursuant to the provisions in § 740.9(a)(3), containers pursuant to the provisions in § 740.9(a)(7), items for use by the news media pursuant to § 740.9(a)(9), exports to a U.S. person’s foreign subsidiary, affiliate, or facility abroad pursuant to § 740.9(a)(10), and personal protective “equipment” pursuant to the provisions of § 740.9 (a)(11)(ii) of the EAR;

(3) RPL pursuant to the provisions of § 740.10(a) of the EAR, provided that such exports will not support the Syrian police, military, or intelligence sensitive end users or uses pursuant to supplement no. 2 to 742;

(4) GOV for exports or reexports under the United States Government authorization pursuant to § 740.11(b)(2), exports, reexports and transfers (in country) to “Cooperating Governments and the North Atlantic Treaty Organization” pursuant to the provisions of 740.11(c), and items for international inspections under the Chemical Weapons Convention pursuant to 740.11(d) of the EAR;

(5) TSU for operation technology and software, sales technology, and software updates pursuant to the terms in § 740.13(a), (b), (c), and (g) of the EAR;

(6) BAG for exports of personally-owned items by individuals leaving the United States as personal baggage pursuant to the terms of § 740.14(a) through (d) of the EAR;

(7) AVS for temporary exports of U.S.-registered civil aircraft and vessels and temporary reexports of U.S. and foreign-registered civil aircraft and vessels to Syria on temporary sojourn pursuant to the terms of § 740.15(a) through (d) of the EAR provided that such export, reexport, or transfer (in-country) will not support the Syrian police, military, or intelligence end-users or end uses pursuant to Supp 2 to 742; and

(8) CCD for the export or reexport of consumer communications devices pursuant to the provisions in § 740.19.

(c) *Licensing policy.* (1) *Presumption of approval licensing policy for certain commercial end uses and to support the Syrian people.* License applications for exports and reexports of items on the CCL to Syria will be reviewed under a

presumption of approval review policy for commercial end uses that support economic and business development in Syria or that support the Syrian people, including through the improvement or maintenance of telecommunications, water supply and sanitation, power generation, aviation, or other civil services that support peace and prosperity in Syria without making a significant contribution to the military potential of Syria or the ability of Syria to support acts of international terrorism.

(2) *Case-by-case licensing policy.* License applications for exports and reexports of items on the CCL to Syria that are not described in paragraph (c)(1) of this section will be reviewed on a case-by-case basis to determine whether the items will be used in a manner consistent with U.S. national security and foreign policy purposes, including to promote peace and prosperity in Syria.

Note 1 to paragraphs (c)(1) and (2): *Items on the CCL will also be reviewed according to the license policies for the items set out in relevant sections of part 742 with the exception of items controlled for Anti-terrorism (AT). For AT items, see § 746.9(c). All end-use and end user controls set out in part 744 of the EAR will continue to apply.*

Julia A. Khersonsky,
Deputy Assistant Secretary for Strategic Trade.

[FR Doc. 2025–16724 Filed 8–28–25; 11:15 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 748

[Docket No. 250825–0144]

RIN 0694–AK32

Revocation of Validated End-User Authorizations in the People’s Republic of China

AGENCY: Bureau of Industry and Security, Department of Commerce.

ACTION: Final rule.

SUMMARY: In this final rule, the Bureau of Industry and Security (BIS) amends the Export Administration Regulations (EAR) to revise the existing Validated End-User (VEU) Authorizations list for the People’s Republic of China (PRC) by removing Intel Semiconductor (Dalian) Ltd; Samsung China Semiconductor Co. Ltd; and SK hynix Semiconductor (China) Ltd.

DATES: This rule is effective December 31, 2025.

FOR FURTHER INFORMATION CONTACT:

Chair, End-User Review Committee, Office of the Assistant Secretary, Export Administration, Bureau of Industry and Security, U.S. Department of Commerce, Phone: 202–482–5991; Email: *ERC@bis.doc.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Validated End-Users (VEUs) are designated entities located in eligible destinations to which eligible items subject to the Export Administration Regulations (EAR) may be exported, reexported, or transferred (in-country) under a general EAR authorization instead of a license (see 15 CFR 748.15 (Authorization Validated End-User (VEU))). The names of the VEUs, as well as the dates they were designated, and the associated eligible destinations (*i.e.*, facilities) and items are identified in supplement no. 7 to part 748 of the EAR. Pursuant to § 748.15, VEU-eligible destinations may obtain eligible items without the need for the VEU’s supplier to obtain an export, reexport, or transfer (in-country) license from the Bureau of Industry and Security (BIS). VEU-eligible items vary among VEUs and may include commodities, software, and/or technology, apart from items controlled for missile technology or crime control reasons on the Commerce Control List (CCL) (supplement no. 1 to part 774 of the EAR).

VEUs are reviewed and approved by the U.S. Government in accordance with the provisions of § 748.15 and supplement nos. 8 and 9 to part 748 of the EAR. The End-User Review Committee (ERC) is responsible for administering the VEU program. The ERC is composed of representatives from the Departments of State, Defense, Energy, Commerce, and other agencies, as appropriate. BIS amended the EAR in a final rule published on June 19, 2007 (72 FR 33646) to create Authorization VEU.

II. Removals From the VEU Program Under China

Pursuant to § 748.15 and supplement no. 9 to part 748 of the EAR, the ERC determined to remove Intel Semiconductor (Dalian) Ltd, Samsung China Semiconductor Co. Ltd, and SK hynix Semiconductor (China) Ltd from the Validated End User Program.

Export Control Reform Act of 2018

On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which included the Export Control Reform Act of 2018 (ECRA) (codified, as amended, at 50

U.S.C. 4801–4852). ECRA provides the legal basis for BIS’s principal authorities and serves as the authority under which BIS issues this rule. In particular, and as noted elsewhere, Section 1753 of ECRA (50 U.S.C. 4812) authorizes the regulation of exports, reexports, and transfers (in-country) of items subject to U.S. jurisdiction. Further, Section 1754(a)(1)–(16) of ECRA (50 U.S.C. 4813(a)(1)–(16)) authorizes, *inter alia*, the establishment of a list of controlled items; the prohibition of unauthorized exports, reexports, and transfers (in-country); the requirement of licenses or other authorizations for exports, reexports, and transfers (in-country) of controlled items; apprising the public of changes in policy, regulations, and procedures; and any other action necessary to carry out ECRA that is not otherwise prohibited by law. Pursuant to Section 1762(a) of ECRA (50 U.S.C. 4821(a)), these changes can be imposed in a final rule without prior notice and comment.

Rulemaking Requirements

1. This final rule has been determined to be not significant for purposes of Executive Order 12866. This final rule is not a regulatory action pursuant to E.O. 14192 because it is not a significant rule under E.O. 12866.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This rule involves the following OMB-approved collections of information subject to the PRA:

- 0694–0088, “Simple Network Application Process and Multipurpose Application Form,” which carries a burden hour estimate of 29.7 minutes for a manual or electronic submission;
- 0694–0096 “Five Year Records Retention Period,” which carries a burden hour estimate of less than 1 minute; and
- 0607–0152 “Automated Export System (AES) Program,” which carries a burden hour estimate of 3 minutes per electronic submission.

BIS estimates that these new removal of these entities from the VEU program under the EAR will result in the submission of an additional 1,000 license applications annually, which would be an increase of 495 burden hours. This burden hour increase is within existing estimates for these

collections. Additional information regarding these collections of information—including all background materials—can be found at: <https://www.reginfo.gov/public/do/PRAMain> by using the search function to enter either the title of the collection or the OMB Control Number.

3. This rule does not contain policies with federalism implications as that term is defined in Executive Order 13132.

4. Pursuant to section 1762 of the Export Control Reform Act of 2018, this action is exempt from the Administrative Procedure Act (5 U.S.C. 553) requirements for notice of proposed rulemaking, opportunity for public participation, and delay in effective date.

5. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are not applicable. Accordingly, no regulatory flexibility analysis is required, and none has been prepared.

List of Subjects in 15 CFR Part 748

Administrative practice and procedure, Exports, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, part 748 of the EAR (15 CFR parts 730 through 774) is amended as follows:

PART 748—APPLICATIONS (CLASSIFICATION, ADVISORY, AND LICENSE) AND DOCUMENTATION

- 1. The authority citation for part 748 is revised to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228.

Supplement No. 7 to Part 748— [Amended]

- 2. Amend supplement no. 7 to part 748 by removing the entries for “Intel Semiconductor (Dalian) Ltd”, “Samsung China Semiconductor Co. Ltd”, and “SK hynix Semiconductor (China) Ltd” under “China (People’s Republic of)”.

Julia A. Khersonsky,

Deputy Assistant Secretary for Strategic Trade.

[FR Doc. 2025–16735 Filed 8–29–25; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Parts 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, and 672

[Docket No. ETA–2025–0001]

RIN 1205–AC26

Rescission of Workforce Investment Act Regulations

AGENCY: Employment and Training Administration, Labor.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: The Employment and Training Administration (ETA) of the Department of Labor (Department) is confirming the effective date of September 2, 2025, for the direct final rule that was published in the **Federal Register** on July 1, 2025. This direct final rule removes the regulations that implemented and governed the Title I Workforce Investment Act (WIA) programs at the national, State, and local levels and provided program requirements applicable to all WIA formula and competitive funds. Title I of WIA was repealed by Congress with the enactment of the Workforce Innovation and Opportunity Act (WIOA) on June 22, 2014, and all remaining grant funding under WIA Title I has been closed out by the Department. Accordingly, these regulations are no longer necessary, and the Department is removing the regulations from the Code of Federal Regulations (CFR) for programs that are no longer operative.

DATES: Effective date: The effective date of September 2, 2025, for the direct final rule published July 1, 2025, (90 FR 27992), is confirmed.

ADDRESSES: Please refer to Docket ID ETA–2025–0001 when contacting the Department about the availability of information for this action. You may obtain publicly-available information related to this action by visiting <https://www.regulations.gov> and search for Docket ID ETA–2025–0001.

FOR FURTHER INFORMATION CONTACT: Luke Murren, Acting Administrator, Office of Policy Development and Research, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–5641, Washington, DC 20210; telephone (202) 693–3700 (this is not a toll-free number). For people with a hearing or speech disability who need assistance using the telephone system, please dial

711 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: On July 1, 2025, (90 FR 27992), the Department published a direct final rule removing its regulations in parts 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, and 672 of title 20 of the CFR programs that are no longer operative. In the direct final rule, the Department stated that, if no significant adverse comments were received, then the direct final rule would become effective on September 2, 2025. Comments from the public were due on July 31, 2025, and were posted publicly in Docket ID ETA–2025–0001 on www.regulations.gov.

The Department received one comment opposed to the removal of the WIA regulations, but the comment did not meet the criteria to be considered a significant adverse comment to the removal of these regulations. The commenter argued for retaining the WIA regulations in the CFR, largely for historical purposes and preserving access to the regulations. Users can access the *Workforce Investment Act* final rule at <https://www.govinfo.gov/content/pkg/FR-2000-08-11/pdf/00-19985.pdf>. The final rule was published on August 11, 2000 (65 FR 49294) in the **Federal Register**, and previous editions of the **Federal Register** are available online at the www.federalregister.gov website.

Additionally, the CFR is the codification of the general and permanent rules published in the **Federal Register** by the departments and agencies of the Federal Government. The Electronic Code of Federal Regulations (eCFR) is a point-in-time system that allows users to browse the CFR as it existed at any point in time since January 2017. The www.ecfr.gov website allows users to view parts after they have been removed from the CFR by viewing a point in time in the eCFR prior to the parts' removal. Paper copies of the CFR are also available for purchase through the Government Publication Office bookstore.¹

Parties who are interested in the history of regulations have several ways to access these changes over time. As noted in the *Rescission of Workforce Investment Act Regulations*; direct final rule (DFR) (herein, *Rescission DFR*), WIA was repealed by WIOA. In the Notice of Proposed Rulemaking for the WIOA regulations (80 FR 20690), the Department discussed the major changes in the WIOA regulations from

the WIA regulations in III. B. of the background section. The public was invited to comment on the proposed WIOA regulations during a 60-day comment period. To assist the public with understanding the changes from WIA to WIOA, the WIOA final rule (81 FR 56072) contained a crosswalk of WIA and WIOA regulations by subject matter in Table 1, allowing users to clearly see which part of the WIOA regulations correspond with which part of the WIA regulations.

As the WIOA final rule is contained in the **Federal Register**, the regulatory history of WIA and WIOA is already preserved. The CFR is not the appropriate venue for maintaining outdated regulations for a repealed law. The commenter suggested that these regulations must be preserved in the CFR for oversight, program equity, and accountability, but did not state why the current CFR is the appropriate venue for maintaining regulations that are no longer in effect. As noted above, the foundation for the current WIOA regulations is well captured in other documents, including the WIOA final rule.

The commenter stated that WIA continues to have bearing on litigation, audits, performance monitoring, and congressional oversight, but did not specify any current litigation, audits, performance monitoring, or congressional oversight that references the WIA regulations. The Department is unaware of any instance in which the WIA regulations are currently applicable. Finally, the commenter discussed the need for the public to be able to comment on the rescission of the WIA regulations. In addition to the 60-day comment period in 2015 associated with the promulgation of the WIOA regulations, the *Rescission DFR* provided 30-days for the public to provide substantive, significant adverse comments in opposition to the removal of the WIA regulations. This commenter availed themselves of the opportunity to comment during the open comment period to provide input on the rescission.

A significant adverse comment² is one which explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or why it would be ineffective or unacceptable without a change. This comment is not a significant adverse

comment as it does not indicate a reason why removing these regulations from the CFR would be inappropriate or how removal would have consequences for the administration of Departmental programs. Therefore, the direct final rule will become effective as scheduled.

Susan Frazier,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2025–16771 Filed 8–29–25; 8:45 am]

BILLING CODE 4510-FN-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2023–0509; FRL–11651–04–OAR]

RIN 2060–AW56

National Emission Standards for Hazardous Air Pollutants for the Polyether Polyols Production Industry: Removal of Affirmative Defense

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is finalizing amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Polyether Polyols (PEPO) Production under the Clean Air Act (CAA). Specifically, for this NESHAP, the EPA is finalizing the removal of affirmative defense provisions associated with the violation of air emission standards due to malfunctions.

DATES: This final rule is effective on September 2, 2025.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2023–0509. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only as pdf versions that can only be accessed on the EPA computers in the docket office reading room. Certain databases and physical items cannot be downloaded from the docket but may be requested by contacting the docket office at (202) 566–1744. The docket office has up to 10 business days to respond to these requests. Except for such material, publicly available docket

¹ CFR Title 20 Pts. 657–END, <https://bookstore.gpo.gov/products/cfr-title-20-pts-657-end-code-federal-regulations-2024>. Accessed July 31, 2025.

² Administrative Conference of the United States, “Procedures for Noncontroversial and Expedited Rulemaking”, Recommendation by the Committee on Regulation, January 15, 1995. Accessed on August 1, 2025, at: <https://www.acus.gov/document/procedures-noncontroversial-and-expedited-rulemaking>.

materials are available electronically on *Regulations.gov* or on the EPA computers in the docket office reading room at the EPA Docket Center, WJC West Building, Room Number 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m. Eastern Standard Time (EST), Monday through Friday. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the EPA Docket Center is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: For questions about this action, contact U.S. EPA, Attn. Dr. Michelle Bergin, Sector Policies and Programs Division (Mail Code D205–01), P.O. Box 12055, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency 109 T.W. Alexander Drive, P.O. Box 12055, RTP, North Carolina 27711; telephone number: (919) 541–2726; email address: bergin.michelle@epa.gov.

SUPPLEMENTARY INFORMATION:

Preamble acronyms and abbreviations. Throughout this document the use of “we,” “us,” or “our” is intended to refer to the EPA. We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

CAA Clean Air Act
 CBI Confidential Business Information
 CFR Code of Federal Regulations
 CRA Congressional Review Act
 D.C. Circuit United State Court of Appeals for the District of Columbia Circuit
 EPA Environmental Protection Agency
 NAICS North American Industry Classification System
 NRDC Natural Resources Defense Council
 NTTAA National Technology Transfer and Advancement Act
 NESHAP National Emission Standards for Hazardous Air Pollutants
 NSPS New Source Performance Standards
 PRA Paperwork Reduction Act
 PEPO Polyether Polyols
 RFA Regulatory Flexibility Act
 SSM Startup, Shutdown, and Malfunction
 UMRA Unfunded Mandates Reform Act

Table of Contents

I. General Information
 A. Does this action apply to me?
 B. Where can I get a copy of this document and other related information?
 C. Judicial and Administrative Review
 II. Background
 III. What action is the EPA finalizing?
 IV. Response to Comments
 V. Summary of Cost, Environmental, and Economic Impacts
 VI. Statutory and Executive Order Reviews
 A. Executive Order 12866: Regulatory Planning and Review and Executive

- Order 13563: Improving Regulation and Regulatory Review
 B. Executive Order 14192: Unleashing Prosperity Through Deregulation
 C. Paperwork Reduction Act (PRA)
 D. Regulatory Flexibility Act (RFA)
 E. Unfunded Mandates Reform Act (UMRA)
 F. Executive Order 13132: Federalism
 G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
 H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
 I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
 J. National Technology Transfer and Advancement Act (NTTAA) and 1 CFR Part 51
 K. Congressional Review Act (CRA)

I. General Information

A. Does this action apply to me?

This final rule is applicable to facilities subject to the NESHAP for PEPO Production source category (referred to as the “PEPO NESHAP” in this document). Facilities associated with this rule are often referred to as “PEPO facilities.” There are approximately 23 PEPO facilities in the United States, largely in the eastern half of the nation. The North American Industry Classification System (NAICS) code for PEPO facilities is 325199 (All Other Basic Organic Chemical Manufacturing). This NAICS code does not preclude the applicability of this rule to other sources but rather provides a guide for readers regarding the entities that this action is likely to affect. To determine whether this action applies to your facility, you should examine the applicability criteria in the regulations. This final rule does not impact the Federal Government or state, local or Tribal governments. If you have any questions regarding the applicability of this action to a particular entity, please contact your Regional EPA office or the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

B. Where can I get a copy of this document and other related information?

In addition to being available in the docket (Docket ID No. EPA–HQ–OAR–2023–0509), an electronic copy of this final action is available on the internet at <https://www.epa.gov/stationary-sources-air-pollution/polyether-polyols-production-national-emission-standards-hazardous>. Following publication in the **Federal Register**, the EPA will post the **Federal Register** version of this action and of key related documents at this same website.

C. Judicial and Administrative Review

Under CAA section 307(b)(1), judicial review of this final rule is available only by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit by November 3, 2025. Under CAA section 307(b)(2), the requirements established by this final rule may not be challenged separately in any civil or criminal proceedings brought by the EPA to enforce the requirements.

CAA section 307(d)(7)(B) further provides that “[o]nly an objection to a rule or procedure which was raised with reasonable specificity during the period for public comment (including any public hearing) may be raised during judicial review.” This section provides a mechanism for the EPA to convene a proceeding for reconsideration “[i]f the person raising an objection can demonstrate to the EPA that it was impracticable to raise such objection within [the period for public comment] or if the grounds for such objection arose after the period for public comment, (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule.” Any person seeking to make such a demonstration should submit a Petition for Reconsideration to the Office of the Administrator, U.S. Environmental Protection Agency, Room 3000, WJC South Building, 1200 Pennsylvania Ave. NW, Washington, DC 20460, with a copy to both the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section, and the Associate General Counsel for the Air and Radiation Law Office, Office of General Counsel (Mail Code 2344A), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

II. Background

In *Sierra Club v. EPA*, 551 F.3d 1019 (D.C. Cir. 2008), the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) vacated portions of two provisions exempting the emissions of hazardous air pollutants during periods of Startup, Shutdown, and Malfunction (SSM) in the EPA’s CAA section 112 General Provisions regulations (40 CFR part 63, subpart A). The D.C. Circuit held that CAA section 302(k) requires emissions standards or limitations to be continuous in nature and that the SSM exemption from otherwise applicable CAA section 112 standards violated this requirement. To address the court’s decision, the EPA began amending SSM provisions in various rules, starting in 2010 with the Portland Cement Manufacturing

NESHAP (75 FR 54970, September 9, 2010; 40 CFR part 63, subpart LLL).

In that action, the EPA responded to comments on malfunctions by adding an affirmative defense to civil penalties for when the event that causes an exceedance of an applicable standard meets the narrow regulatory definition of “malfunction.” Specifically, the EPA has long defined malfunctions in its General Provisions regulation for CAA section 112 as a “sudden, infrequent, and not reasonably preventable failure of air pollution control and monitoring equipment, process equipment, or a process to operate in a normal or usual manner which causes, or has the potential to cause, the emission limitations in an applicable standard to be exceeded. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.”¹

Under the EPA’s affirmative defense provisions, if a source could demonstrate in a judicial or administrative proceeding that it had met the requirements of the affirmative defense in the regulation, civil penalties would not be assessed. Although the EPA recognized that its case-by-case enforcement discretion provided flexibility to address circumstances in which malfunction events resulted in non-compliance with any applicable standards, it included the affirmative defense in some rules to provide a more formalized approach to malfunctions (e.g., 79 FR 1676, 1712, January 9, 2014).²

With respect to the PEPO NESHAP, the EPA established affirmative defense provisions in 2014 at 40 CFR 63.1420(i).³ However, in *NRDC v. EPA*, 749 F.3d 1055 (D.C. Cir., 2014), the D.C. Circuit soon thereafter vacated the portion of the EPA’s CAA section 112 regulation pertaining to the affirmative defense in the Portland Cement Manufacturing NESHAP. The court found that the EPA lacked authority to establish an affirmative defense for private civil suits and held that CAA section 304(a) vests the authority over private suits exclusively with the courts, not the EPA. *Id.* at 1063.

Since the *NRDC* decision, the EPA has been removing affirmative defense provisions from CAA section 112 rules, as well as from section 111 (New Source

Performance Standards) and section 129 (Solid Waste Combustion) rules.⁴ In this rule, the EPA is finalizing, as proposed, the removal of affirmative defense provisions from the PEPO NESHAP (40 CFR part 63 subpart PPP). The removal of the affirmative provisions from the PEPO NESHAP was proposed along with removal of affirmative defense from 17 other rules (89 FR 52425, June 24, 2024). This final action removes affirmative defense provisions only from the PEPO NESHAP and does not take final action on any of the other regulatory changes set out in the proposal.

As indicated in the previous actions removing affirmative defense provisions and in the proposed rulemaking, the EPA will continue to evaluate possible violations on a case-by-case basis and determine whether an enforcement action is appropriate. If the EPA determines that bringing an enforcement action under CAA section 113(d)(2)(B) against a source for a violation of an emission standard is warranted, the source can raise all defenses available under the law, and the Federal district court will determine what, if any, relief is appropriate. The presiding officer in an administrative proceeding can also consider any defense raised and determine whether administrative penalties are appropriate.⁵ Similarly, as the D.C. Circuit recognized in *NRDC*, in a citizen enforcement action brought under CAA section 304(a), the reviewing court has the discretion to consider any defense raised when determining whether penalties are appropriate. *Cf.* 749 F.3d at 1064.

III. What action is the EPA finalizing?

The EPA is finalizing the removal of affirmative defense provisions from the PEPO NESHAP (40 CFR part 63 subpart PPP). This action on the PEPO NESHAP

⁴For example, see “Removal of Affirmative Defense Provisions From the NESHAP for the Oil and Natural Gas Production Facility and Natural Gas Transmission and Storage Facility Source Categories” (89 FR 84291, October 22, 2024); “National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters” (80 FR 72789, September 20, 2015); and “National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers” (81 FR 63112, September 14, 2016).

⁵Although the *NRDC* case does not address the EPA’s authority to establish an affirmative defense to penalties that are available in administrative enforcement actions, we did not include such an affirmative defense for the rule addressed by this action. As explained, such an affirmative defense is not necessary. Moreover, assessment of penalties for violations caused by malfunctions in administrative proceedings and judicial proceedings should be consistent. *Cf.* CAA section 113(e) (requiring both the Administrator and the court to take specified criteria into account when assessing penalties).

is under a consent decree to be finalized by September 10, 2025.⁶ These provisions imply legal authority that the D.C. Circuit has stated the EPA does not have.

On June 24, 2024, the EPA proposed to remove the affirmative defense provisions in 40 CFR part 63 subpart PPP and from 17 other rules, each codified under either 40 CFR part 60 or part 63 (NSPS and NESHAP, respectively).⁷ In this action, the EPA is finalizing only the removal of affirmative defense provisions from the PEPO NESHAP to comply with the terms of the consent decree noted above, which applies only to the PEPO NESHAP provisions. We are not taking final action on any of the other proposed amendments and are not withdrawing or determining not to finalize the remainder of the proposed amendments. Rather, we are finalizing the proposed rule in relevant part and intend to, at an appropriate future date, take final action on the remainder of the proposal. *See, e.g., Las Vegas v. Lujan*, 891 F.2d 927, 935 (D.C. Cir. 1989) (“agencies have great discretion to treat a problem partially”); *Nat’l Ass’n of Broads. v. FCC*, 740 F.2d 1190, 1210 (D.C. Cir. 1984) (recognizing the “reasonableness” of agency “decision to engage in incremental rulemaking”).

IV. Response to Comments

The EPA received five substantive comment submissions on the proposal (89 FR 52425, June 24, 2024), which addressed 18 rules. The following section provides a summary of comments relevant to the removal of affirmative defense provisions for the PEPO NESHAP (40 CFR part 63 subpart PPP), including general comments that apply to multiple aspects of the proposed rulemaking and the PEPO NESHAP, and the EPA responses thereto. The EPA has reviewed all comments received and will respond to any additional comments as appropriate when taking final action on the remaining aspects of the proposed rule.

Comment: One commenter requested that, before eliminating the malfunction affirmative defense, the EPA review each regulation and adopt appropriate work practice standards. Per the commenter, this approach would provide the relevant source category a compliance option during situations

⁶On November 22, 2024, the U.S. District Court for the District of Columbia entered a consent decree in *Louisiana Environmental Action Network, et al. v. Regan*, Case No. 1:23-cv-2714 establishing a deadline for action on the affirmative defense provision in the PEPO NESHAP. This deadline was subsequently extended to September 10, 2025.

⁷See 89 FR 52425, June 24, 2024.

¹See 40 CFR 63.2.

²See also *Weyerhaeuser Co. v. Costle*, 590 F.2d 1011, 1057–58 (D.C. Cir. 1978) (holding that an informal case-by-case enforcement discretion approach is adequate); but see *Marathon Oil Co. v. EPA*, 564 F.2d 1253, 1272–73 (9th Cir. 1977) (requiring a more formalized approach to consideration of “upsets beyond the control of the permit holder”).

³See 79 FR 17340 (March 27, 2014).

when “it is technically impossible to properly operate” some required pollution control techniques during “unpredicted and reasonably unavoidable failures of air pollution control systems.” Per the commenter, the EPA must methodically and diligently examine relevant data and information before articulating an explanation for its final decision as part of its periodic reviews for NESHAP standards and updates to NSPS standards.

Response: The EPA disagrees with the commenter’s assertion that it must adopt work practice standards before removing affirmative defense provisions.

In 2014, the EPA finalized the residual risk and technology review for the PEPO NESHAP.⁸ In that rule, the EPA eliminated the SSM exemptions in the PEPO NESHAP and required that the applicable standards always apply, including during periods of SSM. In establishing these standards for the PEPO NESHAP, the EPA considered startup and shutdown periods, and for the reasons explained in the 2014 rule it did not establish alternate standards for these periods.

In addition, the EPA took the position in the 2014 rule that the Agency is not required to take malfunctions into account in setting applicable standards or to devise separate standards that apply specifically to malfunction-caused emissions.⁹ The EPA determined that CAA section 112 does not require emissions that occur during periods of malfunction to be factored into development of CAA section 112 standards. This reading was upheld as reasonable in *U.S. Sugar Corp. v. EPA*, 830 F.3d 579, 606–610 (D.C. Cir. 2016).¹⁰

Finally, commenters did not provide the EPA with any data or specific information for the PEPO NESHAP to support their comments or give any indication that there are unaddressed circumstances for the PEPO NESHAP that would be impacted by removal of the affirmative defense provisions. The EPA retains the discretion to take into consideration any unique operating conditions at a particular source or pertinent data in the context of future reviews or of an enforcement investigation and action under CAA section 113.

Comment: Some commenters stated that “[t]he legal basis for concluding EPA must remove the affirmative defense from all regulations that contain it is even stronger than EPA’s proposal makes it seem,” referring to *Environmental Committee of the Florida Electric Power Coordinating Group v. EPA*, 94 F.4th 77 (D.C. Cir. 2024). Environmental organizations comment that the decision “expressly addresses affirmative defenses against civil penalties, unanimously holding that such defenses are illegal both in state implementation plans and in ‘EPA-created rules.’” *Id.* at 115–16. The commenter further stated that “*Environmental Committee* thus confirms no affirmative defense against civil penalties can continue in any EPA-issued or approved air pollution regulation.” Thus, according to the commenter, the D.C. Circuit reaffirmed its earlier *NRDC* decision.

Response: Although the D.C. Circuit’s decision in *Environmental Committee* was largely premised on certain language in CAA section 110(a)(2)(A) rather than the relevant language in CAA section 112, the EPA agrees that the decision supports this final action. In *Environmental Committee*, the D.C. Circuit upheld the EPA’s action requiring states to remove certain affirmative defenses from their State Implementation Plans. These affirmative defenses precluded certain remedies in judicial actions against sources that violated emissions limits. The court held that because CAA sections 304(a) and 113(b) authorize citizens and the EPA to seek injunctive relief and monetary penalties against sources that violate emission limits, such an affirmative defense would “block that aspect of the Act’s [CAA] enforcement regime.” 94 F.4th at 89. This holding supports the EPA’s decision to remove affirmative defenses against civil penalties from CAA section 112 rules.

Comment: One commenter noted that, when affirmative defenses were added, the EPA provided a reasoned justification for including affirmative defenses in the rules. As an example, the commenter quoted language included in the preamble of a 2012 rule: “[T]he EPA recognizes that even equipment that is properly designed and maintained can sometimes fail and that such failure can sometimes cause a violation of the relevant emission standard. The EPA is therefore finalizing an affirmative defense to civil penalties for violations of emission standards that are caused by malfunctions.”¹¹ The commenter

further quoted: “The EPA proposed and is now finalizing an affirmative defense in this rule in an attempt to balance a tension, inherent in many types of air regulations, to ensure adequate compliance while simultaneously recognizing that despite the most diligent of efforts, emission standards may be violated under circumstances beyond the control of the source.”¹²

Response: The EPA acknowledges that affirmative defense provisions were added when exemptions to emissions released during malfunction were not included in the revised standards. The commenter accurately states the rationale at the time of that 2012 final rule in the language quoted above. However, the D.C. Circuit subsequently found in the 2014 *NRDC* decision that the EPA lacks the authority to provide this affirmative defense to civil penalties. There is no change to the fact that emission standards must apply during malfunction, in accordance with the D.C. Circuit’s 2008 decision in *Sierra Club*. The EPA still retains enforcement authority for case-by-case consideration of emission standard deviations. If the EPA determines that bringing an enforcement action under CAA section 113(d)(2)(B) against a source for a violation of an emission standard is warranted, the source can raise all legal defenses in response, and the Federal district court will determine what, if any, relief is appropriate.

Comment: One commenter submitted a discussion of some aspects of a source’s operation, that by nature cause variability in emissions. The commenter expressed concern that this “[p]roposed Rule could have a chilling effect on state provisions put in place to delineate emissions from SSM conditions from steady-state emissions.” Another commenter “advocates for a work practice standard approach that would apply during SSM events, in lieu of striking SSM exclusions and affirmative defenses.”

Response: The EPA disagrees that this final rule could have an impact on state provisions to delineate emissions from SSM conditions from steady-state operation. This action does not impact or change the applicable standards in the PEPO NESHAP. This action only removes the affirmative defense provision pursuant to the D.C. Circuit’s decision in *NRDC*. As explained earlier in this preamble, the EPA has already removed SSM exemptions from the PEPO NESHAP, with the appropriate evaluation, proposal, and comment period, when it provided emission standards that always apply. Emission

⁸ See 79 FR 17340, March 27, 2014.

⁹ See 79 FR 17355, March 27, 2014.

¹⁰ See 79 FR 17355, March 27, 2014, in *U.S. Sugar Corp.* “[CAA section 112] language permits the EPA to ignore malfunctions in its standard-setting and account for them instead through its regulatory discretion”.

¹¹ See 77 FR 48433, 48436 (August 14, 2012).

¹² *Id.*

standards during periods of SSM previously addressed in that final rule are outside of the scope of this action.

Comment: Some commenters, in support of the proposal, disagreed with the EPA's statements regarding the rule's estimated lack of air quality impacts and benefits. The commenters agreed instead with statements the EPA included in the preamble of a 2023 proposed rule that ". . . [r]emoving loopholes from air quality regulations takes away exemptions and defenses from liability that polluters routinely invoke when they violate emission standards, and thus removal of such loopholes makes standards easier to enforce," and that "[a]s a result of the removal, polluters have greater incentives to minimize excess emissions, and pollution levels should drop, benefiting air quality, the environment, and human health."¹³

Response: The EPA disagrees that its statements regarding this rulemaking's implications conflict with prior EPA statements noted by the commenter. The quotation provided by the commenter was made in the context of a CAA section 110 proposed rulemaking considering different kinds of SSM provisions with varying scope and effect, rather than solely the affirmative defenses against the specific relief at issue here. As noted earlier in this preamble, the EPA has already removed SSM exemptions for the PEPO NESHAP in a previous final rule. This action does not impact or change the applicable standards in the PEPO NESHAP, but rather removes the affirmative defense provision pursuant to the D.C. Circuit's decision in *NRDC*. Whereas removing SSM exemptions may be expected to reduce certain emissions during SSM periods, this action to simply remove affirmative defense provisions from the PEPO NESHAP is not expected to reduce emissions because affirmative defense provisions were not included in the rule to excuse the sources from complying with applicable emission standards.

Comment: Some commenters stated that the proposed rulemaking overlooks cost impacts. For example, one commenter stated that the EPA should consider the costs that will result should the EPA remove relief for SSM events, such as affirmative defenses. The commenter stated: "If SSM emissions are not delineated, then notices of violation and enforcement activities are likely to increase for utilities. Implementing agencies will not be armed with information to discern the reasons behind elevated emissions

during a SSM event. Financial impacts on sources subject to enforcement are evident. Companies must contend with direct State and Federal civil penalties, as well as the loss of enforcement discounts for first-time offenders."

Response: The EPA disagrees with the commenter that we overlooked the cost impacts of removing the affirmative defense provisions. This action does not impact or change the applicable standards in the PEPO NESHAP or the recordkeeping and reporting requirements associated with such standards. This action only removes the affirmative defense provisions in 40 CFR 63.1420(i) pursuant to the D.C. Circuit's decision in *NRDC*. When the EPA originally promulgated the affirmative defense provisions in the PEPO NESHAP, the EPA estimated a small administrative burden (not savings) of \$1,584 annual cost, noting that "these costs are only incurred if there has been a violation and a source chooses to take advantage of the affirmative defense."¹⁴ However, the removal of the affirmative defense provisions does not likely affect that burden because the EPA expects that sources will continue to collect similar information to comply with the recordkeeping requirements in 40 CFR 63.1439(b)(1).

Finally, the rulemaking does not impact notices of violation or enforcement activities. If the EPA determines that bringing an enforcement action under CAA section 113(d)(2)(B) against a source for a violation of an emission standard is warranted, the source can raise any and all legal defenses in response, and the Federal district court will determine what, if any, relief is appropriate. The presiding officer in an administrative proceeding can also consider any defense raised and determine whether administrative penalties are appropriate. Similarly, as the D.C. Circuit recognized in *NRDC* and *Environmental Committee*, in a citizen enforcement action brought under CAA section 304(a), the reviewing court has the discretion to consider any defense raised when determining whether penalties are appropriate.

V. Summary of Cost, Environmental, and Economic Impacts

There are no air quality or cost impacts associated with the amendments we are finalizing and, therefore, there are no economic impacts. The affirmative defense removal does not affect the stringency of or compliance requirements of the PEPO

NESHAP. The removal of the affirmative defense provisions does not have a material impact on the obligation for sources to comply with their respective standards, or on the ability of Federal or State agencies to enforce such standards. When the EPA originally promulgated the affirmative defense provisions in the PEPO NESHAP, the EPA estimated a small administrative burden for reporting deviations from standards that a result from malfunctions which included the option for an owner or operator to offer an affirmative defense. The removal of the affirmative defense provisions does not affect that small administrative burden because the EPA expects that sources will continue to comply with the recordkeeping requirements in 40 CFR 63.1439(b)(1). In addition, sources will continue to report required information regarding malfunctions that result in a failure to meet applicable standards.

VI. Statutory and Executive Order Reviews

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

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

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

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

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

C. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection activities contained in the existing regulations. The removal of provisions for affirmative defense does not change any mandatory recordkeeping, reporting, or other activity previously established under prior final rules.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the EPA concludes that the impact of concern for this rule is any significant adverse economic impact on small entities and that the agency is

¹³ 88 FR 11842, 11863 (February 24, 2023).

¹⁴ 79 FR 17361, March 27, 2014.

certifying that this rule will not have a significant economic impact on a substantial number of small entities because the rule has no net burden on the small entities subject to the rule. The removal of the affirmative defense provisions does not have a material impact on the obligation for sources to comply with their respective standards, or on the ability of Federal or state agencies to enforce such standards.

When the EPA originally promulgated the affirmative defense provisions in the PEPO NESHAP, the EPA estimated a small administrative burden (less than \$2,000 annually). The estimate of this burden was described as illustrative because “these costs are only incurred if there has been a violation and a source chooses to take advantage of the affirmative defense.” See 79 FR 17361 (March 27, 2014). The removal of the affirmative defense provisions does not affect that small administrative burden because the EPA expects that sources will continue to collect similar information to comply with the malfunction recordkeeping requirements in 40 CFR 63.1439(b)(1) and to defend any compliance actions against a source. We have therefore concluded that this action will have no net regulatory burden for all directly regulated small entities.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local or Tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have Tribal implications as specified in Executive Order 13175. It will not have substantial direct effects on Tribal governments, 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, as specified in Executive Order 13175.

Thus, Executive Order 13175 does not apply to this action.

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive Order. Therefore, this action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk. Since this action does not concern human health, the EPA’s Policy on Children’s Health also does not apply.

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

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

J. National Technology Transfer and Advancement Act (NTTAA) and 1 CFR Part 51

This rule does not involve technical standards.

K. Congressional Review Act (CRA)

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

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedures, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Lee Zeldin,
Administrator.

For the reasons stated in the preamble, the Environmental Protection Agency amends part 63 of title 40, chapter I, of the Code of Federal Regulations as follows:

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

■ 1. The authority citation for part 63 continues to read as follows:

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

Subpart PPP—National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production

§ 63.1420 [Amended]

■ 2. Amend § 63.1420 by removing paragraph (i).

§ 63.1423 [Amended]

■ 3. In § 63.1423, amend paragraph (b) by removing the definition of “Affirmative defense.”

[FR Doc. 2025–16744 Filed 8–29–25; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3830

[Docket No. BLM–2025–0006; A2407–014–004–065516; #02412–014–004–047181.1]

RIN 1004–AF34

Rescission of Regulations Regarding Plans of Operations for Mining Claims

AGENCY: Bureau of Land Management, Interior.

ACTION: Direct final rule; withdrawal.

SUMMARY: The Bureau of Land Management is withdrawing a duplicate direct final rule regarding regulations that address Mining Claims Under the General Mining Laws—Surface Management—Operations Conducted Under Plans of Operations—Does this subpart apply to my existing or pending plan of operations? which published on July 17, 2025.

DATES: As of September 2, 2025, the direct final rule published at 90 FR 33318 on July 17, 2025, is withdrawn.

FOR FURTHER INFORMATION CONTACT: Kirk Rentmeister, National Mining Law Program Lead, telephone: 775–435–5514; email: krentmei@blm.gov.

Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

For a summary of the final rule, please see the abstract description of the document in Docket Number BLM–2025–0006 on www.regulations.gov.

SUPPLEMENTARY INFORMATION: BLM is withdrawing FR Doc. 2025–13396, “Rescission of Regulations Regarding

Plans of Operations for Mining Claims,” published at 90 FR 33318 on July 17, 2025. The document is a duplicate of FR Doc. 2025–13399 which published at 90 FR 33316 on July 17, 2025.

Adam G. Suess,

Acting Assistant Secretary, Land and Minerals Management.

[FR Doc. 2025–16756 Filed 8–29–25; 8:45 am]

BILLING CODE 4331–29–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3830

[Docket No. BLM–2025–0204; A2407–014–004–065516; #O2412–014–004–047181.1]

RIN 1004–AF48

Revisions to Regulations Regarding Locating, Recording, and Maintaining Mining Claims or Sites—Failure To Comply

AGENCY: Bureau of Land Management, Interior.

ACTION: Direct final rule; request for comments.

SUMMARY: This direct final rule (DFR) revises regulations containing general provisions related to failure to comply with the regulations governing requirements for locating, recording, and maintaining mining claims or sites under the Mining Law of 1872, and the Federal Land Policy and Management Act of 1976 (FLPMA). This DFR updates terminology, clarifies language, and removes obsolete provisions.

DATES: The final rule is effective November 3, 2025, unless significant adverse comments are received by October 2, 2025. If significant adverse comments are received, notice will be published in the **Federal Register** before the effective date either withdrawing the rule or issuing a new final rule that responds to any significant adverse comments.

ADDRESSES: You may submit comments by one of the following methods:

Federal eRulemaking Portal: <https://www.regulations.gov>. In the Search box, enter the Docket Number “BLM–2025–0204” and click the “Search” button. Follow the instructions at this website.

• *Mail, personal, or messenger delivery:* U.S. Department of the Interior (Department), Director (630), Bureau of Land Management (BLM), 1849 C St. NW, Room 5646, Washington, DC 20240, Attention: 1004–AF48.

FOR FURTHER INFORMATION CONTACT: Kirk Rentmeister, National Mining Law

Program Lead, telephone: 775–435–5514; email: krentmei@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 Department’s regulations governing failure to comply with regulations implementing the requirements of the Mining Law, 30 U.S.C. 22–54, and FLPMA, 43 U.S.C. 1744, are contained in 43 CFR part 3830, subpart E, “Failure To Comply With These Regulations.” Section 3830.91 describes what happens when a mining claimant fails to timely comply with the requirements for locating, recording, and maintaining mining claims, millsites, and tunnel sites. Section 3830.92 provides special provisions for oil placer mining claims. Section 3830.93 describes when filing defects are curable. Section 3830.94 describes how to cure defects in filing. Sections 3830.95, 3830.96, and 3830.97 address what happens if only a partial payment is made for newly located mining claims, previously recorded mining claims, and notices of intent to locate mining claims and sites on Stockraising Homestead Act lands, respectively.

The Department notes that several of the sections in subpart E contain the term “service charge,” rather than the current term of “processing fee.” Because the “service charge” terminology is obsolete, the Department is revising these regulations to conform to current terminology and simplify the remaining wording. The Department has similarly determined that the heading of § 3830.96 should be revised due to obsolescence resulting from the fact that there are no longer any oil shale placer mining claims in the BLM’s records. The references to “oil shale fees” in the heading and paragraphs (a) and (b) of this regulation will be removed for the same reason.

The DFR also corrects inadvertent omissions and erroneous information, such as an omission of a cross reference to subpart 3715 from § 3830.91(c)(1); an erroneous date in § 3830.92(a)(3); an incorrect cross reference in § 3830.93(a); an omission of the timeliness requirement and the type of fee waiver described in paragraphs (b) and (c) of § 3830.94; and an omission of a reference to tunnel sites in § 3830.97. Additionally, the DFR also adds cross-

references for the convenience of the public, such as in §§ 3830.92(b), 3830.93(b), 3830.96, and 3830.97.

Lastly, the DFR makes various changes necessary to clarify and conform the regulations in subpart E to subsequently promulgated regulations and to the Department’s current interpretations regarding the filing requirements related to locating, recording, and maintaining mining claims and sites. For example, the changes to §§ 3830.95 and 3830.96 clarify that the BLM does not consider a document to be “filed” for purposes of complying with any statutory or regulatory deadline if the document is not accompanied by the proper processing fee. In making these changes to §§ 3830.95 and 3830.96, the DFR brings subpart E into conformance with the Department’s cost recovery regulations at 43 CFR 3000.10 that were promulgated in 2005 and eliminates any confusion about whether failure to pay insufficient processing fees may be “cured” if the deadline for filing the document has passed. Additionally, the changes to § 3830.96 clarify how the partial payment regulation will be applied in years when there is a maintenance fee increase, and specify that underpayments remaining after the BLM applies the procedures at § 3835.23 are not subject to § 3830.96.

The Department has determined that these reasons, independently and alone, justify revision of 43 CFR part 3830, subpart E. The Department has no interest in maintaining regulations that are obsolete or unclear.

The Department is issuing this rule as a direct final rule. Although the Administrative Procedure Act (APA, 5 U.S.C. 551 through 559) generally requires agencies to engage in notice and comment rulemaking, section 553 of the APA provides an exception when the agency “for good cause finds” that notice and comment are “impracticable, unnecessary, or contrary to the public interest.” *Id.* 553(b)(B). The Department has determined that notice and comment are unnecessary because this rule is noncontroversial; of a minor, technical nature; involves little agency discretion; and is unlikely to receive any significant adverse comments. Significant adverse comments are those that oppose the revision of the rule and raise, alone or in combination, (1) reasons why the revision of the rule is inappropriate, including challenges to the revision’s underlying premise; or (2) serious unintended consequences of the revision. A comment recommending an addition to the rule will not be considered significant and adverse unless the comment explains how this

direct final rule would be ineffective without the addition.

Procedural Matters

Executive Order (E.O.) 12866—Regulatory Planning and Review and E.O. 13563—Improving Regulation and Regulatory Review

E.O. 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB) will review all significant rules. OIRA has determined that this rule is not significant.

E.O. 13563 reaffirms the principles of E.O. 12866, while calling for improvements in the Nation's regulatory system to promote predictability, reduce uncertainty, and use the best, most innovative, and least burdensome tools for achieving regulatory ends. E.O. 13563 directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that agencies must base regulations on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. The Department developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA, 5 U.S.C. 601 through 612) requires an agency to prepare a regulatory flexibility analysis for all rules unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The RFA applies only to rules for which an agency is required to first publish a proposed rule. See 5 U.S.C. 603(a) and 604(a). As the Department is not required to publish a notice of proposed rulemaking for this direct final rule, the RFA does not apply.

Congressional Review Act

This rule is not a major rule under the Congressional Review Act, 5 U.S.C. 804(2). Specifically, the direct final rule: (a) will not have an annual effect on the economy of \$100 million or more; (b) will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (c) will not have 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.

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. The rule merely updates terminology, clarifies language, and removes obsolete provisions. Therefore, a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

E.O. 12630—Governmental Actions and Interference With Constitutionally Protected Property Rights

This rule does not result in a taking of private property or otherwise have regulatory takings implications under E.O. 12630. The rule updates terminology, clarifies language, and removes obsolete provisions; therefore, the rule will not result in private property being taken for public use without just compensation. A takings implication assessment is therefore not required.

E.O. 13132—Federalism

Under the criteria of section 1 of E.O. 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. A federalism summary impact statement is not required.

E.O. 12988—Civil Justice Reform

This direct final rule complies with the requirements of E.O. 12988. Among other things, this rule:

- (a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation;
- (b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

E.O. 13175—Consultation and Coordination With Indian Tribal Governments

The Department strives to strengthen its government-to-government relationship with Indian tribes through

a commitment to consultation with Tribes and recognition of their right to self-governance and Tribal sovereignty. The Department evaluated this direct final rule under E.O. 13175 and the Department's consultation policies and determined that it has no substantial, direct effects on federally recognized Indian tribes and that consultation under the Department's Tribal consultation policies is not required. The rule merely updates terminology, clarifies language, and removes obsolete provisions.

Paperwork Reduction Act

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

National Environmental Policy Act

This direct final rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) is not required because this rule is covered by a categorical exclusion applicable to regulatory functions "that are of an administrative, financial, legal, technical, or procedural nature." 43 CFR 46.210(i). In addition, the Department has determined that this rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA.

E.O. 13211—Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This direct final rule is not a significant energy action as defined in E.O. 13211. Therefore, a statement of energy effects is not required.

List of Subjects in 43 CFR Part 3830

Mineral royalties, Mines, Public lands—mineral resources, Reporting and recordkeeping requirements.

Adam G. Suess,

Acting Assistant Secretary, Land and Minerals Management.

For the reasons stated in the preamble, the Bureau of Land Management amends 43 CFR part 3830 as follows:

PART 3830—LOCATING, RECORDING, AND MAINTAINING MINING CLAIMS OR SITES; GENERAL PROVISIONS

■ 1. The authority citation for part 3830 is revised to read as follows:

Authority: 18 U.S.C. 1001, 3571; 30 U.S.C. 22 *et seq.*, 242, 611; 31 U.S.C. 9701; 43 U.S.C. 2, 1201, 1212, 1457, 1474, 1701 *et seq.*; 44 U.S.C. 3501 *et seq.*; 115 Stat. 414; 125 Stat. 786.

Subpart E—Failure To Comply With These Regulations

■ 2. Amend § 3830.91 by revising paragraph (c)(1) to read as follows:

§ 3830.91 What happens if I fail to comply with these regulations?

* * * * *

(c) * * *

(1) All reclamation and performance requirements imposed by subparts 3715, 3802, 3809, or 3814 of this chapter; and

* * * * *

■ 3. Revise § 3830.92 to read as follows:

§ 3830.92 What special provisions apply to oil placer mining claims?

(a) Under 30 U.S.C. 188(f), you, as an oil placer mining claimant, may seek to convert an oil placer mining claim to a noncompetitive oil and gas lease under section 17(e) of the Mineral Leasing Act (30 U.S.C. 226(e)), if:

(1) The BLM declared your oil placer mining claim abandoned and void under section 314 of FLPMA;

(2) Your failure to comply with section 314 of FLPMA was inadvertent, justifiable, or not due to lack of reasonable diligence;

(3) You or your predecessors in interest validly located the unpatented oil placer mining claim before February 24, 1920;

(4) The claim has been or is currently producing or is capable of producing oil or gas; and

(5) You have submitted a petition asking the BLM to issue a noncompetitive oil and gas lease. Your petition must include the required rental and royalty payments, including back rental and royalty accruing from the statutory date of abandonment of the oil placer mining claim.

(b) If the BLM chooses to issue a noncompetitive oil and gas lease, the lease will be effective from the statutory date the claim was deemed conclusively abandoned. See 43 CFR 3108.2–4 Conversion of unpatented oil placer mining claims: Class III reinstatements.

■ 4. Revise § 3830.93 to read as follows:

§ 3830.93 When are defects curable?

(a) If there is a defect in your compliance with a statutory

requirement, the defect is incurable if the statute does not give the Secretary authority to permit exceptions (*see* § 3830.91(a) and (b) of this chapter). If your payment, recording, or filing has incurable defects, the affected mining claims or sites are statutorily forfeited.

(b) If there is a defect in your compliance with a regulatory, but not statutory, requirement, the defect is curable. You may correct curable defects when the BLM gives you notice. If you fail to cure the defect within the time the BLM allows, you will forfeit your mining claims or sites. Failure to pay the required fees with your documents will result in your document not being accepted for filing, and the failure to pay such fees is not a curable defect. See 43 CFR 3000.10(b).

■ 5. Revise § 3830.94 to read as follows:

§ 3830.94 How may I cure a defect in my compliance with these regulations?

(a)(1) When the BLM determines that you have filed any document that is defective or you are not in compliance with a regulatory requirement, the BLM will attempt to notify you by certified mail, return receipt requested at the address you gave on:

(i) Your notice or certificate of location;

(ii) An address correction you have filed with the BLM; or

(iii) A valid transfer document filed with the BLM.

(2) The notice provided for in paragraph (a)(1) of this section constitutes legal service even if you do not actually receive the notice or decision. See § 1810.2 of this chapter.

(b) If you have timely filed any defective document other than a defective small miner fee waiver request, or you are not in compliance with a regulatory requirement, you must cure the defects or noncompliance within 30 days of receiving the BLM's notification of the defects.

(c) If you have timely filed a defective small miner fee waiver request, you must cure the defects or pay the annual maintenance fee within 60 days of receiving notification of the defects from the BLM. Failure to timely file a small miner fee waiver request without timely paying the annual maintenance fee is not a curable defect and will result in your claim or site being declared forfeited for failure to pay the fee. See 43 CFR 3835.92(a).

(d) If you fail to file a notice of intent to hold under 43 CFR 3835.31(c)(2), (3), and (4), you must file your notice of intent within 30 days of receiving the BLM's notification of the failure to file.

(e) If the BLM does not receive the requested information in the time

allowed, or if the matter is statutorily not curable, you will receive a final decision from the BLM that you forfeited the affected mining claims or sites.

■ 6. Revise § 3830.95 to read as follows:

§ 3830.95 What if I pay only part of the processing, location, and maintenance fees for the recording of new mining claims or sites?

If the BLM receives your location documents for recording and determines that the funds you paid are not sufficient to cover the total amount of processing, location, and maintenance fees for your mining claims or sites, the BLM will process the funds you paid in the following manner:

(a)(1) The BLM will not record any mining claim or site that is not accompanied by the full processing, location, and maintenance fees.

(2) For mining claims or sites located before September 1 and timely recorded after September 1, you must also pay the annual maintenance fee at the time of recording for the assessment year in which you record, unless you qualify for and file a small miner waiver for that assessment year in accordance with § 3835.14(a)(2).

(b) The BLM will assign a serial number to each claim or site that is received with the full processing, location, and maintenance fee until the funds run out;

(c) If the full processing, location, and maintenance fees are not received, the BLM will reject the recordation of the claims and the location documents will be returned unrecorded, and the remaining fees not used for recording will be refunded.

(d) Resubmission of returned location documents. (1) If the 90-day recording period has not expired, you may refile returned location documents for recording with the proper fees. The refiled location documents with fees must be received by the BLM before the end of the 90-day recording period.

(2) If the 90-day recording period has expired, the affected mining claims and sites are forfeited.

■ 7. Revise § 3830.96 to read as follows:

§ 3830.96 What if I pay insufficient processing fees or annual maintenance fees for previously recorded mining claims or sites?

(a) If your payment only covers one mining claim and you pay only part of the processing fee or only part of the annual maintenance fee, then the BLM will not accept your filing.

(b) If your payment covers multiple mining claims or sites and you pay only part of the processing fees due for any

document filings or only part of the annual maintenance fees for previously recorded mining claims or sites, or any combination of these fees, absent other instructions from you, the BLM will apply the partial payment in serial number order until the money runs out. Any underpayment of fees remaining following the expiration of the notice under § 3834.23 is not subject to the partial payment process described in this paragraph.

(c) If your partial payment for multiple mining claims is submitted in a year in which the BLM adjusts the maintenance fees under § 3834.21, the BLM will apply the partial payment in the amount based on the fee in effect immediately before the adjustment was made to each mining claim or site in serial number order until the money runs out. The BLM will then follow the procedures described in § 3834.23 with respect to each mining claim or site for which the BLM received the full amount of the fee in effect immediately before the adjustment was made. Any underpayment of fees remaining following the expiration of the notice under § 3834.23 is not subject to the partial payment process described in this paragraph.

(d) For any claims or sites for which there are no funds in your partial payment to pay the annual maintenance fee, you will forfeit the mining claims or sites not covered by your partial payment unless you pay the additional funds necessary to complete the full payment on or before September 1.

(e) If the BLM rejects your FLPMA document because you have not included sufficient funds to pay the processing fee, you will forfeit the mining claims or sites not covered by your partial payment unless you pay the additional funds necessary to complete the full payment on or before the date that the document must be filed.

■ 8. Revise § 3830.97 to read as follows:

§ 3830.97 What if I pay only part of the processing fees for a notice of intent to locate mining claims or tunnel sites on Stock Raising Homestead Act lands?

For notices of intent to locate (NOITL) mining claims or tunnel sites under the Stock Raising Homestead Act (SRHA), the BLM will not accept a NOITL unless you pay the full processing fee as required in 43 CFR 3830.21. If your NOITL is received with insufficient funds, the BLM will return the NOITL to you unrecorded. See subparts 3831, 3838, and 3839 of this chapter for information regarding the Stock Raising Homestead Act and NOITLs.

[FR Doc. 2025-16753 Filed 8-29-25; 8:45 am]

BILLING CODE 4331-29-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3830

[Docket No. BLM-2025-0202; A2407-014-004-065516; #O2412-014-004-047181.1]

RIN 1004-AF46

Revisions to Regulations Regarding Locating, Recording, and Maintaining Mining Claims or Sites—Introduction

AGENCY: Bureau of Land Management, Interior.

ACTION: Direct final rule; request for comments.

SUMMARY: This direct final rule (DFR) revises regulations containing general provisions related to requirements for locating, recording, and maintaining mining claims or sites under the Mining Law of 1872. This DFR updates terminology, clarifies language, and removes obsolete provisions.

DATES: This final rule is effective on November 3, 2025, unless significant adverse comments are received by October 2, 2025. If significant adverse comments are received, notice will be published in the *Federal Register* before the effective date either withdrawing the rule or issuing a new final rule that responds to any significant adverse comments.

ADDRESSES: You may submit comments by one of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. In the Search box, enter the Docket Number “BLM-2025-0202” and click the “Search” button. Follow the instructions at this website.

- *Mail, personal, or messenger delivery:* U.S. Department of the Interior (Department), Director (630), Bureau of Land Management (BLM), 1849 C St. NW, Room 5646, Washington, DC 20240, Attention: 1004-AF46.

FOR FURTHER INFORMATION CONTACT: Kirk Rentmeister, National Mining Law Program Lead, telephone: 775-435-5514; email: krentmei@blm.gov.

Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

For a summary of the final rule, please see the abstract description of the document in Docket Number BLM-2025-0202 on www.regulations.gov.

SUPPLEMENTARY INFORMATION: General provisions of the Department’s regulations implementing the requirements of the Mining Law, 30 U.S.C. 22–54, and the Federal Land Policy and Management Act, 43 U.S.C. 1744, are contained in 43 CFR part 3830, subpart A, “Introduction.” Sections 3830.1 and 3830.2 describe the purpose and scope of parts 3830 through 3839. Section 3830.3 specifies who may locate mining claims. Section 3830.5 provides definitions relevant to locating, recording, and maintaining mining claims, millsites and tunnel sites.

The Department notes that subpart A contains the term “service charge,” rather than the current term of “processing fee.” Because the “service charge” terminology is obsolete, the Department is revising these regulations to conform to current terminology and simplify the remaining wording. The Department has similarly determined that § 3830.1 should be revised due to obsolescence resulting from the fact that there are no longer any oil shale placer mining claims in the BLM’s records. The reference to “oil shale claims” in § 3830.1(b)(4) will be removed.

The DFR also corrects inadvertent omissions and erroneous information, such as the incorrect description of minerals subject to disposal under the Mining Law (§ 3830.1(b)(5)); the erroneous use of “state” in the definition of “claimant” (§ 3830.5); the inadvertent omission of the President as having the authority to close lands to the operation of the Mining Law in the definition of “closed to mineral entry” (§ 3830.5); and the typographical errors in the definition of “split estate lands” (§ 3830.5). The DFR also amends the definition of “assessment year” to conform with longstanding statutory changes by removing the words “at 12 noon.” Additionally, the DFR also adds a cross-reference for the convenience of the public in the definition of “related party” in § 3830.5.

The Department has determined that these reasons, independently and alone, justify revision of 43 CFR part 3830 subpart A. The Department has no interest in maintaining regulations that are obsolete or unclear.

The Department is issuing this rule as a DFR. Although the Administrative Procedure Act (APA, 5 U.S.C. 551 through 559) generally requires agencies to engage in notice and comment rulemaking, section 553 of the APA provides an exception when the agency “for good cause finds” that notice and comment are “impracticable, unnecessary, or contrary to the public interest.” *Id.* section 553(b)(B). The

Department has determined that notice and comment are unnecessary because this rule is noncontroversial; of a minor, technical nature; involves little agency discretion; and is unlikely to receive any significant adverse comments. Significant adverse comments are those that oppose the revision of the rule and raise, alone or in combination, (1) reasons why the revision of the rule is inappropriate, including challenges to the revision's underlying premise; or (2) serious unintended consequences of the revision. A comment recommending an addition to the rule will not be considered significant and adverse unless the comment explains how this DFR would be ineffective without the addition.

Procedural Matters

Executive Order (E.O.) 12866—Regulatory Planning and Review and E.O. 13563—Improving Regulation and Regulatory Review

E.O. 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB) will review all significant rules. OIRA has determined that this rule is not significant.

E.O. 13563 reaffirms the principles of E.O. 12866, while calling for improvements in the Nation's regulatory system to promote predictability, reduce uncertainty, and use the best, most innovative, and least burdensome tools for achieving regulatory ends. E.O. 13563 directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that agencies must base regulations on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. The Department developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA, 5 U.S.C. 601 through 612) requires an agency to prepare a regulatory flexibility analysis for all rules unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The RFA applies only to rules for which an agency is required to first publish a proposed rule. See 5 U.S.C. 603(a) and 604(a). As the Department is not required to publish a notice of proposed rulemaking for this DFR, the RFA does not apply.

Congressional Review Act

This rule is not a major rule under the Congressional Review Act, 5 U.S.C. 804(2). Specifically, the DFR: (a) will not have an annual effect on the economy of \$100 million or more; (b) will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (c) will not have 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.

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. The rule merely revises and clarifies obsolete regulatory language. Therefore, a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

E.O. 12630—Governmental Actions and Interference With Constitutionally Protected Property Rights

This rule does not result in a taking of private property or otherwise have regulatory takings implications under E.O. 12630. The rule revises and clarifies obsolete regulatory language; therefore, the rule will not result in private property being taken for public use without just compensation. A takings implication assessment is therefore not required.

E.O. 13132—Federalism

Under the criteria of section 1 of E.O. 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. A federalism summary impact statement is not required.

E.O. 12988—Civil Justice Reform

This DFR complies with the requirements of E.O. 12988. Among other things, this rule:

(a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and

ambiguity and be written to minimize litigation;

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

E.O. 13175—Consultation and Coordination With Indian Tribal Governments

The Department strives to strengthen its government-to-government relationship with Indian tribes through a commitment to consultation with Tribes and recognition of their right to self-governance and Tribal sovereignty. The Department evaluated this DFR under E.O. 13175 and the Department's consultation policies and determined that it has no substantial, direct effects on federally recognized Indian tribes and that consultation under the Department's Tribal consultation policies is not required. The rule merely revises and clarifies obsolete regulatory language.

Paperwork Reduction Act

OMB previously approved the information collection requirements contained in the existing regulations under OMB Control Number 1004–0114. This rule does not contain new or materially revised information collection requirements, and a submission to the OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) is not required.

National Environmental Policy Act (NEPA)

This DFR does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under NEPA (NEPA, 42 U.S.C. 4321 *et seq.*) is not required because this rule is covered by a categorical exclusion applicable to regulatory functions “that are of an administrative, financial, legal, technical, or procedural nature.” 43 CFR 46.210(i). In addition, the Department has determined that this rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA.

E.O. 13211—Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This DFR is not a significant energy action as defined in E.O. 13211. Therefore, a statement of energy effects is not required.

List of Subjects in 43 CFR Part 3830

Mineral royalties, Mines, Public lands—mineral resources, Reporting and recordkeeping requirements.

Adam G. Suess, Acting Assistant Secretary, Land and Minerals Management.

For the reasons stated in the preamble, the Bureau of Land Management amends 43 CFR part 3830 as follows:

PART 3830—ADMINISTRATION OF MINING CLAIMS AND SITES; GENERAL PROVISIONS

■ 1. The authority citation for part 3830 is revised to read as follows:

Authority: 18 U.S.C. 1001, 3571; 30 U.S.C. 22 et seq., 242, 611; 31 U.S.C. 9701; 43 U.S.C. 2, 1201, 1212, 1457, 1474, 1701 et seq.; 44 U.S.C. 3501 et seq.; 115 Stat. 414; 125 Stat. 786.

■ 2. Revise the part heading to read as set forth above.
■ 3. Revise § 3830.1 to read as follows:

§ 3830.1 What is the purpose of parts 3830–3839?

In this part 3830, references to “these regulations” are references to parts 3830 through 3839 of this chapter.

(a) These regulations describe the steps you, as a mining claimant, must take regarding mining claims or sites on the Federal lands under Federal law, to—

- (1) Locate (see part 3832 of this chapter);
(2) Maintain (see parts 3834 through 3836 of this chapter);
(3) Amend (see part 3833, subpart B, of this chapter); and
(4) Transfer (see part 3833, subpart C, and part 3835, subpart B, of this chapter) mining claims or sites on the Federal lands under Federal law.
(b) These regulations apply to—
(1) Lode and placer mining claims (see part 3832, subpart B, of this chapter);
(2) Mill sites (see part 3832, subpart C, of this chapter);
(3) Tunnel sites (see part 3832, subpart D, of this chapter);
(4) Location of uncommon varieties of sand, stone, gravel, pumice, pumicite, and cinders;
(5) Delinquent co-claimants (see part 3837 of this chapter); and
(6) Mining claims and tunnel sites on Stockraising Homestead Act lands (see part 3838 of this chapter).

(c) In addition to these regulations, there are State law requirements that apply to you. If any State law conflicts with the requirements in these regulations, you must still comply with

these regulations. These regulations do not describe State law requirements.

- 4. Amend § 3830.5 as follows:
■ a. In the definition of “Assessment year”, remove the text “at 12 noon”.
■ b. Revise the definitions of “Claimant” and “Closed to mineral entry”.
■ c. Add the definition of “Processing fee” in alphabetical order.
■ d. Revise the definition of “Related party”.
■ e. Remove the definition of “Service charge”.
■ f. In the definition of “Split estate lands”, remove the text “that,” and add the text “those” in its place, and add the text “the” before “United States”.

The revisions and addition read as follows:

§ 3830.5 Definitions.

* * * * *

Claimant means the person under Federal law who is the owner of all or any part of an unpatented mining claim or site. The claimant may be someone other than the person who originally located the claim or site.

Closed to mineral entry means the land is not available for the location of mining claims or sites because Congress, the President, the Secretary, or another surface managing agency has withdrawn or otherwise segregated the lands from operation of the General Mining Law.

* * * * *

Processing fee means the administrative nonrefundable fixed fee as shown in the table at § 3000.12 of this chapter under Mining Law Administration, which must be paid at the time documents are filed.

* * * * *

Related party means:

(1) The spouse and dependent children of the claimant as defined in 26 U.S.C. 152; or

(2) A person who controls, is controlled by, or is under common control with the claimant.

* * * * *

Split estate lands means those lands where the United States owns the mineral estate as part of the public domain, but not the surface.

* * * * *

[FR Doc. 2025–16754 Filed 8–29–25; 8:45 am]

BILLING CODE 4331–29–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3830

[Docket No. BLM–2025–0203; A2407–014–004–065516; #O2412–014–004–047181.1]

RIN 1004–AF47

Revisions to Regulations Regarding Locating, Recording, and Maintaining Mining Claims or Sites—Fees

AGENCY: Bureau of Land Management, Interior.

ACTION: Direct final rule; request for comments.

SUMMARY: This direct final rule (DFR) revises regulations containing general provisions related to fee requirements for locating, recording, and maintaining mining claims or sites under the Mining Law of 1872 and the Federal Land Policy and Management Act of 1976 (FLPMA). This DFR updates terminology, clarifies language, and removes obsolete provisions.

DATES: The final rule is effective on November 3, 2025, unless significant adverse comments are received by October 2, 2025. If significant adverse comments are received, notice will be published in the Federal Register before the effective date either withdrawing the rule or issuing a new final rule that responds to any significant adverse comments.

ADDRESSES: You may submit comments by one of the following methods:

- Federal eRulemaking Portal: https://www.regulations.gov. In the Search box, enter the Docket Number “BLM–2025–0203” and click the “Search” button. Follow the instructions at this website.
• Mail, personal, or messenger delivery: U.S. Department of the Interior (Department), Director (630), Bureau of Land Management (BLM), 1849 C St. NW, Room 5646, Washington, DC 20240, Attention: 1004–AF47.

FOR FURTHER INFORMATION CONTACT: Kirk Rentmeister, National Mining Law Program Lead, telephone: 775–435–5514; email: krentmei@blm.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

For a summary of the final rule, please see the abstract description of the

document in Docket Number BLM–2025–0203 on www.regulations.gov.

SUPPLEMENTARY INFORMATION: The Department's regulations implementing the requirements of the Mining Law, 30 U.S.C. 22–54, and FLPMA, 43 U.S.C. 1744, are contained in 43 CFR part 3830. Subpart D, “BLM Service Charge and Fee Requirements,” sets out the fees required for locating, recording, and maintaining mining claims, millsites, and tunnel sites. Section 3830.21 identifies the different types of fees. Section 3830.22 identifies when the BLM will issue refunds of fees. Section 3830.23 addresses the types of payments, and what happens when the issuing institution of a check, negotiable instrument, or credit card refuses to pay. Section 3830.25 identifies when payment of fees for new mining claims must be made.

The Department notes that all of these sections, as well as the table of contents and heading for Subpart D, contain the term “service charge,” rather than the current term “processing fee.” Because the “service charge” terminology is obsolete, the Department is revising these regulations to conform to current terminology and to simplify the wording. Additionally, the Department has determined that the authority statement, the heading of § 3830.20, and certain text in § 3830.21 should be revised due to obsolescence resulting from the fact that there are no longer any oil shale placer mining claims in the BLM's records. The references to “oil shale fees” in these two regulations will be removed and the remaining provision renumbered. Similarly, the reference to 30 U.S.C. 242 (the statute governing oil shale placer mining claims) will be removed from the authority citation and the remaining citations simplified. Finally, § 3830.23(b) has been reworded to clarify the BLM's longstanding procedure regarding refused payments and when the BLM will accept a replacement payment.

The Department has determined that these reasons, independently and alone, justify revision of 43 CFR part 3830 subpart D. The Department has no interest in maintaining regulations that are obsolete or unclear.

The Department is issuing this rule as a DFR. Although the Administrative Procedure Act (APA, 5 U.S.C. 551 through 559) generally requires agencies to engage in notice and comment rulemaking, section 553 of the APA provides an exception when the agency “for good cause finds” that notice and comment are “impracticable, unnecessary, or contrary to the public

interest.” *Id.* section 553(b)(B). The Department has determined that notice and comment are unnecessary because this rule is noncontroversial; of a minor, technical nature; involves little agency discretion; and is unlikely to receive any significant adverse comments. Significant adverse comments are those that oppose the revision of the rule and raise, alone or in combination, (1) reasons why the revision of the rule is inappropriate, including challenges to the revision's underlying premise; or (2) serious unintended consequences of the revision. A comment recommending an addition to the rule will not be considered significant and adverse unless the comment explains how this DFR would be ineffective without the addition.

Procedural Matters

Executive Order (E.O.) 12866—Regulatory Planning and Review and E.O. 13563—Improving Regulation and Regulatory Review

E.O. 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB) will review all significant rules. OIRA has determined that this rule is not significant.

E.O. 13563 reaffirms the principles of E.O. 12866, while calling for improvements in the Nation's regulatory system to promote predictability, reduce uncertainty, and use the best, most innovative, and least burdensome tools for achieving regulatory ends. E.O. 13563 directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that agencies must base regulations on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. The Department developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA, 5 U.S.C. 601 through 612) requires an agency to prepare a regulatory flexibility analysis for all rules unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The RFA applies only to rules for which an agency is required to first publish a proposed rule. *See* 5 U.S.C. 603(a) and 604(a). As the Department is not required to publish a notice of proposed

rulemaking for this direct final rule, the RFA does not apply.

Congressional Review Act

This rule is not a major rule under the Congressional Review Act, 5 U.S.C. 804(2). Specifically, the direct final rule: (a) will not have an annual effect on the economy of \$100 million or more; (b) will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (c) will not have 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.

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. The rule merely updates terminology, clarifies language, and removes obsolete provisions. Therefore, a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

E.O. 12630—Governmental Actions and Interference With Constitutionally Protected Property Rights

This rule does not result in a taking of private property or otherwise have regulatory takings implications under E.O. 12630. The rule updates terminology, clarifies language, and removes obsolete provisions; therefore, the rule will not result in private property being taken for public use without just compensation. A takings implication assessment is therefore not required.

E.O. 13132—Federalism

Under the criteria of section 1 of E.O. 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. A federalism summary impact statement is not required.

E.O. 12988—Civil Justice Reform

This direct final rule complies with the requirements of E.O. 12988. Among other things, this rule:

- (a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation;
- (b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

E.O. 13175—Consultation and Coordination With Indian Tribal Governments

The Department strives to strengthen its government-to-government relationship with Indian tribes through a commitment to consultation with Tribes and recognition of their right to self-governance and Tribal sovereignty. The Department evaluated this direct final rule under E.O. 13175 and the Department’s consultation policies and determined that it has no substantial, direct effects on federally recognized Indian tribes and that consultation under the Department’s Tribal consultation policies is not required. The rule merely updates terminology, clarifies language, and removes obsolete provisions.

Paperwork Reduction Act

This rule does not impose any new or revised information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*); therefore, a submission to the OMB under the Paperwork Reduction Act is not required.

National Environmental Policy Act (NEPA)

This direct final rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under NEPA (NEPA, 42 U.S.C. 4321 *et seq.*) is not required because this rule is covered by a categorical exclusion applicable to regulatory functions “that are of an administrative, financial, legal, technical, or procedural nature.” 43 CFR 46.210(i). In addition, the Department has determined that this rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA.

E.O. 13211—Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This direct final rule is not a significant energy action as defined in

E.O. 13211. Therefore, a statement of energy effects is not required.

List of Subjects in 43 CFR Part 3830

Mineral royalties, Mines, Public lands—mineral resources, Reporting and recordkeeping requirements.

Adam G. Suess,
Acting Assistant Secretary, Land and Minerals Management.

For the reasons stated in the preamble, the Bureau of Land Management amends 43 CFR part 3830 as follows:

PART 3830—LOCATING, RECORDING, AND MAINTAINING MINING CLAIMS OR SITES; GENERAL PROVISIONS

Subpart D—BLM Service Charge and Fee Requirements

- 1. The authority citation for part 3830 is revised to read as follows:

Authority: 18 U.S.C. 1001, 3571; 30 U.S.C. 22 *et seq.*, 611; 31 U.S.C. 9701; 43 U.S.C. 2, 1201, 1212, 1457, 1474, 1701 *et seq.*; 44 U.S.C. 3501 *et seq.*; 115 Stat. 414; 125 Stat. 786.

- 2. Revise the heading for subpart D to read as follows:

Subpart D—BLM Fee Requirements

- 3. Revise the heading of § 3830.20 to read as follows:

§ 3830.20 Payment of processing fees, location fees, initial maintenance fees, and annual maintenance fees.

- 4. Amend § 3830.21 by:
 - a. Revising the section heading and introductory text;
 - b. Removing paragraph (g); and
 - c. Redesignating paragraph (h) as paragraph (g).

The revisions read as follows:

§ 3830.21 What are the different types of fees?

The following table lists processing fees, location fees, and maintenance fees (all cross-references refer to this chapter):

* * * * *

- 5. Amend § 3830.22 by revising the section heading and paragraph (a) to read as follows:

§ 3830.22 When will the BLM refund fees?

(a) BLM will not refund processing fees, except for overpayments.

* * * * *

- 6. Amend § 3830.23 by revising paragraph (b) to read as follows:

* * * * *

(b) If the issuing institution of your check, negotiable instrument, or credit

card refuses to pay, the BLM will treat the fees as unpaid. If you provide documentation from the financial institution showing that the institution made a mistake, and your original payment was otherwise timely, the BLM will allow you to make a replacement payment.

- 7. Revise § 3830.25 to read as follows:

§ 3830.25 When do I pay for recording a new notice or certificate of location for a mining claim or site?

You must pay the processing fee, location fee, and initial maintenance fee, in full as provided in § 3830.21 of this chapter, at the time you record new notices or certificates of location with the BLM.

[FR Doc. 2025–16755 Filed 8–29–25; 8:45 am]
BILLING CODE 4331–29–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3830

[Docket No. BLM–2025–0013; A2407–014–004–065516; #O2412–014–004–047181.1]

RIN 1004–AF12

Rescission of Regulations Regarding Mining Claim Payments; Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Direct final rule; withdrawal.

SUMMARY: The Bureau of Land Management is withdrawing a duplicate direct final rule regarding regulations that authorize declining balance accounts with the BLM concerning mining claims, which published on July 17, 2025.

DATES: As of September 2, 2025, the direct final rule published at 90 FR 33328 on July 17, 2025, is withdrawn.

FOR FURTHER INFORMATION CONTACT: Kirk Rentmeister, National Mining Law Program Lead, telephone: 775–435–5514; email: krentmei@blm.gov.

Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

For a summary of the final rule, please see the abstract description of the document in Docket Number BLM–2025–0013 on www.regulations.gov.

SUPPLEMENTARY INFORMATION: BLM is withdrawing FR Doc. 2025–13397,

“Rescission of Regulations Regarding Mining Claim Payments,” published at 90 FR 33328 on July 17, 2025. The document is a duplicate of FR Doc. 2025–13400 which published at 90 FR 33325 on July 17, 2025.

Adam G. Suess,

Acting Assistant Secretary, Land and Minerals Management.

[FR Doc. 2025–16757 Filed 8–29–25; 8:45 am]

BILLING CODE 4331–29–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 250312–0037; RTID 0648–XF142]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Central Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by catcher vessels using trawl gear in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2025 total allowable catch (TAC) of Pacific cod by catcher vessels using trawl gear in the Central Regulatory Area of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), September 1, 2025, through 2400 hours, A.l.t., December 31, 2025.

FOR FURTHER INFORMATION CONTACT: Abby Jahn, 907–586–7228.

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

The annual 2025 Pacific cod TAC apportioned to catcher vessels using trawl gear in the Central Regulatory Area of the GOA not participating in the cooperative fishery of the Rockfish Program is 6,203 metric tons (mt) as established by the final 2025 and 2026 harvest specifications for groundfish in the GOA (90 FR 12468, March 18, 2025).

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the annual 2025 Pacific cod TAC apportioned to catcher vessels using trawl gear in the Central Regulatory Area of the GOA has been or will be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 3,225 mt and is setting aside the remaining 2,978 mt as incidental catch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been or will be reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by catcher vessels using trawl gear in the Central Regulatory Area of the GOA to prevent exceedance of this sector’s annual apportionment of Pacific cod TAC.

While this closure is effective the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip. This closure does not

apply to fishing by vessels participating in the cooperative fishery of the Rockfish Program in the Central Regulatory Area of the GOA.

Classification

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

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data on the harvest of Pacific cod in a timely fashion and would delay the closure of Pacific cod by catcher vessels using trawl gear in the Central Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data regarding harvest of Pacific cod by catcher vessels using trawl gear in the Central Regulatory Area of the GOA only became available as of August 28, 2025.

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

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

Dated: August 28, 2025.

Kelly Denit,

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

[FR Doc. 2025–16794 Filed 8–29–25; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 90, No. 167

Tuesday, September 2, 2025

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

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2025–0365]

RIN 1625–AA00

Safety Zone; Charles River, Boston, MA.

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a safety zone on the navigable waters of the Charles River, in Boston, Massachusetts. This safety zone would protect personnel, vessels, and the marine environment from potential hazards associated with a bridge replacement project that is expected to last approximately eight years. During periods when it is subject to enforcement, this rule would prohibit unauthorized vessels and individuals from entering the safety zone without permission from Sector Boston's Captain of the Port, or a designated representative.

DATES: Comments and related material must be received by the Coast Guard on or before October 2, 2025.

ADDRESSES: You may submit comments identified by docket number USCG–2025–0365 using the Federal Docket Management System at <https://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments. This notice of proposed rulemaking with its plain-language, 100-word-or-less proposed rule summary will be available in this same docket.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call, or email Mr. Timothy Chase, Sector Boston Waterways Management Division, U.S. Coast

Guard; telephone 617–447–1620, email Timothy.W.Chase@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

BNM Broadcast Notice to Mariners
CFR Code of Federal Regulations
COTP Captain of the Port, Sector Boston
DHS Department of Homeland Security
FR Federal Register
FTA Federal Transit Administration
LNM Local Notice to Mariners
MA Massachusetts
MBTA Massachusetts Bay Transit Authority
NPRM Notice of proposed rulemaking
OMB Office of Management and Budget
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

The Massachusetts Bay Transportation Authority (MBTA) will be replacing the North Station Draw One Bridge over the Charles River in Boston, MA. As described on an MBTA North Station Drawbridge Replacement website,¹ the project includes the replacement of a control tower, the extension of the bridge platform to include four to six additional river-crossing bridge tracks, the connection of tracks 11 and 12 to the existing network, and upgrades to track, signal, communications, and infrastructure. The Federal Transit Administration (FTA) and the MBTA have prepared an Environmental Assessment (EA) under the National Environmental Policy Act and, on January 16, 2025, the FTA issued a FONSI (Finding of No Significant Impact) for the project. The EA and FONSI are available at the MBTA website provided in footnote 1 of this Notice of Proposed Rulemaking (NPRM).

On April 22, 2025, the MBTA held a meeting with the Coast Guard to present its construction plan for the demolition and replacement of the superstructure and substructures of the MBTA North Station Draw One Railroad Bridge spans and approach spans over the Charles River, Boston, Massachusetts (MA). North Station is a major commuter and intercity rail terminal in Boston, MA, which is served by four MBTA commuter lines and the Amtrak Downeaster. Due to the complex construction staging required to maintain service levels at North Station,

¹ <https://www.mbta.com/projects/north-station-drawbridge-replacement>.

the MBTA anticipates that construction and demolition activities for the project, which may begin as early as January 1, 2026, may take up to eight years to complete. Construction activities may occur up to seven days a week, with primary work shifts scheduled during the daytime from 7 a.m. to 3 p.m. Nighttime work may also take place during certain phases, between 3 p.m. and 11 p.m., and 11 p.m. to 7 a.m.

In-river construction and demolition will involve removing eleven caissons that previously supported the former Draw One Bridge piers. Two cofferdams may be installed to facilitate this work. One cofferdam, approximately 98 feet by 58 feet—would encapsulate eight caissons on the north side of the channel, while the second, approximately 104 feet by 27 feet, would surround the “main deck beam pier” and three associated caissons on the south side. Cofferdam installation would be conducted from a barge, prior to the construction of temporary work trestles. Silt curtains or similar sediment control measures would be used around the cofferdams during their removal, as needed.

Temporary work trestles, potentially in place for up to six years, would be constructed following cofferdam installation. Construction work would begin concurrently at multiple locations, starting with pile driving for the trestles using barge-mounted equipment. Drilled shaft construction for the lift span piers may also proceed simultaneously, using similar barge-based methods. Multiple barges are anticipated for various construction functions, including supporting cranes, storing materials, and facilitating material delivery. Dredging is also expected within the project area.

Demolition of the MBTA North Station Draw One Railroad Bridge will likely involve cutting the steel trusses into sections, which would then be lifted by crane and floated out by barge. Approximately 1,380 timber piles, along with the majority of construction and demolition debris, will also be removed by barge.

The Coast Guard has coordinated with the MBTA to assess whether the project can proceed without requiring channel closures and to understand the potential impact on the project timeline. Fortunately, most construction activities will not necessitate enforcement of the

safety zone or waterway closures. Certain critical tasks that must be performed within the channel will, however, require enforcement of the safety zone, effectively closing the waterway during those periods.

The extremely complex marine construction and demolition activities described above present many hazardous conditions, including pile driving operations, heavy lift operations, overhead cutting operations, potential falling debris, increased construction vessel traffic, and stationary vessels and barges operating in close proximity to the bridge and to each other. These construction and demolition activities are expected to impact navigation on the Charles River

within a 100-yard radius of the center point of the MBTA North Station Draw One Railroad Bridge.

Based on these circumstances, the COTP, Sector Boston has determined that establishment of a safety zone through rulemaking is warranted to ensure the safety of life, property, and the environment on the Charles River within a 100-yard radius of the center point of the MBTA North Station Draw One Railroad Bridge during construction and demolition operations.

The Coast Guard is proposing this rule under the authority provided in 46 U.S.C. 70034.

III. Discussion of Proposed Rule

The COTP, Sector Boston proposes to establish a safety zone on the Charles

River, in Boston, MA, within 100-yards of the center point of the MBTA North Station Draw One Railroad Bridge, (approximate position 42°22'08.5" N 71°03'55.0" W expressed in Degrees (°) Minutes (') Seconds (") (DMS) based on North American Datum 1983 (NAD 83)), effective from January 1, 2026, through the completion of the project. The project is expected to take up to eight years to complete. We will remove the regulation when the project is completed, and the safety zone is no longer needed.

BILLING CODE 9110-04-P

Figure 1: Small Scale Chartlet Showing the Position of the Proposed Safety Zone

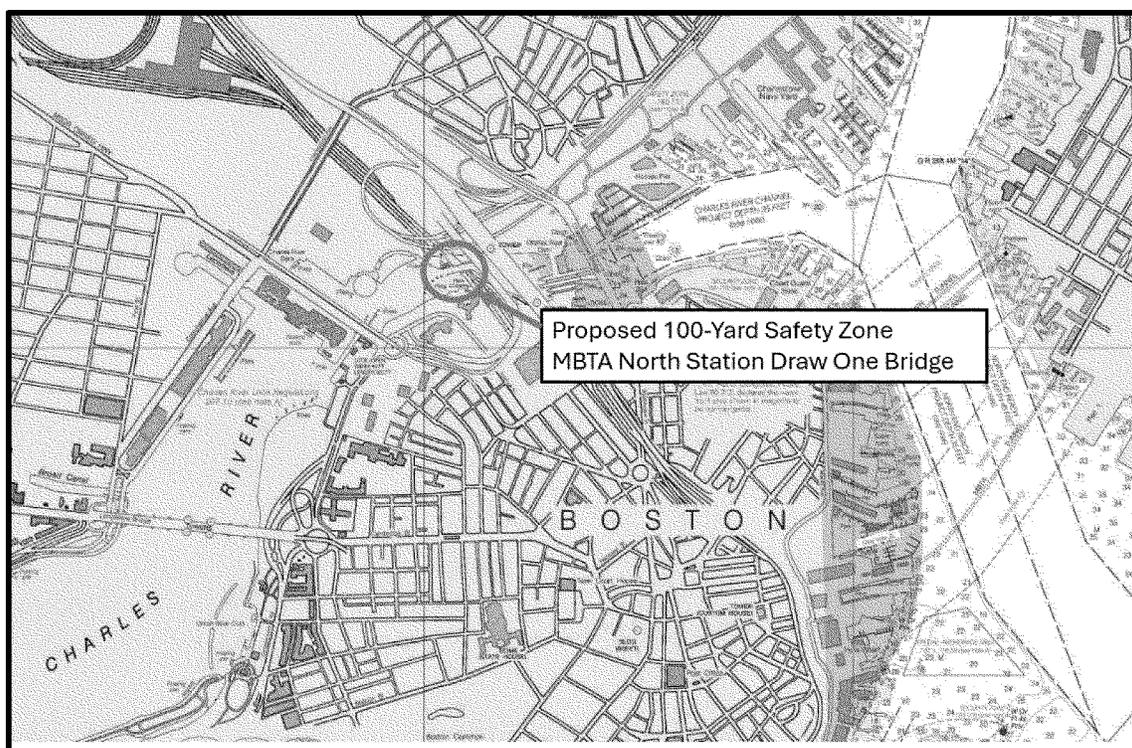


Figure 2: Large Scale Chartlet Showing the Position of the Proposed Safety Zone With a 100-Yard Safety Zone

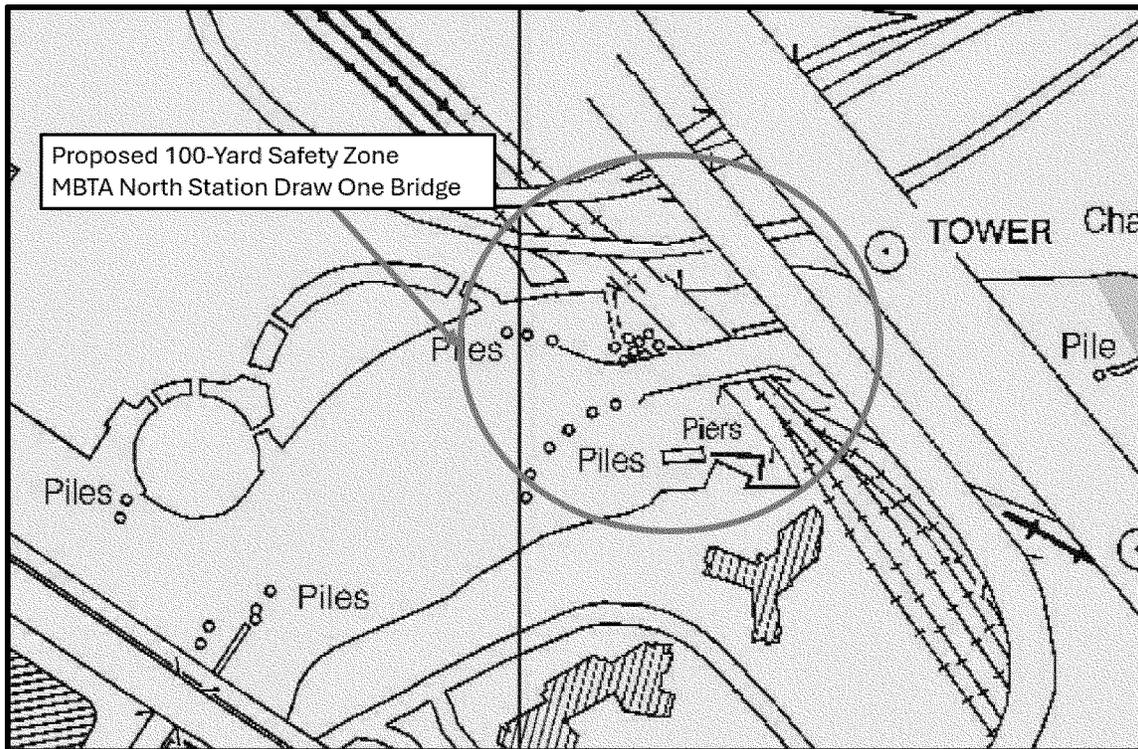


Figure 3: Large Scale Ariel Picture of the MBTA North Station Draw One Railroad Bridge



This proposed rule will give the COTP, Sector Boston the authority to prohibit vessel traffic, when necessary, within 100-yards of the center point of the MBTA North Station Draw One Railroad Bridge for the safety of vessels and workers during construction and demolition work. The COTP, Sector Boston will provide notice of each enforcement period via the LNM and issue a Broadcast Notice to Mariners (BNM) via marine channel 16 (VHF-FM) as soon as practicable in response to an emergency or hazardous condition.

When subject to enforcement, no unauthorized vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP, Sector Boston or a designated representative. Requests for entry into the safety zone would be considered and reviewed on a case-by-case basis. Persons or vessels seeking to enter the safety zone must request authorization from the COTP, Sector Boston or designated representative via VHF-FM channel 16 or by phone at (856) 416-3015 (U.S. Coast Guard Sector Boston Command Center). If permission is granted to enter this safety zone, persons and vessels must transit at their slowest safe speed to minimize wake and comply with all lawful directions issued by the COTP, Sector Boston or the designated representative.

Enforcement of the safety zone resulting in a complete waterway closure will be minimized to that period absolutely necessary and made with advanced notice through the LNM, when possible. While marine traffic will generally be maintained with partial channel closures throughout most of the construction period, full channel closures will be required for limited durations. During these full channel closures, there will not be enough space for mariners to transit through the safety zone between the construction vessels and the current bridge piers.

The complete regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. 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 proposed rule would 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, this proposed rule would not have a significant economic impact on any vessel owner or operator for the following reasons.

The Coast Guard anticipates that it will only need to fully close the waterway for eight, one-week periods over the course of the eight years, during periods of major construction or demolition that create hazardous conditions necessitating a complete waterway closure. These closures will be limited to the minimum duration necessary to ensure safety. The Coast Guard anticipates that full waterway closures will impact commercial ferries, tugs, barges, and recreation vessels. Some of these affected owners or operators may be small entities. However, the safety zone is not expected to have a significant economic impact on a substantial number of these entities. Moreover, affected entities may request permission from the COTP to transit through the safety zone during closures.

Other than these eight, one-week periods and unexpected situations, the Coast Guard only expects to partially close the waterway during the eight-years. The safety zone will encompass a small, designated portion of the navigable waters of the Charles River in Boston, MA—specifically, within 100 yards of the center point of the MBTA North Station Draw One Railroad Bridge. The Coast Guard will notify the public of enforcement periods through LNM and BNM via VHF-FM Channel 16.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

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 proposed rule. If the proposed rule would affect your small business, organization, or governmental

jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132 (Federalism), if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed 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 proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023-01, Rev. 1,

associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination 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 proposed rule establishes a safety zone on the navigable waters of the Charles River, within a 100-yard radius of the center point of the MBTA North Station Draw One Railroad Bridge in Boston, MA, to support a bridge replacement project and protect life, property, and the marine environment. Normally such actions are 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 preliminary 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. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments through the Federal Docket Management System at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG–2025–0365 in the search box and click “Search.” Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using <https://www.regulations.gov>, call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

Viewing material in docket. To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select “Supporting & Related Material” in the

Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the <https://www.regulations.gov> Frequently Asked Questions web page. Also, if you click on the Dockets tab and then the proposed rule, you should see a “Subscribe” option for email alerts. The option will notify you when comments are posted, or a final rule is published.

Personal information. We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

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 is proposing to amend 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 § 165.115 to read as follows:

§ 165.115 Safety Zone; Charles River, Boston, MA.

(a) *Regulated area.* The following area is a safety zone: All navigable waters from surface to bottom of the Charles River, Boston, MA, within 100-yards of the center point of the MBTA North Station Draw One Railroad Bridge, (approximate position 42°22′08.5″ N 71°03′55.0″ W expressed in Degrees (°) Minutes (′) Seconds (″) (DMS) based on North American Datum 1983 (NAD 83)).

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Coast Guard Northeast District Commander in the enforcement of the safety zones. *Local officer* means any officer, agent, or employee of a unit of local government authorized by law or by a local government agency to engage in or supervise the prevention, detection,

investigation, or prosecution of any violation of criminal law.

(c) *Regulations.* When enforced, no vessel may enter or remain in this safety zone except for the following:

(1) MBTA North Station Draw One Railroad Bridge replacement project contractor vessels and barges.

(2) A vessel authorized by the Captain of the Port (COTP), Sector Boston or a designated representative.

(d) *Request for Permission.* Individuals or vessels seeking to enter the safety zone must obtain authorization from the COTP, Sector Boston or an authorized representative. If granted permission, transit through the safety zone must be conducted at the slowest safe speed to minimize wake. Additionally, all lawful directions issued by the COTP, Sector Boston or their representative, either via VHF–FM Channel 16 or by phone at (856) 416–3015 (U.S. Coast Guard Sector Boston Command Center), must be strictly followed.

(e) *Effective and enforcement periods.* This rule will be effective on 12:01 a.m. on January 1, 2026. However, enforcement will only occur during periods of active construction, demolition, or other activities that pose a navigation hazard, as determined by the COTP, Sector Boston. The COTP, Sector Boston will make notification of the exact dates and times in advance of each enforcement period for the safety zone in paragraph (a) of this section to the local maritime community through the Local Notice to Mariners (LNM) and will issue a Broadcast Notice to Mariners (BNM) via marine channel 16 (VHF–FM) as soon as practicable in response to an emergency. Upon completion of the project, enforcement of the safety zone will be suspended, with notification provided through the LNM. The Coast Guard Northeast District Local Notice to Mariners can be found at: <http://www.navcen.uscg.gov>.

Dated: August 27, 2025.

J.C. Frederick,

Captain, U.S. Coast Guard, Captain of the Port, Sector Boston.

[FR Doc. 2025–16740 Filed 8–29–25; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52****[EPA-R04-OAR-2024-0626; FRL-12934-01-R4]****Air Plan Approval; GA; Removal of Nonattainment Area New Source Review****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 State of Georgia through the Georgia Environmental Protection Division (EPD) on June 27, 2024. The revision seeks to remove permitting requirements related to nonattainment, including nonattainment new source review (NNSR), from Georgia's SIP as obsolete, remove certain provisions related to the use of emission reduction credits (ERCs), and make other changes based upon the lack of any areas designated as nonattainment for the National Ambient Air Quality Standards (NAAQS) in Georgia. EPA is proposing to approve these changes pursuant to the Clean Air Act (CAA or Act).

DATES: Comments must be received on or before September 23, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R04-OAR-2024-0626 at [regulations.gov](https://www.regulations.gov). Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](https://www.regulations.gov). 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. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT: Nelsha Athauda, Multi-Air Pollutant Coordination Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303-8960. The telephone number is (404) 562-9360. Ms. Athauda can also be reached via electronic mail at Athauda.Nelsha@epa.gov.

SUPPLEMENTARY INFORMATION:**I. Background**

The New Source Review (NSR) program is a preconstruction permitting program that requires certain stationary sources of air pollution to obtain permits prior to beginning construction. The NSR permitting program applies to new construction and to modifications of existing sources. New construction and modifications that emit "regulated NSR pollutants" over certain thresholds are subject to major NSR requirements, while smaller emitting sources and modifications may be subject to minor NSR requirements.

Major NSR permits for sources that are located in attainment or unclassifiable areas are referred to as Prevention of Significant Deterioration (PSD) permits. Major NSR permits for sources located in nonattainment areas and that emit pollutants above the specified thresholds for which the area is in nonattainment are referred to as NNSR permits.

A new stationary source is subject to major NSR requirements if its potential to emit (PTE) a regulated NSR pollutant exceeds certain emission thresholds. If it exceeds the applicable threshold, the NSR regulations define it as a "major stationary source." An existing major stationary source triggers major NSR permitting requirements when it undergoes a "major modification," which occurs when a source undertakes a physical change or change in method of operation (*i.e.*, a "project") that would result in (1) a significant emissions increase from the project, and (2) a significant net emissions increase from the source. *See, e.g.*, 40 CFR 51.166(b)(2)(i), (b)(3), and (b)(51).

Effective January 6, 1992, EPA designated 13 counties surrounding Atlanta, Georgia, as nonattainment for the 1-hour ozone NAAQS and classified them as a "serious" nonattainment area (hereinafter referred to as the Atlanta 1-hour Ozone Area).¹ *See* 56 FR 56694

¹ The Atlanta 1-hour Ozone Area consisted of the following counties: Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale. The 1-hour ozone NAAQS was set at 0.12 parts per

(November 6, 1991). Effective January 1, 2004, the Atlanta 1-hour Ozone Area was reclassified as a "severe" nonattainment area. *See* 68 FR 55469 (September 26, 2003). This classification requires, among other things, that a "major source" and a "major stationary source" be defined to include certain sources that emit or have the potential to emit 25 tons or more of nitrogen oxides (NO_x) or volatile organic compounds (VOC) and that emissions offsets apply at a ratio of at least 1.3 or 1.2:1 (depending on the criteria in CAA section 182(d)(2)).² EPA redesignated the Atlanta 1-hour Ozone Area to attainment for the 1-hour ozone NAAQS, effective June 14, 2005. *See* 70 FR 34660 (June 15, 2005). Effective June 15, 2005, EPA revoked the 1-hour ozone NAAQS. *See* 69 FR 23951 (April 30, 2004) and 70 FR 44470 (August 3, 2005).

Effective June 15, 2004, 20 counties surrounding Atlanta were designated as nonattainment and classified as a "marginal" nonattainment area for the 1997 8-hour ozone NAAQS (hereinafter referred to as the Atlanta 1997 8-hour Ozone Area).³ *See* 69 FR 23858 (April 30, 2004). Effective April 7, 2008, the Atlanta 1997 8-hour Ozone Area was reclassified as a "moderate" nonattainment area. *See* 73 FR 12013 (March 6, 2008). This classification requires, among other things, that a "major source" and a "major stationary source" be defined to include certain sources that emit or have the potential to emit 100 tons or more of NO_x or VOC and that emissions offsets apply at a ratio of at least 1.15:1. The Atlanta 1997 8-hour Ozone Area was redesignated to attainment, effective January 1, 2014. *See* 78 FR 72040 (December 2, 2013). Effective April 6, 2015, EPA revoked the 1997 8-Hour Ozone NAAQS. *See* 80 FR 12264 (March 6, 2015).

Effective July 20, 2012, 15 counties surrounding Atlanta were designated as nonattainment and classified as a "marginal" nonattainment area for the 2008 8-hour ozone NAAQS (hereinafter referred to as the Atlanta 2008 8-hour

million (ppm) with attainment defined when the expected number of days per calendar year, with maximum hourly average concentration greater than 0.12 ppm, is equal to or less than one.

² For ozone, the offset ratio is the ratio of the total emissions reductions of NO_x or VOCs to the total increased emissions of those pollutants.

³ The Atlanta 1997 8-hour Ozone Area consisted of the following counties: Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton. The 1997 8-hour ozone NAAQS was set at 0.08 ppm based on an annual fourth-highest daily maximum 8-hour average concentration averaged over three years.

Ozone Area).⁴ See 77 FR 30088 (May 21, 2012). This classification requires, among other things, that a “major source” and a “major stationary source” be defined to include certain sources that emit or have the potential to emit 100 tons or more of NO_x or VOC and that emissions offsets apply at a ratio of at least 1.1:1. The Atlanta 2008 8-hour Ozone Area was redesignated to attainment, effective June 2, 2017. See 82 FR 25523 (June 2, 2017).

Approximately one year later, EPA designated seven counties in and around metropolitan Atlanta as nonattainment and classified them as a “marginal” nonattainment area for the 2015 8-hour ozone NAAQS (hereinafter referred to as the Atlanta 2015 8-hour Ozone Area).⁵ See 83 FR 25776 (June 4, 2018). As discussed above, the “marginal” classification requires that a “major source” and a “major stationary source” be defined to include certain sources that emit or have the potential to emit 100 tons or more of NO_x or VOC and that emissions offsets apply at a ratio of at least 1.1:1. In 2022, EPA redesignated the Atlanta 2015 8-hour Ozone Area to attainment for the 2015 8-hour ozone standard. See 87 FR 62733 (October 17, 2022).

As a result of EPA’s redesignation of the Atlanta 2015 8-hour Ozone Area to attainment, there are no longer any areas within Georgia that are currently designated as nonattainment for any of the NAAQS. Therefore, Georgia is no longer required to include regulations pertaining to NNSR in its SIP. Georgia’s June 27, 2024, revision, as discussed in more detail below, thus requests removal of NNSR requirements from Georgia’s SIP as obsolete. Georgia’s submittal also requests the removal of other provisions related to nonattainment from the SIP. Georgia’s submittal includes a demonstration, pursuant to CAA section 110(l), that the proposed revisions would not interfere with any applicable requirement concerning attainment of the NAAQS and reasonable further progress or any other applicable requirement of the CAA. EPA’s analysis of Georgia’s June 27, 2024, SIP revision and the Agency’s

⁴ The Atlanta 2008 8-hour Ozone Area consisted of the following counties: Bartow, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, Paulding, and Rockdale. The 2008 8-hour ozone NAAQS is set at 0.075 ppm based on an annual fourth-highest daily maximum 8-hour average concentration averaged over three years.

⁵ The Atlanta 2015 8-hour Ozone Area consists of the following counties: Bartow, Clayton, Cobb, DeKalb, Fulton, Gwinnett, and Henry. The 2015 8-hour ozone NAAQS is set at 0.070 ppm based on an annual fourth-highest daily maximum 8-hour average concentration averaged over three years.

rationale for proposing to approve these changes are provided below.

II. EPA’s Analysis of the State’s Submittal

EPA is proposing to approve changes to the Georgia SIP submitted by the State on June 27, 2024, that would remove NNSR requirements from Georgia’s SIP, remove certain provisions related to the use of ERCs, and makes other changes based upon the lack of any areas designated as in nonattainment of the NAAQS in Georgia. Specifically, the changes address Rules 391–3–1–.02(1), *General Requirement*; 391–3–1–.02(2)(nnn), *NO_x Emissions from Large Stationary Gas Turbines*; 391–3–1–.03(1), *Construction (SIP) Permit*;⁶ 391–3–1–.03(6)(j), *Construction Permit Exemption for Pollution Control Projects*; 391–3–1–.03(8), *Permit Requirements*; and 391–3–1–.03(13), *Emission Reduction Credits*.⁷

A. Rule 391–3–1–.02(1), *General Requirement*

The State requests that EPA revise Rule 391–3–1–.02(1), *General Requirement*, to change the word “nonattainment” to “non-attainment” in Rule 391–3–1–.02(1)(d) for internal consistency. This is a minor typographical change that does not alter the meaning of any terms or provisions. EPA is therefore proposing to revise Rule 391–3–1–.02(1) in the Georgia SIP because the proposed revision will not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of the Act.

B. Rule 391–3–1–.02(2)(nnn), *NO_x Emissions From Large Stationary Gas Turbines*

The State requests that EPA revise Rule 391–3–1–.02(2)(nnn), *NO_x Emissions from Large Stationary Gas Turbines*. The purpose of this Rule is to

⁶ As discussed later in this notice, although Georgia submitted a revision to Rule 391–3–1–.03(1) that includes the removal of a phrase within this rule, the language that EPA proposes to remove is not presently included as part of the SIP. Thus, although Rule 391–3–1–.03(1) is discussed in this notice, EPA is not proposing to act on any revisions to this rule.

⁷ The June 27, 2024, submittal also contains changes to Rules 391–3–1–.02(6)(a), *Specific Monitoring and Reporting Requirements for Particular Sources*, and 391–3–1–.03(11)(b)(7), *Coating and/or Gluing Operations*. On July 9, 2025, EPA provided EPA with a clarification letter confirming that Georgia does not intend to submit the language “or enforceable as a practical matter limiting the source to below Part 70 or Part 63 major source thresholds” in Georgia Rule 391–3–1–.03(11)(b)(7)(i) as part of the June 27, 2024, SIP revision. This letter is included in the docket for this rulemaking, however, EPA will address the changes to these two rules in a separate rulemaking.

establish NO_x emission limits for stationary gas turbines with nameplate capacities greater than 25 megawatts (MWe). There are two main revisions proposed within this rule, as discussed below.

First, SIP-approved Rule 391–3–1–.02(2)(nnn)(1)(ii) contains a NO_x emission limit for large stationary gas turbines permitted prior to April 1, 2000, located at a stationary source with no natural gas. The updated version of this subparagraph would read “[reserved].” Georgia removed this subparagraph from its rule and replaced it with the word “[reserved]” in 2006 because Georgia determined that it was no longer applicable to any source in Georgia, as there were no longer any existing stationary sources to which this limitation applied. Additionally, because the provision only applied to large stationary gas turbines permitted before April 1, 2000, no future, new, or modified gas turbines would be subject to this regulation.

Second, Rule 391–3–1–.02(2)(nnn)(4) as currently approved into the SIP exempts large stationary gas turbines constructed on or after April 1, 2000, from the 6 ppm @15% O₂, dry basis NO_x emission limit contained in Rule 391–3–1–.02(2)(nnn)(1)(iii) if the turbine is otherwise subject to Rule 391–3–1–.03(8)(c)(14)⁸ or Rule 391–3–1–.03(8)(c)(15).⁹ As discussed later in this notice, Georgia has requested that EPA remove Rule 391–3–1–.03(8)(c)(14) and Rule 391–3–1–.03(8)(c)(15) from Georgia’s SIP. Because Rule 391–3–1–.02(2)(nnn)(4) contains cross-references to these two rules identified for removal, Georgia’s submittal also includes revised language for Rule 391–3–1–.02(2)(nnn)(4). The revised language states that the emission limit in Rule 391–3–1–.02(2)(nnn)(1)(iii)

⁸ Rule 391–3–1–.03(8)(c)(14), *Additional Provisions for Ozone Non-Attainment Areas*, contains permitting requirements for major sources in the 2008 8-Hour Ozone marginal nonattainment area. These permitting requirements include a 1.15 to 1.00 emission offset requirement for VOCs and NO_x.

⁹ Rule 391–3–1–.03(8)(c)(15), *Additional Provisions for Electrical Generating Units Located in Areas Contributing to the Ambient Air Level of Ozone in the Metropolitan Atlanta Ozone Nonattainment Area*, contains permitting requirements for certain electrical generating units in Banks, Barrow, Butts, Carroll, Chattooga, Clarke, Dawson, Floyd, Gordon, Hall, Haralson, Heard, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Oconee, Pickens, Pike, Polk, Putnam, Spalding, Troup, Upson, and Walton counties. EPA determined that these counties contributed to ozone levels in the Atlanta 2008 8-hour Ozone Area. Rule 391–3–1–.03(8)(c)(15) requires sources containing EGUs subject to this rule to apply a 1.10 to 1.00 emission offset requirement for NO_x. This rule also requires application of Best Available Control Technology (BACT) to these sources.

“shall not apply to stationary gas turbines subject to NO_x emission limits established between April 1, 2000, and February 21, 2023.” According to EPD’s submittal, the February 21, 2023, date is simply a date chosen prior to when the rule revisions were submitted to the Georgia Department of Natural Resources Board for briefing and subsequent adoption.¹⁰

Minor changes were also made within Rule 391–3–1–.02(2)(nnn) for internal consistency to update labels (*i.e.*, subparagraphs, paragraphs, sections, and subsections) used to cite or refer to various referenced portions of the rules, per Georgia’s State-only procedural Rule 590–2–1–.02, *Numbering System*.

In support of its submittal, Georgia provided an analysis pursuant to CAA section 110(l). Georgia explains that “[t]he large stationary gas turbines that were subject to requirements under Rules 391–3–1–.03(8)(c)14. and 391–3–1–.03(8)(c)15. are the same as the large stationary gas turbines that had NO_x emission limits established between April 1, 2000, and February 21, 2023.” Thus, Georgia states that its proposed revision “does not change or broaden the NO_x emission limit exemption for Rule 391–3–1–.02(2)(nnn)1.” Georgia notes its intent with this change is to “leave the already established [Lowest Achievable Emission Rate and Best Available Control Technology] limits in place for the affected turbines.”

EPA agrees that the proposed revisions to Rule 391–3–1–.02(2)(nnn) would preserve the status quo. EPA additionally notes that 40 CFR 51.160 requires each state’s SIP to contain enforceable procedures that prevent the permitting of new sources or modifications that would interfere with the attainment or maintenance of a NAAQS, and Georgia’s SIP contains such a provision at Rule 391–3–1–.03(8)(a). This permitting provision provides an additional backstop to ensure that future permitting of new sources will not interfere with attainment or maintenance of the NAAQS. EPA is therefore proposing to revise Rule 391–3–1–.02(2)(nnn) in the Georgia SIP because the proposed revision will not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of the Act.

¹⁰ These rules were adopted by the Georgia Department of Natural Resources on May 23, 2023, were filed with the Secretary of State’s office on May 30, 2023, and became effective on June 19, 2023.

C. Rule 391–3–1–.03(1), Construction (SIP) Permit

The State requests that EPA revise Rule 391–3–1–.03(1), *Construction (SIP) Permit*, to remove a requirement for any person applying for a permit for construction or modification of a facility to include information on any ERCs on which the permit applicant intends to rely. The ERC program allows eligible sources that voluntarily reduce emissions to certify and “bank” these reductions as ERCs for future use. By its terms, the ERC program only applies in counties in a nonattainment area or in counties determined by EPD to contribute to ambient air quality in the nonattainment area.¹¹ The banked ERCs hold their value for ten years, at which point they begin devaluing ten percent per year until they have reached 50 percent of their original value. The ERC program was intended to help the Atlanta metropolitan region achieve compliance with federal standards for ground-level ozone. The program does not allow for any increase in emissions of NO_x or VOC in the area to which it is applicable.¹²

Although EPD has requested that EPA remove the phrase “information regarding any Emission Reduction Credits on which the applicant intends to rely” from Rule 391–3–1–.03(1)(b), this phrase is not in the SIP. Therefore, EPA is taking no action on EPD’s request to revise Rule 391–3–1–.03(1).

D. Rule 391–3–1–.03(6)(j), Construction Permit Exemption for Pollution Control Projects

The State requests that EPA revise Rule 391–3–1–.03(6)(j), *Construction Permit Exemption for Pollution Control Projects* to remove the phrase “or the non-attainment new source review permitting requirements of subparagraph 391–3–1–.03(8)(c).” Because EPD’s submittal requests the removal of all of the existing language within subparagraph 391–3–1–.03(8)(c), the cross-reference in Rule 391–3–1–.03(6)(j) to this subparagraph would be obsolete. Removal of the existing language within subparagraph 391–3–1–.03(8)(c) is discussed below. EPA is therefore proposing to revise subparagraph 391–3–1–.03(6)(j) in the Georgia SIP. The proposed revision will not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of the Act.

¹¹ EPD’s submittal also proposes to preserve the ERC program but to disallow use of ERC credits, as discussed in Section II.F of this notice.

¹² For more information on the ERC program, see 85 FR 31112 (May 22, 2020).

E. Rule 391–3–1–.03(8), Permit Requirements

The State requests that EPA revise Rule 391–3–1–.03(8), *Permit Requirements*. The purpose of Rule 391–3–1–.03(8) is to provide permit requirements for stationary sources. The proposed revision would primarily remove permitting requirements related to nonattainment from this rule within Georgia’s SIP. The State’s submittal requests the removal of subparagraphs (c), (d), (e), and (g) and minor revisions to subparagraphs (a), (b), and (f) of Rule 391–3–1–.03(8).

The State is seeking to remove subparagraph (c), which provides permit requirements for new or modified major stationary sources in areas of the State designated by EPA or the State as not attaining a NAAQS, or in areas contributing to the ambient air levels of such pollutants in such areas of nonattainment.¹³ Provisions proposed for removal include NNSR requirements, such as requiring proposed sources to comply with the Lowest Achievable Emission Rate (LAER). EPA is also proposing to remove the additional provisions for ozone areas in Rule 391–3–1–.03(8)(c)14¹⁴ and provisions contained within Rule 391–3–1–.03(8)(c)15.¹⁵ If these nonattainment-related permitting provisions are removed, the PSD permitting program will continue to apply to major stationary sources within areas classified as in attainment with the NAAQS or unclassifiable and ensure

¹³ As EPA has previously noted, “NSR only applies to new sources and to existing sources that undergo a physical change or change in the method of operation (*i.e.*, it is a prospective permitting program).” 84 FR 47213, 47215 (September 9, 2019). Therefore, even if the permitting requirements related to nonattainment are removed from the SIP, the “conditions” issued pursuant to these permits “along with any associated emissions offsets, will remain in effect.” *Id.*

¹⁴ Rule 391–3–1–.03(8)(c)(14), *Additional Provisions for Ozone Non-Attainment Areas*, contains permitting requirements for major sources in the 2008 8-Hour Ozone marginal nonattainment area. These permitting requirements include a 1.15 to 1.00 emission offset requirement for VOCs and NO_x.

¹⁵ Rule 391–3–1–.03(8)(c)(15), *Additional Provisions for Electrical Generating Units Located in Areas Contributing to the Ambient Air Level of Ozone in the Metropolitan Atlanta Ozone Nonattainment Area*, contains permitting requirements for certain electrical generating units in Banks, Barrow, Butts, Carroll, Chattooga, Clarke, Dawson, Floyd, Gordon, Hall, Haralson, Heard, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Oconee, Pickens, Pike, Polk, Putnam, Spalding, Troup, Upson, and Walton counties. EPD determined that these counties contribute to ozone levels in the Atlanta 2008 8-hour Ozone Area. Rule 391–3–1–.03(8)(c)(15) requires sources containing EGUs subject to this rule to apply a 1.10 to 1.00 emission offset requirement for NO_x. This rule also requires application of BACT to these facilities.

that a new or modified major source will not cause or contribute to a violation of a NAAQS. See 40 CFR 51.166(k). Additionally, 40 CFR 51.160 requires each state's SIP to contain enforceable procedures that prevent the permitting of new sources or modifications that would interfere with the attainment or maintenance of a NAAQS, and Georgia's SIP contains such a provision at Rule 391-3-1-.03(8)(a). These permitting provisions provide an adequate backstop to ensure that future permitting of new sources will not interfere with attainment or maintenance of the NAAQS.

The State is also seeking to remove subparagraph (d), a placeholder subparagraph that had been reserved for numbering purposes in the rule. Removal of this provision from the SIP is non-substantive.

The State is further seeking to remove subparagraph (e), which provides that the Director shall determine and designate areas of the State which are not attaining any NAAQS and any areas contributing to the ambient air level of pollutants in these nonattainment areas to "meet the requirements of Title 1, Part D of the Federal Act" (*i.e.*, the Act's nonattainment provisions). This provision also designated Banks, Barrow, Butts, Carroll, Chattooga, Clarke, Dawson, Floyd, Gordon, Hall, Haralson, Heard, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Oconee, Pickens, Pike, Polk, Putnam, Spalding, Troup, Upson, and Walton counties as areas contributing to the ambient air level of ozone in the Atlanta 2008 8-hour Ozone Area. Finally, this provision applies the nonattainment permitting provisions of Rule 391-3-1-.03(8)(c) to the construction of electric generating units at new or modified stationary sources "in this area." Subparagraph (e) of subparagraph 391-3-1-.03(8) is not needed because there are currently no nonattainment areas in the State.

The State is also seeking to remove subparagraph (g), which provides a list of provisions from Rule 391-3-1-.02(7), *Prevention of Significant Deterioration of Air Quality*, which would apply to projects subject to the nonattainment permitting provisions of Rule 391-3-1-.03(8)(c). If the nonattainment permitting provisions of Rule 391-3-1-.03(8)(c) are removed from the SIP, there is no need to retain 391-3-1-.03(8)(g).

Minor changes were also made within subparagraphs (a), (b), and (f) of Rule 391-3-1-.03(8) for internal consistency to update labels (*i.e.*, subparagraphs, paragraphs, sections, subsections) used to cite or refer to various referenced portions of rules, per Georgia Rule 590-

2-1-.02, *Numbering System*.

Subparagraph (f) would also be renumbered to subparagraph (c) due to the removal of the other subparagraphs mentioned above.

As there are no nonattainment areas in Georgia, permitting provisions related to nonattainment are no longer required in Georgia's SIP. EPA is therefore proposing to revise Rule 391-3-1-.03(8) in the Georgia SIP because the proposed revision will not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of the Act.

F. Rule 391-3-1-.03(13), *Emission Reduction Credits*

The State requests that EPA revise Rule 391-3-1-.03(13), *Emission Reduction Credits*, to remove wording that allows or refers to the use of ERCs. As noted above, the ERC program only applies in counties in a nonattainment area, or in counties determined by EPD to contribute to ambient air quality in the nonattainment area. Because Georgia no longer has any nonattainment areas or areas contributing to ambient air quality in nonattainment areas, the rationale that use of these credits will help the Atlanta metropolitan region "achieve compliance with federal standards for ground-level ozone" no longer applies.¹⁶ The State's requested changes only apply to the use of ERCs and do not remove the mechanism to create, bank, or transfer ERCs. Other ERC provisions not related to use of the ERCs are being retained in the SIP. Wording within Rule 391-3-1-.03(13) has also been revised for internal consistency to update labels (*i.e.*, subparagraphs, paragraphs, sections, subsections) and to correct grammatical errors. EPA agrees with the State's rationale and is therefore proposing to revise Rule 391-3-1-.03(13) because the proposed revision will not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of the Act.

III. Incorporation by Reference

In this document, 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, and as discussed in Sections I and II of this preamble, EPA is proposing to incorporate by reference the following rules into Georgia's SIP with a state effective date of June 19, 2023: Rule 391-3-1-.02(1), *General Requirement*;

Rule 391-3-1-.02(2)(nnn), *NO_x Emissions from Large Stationary Gas Turbines*; Rule 391-3-1-.03(6)(j), *Construction Permit Exemption for Pollution Control Projects*; Rule 391-3-1-.03(8), *Permit Requirements*; and Rule 391-3-1-.03(13), *Emission Reduction Credits*. EPA has made, and will continue to make, the State Implementation Plan generally available through www.regulations.gov and at the EPA Region 4 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Proposed Action

For the reasons discussed above, EPA is proposing to approve the June 27, 2024, Georgia SIP revision consisting of changes to Georgia's SIP for Rule 391-3-1-.02(1), *General Requirement*; Rule 391-3-1-.02(2)(nnn), *NO_x Emissions from Large Stationary Gas Turbines*; Rule 391-3-1-.03(6)(j), *Construction Permit Exemption for Pollution Control Projects*; Rule 391-3-1-.03(8), *Permit Requirements*; and Rule 391-3-1-.03(13), *Emission Reduction Credits*.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 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 CAA. Accordingly, this proposed action merely proposes to approve 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

¹⁶ See 85 FR 31112 (May 22, 2020).

in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and

- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

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

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

Dated: August 11, 2025.

Kevin McOmber,

Regional Administrator, Region 4.

[FR Doc. 2025–16723 Filed 8–29–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 257

[EPA–HQ–OLEM–2025–0221; FRL–12768–01–OLEM]

Wyoming: Approval of State Coal Combustion Residuals Permit Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability; request for comments.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) is proposing to approve the Wyoming coal combustion residuals (CCR) permit program under the Resource Conservation and Recovery Act (RCRA).

After reviewing the CCR permit program application submitted by the Wyoming Department of Environmental Quality (WDEQ), EPA has preliminarily determined that Wyoming’s CCR permit program meets the standard for partial approval under RCRA. If approved, Wyoming’s CCR permit program will operate in lieu of the Federal CCR program with the exception of the specific provisions noted below. EPA is seeking comment on this proposal during a 60-day public comment period and will hold a hybrid in-person and online public hearing on EPA’s preliminary approval of Wyoming’s partial CCR permit program.

DATES: *Comments due.* Comments must be received on or before November 3, 2025. *Public hearing:* EPA will hold a hybrid in-person and online public hearing on October 30, 2025.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–HQ–OLEM–2025–0221, by any of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov/> (our preferred method). Follow the online instructions for submitting comments.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Office of Land and Emergency Management (OLEM) Docket, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.
- *Hand Delivery or Courier* (by scheduled appointment only): EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center’s hours of operations are 8:30 a.m.–4:30 p.m., Monday–Friday (except Federal holidays).

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received may be posted without change to <https://www.regulations.gov/>, including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the “Public Participation” heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Michelle Lloyd, Office of Resource Conservation and Recovery, Materials Recovery and Waste Management Division, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, MC: 5304T, Washington, DC 20460; telephone number: (202) 566–0560; email address: lloyd.michelle@epa.gov. For more information on this document please visit <https://www.epa.gov/coalash>.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Public Participation
 - A. Written Comments
 - B. Participation in Hybrid Public Hearing
- II. General Information
 - A. Overview of Proposed Action
 - B. Background
 - C. Statutory Authority
- III. The Wyoming Application
- IV. EPA Analysis of the Wyoming Application
 - A. Adequacy of the Wyoming Permit Program
 - 1. Guidelines for Permitting
 - 2. Guidelines for Public Participation
 - 3. Guidelines for Compliance Monitoring Authority
 - 4. Guidelines for Enforcement Authority
 - 5. Intervention in Civil Enforcement Proceedings
 - B. Adequacy of Technical Criteria
 - 1. Wyoming CCR Units and Resources
 - 2. Wyoming CCR Regulations
 - 3. Wyoming Partial Program
- V. Wyoming CCR Permits
- VI. Proposed Action

List of Acronyms

CBI	Confidential Business Information
CCR	coal combustion residuals
CFR	Code of Federal Regulations
EPA	Environmental Protection Agency
MSWLF	municipal solid waste landfill
MCL	maximum contaminant level
NOV	notice of violation
OLEM	Office of Land and Emergency Management
RCRA	Resource Conservation and Recovery Act
SHWD	Solid and Hazardous Waste Division
STAG	State and Tribal Assistance Grant
SWR	Solid Waste Regulations
USWAG	Utility Solid Waste Activities Group
WDEQ	Wyoming Department of Environmental Quality
WIIN	Water Infrastructure Improvements for the Nation
WS	Wyoming Statute

I. Public Participation

A. Written Comments

Submit your comments, identified by Docket ID No. EPA–HQ–OLEM–2025–0221, at <https://www.regulations.gov> (our preferred method), or the other methods identified in the **ADDRESSES** section. Once submitted, comments cannot be edited or removed from the docket. EPA may publish any comment received to its public docket. Do not submit to EPA’s docket at <https://www.regulations.gov> 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. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

B. Participation in Hybrid Public Hearing

EPA will begin pre-registering speakers for the hybrid public hearing upon publication of this document in the **Federal Register**. To register to speak at the hearing, please use the online registration form available on EPA's CCR website (<https://www.epa.gov/coalash/us-state-wyoming-coal-combustion-residuals-permit-program>) or contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to register to speak at the hearing. Both in-person and virtual hearing attendees are requested to pre-register at the link provided above. The last day to pre-register to speak at the hearing will be October 30, 2025.

EPA will make every effort to follow the schedule as closely as possible on the day of the hearing; however, please plan for the hearings to run either ahead of schedule or behind schedule. Additionally, requests to speak will be taken the day of the hearing at the hearing registration desk or via the Q&A functionality of the online platform. EPA will make every effort to accommodate all speakers who arrive and register, although preferences on speaking times may not be able to be fulfilled.

Each commenter will have five (5) minutes to provide oral testimony. EPA encourages commenters to provide EPA with a copy of their oral testimony electronically by emailing it to the person listed in the **FOR FURTHER INFORMATION CONTACT** section. EPA also recommends submitting the text of your oral comments as written comments to the rulemaking docket. If EPA is anticipating a high attendance, the time allotment per testimony may be shortened to no shorter than three (3) minutes per person to accommodate all those wishing to provide testimony and who have pre-registered. While EPA will make every effort to accommodate all speakers who do not preregister, opportunities to speak may be limited based upon the number of pre-registered speakers. Therefore, EPA strongly encourages anyone wishing to speak to

preregister. Participation in the public hearing does not preclude any entity or individual from submitting a written comment.

EPA may ask clarifying questions during the oral presentations but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as oral comments and supporting information presented at the public hearing.

Please note that any updates made to any aspect of the hearing are posted online at EPA's CCR website at <https://www.epa.gov/coalash/us-state-wyoming-coal-combustion-residuals-permit-program>. While EPA expects the hearing to go forward as set forth above, please monitor our website or contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to determine if there are any updates. EPA does not intend to publish a document in the **Federal Register** announcing updates.

If you require the services of an interpreter or special accommodations such as audio transcription or closed captioning, please pre-register for the hearing and describe your needs on the registration form by October 16, 2025. Alternatively, registrants may notify the person listed in the **FOR FURTHER INFORMATION CONTACT** section of any special needs. EPA may not be able to arrange accommodations without advance notice.

II. General Information

A. Overview of Proposed Action

On April 17, 2015, EPA published a final rule creating 40 CFR part 257, subpart D, which establishes a comprehensive set of minimum Federal requirements for the disposal of CCR in landfills and surface impoundments (80 FR 21302) ("Federal CCR regulations").¹ Section 2301 of the 2016 Water Infrastructure Improvements for the Nation (WIIN) Act amended RCRA section 4005 to create a new subsection (d) that requires EPA to establish a Federal CCR permitting program. See 42 U.S.C. 6945(d).

As amended, RCRA section 4005(d) also allows States to seek approval for a State CCR permit program that will operate in lieu of a Federal CCR permit program in the State. The statute provides that within 180 days after a State submits a complete application to the Administrator for approval, EPA shall approve the State permit program

if the Administrator determines that the State program requires each CCR unit located in the State to achieve compliance with either the Federal requirements or other State requirements that EPA determines, after consultation with the State, are at least as protective as those included in the Federal CCR regulations. See 42 U.S.C. 6945(d)(1)(B).

On February 6, 2023, WDEQ submitted its State CCR permit program application to EPA Region 8 requesting approval of the State's partial CCR permit program.² EPA is proposing to approve the Wyoming partial CCR permit program pursuant to RCRA 4005(d)(1)(B). 42 U.S.C. 6945(d)(1)(B). The fact that Wyoming is seeking approval of a partial program does not mean it must subsequently apply for full program approval. However, Wyoming could apply for revised partial program approval or full program approval at some point in the future if it chooses to do so. If approved, the Wyoming CCR permit program will operate in lieu of the Federal CCR program (codified at 40 CFR part 257, subpart D), with the exception of the provisions specifically identified below for which the State is not seeking approval and for which the corresponding provisions of the Federal CCR program would remain in effect. For the approved provisions, EPA would retain its inspection and enforcement authorities under RCRA sections 3007 and 3008, 42 U.S.C. 6927 and 6928, consistent with EPA's ongoing oversight authority under RCRA. See 42 U.S.C. 6945(d)(4)(B).

EPA has also engaged Federally recognized Tribes within the State of Wyoming in consultation and coordination regarding the program determination. EPA established opportunities for an informational session and consultation, beginning with EPA Region 8 sending a letter to the Eastern Shoshone Tribe at Wind River Reservation and the Northern Arapaho Tribe at Wind River Reservation. Tribal consultation has been and will continue to be conducted in accordance with the EPA policy on Consultation and Coordination with Indian Tribes (<https://www.epa.gov/sites/production/files/2013-08/documents/cons-and-coord-with-indian-tribes-policy.pdf>). Neither Tribe sought Tribal consultation.

B. Background

CCR are generated from the combustion of coal, including solid

¹ Unless otherwise specified, all references to part 257 and part 239 in this document are to title 40 of the Code of Federal Regulations (CFR).

² WDEQ 2023. Application For CCR Permit Program Approval. Wyoming Department of Environmental Quality. February.

fuels classified as anthracite, bituminous coal, subbituminous coal, and lignite, for the purpose of generating steam to power a generator to produce electricity or electricity and other thermal energy by electric utilities and independent power producers. CCR, commonly known as coal ash, include fly ash, bottom ash, boiler slag, and flue gas desulfurization materials. CCR can be sent offsite for disposal or beneficial use or disposed of in on-site landfills or surface impoundments. This section summarizes EPA's regulatory actions on CCR to date to provide relevant background on this proposed approval of Wyoming's partial CCR permit program.

On April 17, 2015, EPA published a final rule creating 40 CFR part 257, subpart D, which established a comprehensive set of minimum Federal requirements for the disposal of CCR in landfills and surface impoundments (80 FR 21302). The rule created a self-implementing program that regulates the location, design, operating criteria, and groundwater monitoring and corrective action for CCR units, as well as the closure and post-closure care of CCR units. It also requires recordkeeping and notifications for CCR units. EPA has since amended 40 CFR part 257, subpart D on August 5, 2016 (81 FR 51802), July 30, 2018 (83 FR 36435), August 28, 2020 (85 FR 53516), November 12, 2020 (85 FR 72506), May 8, 2024 (89 FR 38950), and November 8, 2024 (89 FR 88650). More information on these rules is provided in the Technical Support Document in the docket for this document.

C. Statutory Authority

EPA is issuing this proposed action pursuant to RCRA sections 4005(d) and 7004(b)(1). See 42 U.S.C. 6945(d) and 6974(b)(1). As amended by section 2301 of the 2016 WIIN Act, RCRA section 4005(d) instructs EPA to establish a Federal permit program similar to those under RCRA subtitle C and other environmental statutes and authorizes States to develop their own CCR permitting programs that go into effect in lieu of the Federal permit program upon approval by EPA. See 42 U.S.C. 6945(d).

Under RCRA section 4005(d)(1)(A), 42 U.S.C. 6945(d)(1)(A), States seeking approval of a State CCR program must submit to the Administrator "in such form as the Administrator may establish, evidence of a permit program or other system of prior approval and conditions under state law for regulation by the State of coal combustion residuals units that are located in the state." The statute

provides that EPA shall approve a State CCR permit program if the Administrator determines that the State program will require each CCR unit located in the State to achieve compliance with either: (1) The Federal CCR requirements at 40 CFR part 257, subpart D; or (2) Other State criteria that the Administrator, after consultation with the State, determines to be "at least as protective as" the Federal requirements. 42 U.S.C. 6945(d)(1)(B). The Administrator must make a final determination, after providing for public notice and an opportunity for public comment, within 180 days of receiving a State's complete submittal of the information specified in RCRA section 4005(d)(1)(A). 42 U.S.C. 6945(d)(1)(B). EPA may approve a State CCR permit program in whole or in part. Id. Once approved, the State permit program operates in lieu of the Federal requirements. 42 U.S.C. 6945(d)(1)(A). In a State with a partial program, only the State requirements that have been approved by EPA operate in lieu of the Federal requirements, and facilities remain responsible for compliance with all remaining Federal requirements in 40 CFR part 257.

As noted above, the Federal CCR regulations are self-implementing, meaning that CCR landfills and surface impoundments must comply with the terms of the regulations prior to obtaining a Federal permit or a permit issued by an approved State. Noncompliance with the Federal CCR regulations can be the subject of an enforcement action brought directly against the facility. Once a final CCR permit is issued by an approved State or pursuant to a Federal CCR permit program, however, the terms of the permit apply in lieu of the terms of the Federal CCR regulations and/or requirements in an approved State program, and RCRA section 4005(d)(3) provides a permit shield against direct enforcement of the applicable Federal or State CCR regulations (meaning the permit's terms become the enforceable requirements for the permittee).³

RCRA section 7004(b), which applies to all RCRA programs, directs that "public participation in the development, revision, implementation, and enforcement of any . . . program under this chapter shall be provided for, encouraged, and assisted by the Administrator and the States." 42 U.S.C. 6974(b)(1). Accordingly, EPA considers

permitting requirements, requirements for compliance monitoring authority, requirements for enforcement authority, and requirements for intervention in civil enforcement proceedings in evaluating State CCR permit program applications.

Once a State CCR permit program is approved, the Administrator must review the approved program no less frequently than every 12 years, no later than three years after a revision to an applicable section of 40 CFR part 257, subpart D, and no later than one year after any unauthorized significant release from a CCR unit located in the State. EPA also must review an approved State CCR permit program at the request of another State alleging that the soil, groundwater, or surface water of the requesting State is or is likely to be adversely affected by a release from a CCR unit in the approved State. See 42 U.S.C. 6945(d)(1)(D)(i)(I) through (IV).

In a State with an approved State CCR permit program, EPA may commence administrative or judicial enforcement actions under RCRA section 3008, 42 U.S.C. 6928, if the State requests assistance or if EPA determines that an EPA enforcement action is likely to be necessary to ensure that a CCR unit is operating in accordance with the criteria of the State's permit program. 42 U.S.C. 6945(d)(4). EPA can enforce any Federal requirements that remain in effect (*i.e.*, those for which there is no corresponding approved State provision). EPA may also exercise its inspection and information gathering authorities under RCRA section 3007 in a State with an approved program. 42 U.S.C. 6927.

III. The Wyoming Application

EPA began working with WDEQ in September 2019 as the State developed its application for the State's partial CCR permit program.⁴ As it has with other States, EPA discussed with WDEQ the process for EPA to review and approve the State's CCR permit program, WDEQ's anticipated timeline for submitting a CCR permit program application to EPA, and WDEQ's regulations for issuing permits. On February 6, 2023, WDEQ submitted its CCR permit program application to EPA Region 8 requesting approval of the State's partial CCR permit program.

EPA reviewed WDEQ's submission and, on March 27, 2023, sent a letter acknowledging receipt of the

³ USEPA 2017. Coal Combustion Residuals State Permit Program Guidance Document; Interim Final. Office of Land and Emergency Management, Washington, DC 20460. August. (providing that the 180-day deadline does not start until EPA determines the application is complete).

⁴ A summary of the meetings with, and emails shared between, EPA and WDEQ is included in the Technical Support Document. Records of these interactions are included in the docket for this action.

application and clarifying the statutory 180-day review period for a final determination of adequacy.⁵ After reviewing the application in more detail, on December 5, 2023, EPA sent a letter stating that the formal review period had not yet begun; discussing further information that would strengthen the application; and discussing the State interpretation of the regulatory performance standards.⁶ On January 29, 2024, WDEQ sent a letter to EPA asserting that EPA's review period had expired, discussing the State's interpretation of the scope of EPA's review of the State CCR permit program application, and responding to EPA's questions from the December 2023 letter.⁷ After further discussions between EPA and WDEQ, on May 16, 2025, EPA sent to WDEQ additional clarification questions to supplement its application. On June 20, 2025, WDEQ responded to EPA's questions.⁸

IV. EPA Analysis of the Wyoming Application

RCRA section 4005(d) requires EPA to evaluate two components of a State CCR permitting program to determine whether it meets the standard for approval: the program itself, and the technical criteria that will be included in each permit issued under the State program. This section discusses EPA's review of both requirements under RCRA section 4005(d) and the criteria EPA uses to conduct this review.

First, EPA must evaluate the permit program itself (or other system of prior approval and conditions). See 42 U.S.C. 6945(d)(1)(A) through (B). RCRA section 4005(d)(1)(A) directs the State to provide evidence of a State permit program's compliance with RCRA requirements in such form as determined by the Administrator. In turn, RCRA section 4005(d)(1)(B) directs EPA to approve the State program based

upon a determination that the program "requires each coal combustion residuals unit located in the state to achieve compliance with the applicable [Federal or State] criteria." In other words, the statute directs EPA to determine that the State has sufficient authority to require compliance at all CCR units located within the State. See also 42 U.S.C. 6945(d)(1)(D)(ii)(I). To make this determination, EPA evaluates the State's authority to issue permits and impose conditions in those permits, as well as the State's authority to conduct compliance monitoring and enforcement.

During this review of the State permit program, EPA also determines whether the program contains procedures consistent with the public participation directive in RCRA section 7004(b). RCRA section 7004(b), which applies to all RCRA programs, directs that "public participation in the development, revision, implementation, and enforcement of any . . . program under this chapter shall be provided for, encouraged, and assisted by the Administrator and the States." 42 U.S.C. 6974(b)(1). To make this determination, EPA evaluates the State's public participation procedures for issuing permits and for intervention in civil enforcement proceedings.

Although 40 CFR part 239 applies to the approval of State Municipal Solid Waste Landfill (MSWLF) programs under RCRA section 4005(c)(1) rather than EPA's evaluation of CCR permit programs under RCRA section 4005(d), the specific criteria outlined in that regulation provide a helpful framework to examine the relevant aspects of a State's CCR permit program. States are familiar with these criteria because all States have MSWLF programs that have been approved pursuant to these regulations, and the regulations are generally regarded as protective and appropriate.

Consequently, EPA relied on the four categories of criteria outlined in 40 CFR part 239 as guidelines to evaluate the Wyoming CCR permit program: permitting requirements, requirements for compliance monitoring authority, requirements for enforcement authority, and requirements for intervention in civil enforcement proceedings.

Second, EPA must evaluate the technical criteria that will be included in each permit issued under the State CCR permit program to determine whether they are the same as the Federal criteria, or to the extent they differ, whether the modified criteria are "at least as protective as" the Federal requirements. See 42 U.S.C. 6945(d)(1)(B). Only if both components

meet the statutory requirements may EPA approve the program. See 42 U.S.C. 6945(d)(1). EPA makes this determination by comparing the State's technical criteria to the corresponding Federal criteria and, where necessary, evaluating whether different State criteria are at least as protective as the Federal criteria.

Upon careful review, and as discussed in more detail below, EPA has preliminarily determined that Wyoming's partial CCR permit program includes all the elements of an adequate State CCR permit program. It also contains all the technical criteria in 40 CFR part 257, subpart D, except for the provisions specifically discussed below that Wyoming has not included in its partial CCR permit program. Consequently, EPA is proposing to approve the entirety of Wyoming's partial CCR permit program application. The State's CCR permit program does not encompass the full scope of Federal CCR requirements as presently constituted, and the provisions of the Federal CCR regulations that are not part of Wyoming's approved CCR permit program will remain directly applicable to affected CCR units. 42 U.S.C. 6945(d)(1)(B).

EPA's full analysis of the Wyoming CCR permit program, and how the Wyoming regulations differ from the Federal requirements, can be found in the Technical Support Document. EPA determined that the Wyoming CCR permit program application was complete and notified Wyoming of its determination by letter.⁹

A. Adequacy of the Wyoming Permit Program

Section 4005(d)(1)(A) of RCRA, 42 U.S.C. 6945(d)(1)(A), requires a State seeking State CCR permit program approval to submit to EPA, "in such form as the Administrator may establish, evidence of a permit program or other system of prior approval and conditions under State law for regulation by the State of coal combustion residuals units that are located in the State." Although the statute directs EPA to establish the form of such evidence, the statute does not require EPA to promulgate regulations governing the process or standard for determining the adequacy of such State programs. EPA, therefore, developed the Coal Combustion Residuals State Permit Program Guidance Document; Interim Final (82 FR 38685, August 15, 2017)

⁹ The Wyoming application, EPA's completeness determination letter, and the Technical Support Document are available in the docket supporting this action.

⁵ USEPA 2023a. Letter from Carolyn Hoskinson, Director, EPA Office of Resource Conservation and Recovery, to Mr. Todd Parfitt, Director, Wyoming Department of Environmental Quality. March.

⁶ USEPA 2023b. Letter from Barry Breen, Principal Deputy Assistant Administrator for the EPA Office of Land and Emergency Management to Mr. Todd Parfitt, Director, Wyoming Department of Environmental Quality. December.

⁷ WDEQ 2024. Letter from Todd Parfitt, Director, Wyoming Department of Environmental Quality to Barry Breen, Principal Deputy Assistant Administrator for the EPA Office of Land and Emergency Management. RE: EPA's Comments on State of Wyoming—Coal Combustion Residuals Permit Program Application EPA. January.

⁸ WDEQ 2025. Letter from Todd Parfitt, Director, Wyoming Department of Environmental Quality to Rick Buhl, Director, Land, Chemicals, and Redevelopment Division, US Environmental Protection Agency—Region 8. RE: EPA's May 16, 2025. Questions on Wyoming's CCR Permit Program Application. June.

(the “Guidance Document”). The Guidance Document provides recommendations on a process and standards that States may choose to use to apply for EPA approval of its CCR permit programs, based on the standards in RCRA section 4005(d), existing regulations at 40 CFR part 239, and the Agency’s experience in reviewing and approving State programs.

EPA evaluated the Wyoming CCR permit program using the process and statutory and regulatory standards discussed in sections II.C. and IV.A. of this preamble. EPA’s findings are summarized below and provided in more detail in the Technical Support Document located in the docket supporting this proposed determination.

1. Guidelines for Permitting

In EPA’s judgment, an adequate State CCR permit program must ensure that:

(1) Existing and new facilities are permitted or otherwise approved and in compliance with either 40 CFR part 257 or other State criteria; (2) The State has the authority to collect all information necessary to issue permits that are adequate to ensure compliance with relevant 40 CFR part 257, subpart D requirements; and (3) The State has the authority to impose requirements for CCR units adequate to ensure compliance with either 40 CFR part 257, subpart D, or such other State criteria that have been determined and approved by the Administrator to be at least as protective as 40 CFR part 257, subpart D.

The permitting process in Wyoming involves three entities: (1) WDEQ; (2) The Solid and Hazardous Waste Division (SHWD) within WDEQ; and (3) The Environmental Quality Council (Council), an independent body whose members are appointed by the Governor. For a more detailed description, see section 5.0 of the Narrative Statement.

a. Permit Required

All owners and operators of existing and new CCR facilities in Wyoming are required to comply with State CCR rules found at Wyoming Administrative Rules, Environmental Quality, Solid Waste Rules (SWR) chapter 18, and to obtain a permit in accordance with Wyoming Statutes (WS) section 35–11–502 and SWR chapters 1 and 18. Wyoming law requires every person who treats or transports solid waste or operates a solid waste management unit or facility, including CCR units, to have a valid permit issued by WDEQ. WS section 35–11–502(a); SWR chapter 1, section 1(c), chapter 18, section 4(a). Permit application requirements can be

found in SWR chapter 1, section 2, and chapter 18, section 4(d).

b. Permitting Authority

WDEQ has the authority to collect all information necessary to issue permits that are adequate to ensure compliance with SWR chapter 18. WS section 35–11–109. In addition, SWR chapter 18, section 4(d) specifies the information that applicants for a solid waste permit, including a CCR unit permit, are required to submit to show compliance with the SWR.

c. Permit Requirements and Permitting Process

Existing CCR landfills must submit a permit renewal application no later than 12 months prior to the expiration date of the facility’s existing solid waste permit. SWR chapter 18, section 4(d). Existing CCR surface impoundments must submit a new permit application within 12 months of the effective date of the State rule. Owners and operators of existing CCR landfills and surface impoundments that intend to cease disposal of all waste before obtaining a permit through the post-closure care period shall submit a closure permit application within 12 months prior to the expiration date of the facility’s existing permit or the date the facility anticipates to cease disposal of CCR, whichever comes first. An alternate schedule to submit a new application, renewal application or closure permit application may be approved by the SHWD for good cause. SWR chapter 18, section 4(b).

Applications for renewal permits and closure permits are subject to the application procedures set forth in WS section 35–11–502 and SWR chapter 1, section 2(a), (b), and (c) and must follow the procedures and provisions of SWR chapter 1, section 2(d) and (e) respectively. CCR permits may be transferred from one operator to a new operator with written approval from WDEQ SHWD’s Solid Waste Permitting and Corrective Action (SWPCA) Program Director (Director) in accordance with SWR chapter 1, section 3(d).

The permit duration for new or existing CCR surface impoundments and CCR landfills renewal permits will be for the operating life of the facility through post-closure, and closure permits will be issued for a period that includes the time required to complete closure activities and a minimum 30-year post-closure term. SWR chapter 18, section 4(c).

Within sixty days after a permit application has been submitted, WDEQ must notify the applicant whether or not

the application is complete. WS section 35–11–502(e). Once WDEQ determines that an application is complete, WDEQ issues a letter of completeness and initiates a technical review of the permit application. At that time, the applicant must conduct a public notice and initiate a 30-day public comment period for the complete application, as described below. WS section 35–11–502(g), (h); SWR chapter 18, section 4. WDEQ must complete the technical review of the application within 90 days. During technical review of the application, WDEQ considers public comments submitted during the public comment period for the complete application. SWR chapter 18, section 2(c)(i)(C). Within WDEQ, the SHWD manages and implements the Wyoming CCR permit program. The SHWD may opt to conduct a public hearing on the application. SWR chapter 18 section 2(c)(i)(D).

Once the SHWD completes technical review of the application, it may make one of three determinations: (1) The permit application is technically inadequate; (2) The permit application is technically adequate, and a proposed permit is suitable for publication; or (3) The permit application is denied. WDEQ may modify, suspend, revoke, or deny a permit if: (1) Permit issuance would not meet the provisions of the Wyoming Environmental Quality Act, WS section 35–11–101 *et seq.* (the Act) or regulations; (2) The applicant fails to submit the required information; (3) The facility has a history of noncompliance; (4) The applicant indicates the facility would not comply with provisions of the regulations or misrepresents actual site conditions; (5) The applicant fails to employ a qualified solid waste manager; or (6) The applicant, or any partners, executive officers, or corporate directors has been found liable of violating environmental quality laws or criminal racketeering laws or regulations which constitute evidence that the applicant cannot be relied upon to conduct the operations described in the permit application in compliance with the Act or regulations. SWR chapter 1, section 4.

Provisions for amending permits for solid waste handling facilities are in SWR chapter 18, section 4(f). SWR chapter 18, section 3(c) specifies those changes to a permit that qualify as major amendments and which are minor amendments. Major amendments to permits may be requested by the Permittee and are reviewed and processed by the SHWD in accordance with the procedures for new or renewal permits described above. Minor amendments to permits may be completed through written notice and

approval by the SHWD within 60 days. SWR chapter 18, section 3(c). A written notice of a minor amendment to a permit can be determined to be deficient, approved, or denied. Permittees can provide additional information to the SHWD in response to any deficiency notice.

EPA has preliminarily determined that the Wyoming approach to CCR permit applications and approvals is adequate, and that this aspect of the Wyoming CCR permit program meets the standard for program approval.

2. Guidelines for Public Participation

Based on RCRA section 7004, 42 U.S.C. 6974, it is EPA's judgment that an adequate State CCR permit program will ensure that: (1) Documents for permit determinations are made available for public review and comment; (2) Final determinations on permit applications are made known to the public; and (3) Public comments on permit determinations are considered and significant comments are responded to in the permit record. EPA's review of Wyoming's CCR permit program indicates that the State has adopted public participation procedures that allow interested parties to talk openly and frankly about permit issues and search for mutually agreeable solutions to differences in views. An overview of Wyoming's public participation provisions is provided below.

a. Public Notice

The State program provides public notice in several ways and at several different stages of the permitting process, which taken together ensure that documents for permit determinations are subject to public review and comment. WDEQ requires State CCR permit applicants to provide notice to the public. Once WDEQ determines that an application is complete, WDEQ issues a letter of completeness and initiates a technical review of the permit application. At this time, the applicant must conduct a public notice and initiate a 30-day public comment period for the complete application. WS section 35-11-502(g), (h); SWR chapter 18, section 4. The public notice must provide specific information about the facility, including its proposed size and location; the types of waste to be managed; methods that will be used to manage the waste; and the operating life of the unit. WDEQ must complete technical review of the application within 90 days. During technical review of the application, WDEQ considers public comments submitted during the public comment period for the complete application.

SWR chapter 18, section 2(c)(i)(C). The SHWD may opt to conduct a public hearing on the application. SWR chapter 18 section 2(c)(i)(D). Permit renewals are subject to the same public notice and comment requirements as new permit applications and are therefore subject to two, 30-day public comment periods with options to hold a public hearing for each.

b. Public Comment Period

All applicants for solid waste permits that submit a new, renewal, closure or major amendment permit application are required to complete two public comment periods during the permitting process. The first public comment period occurs after the SHWD deems the permit application complete, and the second occurs when the SHWD deems the permit application technically adequate and issues a proposed permit in accordance with WS section 35-11-502, SWR chapter 1, section 2(c), and SWR chapter 18 section 4(f). Public notice for the complete application and for the proposed permit must contain information about the permit application including the applicant; the proposed facility location and size; the waste types intended for management; the method of waste management; and the operating life of the unit. Public notices must also contain information on how to obtain special assistance or alternate formats of a notice for individuals with disabilities and inform the reader to visit WDEQ's website for a Spanish translation.

The applicant is required to publish each written notice once a week for two consecutive weeks in a newspaper of general circulation within the county where the applicant plans to locate the facility or where an existing facility is currently located, for each public comment period. WS section 35-11-502 (g through k) and SWR chapter 18 section 2. Each public comment period begins on the first day of the notice publication and continues until 30 days after the second publication. The applicant is required to give written notice of the permit application to landowners with property located within one-half mile of the site, the mayor of each city or town within 50 miles of the site, the Local County Commission, any solid waste district located in the county, and the Solid Waste Permitting and Corrective Action Program Interested Parties Mailing List (hard copy). The written notice is also posted to WDEQ's Public Notice website.

Permit applications and review documents are available for public review at any WDEQ office and can be

sent digitally upon request. Specific information on how to request access to permit documents is found in Wyoming's CCR permit program narrative Section 7.0 Public Participation (Page 14), Appendix G Public Notice Templates, SWR chapter 1 section 2(c), and WS section 35-11-502. Additionally, the public can contact the WDEQ and request to be added to a listserv or mailing list (Interested Parties Mailing List). Written comments on permit applications are accepted by mail, fax, and through WDEQ's digital comment portal. If a commenter has technical difficulties with the digital comment portal, the portal website has instructions for obtaining assistance.

Public comments received by WDEQ during the first public comment period for the complete application are considered by WDEQ in drafting a proposed permit. If substantial written comments, including objections to a proposed permit, are filed during the public comment period for the proposed permit, a public hearing shall be held by the Council within twenty days after the end of the public comment period. WS section 35-11-502(k). The Director shall render a decision on the proposed permit within 30 days after completion of the public comment period if no hearing is requested. If a hearing is held, the Director will issue or deny the permit no later than 15 days from receipt of any findings of fact and decision of the Council. WS section 35-11-502(k) and (m).

All comments received are considered and WDEQ provides a response to each commenter prior to making a final permit determination. In addition to providing responses to individual commenters, all files in WDEQ are available for the public to review unless they are found to be confidential under WS section 35-11-1101 or otherwise protected under the Wyoming Public Records Act. The public can submit a record request using the WDEQ website. The public can also request to view documents at any of WDEQ's offices.

Final permit determinations are required to be added to the owner or operator's CCR website within five days of the owner or operator's receipt of the determination. SWR chapter 18, section 11(c)(i). Documents produced and distributed as part of the permitting process are maintained by WDEQ as a public record in accordance with Wyoming Public Records Act and must be made available to the public accordingly. Public comments are subject to the Wyoming Public Records Act and maintained by WDEQ.

c. Challenges to Permit Decisions

In accordance with WS section 35–11–502(k), any interested person has the right to file written objections to the proposed permit with the Director within 30 days after the last publication of the written notice given for the proposed permit. If substantial written objections are filed, the Wyoming Environmental Council (Council) holds a public hearing. WS section 35–11–502(k). To notify the public of a pending hearing, the Council must publish written notice of the time, date, and location of the public hearing in a newspaper of general circulation in the county where the facility would be located once a week for two consecutive weeks immediately prior to the hearing. The public hearing is to be conducted as a contested case under the Wyoming Administrative Procedure Act (WY APA). WS 16–3–107 through 16–3–112. Judicial review can be obtained pursuant to the WY APA. WS 16–3–114.

If a public hearing is held, the Council shall issue findings of fact and a decision on the proposed permit within 30 days afterward. WDEQ shall issue or deny the permit within 15 days after receiving findings of fact and decision of the Council. WS section 35–11–502(m)

WS section 35–11–1001 provides that any aggrieved party under the Act may obtain judicial review by filing a petition for review within 30 days after entry of the order or other final action complained of pursuant to the provisions of the WY APA. Any interested person has the right to file written objections to a proposed permit with the Director within 30 days after the last publication of the public notice for the public comment period for the permit. If substantial written objections are filed, a public hearing shall be held by the Council. WS section 35–11–112 charges the Council to act as the hearing examiner for WDEQ in any case contesting the grant, denial, suspension, revocation or renewal of any permit required by the Act. The hearing shall be conducted as a contested case in accordance with WY APA, WS sections 16–3–101 *et seq.*

The WY APA provides that any person aggrieved or adversely affected in fact by a final decision of an agency in a contested case, or by any other agency action or inaction, is entitled to judicial review. WS section 16–3–114.

EPA has preliminarily determined that the Wyoming approach to public participation requirements provides adequate opportunities for public participation in the permitting process sufficient to meet the standard for

program approval. The provisions described above meet the three criteria listed at the beginning of this section by providing several means by which documents for draft and final permit determinations are made available for public review and comment, as well as ensuring that public comments on permit determinations are considered and significant comments are responded to in the permit record.

3. Guidelines for Compliance Monitoring Authority

An adequate permit program must provide the State with the authority to gather information about compliance, perform inspections, and ensure that the information it gathers is suitable for enforcement. WDEQ has authority under WS section 35–11–109 to obtain any necessary documents and to conduct monitoring and testing to determine if an owner or operator of a CCR unit is in compliance with the permit and applicable regulations.

The Director or designated officers, employees, or representatives of WDEQ are also granted the authority under WS section 35–11–109 to conduct inspections of facilities, to inspect and copy any records, and to inspect any monitoring equipment or method of operation required to be maintained pursuant to the Act. Further, the application for a CCR unit includes an access agreement authorizing WDEQ to enter an operator's premises where a regulated facility or activity is located or conducted, or where records are kept, to perform inspections and to collect data for the purposes of ensuring compliance or as otherwise authorized by the appropriate rules and regulations of WDEQ. No permit shall be issued unless the owner of the facility provides the written authorization. SWR chapter 1, section 1(g).

In addition, the information that WDEQ collects or obtains during inspections, compliance monitoring, and enforcement, allows the State to verify the accuracy of information submitted by owners or operators of CCR units; verify the adequacy of methods (including sampling) used by owners or operators in developing that information; and produce evidence admissible in an enforcement proceeding. WS section 35–11–109.

Accordingly, EPA has preliminarily determined that these compliance monitoring authorities are adequate, and that this aspect of the Wyoming CCR permit program meets the standard for program approval.

4. Guidelines for Enforcement Authority

An adequate State CCR permit program must provide the State with adequate enforcement authority to administer its State CCR permit program, including the authority to: (1) Restrain any person from engaging in activity which may damage human health or the environment, (2) Sue to enjoin prohibited activity, and (3) Sue to recover civil penalties for prohibited activity.

WS section 35–11–701 authorizes the Director to issue an order requiring the cessation and desistance of violations of the Act, rules, regulations, standards, permits, licenses or variances under the Act. In addition, if the Director has evidence that any pollution source presents an immediate and substantial danger to human or environmental health or safety, the Director may institute, through the Wyoming Attorney General, a civil action for immediate injunctive relief to halt any activity causing the danger. WS section 35–11–115(a). Further, WS section 35–11–109(a)(i) grants WDEQ wide-ranging authority to perform acts necessary to enforce the provisions of the Act and any rules, regulations, orders, or permits established or issued thereunder, and WS section 35–11–109(a)(vii) grants the Director wide latitude to prepare and present enforcement cases before the Council for violations of the Act or regulations promulgated under the Act. When compliance with the Act or the regulations applicable to CCR units, SWR chapter 18, is not achieved, WDEQ is authorized under the Act to engage in voluntary stipulated settlement or to initiate a civil enforcement action in Wyoming District Court.

Finally, under WS section 35–11–901(a), the Director can bring an administrative action for the assessment of civil penalties in Wyoming District Court against any person who violates, or any director, officer or agent of a corporate permittee who willfully and knowingly authorizes, orders or carries out the violation of any provision of the Act, or any rule, regulation, standard, or permit adopted thereunder or who violates any determination or order of the Council pursuant to the Act or any rule, regulation, standard, permit, license, or variance. Such violations are subject to a penalty not to exceed \$10,000.00 for each violation for each day during which a violation continues; a temporary or permanent injunction; or both a penalty and an injunction. WS section 35–11–901(a).

Based on the foregoing, EPA has preliminarily determined that this aspect of the Wyoming CCR permit

program meets the standard for program approval.

5. Intervention in Civil Enforcement Proceedings

Based on RCRA section 7004, an adequate CCR State permit program must provide an opportunity for citizen intervention in civil enforcement proceedings. Specifically, the State must either: (1) Provide for citizen intervention as a matter of right; or (2) Have in place a process to: (a) Provide notice and opportunity for public involvement in civil enforcement actions, (b) Investigate and provide responses to citizen complaints about violations, and (c) Not oppose citizen intervention when permissive intervention is allowed by statute, rule, or regulation.

WS section 35–11–904(c)(ii) provides that any person may intervene as a matter of right when WDEQ, through the attorney general, has commenced a civil action to require compliance with the provisions of the Act, or any rule, regulation, order or permit issued pursuant to the Act. Additionally, WDEQ has the authority under WS 35–11–701(a) to investigate citizen complaints concerning violations.

Inasmuch as the State explicitly provides for citizen intervention in civil enforcement proceedings as a matter of right, EPA has preliminarily determined that these authorities provide for an adequate level of citizen involvement in the enforcement process, and that this aspect of the Wyoming CCR permit program meets the standard for program approval.

B. Adequacy of Technical Criteria

EPA conducted an analysis of the Wyoming CCR permit program application, including a thorough analysis of Wyoming statutory authorities for the CCR program, as well as its regulations at Solid Waste Rules chapter 18: Disposal of Coal Combustion Residuals in Landfills and Surface Impoundments. As noted above, Wyoming has requested approval of a partial CCR permit program.

1. Wyoming CCR Units and Resources

WDEQ has identified 19 disposal units that are currently or have been used for disposal of CCR wastes (3 landfills and 16 surface impoundments) at 4 facilities in Wyoming.¹⁰ WDEQ has demonstrated that it has the personnel to administer a permit program that is at least as protective as the Federal

requirements.¹¹ The WDEQ SHWD is the lead program for permitting, compliance, and enforcement of CCR units. The WDEQ CCR Program is funded through the State budget process. The WDEQ budget is approved by the Wyoming State Legislature as identified in the Wyoming State Budget. In addition, WDEQ applied for EPA State and Tribal Assistance Grants (STAG) funding for Fiscal Years 2021 through 2023. In total, WDEQ has received \$571,396 in funding to develop its CCR permit program. If EPA receives future appropriations, WDEQ can continue to apply for funds for implementation of its CCR permit program. EPA has preliminarily determined that the WDEQ staffing and funding are adequate for WDEQ to administer the CCR permit program.

2. Wyoming CCR Regulations

EPA has preliminarily determined that the portions of the Wyoming CCR permit program that were submitted for approval meet the standard for approval under RCRA section 4005(d)(1)(B)(i), 42 U.S.C. 6945(d)(1)(B)(i). To make this preliminary determination, EPA compared the technical requirements in the Wyoming CCR regulations at SWR chapter 18 to the Federal CCR regulations at 40 CFR part 257 to determine whether they differed from the Federal requirements, and if so, whether those differences met the standard in RCRA sections 4005(d)(1)(B)(ii) and (C), 42 U.S.C. 6945(d)(1)(B)(ii) and (C).

WDEQ previously regulated CCR in landfills under the SWR starting in 1990. Under the Wyoming Water Quality Rules promulgated in 1975, Wyoming began regulating CCR surface impoundments. WDEQ incorporated by reference the Federal CCR regulations, promulgated through December 14, 2020, with the addition of those portions of the Act (appendix A of the application) and SWR (appendix B of the application) that were more stringent. This includes additional definitions, general facility information, design and operating criteria, groundwater monitoring, and requirements for co-disposing of other waste streams, which are described further in section V. of the TSD. WDEQ amended the regulations to adopt EPA amendments through December 14, 2020, and chapter 18 became effective on August 19, 2022.

3. Wyoming Partial Program

WDEQ is seeking approval of its partial State CCR permit program pursuant to RCRA section 4005(d). The WDEQ's rules adopt the Federal CCR regulations promulgated through December 14, 2020. Wyoming is not seeking approval for the following four requirements of the Federal CCR regulations and, therefore, those requirements in the Federal CCR regulations will continue to apply directly to each regulated CCR unit in Wyoming:

1. Amendments made in the Legacy CCR Surface Impoundments and CCR Management Units Final Rule.¹² This includes 40 CFR 257.50(e), which WDEQ has not yet adopted.
2. 40 CFR 257.73(a)(4), 257.73(d)(1)(iv), 257.74(a)(4), and 257.74(d)(1)(iv) for vegetative cover for slope stability;
3. 40 CFR 257.90(g) for suspension of groundwater monitoring; and
4. 40 CFR 257.95(h)(2) for groundwater protection standards for constituents in appendix IV having no Maximum Contaminant Levels.

With the exception of these four items, EPA has preliminarily determined that the Wyoming CCR regulations contain all of the technical elements of the Federal CCR regulations, including requirements for location restrictions, design and operating criteria, groundwater monitoring and corrective action, closure requirements and post-closure care, recordkeeping, notification, and CCR website posting requirements. The Wyoming CCR permit program also contains State-specific language, references, definitions, and State-specific requirements that differ from the Federal CCR regulations, but which EPA has determined to be “at least as protective as” the Federal criteria. These State-specific requirements are also discussed further in sections III.1. and V. of the Technical Support Document.

The effect of approving a State CCR permit program is that, except for the provisions for which EPA has not granted approval, the Wyoming CCR permit program will apply in lieu of the Federal CCR regulations. For the State provisions that will not be approved upon finalization, the corresponding Federal requirements will continue to apply directly to facilities, and therefore facilities must comply with both the

¹² The provisions that changed in 40 CFR part 257, subpart D that WDEQ did not adopt are specified in *Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals from Electric Utilities; Legacy CCR Surface Impoundments* rule (89 FR 38985, May 8, 2024) and the technical corrections direct final rule (89 FR 88650, November 8, 2024).

¹⁰ For more information on the specific facilities covered by the Wyoming CCR Permit Program, see page 7 (PDF page 10) of the Narrative, which is included in the docket for this action.

¹¹ The discussion on State personnel is included on page 8 (PDF page 11) of the Narrative, which is included in the docket for this action, and is described further in the Technical Support Document.

Federal requirements and the State requirements.

V. Wyoming CCR Permits

In accordance with the Wyoming SWR, chapter 18, section 4(a), all CCR units must be permitted in accordance with chapter 18. WDEQ has not issued any SWR chapter 18 CCR permits in the State. In accordance with the SWR, chapter 18, section 4(b), existing CCR landfills and surface impoundments must submit an operating or closure permit application under chapter 18 under certain timeframes unless an alternate schedule is approved by the SHWD for good cause. New CCR units must obtain a permit under chapter 18 prior to construction.

Since WDEQ has not issued permits under the chapter 18 regulations, no Wyoming permits are part of the permit program record under review. In accordance with RCRA sections 4005(d)(3)(A) and 4005(d)(6), in the absence of a permit issued under an approved State program, the owner or operator of a CCR unit must continue to comply with the Federal CCR regulations until a permit from an approved State is issued. 42 U.S.C. 6945(d)(3)(A), (d)(6). Any permits issued after approval will be subject to program review provisions required by RCRA sections 4005(d)(1)(D)(i) and 4005(d)(1)(D)(ii). 42 U.S.C. 6945(d)(1)(D)(i), (ii).

VI. Proposed Action

EPA has preliminarily determined that the Wyoming partial CCR permit program meets the statutory standard for approval. Therefore, in accordance with 42 U.S.C. 6945(d), EPA is proposing to approve the Wyoming partial CCR permit program.

Lee Zeldin,

Administrator.

[FR Doc. 2025-16801 Filed 8-29-25; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 4

[PS Docket Nos. 21-346, 15-80, ET Docket No. 04-35; FCC 25-45; FR ID 310513]

Resilient Networks; Disruptions to Communications

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (FCC or

Commission) commences a thorough review of the Disaster Information Reporting System (DIRS) and proposes changes to ensure the system is collecting information useful to disaster response without imposing unreasonable burdens on stakeholders. To reduce these burdens, this document proposes replacing the different DIRS worksheets with a single, dynamic form and introduces a “one-click” option for indicating there is “no change” from the preceding day’s DIRS report. Further, this document proposes eliminating or modifying information fields that are duplicative or that may not request information that offers significant value for disaster response. The document further proposes reducing burdens by removing the requirement for mandatory DIRS filers to submit a final report within 24 hours of DIRS deactivation, and eliminating the reporting obligations for non-facilities-based providers. Other modernization proposals include suspending Network Outage Reporting System (NORS) reporting requirements for providers that timely report in DIRS Lite and removing barriers to outage information sharing for state agencies.

DATES: Comments are due on or before October 2, 2025 and reply comments are due on or before November 3, 2025.

ADDRESSES: Pursuant to §§ 1.415 and 1.419 of the Commission’s rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of the Third Further Notice of Proposed Rulemaking. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS). You may submit comments, identified by PS Docket Nos. 21-346 and 15-80; ET Docket No. 04-35 by any of the following methods:

- **Electronic Filers:** Comments may be filed electronically using the internet by accessing the ECFS: <https://www.fcc.gov/ecfs/>.

- **Paper Filers:** Parties who choose to file by paper must file an original and one copy of each filing.

- Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. *All filings must be addressed to the Secretary, Federal Communications Commission.*

- Hand-delivered or messenger-delivered paper filings for the Commission’s Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the Commission’s mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands

or fasteners. Any envelopes and boxes must be disposed of before entering the building.

- Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.

- **People with Disabilities:** To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530.

FOR FURTHER INFORMATION CONTACT: Jeanne Stockman, Attorney Advisor, Cybersecurity and Communications Reliability Division, Public Safety and Homeland Security Bureau, at (202) 418-7830, or Jeanne.Stockman@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission’s Third Further Notice of Proposed Rulemaking (*Third FNPRM*), PS Docket Nos. 21-346 and 15-80; ET Docket No. 04-35, FCC 25-45, adopted August 4, 2025, and released August 6, 2025. The full text of this document is available by downloading the text from the Commission’s website at: <https://docs.fcc.gov/public/attachments/FCC-25-45A1.pdf>. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Center, 45 L Street NE, Washington, DC 20554. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to FCC504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice). A RULE relating to 47 CFR part 4 is published elsewhere in this issue of the **Federal Register**.

Ex Parte Rules

The proceeding this *Third FNPRM* initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in

the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with § 1.1206(b). In proceedings governed by § 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Regulatory Flexibility Analysis

The Regulatory Flexibility Act of 1980, as amended (RFA), requires that an agency prepare a regulatory flexibility analysis for notice-and-comment rulemaking proceedings, unless the agency certifies that "the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities." Accordingly, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) concerning potential rule and policy changes contained in this *Third FNPRM*. The IRFA is set forth in Appendix D of the FCC document, <https://www.fcc.gov/document/fcc-proposes-modernization-alerting-systems>. The Commission invites the general public, in particular small businesses, to comment on the IRFA. Comments must be filed by the deadlines for comments on the NPRM indicated on the first page of this *Third FNPRM* and must have a separate and distinct heading designating them as responses to the IRFA.

Paperwork Reduction Act

This Third Further Notice of Proposed Rulemaking may contain revised

information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4), we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

Providing Accountability Through Transparency Act

Consistent with the Providing Accountability Through Transparency Act, Public Law 118-9, a summary of this *Third FNPRM* will be available on <https://www.fcc.gov/proposed-rulemakings>.

Synopsis

I. Third Further Notice of Proposed Rulemaking

A. Streamlining the DIRS Reporting Framework

The *Third FNPRM* proposes to redesign the DIRS user interface to offer manual DIRS filers the ability to file a single, dynamic form instead of the current array of ten separate worksheets concerning different types of service and infrastructure, and seek comment on this proposal. Under the current framework, when the Bureau activates DIRS, providers must log into DIRS the day after activation (and on each subsequent day during which DIRS remains active) to complete worksheets applicable to its infrastructure. As described below, each of the ten DIRS worksheets is about one page in length and includes multiple information fields for providers to complete, and providers that file manually must input line-item data for each report applicable to the services they provide—and sometimes must complete multiple versions of the same worksheet if, for instance, they have more than one type of major equipment affected by the disaster. Many of the worksheets request overlapping data, rendering the current DIRS manual reporting framework cumbersome and inefficient for manual filers. Moreover, the frequency and intensity of disasters has increased since the Commission first established DIRS in 2007, leading to more frequent and lengthier DIRS activations. This increase, combined with newly effective mandatory DIRS reporting obligations

for cable communications, wireless, wireline and interconnected VoIP providers, makes it appropriate for us to examine whether to simplify the DIRS reporting framework.

Under our proposal, rather than filling out a series of separate, overlapping worksheets, providers that log into DIRS would respond to initial questions concerning the types of services they provide in the DIRS activation area and the types of equipment and facilities affected by the disaster. Based on these initial responses, each provider would be presented with questions seeking information relevant only to the services it provides, and would only be required to provide information common to multiple services and equipment types (such as the location and number of subscribers affected) once. For DIRS filers who complete the current worksheets manually, who we acknowledge represent a minority of the providers who are required to report in DIRS, this will also eliminate the need to complete multiple copies of certain worksheets if, for instance, they must report damage to multiple types of equipment or cell sites out in multiple counties. We further propose to include a "one-click" option on the consolidated worksheet for providers to indicate there is "no change" from the preceding day's DIRS report, which would eliminate the current need for providers to complete multiple steps to report each day when their infrastructure status has not changed. We believe these modifications may significantly simplify and reduce the time burden associated with manual DIRS data entry, while preserving the value of DIRS for the Commission and emergency management officials. We seek comment on this assessment.

We seek comment on how we could best implement these changes to DIRS. In an appendix, we propose sets of fields that we tentatively believe will be most relevant to each type of provider in DIRS and that therefore would need to be completed by those providers as part of the dynamic manual form. Should changes be made to this approach to ensure that providers are completing both all the fields that are relevant to them, and only the fields that are relevant to them? Are there additional ways in which we can streamline the method by which providers report in DIRS without adversely impacting either the quality or utility of information that DIRS provides to public safety stakeholders and emergency managers?

We have identified several of the current DIRS worksheets and information fields that we propose to

eliminate or modify because they are duplicative or may not provide information that provides significant value for emergency response. Specifically, we seek comment on whether we should take the following actions:

- Eliminate the fields from the Inter-exchange Carrier (IXC) Blocking worksheet, which does not appear to have proven useful for disaster response.
- Eliminate the Satellite worksheet, which we believe is unnecessary because no satellite service providers have ever made a DIRS filing.
- Eliminate the “Percent of Historical Capacity Available” field from the Wireless Cell Site by County worksheet, because the Commission can determine the extent to which capacity is available based on the number of cell sites reported as up or down.
- Eliminate fields from the Cable System worksheet that request both the number of cable telephone subscribers served and the number whose service is down, as these fields duplicate data that also must be reported for VoIP service.
- Eliminate fields from the Cable System and Major Equipment worksheets that request the numbers of video subscribers served and the number whose service is down, because we do not believe the availability of cable video service constitutes critical disaster-response information.
- Eliminate the “Number of Access Lines” field from the Major Equipment worksheet, which is covered in more granular questions elsewhere on the same worksheet.
- Harmonize fields on the Interoffice Facilities—TSP worksheet with NORS by requesting information about the number of Optical Carrier circuits (or their functional equivalent) affected, and eliminating the requirement to report the “number of DS3s down.”
- Make it voluntary for providers to report the number of remote aggregation devices that are down on the Remote Aggregation Devices worksheet, which seeks information that is less crucial for emergency response than data requested elsewhere on the same worksheet.
- Make it voluntary, instead of mandatory, for providers to report the number of broadband data users served and the number of those users whose service is down, as found on the Major Equipment and Cable System worksheets (except as the Commission requires as a condition for the receipt of Universal Service Funds).
- Instead of the current approach, under which some worksheets request both the address and latitude and longitude of affected equipment or

facilities, we would request location information in one of these formats (but not both) for each type of facility or equipment. We seek comment on whether this change would both reduce the number of fields in DIRS and improve the data by making it more uniform, and on whether, for each type of equipment or facility for which information is requested in DIRS, it would be more useful to request latitude and longitude or address.

We seek comment on whether eliminating or modifying these worksheets and fields would reduce the time burden associated with both manual and batch DIRS filing, and on whether the elimination or modification of these worksheets and fields would have a positive or negative effect on public safety or disaster recovery. For example, would eliminating fields concerning cable communications service video subscribers reduce emergency managers’ visibility into disaster impacts to people with disabilities, given the role of video-enabled alerting and notifications for people with access and functional needs? We also seek comment on additional ways we can streamline the substance of DIRS reporting for manual and batch filers to reduce filing burdens and without sacrificing the value of DIRS for emergency response and recovery. Are there other ways the Commission can modify or improve the reporting process to reduce compliance burdens for smaller providers?

Because information reported in DIRS is vital to determining where the “repair, replacement, and restoration of communications infrastructure” is needed, we seek to increase DIRS’s utility as a key input to disaster recovery efforts. Given the emergence of public safety communications networks and offerings such as FirstNet, Verizon Frontline, and T-Priority, we seek comment on whether to add fields to DIRS, as shown in an appendix, to enable voluntary reporting on the status of public safety broadband networks during DIRS. Currently, AT&T’s, Verizon’s, and T-Mobile’s DIRS infrastructure status reports do not distinguish impacts to their respective public safety broadband networks from effects on other customers. This prevents the Commission from disseminating information to emergency management agencies about outages that may affect first responders’ ability to communicate with one another and with PSAPs in disaster-affected areas. The Commission proposed requiring FirstNet to report information about its infrastructure status in DIRS in the *Second Report and*

Order & FNPRM, which most commenters supported in view of FirstNet’s role in enabling communications for first responders during disaster response and recovery. FirstNet opposed this proposal, arguing that the information that it already provides to customers via its FirstNet Central platform is a sufficient source of near real-time operational status information. FirstNet Central, however, does not report outages within any specific required timeframe and is not accessible to non-FirstNet users. First responders rely on public safety broadband networks to access key technologies that affect situational awareness, such as cameras that convey real-time or historical data; internet-connected devices and sensors that monitor weather, traffic, environmental issues, or access to secured locations; and maps and Geographic Information Systems (GIS) that may provide the location of responders or assets, potential hazards, or relational information between personnel and assets. Thus, FirstNet and other public safety broadband networks are a critical component of timely and effective emergency response. Any disruption to these services could literally be a matter of life or death for first responders themselves or members of the public who rely on police, fire, and emergency medical services that subscribe to these services. In view of the particularly sensitive role FirstNet and other public safety communications networks can play by enabling first responders to communicate during emergencies, we believe it appropriate to collect information during disasters on the operational status of FirstNet and similar public safety communications networks on a voluntary basis and seek comment on this approach. How would public safety stakeholders use this information if it were to be collected? We also seek comment on the burdens that collecting and reporting this information in DIRS would pose to the providers of these public safety networks, and whether these providers should report this information on a mandatory or voluntary basis. In seeking comment, we seek to both refresh the record on this issue from the Second Report and Order & FNPRM and broaden its potential scope to include other public safety communications networks.

We also seek comment on whether the Commission should collect more granular information in DIRS from wireless providers on the location of cell sites that are out of service. Wireless service is an important lifeline during

disasters and emergencies, including by enabling the public to receive Wireless Emergency Alerts (WEA). Currently, DIRS collects information about the county in which out-of-service cell sites are located. However, the average geographic size of a county in the United States is over 1,100 square miles, so the county-based data DIRS collects is often insufficient to pinpoint which communities have lost wireless connectivity. Emergency managers have often requested more specific cell site location and coverage information from the Commission to help prioritize recovery efforts. To provide first responders more actionable information, we propose to revise our Wireless Cell Site by County worksheet to enable wireless providers to voluntarily provide more granular location information for cell sites in a DIRS activation area, or, alternatively, to attach geospatial data describing cell site location and coverage to their DIRS submissions. In what format(s) and level of granularity should the Commission collect this data? We seek comment on whether and how public safety officials would use this information to support disaster response. We understand that many wireless providers already have this information and seek comment on the burden associated with providing it as part of their DIRS reports.

The Commission has delegated authority to the Bureau “to administer the communications disruption reporting requirements contained in part 4 of this chapter and to revise the filing system and template used for the submission of such communications disruption reports.” We believe that this existing delegation is sufficiently broad to allow the Bureau to implement these changes to DIRS, as well as future modifications to DIRS and its fields that may be needed to ensure that the system continues to serve its crucial role in disaster response and recovery. We seek comment on this view, including whether this delegation should be amended to more clearly describe the Bureau’s administrative responsibilities.

B. Eliminating the Requirement To File DIRS Final Reports

We propose to eliminate the requirement for mandatory DIRS filers to submit a final report within 24 hours of DIRS deactivation and seek comment on this proposal. Based on our experience administering the DIRS final report requirement, we tentatively conclude that final DIRS reports are not sufficiently beneficial to justify the burden they impose. We do not believe that these reports contain additional information beyond what is included in

regular DIRS filings that meaningfully improves the Commission’s (or public safety officials’) situational awareness. We have found that, during the 24-hour period between DIRS deactivation and the deadline to submit final DIRS reports, providers do not develop significantly deeper insight into the expected repair time for their degraded facilities. Indeed, 24 hours after DIRS deactivation, the timeframe for the recovery of damaged assets may still depend on factors outside of the service provider’s control, such as the accessibility of the damaged area to service technicians or the availability of replacement parts. In such circumstances, providing a service restoration estimate to local emergency managers could do more harm than good by inviting reliance on an uncertain service restoration timeline. We also believe that eliminating final reports would reduce the overall DIRS reporting burden for mandatory DIRS filers and enable these providers to better focus their resources on restoration and recovery activities, rather than regulatory reporting, without adversely affecting public safety stakeholders. We seek comment on these beliefs.

We also seek comment on whether requiring mandatory DIRS reporting for cable communications, wireline, wireless, and interconnected VoIP providers has resulted in useful information for emergency managers and other public safety officials. For those public safety officials who have experienced DIRS activations under both voluntary and mandatory reporting regimes, are public safety officials receiving more useful and/or complete information than they did when DIRS reporting was voluntary? How are public safety officials using this information? Is it premature to make this assessment given that DIRS filing only became mandatory in February 2025 and there has only been one DIRS activation since then? If so, how much additional time do parties anticipate is needed to make an assessment? Are there additional changes to DIRS that would make it easier for providers to use and reduce the burdens associated with reporting? Are there other ways the Commission can modify or improve the reporting process to facilitate compliance with DIRS reporting obligations, *e.g.*, how DIRS is activated, or how the Commission notifies communications service providers of DIRS activations?

C. Eliminating DIRS Reporting Obligations for Resellers and Mobile Virtual Network Operators

DIRS enables the Commission to collect infrastructure status and restoration information from communications service providers during disasters and subsequent recovery efforts. However, as currently constituted, the Commission’s mandatory DIRS reporting rules also apply to communications service providers that do not own their own infrastructure or other facilities, *i.e.*, Mobile Virtual Network Operators (MVNOs) and wireline and interconnected VoIP resellers. As a result, these non-facilities-based providers are required to submit reports concerning infrastructure they do not own that will already be the subject of DIRS reporting by their facilities-based counterparts, creating additional burdens for them and for the underlying facilities-based providers who must relay infrastructure status to their non-facilities based partners to enable their reporting. To eliminate unnecessary burdens on MVNOs and resellers, as well as on the underlying facilities-based providers who support them, we propose to limit DIRS reporting to facilities-based providers and thereby exempt MVNOs and resellers from the obligation to file DIRS reports. We seek comment on this proposal.

Given the importance of wireless service in emergencies, in order to maintain situational awareness about the impact of disasters on service to customers of MVNOs, we propose to require facilities-based wireless providers to list in their initial report in DIRS which MVNOs utilize their respective networks within the DIRS activation area. In this way, providers would only need to list their MVNO information once. Further, we expect that facilities-based providers to have this information readily available, as such network use arrangements are governed by detailed agreements with the MVNOs, and seek comment on this belief. Alternatively, would requiring MVNOs to identify their underlying network provider as part of a limited DIRS filing be a more efficient and less burdensome way to collect this information? Would information about the operational status of MVNOs be valuable to federal, state, Tribal, territorial, and local stakeholders for maintaining visibility into the operational status of all wireless service providers and their subscribers? To what extent would this proposal reduce compliance burdens for non-facilities-based providers and/or their facilities-

based partners? Would it be useful for the Commission to also require facilities-based wireline and VoIP providers to list in DIRS which resellers utilize their respective networks within the DIRS activation area?

D. Extending the NORS Reporting Waiver to DIRS Lite Activations

In its petition, ATIS asked the Commission to clarify whether the Commission's waiver of NORS filing obligations during DIRS activations extends to activations of DIRS Lite. DIRS Lite collects information about the status of major wireline and wireless assets, such as switches, and PSAPs, for disaster events that are less serious than those triggering DIRS activations. Instead of filers reporting in an online system as they do when DIRS is activated, DIRS Lite consists of information compiled by Commission staff in response to email and telephone requests to communications service providers. As a result, the scope of the DIRS-Lite information collection is narrower than that of DIRS and is not available to agencies with NORS or DIRS access. We seek comment on whether the NORS reporting waiver afforded to mandatory DIRS filers should be extended to providers that share information with the Commission during DIRS-Lite activations. Is the information the Commission receives in DIRS-Lite activations an appropriate substitute for NORS reporting in situations where DIRS-Lite is activated? Would public safety stakeholders have sufficient visibility into communications infrastructure status from DIRS-Lite submissions, given both the voluntary nature of DIRS-Lite activations and the fact that the Commission's NORS and DIRS information sharing regime does not extend to DIRS Lite? Would extending the NORS waiver to DIRS-Lite activations create a gap in the Commission's outage records and data analysis, allowing providers to avoid NORS filings, which require information about the cause and scope of an outage, while submitting only information the provider chooses to include as part of a voluntary oral or emailed submission to Commission staff?

E. Eliminating Unnecessary Barriers to Information Sharing

Since direct access to NORS and DIRS filings became available on September 30, 2022, only 22 federal, state, Tribal, or territorial emergency management or public safety agencies have sought and been granted direct access. Our understanding is that several emergency

management agencies have declined to participate in the Commission's NORS and DIRS information sharing program because they regard the requirements as too burdensome. As a result of this relatively low rate of adoption, we are concerned that NORS and DIRS information is being underutilized during emergencies. We seek comment on this view.

We seek comment on ways to simplify our information sharing requirements to make it easier for emergency management agencies to obtain direct access to NORS and DIRS filings for use in restoration and recovery efforts. For example, we seek comment on whether eliminating the following provisions of the Participating Agency Certification Form would encourage greater participation by federal and state agencies while continuing to safeguard confidential information: (1) remove provisions that simply restate the rules and associated training materials; (2) eliminate requirements that agencies annually recertify to the terms of access; (3) dispose of requirements that agencies regularly change user account passwords; and (4) remove requirements that requesting agency employees complete initial and annual security trainings to access NORS and DIRS reports. We also seek comment on whether to loosen the restrictions on how non-confidential NORS and DIRS data can be shared and used, so that the information can be shared more broadly with local public safety agencies and government agencies with relevant equities outside the emergency-management space. If these restrictions are loosened, which sharing restrictions should be modified or eliminated and what kinds of additional uses should be allowed? We seek comment on whether these actions would further our goal of promoting more robust participation in the Commission's information sharing program, which would in turn enhance emergency response and public safety efforts.

The Commission could also ease access to DIRS data by making some information included in DIRS filings more widely available to the public. We seek comment on whether there are types of information currently included in DIRS filings that could be subject to public disclosure without adversely impacting national security or commercially sensitive interests. Narrowing the presumption of confidentiality for DIRS filings may allow the Commission to include more data in public DIRS reports, eliminating the need for emergency management agencies to enter into complex information sharing agreements with the

Commission while still protecting providers' most sensitive data. This approach would also increase overall transparency into the reliability of providers' networks, which will increase competition between providers. Allowing greater public access to DIRS reports could result in a variety of potential benefits, including more information for the public about the scope of outages and disaster-related service disruptions when they occur, so that they can fund alternative means of communications. Moreover, researchers or other groups could collate and analyze the data in DIRS reports to help identify systemic or provider-specific problems and recommend solutions. As the Commission has recognized, even limited information disclosure from outage reports can spur industry-wide collaboration to improve network reliability issues and other improvements. Is it necessary for all of the information filed in DIRS to continue to be treated confidentially? What specific categories of information do providers view as particularly sensitive that may warrant continued confidential treatment, and what harms may arise if that information was publicly released?

F. Cost Benefit Analysis

We believe that our proposals to reduce the burdens of DIRS reporting on service providers will result in annual cost savings of approximately \$4 million, which outweighs the \$1,400 one-time cost and the \$215,000 annual recurring costs to implement these changes. The approximate \$4 million benefit estimate includes cost savings of \$143,000 for streamlining the filing process and eliminating the final report requirement for facilities-based voice providers, \$3.9 million from eliminating DIRS reporting obligations for MVNOS and VoIP resellers, and \$700 for waiving the NORS filing requirement when DIRS LITE is activated. The cost estimates include a \$1,400 one-time cost for DIRS batch filing reconfiguration, an annual cost of \$143,000 for facilities-based wireless providers to include MVNO information in DIRS filing, and an annual cost of \$72,000 for public safety broadband networks to report outages when DIRS is activated. These net cost savings, along with freeing up resources to restore and maintain service, will outweigh any potential effects on public safety from the Commission no longer receiving and sharing certain types of infrastructure status information.

Pursuant to staff estimation, at the county-level, there are on average 53 fixed voice providers, including cable communications, wireline, and VoIP

providers per county. Among these, an average of 12 fixed voice providers are facilities-based, and 41 are non-facilities-based resellers. We further estimate that there are an average of six facilities-based mobile wireless voice providers and 82 MVNOs per county. We estimate the overall benefits from cost savings for providers that arise from modifying DIRS as proposed above to be approximately \$143,000. By removing the need for providers to select from the current array of ten separate forms concerning different types of service and infrastructure, we estimate that manual filers should be able to complete their filings more quickly than prior to these changes. In addition, we estimate that eliminating unnecessary and duplicative fields will allow DIRS filings to be submitted more quickly. While it is difficult to precisely estimate the change in burden for providers overall due to differences in burdens that arise from differing service types, size, extent of service area, and preferred filing method, we estimate that these changes are likely to result in at least a 20% reduction in the amount of time that providers must spend on average when filing in DIRS on average. Our proposal to eliminate the requirement to file a final DIRS report further reduces this burden. 2025 statistics suggest a base hourly wage of \$24.12/hour. According to the Bureau of Labor Statistics, as of March 2025, civilian wages and salaries averaged \$32.92/hour and benefits averaged \$15/hour. Using these figures, benefits constitute a markup of \$15/\$32.92 ~46%. Taking 46% for cost of benefits (\$11.10/hour), we arrive at an hourly compensation of \$35.22/hour (\$24.12/hour + \$11.10/hour). We estimate the cost saving from streamlining DIRS reporting with a (20% cost reduction) \times 1 office and administrative support worker \times (\$35.22 hourly compensation) \times [(10/60) hours for the initial entry + (10/60) hours for daily updates \times 14 days] \times 339 counties \times 18 facilities-based service providers = \$107,456. We further estimate a \$35,819 cost saving from eliminating the final reporting requirement as 1 office and administrative support worker \times (\$35.22 hourly compensation) \times (10/60) hours for the final report entry \times 339 counties \times 18 facilities-based service providers = \$35,819. The aggregate cost saving is \$143,275 (= \$107,456 + \$35,819), which we round to \$143,000. Using the updated 2025 hourly compensation figure of \$35.22, we estimate a total annual cost savings of \$143,000 for facilities-based providers. We seek comment on our analysis. We seek

comment on whether this methodology remains an appropriate starting point for identifying the cost savings that arise from the changes to DIRS that we propose today. If not, what methodology should we use to determine the costs associated with DIRS filings?

We recognize that our proposal to eliminate certain data fields may cause service providers that use the DIRS batch filing option to incur one-time costs. In batch filing, a service provider utilizes the Commission's spreadsheet template so that multiple DIRS worksheets can be filed simultaneously. In response to our proposed reporting field changes, a provider may need to reconfigure its systems to reorganize how it exports data, and to ensure that the data is formatted in a manner accepted by DIRS. This may involve a one-time cost of an Information Technology (IT) professional, such as a database administrator, setting up the new index. According to the BLS, a database administrator has an average hourly wage of \$51.65 per hour, which would amount to a total hourly compensation of \$75.41/hour. We find this by taking 46% for cost of benefits (\$23.76/hour), arriving at an hourly compensation of \$75.41/hour (= \$51.65/hour + \$23.76/hour). Updating a provider's systems can take anywhere from a few seconds to several hours, depending on the amount of data fields. The amount of data required for a DIRS report is relatively minimal. Accordingly, we estimate that the one-time costs would require an average of one hour in view of the amount of data being modified. We estimate the total cost to be no more than \$1,357 = 1 database administrator \times \$75.41/hour \times 1 hour \times 18 facilities-based cable, wireline, wireless, and interconnected VoIP providers, which we round to \$1,400. This would result in an upfront cost of no more than \$1,400 if all the DIRS filers use the batch filing option, which we believe would be significantly outweighed by the recurring cost savings described above. We seek comments on these cost estimates.

We estimate that clarifying that we are excluding resellers and MVNOs from the requirements to file in DIRS will result in additional savings of \$3.9 million for those categories of providers. In the *Second Report and Order*, we did not include resellers and MVNOs in the cost calculation. Instead, we estimated that an average county would be supported by 54 voice providers, including facilities-based providers and VoIP resellers but omitting any MVNOs. As currently constituted, the Commission's mandatory DIRS reporting rules also apply to service

providers that do not own their own infrastructure, *i.e.*, MVNOs and wireline and interconnected VoIP resellers. To eliminate unnecessary burdens on MVNOs and resellers, we propose to limit DIRS reporting to facilities-based providers and thereby exempt MVNOs and resellers from the obligation to file DIRS reports. We estimate that the proposed exclusion of non-facilities-based providers from the DIRS filing requirement will result in an annual cost savings of \$3.9 million for these affected MVNOs and resellers. We arrived at this estimate by calculating an average of 82 MVNOs and 41 resellers providing service in each county, and then applying the same cost methodology for DIRS filings that we use in the *Second Report and Order*. Specifically, we estimate the cost savings as follows: 1 office and administrative support worker \times (\$35.22 hourly compensation) \times [(10/60) hours for the initial entry + (10/60) hours for daily updates \times 14 days + (10/60) hours for the final report entry] \times 339 counties \times (82 MVNOs + 41 resellers) = \$3,916,182, which we round to \$3.9 million. To maintain situational awareness about the impact of disasters on service to customers of MVNOs, we propose to require facilities-based wireless providers to list in DIRS which MVNOs utilize their respective networks within the DIRS activation area. We believe the cost of requiring facilities-based wireless providers to list in DIRS which MVNOs utilize their respective networks within the DIRS activation area would be minimal because facilities-based providers should have this information readily available. Nevertheless, we conservatively estimate that the additional reporting cost should not be greater than the overall DIRS reporting burden for these wireless facilities-based providers. We estimate \$143,000 as an upper bound of such incremental costs, as follows: (1–20% cost saving) \times 1 office and administrative support worker \times (\$35.22/hour) \times [(10/60) hours for the initial entry + (10/60) hours for daily updates \times 14 days] \times 339 counties \times 6 facilities-based wireless providers = \$143,275, which we round to \$143,000. We recognize that requiring information on public safety broadband networks to be included in DIRS reports may trigger additional costs. We estimate this additional filing cost will not exceed \$72,000, using (1–20% cost saving) \times {1 office and administrative support worker \times (\$35.22/hour) \times [(10/60) hours for the initial entry + (10/60) hours for daily updates \times 14 days] \times 339 counties \times 3 public safety broadband network

providers} = \$71,637, which we round to \$72,000. We do not account for any benefits and costs arising from collecting additional voluntary information (e.g., granular location information) because providers will only voluntarily provide such information when they deem the benefits from providing such information outweigh the costs. We seek comment on these estimates.

For extending the NORS suspension to DIRS Lite, we estimate the cost savings to be approximately \$70 per DIRS-Lite responder. The Commission has historically estimated that a provider requires two hours to complete all of the NORS filing requirements. The Commission previously activated DIRS Lite for New Mexico wildfires in 2024 and for Hawaii wildfires in 2023. Our records indicate that 10 service providers responded during each DIRS-Lite activation. In view of this information, we estimate that providers would have saved approximately \$700 per year by having their NORS filings requirements waived, by estimating that the task of reporting outages in NORS can be accomplished by a miscellaneous office and administrative support worker \times 2 hours per provider \times \$35.22 per hour \times 10 providers = \$704, which we round to \$700 per year. We seek comment on our analysis.

We seek comment on the benefit from cost savings associated with our proposed changes to the Commission's NORS and DIRS information sharing requirements. In the past, we have estimated that each agency participating in that framework would spend five hours preparing, reviewing, and submitting its initial request for NORS and DIRS access to the FCC and a similar amount of time annually to recertify their qualifications to access NORS in every year thereafter. These initial and annual requirements include the review of the security training materials and the submission of the certification and recertification forms, which we propose to simplify in the *Third FNPRM*. Would the proposed changes reduce the number of hours that agencies would require to apply for NORS and DIRS access, and if so, by how much? Are there other ways in which the changes to NORS and DIRS that we propose above would reduce burdens on agencies that seek NORS and DIRS information?

We further seek comment on the benefits and costs associated with loosening the restrictions on how non-confidential NORS and DIRS data can be shared and used, and making more data publicly available. Commenters are encouraged to provide specific

examples, suggesting guiding criteria for making confidentiality determinations when the harms of disclosure outweigh the benefits of public access to these data. We particularly welcome input supported by data, legal precedent, and practical experience.

II. Initial Regulatory Flexibility Analysis (IRFA)

As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Federal Communications Commission (Commission) has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the policies and rules proposed in the *Third FNPRM* assessing the possible significant economic impact on a substantial number of small entities. The Commission requests written public comments on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments specified on the first page of the *Third FNPRM*. The Commission will send a copy of the *Third FNPRM*, including this IRFA, to the Chief Counsel for the Small Business Administration (SBA) Office of Advocacy. In addition, the *Third FNPRM* and IRFA (or summaries thereof) will be published in the **Federal Register**.

A. Need for, and Objectives of, the Proposed Rules

The *Third FNPRM* explores the benefits of reducing burdens faced by small and other service providers and government agencies so that they can dedicate more resources to restoring and maintaining service during a disaster. The *Third FNPRM* also seeks comment on collecting new information that we believe would offer significant public safety value, namely collecting infrastructure status information for public safety communications service offerings like FirstNet, and collecting cell site location data for downed cell sites on a voluntary basis. Our proposals not only reduce burdens from the mandated reporting requirements of the *Second Report and Order*, but also burdens that arise from the Commission's sharing information contained within the outage reports. The Commission believes the proposals in the *Third FNPRM* strike the appropriate balance of reducing regulatory burdens for providers while insuring we collect necessary and relevant information when disasters occur.

B. Legal Basis

This action is authorized pursuant to sections 1, 4, 201, 214, 218, 251, 301, 303(b), 303(g), 303(j), 303(r), 307, 309,

316, 332, and 403, of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 201, 214, 218, 251, 301, 303(b), 303(g), 303(j), 303(r), 307, 309, 316, 332, 403; and sections 2, 3(b), and 6–7 of the Wireless Communications and Public Safety Act of 1999, 47 U.S.C. 615 note, 615, 615a–1, and 615b.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

Small Businesses, Small Organizations, Small Governmental Jurisdictions. Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe three broad groups of small entities that could be directly affected by our actions. First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, in general, a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States, which translates to 34.75 million businesses. Next, "small organizations" are not-for-profit enterprises that are independently owned and operated and not dominant their field. While we do not have data regarding the number of non-profits that meet that criteria, over 99 percent of nonprofits have fewer than 500 employees. Finally, "small governmental jurisdictions" are defined as cities, counties, towns, townships, villages, school districts, or special districts with populations of less than fifty thousand. Based on the 2022 U.S. Census of Governments data, we estimate that at least 48,724 out of 90,835 local government jurisdictions have a population of less than 50,000.

The rules proposed in the *Third FNPRM* if adopted will apply to small entities in the following industries: All Other Telecommunications; Media Streaming Distribution Services, Social Networks, and Other Media Networks and Content Providers; Radio Stations; Satellite Telecommunications; Telecommunications Resellers; Television Broadcasting; Wired Telecommunications Carriers; and Wireless Telecommunications Carriers (except Satellite). Affected entities within these identified industries include: Competitive Local Exchange Carriers; Incumbent Local Exchange Carriers; Local Exchange Carriers; Wired Telecommunications Carriers; Interexchange Carriers; Local Resellers; Toll Resellers; Telecommunications Resellers; Wireless Telecommunications

Carriers (except Satellite); and Wireless Telephony.

D. Description of Economic Impact and Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

The proposed requirements in the *Third FNPRM*, if adopted, will impose new or modified reporting, recordkeeping and/or other compliance obligations on small entities which should simplify and reduce regulatory reporting and filing requirements. These proposed requirements include exempting non-facilities-based providers from mandatory DIRS reporting and eliminating the DIRS final report; redesigning the DIRS user interface to allow manual DIRS filers to use a single dynamic form instead of completing a series of forms and overlapping worksheets; presenting small and other providers only with questions relevant to the services they provide and only require information common to multiple services and equipment types to be provided once; voluntarily collecting infrastructure status information for public safety communication service offerings like FirstNet and cell site location data for downed cell sites; and eliminating or making voluntary completion of specific data fields not core to disaster recovery and response. While the majority of the Commission's proposals in the *Third FNPRM*, if adopted, will result in cost saving for small and other providers, the Commission is aware that our proposal to eliminate certain data fields may result in small and other providers that use the DIRS batch filing option to incur a one-time cost for an Information Technology (IT) professional, such as a database administrator. Small entities therefore may have to hire an IT professional to the extent they do not already have one. We believe this expense would be significantly outweighed by the recurring cost savings of our other proposal in *Third FNPRM*. We also recognize that requiring information on public safety broadband networks to be included in DIRS reports may trigger additional costs.

E. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

None.

F. Discussion of Significant Alternatives Considered That Minimize the Significant Economic Impact on Small Entities

The *Third FNPRM* seeks comment on proposals to reduce burdens for service

providers during a disaster. We expect the comments we receive in response to the *Third FNPRM* to include information which should help the Commission further identify, and evaluate relevant issues and burdens for small entities, including compliance costs, before adopting final rules. The Commission's proposals in the *Third FNPRM* reflect the significant alternatives we considered to reduce the burdens of DIRS reporting and minimize the economic impact for small and other providers. While we continue believe the benefits of DIRS reporting for purposes of disaster response and recovery outweighs its burdens, the Commission is mindful that DIRS reporting requires providers to allocate resources to reporting while they are simultaneously responding to an ongoing disaster. We consider several alternatives in the *Third FNPRM* that seek to give small and other providers maximum flexibility and reduce potential costs of compliance with our various proposals, and seek comment on other means to reduce DIRS reporting burdens. We expect to consider the economic impact more fully on small entities following our review of comments filed in response to the *Third FNPRM* and the IFRA. The Commission's evaluation of this information will shape the final alternatives it considers to minimize any significant economic impact that may occur on small entities, the final conclusions it reaches and any final rules it promulgates in this proceeding. The *Third FNPRM* seeks comment on any alternatives to the Commission's proposals that could reduce burdens, particularly for small entities, while preserving the intended benefits of DIRS reporting.

III. Ordering Clauses

Accordingly, *it is ordered*, pursuant to the authority contained in sections 1, 4, 201, 214, 218, 251, 301, 303(b), 303(g), 303(j), 303(r), 307, 309, 316, 332, and 403, of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 201, 214, 218, 251, 301, 303(b), 303(g), 303(j), 303(r), 307, 309, 316, 332, 403, sections 2, 3(b), and 6–7 of the Wireless Communications and Public Safety Act of 1999, 47 U.S.C. 615 note, 615, 615a–1, and 615b, that this Third Further Notice of Proposed Rulemaking in PS Docket Nos. 21–346 and 15–80 and ET Docket No. 04–35 *is adopted*.

It is further ordered that the Commission's Office of the Secretary *shall send* a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis,

to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 4

Airports, Communications common carriers, Communications equipment, Reporting and recordkeeping requirements, Telecommunications.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 4 as follows:

PART 4—DISRUPTIONS TO COMMUNICATIONS

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

Authority: 47 U.S.C. 34–39, 151, 154, 155, 157, 201, 251, 307, 316, 615a–1, 1302(a), and 1302(b); 5 U.S.C. 301, and Executive Order no. 10530.

■ 2. Amend § 4.18 by revising paragraph (a) to read as follows:

§ 4.18 Mandatory Disaster Information Reporting System (DIRS) reporting for Cable Communications, Wireless, Wireline, and VoIP providers.

(a) Facilities-based cable communications, wireline communications, wireless service, and interconnected VoIP providers shall submit daily reports on their infrastructure status in the Disaster Information Reporting System (DIRS) when the Commission activates DIRS in geographic areas in which they provide service, even when their reportable infrastructure has not changed compared to the prior day. Facilities-based providers shall include in their reports the following information about areas in which the Commission has activated DIRS:

(1) Cable communications providers shall submit information concerning the type, power status, location, and identifying information of any major equipment that is down.

(2) Wireline communications providers shall submit information concerning the type, power status, location, and identifying information of any major equipment that is down; the quantity of working telephone numbers for which the provider provides service, and the quantity of such numbers that are without service; the name, service area, and number of customers served by any Public Safety Answering Point (PSAPs) for which the provider provides service; the number of Optical Carrier 3

(OC3) circuits or their equivalents that are down; and the location, identifying information, and quantity of working numbers served by any remote aggregation device, and the quantity of such numbers that are without service.

(3) Wireless service providers shall submit information concerning the type, power status, location, and identifying information of any major equipment that is down; the number and location of cell sites that are down or on backup power, and the cause of any cell site outages; and the identity of any Mobile Virtual Network Operators (MVNOs) that rely on the wireless service provider's network in the area.

(4) Interconnected VoIP providers shall submit information concerning the type, power status, location, and identifying information of any major equipment that is down; the number of interconnected VoIP service subscribers without service; and the number of OC3 circuits or their equivalents that are down.

(5) Facilities-based cable communications, wireline communications, and interconnected VoIP providers that are stage 2 recipients of the Uniendo a Puerto Rico Fund and Connect USVI Fund shall also submit information concerning the quantity of broadband internet access service subscribers for whom the provider provides service, and the quantity of such subscribers who are without service.

* * * * *

[FR Doc. 2025-16737 Filed 8-29-25; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 40

[Docket DOT–OST–2025–0049]

RIN 2105–AF26

Procedures for Transportation Workplace Drug and Alcohol Testing Programs: Addition of Fentanyl to the Department of Transportation's Drug-Testing Panel; Harmonization With Certain Items in the HHS Mandatory Guidelines for Urine and Oral Fluid; and Technical Amendments

AGENCY: Office of the Secretary of Transportation (OST), U.S. Department of Transportation.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The U.S. Department of Transportation (Department or DOT)

proposes to amend its drug-testing program regulation, 49 CFR part 40 (part 40), to add fentanyl (a synthetic opioid) and norfentanyl (a metabolite of fentanyl) to its drug testing panels. The proposed rulemaking would harmonize part 40 with the U.S. Department of Health and Human Services (HHS) Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines), which DOT must follow for the minimum list of drugs for which DOT requires testing, and the comprehensive standards for laboratory drug testing per the Omnibus Employee Testing Act of 1991. Adding fentanyl and norfentanyl is also in the interest of transportation safety, given compelling information regarding the number of overdose deaths in the United States involving fentanyl. The Department also proposes to amend certain provisions of part 40 to harmonize, as appropriate, with the current HHS Mandatory Guidelines using urine (UrMG) and oral fluid (OFMG). This NPRM also proposes to clarify certain existing part 40 drug testing program provisions and to make technical amendments.

DATES: Comments to this notice of proposed rulemaking should be submitted by October 17, 2025. Late-filed comments will be considered to the extent possible.

FOR FURTHER INFORMATION CONTACT:

Bohdan Baczara, Deputy Director, Office of Drug and Alcohol Policy and Compliance, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone number 202-366-3784; ODAPCWebMail@dot.gov.

ADDRESSES: To ensure that you do not duplicate your docket submissions, please submit them by only one of the following means:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for submitting comments.
- *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Ave. SE, West Building, Ground Floor, Washington, DC 20590-0001;
- *Hand Delivery:* West Building, Ground Floor, 1200 New Jersey Ave. SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329;

- *Instructions:* You must include the agency name and docket number DOT–OST–2025–0049 or the Regulatory Identification Number (2105–AF26) for the rulemaking at the beginning of your comments. All comments received will be posted without change to <http://>

www.regulations.gov, including any personal information provided.

SUPPLEMENTARY INFORMATION:

I. Purpose

DOT requires urine drug testing and authorizes oral fluid drug testing as an alternative methodology to urine drug testing of safety-sensitive transportation industry employees subject to drug testing under part 40 of Title 49 of the Code of Federal Regulations (part 40). DOT's part 40 regulations are in turn incorporated by reference in the drug and alcohol testing requirements of each of its operating administrations such that updates to part 40 automatically update the pertinent requirements of DOT's operating administrations.¹

DOT is issuing this NPRM to harmonize part 40, as appropriate, with the revised HHS UrMG published on October 12, 2023 (88 FR 70768), the HHS OFMG published on October 12, 2023 (88 FR 70814), and the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs—Authorized Testing Panels published on January 16, 2025 (90 FR 4662). The Department proposes to harmonize with these HHS Mandatory Guidelines because the Omnibus Transportation Employee Testing Act (OTETA) of 1991 requires DOT to incorporate the HHS scientific and technical guidelines that establish comprehensive standards for all aspects of laboratory testing of controlled substances to ensure full reliability and accuracy in testing. DOT also proposes to clarify certain existing part 40 drug testing program provisions and to make technical amendments.

II. Authority for This Rulemaking

This NPRM is issued pursuant to OTETA of 1991 (Pub. L. 102–143, Tit. V, 105 Stat. 952). While DOT has discretion concerning many aspects of the regulations governing testing in the transportation industries' regulated programs, the Department must follow the HHS Mandatory Guidelines for the minimum list of drugs for which DOT requires testing and the standards for laboratory drug testing. Section 503 of the Supplemental Appropriations Act, 1987 (Pub. L. 100–71, 101 Stat 391, 468), 5 U.S.C. 7301, and Executive Order 12564 establish HHS as the agency that establishes scientific and technical guidelines for Federal workplace drug-testing programs and standards for certification of laboratories engaged in such drug testing.

¹ See § 40.3 (defining "DOT, The Department, DOT Agency" to include each of the DOT operating administrations).

III. Background

Relevant History of the DOT Drug Testing Program Regulation

DOT first published its drug-testing program regulation, part 40, on November 21, 1988, as an interim final rule (53 FR 47002). The Department based the rule on HHS's April 11, 1988, Mandatory Guidelines for Federal Workplace Drug Testing Programs (See 53 FR 11970), which, in part, required Federal agencies to test employees for cocaine and marijuana. HHS based this requirement on the incidence and prevalence of the abuse of these two substances in the general population and on the experiences, at the time, of the Departments of Defense and Transportation in screening their workforces (See 53 FR 11970). Agencies also were authorized under the 1988 HHS Mandatory Guidelines to test for phencyclidine, amphetamines, and opiates. Among other provisions from those guidelines, DOT published a final rule on December 1, 1989 (54 FR 49854) that incorporated a 5-panel test with all of the drugs HHS authorized for testing.

The Department made comprehensive revisions to part 40 on several occasions and harmonized with the HHS Mandatory Guidelines where necessary. For example, on August 16, 2010 (See 75 FR 49850), DOT harmonized with the HHS Mandatory Guidelines effective October 1, 2010 (See 73 FR 71858; 75 FR 22809). Specifically, the Department required initial and confirmatory testing for methylenedioxymethamphetamine (MDMA), confirmatory testing for methylenedioxyamphetamine (MDA) and methylenedioxymethamphetamine (MDEA); and initial testing for 6-acetylmorphine (6-AM). The Department also lowered the initial and confirmatory test cutoff concentrations for amphetamines and cocaine to conform with HHS changes. On November 13, 2017 (See 82 FR 52229), DOT harmonized with HHS Mandatory Guidelines effective October 1, 2017 (See 82 FR 7920). Specifically, the Department required the initial and confirmatory testing for four additional Controlled Substances Act (CSA) Schedule II prescription opioid medications: hydrocodone, hydromorphone, oxycodone, and oxymorphone. DOT also removed MDEA as a confirmatory test analyte and added MDA as an initial test analyte from the existing drug-testing panel. On May 2, 2023 (See 88 FR 27596), the Department harmonized with the HHS OFMG effective January 1, 2020 (See 88 FR 57554). Specifically, DOT amended part 40 to authorize oral fluid drug testing in the DOT drug

testing program. This additional methodology for drug testing gives employers a choice that will help combat employee cheating on urine drug tests as oral fluid tests are inherently directly observed. Oral fluids testing provides a less intrusive means of achieving the safety goals of the program.

Relevant Changes to the HHS Mandatory Guidelines

After declaring the opioid crisis a public health emergency in 2017, the President signed the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (SUPPORT Act) into law on October 24, 2018. Section 8105 of the Fighting Opioid Abuse in Transportation Act, included in the SUPPORT Act, required the Secretary of HHS to determine whether it is justified, based on the reliability and cost-effectiveness of testing, to revise the Mandatory Guidelines to include fentanyl.² In addition, Section 8105 required the Secretary of HHS to consider whether to include any other drugs or other substances listed in Schedule I and II of section 202 of the Controlled Substances Act (CSA) (21 U.S.C. 812).³

Historically, when adding or removing drugs/analytes from the authorized drug testing panel, which was included in the HHS Mandatory Guidelines, HHS would publish “proposed revised Mandatory Guidelines” and after reviewing public comment and consulting with its Drug Testing Advisory Board (DTAB), publish “revised Mandatory Guidelines.” On April 7, 2022 HHS proposed (87 FR 20560; 87 FR 20522), and then revised on October 12, 2023, its UrMG (88 FR 70768) and OFMG (88 FR 70814), establish a new process for adding and removing drugs/analytes from its drug testing panel that would be more responsive to drug use trends, as well as provide flexibility based on the state of the science (*e.g.*, new technologies and research including dosing studies). Using this new process, HHS would conduct a thorough review of the scientific and medical literature, solicit input from subject matter experts including DTAB, and provide an opportunity for public comment. Rather than publish the updated drug testing

panels (*i.e.*, drugs, analytes, and cutoffs) in the HHS Mandatory Guidelines, HHS would publish them annually or as necessary, in the **Federal Register** and post them on the HHS website. The drug testing panels are still part of the HHS Mandatory Guidelines by reference in Section 3.4 in both the UrMG and OFMG.

Utilizing the new process described above, HHS issued a notice in the **Federal Register** on October 17, 2023 announcing a December 5, 2023 DTAB meeting and agenda, which included a proposal to update the HHS drug testing panels to include fentanyl and norfentanyl (88 FR 71582). On November 17, 2023, HHS published a notice of correction to the October 17, 2023 notice stating that the DTAB Board would discuss the Mandatory Guidelines and the proposed revisions to the drug testing panels to (1) add fentanyl for urine and oral fluid and norfentanyl for urine, (2) remove MDMA and MDA, and (3) ask for public comment on its recommended changes to the authorized drug testing panels (88 FR 80323). In both notices, HHS listed the proposed initial and confirmation cutoffs for fentanyl and norfentanyl in urine, listed the proposed initial and confirmation cutoffs for fentanyl in oral fluid, and asked for public comment on the proposed cutoffs.

HHS said:

Fentanyl accounts for a large proportion of overdose deaths in the United States and is therefore an important public safety concern. Furthermore, fentanyl is increasingly used as a stand-alone substance of abuse, not in conjunction with heroin and other substances as was common in the past. According to the National Forensic Laboratory Information System (NFLIS) 2021 report, fentanyl was the 4th most frequently identified drug and accounted for 11.61% of all drugs reported by forensic laboratories. Norfentanyl is an important component of identifying fentanyl users when urine is the specimen matrix. Fentanyl has been detected in oral fluid in pain management patients, overdose cases, and driving under the influence of drugs (DUID) cases. Information provided by HHS-certified laboratories in 2023 indicated that a majority (84%) of the laboratories have previously analyzed non-regulated workplace specimens for fentanyl and/or norfentanyl and that all had the ability to analyze urine specimens for fentanyl with sufficiently sensitive detection limits using commercially available immunoassay kits and confirmatory test

² Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act or the SUPPORT for Patients and Communities Act, Public Law 115–271, 132 Stat. 3895 (Oct. 24, 2018).

³ Schedules of Controlled Substances, 21 CFR part 1308. <https://www.ecfr.gov/current/title-21/chapter-II/part-1308?toc=1>.

instrumentation commonly used in HHS-certified laboratories.⁴

On November 1, 2023, DOT sent out a listserv notice⁵ informing employers, employees, and testing service providers involved in the DOT drug testing program of the upcoming DTAB meeting, and that the meeting agenda included a discussion regarding a possible update to the HHS analyte table to include fentanyl. DOT reminded the readers that it must follow the HHS scientific guidelines for DOT-regulated drug testing laboratory procedures, and that any change to the HHS analyte table may affect the DOT testing program under part 40, but only after DOT conducts its own conforming rulemaking. The listserv notice also stated that HHS was requesting public comment on the recommendation to add fentanyl and norfentanyl (along with their proposed testing cutoffs) to the analyte table and that comments could be submitted (1) prior to the DTAB meeting, (2) during the DTAB meeting, (3) up to 30 days after the DTAB meeting, but no later than January 4, 2024, or (4) via email to HHS.

On February 9, 2024, HHS published a notice announcing a March 5, 2024 open-session DTAB meeting (89 FR 9166) with presentations regarding the proposed changes to the analyte table, fentanyl prevalence, fentanyl immunoassay updates, cost and benefits analysis, and a summary of public comments received regarding the proposed changes to the HHS drug testing panels. As with the other DTAB-related notices discussed earlier, this notice discussed the reasons for adding fentanyl/norfentanyl and removing MDA and MDMA from the panel and requested public comment on the proposed changes. At the March 5, 2024 open-session DTAB meeting, there were presentations on (1) the prevalence of fentanyl and norfentanyl in non-regulated specimens, (2) the availability of fentanyl and norfentanyl assays, (3) the costs of testing for fentanyl and norfentanyl, and (4) a summary of the public comments received regarding the proposed panel changes (*i.e.*, addition of fentanyl and norfentanyl and removal of MDMA and MDA from the panel).⁶

There were 118 commenters and 176 comments received.⁷ The commenters included substance abuse professionals (SAPs), designated employer representatives (DERs), medical review officers (MROs), laboratory responsible persons, employer safety directors/managers, truck drivers, consortium/third-party administrators (C/TPAs), nurses, school district transportation services managers, and national drug testing associations and transportation industry associations.⁸

In a January 16, 2025 **Federal Register** notice (90 FR 4662), HHS added fentanyl (for urine and oral fluid) and norfentanyl (for urine only) to the authorized drug testing panels after (1) conducting studies to determine the prevalence of fentanyl in drug testing specimens, (2) examining the current state of the technology available to HHS-certified laboratories for initial and confirmatory testing for fentanyl and norfentanyl, (3) identifying and analyzing peer-reviewed publications that reported concentrations of fentanyl and/or norfentanyl in urine and oral fluid to help identify the appropriate testing cutoff concentrations, (4) requesting, receiving, and reviewing public comment, (5) conducting a cost analysis, and (6) considering input from DTAB.

HHS also said that though they had proposed to remove MDMA and MDA from the drug testing panels due to the significantly low laboratory positivity rates, retain MDMA and MDA on the testing panels. This decision was based on HHS's review of all the comments to the docket. HHS said that removing MDMA and MDA from the testing panels was not warranted at this time, but that it will continue to monitor MDMA and MDA prevalence, assess the costs and benefits of removing one or both analytes in the future, and engage with DTAB on the issue.

In the same **Federal Register** notice, HHS included separate tables with abbreviations for the drug analytes and required HHS laboratories and MROs to report results using this nomenclature. This was done for consistency and to avoid misinterpretations of test results. Specific to marijuana, the drug testing panels include revised abbreviations for

the marijuana test analytes to be consistent with current scientific nomenclature. In the urine drug test panel, both the initial and confirmatory test analytes for marijuana were changed from THCA to Δ9THCC. In the oral fluid drug testing panel, both the initial and confirmatory test analytes for marijuana were changed from THC to Δ9THC. HHS also edited Footnote 1 in both drug testing panels to include more specific and updated criteria for alternate technology initial drug tests.

In the latest revisions to the UrMG (effective February 1, 2024) and the OFMG (effective October 10, 2023), HHS also authorized laboratories to conduct biomarker testing in urine and oral fluid specimens after HHS approval and made edits to reflect this change (*e.g.*, adding and defining the terms “biomarker,” “biomarker testing panel,” and “drug testing panel,” and revising the existing definition of “substituted” to address the change to report specimens as substituted based on biomarker testing). Once a biomarker test has been added to the HHS-authorized biomarker testing panel, HHS-certified laboratories may routinely conduct the test without requiring an MRO request, and only require a signed MRO request for case-by-case biomarker testing (in accordance with OFMG section 3.5). HHS continued to require the National Laboratory Certification Program (NLCP) to review biomarker assay validation records before allowing a laboratory to use the test for federally regulated workplace specimens.⁹ HHS will review and approve biomarkers based on submitted laboratory data and support from the scientific and medical literature, then will add approved biomarkers to the biomarker testing panel in a subsequent **Federal Register** notice. At the time of this NPRM, no biomarkers have been approved for Federal workplace drug testing.

HHS also made other revisions to the UrMG¹⁰ and OFMG,¹¹ including (1) revising the urine confirmatory test cutoff for morphine, (2) removing the additional decision point of 15,000 ng/mL for codeine and morphine in urine, (3) removing the MRO requirement to determine clinical evidence of illegal opioid use to support a positive codeine or morphine result in urine and oral fluid drug testing, and (4) revising the

⁴ 88 FR 71582, HHS Substance Abuse and Mental Health Services Administration (SAMSHA) Notice of Meeting (Oct. 17, 2023), <https://www.govinfo.gov/content/pkg/FR-2023-10-17/pdf/2023-22797.pdf> (footnote omitted).

⁵ U.S. DOT, The Substance Abuse and Mental Health Services Administration Requests Public Comment on the Possible Addition of Fentanyl to the Urine and Oral Fluid Analyte Table (Nov. 1, 2023), <https://content.govdelivery.com/accounts/USDOT/bulletins/378c63a>.

⁶ Substance Abuse and Mental Health Services Administration, DTAB Meeting March 2024,

<https://www.samhsa.gov/meetings/dtab-meeting-march-2024>.

⁷ Substance Abuse and Mental Health Services Administration, DTAB Meeting Open Session Transcript, at 47 (Mar. 5, 2024), <https://www.samhsa.gov/sites/default/files/meeting-transcripts/dtab-meeting-transcript-03052024.pdf>.

⁸ Substance Abuse and Mental Health Services Administration, DTAB Meeting March 2024, Public Comments to Analyte Table Change, <https://www.samhsa.gov/sites/default/files/meeting-documents/adding-fentanyl-drug-testing-panel.pdf>.

⁹ 87 FR 20560, Mandatory Guidelines for Federal Workplace Drug Testing Programs (Apr. 7, 2022), <https://www.govinfo.gov/content/pkg/FR-2022-04-07/pdf/2022-06886.pdf>.

¹⁰ <https://www.govinfo.gov/content/pkg/FR-2023-10-12/pdf/2023-21734.pdf>.

¹¹ <https://www.govinfo.gov/content/pkg/FR-2023-10-12/pdf/2023-21735.pdf>.

definitions of “adulterated specimen,” “cutoff,” “initial specimen validity test,” “negative result,” “substituted specimen,” and “positive result.”

IV. Discussion of the Proposals

Summary of Proposed Changes to the DOT Drug-Testing Program Regulation

In keeping with the Department’s statutory obligation under OTETA of 1991 to incorporate the HHS Mandatory Guidelines specifically for the minimum list of drugs for which DOT requires testing, and for the scientific and technical guidelines related to laboratory testing procedures, the Department proposes to amend part 40 to (1) add the drugs fentanyl and norfentanyl and their respective cutoffs for initial and confirmatory testing (as listed in the HHS urine and oral fluid drug testing panels published in the **Federal Register** on January 16, 2025, (90 FR 4662)) to the DOT drug testing panels (fentanyl would be added to both the urine and oral fluid testing panels, and norfentanyl to the urine testing panel); (2) adjust the laboratory confirmatory test cutoff for morphine in urine drug testing; (3) remove the MRO requirement to determine clinical evidence of illegal opioid use to support a positive codeine or morphine result in urine and oral fluid drug testing; (4) add and define the term “biomarker” and revise the definitions of “adulterated specimen,” “cutoff,” “initial specimen validity test,” “negative result,” “positive result,” and “substituted specimen” for clarity and consistency with HHS; (5) authorize laboratories to conduct biomarker testing once HHS approves laboratory biomarker testing; (6) amend the analyte nomenclature for marijuana in both drug testing panels; and (7) revise the footnotes in both drug testing panels to include more specific and updated criteria for alternate technology initial drug tests. The Department will also provide clarification for certain existing drug testing program provisions and make certain technical amendments.

Proposal To Add Fentanyl and Norfentanyl to DOT Drug Testing Panels

There are two types of fentanyl: pharmaceutical fentanyl and illicitly manufactured fentanyl. Both are considered synthetic opioids. Pharmaceutical fentanyl is prescribed by doctors to treat severe pain, especially after surgery and for advanced-stage cancer. Most cases of fentanyl-related overdose are linked to illicitly manufactured fentanyl,¹² which

is distributed through illegal drug markets for its heroin-like effect. It is often added to other illicit drugs because of its extreme potency, which makes those drugs cheaper, more powerful, more addictive, and more dangerous. Fentanyl is up to 50 times stronger than heroin and 100 times stronger than morphine. It is a major contributor to fatal and nonfatal overdoses in the U.S.¹³ Even in small doses, it can be deadly. Over 150 people die in the U.S. every day from overdoses related to synthetic opioids, primarily fentanyl.¹⁴

The following is a representative sampling of information provided by various organizations that have reported on fentanyl use trends over the past few years:

- Drug overdose death rates involving fentanyl increased by 279 percent from 5.7 per 100,000 in 2016 to 21.6 in 2021, according to new data from the CDC’s National Center for Health Statistics (NCHS).¹⁵
- In 2022, the CDC’s NCHS reported and predicted that the number of drug overdose deaths involving synthetic opioids (including fentanyl but excluding methadone) and psychostimulants with abuse potential (such as methamphetamine) continue to increase compared to the previous year.¹⁶
- According to the State Health Access Data Assistance Center (SHADAC), “Not only has fentanyl become the dominant substance driving today’s crisis of drug overdose deaths, but it also has become the center of gravity around which other drugs orbit.”¹⁷

www.dea.gov/resources/facts-about-fentanyl; National Institute of Drug Abuse, Drug Overdose Deaths: Facts and Figures (Aug. 2024), <https://nida.nih.gov/research-topics/trends-statistics/overdose-death-rates#Fig2>.

¹³ Wilson N, Kariisa M, Seth P, Smith H IV, Davis NL. Drug and Opioid-Involved Overdose Deaths—United States, 2017–2018. *MMWR Morb Mortal Wkly Rep* 2020; 69:290–297. DOI: <http://dx.doi.org/10.15585/mmwr.mm6911a4>.

¹⁴ NCHS, National Vital Statistics System. Estimates for 2020 are based on provisional data. Estimates for 2015–2019 are based on final data (available from: <https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm>).

¹⁵ Spencer, M.R., Warner, M., Cisewski, J.A., Miniño, A., Dodds, D., Perera, J., & Ahmad, F.B. (May 2023). Estimates of Drug Overdose Deaths Involving Fentanyl, Methamphetamine, Cocaine, Heroin, and Oxycodone: United States, 2021 (NVSS Rapid Release Report No.27), National Center for Health Statistics (NCHS), <https://www.cdc.gov/nchs/data/vsrr/vsrr027.pdf>.

¹⁶ NCHS, National Vital Statistics System. Estimates for 2022 are based on provisional data (May 18, 2023) (available from: <https://blogs.cdc.gov/nchs/2023/05/18/7365/>).

¹⁷ Planalp, C, & Stewart, A (Nov. 2023). The Opioid Crisis in the Pandemic Era. State Health Access Data Assistance Center (SHADAC) (available

• According to the DEA, “While recent data shows progress in reducing overdose deaths from record highs, nearly half of teens still don’t know that counterfeit prescription pills often contain lethal amounts of fentanyl. This lack of knowledge is leading to tragic consequences—young people are dying simply because they didn’t know the pill they took was fake. That’s why we need to turn awareness into action.”¹⁸

• “While provisional data from the CDC indicates a 25.5% decrease in overdose deaths in the 12 months ending October 2024 compared with the same period in 2023, approximately 150 Americans die every day from overdose involving illegal, synthetic opioids such as illegally made fentanyl. Overdose remains the leading cause of death among Americans aged 18–44. The Administration and HHS remain committed to preventing substance use initiation, reducing the number of lives lost to overdose, and helping Americans to overcome substance use disorders, achieve recovery, and live healthy lives.”¹⁹

• “Approximately 70% of U.S. overdose deaths in 2023 were estimated to involve illegally manufactured fentanyls (IMFs). Local reports indicate reemergence of carfentanil, a fentanyl analog.”²⁰

In light of this compelling information regarding fentanyl use (and the national attention on this issue), and consistent with the action taken by HHS, the Department proposes to amend the DOT drug testing panels to meet our statutory obligation under OTETA of 1991, and to raise the level of safety for the transportation industry and the transported public. Specifically, the Department proposes to amend the drug-testing panels in sections 40.85(a) and 40.91(a) to include fentanyl in the urine and oral fluid testing panel and norfentanyl to the urine testing panel (along with their corresponding test cutoff concentrations), amend the MRO verification process to include these drugs, and amend Appendices D and E of part 40 to add fentanyl and norfentanyl to the drugs listed on the laboratory reports to employers and DOT.

from: https://www.shadac.org/sites/default/files/publications/Opioid_Crisis/Opioid%20Crisis%20Pandemic-2023%20Brief.pdf).

¹⁸ DEA, April 29, 2025 National Fentanyl Awareness Day, <https://fentanylawarenessday.org/>.

¹⁹ Secretary Kennedy Renews Public Health Emergency Declaration to Address National Opioid Crisis, <https://www.hhs.gov/press-room/secretary-kennedy-opioid-crisis-emergency-declaration.html>.

²⁰ Detection of Illegally Manufactured Fentanyls and Carfentanil in Drug Overdose Deaths—United States, 2021–2024, <https://www.cdc.gov/mmwr/volumes/73/wr/mm7348a2.htm>.

¹² United States Drug Enforcement Administration, Facts about Fentanyl, <https://www.dea.gov/resources/facts-about-fentanyl>.

Recognizing that the term “opioid” is used in a broad context to include various natural, synthetic, and semi-synthetic opioids, the Department proposes to modify its definition of “opioid” in section 40.137 to remove the specific semi-synthetic compounds (*i.e.*, hydrocodone, hydromorphone, oxycodone, and oxymorphone) and use the term “opioids” when referring to the opiates, synthetic opioids, and semi-synthetic opioid test results that an MRO may review and verify.

For Urine Drug Testing—Proposal To Adjust the Laboratory Morphine Confirmatory Cutoff and Remove the Additional Requirement for MROs To Look for Clinical Evidence of Illegal Opioid Use

Currently, for a laboratory to report a positive codeine/morphine²¹ result for a urine specimen, the laboratory-confirmed result must be greater than or equal to 2,000 ng/mL.²² In our December 19, 2000 final rule (65 FR 79462), the Department established a process to address a laboratory-reported positive result, which depends on the laboratory-reported codeine/morphine level. If the morphine level is between 2,000 and 15,000 the burden of proof is on the MRO, if the level is above 15,000 the burden of proof is on the employee. This process was established, in part, to address positive laboratory-reported codeine/morphine results that may be due to poppy seed ingestion. Specifically, if the laboratory-reported codeine or morphine concentration for a urine specimen is greater than 2,000 ng/mL and less than 15,000 ng/mL, the MRO is required to examine the employee for clinical signs of unauthorized use or refer the employee to another physician for this purpose. In conducting the examination of the employee, the MRO or physician may consider such factors as needle tracks, behavioral or psychological signs of acute addiction, clinical history of unauthorized use including admissions by employees, or use of foreign opiate medication without substantiation that the medication was obtained and used legally.²³ The MRO is to use his/her best professional and ethical judgment on a case-by-case basis. If the MRO finds clinical evidence, then the result is verified as “positive.” If the MRO does not establish that there is clinical evidence of unauthorized use of an opiate, then the result is verified as

“negative.” If the laboratory-reported codeine/morphine concentration is 15,000 ng/mL or greater, then the burden of proof falls on the employee to provide a legitimate medical explanation, which the employee may meet by showing that she or he had used a legally prescribed medication. When an employee cannot establish a legitimate medical explanation for codeine/morphine at or above 15,000 ng/mL, then the MRO verifies the test as positive.

On April 7, 2022, HHS proposed revisions to its UrMG to (1) raise the confirmatory test cutoff for morphine in urine from 2,000 ng/mL to 4,000 ng/mL and (2) remove the additional requirement for clinical evidence of illegal opioid use to verify laboratory-reported positive codeine/morphine results less than 15,000 ng/mL as positive (87 FR 20560). Regarding morphine cutoff levels, HHS stated that it had reviewed several studies and concluded that those studies “. . . confirm that urine morphine concentrations exceeding 4,000 ng/mL would be very rare, transient, and a consequence of unrealistic and extreme poppy seed exposure (*i.e.*, ingesting barely tolerable amounts of raw and/or unwashed poppy seeds).” HHS also cited the DEA’s 2019 warning about unwashed poppy seeds from online retailers, which stated “. . . their use and misuse may result in unpredictable outcomes including death when used alone or in combination with other drugs. DEA reiterated that morphine and codeine, if present as contaminants on poppy seed material, are not exempted from Controlled Substances Act (CSA) control.” HHS concluded that “. . . the Department is not aware of any evidence that reasonable or realistic consumption of poppy seed-containing food products would cause a positive drug test using the codeine and morphine cutoffs specified by these Guidelines. Only purposeful consumption of large amounts (*e.g.*, 15 g or more) of raw and/or unwashed poppy seeds has been shown to result in codeine at or above 600 ng/mL or in morphine exceeding 4,000 ng/mL, and the extreme amounts of poppy seeds in these studies, described by subjects as intolerable or barely tolerable, do not represent a real-world situation for donors in a Federal agency testing program.” Based on its review of existing research, which did not show that reasonable or realistic consumption of poppy seed-containing products would cause a positive urine drug test result for codeine at the established cutoff of 2,000 ng/mL, HHS did not

propose to adjust the cutoff level for codeine in urine.

As mentioned above, the requirement to look for clinical evidence of illegal opioid use to verify laboratory-reported positive codeine/morphine results of less than 15,000 ng/mL (for urine) was established to address positive laboratory-reported codeine/morphine results that may be due to poppy seed ingestion. Because HHS has now identified a morphine cutoff level at which reasonable or realistic consumption of poppy seed-containing products would not trigger a positive urine drug test result, and because the existing codeine cutoff level would also not trigger a positive urine drug test result, HHS has removed the requirement for MROs to look for clinical evidence of illicit opiate use as a decision point on whether to report a urine codeine/morphine result as negative or positive due to poppy seed ingestion.

In its October 2023 revised UrMG effective February 1, 2024, HHS adjusted only the confirmatory test cutoff for morphine from 2,000 ng/mL to 4,000 ng/mL and removed the requirement for clinical evidence of illegal opioid use to verify laboratory-reported positive urine codeine/morphine results less than 15,000 ng/mL as positive as proposed. HHS said that it had received one comment agreeing with the proposed change. HHS made these changes following a notice and opportunity for public comment.

Because DOT’s laboratory drug testing procedures must remain consistent with the HHS UrMG as required by OTETA of 1991, the Department proposes to amend the urine drug testing panel in section 40.85 by adjusting the morphine confirmation cutoff from 2,000 ng/mL to 4,000 ng/mL and propose to remove the word “concentrations” from the header in the table to be consistent with the terminology in the HHS urine drug testing panel. Because the proposed morphine cutoff is at a level at which reasonable or realistic consumption of poppy seed-containing products would not trigger a positive urine drug test result, and because the existing codeine cutoff level would also not trigger a positive urine drug test result, there is no need for an additional decision point (*i.e.*, clinical evidence of illegal opioid use). Therefore, the Department proposes to remove the additional requirement in section 40.139 for a clinical exam to identify evidence of illicit opiate use as a decision point on whether to report a codeine/morphine result as negative or positive due to poppy seed ingestion. Instead, DOT

²¹ Codeine and morphine are both metabolites of heroin. Heroin occurs naturally in the poppy seed plant.

²² 49 CFR 40.85(a).

²³ 49 CFR 40.139.

proposes that MROs follow the existing verification process outlined in section 40.137. Accordingly, the Department proposes to modify section 40.137 to include the verification of opiates (6-AM, codeine, and morphine) previously found in section 40.139.

In further support of this proposal, the Department has heard from MROs anecdotally that they have difficulty finding a physician to complete the required clinical examination and that a majority of those examinations result in the MRO verifying the result as “negative.” Based on calendar year 2023 data from four HHS-certified laboratories (which conduct approximately 44 percent of the annual DOT tests), approximately 1,782 of the 6.8 million drug tests administered in the DOT program were reported with morphine results between 2,000 ng/mL and 15,000 ng/mL (899 tests were between 2,000–4,000 ng/mL, and 883 tests were between 4,000–15,000 ng/mL). By adjusting the urine morphine confirmation cutoff in part 40, and by removing the requirement for clinical evidence of illegal opioid use for laboratory-reported positive codeine/morphine results less than 15,000 ng/mL, the Department expects that MROs will be better able to verify laboratory-reported urine codeine/morphine results.

For Oral Fluid Drug Testing—Proposal To Remove Additional Requirement for MROs To Look for Clinical Evidence of Illegal Opioid Use

In the OFMG effective January 1, 2020, HHS established a confirmatory cutoff of 15 ng/mL for both codeine and morphine for laboratories to report a laboratory-confirmed positive result and a codeine/morphine level of 150 ng/mL (10 times that of the confirmatory test cutoff) as a conservative decision point for MROs to rule out the possibility of a positive result due to poppy seed consumption. HHS noted that “the 150 ng/mL concentration is higher than the highest concentration seen in study subjects at one hour and later after consumption of raw poppy seeds and products containing poppy seeds.”²⁴ In its OFMG effective October 10, 2023, HHS maintained the confirmatory cutoff of 15 ng/mL for both codeine and morphine for laboratories to report a laboratory-confirmed positive result. HHS also maintained a codeine/morphine level of 150 ng/mL. The MRO must report a codeine/morphine result at or above 150 ng/mL as “positive” unless the employee

provides a legitimate medical explanation for the result.

HHS removed the requirement for the MRO to conduct a clinical examination (*i.e.*, physical examination) for laboratory-reported oral fluid results between 15 ng/mL and 150 ng/mL when the donor claimed the result was due to poppy seed consumption. In these cases, the MRO reports the result as “negative” unless the employee admits illicit use. As explained in the HHS April 7, 2022 proposed OFMG (87 FR 20522), MROs routinely conduct donor interviews by telephone, rather than in-person, and some MROs had expressed concern about the feasibility of making a clinical assessment (*i.e.*, physical examination) of the donor. HHS concluded that the additional requirement for clinical evidence of illegal opioid use in these situations was no longer practical or effective. HHS adopted the proposed revisions with no changes in the October 2023 revised OFMG.

DOT proposes to harmonize with HHS on this point as well. Given that HHS has established a “bright line” for codeine/morphine results of 150 ng/mL (having determined that results above this level cannot be caused by the ingestion of poppy seed products and that results below this level are those that MROs are most likely to report a “negative” result based on a clinical exam), the Department does not see the need for an additional decision point (clinical evidence of illegal opioid use) to rule out codeine/morphine results that may have been due to ingestion of poppy seed products. Therefore, the Department proposes to remove the requirement for the MRO to conduct a clinical exam if the result is at or above 15 mg/mL and less than 150 ng/mL, and to report codeine/morphine levels between 15 ng/mL and 150 ng/mL as “negative” when the employee claims poppy seed ingestion. If the employee does not claim poppy seed ingestion (and for all other codeine/morphine results), the Department proposes that MROs follow the existing verification process outlined in section 40.137.

Because the Department is proposing for an MRO to report a “negative” when the oral fluid codeine/morphine oral fluid results are at or above 15 mg/mL and less than 150 ng/mL when the employee claims poppy seed ingestion, the Department is therefore also proposing to amend section 40.151(d) to include an exception for laboratory positive codeine or morphine, or both, results. Currently paragraph (d) instructs the MRO not to consider an employee’s claim of passive or

unknown ingestion stories as a legitimate medical explanation.

Since the Department is proposing to remove the requirement for MROs to look for clinical evidence of illegal opioid use in codeine/morphine results in urine and oral fluid specimens, and instead follow the process outlined in section 40.137, there is no need for section 40.139. The Department therefore proposes to move the verification of 6-AM results from section 40.139 to section 40.137 and to remove the remaining section 40.139 in its entirety. DOT specifically seeks comments from MROs on these issues.

Proposal To Add Biomarkers for Urine and Oral Fluid Testing

A biomarker is an endogenous substance used to validate a biological specimen. The purpose of a biomarker test is to determine if the submitted specimen is a human urine or oral fluid specimen as there are many ways a DOT-regulated transportation employee could effectively mask illicit drug use. In essence, a biomarker test is a specimen validity test (SVT). In the October 2023 revisions to the UrMG, HHS adopted its proposed changes to modify the definition of “substituted specimen” to include biomarker test results as an additional reason indicating that a specimen has been submitted in place of an actual donor specimen, and the process for adding biomarkers as well as including them in a biomarker testing panel. HHS adopted procedures to allow for review and comment before any biomarker panel change is published in the **Federal Register**. If a laboratory identifies and validates a biomarker test and submits it to HHS for approval, HHS will follow its established process for ensuring the test result is scientifically valid and forensically defensible. A laboratory can only conduct biomarker testing once approved by HHS and the biomarker is added to the authorized biomarker panel. HHS has not made biomarker testing mandatory.

Consistent with HHS’s April 2004 (69 FR 19644)²⁵ amendments to make SVT mandatory for Federal employee testing under the HHS Federal Workplace Drug Testing Program, the Department made SVT on DOT urine specimens mandatory in 2008 as an appropriate response to the use of adulterants and attempts to subvert the specimen collection and laboratory testing process. (73 FR35961).²⁶ The

²⁴ <https://www.govinfo.gov/content/pkg/FR-2019-10-25/pdf/2019-22684.pdf> (pg. 57559).

²⁵ <https://www.govinfo.gov/content/pkg/FR-2004-04-13/pdf/04-7985.pdf>.

²⁶ <https://www.govinfo.gov/content/pkg/FR-2008-06-25/pdf/E8-14218.pdf>.

widespread availability of various adulteration and substitution products has not changed since then, and DOT believes that more products are available, including information and online personal testimonials from individuals who have used those products. A simple internet search for “how to beat a drug test” yields hundreds, if not thousands, of results. Any individual who intentionally tries to “beat a drug test” is of significant concern to transportation safety and the traveling public. That said, the drug testing process is in place to ensure that individuals can perform their job functions safely and effectively, and do not subvert drug testing procedures that help ensure public safety.

Given that the purpose of a biomarker test—a laboratory standard for drug testing—is to determine if the submitted specimen is a human specimen, the Department proposes to harmonize with HHS to include biomarker testing as an additional component of SVT for urine. The Department realizes that as biomarker tests are developed by individual laboratories, approved by HHS, and added to HHS’s biomarker panel(s), not all laboratories may have the technical capability to conduct biomarker testing and, therefore, will not offer that testing. Therefore, the Department thinks it is prudent to wait until more laboratories have the technical ability to conduct biomarker testing before making it mandatory for DOT testing. Like HHS, DOT will not propose to make biomarker testing mandatory in either urine or oral fluid at this time. DOT proposes to amend sections 40.86, 40.87, and 40.88 to authorize biomarker testing in urine. Though DOT has already authorized SVT for oral fluid specimens (See section 40.92), the Department will clarify that SVT testing may include testing for biomarkers. DOT also proposes to amend section 40.93 by removing albumin or immunoglobulin G (IgG) as examples of biomarkers. Though they serve as examples, the Department, like HHS, is removing them because there is a process HHS established to have biomarkers approved and DOT does not want to mislead anyone into thinking that they are approved biomarkers for testing. Furthermore, DOT proposes to harmonize with HHS to amend the definition of “substituted specimen” in section 40.3, add a definition for “biomarker” in the same section, and require a laboratory to report a “substituted” result when a biomarker is absent or when its concentration is not consistent with that established for

human urine. However, DOT does not propose to include a biomarker testing panel in part 40, but simply to refer to HHS’s published biomarker panel as reference in the Mandatory Guidelines. The Department welcomes comments on this issue.

Because the Department proposes to amend the definition of “substituted specimen” to include the results of a urine or oral fluid biomarker test, DOT also proposes to amend an existing procedural safeguard for employees in the MRO review process for laboratory-reported substituted results. Specifically, in section 40.145, DOT proposes to include a biomarker test result as a test result for which the employee can provide medical evidence to the MRO that the employee can produce a specimen without the presence of a specific biomarker when one is expected in a human specimen, or a specimen with a biomarker concentration that is not consistent with that established for human specimens.

Proposal To Add and Revise Definitions

The Department proposes to modify some existing definitions and add a new term to section 40.3 to align more closely with definitions in the revised HHS Mandatory Guidelines. DOT welcomes your comments on these proposed changes. Specifically, the Department proposes to revise the following definitions, consistent with the HHS definitions:

- *Adulterated specimen* revised to include “nitrite” as an example of a substance present in urine that will cause a laboratory to report an adulterated result;
- *Cutoff* revised to include “biomarkers” as criteria used in the decision for the laboratory in reporting a specimen result or the need for further testing;
- *Initial specimen validity test* revised to state that a “dilute” result is applicable only to a urine specimen;
- *Negative result* revised to include the text “drug metabolite.” This is to clarify that a drug or drug metabolite, or both, is either not present or less than the cutoff concentration for the drug or drug metabolite;
- *Positive result* revised to clarify that the quantity of drug reported by the laboratory is equal to or greater than the confirmatory test cutoff. This should help to alleviate any misunderstanding that the final result is not based on the initial test cutoff, but on the confirmatory test cutoff; and
- *Substituted specimen* revised to clarify that a urine or oral fluid specimen can also be reported as substituted based on evidence of either

the absence of a biomarker or a biomarker concentration inconsistent with that of a human specimen.

The Department proposes to add the following definition:

- *Biomarker* is an endogenous substance used to validate a biological specimen.

Proposal To Amend Nomenclature for Marijuana and Amend Drug Testing Panel Footnotes

In the urine and oral fluid drug testing panels, HHS revised the drug analyte name and abbreviation nomenclature specifically for the marijuana metabolite. The change was made to be consistent with current scientific nomenclature. In the urine drug test panel, both the initial and confirmatory test analytes for marijuana were changed from THCA to $\Delta 9$ THCC. In the oral fluid drug testing panel, both the initial and confirmatory test analytes for marijuana were changed from THC to $\Delta 9$ THC. The oral fluid drug testing panel does not identify the THCA metabolite as in the urine drug testing panel, but identifies the active $\Delta 9$ THC analyte. This nomenclature change does not affect the testing process for marijuana, but instead, just affects how laboratories and MROs are to refer to the marijuana analyte. Also, based on current technology and program experience, HHS revised Footnote No. 1 to both drug testing panels to include more specific and updated criteria for alternate technology initial drug tests. In keeping with the OTETA of 1991 requirement to incorporate HHS laboratory standards, the Department proposes revising the drug testing panels in sections 40.85 and 40.91 to harmonize with HHS by incorporating this nomenclature change for marijuana and the revisions in Footnote No. 1.

Other Proposals

Section 40.14 What collection information must employers provide to collectors?

As discussed in the May 2023 final rule, section 40.40(c)(2) no longer mandates that fax numbers be included on the chain of custody form (CCF). Sections 40.14(d) and (f), however, require the employer to provide employer and MRO fax numbers to the collector. This was an oversight, and the Department proposes to correct section 40.14 to be consistent with section 40.40. Specifically, in sections 40.14(d) and (f), DOT proposes to amend the text to make providing the employer and MRO fax numbers to the collectors optional.

Section 40.25 Must an employer check on the drug and alcohol testing record of employees it is intending to use to perform safety-sensitive duties?

The Department proposes to fix an incorrect reference in section 40.25(a)(2), which states that as “. . . an employer regulated by FMCSA, you must comply with the requirements of this section by using the FMCSA’s Drug and Alcohol Clearinghouse in accordance with 49 CFR 382.71(a).” That reference should read section 382.701(a), and not section 382.71(a). Also, in section 40.25(b)(5), DOT directs employers to request certain drug and alcohol information about a prospective employee seeking to begin performing safety-sensitive duties. Though the Department did not specify in (b)(5) all the documents relating to the return-to-duty requirements, these documents include two SAP reports (the initial assessment report and the follow up evaluation, which also includes the follow up testing plan), the return-to-duty test result(s), and the completed follow up test results. DOT is proposing to amend (b)(5) by listing these documents so employers know what documents they need to obtain so they can verify that the prospective employee has completed the DOT return-to-duty requirements.

Section 40.31 Who may collect specimens for DOT drug testing?

As discussed in the preamble to the May 23, 2023 final rule, and consistent with numerous other deletions of the term “urine” in instances where the rule was intended to cover both urine and oral fluid specimens, the Department amended section 40.31 to separately specify the requirements for collectors of urine and oral fluid specimens. In doing so, DOT did not remove the word “urine” from paragraph (a). Also, DOT believes that paragraphs (b) and (c) should be subparagraphs to paragraph (a). As such, the Department is proposing to remove the word “urine” from paragraph (a) and redesignate (b) and (c) to be subparagraphs (a)(1) and (a)(2) respectively and redesignate paragraphs (d) to (b), (e) to (c) and (f) to (d).

Section 40.33 What training requirements must a urine collector meet for urine collection?

Section 40.35 What training requirements must an oral fluid collector meet for oral fluid collection?

Section 40.213 What training requirements must STTs and BATs meet?

Over time, the Department has heard from associations and individual trainers suggesting that the program and collectors (for urine and oral fluid) would greatly benefit if both the qualification training and the initial proficiency demonstration were completed within 30 days of the completing the qualification training. They also suggested that if an individual cannot complete the entire training within 30 days, the individual re-take the qualification training. The associations and trainers said that the longer the timeframe between the qualification training and the mock collections (*i.e.*, the initial proficiency demonstration), the more the trainee will forget the part 40 required procedures, making it harder for the trainee to demonstrate proficiency during the mock collections. They also pointed out that the “Breath Alcohol Technician Training: DOT Model Course” already has this standard as a recommendation. Specifically, the model course recommends that: (1) individuals arrange to take the procedural and device proficiency training simultaneously, (2) the entire training process should be completed within 30 days, and (3) the individual be required to retake the procedural training program if the student has not completed the device proficiency training within 30-days of the start of the qualification training.

The Department agrees that the closer in time the qualification training and initial training proficiency are completed, the greater the retention of information and the greater the chances of successfully completing the initial proficiency demonstration. As a program, the Department wants only those qualified to be collectors and Screening Test Technicians (STT)/ Breath Alcohol Technicians (BAT) to collect specimens and administer alcohol tests. The Department also agrees that this should be the standard for all collectors and alcohol test technicians (*i.e.*, urine collectors, oral fluid collectors, screening test technicians, and breath alcohol technicians). With the above in mind, DOT proposes to amend sections 40.33, 40.35, and 40.213 to include a 30-day

timeframe within which the qualification training and initial proficiency demonstration must be completed when an individual becomes qualified as a collector or alcohol technician, or both, for the first time. There will be no additional costs associated with this proposal as the qualification training and initial proficiency demonstration are already required. The Department is not proposing, however, that the 30-day timeframe also apply to when the oral fluid collector or alcohol technician, or both, seek to qualify on a second device. Because they have already demonstrated proficiency in part 40 when they first became qualified, they will only need to complete mock collections that demonstrate proficiency on the “new-second” device they will be using.

Section 40.35 What training requirements must a collector meet for oral fluid collection?

As stated above, the Department paralleled the oral fluid collector qualifications in section 40.35 as closely as possible to our existing urine collector qualifications in section 40.33. Regarding the mock collection scenarios specified in section 40.33(c)(1), one scenario is the employee refuses to sign the CCF *and* initial the specimen bottle tamper-evident seal. In the Department’s May 2023 final rule (88 FR 27596), DOT included the first part of the scenario (refusing to sign the CCF) but inadvertently left out the second part (refusing to initial the specimen bottle tamper-evident seal). The Department proposes to correct this omission.

Also in the May 2023 final rule, DOT amended section 40.33(f) to not require error correction training for a urine collector when a test was cancelled for circumstances that are beyond the control of the collector. For example, when a specimen is damaged by a delivery truck or is lost in transit. DOT intended to mirror this amendment in section 40.35(f) for oral fluid collectors as it made sense that similar situations could happen with oral fluid specimens and the oral fluid collector should not be held accountable for those errors. To ensure as much consistency as possible, between the urine and oral fluid collector training requirements and to not burden the oral fluid collector with unnecessary error correction training, the Department is proposing to amend section 40.35(f) to not require error correction training for an oral fluid urine collector when a test is cancelled for circumstances that are beyond the control of the collector.

Section 40.61 What are the preliminary steps in the collection process?

Part 40 is clear when the employer is responsible for determining if a refusal to test occurred. For example, with respect to collections, the collector documents what happened at the collection site and provides the employer with the information for the employer to make a final decision about whether the employee's conduct constitutes a refusal to test (See sections 40.191(d)(1)) and 40.355(i)). Section 40.61(f), however, provides incorrect instructions for the specimen collector when an employee fails to comply with the collector's directions. Specifically, it directs the collector to advise the employee that failure to comply with the collector's directions constitutes a refusal to test. This is inconsistent with other sections of part 40 that, in similar circumstances, direct the collector to stop the collection, note the circumstances on the CCF, and report the information to the employer/DER to make the refusal determination. To the maximum extent practicable, to provide for uniformity and consistency in the requirements for urine and oral fluid testing throughout part 40, the Department proposes to remove the last sentence in section 40.61(f) and mirror section 40.72(b)(2), stating the collector must terminate the collection, note the circumstances in the Remarks section of the CCF, and report the information to the DER as described in section 40.191(a)(8) (failure to cooperate) so that the employer can decide whether to deem the situation a refusal. Except for section 355(j), a service agent should not be determining a refusal that may have part 40 and DOT agency consequences; this is the purview of the employer.

Section 40.65 What does the collector check for when the employee presents a urine specimen?

Part 40 authorizes an employer to use oral fluid specimen collections. For problematic urine collections (e.g., insufficient specimen), section 40.193(a) authorizes the employer to either continue with the original specimen type (urine) for the second collection, or to continue with an alternate specimen type (oral fluid). Section 40.65, however, instructs the urine collector that, in the event of an insufficient urine specimen, the collector is to follow the "shy bladder" procedures in section 40.193(b), which instruct the collector to collect another urine specimen. This is contrary to the instructions in section 40.193(a) that offer the employer the choice of continuing with a urine

specimen or to move to an oral fluid specimen. Therefore, the Department proposes to revise the incorrect reference to have section 40.65(a)(1) read "If it does not, you must follow the procedures in 40.193(a)."

Section 40.72 What steps does the collector take in the collection process before the employee provides an oral fluid specimen?

In section 40.72(b)(2), the Department proposes to correct a typographical error. Specifically, at the end of the paragraph, the last word "refusal" should read "refusal to test."

Section 40.73 How is an oral fluid specimen collected?

In § 40.73(c)(4), DOT requires an oral fluid collector to collect a second oral fluid specimen if it is apparent to the collector that the employee tampered with the first specimen. The logical progression would be for the oral fluid collector to complete the first specimen collection, prepare it for shipment to the laboratory, immediately begin a second oral fluid specimen collection, and send both specimens to the laboratory. The instructions in section 40.73(c)(4), however, only tell the collector to collect a second specimen and are currently silent as to what to do with the tampered first specimen. The Department proposes to correct this "gap" by including supplemental instructions for the collector to complete the first collection and to send both specimens to the laboratory. In this same section, there are no instructions regarding what a collector is to do if the donor refuses to provide a subsequent oral fluid specimen due to tampering with their first specimen. Therefore, the Department proposes to add a new subparagraph to (c)(4)(iii) instructing the collector to discard any specimen the employee provided during the specimen collection procedure, and to notify the DER as soon as practicable so the employer can determine whether the situation constitutes a refusal to test by the employee. Both proposals are consistent with existing part 40 procedures for urine specimen collections (See section 40.65(c)).

Section 40.83 How do laboratories process incoming specimens?

Section 40.199 What problems always cause a drug test to be cancelled?

HHS added a new "fatal flaw" to its OFMG specifying that the laboratory must reject an oral fluid specimen when a collector fails to document that she or he observed the volume indicator at the

time of the collection. (88 FR 70814)²⁷ HHS's basis for this amendment was that the oral fluid specimen volume is critical to determining specimen concentration, therefore the collector must document that she or he observed the volume indicator at the time of the collection. The Department agrees with this important procedural check, and therefore proposes to amend sections 40.83(c) and 40.199(b) to add this new "fatal flaw" in each section.

Section 40.141 How does the MRO obtain information for the verification decision?

MROs are authorized to ask HHS certified labs to run additional drug tests on a case-by-case basis and use the results of those tests to provide information that the MRO would use to verify a drug test result. These additional tests included D, L stereoisomers of amphetamine and methamphetamine (for amphetamine results) and tetrahydrocannabivarin (THC-V) (for marijuana results). In its October 2023 OFMG, HHS did not include testing for THC-V as it relates to oral fluid drug testing because in oral fluid drug testing the test is for active THC, the parent drug, and not for the THCA metabolite. Because the oral fluid test is for the parent drug, THC, there is no question that the employee ingested marijuana and no need for additional testing. The Department agrees and proposes to clarify in section 40.141(b)(2) that the MRO's request for additional testing for tetrahydrocannabivarin (THC-V) would only apply to urine specimens.

Section 40.181 What does the second laboratory do with the split specimen when it is tested to reconfirm a substituted test result?

In both the UrMG and OFMG, HHS added procedures for how a laboratory tests a split specimen when the primary specimen was reported substituted based on testing for a biomarker. As such, the Department is proposing to amend section 40.181 to provide instructions to the "B" laboratory on how to test a urine or oral fluid specimen when testing the split specimen for biomarkers.

When it comes to what action a laboratory and MRO must take when a split is identified as substituted, the Department looks to section 40.187(b)(2). Should biomarker testing be authorized, laboratories and MROs would need instructions on how to proceed if the split specimen was

²⁷ <https://www.govinfo.gov/content/pkg/FR-2023-10-12/pdf/2023-21735.pdf>.

reported substituted based on biomarker testing. The Department believes section 40.187(b)(2) contains the necessary instructions for laboratories and MROs and does not propose to amend it. DOT specifically requests comments from MROs and laboratories on this issue.

Section 40.193 What happens when an employee does not provide a sufficient amount of specimen for a drug test?

In § 40.193(a) the Department proposes to add the words “or standing orders” after the word “instructions.” This is to ensure consistency with section 40.210, which instructs the collector to follow the employer’s instructions, which could be via a discussion or “standing orders” when a decision needs to be made on whether a different specimen type is to be collected during the testing event.

The Department is also proposing to amend section 40.193(b)(2) by adding two sets of instructions for the oral fluid collector. The first proposal is to discard any insufficient specimen the employee provided that had unusual characteristics or signs of tampering (See section 40.73(c)(4)), which results in a subsequent oral fluid specimen collection where the employee fails to provide a sufficient oral fluid specimen after the one hour wait period.

Regarding this proposal, it makes sense to rely solely on the outcome of the insufficient specimen process (See section 40.193(c)) as the intent of the “dry mouth” evaluation is to provide the employee with an opportunity to provide an explanation for the inability to provide a sufficient oral fluid specimen. In the insufficient specimen process, an MRO with advice from a referral physician determines whether a medical condition has, or with a high degree of probability could have, precluded the employee from providing a sufficient amount of specimen. This rationale becomes blurred with a verified drug test result from the same collection event. The reasoning for discarding the insufficient “suspect” specimen is simple. It should reduce opportunities for confusion by the collector on whether to send an insufficient “specimen” to the laboratory when the employee did not provide a sufficient specimen after the one hour wait period and will leave the MRO to report only the outcome of the “dry mouth” evaluation. This proposal is consistent with the existing part 40 instructions for urine collectors during the “shy bladder” period (See section 40.193 (b)(1)(iv)).

The second proposal is to include instructions in section 40.193(b)(2) for the oral fluid collector to discontinue

the collection if the employee refuses to provide a subsequent specimen and to notify the employer of the refusal event. The Department is proposing this because this section does not address this possibility. This proposal is consistent with the existing part 40 instructions for urine collectors during the “shy bladder” period (See section 40.193 (b)(1)(iii)).

In the Department’s May 2023 final rule, DOT established a 15-minute period during which the employee is permitted to attempt to provide a sufficient oral fluid specimen, codified in 49 CFR 40.193(b)(2)(i). If the employee does not provide a sufficient specimen, the oral fluid collector will again attempt to collect a sufficient specimen. DOT established the 15-minute wait period based on the HHS OFMG (84 FR 57554). According to HHS, the collector sets the reasonable time limit for the specimen collection (based on the device used, but not to exceed 15 minutes (per device)). It was our understanding that the 15-minute period was more of a general rule, and not device-specific. The Department has since learned that for at least one specific oral fluid collection device that has been approved by the Food and Drug Administration (FDA), the 15-minute period exceeds that device’s instructions on the specified period (10 minutes) in which to collect a sufficient specimen. The Department understands that exceeding that device’s timeframe for collecting a sufficient specimen would not in and of itself cause the device to fail, but doing so could potentially expose the device to unintentional tongue or other oral movement that may end up breaking or tearing the pad. The Department has also learned that for this specific device, if the volume indicator does not register a sufficient volume during the 10-minute period, waiting an additional 5 minutes will not result in the device registering a sufficient volume. The Department expects that other oral fluid devices will eventually be approved, and that those other devices may have different specimen collection timeframes. To ensure the timeframe in which oral fluid specimens are being collected in accordance with the device manufacturer’s instructions, the Department proposes to amend section 40.193(b)(2)(i) to remove the 15-minute period, and instead refer to the manufacturer’s instructions.

Section 40.311 What are the requirements concerning SAP reports?

Section 40.329(c) directs the SAP to redact the follow-up testing plan from the SAP report when providing the

report to an employee. Section 40.311(f) directs the SAP to provide the SAP reports to the employee if the employee has no current employer but makes no mention of redacting the follow up testing information as stated in section 40.329(c). Without a cross-reference to section 40.329(c), it may lead the SAP or the employee to believe that the reports in their entirety are to be provided.

As such, the Department is proposing to amend section 40.311(f) to clarify that in cases where the report required by section 40.311 is provided to an employee with no current employer, the follow-up testing plan information (required by section 40.311(d)(9) of that report) must be redacted before it is sent to the employee, consistent with section 40.329(c).

Section 40.355 What limitations apply to the activities of service agents?

Section 40.355(j)(2) states that an MRO may make a determination that an employee has refused a drug or alcohol test on the basis of adulteration or substitution. However, the Department omitted the scenario in which the MRO also makes the refusal to test determination when there is not an adequate basis for determining that a medical condition has, or with a high degree of probability could have, precluded the employee from providing a sufficient amount of specimen (See section 40.191(d)(2) and section 40.193(d)(2)(i)). As such the Department is proposing to include this “refusal to test” scenario to section 40.355(j)(2) as another situation in which an MRO makes the determination on a refusal to test.

Changes to the HHS Mandatory Guidelines That DOT Is Not Proposing To Adopt

While the Department is proposing to harmonize part 40 with the laboratory drug testing standards in the revised HHS Mandatory Guidelines as required by OTETA of 1991, which are the core scientific laboratory functions necessary for the DOT’s program, there are some items in the revised HHS Mandatory Guidelines that are not specifically related to laboratory drug testing standards that DOT is not proposing to adopt. It is important to note the DOT has the discretion concerning many other aspects of the regulations governing testing in the transportation industries’ regulated programs.

For example, HHS established a requirement in both the UrMG and OFMG that MROs must submit semiannual reports to HHS on laboratory-reported positive specimens

that were verified negative by the MRO, including the reason for the negative verification. Specifically, these reports provide HHS with oversight of the MRO reporting practices for such specimens, enhance HHS's ability to verify the accuracy of MRO reports, and address areas of confusion about the Mandatory Guideline requirements. These semiannual reports also provide HHS with a clearer picture of illicit drug use by Federal job applicants and employees.

The DOT's drug testing program already has other mechanisms in place to assess MRO compliance, and to gauge illicit drug use by applicants and DOT-regulated safety-sensitive employees. For example, during inspections, audits,²⁸ or both, DOT agency auditors, inspectors, or investigators review the MRO drug test verifications and reporting practices for compliance with part 40. Also, when required by DOT agency regulations, DOT-regulated employers submit their Management Information System (MIS) reports (*i.e.*, annual aggregate drug/alcohol testing data) to the DOT agency. The DOT agencies use this data to assess illicit drug use by employees and applicants and to calculate the yearly industry annual drug/alcohol random testing rates. Therefore, requiring approximately 2,400 MROs involved in the DOT drug testing program to submit semi-annual reports on laboratory-positive/MRO-verified negative results to DOT would be an undue burden to the industry, and an added, unnecessary administrative task for DOT to review, analyze, and follow up on each report. For these reasons, the Department is not proposing this non-laboratory drug testing requirement.

HHS also revised both the UrMG and OFMG to remove two exceptions for collectors reporting a refusal to test for a pre-employment test: (1) when an applicant fails to appear for the collection in a reasonable time; and (2) when an applicant leaves the collection site before the collection process begins. HHS explained that there is no justification for altering a refusal to test determination based on whether a test is being conducted in the employment, or pre-employment, context, and removed the exceptions.²⁹ HHS requires all donors to arrive at the collection site in

a reasonable time (as established by the Federal agency employer) and requires all donors to remain at the collection site until the collection is complete. When the collector reports a refusal to test, the Federal agency takes action consistent with applicable agency regulations.

In the August 9, 2001 final rule (66 FR 41944),³⁰ DOT clarified the application of refusal determinations during pre-employment testing. The Department said that an applicant can fail to appear for a test for a number of legitimate reasons (*e.g.*, took another job, decided they did not want to change their present job, or decided they did not want to work for a particular employer). In this type of situation, the Department believed—and still does—that it would be unfair to impose the consequences of a refusal (*e.g.*, having to complete the return-to-duty process or take actions to revoke a certification under some DOT agency regulations) on the applicant. Similarly, there can be situations in which an applicant could legitimately leave a collection site before the test actually commences (*e.g.*, there is a long wait for the test and the applicant has another obligation). DOT additionally clarified that, for the purposes of this provision, the commencement of the pre-employment test means the collector or applicant has selected a collection container (See section 40.191(a)(2) & (3)). Once the collection has commenced, the applicant has committed to the process and must complete it. If the applicant then leaves before the process is complete, or takes another action listed in this section as a refusal, the consequences of a refusal attach. However, if the applicant leaves the site before the test commences, then the applicant is in the same situation as someone who does not appear at all for the pre-employment test. The consequences of a refusal do not apply in this situation. For these reasons, which the Department believes are still valid today, DOT is not proposing this non-laboratory drug testing standard issue.

Though HHS did not propose any changes to the MRO training requirements, they did receive and respond to comments. Specifically, a commenter said there needs to be substantial clarification regarding additional MRO training on the annual drug testing panel changes and suggested that MROs register with SAMHSA to get updates/announcements and acknowledge review of the information received. For

oral fluid testing, a commenter stated that new and existing MROs should receive additional training for oral fluid testing.

HHS responded, and revised its MRO training requirements to clarify that MROs must be trained on any revisions to the drug and biomarker testing panels. HHS stated that it relies on the approved MRO certification entities to ensure that the MROs certified by their organizations meet the HHS Mandatory Guidelines requirements. HHS also clarified that, in addition to posting the HHS Medical Review Officer Guidance Manual and MRO case studies (urine and oral fluid) on its website, it issues notices through the NLCP to the approved MRO certification entities for dissemination to their certified MROs.

DOT believes that its MRO training requirements in section 40.121 already address both issues. First, DOT requires MROs to be knowledgeable of alternative medical explanations for laboratory-confirmed drug test results (urine and oral fluid), and issues relating to substituted specimens. Part 40 also requires the MRO training to include instruction on interpreting drug and validity test results. The Department addressed the issue of whether MROs need additional training for oral fluid testing in our May 2023 rule that permits the use of oral fluid testing in the DOT program. Based on public comments received, DOT stated that it would not require MROs to undergo recertification training, but strongly suggested that MROs seek supplemental information about oral fluid testing by the time HHS certifies at least two oral fluid drug testing laboratories. The Department also stated that it supported the approach of MRO training organizations offering oral fluid modules to augment the training of MROs who are already current on their training certification requirements. Like HHS, DOT relies on the MRO certification organizations to ensure MROs meet the DOT training requirements. Second, regarding receiving updates/announcements from DOT, the Department already has a regulatory requirement in place for MROs to subscribe to ODAPC's listserv as a mechanism for MROs to keep current on any changes to part 40 and other DOT agency-related information.³¹

HHS revised both the UrMG and OFMG to clarify that only prescription medications can be offered as a legitimate medical explanation for a positive drug test. HHS made this clarification given its concern, rightfully

²⁸ DOT Agencies inspect/audit DOT-regulated employers and their service agents (*e.g.*, MRO, SAP, collectors/BATs) as part of the Agency's efforts to ensure employer compliance with Part 40 and the respective modal regulations. The inspections/audits are conducted at a frequency determined by the DOT Agency.

²⁹ <https://www.govinfo.gov/content/pkg/FR-2022-04-07/pdf/2022-06886.pdf> (pg. 20563).

³⁰ <https://www.govinfo.gov/content/pkg/FR-2001-08-09/pdf/01-19232.pdf> (pg., 41947).

³¹ <https://www.transportation.gov/odapc/get-odapc/email-updates>.

so, that several State laws currently allow a physician to write an “authorization” or “medical recommendation” for a Schedule I substance, specifically marijuana. However, no Schedule I drug, including marijuana, has a currently accepted medical use in the United States. Part 40 already requires the MRO to accept only a legally valid prescription consistent with the Controlled Substance Act (See section 40.137(a) & 40.141(b)).

V. Regulatory Analyses and Notices

Changes to Federal regulations must undergo several analyses. First, Executive Order (E.O.) 12866 and E.O. 13563 direct that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354), as codified in 5 U.S.C. 601 *et seq.*, requires agencies to analyze the economic impact of regulatory changes on small entities. The Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*) requires that DOT consider the impact of paperwork and other information collection burdens imposed on the public and, under the provisions of PRA section 3507(d), obtain approval from OMB for each collection of information it conducts, sponsors, or requires through regulations. Section (a)(5) of division H of the Fiscal Year 2005 Omnibus Appropriations Act, Public Law 108–447, 118 Stat. 3268 (Dec. 8, 2004), and section 208 of the E-Government Act of 2002, Public Law 107–347, 116 Stat. 2889 (Dec. 17, 2002) require DOT to conduct a Privacy Impact Assessment (PIA) of a regulation that will affect the privacy of individuals. Finally, the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*) requires DOT to analyze this action to determine whether it will have an effect on the quality of the environment. This portion of the preamble summarizes DOT’s analyses of these impacts with respect to this notice.

E.O. 12866, E.O. 13563, and DOT’s Regulatory Policies and Procedures

This proposed rule is not a significant regulatory action under E.O. 12866 and E.O. 13563, as well as under the Department’s Regulatory Policies and Procedures (49 CFR part 5 and DOT Order 2100.6B). It harmonizes specific part 40 procedures with recently revised HHS Mandatory Guidelines for urine and oral fluid. The economic impact of this rulemaking is discussed in the sections that follow.

E.O. 14192

OST has reviewed this NPRM for compliance with E.O. 14192 (“Unleashing Prosperity Through Deregulation”), which requires Federal agencies to offset the number and cost of new regulations through the repeal, revocation, or revision of existing regulations. As discussed above, this action is not a significant rule under E.O. 12866. Accordingly, this proposed rule is not an E.O. 14192 regulatory action because this rule is not significant under E.O. 12866.

Costs

HHS addressed the cost burdens associated with the addition of a new drug to the drug testing panel during the March 5, 2024 DTAB open session and its January 16, 2025 **Federal Register** notice (90 FR 4662).³² According to HHS, HHS-certified test facilities and MROs will incur initial costs for administrative and programming changes for the addition of fentanyl and norfentanyl.³³ The cost impact of drug testing for fentanyl and norfentanyl would be minimal for those laboratories that already offer fentanyl and norfentanyl testing for non-DOT testing. Those laboratories that use the same cutoff(s) for their non-regulated clients may experience some savings compared to laboratories that do not test for these analytes. Because these costs would be realized due to participating in the Federal Workplace Drug Testing program, the proposed rule will not duplicate this cost.

Once the testing has been implemented, according to HHS, the laboratory cost for screening a specimen for the added analytes would range from \$0.23 to \$5.00 due to reagent and administrative costs (sample preparation, analysis, and reporting). The cost for each confirmatory test would range from \$8.00 to \$25.00 for each specimen due to reagent and administrative costs.³⁴ For our analysis, the Department will use the average of the low and high values for screening (\$2.61) and confirmation (\$16.5) costs for testing, given that the cost will be less based on the volume of tests a laboratory conducts and that a majority of the specimens are analyzed by less than half of the laboratories conducting the testing. DOT will not consider the cost of reviewing negative fentanyl

results in this analysis as it would be duplicative of costs already incurred for the administrative task of reviewing/reporting other negative results for the same specimen. Similarly, DOT will not consider specimen collection costs as there will not be any additional costs related to the collection of a urine specimen, as the urine specimen is already being collected for the analysis of the other drugs for which the Department requires testing.

HHS indicated that based on information from non-regulated workplace drug testing for these analytes in 2017, 2019, and 2022 and testing performed on de-identified federally regulated specimens in 2023, approximately 0.19 percent of the submitted specimens are expected to be screened as positive for the added analytes and that 84 percent of those specimens that screen positive will confirm positive. Based on this information and the approximate 6.9M annual DOT drug tests, DOT estimates 13,110 specimens to screen positive ($6.9M \times .19\%$) and 11,012 specimens to confirm positive ($13,110 \times 84\%$). The estimated lab costs for screening tests are \$18,009,000 ($6.9M \times \2.61) and the estimated lab costs for confirmation tests are \$216,315 ($13,110 \times \16.5).

Testing for fentanyl will also result in an increased number of positive results requiring MRO reviews. Regarding MRO review fees, the Department understands that most MROs offer bundled pricing (*e.g.*, one fee for reviewing/reporting negative and non-negative results). The Department also understands that the fee for a bundled review ranges from \$8–\$18. Using an average of the high and low fee of \$13 for our analysis, DOT estimates \$143,156 in MRO costs ($11,102 \times \13 /MRO review) for reviewing laboratory confirmed fentanyl results.

Therefore, with the estimated 6.9M drug tests conducted annually, laboratory and MRO costs, an estimated annual cost of \$18,368,471 would be realized in the DOT-regulated urine drug testing program.

Regarding the adjustment to the morphine cutoff from 2,000 ng/mL to 4,000 ng/mL, DOT estimates that approximately 1,782 of the 6.9 million drug tests administered in the DOT program in 2023 were reported with morphine results between 2,000 ng/mL and 15,000 ng/mL (899 tests were between 2,000–4,000 ng/mL, and 883 tests were between 4,000–15,000 ng/mL). Based on the current morphine cutoff, with an average clinical exam cost of \$200 and \$13 for the MRO review, DOT estimates the cost for the 1,782 clinical exams would be

³² <https://www.govinfo.gov/content/pkg/FR-2025-01-16/pdf/2025-00425.pdf>.

³³ SAMHSA DTAB Meeting, March 5, 2024, Transcript, at 44, <https://www.samhsa.gov/sites/default/files/meeting/transcripts/dtab-meeting-transcript-03052024.pdf>.

³⁴ SAMHSA DTAB Meeting, March 5, 2025. Presentation, slide 4.

approximately \$379,566. Given the proposed morphine cutoff, those same 1,782 test results would now just be MRO reviewed with no clinical exam resulting in a cost of \$23,166 (1,782 × \$13). Therefore, the Department estimates a cost savings of approximately \$356,400 (\$379,566 – \$23,166).

At this time, HHS does not require HHS-certified test facilities to implement authorized biomarker tests. Each laboratory and IITF should conduct its own cost analysis when deciding whether to offer biomarker testing to federally regulated clients. HHS will consider costs when deciding whether to require all certified test facilities to test for a specific biomarker.

Economic Impact

The estimated cost of adding fentanyl to the drug testing panel and adjusting the morphine cutoff level and not requiring a clinical exam would be \$18,102,071. If identifying illicit drug use by safety-sensitive transportation employees subjected to drug testing prevents a single serious accident, then the benefits of this rule outweigh its minimal cost. Testing for fentanyl will add another layer of deterrence to illicit drug use. Identifying fentanyl as the drug used by the employee will assist SAPs in their assessments and determinations on the appropriate recommendations for education or treatment, or both, of the employee. This rule would not have a major impact under Executive Order 12866 because it would not have an annual effect on the economy of \$100 million or more, nor would it adversely affect any sector of the economy. Because fentanyl is extremely potent, powerful, addictive, and dangerous, it is a significant factor in both fatal and nonfatal overdoses in the United States, making it a crucial public safety issue. Therefore, the Department believes that the benefits of this rulemaking outweigh the associated costs.

Regulatory Flexibility Analysis

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires Federal agencies to consider the effects of their regulatory actions on small businesses and other small entities and minimize any significant economic impact. The term “small entities” comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with a population of less than 50,000.

The Department does not expect that the proposed rule would have a

significant economic impact on a substantial number of small entities. Many thousands of covered employers are small businesses (*e.g.*, small trucking companies, small transit authorities), as are many service agents (*e.g.*, drug testing laboratories, medical review officers), but given the small net change in regulatory costs spread over these thousands of small entities, the cost impact per entity is expected to be negligible. Our ability to create special provisions for small entities is limited by the need to have uniform requirements to ensure safety and fairness to employees. There must be a single standard for the accuracy and integrity of the program and the protection of legitimate employee interests that cannot vary with the size of the employer or service agent.

The proposed rule, if adopted, would modify certain part 40 procedures and is intended only to further align our laboratory procedures and processes and MRO procedures, with those requirements that are being directed by the HHS Guidelines, which were considered nonsignificant. The Department would note that all HHS-certified laboratories must have the capability to accurately test for fentanyl and norfentanyl to pass certification requirements of the National Laboratory Certification Program. In addition, Federal agency employee testing programs are already testing for fentanyl and norfentanyl and MROs are no longer required to conduct clinical evaluations to determine illicit opioid use. Our harmonizing on these matters will only bring clarity and consistency to the efforts of the Federal testing programs, programs that are internal to the Federal Government, and those that are regulated by the Federal Government.

Federalism

E.O. 13132 requires Federal agencies to carefully examine actions to determine if they contain policies that have federalism implications or that preempt State law. As defined in the order, “policies that have federalism implications” refer to regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

Most of the regulated parties under the Department’s drug testing program are private entities. Some regulated entities are public entities (*e.g.*, transit authorities and public works

departments); however, the Secretary has determined that the proposed rule, which, if adopted, would require the testing of safety-sensitive employees in the transportation industry for fentanyl and norfentanyl, remove the requirement for MROs to look for clinical evidence of illicit opiate use, and authorize the use of biomarker testing to determine if a specimen was substituted does not contain policies that have federalism implications.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) (PRA) requires that DOT consider the impact of paperwork and other information collection burdens imposed on the public. This proposed rule would not require any new collection of information under the PRA. Notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a currently valid Office of Management and Budget (OMB) control number. Information collections for part 40 currently are approved under OMB Control No. 2105–0529. This proposed rule will not create any new paperwork or other information collection burdens that require approval.

Privacy Act

The Privacy Act provides safeguards against invasion of personal privacy through the misuse of records by Federal agencies. It establishes controls over what personal information is collected, maintained, used, and disseminated by agencies in the executive branch of the Federal Government. Anyone is able to search the electronic form of all comments received in 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>.

National Environmental Policy Act

The Department has analyzed the environmental impacts of this notice of proposed rulemaking pursuant to NEPA (42 U.S.C. 4321 *et seq.*). The Department has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4). Categorical exclusions are categories of actions that the agency has determined normally do not significantly affect the quality of the human environment and therefore do not require either an environmental

assessment (EA) or environmental impact statement (EIS). See DOT Order 5610.1D § 9. In analyzing the applicability of a categorical exclusion, the agency must also consider whether extraordinary circumstances are present that would warrant the preparation of an EA or EIS. *Id.* § 9(b). The Department's Operating Administrations (OAs) may apply CEs established in another OA's procedures. *Id.* § 9(f). To do so, the Operating Administration "must evaluate the action for extraordinary circumstances identified in the OA procedures in which the CE is established to determine if a normally excluded action may have a significant impact and coordinate with the originating OA to ensure that the CE is being applied correctly." *Id.* This rulemaking, which proposes to amend its drug-testing program regulation, 49 CFR part 40 (part 40), to add fentanyl and norfentanyl to its drug testing program, to amend certain provisions of part 40 to harmonize, as appropriate, with the recently revised HHS Mandatory Guidelines using urine and oral fluid, and to make technical amendments, is categorically excluded pursuant to 23 CFR 771.118(c)(4): "Planning and administrative activities not involving or leading directly to construction, such as: Training, technical assistance and research; promulgation of rules, regulations, directives, or program guidance; approval of project concepts; engineering; and operating assistance to transit authorities to continue existing service or increase service to meet routine demand." The Department has coordinated with the Federal Transit Administration to ensure that this CE is being applied correctly. The Department does not anticipate any environmental impacts, and there are no extraordinary circumstances present in connection with this rulemaking.

Unfunded Mandates Reform Act

The Secretary has examined the impact of this proposed rule under the Unfunded Mandates Reform Act (UMRA) of 1995 (Pub. L. 104-4). This proposed rule does not trigger the requirement for a written statement under sec. 202(a) of the UMRA because this rulemaking does not impose a mandate that results in an expenditure of \$100 million or more by either State, local, and Tribal governments in the aggregate or by the private sector in any one year.

List of Subjects in 49 CFR Part 40

Administrative practice and procedures, Alcohol abuse, Alcohol testing, Drug abuse, Drug testing,

Laboratories, Reporting and recordkeeping requirements, Safety, Transportation.

The Notice of Proposed Rulemaking

For reasons discussed in the preamble, the Department of Transportation proposes to amend part 40 of Title 49 Code of Federal Regulations, as follows:

PART 40—PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG AND ALCOHOL TESTING PROGRAMS

■ 1. The authority citation for 49 CFR Part 40 is amended to read as follows:

Authority: 49 U.S.C. 102, 301, 322, 5331, 20140, 31306, 45101 *et seq.*, and 60102 *et seq.*

■ 2. In § 40.3, revise the following definitions to read as follows, keeping them in their correct alphabetical order:

§ 40.3 What do the terms used in this part mean?

* * * * *

Adulterated specimen. A specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of a normal constituent (*e.g.*, nitrite in urine).

* * * * *

Cutoff. The analytical value (*e.g.*, drug, drug metabolite, or biomarker concentration) used as the decision point to determine a result (*e.g.*, negative, positive, adulterated, invalid, or substituted) or the need for further testing.

* * * * *

Initial specimen validity test. The first analysis used to determine if a specimen is adulterated, invalid, substituted, or (for urine) diluted.

* * * * *

Negative result. The result reported by an HHS-certified laboratory to an MRO when a specimen contains no drug or drug metabolite, or both; or the concentration of the drug or drug metabolite is less than the cutoff for that drug or drug class and the specimen is a valid specimen.

* * * * *

Positive result. The result reported by an HHS-certified laboratory when a specimen contains a drug or drug metabolite equal to or greater than the confirmatory test cutoff.

* * * * *

Substituted specimen. A specimen not consistent with a normal human specimen, as determined by HHS (*e.g.*, a urine specimen, with creatinine and

specific gravity values that are outside the physiologically producible ranges of human urine, or a urine or oral fluid specimen as evidenced by the absence of a biomarker or a biomarker concentration inconsistent with that established for a human specimen).

* * * * *

■ 3. In § 40.3, add the following definition, in proper alphabetical order:

§ 40.3 What do the terms used in this part mean?

* * * * *

Biomarker is an endogenous substance used to validate a biological specimen.

* * * * *

■ 4. In § 40.14, revise paragraphs (d) and paragraph (f) to read:

§ 40.14 What collection information must employers provide to collectors?

* * * * *

(d) Employer name, address, and phone number (can be pre-printed on the CCF at Step 1–A). A fax number may be included but is not required.

* * * * *

(f) MRO name, address, and phone number (can be pre-printed on the CCF at Step 1–B). A fax number may be included but is not required.

* * * * *

■ 5. In § 40.25, revise subparagraph (a)(2) and subparagraph (b)(5) to read:

§ 40.25 Must an employer check on the drug and alcohol testing record of employees it is intending to use to perform safety-sensitive duties?

* * * * *

(a)(2) If you are an employer regulated by FMCSA, you must comply with the requirements of this section by using the FMCSA's Drug and Alcohol Clearinghouse in accordance with 49 CFR 382.701(a). In addition, you must continue to comply with the requirements of § 40.25 when checking an employee's testing history with employers regulated by a DOT operating administration other than FMCSA.

* * * * *

(b)(5) With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements (including the initial and follow up SAP reports, which includes the follow-up testing plan, the return to duty test result(s), and completed follow-up tests). If the previous employer does not have information about an employee's return-do-duty process (*e.g.*, an employer who did not hire an employee who tested positive on a pre-employment test), you must seek to

obtain this information from the employee.

* * * * *

■ 6. In § 40.31, revise paragraph (a) to remove the word “urine” and redesignate paragraphs (b) and (c) as subparagraphs (a)(1) and (a)(2). Redesignate paragraph (d) as paragraph (b), paragraph (e) as paragraph (c), and paragraph (f) as paragraph (d).

■ 7. In § 40.33, revise paragraph (d) to read:

§ 40.33 What training requirements must a collector meet for urine collection?

* * * * *

(d) *Schedule for qualification training and initial proficiency demonstration.*

You must meet the requirements of paragraphs (b) and (c) of this section within 30 days of completing the qualification training. If you do not complete the initial proficiency demonstration within 30 days of successfully completing the qualification training, you must again complete the qualification training.

* * * * *

■ 8. In § 40.35, revise subparagraph (c)(1), and paragraphs (d) and (f) to read:

§ 40.35 What training requirements must a collector meet for oral fluid collection?

* * * * *

(c)(1) The five mock collections for each device must include one uneventful collection scenario; one insufficient specimen quantity scenario; one scenario in which the employee has something in their mouth that might interfere with the collection; one scenario in which the employee attempts to tamper with the specimen; and one scenario in which the employee refuses to sign the CCF and initial the specimen bottle tamper-evident seal. For each of the five mock collections, the collector must check the expiration date of the device, show the expiration date to the employee, and record the date on the CCF used. The collector must ensure that when applying the labels, they do not cover the expiration dates.

* * * * *

(d) *Schedule for qualification training and initial proficiency demonstration.*

You must meet the requirements of paragraphs (b) and (c) of this section within 30 days of completing the qualification training. If you do not complete the initial proficiency demonstration within 30 days of successfully completing the qualification training, you must again complete the qualification training.

* * * * *

(f) *Error Correction Training.* If you make a mistake in the collection process that causes a test to be cancelled (*i.e.*, a fatal or uncorrected flaw), you must undergo error correction training. This training must occur within 30 days of the date you are notified of the error that led to the need for retraining. If a cancellation is due to an error that occurs outside the collection process (*e.g.*, when a specimen is crushed or otherwise damaged during the transportation process, or is lost in transit), the cancellation is not the result of an error by the collector during the collection process and does not require the collector to be retrained.

* * * * *

■ 9. In § 40.61, revise the introductory text of paragraph (f) to read:

§ 40.61 What are the preliminary steps in the drug testing collection process?

* * * * *

(f) Direct the employee to remove outer clothing (*e.g.*, coveralls, jacket, coat, hat) that could be used to conceal items or substances that could be used to tamper with a specimen. You must also direct the employee to leave these garments and any briefcase, purse, or other personal belongings with you or in a mutually agreeable location. If the employee refuses, the collector must terminate the collection, note the circumstances in the Remarks section of the CCF, and report the information to the DER as described in § 40.191(a)(8) (failure to cooperate), so that the employer can decide whether to deem the situation a refusal.

* * * * *

■ 10. In § 40.65, revise paragraph (a)(1) to read:

§ 40.65 What does the collector check for when the employee presents a urine specimen?

* * * * *

(a)(1) “If it does not, you must follow the procedures in § 40.193(a).”

■ 11. In § 40.72, revise subparagraph (b)(2) to read:

§ 40.72 What steps does the collector take in the collection process before the employee provides an oral fluid specimen?

* * * * *

(b)(2) If the employee refuses to remove the item or rinse, the collector must terminate the collection, note the circumstances in the Remarks section of the CCF, and report the information to the DER as described in § 40.191(a)(8) (failure to cooperate), so that the

employer can decide whether to deem the situation a refusal.

* * * * *

■ 12. In § 40.73, revise subparagraph (c)(4)(i) and (ii) and add subparagraph (c)(4)(iii) to read:

§ 40.73 How is an oral fluid specimen collected?

* * * * *

(c) * * *

(4) * * *

(i) Document any unusual characteristics referenced above in the Remarks section of the CCF and complete the collection.

(ii) Proceed with obtaining the new oral fluid specimen from the donor. You must process both the original specimen and the newly collected specimen and send the two sets of specimens to the laboratory. Note on the new CCF that this is another collection for the same testing event (*e.g.*, document in the Remarks section that this is Specimen 2 of 2 and include the Specimen ID number of the other specimen). Make the same notation on the CCF of the suspect specimen but note that it is Specimen 1 of 2.

(iii) If the employee refuses to provide another specimen, you must discard any specimen the employee provided previously during the collection procedure. Note the circumstances in the Remarks section of the CCF and report the information to the DER as described in 40.191(a)(8) (failure to cooperate), so that the employer can determine whether to deem the situation a refusal.

■ 13. In § 40.83 add subparagraph (c)(10) to read as follows:

§ 40.83 How do laboratories process incoming specimens?

* * * * *

(c) * * *

(10) For an oral fluid collection, the collector failed to document the observation of the volume indicator(s) at the time of the collection for a collection device containing a dilutant.

* * * * *

■ 14. Amend § 40.85 by revising paragraph (a) to read as follows:

§ 40.85 What are the cutoff concentrations for urine drug tests?

(a) As a laboratory, you must use the cutoff concentrations displayed in the following table for initial and confirmatory drug tests for urine specimens. All cutoff concentrations are expressed in nanograms per milliliter (ng/mL). The table follows:

Initial test analyte	Initial test cutoff ¹ (ng/mL)	Confirmatory test analyte (abbreviation)	Confirmatory test cutoff concentration (ng/mL)
Marijuana metabolite (Δ9THCC)	50	Δ9THCC	15
Cocaine metabolite (Benzoyllecgonine)	² 150	Benzoyllecgonine	100
Codeine/Morphine	2,000	Codeine	2,000
		Morphine	4,000
Hydrocodone/	300	Hydrocodone	100
Hydromorphone		Hydromorphone	100
Oxycodone/	100	Oxycodone	100
Oxymorphone		Oxymorphone	100
6-Acetylmorphine	10	6-Acetylmorphine	10
Phencyclidine	25	Phencyclidine	25
Fentanyl ³	1	Fentanyl	1
		Norfentanyl	1
Amphetamine/Methamphetamine	500	Amphetamine	250
		Methamphetamine	250
MDMA/MDA	500	Methylenedioxymethamphetamine	250
		Methylenedioxyamphetamine	250

¹ For grouped analytes (i.e., two or more analytes that are in the same drug class and have the same initial test cutoff):

Immunoassay: The test must be calibrated with one analyte from the group identified as the target analyte. The cross-reactivity of the immunoassay to the other analyte(s) within the group must be 80 percent or greater; if not, separate immunoassays must be used for the analytes within the group.

Alternate technology: Either one analyte or all analytes from the group must be used for calibration, depending on the technology. For a technology that measures a response from the entire group without differentiating between analytes (e.g., an activity-based assay, a mass spectrometric assay that does not differentiate isobaric compounds), the laboratory must compare the result to the initial test cutoff. In the case of an alternate technology that differentiates and quantifies each analyte in the group, the laboratory must compare each analyte's result to the confirmatory test cutoff and reflex specimens with a positive initial test result to confirmatory testing.

²*Alternate technology (BZE):* The confirmatory test cutoff must be used for an alternate technology initial test that is specific for the target analyte (i.e., 100 ng/mL for benzoyllecgonine).

³A fentanyl immunoassay must have at least 5% cross-reactivity to norfentanyl.

■ 15. Amend § 40.86 by adding a new paragraph (c) to read as follows:

§ 40.86 What is urine validity testing and are laboratories required to conduct it?

* * * * *

(c) As a laboratory, you may conduct biomarker testing. If you conduct biomarker testing, you must only test for those biomarkers identified in the 'biomarker testing panel' referenced in the HHS Mandatory Guidelines, with analytes and cutoffs for initial and confirmatory biomarker tests.

■ 16. Amend § 40.87 by adding a new paragraph (f) to read as follows:

§ 40.87 What validity tests must laboratories conduct on primary urine specimens?

* * * * *

(f) As a laboratory if you conduct biomarker testing, you must only test for those biomarkers identified in the "biomarker testing panel" referenced in the HHS Mandatory Guidelines, with analytes and cutoffs for initial and confirmatory biomarkers.

■ 17. Amend 40.88 by adding a new paragraph (c) to read as follows:

§ 40.88 What criteria do laboratories use to establish that a urine specimen is dilute or substituted?

* * * * *

(c) As a laboratory, you must consider the primary specimen to be substituted when a biomarker is absent or when its concentration is not consistent with that established for human urine.

■ 18. Amend § 40.91 by revising paragraph (a) to read as follows:

§ 40.91 What are the cutoff concentrations for oral fluid drug tests?

(a) As a laboratory, you must use the cutoff concentrations displayed in the following table for initial and confirmatory drug tests for oral fluid specimens. All cutoff concentrations are expressed in nanograms per milliliter (ng/mL). The table follows:

Initial test analyte	Initial test cutoff ¹ (ng/mL)	Confirmatory test analyte (abbreviation)	Confirmatory test cutoff concentration (ng/mL)
Marijuana (Δ9THC)	4	Δ9THC	2
Cocaine/Benzoyllecgonine	15	Cocaine	8
		Benzoyllecgonine	8
Codeine/Morphine	30	Codeine	15
		Morphine	15
Hydrocodone/Hydromorphone	30	Hydrocodone	15
		Hydromorphone	15
Oxycodone/Oxymorphone	30	Oxycodone	15
		Oxymorphone	15
6-Acetylmorphine	² 4	6-Acetylmorphine	2
Fentanyl	4	Fentanyl	1
Phencyclidine	10	Phencyclidine	10
Amphetamines/Methamphetamine	50	Amphetamines	25
		Methamphetamine	25
MDMA/MDA	50	Methylenedioxymethamphetamine	25
		Methylenedioxyamphetamine	25

¹ For grouped analytes (i.e., two or more analytes that are in the same drug class and have the same initial test cutoff):

Immunoassay: The test must be calibrated with one analyte from the group identified as the target analyte. The cross-reactivity of the immunoassay to the other analyte(s) within the group must be 80 percent or greater; if not, separate immunoassays must be used for the analytes within the group.

Alternate technology: Either one analyte or all analytes from the group must be used for calibration, depending on the technology. For a technology that measures a response from the entire group without differentiating between analytes (e.g., an activity-based assay, a mass spectrometric assay that does not differentiate isobaric compounds), the laboratory must compare the result to the initial test cutoff. In the case of an alternate technology that differentiates and quantifies each analyte in the group, the laboratory must compare each analyte's result to the confirmatory test cutoff and reflex specimens with a positive initial test result to confirmatory testing.

²**Alternate technology (6-AM):** The confirmatory test cutoff must be used for an alternate technology initial test that is specific for the target analyte (i.e., 2 ng/mL for 6-AM).

■ 19. Revise § 40.92 by adding a new paragraph (d), redesignating paragraph (c) as paragraph (d) and revising paragraph (c) to read as follows:

§ 40.92 What is oral fluid validity testing, and are laboratories required to conduct it?

* * * * *

(c) You may perform initial and confirmation biomarker testing as authorized by the HHS Mandatory Guidelines for oral fluid.

* * * * *

■ 20. Revise § 40.93 to read as follows:

§ 40.93 What validity tests must laboratories conduct on primary oral fluid specimens?

As a laboratory, if you conduct validity testing under § 40.92, you must conduct it in accordance with the applicable HHS Mandatory Guidelines requirements for validity testing or biomarker testing, or both.

■ 21. Create a new § 40.95 to read as follows:

§ 40.95 What criteria do laboratories use to establish that an oral fluid specimen is substituted?

As a laboratory, you must consider the primary specimen to be substituted when a biomarker is not detected or is present at a concentration inconsistent with that established for a human oral fluid for both the initial test and the confirmatory test on two separate aliquots (i.e., using the test analytes and cutoffs listed in the HHS biomarker testing panel).

■ 22. Amend § 40.137 by revising paragraphs (a) and (c) to read as follows:

§ 40.137 On what basis does the MRO verify test results involving marijuana, cocaine, amphetamines, opioids, or PCP?

(a) As the MRO, you must verify a confirmed positive test result for one or more of either marijuana, cocaine, amphetamines, opioids, or PCP, unless the employee presents a legitimate medical explanation for the presence of the drug(s)/metabolite(s) in his or her system. In determining whether an employee's legally valid prescription consistent with the Controlled Substances Act for a substance in these categories constitutes a legitimate medical explanation, you must not question whether the prescribing

physician should have prescribed the substance.

* * * * *

(c)(1) The employee has the burden of proof that a legitimate medical explanation exists. The employee must present information meeting this burden at the time of the verification interview. As the MRO, you have discretion to extend the time available to the employee for this purpose for up to five days before verifying the test result, if you determine that there is a reasonable basis to believe that the employee will be able to produce relevant evidence concerning a legitimate medical explanation within that time.

(2) If the laboratory confirms the presence of 6-acetylmorphine (6-AM) in the specimen, you must verify the test result as positive.

(3) When verifying codeine or morphine results in urine, consumption of food products (e.g., poppy seeds) must not be considered a legitimate medical explanation for the employee having morphine or codeine results above the confirmatory cutoffs listed in § 40.85.

(4) When verifying codeine or morphine results in oral fluid, you must verify a result between 15 ng/mL and 150 ng/mL as "negative" when the employee claims ingestion of poppy seed products, unless the employee admits to unauthorized use.

(5) For all other results, you must verify the result as 'positive' unless the employee presents a legitimate medical explanation for the presence of the drug/metabolite in his or her system.

* * * * *

■ 23. Remove § 40.139.

■ 24. Revise § 40.141(b)(2) to read:

§ 40.141 How does the MRO obtain information for the verification decision?

* * * * *

(b) * * *

(2) When verifying lab results, you may, as you deem necessary, request that an HHS-certified laboratory with validated protocols (see § 40.81(c)) to conduct testing for D,L stereoisomers of amphetamine and methamphetamine (for either urine or oral fluid specimens) or for tetrahydrocannabinol (THC-V) (for urine only).

■ 25. Revise § 40.145 (d), (e)(2), and (h) to read as follows:

§ 40.145 On what basis does the MRO verify test results involving adulteration or substitution?

* * * * *

(d) You must offer the employee the opportunity to present a legitimate medical explanation for the laboratory findings with respect to the presence of the adulterant in the specimen, the creatinine and specific gravity findings for the urine specimen, or the absence of a biomarker or a biomarker concentration that is not consistent with that established for human urine or oral fluid.

* * * * *

(e) * * *

(2) To meet this burden in the case of a substituted specimen, the employee must demonstrate that he or she did produce or could have produced a specimen through physiological means, for urine, meeting the creatinine concentration criterion of less than 2 mg/dL and the specific gravity of less than or equal to 1.0010 or greater than or equal to 1.0200 (see § 40.88(b)), or for urine or oral fluid, absent a biomarker or with a biomarker concentration that is not consistent with that established for human urine or oral fluid..

* * * * *

(h) The following are examples of types of evidence an employee could present to support an assertion of a legitimate medical explanation for a substituted result.

(1) Medically valid evidence demonstrating that the employee is capable of physiologically producing urine meeting the creatinine and specific gravity criteria of § 40.88(b) or producing a specimen absent a biomarker or with a biomarker concentration that is not consistent with that established for human urine or fluid.

(i) To be regarded as medically valid, the evidence must have been gathered using appropriate methodology and controls to ensure its accuracy and reliability.

(ii) Assertion by the employee that his or her personal characteristics (e.g., with respect to race, gender, weight, diet, or working conditions) are responsible for

the substituted result does not, in itself, constitute a legitimate medical explanation. To make a case that there is a legitimate medical explanation, the employee must present evidence showing that the cited personal characteristics actually result in the physiological production of urine meeting the creatinine and specific gravity criteria of § 40.88(b) or of a specimen absent a biomarker or with a biomarker concentration that is not consistent with that established for human urine or fluid.

(2) Information from a medical evaluation under paragraph (g) of this section that the individual has a medical condition that has been demonstrated to cause the employee to physiologically produce urine meeting the creatinine and specific gravity criteria of § 40.93(b), or physiologically producing a specimen absent a biomarker or with a biomarker concentration that is not consistent with that established for human urine or fluid.

(i) A finding or diagnosis by the physician that an employee has a medical condition does not in itself constitute a legitimate medical explanation.

(ii) To establish there is a legitimate medical explanation, the employee must demonstrate that the cited medical condition actually results in the physiological production of urine meeting the creatinine and specific gravity criteria of § 40.88(b) or of a specimen absent a biomarker or with a biomarker concentration that is not consistent with that established for human urine or fluid.

■ 26. Revise § 40.151(d) to read as follows:

§ 40.151 What are MROs prohibited from doing as part of the verification process?

* * * * *

(d) It is not your function to consider explanations of confirmed positive, adulterated, or substituted test results that would not, even if true, constitute a legitimate medical explanation. For example, an employee may tell you that someone slipped amphetamines into her drink at a party, that she unknowingly ingested a marijuana brownie, or that she traveled in a closed car with several people smoking crack. MROs are unlikely to be able to verify the facts of such passive or unknowing ingestion stories. Even if true, such stories do not present a legitimate medical explanation. Consequently, for all drugs except codeine/morphine oral fluid results as described in § 40.137(c)(4),

you must not declare a test as negative based on an explanation of this kind.

* * * * *

■ 27. Revise 40.181 to read:

§ 40.181 What does the second laboratory do with the split specimen when it is tested to reconfirm a substituted test result?

(a) As the laboratory testing a urine split specimen, you must test the split specimen using the confirmatory tests for creatinine and specific gravity, using the criteria set forth in § 40.88.

(b) As the laboratory testing a urine split specimen reported as substituted based on biomarker testing, you must test for the biomarker using its confirmatory test (*i.e.*, using the confirmatory test analytes and cutoffs in the HHS biomarker testing panel)

(c) As the laboratory testing an oral fluid split specimen, you must only conduct the confirmatory biomarker test(s) needed to reconfirm the substituted results reported by the first HHS-certified laboratory.

■ 28. In § 40.193, revise paragraph (a) introductory text and paragraph (b)(2) to read:

§ 40.193 What happens when an employee does not provide a sufficient amount of specimen for a drug test?

(a) If an employee does not provide a sufficient amount of specimen to permit a drug test (*i.e.*, 45 mL of urine in a single void, or 2 mL oral fluid in a single sampling, as applicable) you, as the collector, must provide another opportunity to the employee to do so. In accordance with the employer's instructions or standing orders, this can be done using the same specimen type as the original collection or this can be done by a collector qualified to use an alternate specimen type for this purpose.

* * * * *

(b) * * *

(2) As the collector, you must do the following when continuing with an oral fluid specimen collection under this section:

(i) Discard the insufficient specimen except where the insufficient specimen showed unusual characteristics (see § 40.73(c)(4)).

(ii) If the employee demonstrates an inability to provide a specimen in accordance with the manufacturer's instructions for using the collection device, and if the donor states that he or she could provide a specimen after drinking some fluids, urge the employee to drink (up to 8 ounces) and wait an additional 10 minutes before beginning the next specimen collection (a period of up to one hour must be provided, or until the donor has provided a sufficient

oral fluid specimen, whichever occurs first). If the employee simply needs more time before attempting to provide an oral fluid specimen, the employee is not required to drink any fluids during the one-hour wait time. It is not a refusal to test if the employee declines to drink. The employee must remain at the collection site, in a monitored area designated by the collector, during the wait period.

(iii) If the employee refuses to attempt to provide a new oral fluid specimen or leaves the collection site before the collection process is complete, you must discontinue the collection, note that fact on the "Remarks" line of the CCF (Step 2), and immediately notify the DER of the conduct as provided in § 40.191(e)(1); the employer decides whether the situation is deemed to be a refusal.

(iv) If the employee has not provided a sufficient specimen within one hour of the first unsuccessful attempt to provide the specimen, you must discontinue the collection, note the fact on the "Remarks" line of the CCF (Step 2), and immediately notify the DER. You must also discard any specimen the employee previously provided, including any specimen that shows any unusual characteristics or signs of tampering. In the Remarks section of the CCF that you will distribute to the MRO and DER, note the fact that the employee provided a "specimen that shows unusual characteristics or signs of tampering" and that it was discarded because the employee did not provide a sufficient specimen.

* * * * *

■ 29. Revise § 40.199 by adding a new (b)(10) to read as follows:

§ 40.199 What problems always cause a drug test to be cancelled?

* * * * *

(b) * * *

(10) For an oral fluid collection, the collector failed to document the observation of the volume indicator(s) at the time of the collection for a collection device containing a diluent.

* * * * *

■ 30. In § 40.213, revise paragraph (d) to read:

§ 40.213 What training requirements must STTs and BATs meet?

* * * * *

(d) *Schedule for qualification training and initial proficiency demonstration.* You must meet the requirements of paragraphs (b) and (c) of this section within 30 days of completing the qualification training. If you do not complete the initial proficiency demonstration within 30 days of

successfully completing the qualification training, you must again complete the qualification training.

* * * * *

■ 31. In § 40.311, revise paragraph (f) to read:

§ 40.311 What are the requirements concerning SAP reports?

* * * * *

(f) As a SAP, you must also provide these written reports directly to the employee if the employee has no current employer and to the gaining DOT regulated employer in the event the employee obtains another transportation industry safety-sensitive position. When providing the reports to the employee, you must redact the follow up testing plan information (see § 40.329(c)).

* * * * *

■ 32. In § 40.355, revise subparagraph (j)(2) to read:

§ 40.355 What limitations apply to the activities of service agents?

* * * * *

(j) * * *

(2) As an MRO, you determine that an individual has refused to test on the basis of adulteration, substitution, or there is not an adequate basis for determining that a medical condition has, or with a high degree of probability could have, precluded the employee from providing a sufficient amount of specimen.

* * * * *

■ 33. Revise Appendix D to Part 40 to read as follows:

Appendix D to Part 40—DOT Drug-Testing Semi-Annual Laboratory Report to Employers

The following items are required on each laboratory report:

Reporting Period: (inclusive dates)

Laboratory Identification: (name and address)

Employer Identification: (name; may include Billing Code or ID code)

C/TPA Identification: (where applicable, name and address)

A. Urine Specimens

1. Urine Specimen Results Reported (total number)
 - By Test Reason
 - (a) Pre-employment (number)
 - (b) Post-Accident (number)
 - (c) Random (number)
 - (d) Reasonable Suspicion/Cause (number)
 - (e) Return-to-Duty (number)
 - (f) Follow-up (number)
 - (g) Type of Test Not Noted on CCF (number)
2. Urine Specimens Reported

- (a) Negative (number)
- (b) Negative and Dilute (number)
3. Urine Specimens Reported as Rejected for Testing (total number)
 - By Reason
 - (a) Fatal Flaw (number)
 - (b) Uncorrected Flaw (number)
4. Urine Specimens Reported as Positive (total number) By Drug
 - (a) Marijuana Metabolite (number)
 - (b) Cocaine Metabolite (number)
 - (c) Opiates/Opioids (number)
 - (1) Codeine (number)
 - (2) Morphine (number)
 - (3) 6-AM (number)
 - (4) Hydrocodone (number)
 - (5) Hydromorphone (number)
 - (6) Oxycodone (number)
 - (7) Oxymorphone (number)
 - (8) Fentanyl (number)
 - (9) Norfentanyl (number)
 - (d) Phencyclidine (number)
 - (e) Amphetamines (number)
 - (1) Amphetamine (number)
 - (2) Methamphetamine (number)
 - (3) MDMA (number)
 - (4) MDA (number)
5. Urine Adulterated (number)
6. Urine Substituted (number)
7. Urine Invalid Result (number)

B. Oral Fluid Specimens

1. Oral Fluid Specimen Results Reported (total number)
 - By Test Reason
 - (a) Pre-employment (number)
 - (b) Post-Accident (number)
 - (c) Random (number)
 - (d) Reasonable Suspicion/Cause (number)
 - (e) Return-to-Duty (number)
 - (f) Follow-up (number)
 - (g) Type of Test Not Noted on CCF (number)
2. Oral Fluid Specimens Reported
 - (a) Negative (number)
 - (b) Negative and Dilute (number)
3. Oral Fluid Specimens Reported as Rejected for Testing (total number)
 - By Reason
 - (a) Fatal Flaw (number)
 - (b) Uncorrected Flaw (number)
4. Oral Fluid Specimens Reported as Positive (total number) By Drug
 - (a) Marijuana Metabolite (number)
 - (b) Cocaine Metabolite (number)
 - (c) Opiates/Opioids (number)
 - (1) Codeine (number)
 - (2) Morphine (number)
 - (3) 6-AM (number)
 - (4) Hydrocodone (number)
 - (5) Hydromorphone (number)
 - (6) Oxycodone (number)
 - (7) Oxymorphone (number)
 - (8) Fentanyl (number)
 - (9) Norfentanyl (number)
 - (4) Phencyclidine (number)
 - (5) Amphetamines (number)
 - a. Amphetamine (number)
 - b. Methamphetamine (number)
 - c. MDMA (number)
 - d. MDA (number)
5. Oral Fluid Adulterated (number)
6. Oral Fluid Substituted (number)
7. Oral Fluid Invalid Result (number)

■ 34. Revise Appendix E to Part 40 to read as follows:

Appendix E to Part 40—DOT Drug-Testing Semi-Annual Laboratory Report to DOT

Mail, fax, or email to: U.S. Department of Transportation, Office of Drug and Alcohol Policy and Compliance, 1200 New Jersey Avenue SE, Washington, DC 20590, Fax: (202) 366-3897, Email: *ODAPCWebMail@dot.gov*.

The following items are required on each report:

Reporting Period: (inclusive dates)

Laboratory Identification: (name and address)

1. Specimen
 - oral fluid or urine
2. DOT agency
 - FMCSA, FAA, FRA, FTA, PHMSA, or USCG
3. Test Reason
 - Pre-Employment, Random, Reasonable Suspicion/Cause, Post-Accident, Return-to-Duty, Other, and Follow-up
- A. DOT Specimen Results Reported (total number)
- B. Negative Results Reported (total number)
 1. Negative (number)
 2. Negative-Dilute (number)
- C. Rejected for Testing Results Reported (total number)
 - By Reason
 1. Fatal flaw (number)
 2. Uncorrected Flaw (number)
- D. Positive Results Reported (total number)
 - By Drug
 1. Marijuana or Marijuana Metabolite (number)
 2. Cocaine or Cocaine Metabolite (number), or both
 3. Opioids (number)
 - a. Codeine (number)
 - b. Morphine (number)
 - c. 6-AM (number)
 - d. Hydrocodone (number)
 - e. Hydromorphone (number)
 - f. Oxycodone (number)
 - g. Oxymorphone (number)
 - h. Fentanyl (number)
 - i. Norfentanyl (number)
 4. Phencyclidine (number)
 5. Amphetamines (number)
 - a. Amphetamine (number)
 - b. Methamphetamine (number)
 - c. MDMA (number)
 - d. MDA (number)
- E. Adulterated Results Reported (total number)
 - By Reason (number)
- F. Substituted Results Reported (total number)
- G. Invalid Results Reported (total number)
 - By Reason (number)

Issued in Washington, DC.

Sean P. Duffy,

Secretary of Transportation.

[FR Doc. 2025-16720 Filed 8-29-25; 8:45 am]

BILLING CODE 4910-9X-P

Notices

Federal Register

Vol. 90, No. 167

Tuesday, September 2, 2025

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Directive Publication Notice

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice.

SUMMARY: The Forest Service (Forest Service or Agency), U.S. Department of Agriculture, provides direction to employees through issuances in its Directive System, comprised of the Forest Service Manual and Forest Service Handbooks. The Agency must provide public notice of and opportunity to comment on directives that formulate standards, criteria, or guidelines applicable to Forest Service programs. Once per quarter, the Agency provides advance notice of proposed and interim directives that will be made available for public comment during the next three months; proposed and interim directives that were previously published for public comment but not yet finalized and issued; and notice of final directives issued in the last three months.

DATES: This notice identifies proposed and interim directives that may be published for public comment between July 1, 2025, and September 30, 2025; proposed and interim directives that were previously published for public comment but not yet finalized and issued; and final directives that have been issued since April 1, 2025.

ADDRESSES: Questions or comments may be submitted by email to the contact listed below.

FOR FURTHER INFORMATION CONTACT: Amber Stewart, (202) 440-1738 or amber.stewart@usda.gov. Individuals who use telecommunications devices for the hearing impaired may call 711 to reach the Telecommunications Relay Service, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Proposed and Interim Directives

Consistent with 16 U.S.C. 1612(a) and 36 CFR part 216, the Forest Service publishes notice of the opportunity for public comment on Agency Directives that formulate standards, criteria, and guidelines applicable to Forest Service programs. Agency procedures for providing public notice and opportunity to comment are specified in Forest Service Handbook (FSH) 1109.12, Chapter 30, Providing Public Notice and Opportunity to Comment on Directives.

The following proposed directives are planned for publication for public comment from July 1, 2025, to September 30, 2025:

1. Forest Service Manual (FSM) 2700 Special Uses Management, Chapter 2710, Special Uses Authorizations, and Chapter 2720, Special Uses Administration.

2. Forest Service Handbook (FSH) 2709.11 Special Uses, Chapter 10, Application and Authorization Processing, Chapter 30, Land Use Fee Determination, and Chapter 50, Standard Forms and Supplemental Clauses.

3. Forest Service Handbook (FSH) 2709.14 Recreation Special Uses, Chapter 40, Federally Owned Improvements, Chapter 50, Outfitting and Guiding and other Concession Services, and Chapter 80 Recreation and Other Temporary Events.

The following proposed directives have been published for public comment but have not yet been finalized:

1. Forest Service Manual (FSM) 2400, Timber Management, Chapter 2470, Silvicultural Practices, (previously published as planned for publication for public comment August 16, 2024 (89 FR-66671)).

2. Forest Service Manual (FSM) 2300 Recreation, Wilderness, And Related Resource Management, Chapter 2350, Trail, River, and Similar Recreation Opportunities, Section 2355, Climbing Opportunities, (previously published as planned for publication for public comment November 17, 2023 (88 FR-80269)).

Final Directives That Have Been Issued Since July 1, 2025

1. Forest Service Handbook (FSH) 2209.13, Rangeland Management, Grazing Permit Administration, Chapter 10, Permits with Term Status, Chapter

20, Grazing Agreements, Chapter 40, Reserved, and Chapter 50, Other Permits.

Amber R. Stewart,

Deputy Director, Policy Office, National Forest System.

[FR Doc. 2025-16681 Filed 8-29-25; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Annual Business Survey

AGENCY: U.S. Census Bureau, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act (PRA) of 1995, 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 on the proposed revision to the Annual Business Survey prior to the submission of this information collection request (ICR) to OMB for approval.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before November 3, 2025.

ADDRESSES: Interested persons are invited to submit written comments by email to Thomas.J.Smith@census.gov. Please reference Annual Business Survey in the subject line of your comments. You may also submit comments, identified by Docket Number USBC-2025-0104, to the Federal e-Rulemaking Portal: <http://www.regulations.gov>. All comments received are part of the public record. No comments will be posted to <http://www.regulations.gov> for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example,

name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or specific questions related to collection activities should be directed to Aneta Erdie, Assistant Division Chief, Governments and Business Owners Programs, by phone at 301-763-4841, or by email at aneta.erdie@census.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

In an effort to improve the measurement of business dynamics in the United States, the Census Bureau is conducting the Annual Business Survey (ABS). The ABS combines Census Bureau firm-level collections to reduce respondent burden, increase data quality, reduce operational costs, and operate more efficiently. The ABS provides information on measures of research and development (R&D) as well as business and owner characteristics by sex, ethnicity, race, and veteran status. The ABS is co-sponsored by the National Center for Science and Engineering Statistics (NCSES) within the U.S. National Science Foundation (NSF) and conducted by the Census Bureau.

Starting in 2026, the Business Enterprise Research and Development survey (BERD) (OMB number 0607-0912) will be merged onto the ABS. This merger will result in an expanded collection of R&D on the ABS to include R&D from all in scope employer businesses and nonprofit organizations. This change comes as an effort to reduce respondent burden and streamline collections based on respondent feedback. Additionally, preliminary findings from an external assessment of the feasibility of merging the ABS and BERD indicated that it would not increase burden on respondents, although burden may change based on other selected content for the survey. The new merged ABS content will be cognitively tested and will focus on business topics such as R&D, innovation, and technology, as well as other business and owner characteristics. In line with Office of Science and Technology Policy recommendations, two questions regarding technology have been modified to also collect use and funding of cybersecurity technology and nuclear

technology. These modifications have undergone expert review.

The ABS will sample 230,000 businesses and nonprofit organizations (222,000 employer business; 8,000 nonprofit organizations). The ABS includes all nonfarm employer businesses filing Internal Revenue Service (IRS) tax forms as individual proprietorships, partnerships, or any other type of corporation, with receipts of \$1,000 or more. The employer sample will yield national and state R&D estimates for employer businesses as well as summary-level estimates for women-, minority-, and veteran-owned businesses at the 2-digit NAICS, U.S., state, counties and MSA levels. The Census Bureau selects some companies with certainty. All certainty cases are sure to be selected and represent only themselves. Also included are nonprofit organizations to measure their research activities. The ABS samples approximately 8,000 nonprofit organizations who are required to complete IRS form 990. The nonprofit sample will yield national estimates of R&D performance within the nonprofit sector. Of note, nonprofit organizations will only see questions relating to research activities and will not be asked any questions relating to owner demographics.

The ABS is designed to incorporate new content each survey year based on topics of relevance. Each year new questions are submitted to the OMB for approval.

The ABS collects the following information from employer businesses:

- Sex, ethnicity, race, veteran status, and other owner characteristics from the principal owner(s) of the business.
- Company information including, worldwide sales, domestic sales, number of employees, and business ownership from all employer businesses in the sample.
- Business characteristics from all employer businesses in the sample.
- Research, development, and related topics from businesses and nonprofits.
- Innovation related data and data on critical and emerging technologies (selected to be collected in 2026).
- Other potential module topics such as, cybersecurity, technology, intellectual property and technology transfer, and financing.

II. Method of Collection

The ABS is primarily collected electronically using a web-based questionnaire. Those selected for the survey receive an initial letter informing the respondents of their requirement to complete the survey as well as instructions on accessing the survey.

There will be pre-notice contact for respondents who were previously in BERD informing the respondents of the consolidation of collections. Responses will be due approximately 30 days from initial mailing. Respondents will also receive a due date reminder approximately one week before responses are due. The Census Bureau plans to conduct two follow-up mailings and optional follow-ups if deemed necessary based on check-in. The Census Bureau may also plan to conduct an email follow-up to select nonrespondents reminding them to submit their report in the electronic instrument. Response data will be processed as they are received. Upon the close of the collection period, data processing will continue, and records will be edited, reviewed, tabulated, and released publicly.

III. Data

OMB Control Number: 0607-1004.

Form Number(s): ABS-1.

Type of Review: Regular submission, Request for a Revision of a Currently Approved Collection.

Affected Public: Businesses or other for-profit organizations (large and small employer businesses), nonprofit organizations.

Estimated Number of Respondents: 230,000.

Estimated Time per Response: The average ABS respondent will take 45 minutes to respond; Respondents that would have previously reported R&D on the BERD survey will take an average of 2 hours and 37 minutes to respond; Nonprofit organizations will take an average of 38 minutes to respond.

Estimated Total Annual Burden Hours: 295,858.

Estimated Total Annual Cost to Public: \$0. (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Mandatory.

Legal Authority: Title 13, United States Code, Sections 8(b), 131, and 182; Title 42, United States Code, Section 1861-76 (National Science Foundation Act of 1950, as amended); and Section 505 within the America COMPETES Reauthorization Act of 2010 authorize this collection. Sections 224 and 225 of Title 13, United States Code, require response from sampled firms.

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. 2025-16777 Filed 8-29-25; 8:45 am]

BILLING CODE 3510-07-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; License Exemptions and Exclusions

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 November 3, 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 0694-0117 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

Over the years, BIS has worked with other Government agencies and the affected public to identify areas where export licensing requirements may be relaxed without jeopardizing U.S. national security or foreign policy. Many of these relaxations have taken the form of licensing exceptions and exclusions. Some of these license exceptions and exclusions have a reporting or recordkeeping requirement to enable the Government to continue to monitor exports of these items. Exporters may choose to utilize the license exception and accept the reporting or recordkeeping burden in lieu of submitting a license application. These exceptions and exclusions have allowed exporters to ship items quickly, without having to wait for license approval.

II. Method of Collection

Electronically.

III. Data

OMB Control Number: 0694-0137.

Form Number(s): None.

Type of Review: Regular submission, extension of a current information collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 27,042.

Estimated Time per Response: 1.43 hours.

Estimated Total Annual Burden Hours: 38,678 hours.

Estimated Total Annual Cost to Public: 0.

Respondent's Obligation: Voluntary.
Legal Authority: Export Control Reform Act (ECRA) of 2018.

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. 2025-16716 Filed 8-29-25; 8:45 am]

BILLING CODE 3510-33-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-489-837]

Certain Quartz Surface Products From the Republic of Türkiye: Final Results of the Expedited First Sunset Review of the Antidumping Duty Order

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

SUMMARY: As a result of the expedited sunset review, the U.S. Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) order on certain quartz surface products (quartz surface products) from the Republic of Türkiye (Türkiye) would

likely lead to the continuation or recurrence of dumping at the levels indicated in the “Final Results of Sunset Review” section of this notice.

DATES: Applicable September 2, 2025.

FOR FURTHER INFORMATION CONTACT:

Juanita Chen, Trade Agreements Policy and Negotiations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1378.

SUPPLEMENTARY INFORMATION:

Background

On June 22, 2020, Commerce published the AD Order on QSP from Türkiye.¹ On May 1, 2025, Commerce published the notice of initiation of the five-year sunset review of the *Order*, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).² On May 13, 2025, Commerce received a notice of intent to participate in this sunset review from Cambria Company LLC, Dal-Tile LLC, and Guidoni USA (collectively, the Domestic Interested Parties) within the deadline specified in 19 CFR 351.218(d)(1).³ The Domestic Interested Parties claimed interested party status under section 771(9)(C) of the Act as producers of a domestic like product in the United States.

On June 2, 2025, the Domestic Interested Parties jointly filed a timely substantive response within the deadline specified in 19 CFR 351.218(d)(3)(i).⁴ Commerce received no substantive responses from any other interested parties, nor was a hearing requested. On June 20, 2025, Commerce notified the U.S. International Trade Commission (ITC) that it did not receive an adequate substantive response from respondent interested parties.⁵ As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted an expedited (120-day) sunset review of the *Order*.

¹ See *Certain Quartz Surface Products from India and Turkey: Antidumping Duty Orders*, 85 FR 37422 (June 22, 2020) (*Order*).

² See *Initiation of Five-Year (Sunset) Reviews*, 90 FR 18642 (May 1, 2025).

³ See Domestic Interested Parties’ Letter, “Notice of Intent to Participate in the First Five-Year Review of the Antidumping Duty Order on Quartz Surface Products from the Republic of Turkey,” dated May 13, 2025.

⁴ See Domestic Interested Parties’ Letter, “First Five-Year (“Sunset”) Review of the Antidumping Duty Order on Quartz Surface Products from the Republic of Turkey: Domestic Interested Parties’ Substantive Response,” dated June 2, 2025 (Substantive Response).

⁵ See Commerce’s Letter, “Sunset Reviews Initiated on May 1, 2025,” dated June 20, 2025.

Scope of the Order

The merchandise subject to the *Order* is quartz surface products. For a complete description of the scope of the *Order*, see the Issues and Decision Memorandum.⁶

Analysis of Comments Received

All issues raised in this review, including the likelihood of continuation or recurrence of dumping in the event of revocation and the magnitude of the margins likely to prevail if the *Order* were revoked, are addressed in the accompanying Issues and Decision Memorandum.⁷ A list of topics discussed in the Issues and Decision Memorandum is included as 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 at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Final Results of Sunset Review

Pursuant to sections 751(c)(1) and 752(c)(1) and (3) of the Act, Commerce determines that revocation of the antidumping duty order on quartz surface products from Türkiye would be likely to lead to the continuation or recurrence of dumping, and that the magnitude of the margins likely to prevail would be weighted-average dumping margins of up to 5.17 percent.

Administrative Protective Order (APO)

This notice serves as the only reminder to interested 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. Timely 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.

⁶ See Memorandum, “Issues and Decision Memorandum for the Final Results of the First Expedited Sunset Review of the Antidumping Duty Order on Certain Quartz Surface Products from the Republic of Türkiye,” dated concurrently with these results and hereby adopted by this notice (Issues and Decision Memorandum).

⁷ *Id.*

Notification to Interested Parties

We are issuing and publishing these final results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2) and 19 CFR 351.221(c)(5)(ii).

Dated: August 27, 2025.

Abdelali Elouaradia,

Deputy 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. History of the *Order*
- V. Legal Framework
- VI. Discussion of the Issues
 1. Likelihood of Continuation or Recurrence of Dumping
 2. Magnitude of the Margin of Dumping Likely to Prevail
- VII. Final Results of Expedited Sunset Review
- VIII. Recommendation

[FR Doc. 2025–16785 Filed 8–29–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–198]

Temporary Steel Fencing From the People’s Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances, in Part, Postponement of Final Determination and Extension of Provisional Measures; Correction

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

ACTION: Notice; correction.

SUMMARY: The U.S. Department of Commerce (Commerce) published a notice in the **Federal Register** of August 19, 2025, in which Commerce announced the preliminary determination in the less-than-fair-value (LTFV) investigation of temporary steel fencing from the People’s Republic of China (China). This notice corrects the inadvertent statement that critical circumstances exist for the separate rate companies and corrects the names of producers of certain separate rate companies.

FOR FURTHER INFORMATION CONTACT: Dennis McClure or Noah Wetzel, AD/CVD Operations, Office VIII,

Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-5973 or (202) 482-7466, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 19, 2025, Commerce published in the **Federal Register** the preliminary determination in the LTFV investigation of temporary steel fencing from the People’s Republic of China.¹ We inadvertently stated that critical circumstances exist for the separate rate companies. We also misspelled the names of producers of certain separate rate companies.

Correction

In the **Federal Register** of August 19, 2025, in FR Doc 2025-15781, on page 40332-40333, in the third column, correct the second sentence of the “Preliminary Affirmative Determination of Critical Circumstances, in Part” paragraph to read as follows:

Additionally, Commerce preliminarily determines that critical circumstances do not exist for the following separate rate companies regarding temporary steel fencing: (1) exported by Hebei Minmetals Co., Ltd. and produced or supplied by Huanghua Wangang Hardware Co., Ltd., Huanghua Taiyue Hardware Co., Ltd., Hebei

Wuxin Garden Products Co., Ltd., Huanghua Qingxin Metal Products Co., Ltd., Huanghua Xingyu Hardware Products Co., Ltd., Huanghua Deyue Hardware Co., Ltd., Cangzhou Hualing Metal Products Co., Ltd., and Huanghua Huanyu Hardware Factory; (2) exported by Tianjin Linkwel International Trading Co., Ltd. and produced by Tianjin Lianhao Metal Products Co., Ltd. and Chanzhou Lianrui Metal Products Co., Ltd.; (3) exported by Shantou Jiayu Trading Co., Ltd. and supplied by Huanghua Juntai Hardware Products Co., Ltd.; (4) exported by Shijiazhuang Shuangming Trade Co., Ltd. and produced by Huanghua Wangang Hardware Co., Ltd., Huanghua Taiyue Hardware Co., Ltd., Hebei Wuxin Garden Products Co., Ltd., Huanghua Qingxin Metal Products Co., Ltd., and Huanghua Xingyu Hardware Products Co., Ltd.; (5) exported by Metaltec Group Co., Limited and produced by Shijiazhuang Shuangming Trade Co., Ltd., Huanghua Wangang Hardware Co., Ltd., Huanghua Taiyue Hardware Co., Ltd., Hebei Wuxin Garden Products Co., Ltd., Huanghua Qingxin Metal Products Co., Ltd., and Huanghua Xingyu Hardware Products Co., Ltd.; (6) exported by Hebei Yelang Imp. & Exp. Trade Co., Ltd. and produced by Huanghua Pengxiang Hardware Products Co., Ltd.; (7) exported by Joint Force Int’l Co., Limited and produced by Hebei

Minmetals Co., Ltd., Huanghua Wangang Hardware Co., Ltd., Huanghua Taiyue Hardware Co., Ltd., Hebei Wuxin Garden Products Co., Ltd., Huanghua Qingxin Metal Products Co., Ltd., Huanghua Xingyu Hardware Products Co., Ltd., Huanghua Deyue Hardware Co., Ltd., Huanghua Huanyu Hardware Factory; (8) exported by Hebei Jinshi Industrial Metal Co., Ltd. and produced and supplied by Tangshan ZhongRui Industrial Co., Ltd., Huanghua Tianhang Hardware Products Co., Ltd., Hebei Tinlin Metal Products Co., Ltd., Huanghua Xindarui Hardware Products Co., Ltd.; (9) exported by Hebei Haiao Wire Mesh Products Co., Ltd. and produced by Raoyang Shengshi Metal Products Co., Ltd.; (10) exported and produced by Anping Chengxin Metal Mesh Co., Ltd.; (11) exported by Hebei Houtuo Co., Ltd. and produced by Huanghua Aiyuan Hardware Products Co., Ltd.; (12) exported by Hebei Neweast Yilong Trading Co., Ltd., and produced by Huanghua City Deyue Hardware Co., Ltd.; and (13) exported and produced by Hebei Giant Metal Technology Co., Ltd.

In addition, in the **Federal Register** of August 19, 2025, in FR Doc 2025-15781, on pages 40333-40334 in the rate box, correct the producer names relating to rows 16, 19, 20, and 22, in the table in the “Preliminary Determination” section to read as follows:

Exporter	Producer	Weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offsets) (percent)
Shenzhou Yonggao Metal Products Co., Ltd./ Shenzhou Yuelei Metal Products Co., Ltd.	Shenzhou Yonggao Metal Products Co., Ltd./ Shenzhou Yuelei Metal Products Co., Ltd.	* 187.69	177.15
Shijiazhuang Sd Company Ltd	Huanghua Xingchang Hardware Products Co., Ltd.	136.57	136.57
Shijiazhuang Sd Company Ltd	Huanghua Shengrundong Hardware Products Co., Ltd.	136.57	136.57
Shijiazhuang Sd Company Ltd	Hebei Oriental Star Metal Products Co., Ltd	136.57	136.57
Hebei Minmetals Co., Ltd	Huanghua Wangang Hardware Co., Ltd	136.57	136.57
Hebei Minmetals Co., Ltd	Huanghua Taiyue Hardware Co., Ltd	136.57	136.57
Hebei Minmetals Co., Ltd	Hebei Wuxin Garden Products Co., Ltd	136.57	136.57
Hebei Minmetals Co., Ltd	Huanghua Qingxin Metal Products Co., Ltd	136.57	136.57
Hebei Minmetals Co., Ltd	Huanghua Xingyu Hardware Products Co., Ltd	136.57	136.57
Hebei Minmetals Co., Ltd	Huanghua Deyue Hardware Co., Ltd	136.57	136.57
Hebei Minmetals Co., Ltd	Cangzhou Hualing Metal Products Co., Ltd	136.57	136.57
Hebei Minmetals Co., Ltd	Huanghua Huanyu Hardware Factory	136.57	136.57
Tianjin Linkwel International Trading Co., Ltd	Tianjin Lianhao Metal Products Co., Ltd	136.57	136.57
Tianjin Linkwel International Trading Co., Ltd	Changzhou Lianrui Metal Products Co., Ltd	136.57	136.57
Shantou Jiayu Trading Co., Ltd	Huanghua Juntai Hardware Products Co., Ltd	136.57	136.57
Shijiazhuang Shuangming Trade Co., Ltd	Huanghua Wangang Hardware Co., Ltd	136.57	136.57
Shijiazhuang Shuangming Trade Co., Ltd	Huanghua Taiyue Hardware Co., Ltd	136.57	136.57
Shijiazhuang Shuangming Trade Co., Ltd	Hebei Wuxin Garden Products Co., Ltd	136.57	136.57
Shijiazhuang Shuangming Trade Co., Ltd	Huanghua Qingxin Metal Products Co., Ltd	136.57	136.57
Shijiazhuang Shuangming Trade Co., Ltd	Huanghua Xingyu Hardware Products Co., Ltd	136.57	136.57
Metaltec Group Co., Limited	Shijiazhuang Shuangming Trade Co., Ltd	136.57	136.57

¹ See *Temporary Steel Fencing from the People’s Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value*,

Preliminary Affirmative Determination of Critical Circumstances, in Part, Postponement of Final

Determination and Extension of Provisional Measures, 90 FR 40332 (August 19, 2025).

Exporter	Producer	Weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offsets) (percent)
Metaltec Group Co., Limited	Huanghua Wangang Hardware Co., Ltd	136.57	136.57
Metaltec Group Co., Limited	Huanghua Taiyue Hardware Co., Ltd	136.57	136.57
Metaltec Group Co., Limited	Hebei Wuxin Garden Products Co., Ltd	136.57	136.57
Metaltec Group Co., Limited	Huanghua Qingxin Metal Products Co., Ltd	136.57	136.57
Metaltec Group Co., Limited	Huanghua Xingyu Hardware Products Co., Ltd ...	136.57	136.57
Hebei Yelang Imp. & Exp. Trade Co., Ltd	Huanghua Pengxiang Hardware Products Co., Ltd.	136.57	136.57
Joint Force Int'l Co., Limited	Hebei Minmetals Co., Ltd	136.57	136.57
Joint Force Int'l Co., Limited	Huanghua Wangang Hardware Co., Ltd	136.57	136.57
Joint Force Int'l Co., Limited	Huanghua Taiyue Hardware Co., Ltd	136.57	136.57
Joint Force Int'l Co., Limited	Hebei Wuxin Garden Products Co., Ltd	136.57	136.57
Joint Force Int'l Co., Limited	Huanghua Qingxin Metal Products Co., Ltd	136.57	136.57
Joint Force Int'l Co., Limited	Huanghua Xingyu Hardware Products Co., Ltd ...	136.57	136.57
Joint Force Int'l Co., Limited	Huanghua Deyue Hardware Co., Ltd	136.57	136.57
Joint Force Int'l Co., Limited	Huanghua Huanyu Hardware Factory	136.57	136.57
Hebei Jinshi Industrial Metal Co., Ltd	Tangshan ZhongRui Industrial Co., Ltd	136.57	136.57
Hebei Jinshi Industrial Metal Co., Ltd	Huanghua Tianhang Hardware Products Co., Ltd	136.57	136.57
Hebei Jinshi Industrial Metal Co., Ltd	Hebei Tinlin Metal Products Co., Ltd	136.57	136.57
Hebei Jinshi Industrial Metal Co., Ltd	Huanghua Xindarui Hardware Products Co., Ltd	136.57	136.57
Hebei Haiao Wire Mesh Products Co., Ltd	Raoyang Shengshi Metal Products Co., Ltd	136.57	136.57
Anping Chengxin Metal Mesh Co., Ltd	Anping Chengxin Metal Mesh Co., Ltd	136.57	126.03
Hebei Houtuo Co., Ltd	Huanghua Aiyuan Hardware Products Co., Ltd ...	136.57	136.57
Hebei Neweast Yilong Trading Co., Ltd	Huanghua City Deyue Hardware Co., Ltd	136.57	136.57
Hebei Giant Metal Technology Co., Ltd	Hebei Giant Metal Technology Co., Ltd	136.57	136.57
China-Wide Entity	* 187.69	187.69

Notification to Interested Parties

This notice is issued and published in accordance with sections 733(f) and 777(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.205(c).

Dated: August 27, 2025.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2025-16786 Filed 8-29-25; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Review

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

Background

Every five years, pursuant to the Tariff Act of 1930, as amended (the Act), the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission automatically

initiate and conduct reviews to determine whether revocation of a countervailing or antidumping duty order or termination of an investigation suspended under section 704 or 734 of the Act would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

Upcoming Sunset Reviews for October 2025

Pursuant to section 751(c) of the Act, the following Sunset Reviews are scheduled for initiation in October 2025 and will appear in that month's *Notice of Initiation of Five-Year Sunset Reviews* (Sunset Review).

	Department contact
Antidumping Duty Proceedings	
Prestressed Concrete Steel Wire Strand from Brazil, A-351-837 (4th Review)	Mary Kolberg, (202) 482-1785.
Monosodium Glutamate from China, A-570-992 (2nd Review)	Thomas Martin, (202) 482-3938.
Tetrahydrofurfuryl Alcohol from China, A-570-887 (4th Review)	Mary Kolberg, (202) 482-1785.
Commodity Matchbooks from India, A-533-848 (3rd Review)	Mary Kolberg, (202) 482-1785.
Prestressed Concrete Steel Wire Strand from India, A-533-828 (4th Review)	Mary Kolberg, (202) 482-1785.
Monosodium Glutamate from Indonesia, A-560-826 (2nd Review)	Thomas Martin, (202) 482-3938.
Prestressed Concrete Steel Wire Strand from Japan, A-588-068 (6th Review)	Mary Kolberg, (202) 482-1785.
Prestressed Concrete Steel Wire Strand from Mexico, A-201-831 (4th Review)	Mary Kolberg, (202) 482-1785.
Prestressed Concrete Steel Wire Strand from South Korea, A-580-852 (4th Review)	Mary Kolberg, (202) 482-1785.
Prestressed Concrete Steel Wire Strand from Thailand, A-549-820 (4th Review)	Mary Kolberg, (202) 482-1785.
Countervailing Duty Proceedings	
Commodity Matchbooks from India, C-533-849 (3rd Review)	Thomas Martin, (202) 482-3938.
Prestressed Concrete Steel Wire Strand from India, C-533-829 (4th Review)	Mary Kolberg, (202) 482-1785.
Suspended Investigations	
No Sunset Review of suspended investigations is scheduled for initiation in October 2025.	

Commerce’s procedures for the conduct of Sunset Reviews are set forth in 19 CFR 351.218. The *Notice of Initiation of Five-Year (Sunset) Review* provides further information regarding what is required of all parties to participate in Sunset Reviews.

Pursuant to 19 CFR 351.103(c), Commerce will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact Commerce in writing within 10 days of the publication of the Notice of Initiation.

Please note that if Commerce receives a Notice of Intent to Participate from a member of the domestic industry within 15 days of the date of initiation, the review will continue.

Thereafter, any interested party wishing to participate in the Sunset Review must provide substantive comments in response to the notice of initiation no later than 30 days after the date of initiation. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).¹ An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the day on which it is due.

In prior proceedings we have encouraged interested parties to provide an executive summary of their comments, including footnotes. In these sunset reviews, we request that interested parties provide at the beginning of their comments, an executive summary for each issue raised in their comments. Further, we request

that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the decision memorandum that will accompany the notice to be published in the **Federal Register**. Finally, we request that interested parties include footnotes for relevant citations in the public executive summary of each issue.

This notice is not required by statute but is published as a service to the international trading community.

Dated: August 13, 2025.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2025–16781 Filed 8–29–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Five-Year (Sunset) Reviews

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

SUMMARY: In accordance with the Tariff Act of 1930, as amended (the Act), the U.S. Department of Commerce (Commerce) is automatically initiating the five-year reviews (Sunset Reviews) of the antidumping and countervailing duty (AD/CVD) order(s) and suspended investigation(s) listed below. The U.S. International Trade Commission (ITC) is publishing concurrently with this notice

its notice of *Institution of Five-Year Reviews* which covers the same order(s) and suspended investigation(s).

DATES: Applicable September 2, 2025.

FOR FURTHER INFORMATION CONTACT: Commerce official identified in the *Initiation of Review* section below at AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230. For information from the ITC, contact Mary Messer, Office of Investigations, U.S. International Trade Commission at (202) 205–3193.

SUPPLEMENTARY INFORMATION:

Background

Commerce’s procedures for the conduct of Sunset Reviews are set forth in its *Procedures for Conducting Five-Year (Sunset) Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998) and 70 FR 62061 (October 28, 2005). Guidance on methodological or analytical issues relevant to Commerce’s conduct of Sunset Reviews is set forth in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification*, 77 FR 8101 (February 14, 2012).

Initiation of Review

In accordance with section 751(c) of the Act and 19 CFR 351.218(c), we are initiating the Sunset Reviews of the following antidumping and countervailing duty order(s) and suspended investigation(s):

DOC Case No.	ITC Case No.	Country	Product	Commerce contact
A–570–941	731–TA–1154	China	Kitchen Appliance Shelving and Racks (3rd Review).	Thomas Martin, (202) 482–3938.
A–201–844	731–TA–1227	Mexico	Steel Concrete Reinforcing Bar (2nd Review)	Mary Kolberg, (202) 482–1785.
Countervailing Duty Proceedings				Department Contact
C–570–942	701–TA–458 ..	China	Kitchen Appliance Shelving and Racks (3rd Review).	Thomas Martin, (202) 482–3938.
C–489–819	701–TA–502 ..	Türkiye	Steel Concrete Reinforcing Bar (2nd Review)	Thomas Martin, (202) 482–3938.

Filing Information

As a courtesy, we are making information related to sunset proceedings, including copies of the pertinent statute and Commerce’s regulations, Commerce’s schedule for Sunset Reviews, a listing of past revocations and continuations, and

current service lists, available to the public on Commerce’s website at the following address: <https://enforcement.trade.gov/sunset/>. All submissions in these Sunset Reviews must be filed in accordance with Commerce’s regulations regarding format, translation, and service of documents. These rules, including

electronic filing requirements via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS), can be found at 19 CFR 351.303.

In accordance with section 782(b) of the Act, any party submitting factual information in an AD/CVD proceeding

¹ See *Administrative Protective Order, Service, and Other Procedures in Antidumping and*

Countervailing Duty Proceedings; Final Rule, 88 FR 67069 (September 29, 2023).

must certify to the accuracy and completeness of that information. Parties must use the certification formats provided in 19 CFR 351.303(g). Commerce intends to reject factual submissions if the submitting party does not comply with applicable revised certification requirements.

Letters of Appearance and Administrative Protective Orders

Pursuant to 19 CFR 351.103(d), Commerce will maintain and make available a public service list for these proceedings. Parties wishing to participate in any of these five-year reviews must file letters of appearance as discussed at 19 CFR 351.103(d). To facilitate the timely preparation of the public service list, it is requested that those seeking recognition as interested parties to a proceeding submit an entry of appearance within 10 days of the publication of the Notice of Initiation. Because deadlines in Sunset Reviews can be very short, we urge interested parties who want access to proprietary information under administrative protective order (APO) to file an APO application immediately following publication in the **Federal Register** of this notice of initiation. Commerce's regulations on submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304–306. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.¹

Information Required From Interested Parties

Domestic interested parties, as defined in sections 771(9)(C), (D), (E), (F), and (G) of the Act and 19 CFR 351.102(b), wishing to participate in a Sunset Review must respond not later than 15 days after the date of publication in the **Federal Register** of this notice of initiation by filing a notice of intent to participate. The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with Commerce's regulations, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day deadline, Commerce will automatically revoke the order without further review.²

If we receive an order-specific notice of intent to participate from a domestic interested party, Commerce's regulations provide that *all parties* wishing to participate in a Sunset Review must file complete substantive responses not later than 30 days after the date of publication in the **Federal Register** of this notice of initiation. The required contents of a substantive response, on an order-specific basis, are set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for respondent and domestic parties. Also, note that Commerce's information requirements are distinct from the ITC's information requirements. Consult Commerce's regulations for information regarding Commerce's conduct of Sunset Reviews. Consult Commerce's regulations at 19 CFR part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at Commerce. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).³ An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the day on which it is due.

In prior proceedings we have encouraged interested parties to provide an executive summary of their comments, including footnotes. In these sunset reviews, we request that interested parties provide at the beginning of their comments, an executive summary for each issue raised in their comments. Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the decision memorandum that will accompany the notice to be published in the **Federal Register**. Finally, we request that interested parties include footnotes for relevant citations in the public executive summary of each issue.

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218(c).

Dated: August 13, 2025.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2025–16783 Filed 8–29–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review and Join Annual Inquiry Service List

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

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482–4735.

Background

Each year during the anniversary month of the publication of an antidumping duty (AD) or countervailing duty (CVD) order, finding, or suspended investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (the Act), may request, in accordance with 19 CFR 351.213, that the U.S. Department of Commerce (Commerce) conduct an administrative review of that AD or CVD order, finding, or suspended investigation.

All deadlines for the submission of comments or actions by Commerce discussed below refer to the number of calendar days from the applicable starting date.

Respondent Selection

In the event Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, Commerce intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the period of review (POR). We intend to release the CBP data under administrative protective order (APO) to all parties having an APO within five days of publication of the initiation notice and to make our decision regarding respondent selection within 35 days of publication of the initiation **Federal Register** notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. Commerce invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the review.

¹ See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19*, 85 FR 41363 (July 10, 2020).

² See 19 CFR 351.218(d)(1)(iii).

³ See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings; Final Rule*, 88 FR 67069 (September 29, 2023).

In the event Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

1. In general, Commerce finds that determinations concerning whether particular companies should be “collapsed” (*i.e.*, treated as a single entity for purposes of calculating AD rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce will not conduct collapsing analyses at the respondent selection phase of a review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this AD proceeding (*i.e.*, investigation, administrative review, new shipper review, or changed circumstances review).

2. For any company subject to a review, if Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce will not collapse companies for purposes of respondent selection.

3. Parties are requested to: (a) identify which companies subject to review previously were collapsed; and (b) provide a citation to the proceeding in which they were collapsed.

4. Further, if companies are requested to complete a Quantity and Value Questionnaire for purposes of respondent selection, in general, each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of a proceeding where Commerce considered collapsing that entity, complete quantity and value data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that requests a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that Commerce may extend this time if it is reasonable to do so. Determinations by Commerce to extend the 90-day deadline will be made on a case-by-case basis.

Deadline for Particular Market Situation Allegation

Section 504 of the Trade Preferences Extension Act of 2015 amended the Act by adding the concept of particular market situation (PMS) for purposes of constructed value under section 773(e) of the Act.¹ Section 773(e) of the Act states that “if a particular market

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

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

Opportunity To Request a Review: Not later than the last day of September 2025,² interested parties may request an administrative review of the following orders, findings, or suspended investigations, with anniversary dates in September for the following periods:

	Period
Antidumping Duty Proceedings	
Belarus: Steel Concrete Reinforcing Bars, A–822–804	9/1/24–8/31/25
Brazil: Emulsion Styrene-Butadiene Rubber, A–351–849	9/1/24–8/31/25
India:	
Cold-Rolled Steel Flat Products, A–533–865	9/1/24–8/31/25
Lined Paper Products, A–533–843	9/1/24–8/31/25
Mattresses, A–533–919	3/1/2024–8/31/25
Certain Oil Country Tubular Goods, A–533–857	9/1/24–8/31/25
Indonesia: Steel Concrete Reinforcing Bars, A–560–811	9/1/24–8/31/25
Israel: Brass Rod, A–508–814	12/14/23–8/31/25
Japan:	
Methionine, A–588–879	9/1/24–8/31/25
Stainless Steel Wire Rod, A–588–843	9/1/24–8/31/25
Kosovo: Mattresses, A–803–001	3/1/24–8/31/25
Latvia: Steel Concrete Reinforcing Bars, A–449–804	9/1/24–8/31/25
Malaysia: Boltless Steel Shelving Units Prepackaged for Sale ³ , A–557–824	11/29/23–5/31/25
Mexico:	
Emulsion Styrene-Butadiene Rubber, A–201–848	9/1/24–8/31/25
Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes, A–201–847	9/1/24–8/31/25
Certain Magnesia Carbon Bricks, A–201–837	9/1/24–8/31/25
Mattresses, A–201–859	3/1/24–8/31/25
Moldova: Steel Concrete Reinforcing Bars, A–841–804	9/1/24–8/31/25
Poland:	

¹ See Trade Preferences Extension Act of 2015, Public Law 114–27, 129 Stat. 362 (2015).

² Or the next business day, if the deadline falls on a weekend, Federal holiday or any other day when Commerce is closed.

³ This case was inadvertently listed in *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review and Join Annual Inquiry Service List*, 90 FR 23515 (June 3, 2025)

with an incorrect period of review. This notice corrects the period of review for this proceeding.

	Period
Emulsion Styrene-Butadiene Rubber, A-455-805	9/1/24-8/31/25
Steel Concrete Reinforcing Bars, A-455-803	9/1/24-8/31/25
Republic of Korea:	
Certain Oil Country Tubular Goods, A-580-870	9/1/24-8/31/25
Cold-Rolled Steel Flat Products, A-580-881	9/1/24-8/31/25
Emulsion Styrene-Butadiene Rubber, A-580-890	9/1/24-8/31/25
Heavy Walled Rectangular Welded Carbon Pipes and Tubes, A-580-880	9/1/24-8/31/25
Polyethylene Terephthalate (PET) Sheet, A-580-903	9/1/24-8/31/25
Stainless Steel Wire Rod, A-580-829	9/1/24-8/31/25
Republic of Türkiye:	
Certain Oil Country Tubular Goods, A-489-816	9/1/24-8/31/25
Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes, A-489-824	9/1/24-8/31/25
Socialist Republic of Vietnam: Certain Oil Country Tubular Goods, A-552-817	9/1/24-8/31/25
Spain:	
Mattresses, A-469-826	3/1/24- 8/31/25
Methionine, A-469-822	9/1/24-8/31/25
Taiwan:	
Forged Steel Fittings, A-583-863	9/1/24-8/31/25
Narrow Woven Ribbons with Woven Selvage, A-583-844	9/1/24-8/31/25
Raw Flexible Magnets, A-583-842	9/1/24-8/31/25
Stainless Steel Wire Rod, A-583-828	9/1/24-8/31/25
The People's Republic of China:	
Certain Kitchen Appliance Shelving and Racks, A-570-941	9/1/24-8/31/25
Certain Magnesite Carbon Bricks, A-570-954	9/1/24-8/31/25
Certain Steel Wheels 12 to 16.5 Inches in Diameter, A-570-090	9/1/24-8/31/25
Foundry Coke Products, A-570-862	9/1/24-8/31/25
Lined Paper Products, A-570-901	9/1/24-8/31/25
Narrow Woven Ribbons with Woven Selvage, A-570-952	9/1/24-8/31/25
Raw Flexible Magnets, A-570-922	9/1/24-8/31/25
Steel Concrete Reinforcing Bars, A-570-860	9/1/24-8/31/25
Steel Racks, A-570-088	9/1/24-8/31/25
Ukraine: Steel Concrete Reinforcing Bars, A-823-809	9/1/24-8/31/25
United Kingdom: Cold-Rolled Steel Flat Products, A-412-824	9/1/24-8/31/25
Countervailing Duty Proceedings	
India:	
Certain Oil Country Tubular Goods, C-533-858	1/1/24-12/31/24
Cold-Rolled Steel Flat Products, C-533-866	1/1/24-12/31/24
Lined Paper Products, C-533-844	1/1/24-12/31/24
Israel: Brass Rod, C-508-815	9/29/23-12/31/24
Republic of Korea: Cold-Rolled Steel Flat Products, C-580-882	1/1/24-12/31/24
Republic of Türkiye:	
Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes, C-489-825	1/1/24-12/31/24
Certain Oil Country Tubular Goods, C-489-817	1/1/24-12/31/24
The People's Republic of China:	
Certain Kitchen Appliance Shelving and Racks, C-570-942	1/1/24-12/31/24
Certain Magnesite Carbon Bricks, C-570-955	1/1/24-12/31/24
Certain Steel Wheels 12 to 16.5 Inches in Diameter, C-570-091	1/1/24-12/31/24
Narrow Woven Ribbons with Woven Selvage, C-570-953	1/1/24-12/31/24
Raw Flexible Magnets, C-570-923	1/1/24-12/31/24
Steel Racks, C-570-089	1/1/24-12/31/24
Suspension Agreements	
None.	

In accordance with 19 CFR 351.213(b), an interested party as defined by section 771(9) of the Act may request in writing that Commerce conduct an administrative review. For both AD and CVD reviews, the interested party must specify the individual producers or exporters covered by an AD finding or an AD or CVD order or suspension agreement for which it is requesting a review. In addition, a domestic interested party or an interested party described in section 771(9)(B) of the Act must state why it desires Commerce to review those particular producers or exporters. If the

interested party intends for Commerce to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which was produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Note that, for any party Commerce was unable to locate in prior segments, Commerce will not accept a request for an administrative review of that party absent new information as to the party's

location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for which it requested the review, the interested party must provide an explanation of the attempts it made to locate the producer or exporter at the same time it files its request for review, in order for Commerce to determine if the interested party's attempts were reasonable, pursuant to 19 CFR 351.303(f)(3)(ii).

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (June 6, 2003), and *Non-*

Market Economy Antidumping Proceedings: Assessment of Antidumping Duties, 76 FR 65694 (October 24, 2011), Commerce clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to AD findings and orders.⁴

Commerce no longer considers the non-market economy (NME) entity as an exporter conditionally subject to an AD administrative review.⁵ Accordingly, the NME entity will not be under review unless Commerce specifically receives a request for, or self-initiates, a review of the NME entity.⁶ In administrative reviews of AD orders on merchandise from NME countries where a review of the NME entity has not been initiated, but where an individual exporter for which a review was initiated does not qualify for a separate rate, Commerce will issue a final decision indicating that the company in question is part of the NME entity. However, in that situation, because no review of the NME entity was conducted, the NME entity's entries were not subject to the review and the rate for the NME entity is not subject to change as a result of that review (although the rate for the individual exporter may change as a function of the finding that the exporter is part of the NME entity). Following initiation of an AD administrative review when there is no review requested of the NME entity, Commerce will instruct CBP to liquidate entries for all exporters not named in the initiation notice, including those that were suspended at the NME entity rate.

All requests must be filed electronically in Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) on Enforcement and Compliance's ACCESS website at <https://access.trade.gov>.⁷

⁴ See the Enforcement and Compliance website at <https://www.trade.gov/us-antidumping-and-countervailing-duties>.

⁵ See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963 (November 4, 2013).

⁶ In accordance with 19 CFR 351.213(b)(1), parties should specify that they are requesting a review of entries from exporters comprising the entity, and to the extent possible, include the names of such exporters in their request.

⁷ See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011).

Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy of each request must be served on the petitioner and each exporter or producer specified in the request. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).⁸

Commerce will publish in the **Federal Register** a notice of "Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation" for requests received by the last day of September 2025. If Commerce does not receive, by the last day of September 2025, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, Commerce will instruct CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures "gap" period of the order, if such a gap period is applicable to the period of review.

Establishment of and Updates to the Annual Inquiry Service List

On September 20, 2021, Commerce published the final rule titled "*Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*" in the **Federal Register**.⁹ On September 27, 2021, Commerce also published the notice entitled "*Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions*" in the **Federal Register**.¹⁰ The *Final Rule* and *Procedural Guidance* provide that Commerce will maintain an annual inquiry service list for each order or suspended investigation, and any interested party submitting a scope ruling application or request for

⁸ See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings; Final Rule*, 88 FR 67069 (September 29, 2023).

⁹ See *Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*, 86 FR 52300 (September 20, 2021) (*Final Rule*).

¹⁰ See *Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions*, 86 FR 53205 (September 27, 2021) (*Procedural Guidance*).

circumvention inquiry shall serve a copy of the application or request on the persons on the annual inquiry service list for that order, as well as any companion order covering the same merchandise from the same country of origin.¹¹

In accordance with the *Procedural Guidance*, for orders published in the **Federal Register** before November 4, 2021, Commerce created an annual inquiry service list segment for each order and suspended investigation. Interested parties who wished to be added to the annual inquiry service list for an order submitted an entry of appearance to the annual inquiry service list segment for the order in ACCESS and, on November 4, 2021, Commerce finalized the initial annual inquiry service lists for each order and suspended investigation. Each annual inquiry service list has been saved as a public service list in ACCESS, under each case number, and under a specific segment type called "AISL—Annual Inquiry Service List."¹²

As mentioned in the *Procedural Guidance*, beginning in January 2022, Commerce will update these annual inquiry service lists on an annual basis when the *Opportunity Notice* for the anniversary month of the order or suspended investigation is published in the **Federal Register**.¹³ Accordingly, Commerce will update the annual inquiry service lists for the above-listed AD and CVD proceedings. All interested parties wishing to appear on the updated annual inquiry service list must take one of the two following actions: (1) new interested parties who did not previously submit an entry of appearance must submit a new entry of appearance at this time; (2) interested parties who were included in the preceding annual inquiry service list must submit an amended entry of appearance to be included in the next year's annual inquiry service list. For these interested parties, Commerce will change the entry of appearance status from "Active" to "Needs Amendment" for the annual inquiry service lists corresponding to the above-listed

¹¹ *Id.*

¹² This segment has been combined with the ACCESS Segment Specific Information (SSI) field which will display the month in which the notice of the order or suspended investigation was published in the **Federal Register**, also known as the anniversary month. For example, for an order under case number A-000-000 that was published in the **Federal Register** in January, the relevant segment and SSI combination will appear in ACCESS as "AISL—January Anniversary." Note that there will be only one annual inquiry service list segment per case number, and the anniversary month will be pre-populated in ACCESS.

¹³ See *Procedural Guidance*, 86 FR at 53206.

proceedings. This will allow those interested parties to make any necessary amendments and resubmit their entries of appearance. If no amendments need to be made, the interested party should indicate in the area on the ACCESS form requesting an explanation for the amendment that it is resubmitting its entry of appearance for inclusion in the annual inquiry service list for the following year. As mentioned in the *Final Rule*,¹⁴ once the petitioners and foreign governments have submitted an entry of appearance for the first time, they will automatically be added to the updated annual inquiry service list each year.

Interested parties have 30 days after the date of this notice to submit new or amended entries of appearance. Commerce will then finalize the annual inquiry service lists five business days thereafter. For ease of administration, please note that Commerce requests that law firms with more than one attorney representing interested parties in a proceeding designate a lead attorney to be included on the annual inquiry service list.

Commerce may update an annual inquiry service list at any time as needed based on interested parties' amendments to their entries of appearance to remove or otherwise modify their list of members and representatives, or to update contact information. Any changes or announcements pertaining to these procedures will be posted to the ACCESS website at <https://access.trade.gov>.

Special Instructions for Petitioners and Foreign Governments

In the *Final Rule*, Commerce stated that, "after an initial request and placement on the annual inquiry service list, both petitioners and foreign governments will automatically be placed on the annual inquiry service list in the years that follow."¹⁵ Accordingly, as stated above and pursuant to 19 CFR 351.225(n)(3), the petitioners and foreign governments will not need to resubmit their entries of appearance each year to continue to be included on the annual inquiry service list. However, the petitioners and foreign governments are responsible for making amendments to their entries of appearance during the annual update to the annual inquiry service list in accordance with the procedures described above.

¹⁴ See *Final Rule*, 86 FR at 52335.

¹⁵ *Id.*

Notification to Interested Parties

This notice is not required by statute but is published as a service to the international trading community.

Dated: August 27, 2025.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2025–16782 Filed 8–29–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–475–841]

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

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

ACTION: Notice; correction.

SUMMARY: The U.S. Department of Commerce (Commerce) published a notice in the **Federal Register** on August 22, 2025, in which Commerce announced the final results of the 2023 administrative review of the countervailing duty (CVD) order on forged steel fluid end blocks from Italy. This notice corrects the name of a company subject to the non-selected company subsidy rate, Forge Monchieri S.p.A., which was listed incorrectly as Officine Meccaniche Roselli S.r.l.

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

SUPPLEMENTARY INFORMATION:

Background

On August 22, 2025, Commerce published in the **Federal Register** the *Final Results* of the 2023 CVD administrative review of forged steel fluid end blocks from Italy.¹ We incorrectly published "Officine Meccaniche Roselli S.r.l." as a company subject to the non-selected company subsidy rate instead of "Forge Monchieri S.p.A."²

¹ See *Forged Steel Fluid End Blocks From Italy: Final Results of Countervailing Duty Administrative Review; 2023*, 90 FR 41054 (August 22, 2025) (*Final Results*).

² *Id.*, 90 FR at 41055.

Correction

In the **Federal Register** of August 22, 2025, in FR Doc 2025–16098, on page 41055, in the second column table, correct "Officine Meccaniche Roselli S.r.l." to read "Forge Monchieri S.p.A."

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.221(b)(5).

Dated: August 27, 2025.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2025–16784 Filed 8–29–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF127]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Scallop Committee via webinar to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Monday, September 15, 2025, at 9 a.m. Webinar registration URL information: <https://nefmc-org.zoom.us/meeting/register/9WoRDKwoT0u4TrE3G1PsZA>.

ADDRESSES:

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Cate O'Keefe, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Scallop Committee will meet to discuss Framework 40—review results of 2025 scallop surveys, and preliminary projections. The primary focus of this meeting will be to develop input on the range of potential

specification alternatives for FY 2026 and FY 2027. The action will set ABC/ACLs, days-at-sea, access area allocations, total allowable landings for the Northern Gulf of Maine (NGOM) management area, targets for General Category incidental catch, General Category access area trips and trip accounting, and set-asides for the observer and research programs for fishing year 2026 and default specifications for fishing year 2027. They will also discuss Social and Wellbeing Outcomes in Catch Share Programs—receive a presentation by Dr. Kanae Tokunaga (Gulf of Maine Research Institute) on a Case Study of the Limited Access General Category Individual Fishing Quota (LAGC IFQ) Scallop Program. Also, on the agenda is to discuss 2025 Scallop Work Priorities—review Long-Term Strategic Plan Roadmap and discuss prioritization, LAGC IFQ Review.

Other business will be discussed, if necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Cate O'Keefe, Executive Director, at (978) 465-0492, at least 5 days prior to the meeting date.

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

Dated: August 27, 2025.

Becky J. Curtis,

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

[FR Doc. 2025-16775 Filed 8-29-25; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XF129]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Joint Skate and Monkfish Advisory Panels via webinar to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Tuesday, September 16, 2025 at 10:30 a.m. Webinar registration URL information: <https://nefmc-org.zoom.us/j/9648129>

ADDRESSES: Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Cate O'Keefe, Executive Director, New England Fishery Management Council; telephone: (978) 465-0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Skate and Monkfish Advisory Panels (APs) will meet to discuss Specifications Actions Based on outcomes of the 2025 monkfish and skate data updates and recommendations of the Scientific and Statistical Committee, receive a progress update on developing overfishing limits, acceptable biological catches, and associated specifications. They will review Joint Plan Development Team tasking on monkfish and skate fishery effort and overlaps. The APs plan to recommend final preferred alternatives to the Councils on: Monkfish Framework 17: Fishing Year (FY) 2026–2028 specifications and defaults for FY 2029 and 2030. Skate Specifications: FY 2026–2027 and defaults for FY 2028–2030. They will receive an overview of the Joint New England and Mid-Atlantic Councils' Alternative Gear-Marking Framework. Discuss Council priorities for monkfish and skate-related work in 2026. Other business will be discussed if necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Cate O'Keefe, Executive Director, at (978) 465-0492, at least 5 days prior to the meeting date.

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

Dated: August 28, 2025.

Becky J. Curtis,

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

[FR Doc. 2025-16787 Filed 8-29-25; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Tuna Tracking and Verification Program

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 May 21, 2025, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic and Atmospheric Administration, Commerce.

Title: Tuna Tracking and Verification Program.

OMB Control Number: 0648–0335.

Form Number(s): NOAA Form 370.

Type of Request: Regular submission (Revision and extension of a current information collection).

Number of Respondents: 646.

Average Hours per Response:

Fisheries Certificate of Origin: 25 minutes; Arrival Notification: 5 minutes; Chain of custody: 2 hours; Monthly Tuna Receiving reports and Storage Removal Reports: 1 hour; Tuna Tracking Form: 13 minutes.

Total Annual Burden Hours: 6,423.

Needs and Uses: This request is for the revision and extension of OMB Control Number: 0648–0335, sponsored by the National Oceanic and Atmospheric Administration’s (NOAA’s) National Marine Fisheries Service (NMFS) Office of International Affairs, Trade, and Commerce (IATC). This collection is being revised to transfer five (5) information collections currently included under OMB Control Number: 0648–0387, which is sponsored by the NMFS West Coast Region (WCR), to Control Number 0648–0335 to more accurately reflect how the information is actually being managed. All information collections referenced will be renewed under 0648–0335 going forward. There are no substantive changes to the information collection under 0648–0335 or those being brought over from 0648–0387. The five collections of information from 0648–0387 will be removed from that collection at the next renewal.

The information collected under 0648–0335, required by the International Dolphin Conservation Program Act (IDCPA), amendment to the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361 *et seq.*), is needed to: (1) document the dolphin-safe status of tuna import shipments; (2) verify that import shipments of fish were not harvested by large-scale, high seas driftnets; and (3) verify that tuna was not harvested by an embargoed nation or one that is otherwise prohibited from exporting tuna to the United States. Collected information includes the U.S. Customs and Border Protection (CBP) Entry Identification, date of entry, and contact details on the exporting and importing companies. It also includes harvest characteristics such as fishing vessel name, fishing trip dates, vessel flag, vessel gear type, and ocean area of harvest, as well as the declaration of the dolphin safe status of the shipment, and if applicable, the

attachment of required certifications. Forms are submitted by importers and processors. NMFS uses this information to verify the dolphin-safe status of tuna shipments.

The five information collections from 0648–0387 being merged into 0648–0335 are required by the IDCPA (16 U.S.C. 1414), which amended the Dolphin Protection Consumer Information Act (DPCIA) (16 U.S.C. 1385). The IDCPA and the DPCIA, inter alia, authorize the Secretary of Commerce to promulgate regulations that implement the dolphin-safe labeling standard in the United States by the collection of documents on the dolphin-safe status of tuna import shipments and domestic tuna product processing; by (1) allowing documentary requests to allow for an effective tracking and verification program; and (2) by verifying that tuna was not harvested by a nation under embargo or otherwise prohibited from exporting tuna to the United States. This collection includes vessel arrival notifications, tuna tracking forms, tuna product receiving and processing reports, and documents/certifications that provide information on vessel characteristics and operations in the ETP, the origin of tuna and tuna products, and chain of custody recordkeeping requirements. At this time, we would also like to revise the information collection title from “Fisheries Certificate of Origin” to “Tuna Tracking and Verification Program”. As we make the necessary revisions to 0648–0335, it is imperative to amend the name to be more reflective of the broader information collections under our program and respected OMB control number.

Affected Public: Business or other for-profit organizations.

Frequency: Fisheries Certificate of Origin: Per applicable tuna importation; Monthly tuna receiving reports and Monthly tuna storage removal reports: Monthly; Vessel arrival notification and Tuna Tracking Form: Once per vessel trip; “Chain-of-custody”: On occasion.

Respondent’s Obligation: Mandatory.

Legal Authority: Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*); the Dolphin Protection Consumer Information Act (16 U.S.C. 1385), and the International Dolphin Conservation Program Act (16 U.S.C. 1414).

This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be

submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0335.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2025–16682 Filed 8–29–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF163]

Implementation of Fish and Fish Product Import Provisions of the Marine Mammal Protection Act—Notification of Comparability Findings and Implementation of Import Restrictions; Certification of Admissibility for Certain Fish Products

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

ACTION: Notice of comparability findings and implementation and continuation of trade restrictions for certain fish and fish products.

SUMMARY: Under the authority of the Marine Mammal Protection Act (MMPA), the NMFS Assistant Administrator for Fisheries (Assistant Administrator) announces comparability finding determinations for all fisheries on the List of Foreign Fisheries (LOFF) for harvesting nations that export fish and fish products to the United States. Nations whose fisheries were denied comparability findings will be prohibited from importing fish and fish products from those fisheries into the United States beginning January 1, 2026. Until such time as the import restrictions imposed by this action are lifted or revised, trade restrictions on these products associated with the fisheries for which a comparability finding has been denied will continue and Certification of Admissibility will be required.

DATES: Comparability findings announced in this notice and compliance with the import restrictions and Certification of Admissibility requirements described in this notice

are required beginning January 1, 2026, and will remain in effect until December 31, 2029, or for such other period as NMFS may specify.

FOR FURTHER INFORMATION CONTACT:

Kellie Foster-Taylor; Office of International Affairs, Trade, and Commerce, NMFS, mmpa.loff@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

The MMPA requires the United States to ban the importation of commercial fish or products from fish that have been caught with commercial fishing technology which results in the incidental kill or incidental serious injury of ocean mammals in excess of U.S. standards (16 U.S.C. 1371(a)(2)). For the purposes of applying this import ban, the Secretary of Commerce shall insist on reasonable proof from the government of any nation from which fish or fish products will be exported to the United States of the effects on ocean mammals of the commercial fishing technology in use for such fish or fish products exported from such nation to the United States. (16 U.S.C. 1371(a)(2)(A)).

In August 2016, NMFS published a final rule (81 FR 54390; August 15, 2016) (Final Rule) implementing the fish and fish product import provisions in section 1371(a)(2) of the MMPA. The Final Rule established a process to evaluate a harvesting nation's regulatory program concerning the incidental and intentional mortality and serious injury of marine mammals in fisheries operated by nations that export fish and fish products to the United States. Under the Final Rule, fish or fish products may not be imported into the United States from commercial fishing operations that result in the incidental mortality or serious injury of marine mammals in excess of U.S. standards.

NMFS published a LOFF on October 8, 2020 (85 FR 63527), classifying fisheries subject to the import requirements. The process to classify fisheries on the LOFF follows the classifications for U.S. domestic fisheries (List of Fisheries) based on the likelihood of marine mammal bycatch during commercial fishing operations. Foreign commercial fishing operations were classified as either "Exempt" or "Export" based on their likelihood of marine mammal interactions. Exempt fisheries are fisheries that have no known, or a remote likelihood of marine mammal bycatch. Export fisheries are those fisheries with more than a remote likelihood of marine mammal bycatch or insufficient information available on

marine mammal interactions. Exempt fisheries are considered to be the functional equivalent to Category III fisheries under the U.S. regulatory program, while Export fisheries are considered to be the functional equivalent to Category I and II fisheries combined under the U.S. domestic List of Fisheries.

The Final Rule established a five-year exemption period before imports would be subject to any trade restrictions (see 50 CFR 216.24(h)(2)(ii)); however, NMFS extended the exemption period and the date by which comparability findings applications were due three times. The exemption period ends on December 31, 2025.

The MMPA does not define "U.S. standards" or identify specific measures that NMFS must consider in the context of evaluating a foreign nation's commercial fishing operations pursuant to 16 U.S.C. 1371(a)(2). NMFS explained in the Final Rule that it did not intend to regulate marine mammals within a harvesting nation's coastal waters; instead, NMFS will evaluate whether a harvesting nation that seeks to export fish and fish products to the United States maintains a regulatory program that is "comparable in effectiveness" (not identical), to the U.S. regulatory program, meaning that the regulatory program effectively achieves comparable results to the U.S. regulatory program. Pursuant to this approach, NMFS determined that, for purposes of implementing section 1371(a)(2), "U.S. standards" were those set out for domestic fisheries under sections 1386 and 1387 of the MMPA.

The MMPA also states that the Secretary shall insist on reasonable proof from the government of any nation from which fish or fish products will be exported to the United States of the effects on ocean mammals of the commercial fishing technology in use for such fish or fish products exported from such nation to the United States (16 U.S.C. 1372(a)(2)(A)). As the term "reasonable proof" is not defined by the MMPA, NMFS explained in the Final Rule that harvesting nations will be required to include in their application documentary evidence of sufficient detail, quality, and reliability for NMFS to fully evaluate the regulatory program for a given Export fishery, and determinations will be made based on the best scientific information available. NMFS also stated that it would take into consideration the uncertainty of any scientific information provided by a harvesting nation or that is otherwise readily available. To that end, foreign nations were required to provide the following information in their

comparability findings applications for all of their fisheries on the LOFF: (1) target species; (2) gear types; (3) area of fishing operations; (4) existing fisheries; (5) lists of all marine mammals in the nations' waters that overlap with its fisheries, including stock abundance estimates, recent and planned abundance survey dates and bycatch limits; (6) timing of the fishery(ies); (7) annual mortality rates of marine mammal interactions in fisheries that export fish and fish products to the United States; (8) marine mammal monitoring programs; (9) bycatch reduction measures; and (10) copies of relevant laws, decrees, and implementing regulations or measures related to commercial fisheries and marine mammal interactions. NMFS supplemented the information provided in the harvesting nations' applications with any readily available information. NMFS has, since enacting the Final Rule, also coordinated closely with the harvesting nations, the U.S. Department of State, the Office of the U.S. Trade Representative, the U.S. Department of Homeland Security, and other experts to gather as much information as possible to make informed decisions about whether a harvesting nation's fisheries would qualify for a comparability finding.

Approach to Evaluating Nation's Comparability Finding Applications

The current action is the first time that NMFS has evaluated and issued final comparability findings for all harvesting nations and fisheries seeking to export fish and fish products to the United States (135 nations covering approximately 2,500 fisheries). NMFS's Final Rule and the implementation of the import provisions program under 16 U.S.C. 1371(a)(2) was designed to be an iterative process based on the fact that harvesting nations would be at different stages in their efforts to regulate commercial fisheries interactions with marine mammals and would need time and support to build capacity. In addition, NMFS expected that the quality and quantity of data about the harvesting nations' efforts would vary considerably. These factors led NMFS to concentrate its efforts on this initial set of findings on developing a baseline of knowledge for all nations identified on the LOFF.

To achieve consistency across the array of nations and fisheries that NMFS had to consider, NMFS created a standardized decision-making process based on the Final Rule. The U.S. domestic regulatory program prioritizes action based on the risks presented to marine mammals by different fisheries.

The MMPA establishes a process for prioritizing the development and implementation of regulations to address marine mammal incidental mortality and serious injury in those fisheries that carry specific risks to strategic stocks that interact with Category I or II fisheries (comparable to Export fisheries under the Final Rule). Accordingly, NMFS developed a step-wise process designed to review the harvesting nations' regulatory programs under a prioritization approach comparable to the U.S. regulatory program.

Under this prioritization approach, the harvesting nation was required to demonstrate for both Export and Exempt fisheries either that it prohibited the intentional mortality and serious injury of marine mammals in the course of commercial fishing operations or that it had procedures to reliably certify that exports of fish and fish products to the United States are not the product of an intentional killing of or serious injury to a marine mammal. The intentional killing prohibition provision was a threshold issue; failure to demonstrate a prohibition, or alternative measures such as licensing conditions that in their totality served as a prohibition, resulted in a denial of a comparability finding. For Export fisheries, which have a greater inherent risk of marine mammal interaction, the harvesting nation was also required to demonstrate that it maintained a regulatory program that is comparable in effectiveness to the U.S. regulatory program (see 50 CFR 216.24(h)(6)(iii)(B)). In significant part, a harvesting nation's regulatory program was reviewed largely based on the relative risk of entanglement or capture presented to marine mammals by operation of the Export fisheries. NMFS focused heavily on the type of gear used in the fisheries and the status of the potentially affected marine mammal species/stock. For example, NMFS was especially concerned with fisheries that (i) use high-risk gear (e.g., gillnets); (ii) lack mitigation measures; and (iii) overlap with marine mammal stocks or species that have a level of incidental mortality and serious injury that exceeds the potential biological removal level, have small population sizes, and/or are declining most rapidly (see 16 U.S.C. 1387(f)(3)). During its review, NMFS considered all marine mammals that nations included in their applications as well as any additional marine mammals for which NMFS had readily available information or scientific expertise to indicate that those additional stocks or species occurred in the nations' waters. NMFS based the

ultimate determinations on the available data, the differences among harvesting nations' regulatory programs, the resources at their disposal, and the specific facts and circumstances surrounding their Export fisheries. During its review, NMFS considered all marine mammals that the nations included in their applications as well as any additional marine mammals for which NMFS had readily available information or scientific expertise to indicate that those additional stocks or species occurred in the nations' waters.

In sum, NMFS applied a framework based on the Final Rule to determine whether the harvesting nations had laws, regulations, and processes in place to prohibit intentional mortality and serious injury, as well as address incidental mortality and serious injury of marine mammals in the course of their commercial fisheries operations, and whether their regulatory programs were comparable in effectiveness to the U.S. regulatory program.

Comparability Finding Determinations

A comparability finding means the harvesting nations' Export and/or Exempt fisheries meet the applicable conditions specified in the Final Rule. Comparability findings are fishery-specific, not nation-specific, so nations receiving denials for some, but not all of their fisheries, will be able to continue exporting fish or fish products to the United States from any fishery that receives a comparability finding. Effective January 1, 2026, fish and fish products from Export and Exempt fisheries identified by the Assistant Administrator in the LOFF may only be imported into the United States if the harvesting nation has applied for and received a comparability finding from NMFS. In total, NMFS evaluated 135 nations and approximately 2,500 fisheries. As a part of the comparability finding process set forth in 50 CFR 216.24(h)(6) and 50 CFR 216.24(h)(7), the Assistant Administrator has made determinations as listed below. NMFS is directly notifying all harvesting nations of the comparability finding determinations for their fisheries on the LOFF. The list of nations, including the individual fisheries receiving and not receiving comparability findings, as well as NMFS' Decision Memo and Final Comparability Finding Application Reports can be found at: <https://www.fisheries.noaa.gov/international-affairs/2025-marine-mammal-protection-act-comparability-finding-determinations>.

Nations Receiving Comparability Findings for All Fisheries on the LOFF

Based on NMFS' analysis, the following 89 nations have been issued comparability findings for all of their Export and Exempt fisheries on the LOFF: Albania, Antigua and Barbuda, Argentina, Australia, The Bahamas, Bahrain, Barbados, Belgium, Belize, Bermuda, Brunei, Bulgaria, Cambodia, Canada, Cape Verde, Cook Islands, Costa Rica, Côte d'Ivoire (Ivory Coast), Croatia, Cyprus, Denmark, Dominican Republic, Egypt, Estonia, Falkland Islands, Faroe Islands, Federated States of Micronesia, Fiji, Finland, France, France—St. Pierre et Miquelon, French Polynesia, French Southern and Antarctic Lands, Georgia, Germany, Greece, Greenland, Guatemala, Guyana, Honduras, Hong Kong, Iceland, India, Israel, Italy, Jamaica, Japan, Kiribati, Latvia, Lithuania, Maldives, Malta, Marshall Islands, Mauritius, Morocco, Nauru, The Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Palau, Panama, Papua New Guinea, Poland, Portugal, Saint Helena/Tristan da Cunha (UK), Saint Vincent and the Grenadines, Samoa, Seychelles, Sierra Leone, Singapore, Slovenia, Solomon Islands, South Africa, Spain, Sweden, Tanzania, Thailand, Tonga, Trinidad and Tobago, Tunisia, Turks and Caicos, Tuvalu, Ukraine, United Kingdom, Uruguay, Vanuatu, and Yemen.

Nations Receiving Comparability Findings for a Subset of Their Fisheries on the LOFF

Based on NMFS analysis, the following 34 nations have been issued comparability findings for some but not all of their Export fisheries on the LOFF: Bangladesh, Brazil, Cameroon, Chile, China, Colombia, Ecuador, El Salvador, Ghana, Indonesia, Ireland, Kenya, Liberia, Madagascar, Malaysia, Mauritania, Mexico, Mozambique, Myanmar (Burma), Nigeria, Oman, Peru, Philippines, Republic of Korea, Saint Kitts and Nevis, Saudi Arabia, Senegal, Somalia, Sri Lanka, Suriname, Taiwan, Türkiye, United Arab Emirates, and Vietnam.

Nations That Failed To Obtain Comparability Findings for All Export and Exempt Fisheries

Based on NMFS analysis, the following eight nations were denied comparability findings for all of their fisheries on the LOFF: The Gambia, Grenada, Guinea, Namibia, New Caledonia, Russia, Saint Lucia, and Togo.

Nations That Did Not Submit a Comparability Finding Application and Therefore Failed To Obtain Comparability Findings for All Export and Exempt Fisheries

The following nations have fisheries on the LOFF but did not submit a comparability finding application and so are denied comparability findings for all of their fisheries on the LOFF: Benin, Haiti, Iran, and Venezuela.

Discretionary Review of Comparability Findings

In accordance with 50 CFR 216.24(h)(8)(vii), a comparability finding will be terminated or revoked if the Assistant Administrator determines that the requirements of 50 CFR 216.24(h)(6) are no longer being met. If a nation is denied a comparability finding for its fisheries, it may reapply for a comparability finding for the affected fisheries at any time after January 1, 2026.

List of Foreign Fisheries

As part of their applications for comparability findings, nations updated their 2020 Lists of Foreign Fisheries to accurately reflect their current harvesting fisheries. A copy of the LOFF reflecting these changes by nations is published on NMFS' website at <https://www.fisheries.noaa.gov/international-affairs/2025-marine-mammal-protection-act-comparability-finding-determinations>, along with a change report showing fisheries that were added, deleted, or switched since the 2020 LOFF. NMFS based its Comparability Finding determinations on the most current version of the (LOFF), as supplemented by information received from individual harvesting nations during the comparability finding application process and subsequent communications.

Imposition of Import Restrictions

With respect to a harvesting nation for which the Assistant Administrator has denied or terminated a comparability finding for a fishery, the Assistant Administrator, in cooperation with the Secretaries of the Treasury and Homeland Security, shall identify and prohibit the importation of fish and fish products into the United States from the harvesting nation caught or harvested in that fishery from the harvesting nation caught or harvested in that fishery. The Harmonized Tariff Schedule (HTS) codes associated with the prohibited fish and fish products are published here: <https://www.fisheries.noaa.gov/resource/outreach-materials/>

harmonized-tariff-codes-marine-mammal-protection-act-import.

This list includes those non-specific HTS codes necessary to encompass the range of probable codes used for products subject to trade restriction. All other fish and fish products not within the scope of the import restrictions and imported under the HTS codes associated with the prohibited fish and fish products must be accompanied by a Certification of Admissibility in accordance with the provisions of 50 CFR 216.24(h)(9).

The HTS codes applicable to the products subject to the requirements of this import restriction may be revised from time to time due to updates to the HTS by the International Trade Commission. Any such changes will be notified to the trade community in accordance with U.S. Custom and Border Protection's (CBP) notification procedures. In addition, NMFS and CBP will monitor operations of the trade restriction and the certification requirement to determine if the list of affected HTS codes can be adjusted to further minimize disruption to trade while maintaining compliance with the MMPA import provisions.

Importers are advised to determine if other NMFS program requirements (e.g., Tuna Tracking and Verification Program, Seafood Import Monitoring Program) or other agency requirements (e.g., Fish and Wildlife Service, State Department, Food and Drug Administration) have Automated Commercial Environment (ACE) data reporting requirements applicable to the HTS codes identified as subject to certification under the MMPA import provisions. In such cases, the other reporting requirements still pertain, in addition to the Certification of Admissibility requirements imposed. The Certification of Admissibility is an information collection subject to the requirements of the Paperwork Reduction Act and has been approved by the Office of Management and Budget under control number 0648-0651.

Previous Comparability Findings and Current Import Restrictions

In 2019, NMFS revoked the comparability findings for several Mexican gillnet fisheries within the range of the vaquita in the Upper Gulf of California. This specific fishing area refers to a line NMFS designated across the Gulf of California to differentiate the Upper Gulf from the Lower Gulf, noting that fisheries operating in the Lower Gulf were not subject to that import ban. For the purposes of the import restrictions for Mexican fisheries

operating in the Upper Gulf of California, this area is defined as waters north of a straight line connecting Puertecitos Pier (30.344825, -114.636688) and Faro de Puerto Lobos (30.268379, -112.863984).

The vaquita is a species of porpoise found in the northern part of the Gulf of California that is on the brink of extinction. The decision was based on the Government of Mexico's failure to demonstrate that it has implemented and enforced a regulatory program, comparable in effectiveness to that of the United States, to govern vaquita-safe commercial fisheries operating in the Upper Gulf of California. Current trade restrictions for these fisheries will remain in effect until such time as the Government of Mexico demonstrates that actions to meet the conditions for comparability findings are implemented and enforced for the denied fisheries. Until such time as the import restrictions imposed by this action are lifted or revised, Certification of Admissibility will be required. More information for importers for fish and fish products from Mexico can be found at: <https://www.fisheries.noaa.gov/foreign/marine-mammal-protection/seafood-import-prohibitions-under-marine-mammal-protection-act>.

Dated: August 28, 2025.

Samuel D. Rauch, III,

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

[FR Doc. 2025-16776 Filed 8-29-25; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Agency Information Collection Activities; Submission for OMB Review; Comment Request; NTIA Internet Use Survey

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 June 17, 2025 during a 60-day comment period.

This notice allows for an additional 30 days for public comments.

Agency: National Telecommunications and Information Administration, Commerce.

Title: NTIA Internet Use Survey.

OMB Control Number: 0660–0021.

Form Number(s): None.

Type of Request: Revision of a current information collection.

Number of Respondents: 50,000 households.

Average Hours per Response: 1/6 hour (10 minutes).

Burden Hours: 8,334 hours.

Needs and Uses: Data from the NTIA Internet Use Survey will inform policies aimed at broadband usage. NTIA will use the collected data both in relevant publications and to help inform policymakers. Additionally, a public use dataset that protects respondent confidentiality will be created by the Census Bureau and made available by both agencies for use by researchers and other members of the public.

Affected Public: Individuals and households.

Frequency: Biennial.

Respondent's Obligation: Voluntary.

Legal Authority: 47 U.S.C.

902(b)(2)(M), (P).

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 Review—Open for Public Comments” or by using the search function and entering either the title of the collection or the OMB Control Number 0660–0021.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2025–16680 Filed 8–29–25; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2025–OS–0541]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness,

(OUSD(P&R)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the OUSD(P&R), announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by November 3, 2025.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: <http://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, Mailbox #24 Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title 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 <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Office of Military Family Readiness Policy, 4800 Mark Center Drive, Suite 3G15, Alexandria, VA 22350, Alisha Coleman, (571) 372–5339.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: My Career Advancement Account (MyCAA) Scholarship Program; OMB Control Number 0704–0585.

Needs and Uses: This information collection is necessary to support the MyCAA scholarship program, a career development and employment assistance program intended to assist military spouses pursue licenses, certificates, certifications or associate's degrees necessary for gainful employment in high demand, high growth portable career fields and occupations.

Affected Public: Individuals or households.

Annual Burden Hours: 7,081.

Number of Respondents: 14,161.

Responses per Respondent: 1.

Annual Responses: 14,161.

Average Burden per Response: 30 minutes.

Frequency: On occasion.

Dated: August 27, 2025.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2025–16678 Filed 8–29–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2025–OS–0540]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Intelligence and Security (OUSD(I&S)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the Defense Counterintelligence and Security Agency (DCSA) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by November 3, 2025.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: <http://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, Mailbox #24 Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title 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 <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Counterintelligence and Security Agency, Operational Policy and Procedures Group, ATTN: Thomas A. Giancoli, 1901 S. Bell Street, 5th Floor, Arlington, VA 22202, 703–582–6108.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Specific Authorization for Disclosure of Financial Information and Specific Authorization for Release of Behavioral Health and Related Medical Information; DCSA 343/344; OMB Control Number 0705–SARD.

Needs and Uses: The Specific Authorization for Disclosure of Financial Information (DCSA 343) is a special consent form that will allow DCSA access to certain financial records which are not otherwise accessible because they are protected under the provisions of the Right to Financial Privacy Act. The information collected on the DCSA 343 will be used to obtain specific financial information where there is evidence of financial concerns. The DCSA 343 will be used in background investigations to help establish facts required to determine whether the subject of the investigation should be adjudicated to be eligible for logical and physical access to Government facilities and systems; suitable or fit for Federal employment; fit to perform work on behalf of the Federal Government under a Government contract; eligible to hold a position that is sensitive for national

security reasons; or eligible for access to classified information. The DCSA 343 is only used when information is unable to be obtained solely with the use of the Standard Form (SF) Authorization for Release of Information. The Specific Authorization for Release of Behavioral Health and Related Medical Information (DCSA 344) is a special consent form that will allow the DCSA access to certain restricted medical records which are not otherwise accessible because they are protected under the Health Insurance Portability and Accountability Act (HIPAA). The information collected on the DCSA 344 will be used to conduct a detailed medical interview and record review with the practitioner when the practitioner indicates on the SF Authorization for Medical Release of Medical Information Pursuant to the HIPAA that the subject of the investigation has a condition or treatment that could impair judgement, reliability, or trustworthiness; there is evidence of alcohol-related treatment or counseling; or there is evidence of drug-related treatment or counseling. The DCSA 344 will be used in background investigations to help establish facts required to determine whether the subject of the investigation should be adjudicated to be eligible for logical and physical access to Government facilities and systems; suitable or fit for Federal employment; fit to perform work on behalf of the Federal Government under a Government contract; eligible to hold a position that is sensitive for national security reasons; or eligible for access to classified information. DCSA's use of these collections will be limited to background investigations, conducted under the authority of Executive Order 13467 as amended by Executive Order 13869, requiring a deeper review of an individual's personal finances or sensitive medical information, strictly limited to the circumstances defined within and required by the Federal Personnel Vetting Investigative Standards.

Affected Public: Individuals or households.

Annual Burden Hours: 297.

Number of Respondents: 3,563.

Responses per Respondent: 1.

Annual Responses: 3,563.

Average Burden per Response: 5 minutes.

Frequency: On occasion.

Dated: August 27, 2025.

Stephanie J. Bost,

*Alternate OSD Federal Register Liaison,
Department of Defense.*

[FR Doc. 2025–16679 Filed 8–29–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2025–OS–0542]

Proposed Collection; Comment Request

AGENCY: The Under Secretary of Defense for Acquisition and Sustainment (USD(A&S)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the Office of the Under Secretary of Defense for Acquisition and Sustainment announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by November 3, 2025.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: <http://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, Mailbox #24 Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title 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 <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to

obtain a copy of the proposal and associated collection instruments, please write to Office of the Deputy Assistant Secretary of Defense Environmental Management and Restoration, 3400 Defense Pentagon, 5C646, Washington, DC 20301, Heidi Hulst, 703–615–3651.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Technical Assistance for Public Participation Application; DD Form 2749; OMB Control Number 0704–0392.

Needs and Uses: The information collection requirement is necessary to identify products or services requested by community members of restoration advisory boards or technical review committees to aid in their participation in the Department of Defense’s environmental restoration program, and to meet Congressional reporting requirements.

Affected Public: Individuals or households.

Annual Burden Hours: 200.

Number of Respondents: 25.

Responses per Respondent: 2.

Annual Responses: 50.

Average Burden per Response: 4 hours.

Frequency: As required.

Dated: August 27, 2025.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2025–16677 Filed 8–29–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: U.S. Department of Energy.

ACTION: Notice of request for comments.

SUMMARY: The Department of Energy (DOE) has submitted an information collection request to the OMB for extension under the provisions of the Paperwork Reduction Act of 1995. The information collection requests a three-year extension of its “Industrial Relations,” OMB Control Number 1910–0600. The proposed collection covers major Department contractor Human Resource information necessary for contract management, administration, and cost control.

DATES: Comments regarding this proposed information collection must be received on or before October 2, 2025. If you anticipate that you will be submitting comments but find it difficult to do so within the period of

time allowed by this notice, please advise the DOE Desk Officer at OMB of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at (202) 395–4718.

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 information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Alesia Harmon, Contractor Human Resource Specialist, Office of Acquisition and Management (MA–612), U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585–1615. Phone: (240) 246–4702; Email: at Alesia.Harmon@hq.doe.gov.

Reporting requirements can be found at: <https://www.energy.gov/management/articles/contractor-human-resources-management>.

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

This information collection request contains:

- (1) *OMB No.:* 1910–0600;
- (2) *Information Collection Request Titled:* Industrial Relations;
- (3) *Type of Review:* Extension;
- (4) *Purpose:* This information is required for management oversight of the Department of Energy’s Facilities Management Contractors and to ensure that the programmatic and administrative management requirements of the contracts are managed efficiently and effectively;
- (5) *Annual Estimated Number of Respondents:* 243;
- (6) *Annual Estimated Number of Total Responses:* 243;
- (7) *Annual Estimated Number of Burden Hours:* 2,302;
- (8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* \$0.

Statutory Authority: 42 U.S.C. 7256; 48 CFR 970.0370.1.

Signing Authority

This document of the Department of Energy was signed on August 27, 2025, by Janella Davis, Acting Director, Office of Acquisition and Management and Senior Procurement Executive, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on August 28, 2025.

Jennifer Hartzell,

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

[FR Doc. 2025–16795 Filed 8–29–25; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1962–230]

Pacific Gas and Electric Company; Notice of Application for Temporary Variance of Flow Requirements Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

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

- a. *Application Type:* Temporary variance of flow requirements.
- b. *Project No.:* 1962–230.
- c. *Date Filed:* July 30, 2025.
- d. *Applicant:* Pacific Gas and Electric Company (licensee).
- e. *Name of Project:* Rock Creek-Cresta Hydroelectric Project.
- f. *Location:* The project is located on the North Fork Feather River, upstream of Lake Oroville, near the Town of Tobin, in Butte and Plumas Counties, California. The project occupies federal lands within the Plumas National Forest, administered by the U.S. Forest Service.
- g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact*: Mr. Chadwick McCreedy, License Coordinator; Pacific Gas and Electric Company, P.O. Box 28209, Oakland, CA 94604; Phone: (530) 685-5710; Chadwick.McCreedy@pge.com.

i. *FERC Contact*: Joy Kurtz, (202) 502-6760, joy.kurtz@ferc.gov.

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

k. *Deadline for filing comments, motions to intervene, and protests* is September 26, 2025 5:00 p.m. Eastern Time.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include docket number P-1962-230. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission

relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

l. *Description of Request*: The licensee requests a temporary reduction in minimum instream flows in the Cresta Reach of the North Fork Feather River to facilitate a dive inspection of the Cresta Dam bypass radial gate. The temporary reduction in flows would take place on October 22, 2025. During this time, minimum instream flows would be reduced from 200 cubic feet per second (cfs), during a 'wet' water year type, to 100 cfs. The decrease and increase in flows prior to/following the inspection would occur in accordance with the required ramping rates specified in the project license.

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

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

o. *Comments, Protests, or Motions to Intervene*: Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. *Filing and Service of Responsive Documents*: All filings must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone

number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 385.2010.

q. The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, 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: August 27, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025-16748 Filed 8-29-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2583-085]

Rochester Gas and Electric Corporation; Notice of Application for a Variance Under Article 402 Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

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

a. *Application Type*: Application for Temporary Variance of Article 402 Minimum Flow Requirement.

b. *Project No*: 2583-085.

c. *Date Filed*: August 22, 2025.

d. *Applicant*: Rochester Gas and Electric Corporation.

e. *Name of Project*: Station 5 Project.

f. *Location*: The project is located on the Genesee River in Monroe County, New York, and does not occupy federal lands.

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

h. *Applicant Contact*: David W. Dick, RG&E Senior Manager, Hydro Engineering, 1300 Scottsville Rd., Rochester, NY 14624, (585) 315-0705, David_Dick@rge.com.

i. *FERC Contact*: Holly Frank, (202) 502-6833, holly.frank@ferc.gov.

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

k. The deadline for filing comments, motions to intervene, and protests is September 26, 2025, 5:00 p.m. Eastern Time.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include the docket number P-2583-085. Comments emailed to Commission staff are not considered part of the Commission record.

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

l. *Description of Request*: The applicant requests a temporary variance of Article 402, which requires a

continuous minimum flow of 50 cubic feet per second (cfs) or inflow, whichever is less, to the project's bypassed reach via the trash sluice. The trash sluice is also used to provide resident fish a downstream bypass. The trash sluice/fish bypass is currently closed in order to complete dam safety improvements, and the licensee proposes to keep the trash sluice/fish bypass closed until December 1, 2025. The generating units are currently offline and would remain offline, with all flow passed over the Station 5 Dam.

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

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

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

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

persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

q. The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, 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: August 27, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025-16751 Filed 8-29-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC25-141-000.

Applicants: Faraday Solar B LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act of Faraday Solar B LLC.

Filed Date: 8/26/25.

Accession Number: 20250826-5149.

Comment Date: 5 p.m. ET 9/16/25.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG25-499-000.

Applicants: Yellow Pine Solar Interconnect II, LLC.

Description: Yellow Pine Solar Interconnect II, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 8/22/25.

Accession Number: 20250822-5217.

Comment Date: 5 p.m. ET 9/12/25.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10-2249-012.

Applicants: Portland General Electric Company.

Description: Supplement to 06/30/2025, Triennial Market Power Analysis for Northwest Region of Portland General Electric Company.

Filed Date: 8/22/25.

Accession Number: 20250822–5219.
Comment Date: 5 p.m. ET 9/12/25.
Docket Numbers: ER19–1281–008.
Applicants: Lexington Chenoa Wind Farm LLC.

Description: Response to 07/25/2025 Deficiency Letter of Lexington Chenoa Wind Farm LLC.

Filed Date: 8/25/25.

Accession Number: 20250825–5232.

Comment Date: 5 p.m. ET 9/15/25.

Docket Numbers: ER25–712–002.

Applicants: PJM Interconnection, L.L.C.

Description: Compliance filing: ER25–712 Reliability Resource Initiative Compliance Filing to be effective 12/14/2024.

Filed Date: 8/27/25.

Accession Number: 20250827–5110.

Comment Date: 5 p.m. ET 9/17/25.

Docket Numbers: ER25–2171–001.

Applicants: Cheyenne Light, Fuel and Power Company.

Description: Tariff Amendment: Response to Deficiency Letter for Revised Transmission Rates to be effective 8/1/2025.

Filed Date: 8/27/25.

Accession Number: 20250827–5101.

Comment Date: 5 p.m. ET 9/17/25.

Docket Numbers: ER25–2692–000.

Applicants: DTE Electric Company.

Description: Refund Report of DTE Electric Company.

Filed Date: 8/27/25.

Accession Number: 20250827–5134.

Comment Date: 5 p.m. ET 9/17/25.

Docket Numbers: ER25–2754–001.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: East River Electric Power Cooperative Amendment to Formula Rate Filing to be effective 1/1/2025.

Filed Date: 8/27/25.

Accession Number: 20250827–5035.

Comment Date: 5 p.m. ET 9/17/25.

Docket Numbers: ER25–3297–000.

Applicants: New York Independent System Operator, Inc., New York State Electric & Gas Corporation.

Description: § 205(d) Rate Filing: New York Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii): NYISO–NYSEG Joint 205: Standard IA Somerset Solar SA2903 (CEII) to be effective 8/13/2025.

Filed Date: 8/27/25.

Accession Number: 20250827–5008.

Comment Date: 5 p.m. ET 9/17/25.

Docket Numbers: ER25–3298–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Revs to Tariff to Add Zone 102 as Exception to the Sch 9 Rule (RRs630 and 634) to be effective 12/31/9998.

Filed Date: 8/27/25.

Accession Number: 20250827–5031.

Comment Date: 5 p.m. ET 9/17/25.

Docket Numbers: ER25–3299–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: § 205(d) Rate Filing: Initial Filing of Rate Schedule FERC No. 423 to be effective 10/27/2025.

Filed Date: 8/27/25.

Accession Number: 20250827–5038.

Comment Date: 5 p.m. ET 9/17/25.

Docket Numbers: ER25–3300–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: § 205(d) Rate Filing: Initial Filing of Rate Schedule FERC No. 422 to be effective 10/27/2025.

Filed Date: 8/27/25.

Accession Number: 20250827–5039.

Comment Date: 5 p.m. ET 9/17/25.

Docket Numbers: ER25–3301–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to WMPA, Service Agreement No. 6470; AG1–198 to be effective 10/27/2025.

Filed Date: 8/27/25.

Accession Number: 20250827–5043.

Comment Date: 5 p.m. ET 9/17/25.

Docket Numbers: ER25–3302–000.

Applicants: PacifiCorp.

Description: § 205(d) Rate Filing: Surplus Large Gen Interconnect Agrmt (Sigurd Storage—SA No. 1179) to be effective 8/28/2025.

Filed Date: 8/27/25.

Accession Number: 20250827–5046.

Comment Date: 5 p.m. ET 9/17/25.

Docket Numbers: ER25–3303–000.

Applicants: Pacific Gas and Electric Company.

Description: § 205(d) Rate Filing: TO SA 292: Amendment to the NCPA Interconnection Agreement (SA 292) to be effective 11/1/2025.

Filed Date: 8/27/25.

Accession Number: 20250827–5055.

Comment Date: 5 p.m. ET 9/17/25.

Docket Numbers: ER25–3304–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: Tariff Amendment: Notice of Cancellation of Rate Schedule FERC No. 360 to be effective 10/27/2025.

Filed Date: 8/27/25.

Accession Number: 20250827–5056.

Comment Date: 5 p.m. ET 9/17/25.

Docket Numbers: ER25–3305–000.

Applicants: Pacific Gas and Electric Company.

Description: § 205(d) Rate Filing: RS 246: Amendment to Biggs Interruptible Wholesale Distribution Service and IA to be effective 10/31/2025.

Filed Date: 8/27/25.

Accession Number: 20250827–5063.

Comment Date: 5 p.m. ET 9/17/25.

Docket Numbers: ER25–3306–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 6239; Queue No. AE2–343 to be effective 10/27/2025.

Filed Date: 8/27/25.

Accession Number: 20250827–5064.

Comment Date: 5 p.m. ET 9/17/25.

Docket Numbers: ER25–3307–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2025–08–27 Loss of Load Expectation Definition Change Filing to be effective 10/27/2025.

Filed Date: 8/27/25.

Accession Number: 20250827–5070.

Comment Date: 5 p.m. ET 9/17/25.

Docket Numbers: ER25–3308–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Revisions Regarding Mitigated Offers for Hydro Resources to be effective 10/28/2025.

Filed Date: 8/27/25.

Accession Number: 20250827–5099.

Comment Date: 5 p.m. ET 9/17/25.

Docket Numbers: ER25–3309–000.

Applicants: NSTAR Electric Company.

Description: § 205(d) Rate Filing: BXP, Inc.—Design and Engineering Study Agreement to be effective 8/28/2025.

Filed Date: 8/27/25.

Accession Number: 20250827–5108.

Comment Date: 5 p.m. ET 9/17/25.

Docket Numbers: ER25–3310–000.

Applicants: AEP Texas Inc.

Description: § 205(d) Rate Filing: AEPTX–SMT McAllen II 1st Amended Generation Interconnection Agreement to be effective 8/6/2025.

Filed Date: 8/27/25.

Accession Number: 20250827–5122.

Comment Date: 5 p.m. ET 9/17/25.

Docket Numbers: ER25–3311–000.

Applicants: Montpelier Solar, LLC.

Description: § 205(d) Rate Filing: Application for MBR Authorization with Waivers—Montpelier Solar, LLC to be effective 10/1/2025.

Filed Date: 8/27/25.

Accession Number: 20250827–5136.

Comment Date: 5 p.m. ET 9/17/25.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES25–69–000; ES25–70–000; ES25–71–000.

Applicants: Valley Link Transmission West Virginia, LLC, Valley Link

Transmission Virginia, LLC, Valley Link Transmission Maryland, LLC.

Description: Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of Valley Link Transmission Maryland, LLC, et al.

Filed Date: 8/26/25.

Accession Number: 20250826–5150.

Comment Date: 5 p.m. ET 9/16/25.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH25–16–000.

Applicants: Brookfield Corporation.

Description: Brookfield Corporation submits FERC–65A Notice of Change in Fact to Waiver Notification.

Filed Date: 8/21/25.

Accession Number: 20250821–5157.

Comment Date: 5 p.m. ET 9/11/25.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RD25–10–000.

Applicants: North American Electric Reliability Corporation.

Description: Petition of the North American Electric Reliability Corporation for Approval of Revised Terms “Generator Owner” and “Generator Operator” used in NERC Reliability Standards and Request for Expedited Action.

Filed Date: 8/27/25.

Accession Number: 20250827–5115.

Comment Date: 5 p.m. ET 9/26/25.

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: August 27, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–16768 Filed 8–29–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP25–537–000]

Texas Eastern Transmission, LP; Notice of Application and Establishing Intervention Deadline

Take notice that on August 13, 2025, Texas Eastern Transmission, LP (Texas Eastern), 915 North Eldridge Parkway, Suite 1100, Houston, Texas 77079, filed an application under section 7(b) of the Natural Gas Act (NGA) and Part 157 of the Commission’s regulations requesting authorization for its Donaldson Compressor Station (CS) Abandonment Project (Project). The Project consists of: (1) abandoning by removal approximately 10 feet of aboveground 26-inch-diameter suction piping and approximately 10 feet of aboveground 18-inch-diameter discharge piping; (2) abandoning in-place four 2,000 horsepower (hp) compressor units, all aboveground structures, equipment,¹ various transfer lines and piping, auxiliary building, waste oil storage tank, glycol tank, and coolant water tank; and (3) draining and disposing of fluid from five electrical transformers on site and abandoning the electrical units in-place, all related to the Donaldson CS located in Hot Spring County, Arkansas. Texas Eastern states that the Project will eliminate the need for future operating and maintenance expenditures on Donaldson CS that is not required to meet firm service obligations, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission’s Home Page (<http://www.ferc.gov>). From the Commission’s

¹ The existing receiver/launcher will remain in-service.

Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission’s website during normal business hours from FERC Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

Any questions regarding the proposed project should be directed to Berk Donaldson, Regulatory Director, Texas Eastern Transmission, LP, 915 North Eldridge Parkway, Suite 1100, Houston, Texas 77079, by phone at (713) 627–4488, or by email at Berk.Donaldson@enbridge.com.

Pursuant to section 157.9 of the Commission’s Rules of Practice and Procedure,² within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission’s public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff’s issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission’s public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff’s FEIS or EA.

Public Participation

There are three ways to become involved in the Commission’s review of this project: you can file comments on the project, you can protest the filing, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on September 17, 2025. How to file

² 18 CFR 157.9.

protests, motions to intervene, and comments is explained below.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections, to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be.

Protests

Pursuant to sections 157.10(a)(4)³ and 385.211⁴ of the Commission's regulations under the NGA, any person⁵ may file a protest to the application. Protests must comply with the requirements specified in section 385.2001⁶ of the Commission's regulations. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

To ensure that your comments or protests are timely and properly recorded, please submit your comments on or before 5:00 p.m. Eastern Time on September 17, 2025.

There are three methods you can use to submit your comments or protests to the Commission. In all instances, please reference the Project docket number CP25-537-000 in your submission.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's website at www.ferc.gov under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments or protests electronically by using the eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by

attaching them as a file with your submission. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Comment on a Filing"; or

(3) You can file a paper copy of your comments or protests by mailing them to the following address below. Your written comments must reference the Project docket number (CP25-537-000).

To file via USPS: Debbie-Anne A.

Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502-8258 or FercOnlineSupport@ferc.gov.

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,⁷ has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure⁸ and the regulations under the NGA⁹ by the intervention deadline for the project, which is 5:00 p.m. Eastern Time on September 17, 2025. As

described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number CP25-537-000 in your submission.

(1) You may file your motion to intervene by using the Commission's eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Intervention." The eFiling feature includes a document-less intervention option; for more information, visit <https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf>;

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below. Your motion to intervene must reference the Project docket number CP25-537-000.

To file via USPS: Debbie-Anne A.

Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502-8258 or FercOnlineSupport@ferc.gov.

Protests and motions to intervene must be served on the applicant either by mail at: Berk Donaldson, Regulatory Director, Texas Eastern Transmission, LP, 915 North Eldridge Parkway, Suite 1100, Houston, Texas 77079 or by email (with a link to the document) at Berk.Donaldson@enbridge.com. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC

³ 18 CFR 157.10(a)(4).

⁴ 18 CFR 385.211.

⁵ Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

⁶ 18 CFR 385.2001.

⁷ 18 CFR 385.102(d).

⁸ 18 CFR 385.214.

⁹ 18 CFR 157.10.

Online. Service can be via email with a link to the document.

All timely, unopposed¹⁰ motions to intervene are automatically granted by operation of Rule 214(c)(1).¹¹ Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.¹² A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208-FERC, or on the FERC website at www.ferc.gov using the "eLibrary" link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to www.ferc.gov/docs-filing/esubscription.asp.

Intervention Deadline: 5:00 p.m. Eastern Time on September 17, 2025.

Dated: August 27, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025-16747 Filed 8-29-25; 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:

¹⁰ The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

¹¹ 18 CFR 385.214(c)(1).

¹² 18 CFR 385.214(b)(3) and (d).

Filings Instituting Proceedings

Docket Numbers: RP25-1089-000.
Applicants: Washington 10 Storage Corporation.

Description: § 4(d) Rate Filing: Re-Collation Filing to be effective 10/1/2025.

Filed Date: 8/26/25.

Accession Number: 20250826-5113.

Comment Date: 5 p.m. ET 9/8/25.

Docket Numbers: RP25-1090-000.
Applicants: DTM Birdsboro Pipeline, LLC.

Description: § 4(d) Rate Filing: Re-collation Filing to be effective 10/1/2025.

Filed Date: 8/26/25.

Accession Number: 20250826-5117.

Comment Date: 5 p.m. ET 9/8/25.

Docket Numbers: RP25-1091-000.
Applicants: Carolina Gas Transmission, LLC.

Description: Compliance filing: CGT—2025 Penalty Revenue Crediting Report to be effective N/A.

Filed Date: 8/27/25.

Accession Number: 20250827-5024.

Comment Date: 5 p.m. ET 9/8/25.

Docket Numbers: RP25-1092-000.
Applicants: Cove Point LNG, LP.

Description: Compliance filing: Cove Point—2025 Revenue Crediting Report to be effective N/A.

Filed Date: 8/27/25.

Accession Number: 20250827-5028.

Comment Date: 5 p.m. ET 9/8/25.

Docket Numbers: RP25-1093-000.
Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 8.27.25 Negotiated Rates—Macquarie Energy LLC R-4090-36 to be effective 9/1/2025.

Filed Date: 8/27/25.

Accession Number: 20250827-5032.

Comment Date: 5 p.m. ET 9/8/25.

Docket Numbers: RP25-1094-000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.

Description: § 4(d) Rate Filing: Non-Conforming—AGC In-Service to be effective 10/1/2025.

Filed Date: 8/27/25.

Accession Number: 20250827-5073.

Comment Date: 5 p.m. ET 9/8/25.

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/fercensearch.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 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: August 27, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025-16750 Filed 8-29-25; 8:45 am]

BILLING CODE 6717-01-P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 310514]

Federal Advisory Committee Act; Communications Security, Reliability, and Interoperability Council

AGENCY: Federal Communications Commission.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the Federal Communications Commission's (FCC) Communications Security, Reliability, and Interoperability Council (CSRIC) IX will hold its sixth meeting, on September 25, 2025, at 1:00 p.m. EDT.

DATES: September 25, 2025.

ADDRESSES: The sixth meeting will be held at 45 L Street NE, Washington, DC, and via conference call. The meeting is open to the public and is also available via WebEx at <https://www.fcc.gov/live> and on the FCC's YouTube channel.

FOR FURTHER INFORMATION CONTACT: Suzon Cameron, Designated Federal Officer (DFO), CSRIC IX, FCC, (202) 418-1916 or email: CSRIC@fcc.gov, Kurian Jacob, Deputy DFO, CSRIC IX, FCC, (202) 418-2040 or email: CSRIC@fcc.gov, or Logan Bennett, Deputy DFO,

CSRIC IX, FCC, (202) 418-7790 or email: CSRIC@fcc.gov

SUPPLEMENTARY INFORMATION: The meeting will be held on September 25, 2025, at 1:00 p.m. EDT, in the Commission Meeting Room of the Federal Communications Commission, 45 L Street NE, Washington, DC. While the CSRIC IX meeting is open to the public, the FCC headquarters building is not open access, and all guests must check in with and be screened by FCC security at the main entrance on L Street. Attendees at the meeting will not be required to have an appointment but must otherwise comply with protocols outlined at: <https://www.fcc.gov/visit>.

The CSRIC is a Federal Advisory Committee that will provide recommendations to the Commission to improve the security, reliability, and interoperability of communications systems. On March 26, 2024, the Commission, pursuant to the Federal Advisory Committee Act, renewed the charter for CSRIC IX for a period of two years through March 25, 2026. The meeting on September 25, 2025, will be the sixth meeting of CSRIC IX under the current charter. The FCC will provide audio and/or video coverage of the meeting over the internet from the FCC's web page at <https://www.fcc.gov/live> and on the FCC's YouTube channel. The public may submit written comments before the meeting to Suzon Cameron, DFO, CSRIC IX, via email to CSRIC@fcc.gov.

Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via email to fcc504@fcc.gov or by calling the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice). Such requests should include a detailed description of the accommodation needed. In addition, please include a way the Commission can contact you if it needs more information. Please allow at least five days' advance notice; last-minute requests will be accepted but may not be possible to accommodate.

Federal Communications Commission.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer.

[FR Doc. 2025-16739 Filed 8-29-25; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0740 and OMB 3060-0881; FR ID 310683]

Information Collections Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before November 3, 2025. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email PRA@fcc.gov and to Cathy.Williams@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418-2918.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060-0740.

Title: Section 95.2109, AMTS Notifications; 95.2195, LPRS Disclosures.

Form No.: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 26 respondents and 26 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: On occasion reporting requirement, and third-party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in 47 U.S.C. 154 and 303.

Total Annual Burden: 26 hours.

Annual Cost Burden: \$1,300.

Needs and Uses: Manufacturers of Low Power Radio Service (LPRS) used for auditory assistance, health care assistance, and law enforcement tracking purposes must include with each transmitting device the following statement: "This transmitter is authorized by rule under the Low Power Radio Service (47 CFR part 95) and must not cause harmful interference to TV reception or United States Navy SPASUR installations. You do not need an FCC license to operate this transmitter. This transmitter may only be used to provide: Auditory assistance to persons with disabilities, persons who require language translation, or persons in educational settings; health care services to the ill; law enforcement tracking services under agreement with a law enforcement agency; or automated maritime telecommunications system (AMTS) network control communications. Two-way voice communications and all other types of uses not mentioned above are expressly prohibited."

The reporting requirement contained in section 95.2109 states that Prior to operating a LPRS transmitter with an AMTS, the AMTS licensee must notify, in writing, each television station that may be affected by such operations, as defined in section 80.215(h). The notification provided with the station's license application is sufficient to satisfy this requirement if no new television stations would be affected.

The information collection requirement contained in section 95.2195 requires that manufacturers of LPRS transmitters used for auditory assistance, health care assistance, and law enforcement tracking purposes must include with each transmitting device the following statement:

This transmitter is authorized by rule under the Low Power Radio Service (47 CFR part 95) and must not cause harmful interference to TV reception or to the United States Air Force Space

Surveillance System operating in the 216.88–217.08 MHz band. With the exception of automated maritime telecommunications system (AMTS) devices, you do not need an FCC license to operate this transmitter. This transmitter may only be used to provide: Auditory assistance to persons with disabilities, persons who require language translation, or persons in educational settings; health care services to the ill; law enforcement tracking services under agreement with a law enforcement agency; or AMTS network control communications. Two-way voice communications and all other types of uses not mentioned above are expressly prohibited.

Please note that sections 95.1015(a) and (b) were renumbered to sections 95.2195 and 95.2109 via FCC 17–57.

OMB Control No.: 3060–0881.

Title: Section 95.1961, Interference.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 18 respondents; 18 responses.

Estimated Time per Response: 1 hour.

Frequency of Response:

Recordkeeping requirement, third party disclosure requirement, and on occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in 47 U.S.C. 151, 154(i) and 157, as amended.

Total Annual Burden: 18 hours.

Annual Cost Burden: \$4,500.

Needs and Uses: On May 19, 2017, the Commission reformed its Part 95 rules. See Review of the Commission's Part 95 Personal Radio Service Rules, Report and Order, WT Docket 10–119, 32 FCC Rcd 4292 (2017). In that proceeding, the Commission renumbered certain Part 95 rules subject to this information collection without making substantive rule changes. For example, former rule § 95.861 is currently § 95.1961. With this submission to the Office of Management and Budget (OMB), we renumbered the rule sections accordingly.

Section 95.1961(c) requires that licensees in the 218–219 MHz service must provide a copy of its plan to every TV Channel 13 station whose Grade B predicted contour overlaps the licensed service area as required by § 95.1915(a) of the Commission's rules. This plan must include an analysis of the co- and adjacent channel interference potential of proposed systems in the 218–219 MHz service, identify methods being

used to minimize interference, and show how the proposed systems will meet the service requirements set forth in § 95.1931 of the Commission's rules. This plan must be sent to the TV Channel 13 licensee(s) within 10 days from the date the 218–219 MHz service licensee submits the plan to the Commission. Updates to this plan must be sent to the TV Channel 13 licensee(s) within 10 days from the date that such updates are filed with the Commission pursuant to § 95.1915.

Section 95.1961(e) requires that each 218–219 MHz service licensee investigate and eliminate harmful interference to television broadcasting and reception, from its component cell transmitter stations (CTSs) and response transmitter units (RTUs) within 30 days of the time it is notified in writing, by either an affected television station, an affected viewer, or the Commission, of an interference complaint.

Federal Communications Commission.

Aleta Bowers,

Information Management Specialist, Office of the Secretary.

[FR Doc. 2025–16788 Filed 8–29–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1008; FR ID 310413]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated

collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before November 3, 2025. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email PRA@fcc.gov and to Cathy.Williams@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–1008.

Title: Section 27.50, Power and Antenna Height Limits; Section 27.602, Guard Band Manager Agreements.

Form No.: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit, and State, Local or Tribal Government.

Number of Respondents and Responses: 121 respondents and 206 responses.

Estimated Time per Response: 1 hour up to 6 hours.

Frequency of Response: Recordkeeping requirement, On occasion reporting requirement and Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in 47 U.S.C. 151, 154(i), 157 and 309(j), as amended.

Total Annual Burden: 776 hours.

Annual Cost Burden: No cost.

Needs and Uses: The information gathered in this collection will be used to support the development of new services in the Lower 700 MHz Band. Further, Guard Band Managers are required to enter into written agreements with other licensees who plan on using their licensed spectrum by others, subject to certain conditions outlined in the rules. They must retain these records for at least two years after the date such agreement expire. Such records need to be kept current and be made available upon request for inspection by the Commission or its representatives.

Federal Communications Commission.
Katura Jackson,
Federal Register Liaison Officer.
 [FR Doc. 2025–16738 Filed 8–29–25; 8:45 am]
BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than October 2, 2025.

A. Federal Reserve Bank of Dallas (Lindsey Wieck, Director, Mergers & Acquisitions) 2200 North Pearl Street, Dallas, Texas 75201–2272. Comments can also be sent electronically to Comments.applications@dal.frb.org:

1. *East Texas Financial Corporation, Kilgore, Texas*; to acquire Texas National Bancorporation, and thereby indirectly acquire Texas National Bank of Jacksonville, both of Jacksonville, Texas.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,
Associate Secretary of the Board.

[FR Doc. 2025–16767 Filed 8–29–25; 8:45 am]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0320; Docket No. 2025–0001; Sequence No. 18]

Information Collection; General Services Administration Acquisition Regulation; Construction Manager as Constructor (CMc)

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, and the Office of Management and Budget (OMB) regulations, GSA invites the public to comment on an extension of a previously approved information collection requirement regarding OMB Control No. 3090–0320 Construction Manager as Constructor (CMc).

DATES: Submit comments on or before November 3, 2025.

ADDRESSES: Submit comments on this information collection to <https://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by searching for “Information Collection 3090–0320”. Select the link “Comment Now” that corresponds with Information Collection 3090–0320. Follow the instructions provided at the “Comment Now” screen. Please include your name, company name (if any), and “Information Collection 3090–0320” on your attached document.

Instructions: Please submit comments only and cite “Information Collection 3090–0320” in all correspondence related to this collection. Comments received generally will be posted without change to [regulations.gov](https://www.regulations.gov), including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check [regulations.gov](https://www.regulations.gov) approximately two-to-three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Lara, 816–589–3783, General Services Acquisition Policy Division, by email at gsarpolicy@gsa.gov.

SUPPLEMENTARY INFORMATION:

A. Purpose

The General Services Administration Acquisition Regulation (GSAR) 552.236–79, Construction-Contractor-as-Constructor, requires the contractor to submit a proposal to establish the final estimated cost of the work, to convert the contract to a firm-fixed-price, and to determine the final settlement for construction-manager-as-constructor (CMc) projects.

The CMc refers to a project management and contracting technique that is one of three predominant methods used for acquiring construction services by GSA. The other two methods are design-bid-build and design-build. The private sector commonly uses a similar construction project delivery method, which allows for early industry engagement by the construction contractor to enable reduced cost growth, reduced schedule growth, and administrative savings.

The information is used by contracting officers to evaluate proposals and negotiate contract modifications during contract administration. This collection supports the Government's shift toward category management by providing a more robust playbook framework for efficient procurement of construction services.

B. Annual Reporting Burden

Total public reporting burden for this collection of information is estimated to average 400 total hours (\$33,300) annually, including the time for reviewing instructions, searching existing data sources, gathering, and maintaining the data needed, and completing and reviewing the collection of information. The estimated burden hours to the public for the below clauses are as follows:

GSAR 552.236–79, Construction-Contractor-as-Constructor, requires the contractor to submit a proposal to establish the final estimated cost of the work, to convert the contract to a firm-fixed-price, and to determine the final settlement.

Respondents: 10.

Responses per Respondent: 1.

Total Annual Responses: 10.

Hours per Response: 40.

Total Response Burden Hours: 400.

Cost per Hour: \$83.25.

Estimated Cost Burden to the Public: \$33,300.

GSAR 552.236–80, Accounting Records, contains a recordkeeping requirement that is subject to the Paperwork Reduction Act (44 U.S.C. 3501, *et seq.*). The clause requires the contractor to keep all relevant

documents for a period of three years after the final payment. However, the clause does not add burden to what is already estimated for the existing FAR clause at 52.215–2, Audit and Records by a previous information collection (see OMB Control Number 9000–0034).

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary; whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Jeffrey A. Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2025–16729 Filed 8–29–25; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10775, CMS–10417, CMS–10524, CMS–10501, CMS–10465 and CMS–417]

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 October 2, 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:* Extension of a currently approved collection; *Title of Information Collection:* Medicare Severity Diagnosis Related Groups

Reclassification Request (MS–DRGs); *Use:* Section 1886(d)(4) of the Act establishes a classification system, referred to as DRGs, for inpatient discharges and adjusts payments under the IPPS based on appropriate weighting factors assigned to each MS–DRG. Section 1886(d)(4)(C)(i) of the Act specifies adjustments to the classification and weighting factors shall occur “at least annually to reflect changes in treatment patterns, technology, and other factors which may change the relative use of hospital resources.”

The requests are evaluated in the Division of Coding and DRGs (DCDRG) by the DRG and Coding Team and the clinical advisors (medical officers) in both the Technology, Coding and Pricing Group (TCPG) and the Hospital and Ambulatory Policy Group (HAPG), along with the CMS contractor(s). This team participates via conference calls in the review of MedPAR claims data to analyze and perform clinical review of the requested changes. Based on the examination of claims data and clinical judgment, the team provides recommendations to CMS and HHS leadership for proposed changes. Per the statute, proposed MS–DRG changes and payment adjustments must go through notice and comment rulemaking giving the opportunity for the public to comment. Finalized MS–DRG changes are effective with discharges on and after October 1, consistent with the beginning of the fiscal year. CMS makes the updated MS–DRG Grouper software and related materials that reflects the changes available to the public for free via download at: <https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/AcuteInpatientPPS/MS-DRG-Classifications-and-Software>.

When an application is submitted in MEARIS™, the DRG and Coding Team in DCDRG will have instant access to the application request and accompanying materials to facilitate a more-timely review of the request, including the ability to efficiently inform other team members involved in the process that information is available for their review and input. *Form Number:* CMS–10775 (OMB control number 0938–1431); *Frequency:* Occasionally; *Affected Public:* Private Sector, Business or other for-profits, Not-for-profits institutions; *Number of Respondents:* 50; *Total Annual Responses:* 50; *Total Annual Hours:* 48,000. (For policy questions regarding this collection contact Marilu Hue at 410–786–4510.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of*

Information Collection: Medicare Fee-for-Service Prepayment Review of Medical Records; *Use:* The Medical Review program is designed to prevent improper payments in the Medicare FFS program. Whenever possible, Medicare Administrative Contractors (MACs) are encouraged to automate this process; however, it may require the evaluation of medical records and related documents to determine whether Medicare claims are billed in compliance with coverage, coding, payment, and billing policies. Addressing improper payments in the Medicare fee-for-service (FFS) program and promoting compliance with Medicare coverage and coding rules is a top priority for the CMS. Preventing Medicare improper payments requires the active involvement of every component of CMS and effective coordination with its partners including various Medicare contractors and providers. The information required under this collection is requested by Medicare contractors to determine proper payment, or if there is a suspicion of fraud. Medicare contractors request the information from providers/suppliers submitting claims for payment when data analysis indicates aberrant billing patterns or other information which may present a vulnerability to the Medicare program. *Form Number:* CMS-10417 (OMB control number: 0938-0969); *Frequency:* Occasionally; *Affected Public:* Private Sector, State, Business, and Not-for Profits; *Number of Respondents:* 489,871; *Number of Responses:* 489,871; *Total Annual Hours:* 244,936. (For questions regarding this collection, contact Olufemi Shodeke at 410-786-1649.)

3. Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Medicare Program; Prior Authorization Process for Certain Durable Medical Equipment, Prosthetic, Orthotics, and Supplies (DMEPOS); *Use:* Section 1834(a)(15) of the Social Security Act (the Act) authorizes the Secretary to develop and periodically update a list of DMEPOS that the Secretary determines, on the basis of prior payment experience, are frequently subject to unnecessary utilization and to develop a prior authorization process for these items. Pursuant to this authority, CMS published final rules CMS-6050-F and CMS-1713-F.

The information required under this collection is used to determine proper payment and coverage for DMEPOS items. The information requested includes all documents and information that demonstrate the DMEPOS item

requested is reasonable and necessary for the beneficiary and meets applicable Medicare requirements. The documentation will be reviewed by trained registered nurses, therapists, or physician reviewers to determine if item(s) or service requested meets all applicable Medicare coverage, coding and payment rules. *Form Number:* CMS-10524 (OMB control number: 0938-1293); *Frequency:* Occasionally; *Affected Public:* Private Sector (Business or other for-profits, Not-for-Profit Institutions); *Number of Respondents:*; *Total Annual Responses:* 190,344; *Total Annual Hours:* 95,172. (For policy questions regarding this collection contact Emily Calvert at (410) 786-4277.)

4. Type of Information Collection Request: Revision of currently approved collection; *Title:* Healthcare Fraud Prevention Partnership (HFPP) Data Sharing and Information Exchange; *Use:* Section 1128C(a)(2) of the Social Security Act (42 U.S.C. 1320a-7c(a)(2)) authorizes the Secretary and the Attorney General to consult, and arrange for the sharing of data with, representatives of health plans for purposes of establishing a Fraud and Abuse Control Program as specified in Section 1128(C)(a)(1) of the Social Security Act. The result of this authority has been the establishment of the HFPP. The HFPP was officially established by a Charter in the fall of 2012 and signed by HHS Secretary Sibelius and U.S. Attorney General Holder. In December 2020, President Trump signed into law H.R.133—Consolidated Appropriations Act, 2021, which amended Section 1128C(a) of the Social Security Act (42 U.S.C. 1320a-7c(a)) providing explicit statutory authority for the Healthcare Fraud Prevention Partnership including the potential expansion of the public-private partnership analyses.

Data sharing within the HFPP primarily focuses on conducting studies for the purpose of combatting fraud, waste, and abuse. These studies are intended to target specific vulnerabilities within the payment systems in both the public and private healthcare sectors. The HFPP and its committees design and develop studies in coordination with the TTP. The core function of the TTP is to manage and execute the HFPP studies within the HFPP. *Form Number:* CMS-10501 (OMB control number: 0938-1251); *Frequency:* Occasionally; *Affected Public:* Private sector (Business or other for-profits); *Number of Respondents:* 28; *Number of Responses:* 28; *Total Annual Hours:* 120. (For questions regarding this collection, contact Maricruz Bonfante at (410-786-5086).

5. Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Minimum Essential Coverage; *Use:* The final rule titled “Patient Protection and Affordable Care Act; Exchange Functions: Eligibility for Exemptions; Miscellaneous Minimum Essential Coverage Provisions,” published July 1, 2013 (78 FR 39494) designates certain types of health coverage as minimum essential coverage. Other types of coverage, not statutorily designated and not designated as minimum essential coverage in regulation, may be recognized by the Secretary of Health and Human Services (HHS) as minimum essential coverage if certain substantive and procedural requirements are met. To be recognized as minimum essential coverage, the coverage must offer substantially the same consumer protections as those enumerated in Title I of the Affordable Care Act relating to non-grandfathered, individual health insurance coverage to ensure consumers are receiving adequate coverage. The final rule requires sponsors of other coverage that seek to have such coverage recognized as minimum essential coverage to adhere to certain procedures. Sponsoring organizations must submit to HHS certain information about their coverage and an attestation that the plan substantially complies with the provisions of Title I of the Affordable Care Act applicable to non-grandfathered individual health insurance coverage. Sponsors must also provide notice to enrollees informing them that the plan has been recognized as minimum essential coverage. *Form Number:* CMS-10465 (OMB control number: 0938-1189); *Frequency:* Occasionally; *Affected Public:* Private Sectors; State, Local or Tribal Governments; *Number of Respondents:* 10; *Total Annual Responses:* 10; *Total Annual Hours:* 53. (For policy questions regarding this collection contact Russell Tipps at 301-492-4371.)

6. Type of Information Collection Request: Reinstatement with change of a previously approved collection; *Title of Information Collection:* Hospice Request for Certification in the Medicare Program; *Use:* This is a request to reinstate the CMS-417 form, which was approved under OMB control number 0938-0313 and the current approval expired on 11/30/2024. We have made several changes to the CMS-417 form that make it easier to read, understand and complete. For example, we made the data fields larger to provide more space in which to provide responses. We have also reformatted the data fields

and available responses to make them easier to understand and complete. In addition, we have added a new data field to collect the title of the person signing the CMS-417 form. We believe it is important to collect this information to ensure that the person completing and signing the form has the proper authority to do so. Finally, we made the instruction more comprehensive. We have submitted a change crosswalk that provides a detailed explanation of all the changes made to the CMS-417 form.

The CMS-417 form is an identification and screening form used to initiate the certification process for new hospices. The CMS-417 form is also completed by existing hospices at the time of their recertification surveys, to update their certification information. The form collects data that is used to determine if the provider has sufficient personnel to participate in the Medicare program. If a hospice provider meets these preliminary staffing requirements, a survey is scheduled to determine if the provider complies with the conditions of participation (CoPs) required by the Medicare program. The data provided by the hospice on the CMS-417 form serve as a basis for the survey inspection. The facility is only required to complete certain items on the certification forms as indicated by the instructions included with the form.

Form Number: CMS-417 (OMB Control number: 0938-0313); *Frequency:* Annually; *Affected Public:* Private Sector—Business or other for-profits; *Number of Respondents:* 3,418; *Total Annual Responses:* 3,418; *Total Annual Hours:* 2,564. (For policy questions regarding this collection contact Caroline Gallaher at 410-786-8705.)

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2025-16789 Filed 8-29-25; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Assistance Listing Number: 93.652]

Announcement of the Intent To Award a Sole Source Cooperative Agreement to the American Public Human Services Association (APHSA) for the Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC) in Washington, DC

AGENCY: Children's Bureau (CB), Administration for Children and Families (ACF), Department of Health and Human Services (HHS).

ACTION: Notice of Issuance of a sole-source cooperative agreement.

SUMMARY: The CB Division of Capacity Building announces the intent to award a sole-source, 12-month cooperative agreement in the amount of up to \$1,600,000 to the American Public Human Services Association (APHSA) for its affiliate the Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC) in Washington, DC, for the further implementation and support nationally of the National Electronic Interstate Compact Enterprise (NEICE) system, an inter-jurisdictional electronic system to improve administrative efficiency in implementing the Interstate Compact on the Placement of Children (ICPC), a process that ensures safe and suitable interstate placements for children in foster care.

DATES: The proposed period of performance is September 30, 2025, to September 29, 2026.

FOR FURTHER INFORMATION CONTACT: Karakahl Allen-Eckard, Child Welfare Program Specialist, Children's Bureau, Division of Capacity Building, 330 C St. SW, Suite 3521B, Washington, DC 20201. Telephone: (202) 401-6781; Email: Karakahl.Allen-Eckard@acf.hhs.gov.

SUPPLEMENTARY INFORMATION: Award funds will support the continued implementation, support, and scale up of the NEICE. The NEICE is a national electronic system for quickly and securely exchanging the data and documents required by the ICPC to place children with foster, adoptive, and kinship families across state lines. APHSA has been the recipient of funding from CB for the development and national implementation of the NEICE since its inception as a pilot project funded by the Partnership Fund

for Program Integrity Innovation at the Office of Management and Budget (OMB) and administered by CB in November of 2013. This 20-month pilot proved successful and led to a new sole-source cooperative agreement for the expansion of the pilot to all 52 jurisdictions of the AAICPC nationwide. This funding was further extended and supplemented to continue to support the expansion of the project nationally, with the current funding period expiring on September 29, 2025. This sole-source funding is essential to allow the remaining states to join the system as well as to provide ongoing support and upgrades necessary for an electronic system. In addition, the Family First Prevention Services Act of 2018 requires all states to join an electronic exchange system by October 1, 2027, and the NEICE is on track to support states in meeting this requirement.

The state members of the AAICPC contribute annual membership and connection fees; however, these are currently not adequate to meet the full operational costs of managing the national system. The APHSA is the only organization positioned to continue to scale the project nationally and to ensure the continued optimal maintenance of the NEICE.

Statutory Authority: Title II, section 203(b) of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5113(b)(3)), as most recently amended by CAPTA Reauthorization Act of 2010.

Elizabeth A. Leo,

Policy Branch Chief, Office of Grants Policy, Office of Administration.

[FR Doc. 2025-16752 Filed 8-29-25; 8:45 am]

BILLING CODE 4184-44-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request; the Teaching Health Center Graduate Medical Education Program Eligible Resident or Fellow Full-Time Equivalent Chart, OMB No. 0915-0367—Extension

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, HRSA submitted an Information

Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period. OMB may act on HRSA’s ICR only after the 30-day comment period for this notice has closed.

DATES: Comments on this ICR should be received no later than October 2, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email Samantha Miller, the HRSA Information Collection Clearance Officer, at paperwork@hrsa.gov or call (301) 443–3983.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: The Teaching Health Center Graduate Medical Education Program Eligible Resident or Fellow Full-Time Equivalent Chart, OMB No. 0915–0367—Extension

Abstract: The Teaching Health Center Graduate Medical Education (THCGME) Program, Section 340H of the Public Health Service Act, was established by Section 5508 of Public Law 111–148. The Consolidated Appropriations Act, 2021 (Pub. L. 116–260) and the American Rescue Plan Act of 2021 (Pub. L. 117–2) provided continued funding for the THCGME Program. The THCGME Program awards payment for both direct and indirect expenses to support training for primary care residents in community-based ambulatory patient care settings. The THCGME Program Eligible Resident or Fellow full-time equivalent (FTE) Chart, published in the THCGME Notice of

Funding Opportunity (NOFO), is a means for determining the number of eligible resident or fellow FTEs in an applicant’s primary care residency program. The FTE Chart will continue to collect the number of resident or fellow FTEs from previous academic years and capture the number of resident or fellow FTEs requested within the NOFO application. There are no changes to the FTE chart itself.

A 60-day notice published in the **Federal Register** on May 28, 2025, vol. 90, No. 101; pp. 22495–96. HRSA received two public comments during the 60-day public comment period. Below is a summary of key themes raised in the comments and HRSA’s response:

- Commenters expressed strong support of HRSA’s use of the THCGME Eligible Resident-Fellow FTE Chart to collect data from Teaching Health Center (THC) applicants. They state that this data collection is crucial for ensuring accurate information needed on projected growth of community health center-based residency programs, enabling informed decisions about funding needs.

- Commenters encouraged HRSA to consider use of previous applicants’ FTE charts for ongoing data collection, to improve projections for future growth.

- Commenters leveraged the **Federal Register** Notice comment period as an opportunity to express support for program expansion.

HRSA directly responded to each stakeholder who submitted comments, acknowledging the considerations raised. HRSA recognizes and appreciates the amount of work that applicants put into completing the THCGME Eligible Resident-Fellow FTE chart. The average burden hours provided is based on our grant recipients’ responses. For items outside the scope of this notice, such as program expansion and other program policies, HRSA will take those comments into consideration for future policy development.

Need and Proposed Use of the Information: The THCGME Program

Eligible Resident or Fellow FTE Chart requires applicants to provide (a) data related to the size and/or growth of the residency program over previous academic years, (b) the number of residents enrolled in the program during the baseline academic year, and (c) a projection of the program’s proposed expansion over the next 5 academic years. It is imperative that applicants complete this chart to quantify the total supported residents. THCGME funding is used to support expanded numbers of residents in existing residency programs, to establish new residency training programs, or to maintain filled positions at existing residency training programs. Utilization of a chart to gather this important information has decreased the number of errors in the eligibility review process, resulting in a more accurate review and funding process. This ICR comports with the regulatory requirement imposed by 45 CFR 75.206(a), “[s]tandard application requirements, including forms for applying for [Department of Health and Human Services] financial assistance, and state plans.”

Likely Respondents: Teaching Health Centers applying for THCGME funding through a THCGME NOFO process, which may include new applicants and existing awardees.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
THCGME Program Eligible Resident or Fellow FTE Chart	90	1	90	1.25	112.50
Total	90	90	112.50

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2025–16732 Filed 8–29–25; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel PAR Panel: Academic-Industrial Partnerships for Translation of Technologies, October 09, 2025, 10:00 a.m. to October 09, 2025, 06:00 p.m., National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 which was published in the **Federal Register** on August 18, 2025, 90 FR 40074 Doc 2025–15607.

This meeting is being amended to change the meeting start date from October 9, 2025, to October 16, 2025. The meeting is closed to the public.

Dated: August 26, 2025.

Sterlyn H. Gibson,

Program Specialist, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–16711 Filed 8–29–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Skeletal Biology Development and Disease Study Section.

Date: October 2–3, 2025.

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Vanessa Dawn Sherk, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 801C, Bethesda, MD 20892, 301–594–3218, sherkv2@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–24: Review of S10 instrumentation applications.

Date: October 2, 2025.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Lee Warren Slice, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 1 Democracy Plaza, 6701 Democracy Blvd. Room 1068, Bethesda, MD 20892, slicelw@mail.nih.gov.

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Surgery, Anesthesiology and Trauma Study Section.

Date: October 8–9, 2025.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Weihua Luo, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5114, MSC 7854, Bethesda, MD 20892, 301–435–1170, luow@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Career Development Awards (Ks) in Epidemiology and Population Health Sciences.

Date: October 8–9, 2025.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Ananya Paria, DHSC, MPH, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1003F, Bethesda, MD 20892, 301–827–6513, pariaa@mail.nih.gov.

Name of Committee: Vascular and Hematology Integrated Review Group; Atherosclerosis and Vascular Inflammation Study Section.

Date: October 9–10, 2025.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Natalia Komissarova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5207, MSC 7846, Bethesda, MD 20892, 301–435–1206, kommisar@mail.nih.gov.

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Neuroscience of Basic Visual Processes Study Section.

Date: October 9–10, 2025.

Time: 10:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Kirk Thompson, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5184, MSC 7844, Bethesda, MD 20892, 301–435–1242, kgt@mail.nih.gov.

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Emerging Imaging Technologies and Applications Study Section.

Date: October 16–17, 2025.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Zheng Li, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–594–3385, zheng.li3@nih.gov.

Name of Committee: Infectious Diseases and Immunology A Integrated Review Group; Viral Pathogenesis and Immunity Study Section.

Date: October 16–17, 2025.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Neerja Kaushik-Basu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3198, MSC 7808, Bethesda, MD 20892, 301–435–1742, kaushikbasun@csr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: August 26, 2025.

Sterlyn H. Gibson,

Program Specialist, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–16712 Filed 8–29–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Current List of HHS-Certified Laboratories and Instrumented Initial Testing Facilities Which Meet Minimum Standards To Engage in Urine and Oral Fluid Drug Testing for Federal Agencies

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) provides notice of the laboratories and Instrumented Initial Testing Facilities (IITFs) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines) using Urine and the laboratories currently certified to meet the standards of the Mandatory Guidelines using Oral Fluid.

FOR FURTHER INFORMATION CONTACT: Anastasia Flanagan, Division of Workplace Programs, SAMHSA/CSAP, 5600 Fishers Lane, Room 16N06B, Rockville, Maryland 20857; 240–276–2600 (voice); Anastasia.Flanagan@samhsa.hhs.gov (email).

SUPPLEMENTARY INFORMATION: The Department of Health and Human Services (HHS) publishes a notice listing all HHS-certified laboratories and Instrumented Initial Testing Facilities (IITFs) in the **Federal Register** during the first week of each month, in accordance with Section 9.19 of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines) using Urine and Section 9.17 of the Mandatory Guidelines using Oral Fluid. If any laboratory or IITF certification is suspended or revoked, the laboratory or IITF will be omitted from subsequent lists until such time as it is restored to full certification under the Mandatory Guidelines.

If any laboratory or IITF has withdrawn from the HHS National Laboratory Certification Program (NLCP) during the past month, it will be listed at the end and will be omitted from the monthly listing thereafter.

This notice is also available on the internet at <https://www.samhsa.gov/workplace/drug-testing-resources/certified-lab-list>.

The Mandatory Guidelines using Urine were first published in the **Federal Register** on April 11, 1988 (53 FR 11970), and subsequently revised in the **Federal Register** on June 9, 1994 (59

FR 29908); September 30, 1997 (62 FR 51118); April 13, 2004 (69 FR 19644); November 25, 2008 (73 FR 71858); December 10, 2008 (73 FR 75122); April 30, 2010 (75 FR 22809); January 23, 2017 (82 FR 7920); and on October 12, 2023 (88 FR 70768).

The Mandatory Guidelines using Oral Fluid were first published in the **Federal Register** on October 25, 2019 (84 FR 57554) with an effective date of January 1, 2020, and subsequently revised in the **Federal Register** on October 12, 2023 (88 FR 70814).

The Mandatory Guidelines were initially developed in accordance with Executive Order 12564 and section 503 of Public Law 100–71 and allowed urine drug testing only. The Mandatory Guidelines using Urine have since been revised, and new Mandatory Guidelines allowing for oral fluid drug testing have been published. The Mandatory Guidelines require strict standards that laboratories and IITFs must meet in order to conduct drug and specimen validity tests on specimens for Federal agencies. HHS does not allow IITFs to conduct oral fluid testing.

To become certified, an applicant laboratory or IITF must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification, a laboratory or IITF must participate in a quarterly performance testing program plus undergo periodic, on-site inspections.

Laboratories and IITFs in the applicant stage of certification are not to be considered as meeting the minimum requirements described in the HHS Mandatory Guidelines using Urine and/or Oral Fluid. An HHS-certified laboratory or IITF must have its letter of certification from HHS/SAMHSA (formerly: HHS/NIDA), which attests that the test facility has met minimum standards.

HHS-Certified Laboratories Approved To Conduct Oral Fluid Drug Testing

In accordance with the Mandatory Guidelines using Oral Fluid effective October 10, 2023 (88 FR 70814), the following HHS-certified laboratories meet the minimum standards to conduct drug and specimen validity tests on oral fluid specimens:

At this time, there are no laboratories certified to conduct drug and specimen validity tests on oral fluid specimens.

HHS-Certified Instrumented Initial Testing Facilities Approved To Conduct Urine Drug Testing

In accordance with the Mandatory Guidelines using Urine effective February 1, 2024 (88 FR 70768), the following HHS-certified IITFs meet the

minimum standards to conduct drug and specimen validity tests on urine specimens:

Dynacare, 6628 50th Street NW, Edmonton, AB Canada T6B 2N7, 780–784–1190, (Formerly: Gamma-Dynacare Medical Laboratories), Note: *DOT does not allow IITFs to test DOT-regulated specimens.*

HHS-Certified Laboratories Approved To Conduct Urine Drug Testing

In accordance with the Mandatory Guidelines using Urine effective February 1, 2024 (88 FR 70768), the following HHS-certified laboratories meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

Alere Toxicology Services, 1111 Newton St., Gretna, LA 70053, 504–361–8989/800–433–3823, (Formerly: Kroll

Laboratory Specialists, Inc., Laboratory Specialists, Inc.)

Alere Toxicology Services, 450 Southlake Blvd., Richmond, VA 23236, 804–378–9130, (Formerly: Kroll Laboratory Specialists, Inc., Scientific Testing Laboratories, Inc.; Kroll Scientific Testing Laboratories, Inc.)

Clinical Reference Laboratory, Inc., 8433 Quivira Road, Lenexa, KS 66215–2802, 800–445–6917

Desert Tox, LLC, 5425 E Bell Rd, Suite 125, Scottsdale, AZ, 85254, 602–457–5411/623–748–5045

DrugScan, Inc., 200 Precision Road, Suite 200, Horsham, PA 19044, 800–235–4890

Dynacare, 245 Pall Mall Street, London, ONT, Canada N6A 1P4, 519–679–1630, (Formerly: Gamma-Dynacare Medical Laboratories)

ElSohly Laboratories, Inc., 5 Industrial Park Drive, Oxford, MS 38655, 662–236–2609

LabOne, Inc. d/b/a Quest Diagnostics, 10101 Renner Blvd., Lenexa, KS 66219, 913–888–3927/800–873–8845, (Formerly: Quest Diagnostics Incorporated; LabOne, Inc.; Center for Laboratory Services, a Division of LabOne, Inc.)

Laboratory Corporation of America Holdings, 7207 N. Gessner Road, Houston, TX 77040, 713–856–8288/800–800–2387

Laboratory Corporation of America Holdings, 69 First Ave., Raritan, NJ 08869, 908–526–2400/800–437–4986, (Formerly: Roche Biomedical Laboratories, Inc.)

Laboratory Corporation of America Holdings, 1904 TW Alexander Drive, Research Triangle Park, NC 27709, 919–572–6900/800–833–3984, (Formerly: LabCorp Occupational

Testing Services, Inc., CompuChem Laboratories, Inc.; CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory; Roche CompuChem Laboratories, Inc., A Member of the Roche Group) Laboratory Corporation of America Holdings, 1120 Main Street, Southaven, MS 38671, 866-827-8042/800-233-6339, (Formerly: LabCorp Occupational Testing Services, Inc.; MedExpress/National Laboratory Center)

MedTox Laboratories, Inc., 402 W. County Road D, St. Paul, MN 55112, 651-636-7466/800-832-3244

Minneapolis Veterans Affairs Medical Center, Forensic Toxicology Laboratory, 1 Veterans Drive, Minneapolis, MN 55417, 612-725-2088, Testing for Veterans Affairs (VA) Employees Only

Omega Laboratories, Inc., 2150 Dunwin Drive, Unit 1 & 2, Mississauga, ON, Canada L5L 5M8, 289-919-3188

Pacific Toxicology Laboratories, 9348 DeSoto Ave., Chatsworth, CA 91311, 800-328-6942, (Formerly: Centinela Hospital Airport Toxicology Laboratory)

Phamatech, Inc., 15175 Innovation Drive, San Diego, CA 92128, 888-635-5840

US Army Forensic Toxicology Drug Testing Laboratory, 2490 Wilson St., Fort George G. Meade, MD 20755-5235, 301-677-7085, Testing for Department of Defense (DoD) Employees Only

Anastasia D. Flanagan,

Public Health Advisor, Division of Workplace Programs.

[FR Doc. 2025-16797 Filed 8-29-25; 8:45 am]

BILLING CODE 4160-20-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[OMB Control Number 1651-0033]

Agency Information Collection Activities; Extension; Bonded Warehouse Proprietor's Submission (Form 300)

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

ACTION: 60-Day notice and request for comments.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection (CBP) will be submitting the

following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted (no later than November 3, 2025) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651-0033 in the subject line and the agency name. Please submit written comments and/or suggestions in English. Please use the following method to submit comments:
Email. Submit comments to: *CBP_PRA@cbp.dhs.gov*.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229-1177, Telephone number 202-325-0056 or via email *CBP_PRA@cbp.dhs.gov*. Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877-227-5511, (TTY) 1-800-877-8339, or CBP website at *https://www.cbp.gov/*.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to

respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Bonded Warehouse Proprietor's Submission (Form 300).

OMB Number: 1651-0033.

Form Number: 300.

Current Actions: Extension without change.

Type of Review: Extension (without change).

Affected Public: Businesses.

Abstract: CBP Form 300, *The Bonded Warehouse Proprietor's Submission*, is prepared annually by each warehouse proprietor, as mandated under 19 CFR 19.12 (g). The information on CBP Form 300 is used by CBP to evaluate warehouse activity for the year. This form must be completed within 45 days from the end of his business year, pursuant to the provisions of the Tariff Act of 1930, as amended, 19 U.S.C. 66, 1311, 1555, 1556, 1557, 1623 and 19 CFR 19.12. The information collected on this form helps CBP determine all bonded merchandise that was entered, released, and manipulated in the warehouse. CBP Form 300 is accessible at: *https://www.cbp.gov/document/forms/form-300-bonded-warehouse-proprietors-submission*.

This information is collected from members of the trade community who are familiar with CBP policies and regulations.

Type of Information Collection: Form 300.

Estimated Number of Respondents: 1,800.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 1,800.

Estimated Time per Response: 10 hours.

Estimated Total Annual Burden Hours: 18,000.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2025-16791 Filed 8-29-25; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Notice of Implementation of the President's Executive Order 14324, Suspending Duty-Free *De Minimis* Treatment for All Countries

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

ACTION: Notice.

SUMMARY: In order to effectuate the President's Executive Order 14324 of July 30, 2025 (Suspending Duty-Free *De Minimis* Treatment For All Countries), the Secretary of Homeland Security has determined that appropriate action is needed to ensure collection of applicable duties as well as to modify the Harmonized Tariff Schedule of the United States (HTSUS) as set out in the Annex to this notice. Executive Order 14324 suspends the duty-free *de minimis* exemption otherwise authorized under section 321(a)(2)(C) of the Tariff Act of 1930, as amended, for all covered products, regardless of country of origin, valued at \$800 or less, and requires such articles, except articles that are sent to the United States through the international postal network, to be entered using an appropriate entry type in the Automated Commercial Environment (ACE) by a party qualified to make entry. Executive Order 14324 also establishes a new duty rate for covered products that are sent to the United States through the international postal network.

DATES: Except for articles sent to the United States through the international postal network, as set out in the Annex to this document, the amendments outlined herein are effective for articles that are entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on August 29, 2025. For articles sent to the United States through the international postal network, the duties set out in the Annex to this document are effective for such covered articles that are entered for consumption on or after 12:01 a.m. eastern daylight time on August 29, 2025.

FOR FURTHER INFORMATION CONTACT: Brandon Lord, Executive Director, Trade Policy and Programs, Office of Trade, U.S. Customs and Border Protection, (202) 325-6432 or by email at traderemedy@cbp.dhs.gov. C. Shane Campbell, Acting Executive Director, Cargo and Conveyance Security, Office of Field Operations, U.S. Customs and

Border Protection, (202) 344-3401 or by email at traderemedy@cbp.dhs.gov.

SUPPLEMENTARY INFORMATION: In Executive Order 14193 of February 1, 2025 (Imposing Duties To Address the Flow of Illicit Drugs Across Our Northern Border), the President declared a national emergency regarding the unusual and extraordinary threat to the safety and security of Americans, including the public health crisis caused by fentanyl and other illicit drugs and the failure of Canada to do more to arrest, seize, detain, or otherwise intercept drug trafficking organizations, other drug and human traffickers, criminals at large, and illicit drugs. In that order, the President determined that it was necessary and appropriate to, among other things, suspend duty-free *de minimis* treatment under 19 U.S.C. 1321(a)(2)(C) for articles described in section 2(a) and section 2(b) of that order. In Executive Order 14226 of March 2, 2025 (Amendment to Duties To Address the Flow of Illicit Drugs Across Our Northern Border), the President paused the suspension of duty-free *de minimis* treatment on such articles until the President received a notification from the Secretary of Commerce that adequate systems are in place to fully and expeditiously process and collect duties for such articles that would otherwise be eligible for duty-free *de minimis* treatment.

In Executive Order 14194 of February 1, 2025 (Imposing Duties To Address the Situation at Our Southern Border), the President declared a national emergency regarding the unusual and extraordinary threat to the safety and security of Americans, including the public health crisis caused by fentanyl and other illicit drugs and the failure of Mexico to do more to arrest, seize, detain, or otherwise intercept drug trafficking organizations, other drug and human traffickers, criminals at large, and illicit drugs. In that order, the President determined that it was necessary and appropriate to, among other things, suspend duty-free *de minimis* treatment under 19 U.S.C. 1321(a)(2)(C) for articles described in section 2(a) of that order. In Executive Order 14227 of March 2, 2025 (Amendment to Duties To Address the Situation at Our Southern Border), the President paused the suspension of duty-free *de minimis* treatment on such articles until the President received a notification from the Secretary of Commerce that adequate systems are in place to fully and expeditiously process and collect duties for such articles that would otherwise be eligible for duty-free *de minimis* treatment.

In Executive Order 14195 of February 1, 2025 (Imposing Duties To Address the Synthetic Opioid Supply Chain in the People's Republic of China), the President declared a national emergency regarding the unusual and extraordinary threat from the failure of the Government of the People's Republic of China (PRC) to arrest, seize, detain, or otherwise intercept chemical precursor suppliers, money launderers, other transnational criminal organizations, criminals at large, and illicit drugs. In that order, the President determined that it was necessary and appropriate to, among other things, suspend duty-free *de minimis* treatment under 19 U.S.C. 1321(a)(2)(C) for articles described in section 2(a) of that order. In Executive Order 14200 of February 5, 2025 (Amendment to Duties Addressing the Synthetic Opioid Supply Chain in the People's Republic of China), the President paused the suspension of duty-free *de minimis* treatment for articles described in section 2(a) of Executive Order 14195 until the President received a notification from the Secretary of Commerce that adequate systems are in place to fully and expeditiously process and collect duties for such articles that would otherwise be eligible for duty-free *de minimis* treatment.

The President subsequently received notification from the Secretary of Commerce that adequate systems have been established to process and collect duties for articles of the PRC and Hong Kong that would otherwise be eligible for duty-free *de minimis* treatment, and in Executive Order 14256 of April 2, 2025 (Further Amendment to Duties Addressing the Synthetic Opioid Supply Chain in the People's Republic of China as Applied to Low-Value Imports), the President suspended duty-free *de minimis* treatment under 19 U.S.C. 1321(a)(2)(C) for products of the PRC and Hong Kong described in section 2(a) of Executive Order 14195, as amended by Executive Order 14228 (Further Amendment to Duties Addressing the Synthetic Opioid Supply Chain in the People's Republic of China). In addition, the President instructed the Secretary of Commerce to submit a report regarding the impact of Executive Order 14256 on American industries, consumers, and supply chains and to make recommendations for further action as he deems necessary.

In Executive Order 14257 of April 2, 2025 (Regulating Imports With a Reciprocal Tariff To Rectify Trade Practices That Contribute to Large and Persistent Annual United States Goods Trade Deficits), the President declared a national emergency with respect to

underlying conditions indicated by the large and persistent annual U.S. goods trade deficits. The President also provided that duty-free *de minimis* treatment under 19 U.S.C. 1321(a)(2)(C) would remain available for products described in section 3(a) of that order until the President received a notification by the Secretary of Commerce that adequate systems are in place to fully and expeditiously process and collect duties applicable for articles otherwise eligible for duty-free *de minimis* treatment.

The Secretary of Commerce has notified the President that adequate systems are now in place to fully and expeditiously process and collect duties for articles otherwise eligible for duty-free *de minimis* treatment on a global basis, including for products described in section 2(a) and section 2(b) of Executive Order 14193, section 2(a) of Executive Order 14194, and section 3(a) of Executive Order 14257.

As stated in Executive Order 14324 of July 30, 2025 (Suspending Duty-Free *De Minimis* Treatment For All Countries), the President determined that it is still necessary and appropriate to suspend duty-free *de minimis* treatment under 19 U.S.C. 1321(a)(2)(C) in the manner and for the articles described below to deal with the unusual and extraordinary threats, which have their source in whole or substantial part outside the United States, to the national security, foreign policy, and economy of the United States.

The President determined that it is necessary and appropriate to suspend duty-free *de minimis* treatment under 19 U.S.C. 1321(a)(2)(C) for certain Canadian goods to deal with the emergency declared in Executive Order 14193, as amended.

Independently, the President determined that it is necessary and appropriate to suspend duty-free *de minimis* treatment under 19 U.S.C. 1321(a)(2)(C) for certain Mexican goods to deal with the emergency declared in Executive Order 14194, as amended.

Independently, and after considering information newly provided by the Secretary of Commerce, among other things, the President determined that it is still necessary and appropriate to continue to suspend duty-free *de minimis* treatment under 19 U.S.C. 1321(a)(2)(C) for certain goods of the PRC and Hong Kong to deal with the emergency declared in Executive Order 14195, as amended.

Also independently, the President determined that it is necessary and appropriate to suspend duty-free *de minimis* treatment under 19 U.S.C. 1321(a)(2)(C) on a global basis to deal

with the emergency declared in Executive Order 14257, as amended.

A. Suspension of Duty-Free *De Minimis* Treatment

Consistent with Executive Order 14324, the duty-free *de minimis* exemption provided under 19 U.S.C. 1321(a)(2)(C) shall no longer apply to any shipment of articles not covered by 50 U.S.C. 1702(b), regardless of value, country of origin, mode of transportation, or method of entry, that is entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on August 29, 2025. Accordingly, all such shipments, except those sent through the international postal network, shall be subject to all applicable duties, taxes, fees, exactions, and charges. Entry for all such shipments, except for shipments sent through the international postal network, shall be filed using an appropriate entry type in the Automated Commercial Environment (ACE) by a party qualified to make such entry in accordance with applicable regulations.¹ All applicable duties must be paid in accordance with the applicable entry and payment procedures. Shipments valued at or under \$800 that would otherwise be ineligible for the *de minimis* exemption, such as shipments of merchandise subject to antidumping or countervailing duties or quota, must continue to be entered under an appropriate entry type in ACE consistent with all applicable requirements.

Pursuant to Executive Order 14324, effective 12:01 a.m. eastern daylight time on August 29, 2025, shipments sent through the international postal network not covered by 50 U.S.C. 1702(b) that would otherwise qualify for the *de minimis* exemption under 19 U.S.C. 1321(a)(2)(C) shall pass free of any duties except those duties specified in section 3 of Executive Order 14324, and without the preparation of an entry by U.S. Customs and Border Protection (CBP), until such time as CBP establishes a new entry process and publishes that process in the **Federal Register**. Such international postal shipments shall be subject to one of the following two duty rates as elected by the carrier:

1. *Ad valorem Duty*: An *ad valorem* duty equal to the total effective tariff rate under the International Emergency Economic Powers Act (IEEPA), termed the “effective

¹ An alternative entry process may be appropriate for articles eligible for duty exemptions which are not affected by Executive Order 14324.

IEEPA tariff rate,”² that is applicable to the country of origin of the product and assessed on the value of each dutiable postal item (package) containing goods entered for consumption.

2. *Specific Duty*: A specific duty assessed on each package containing goods entered for consumption, based on the effective IEEPA tariff rate applicable to the country of origin of the product as follows:

- (i) Countries with an effective IEEPA tariff rate of less than 16 percent: \$80 per item;
- (ii) Countries with an effective IEEPA tariff rate between 16 and 25 percent (inclusive): \$160 per item; and
- (iii) Countries with an effective IEEPA tariff rate above 25 percent: \$200 per item.

The Secretary of Homeland Security has determined that appropriate action is needed to modify the HTSUS as set out in the Annex to this notice to implement the duty rates established by Executive Order 14324. Moreover, pursuant to section 3(d) of that order, for all international postal shipments subject to the *ad valorem* or specific duty, the article’s country of origin must be declared to CBP.

All carriers delivering shipments to the United States through the international postal network, or other parties if qualified in lieu of such carriers, that are approved by CBP, must collect and remit to CBP either the *ad valorem* or the specific duty. CBP will provide separate guidance on the requirements applicable to such qualified parties, including the definition of a “qualified party.” Carriers, or such other qualified parties, must apply the same duty collection methodology for all covered shipments, but may change their duty collection methodology once a month or on such other periodic time frame as CBP determines is appropriate, upon providing 24 hours advance notice to CBP. Carriers, or such other qualified parties, must remit to CBP the duties collected pursuant to sections 3(b) and 3(c) of Executive Order 14324 on a monthly basis or on such other periodic time frame as CBP determines is appropriate. CBP will provide separate guidance instructing carriers and other qualified parties on how to remit payments. The specific duty will be available for carriers and other qualified

² Pursuant to section 5 of Executive Order 14324, the term “effective IEEPA tariff rate” means the total duty rate imposed on articles to address a national emergency declared under IEEPA, including Executive Order 14257, as amended; Executive Order 14193, as amended; Executive Order 14194, as amended; and Executive Order 14195, as amended, in accordance with the stacking rules set out in Executive Order 14289 of April 29, 2025 (Addressing Certain Tariffs on Imported Articles), and any subsequent order or proclamation addressing stacking or the applicability of tariffs imposed under IEEPA.

parties to select for a period of 6 months from the August 29, 2025 effective date of Executive Order 14324. After such time, all covered shipments to the United States through the international postal network must comply with the *ad valorem* duty.

Executive Order 14324 supersedes section 2 of Executive Order 14256, as amended, with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on August 29, 2025. Accordingly, the provisions of this **Federal Register** notice supersede those found at 90 FR 17608 (Apr. 28, 2025) with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on August 29, 2025. Section 2 of Executive Order 14256, as amended, and the provisions of the **Federal Register** notice found at 90 FR 17608 (Apr. 28, 2025), will remain in effect with respect to covered goods entered for consumption, or withdrawn from warehouse for consumption, before 12:01 a.m. eastern daylight time on August 29, 2025.

Shipments sent through the international postal network that would not otherwise qualify for the *de minimis* exemption under 19 U.S.C. 1321(a)(2)(C) shall continue to utilize an appropriate informal (19 CFR 145.12(b))³ or formal (19 CFR 145.12(a)) entry type.

B. Bonding Requirements

Pursuant to section 4(d) of Executive Order 14324, any carrier that transports international postal shipments to the United States, by any mode of transportation, must have an international carrier bond (19 CFR 113.64) to ensure that the duties are remitted in accordance with sections 3(b) and 3(c) of Executive Order 14324. CBP is authorized to ensure that the international carrier bond is sufficient to account for the duties the carrier is obligated to remit. CBP will monitor compliance as to accurate classification and valuation, as part of ensuring fulfillment of all requirements applicable to informally entered merchandise—to include the proper presentation of informal entries for physical exam.

As authorized by section 4(d) of Executive Order 14324, CBP may

³ The informal entry process detailed in 19 CFR 145.12(b) is only applicable to articles which are not covered by Executive Order 14324, meaning products that would not otherwise have been eligible for the *de minimis* exemption under 19 U.S.C. 1321(a)(2)(C) or products listed in 50 U.S.C. 1702(b). This informal entry process is not applicable to any covered products which are sent to the United States through the international postal network.

require a basic importation and entry bond (19 CFR 113.62) for informal entries valued at \$2,500 or less to ensure remittance of duties in accordance with this order, and to assure compliance with other legal requirements. CBP will require a basic importation and entry bond for qualified parties who collect and remit duties to CBP for shipments sent through the international postal network. Such qualified parties will accept liability for payment of said duties and CBP may pursue collection against the qualified party's bond in instances where duties are not remitted to CBP in accordance with sections 3(b) and 3(c) of Executive Order 14324. Qualified parties are also expected to comply with all other applicable requirements as determined by CBP. CBP is authorized to ensure that the requisite bond is sufficient to account for the duties the qualified party remits.

C. Formal Entry May Be Required

For all shipments of articles subject to Executive Order 14324, CBP may require formal entry in accordance with existing regulations (19 CFR 143.22 and 145.12(a)(1)). An international postal package for which CBP requires formal entry will not be subject to the duty rates in sections 3(b) and 3(c) of Executive Order 14324 and instead will be subject to all applicable duties, taxes, and fees in accordance with all applicable laws.

D. Suspension of Regulations

All CBP regulatory provisions that are not consistent with, or that otherwise impede CBP's ability to effectuate, the directives in Executive Order 14324 implemented in this notice, are temporarily suspended or amended, as applicable, pursuant to the authorization in Executive Order 14324 permitting CBP to take all necessary actions to effectuate the objectives of that order. The regulations that are hereby temporarily suspended, until further notice, pursuant to this authorization, include, but may not be limited to: 19 CFR 145.12(b) (pertaining to CBP's preparation of informal mail entry for products covered by Executive Order 14324); 19 CFR 145.31 (pertaining to mail importations not over \$800 in value); the parenthetical exception clause in 19 CFR 143.21(a) (pertaining to articles valued in excess of \$250 classified in Chapter 99, Subchapters III and IV, HTSUS); and any provision of CBP regulations, other than with respect to mail, that permits filers to file entries with CBP, for articles valued at or under \$800 and that would otherwise qualify for the *de minimis* exemption

authorized in 19 U.S.C. 1321(a)(2)(C), other than through ACE.

E. Status of ACE Entry Type 86 Test

Pursuant to section 4(c) of Executive Order 14324 directing the Secretary of Homeland Security to take all necessary actions to implement and effectuate that order, type 86 entries may no longer be utilized.

F. Articles Covered by 50 U.S.C. 1702(b)

Pursuant to section 2(a) of Executive Order 14324, the *de minimis* exemption otherwise authorized under 19 U.S.C. 1321(a)(2)(C) shall not apply to any shipment of articles except those covered by 50 U.S.C. 1702(b). Articles covered by 50 U.S.C. 1702(b) are certain donations, informational materials, and accompanying baggage as described in the applicable statutory provisions. Of these articles, only certain donations and informational materials are within the scope of 19 U.S.C. 1321(a)(2)(C).⁴ The *de minimis* exemption shall continue to apply to such donations and informational materials in accordance with section 2(a) of Executive Order 14324 and the HTSUS modifications as set forth in the Annex to this document. Such articles may only be accorded duty-free treatment under the *de minimis* exemption if entered through the "release from manifest" process pursuant to 19 CFR 143.23(j)(3) or 19 CFR 128.24(e), as applicable. CBP will verify compliance with all applicable requirements to enforce Executive Order 14324.

Kristi Noem,

Secretary of Homeland Security.

Annex

To Modify Chapter 99 of the Harmonized Tariff Schedule of the United States

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on August 29, 2025, subchapter III of chapter 99 of the HTSUS is modified:

1. by modifying U.S. note 2(w) by deleting the last paragraph.
2. by inserting the following new subdivision (y) to U.S. Note 2 in numerical sequence:

"Products of all countries are not eligible for the administrative exemption from duty and certain taxes at 19 U.S.C. 1321(a)(2)(C),

⁴ A separate duty exemption is authorized under 19 U.S.C. 1321(a)(2)(B) for "articles accompanying, and for the personal or household use of, persons arriving in the United States who are not entitled to any exemption from duty under subheading 9804.00.30, 9804.00.65, or 9804.00.70 of [the HTSUS]," which is not affected by Executive Order 14324 of July 30, 2025, whereas the *de minimis* exemption authorized under 19 U.S.C. 1321(a)(2)(B) is for "any other case."

known as the “*de minimis*” exemption, except for the following: products that are donations, by persons subject to the jurisdiction of the United States, such as food, clothing, and medicine, intended to be used to relieve human suffering, except to the extent that the President determines that such donations (A) would seriously impair his ability to deal with any national emergency declared under 19 U.S.C. 1701, (B) are in response to coercion against the proposed recipient or donor, or (C) would endanger Armed Forces of the United States which are engaged in hostilities or are in a situation where imminent involvement in hostilities is clearly indicated by the circumstances; and, products that are informational materials, including but not limited to, publications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, compact disks, CDROMs, artworks, and news wire feeds.

Products shipped through the international postal network that are valued at or under \$800 and that would otherwise qualify for the *de minimis* exemption authorized at 19 U.S.C. 1321(a)(2)(C) shall be subject to either an *ad valorem* or specific duty based on the total duty rate imposed on the article to address a national emergency declared under the International Emergency Economic Powers Act (IEEPA)—termed the “effective IEEPA tariff rate.” The *ad valorem* duty is equal to the effective IEEPA tariff rate applicable to the country of origin of the product and shall be assessed on the value of each dutiable postal item (package) containing goods. The specific duty is based on the effective IEEPA tariff rate applicable to the country of origin of the product: (i) products of countries with an effective IEEPA tariff rate of less than 16 percent: \$80 per item; (ii) products of countries with an effective IEEPA tariff rate between 16 and 25 percent (inclusive): \$160 per item; (iii) products of countries with an effective IEEPA rate above 25 percent: \$200 per item. The specific duty will cease to be effective for products entered for consumption on or after 12:01 a.m. eastern daylight time on February 28, 2026, at which time only the *ad valorem* will be applicable.”

[FR Doc. 2025–16802 Filed 8–28–25; 4:15 pm]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[OMB Control Number 1651–0131]

Agency Information Collection Activities; Extension; e-Allegations Submission

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

ACTION: 60-Day notice and request for comments.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border

Protection (CBP) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted (no later than November 3, 2025) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0131 in the subject line and the agency name. Please submit written comments and/or suggestions in English. Please use the following method to submit comments:

Email. Submit comments to: CBP_PRA@cbp.dhs.gov.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email CBP_PRA@cbp.dhs.gov. Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at <https://www.cbp.gov/>.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to

respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: e-Allegations Submission.

OMB Number: 1651–0131.

Form Number: N/A.

Current Actions: Extension without change.

Type of Review: Extension without change.

Affected Public: Businesses.

Abstract: The information collected through the EAPA allegation submissions portal, the Case Management System (CMS) (also known as the EAPA portal), includes the following: filer category, name of individual filing the allegation and their contact information, the name and address of the company they represent, and their interested party designation; information related to the alleged evasion scheme, including type of products, type of scheme and antidumping (AD)/countervailing duty (CVD) Order information; the name and address of the company engaging in the alleged evasion scheme; and various certifications regarding the truthfulness of the allegation and how notifications about how the information will be used during the investigation. Additionally, CBP requests information to include alleged and violating importer email and phone number, optional representing attorney contact information, and the type of violation and the corresponding details. Interested parties will upload documents with the appropriate confidentiality status (*e.g.*, business confidential (BC) version, public version, or public document).

New users will need to create an account with their name and email address before accessing the EAPA portal, filing allegations, uploading documents for cases to which they are assigned to participate, and communicating with EAPA staff.

Previously Approved Revisions: Collection of information for an EAPA investigation is authorized by the Tariff Act of 1930, as amended (19 U.S.C. 1517), Section 421 of the TFTEA (Pub. L. 114–125, Feb. 24, 2016), and 19 CFR 165. The EAPA portal is accessed through the e-Allegations website at: <https://eallegations.cbp.gov/Home/Index2>.

The EAPA Allegation form has been modified from the original version to provide clarifying information which validates that the allegation qualifies as an EAPA allegation. Additions to the form include alleged name and phone number and the alleged violating importer's email and phone number, the contact information for the representing attorney contact information which was an optional data element, and a requirement to select the type of violation and provide the corresponding details. The updated form also requires users to upload at least one document to the allegation submission and select a document category in addition to the existing classification for confidentiality status. Users will have the option to select additional categories including document date and if a document has been served after upload. Harmonized Tariff Schedule product categories and questions that would make an allegation non-qualifying for an EAPA allegation have been removed and replaced by system validations or additional instructions.

In July 2023, the U.S. Court of Appeals for the Federal Circuit mandated that CBP implement a mechanism called an Administrative Protective Order (APO), providing authorized representatives of parties to the investigation access business confidential (BC) information on the administrative record in EAPA investigations, administrative reviews, and court remands subject to the APO.

To comply with court's mandate, CBP collects additional information related to the new APO process that grants authorized persons access to BC information in an EAPA investigation, administrative review, or court remand.

Specifically, U.S.-licensed attorneys, or other individuals and personnel employed and/or retained by and working under the direction and supervision of a U.S.-licensed attorney, need to provide the following additional information, not previously collected:

(1) a written request to view BC information;

(2) the names of all individuals, U.S.-licensed attorneys, and personnel and other individuals working under the direct control of U.S.-licensed attorneys, who will have access to the BC information;

(3) the bar license number(s) and relevant United States jurisdiction(s) for the responsible U.S.-licensed attorneys who access or who oversee personnel accessing the BC information;

(4) certifications that the individuals viewing the BC information do not, and will not, have any decision-making authority or official business

relationship with the party they are representing in the EAPA proceeding or competitors of the party submitting BC information;

(5) certifications agreeing to protect and not disclose any BC information to unauthorized persons;

(6) certifications to only use the BC information for the specific EAPA proceeding for which access is approved;

(7) certifications that the statements they are providing are true and accurate; and

(8) certifications that the authorized representatives have destroyed all BC information received under the APO within 45 business days after the final disposition of the EAPA proceeding, including any related judicial proceeding.

CBP published a Final Rule March 18th, 2024, establishing the APO implementation, formally announcing the EAPA Portal, and, as of the effective date of the Final Rule, allegeders, including Federal Agencies, can withdraw an allegation request for an investigation via the EAPA Portal.

Type of Information Collection: e-Allegations.

Estimated Number of Respondents: 1,088.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 1,088.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 272.

Type of Information Collection: EAPA Allegations.

Estimated Number of Respondents: 149.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 149.

Estimated Time per Response: 12 minutes.

Estimated Total Annual Burden Hours: 30.

Type of Information Collection: EAPA Portal Account Creation.

Estimated Number of Respondents: 250.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 250.

Estimated Time per Response: 3 minutes.

Estimated Total Annual Burden Hours: 13.

Type of Information Collection: EAPA APO Information.

Estimated Number of Respondents: 100.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 100.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 17.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2025-16790 Filed 8-29-25; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7092-N 28; OMB Control No.: 2577-0178]

30-Day Notice of Proposed Information Collection: Family Self-Sufficiency

AGENCY: Office of Policy Development and Research, Chief Data Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comments from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date:* October 2, 2025.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT: Anna Guido, PRA Compliance Officer, Paperwork Reduction Act Division, PRAD, Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington, DC 20410; email at PaperworkReductionActOffice@hud.gov, ATTN: Anna Guido, telephone (202) 402-5535. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://>

www.fcc.gov/consumers/guides/telecommunications-relay-service-trs. Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A. The **Federal Register** notice

that solicited public comment on the information collection for a period of 60 days was published on September 23, 2024 at 89 FR 77537.

A. Overview of Information Collection

Title of Information Collection: Family Self-Sufficiency.
OMB Approval Number: 2577-0178.
Type of Request: Reinstatement with changes.

Form Number: HUD Form—52650, HUD Form—52651, HUD Form—52651-B, HUD Form—52651-C, HUD Form—52653.

Description of the need for the information and proposed use: This collection includes application, implementation and reporting for the Family Self-Sufficiency program.

Information collection	Number of responses	Responses per year	Total annual responses	Hours per response	Total hours	Cost per hour	Annual cost
Application							
SF-424—Application for Federal Assistance* OMB Number: 4040-0004	1,000	1	1,000	0	0	0	0
HUD-424-B—Applicant and Recipient Assurances and Certifications* OMB Number 2510-0017	1,000	* 1	1,000	0	0	0	0
SF-LLL—Disclosure of Lobbying Activities* OMB Number: 4040-0013	40	* 1	40	0	0	0	0
Applicant, Recipient, Disclosure, Update HUD Form -2880* OMB Number: 2501-0044	1,000	* 1	1,000	0	0	0	0
Program Narrative	1,000	1	1,000	10	10,000	\$45.14	\$ 451,400.00
FSS Application HUD-52651	1,000	1	1,000	0.5	500	45.14	22,570.00
Notice of Award and Terms & Conditions** (AKA Grant Agreement)	1,000	1	1,000	0	0	0	0
Implementation							
FSS Action Plan-New Grantees (if grants to new entities are made)	200	1	200	10	2,000	45.14	90,280.00
Contract of Participation HUD-52650	1,000	25	25,000	1	25,000	45.14	1,128,500.00
Cooperative Agreements	250	1	250	2	500	45.14	22,570.00
Reporting							
FSS Annual Survey HUD-52651-C	1,000	1	1,000	1	1,000	45.14	45,140
Form HUD-50058—Family Report (standard, MTW and MTW-expansion) OMB No. 2577-0083	800	100	80,000	0	0	0	0
FSS Monitoring Review Self-Assessment Checklist HUD-52651-B	800	0.2	160	2	320	45.14	14,444.80
PBRA FSS Reporting Tool HUD-52653	200	1	200	1	200	45.14	9,028.00
SF-425 Federal Financial Report* OMB No. 4040-0014	1,000	1	1,000	0	0	0	0
Total	5,450	31.2	28,810	27.5	39,520	1,782,932.80

Burden hours for forms showing zero burden hours in this collection are reflected in the OMB approval number cited or do not have a reportable burden. Additionally, numbers with an asterisk (*) next to them are not calculated in the total estimate displayed in the last row in the above table because they are captured in a different information collection. HUD-1044, Award/Amendment is completed by HUD staff, signed by the recipient of the grant, and returned to HUD. This form is a certification, and HUD ascribes no burden to its use.

The total annual burden of this collection is expected to be 39,520 hours. The total estimated annual cost for this information collection is \$1,782,932.80.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

- (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 2 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Anna Guido,

Department PRA Compliance Officer, Office of Policy Development and Research, Chief Data Officer.

[FR Doc. 2025-16792 Filed 8-29-25; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7092–N 27; OMB Control No.: 2502–0608]

30-Day Notice of Proposed Information Collection: Project Rental Assistance Program of Section 811 Supportive Housing for Persons With Disabilities

AGENCY: Office of Policy Development and Research, Chief Data Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comments from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 30 days of public comment.

DATES: Comments Due Date: October 2, 2025.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/

PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Anna Guido, PRA Compliance Officer, Paperwork Reduction Act Division, PRAD, Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington, DC 20410; email at PaperworkReductionActOffice@hud.gov, ATTN: Anna Guido, telephone (202) 402–5535. This is not a toll-free number. HUD welcomes and is prepared to receive calls om individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A. The **Federal Register** notice that solicited public comment on the

information collection for a period of 60 days was published on September 23, 2024 at 89 FR 77537.

A. Overview of Information Collection

Title of Information Collection:

Project Rental Assistance Program of Section 811 Supportive Housing for Persons with Disabilities.

OMB Approval Number: 2502–0608.

Type of Request: Reinstatement with changes.

Form Number: HUD Form–92239–PRA, SF–LLL, HUD Form–2880, SF–424, HUD Form 92243–PRA, HUD Form–93205–PRA, Quarterly Reports, Annual Reports, HUD Form–92236–PRA–811, HUD Form–92238–PRA, HUD Form–92235–PRA, HUD Form–92237–PRA, HUD Form–92240–PRA, HUD Form–92241–PRA.

Description of the need for the information and proposed use: The collection of this information is necessary to the Department to assist HUD in determining applicant eligibility and capacity to award and administer the HUD PRA funds within statutory and program criteria. A thorough evaluation of an applicant’s submission is necessary to protect the Government’s financial interest.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
HUD–92235—Part I of the Rental Assistance Contract (PRA)	150	1	150	1	150	43.28	6,492
HUD–92237—Part II of the Rental Assistance Contract (PRA)	150	1	150	1	150	43.28	6,492
HUD–92238—PRA, Use Agreement	150	1	150	2	300	43.28	12,984
HUD–92239—Grant Application Detailed Budget	100	4	400	1	400	43.28	17,312
HUD–92240—PRA, Agreement to Enter Into Rental Assistance contract	150	1	150	1	150	43.28	6,492
HUD–93205–811 PRA Cooperative Agreement	50	1	50	1	50	43.28	2,164
Form SFLLL—Disclosure of Lobbying Activities	26	1	26	0	0	0	0
Form HUD 2880 Applicant/Recipient Disclosure/Update Report	26	1	26	0	0	0	0
Form SF424—Application for Federal Assistance	26	1	26	0	0	0	0
Form HUD 92243—PRA-Affirmative Fair Housing Marketing Plan (AFHMP)	26	1	26	1	26	43.28	1,125
Form HUD–92236–PRA–811 Project Rental Assistance Lease Supportive Housing for Persons with Disabilities	1,250	1	1,250	0	0	0	0
Totals	2,104	14	2,404	8	1,226	43.28	53,061

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency’s estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

(Authority: Section 2 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.)

Anna Guido,

Department PRA Compliance Officer, Office of Policy Development and Research, Chief Data Officer.

[FR Doc. 2025–16765 Filed 8–29–25; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service**

[Docket No. FWS-R4-ES-2025-0043;
FXES11140400000-256-FF04EA4000]

Receipt of Incidental Take Permit Applications and Proposed Habitat Conservation Plans for the Alabama Beach Mouse; Baldwin County, AL; Categorical Exclusion

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the Fish and Wildlife Service (Service), announce receipt of four separate applications from each of the following applicants for an incidental take permit (ITP) under the Endangered Species Act (ESA): Lindsey and Associates, LLC; Seahaven Farms, LLC; Emmer Holdings, LLC; and Greg Smith (applicant/applicants). Each applicant requests an ITP to take the federally listed Alabama beach mouse incidental to the construction of single-family homes in Baldwin County, Alabama. We request public comment on the applications, which include each applicants' proposed habitat conservation plans (HCPs) and on the Service's preliminary determination that the proposed permitting actions may be eligible for a categorical exclusion pursuant to the National Environmental Policy Act (NEPA), the Department of Interior's (DOI) NEPA regulations, and the DOI Departmental Manual (DM). To make these preliminary determinations, we prepared a draft screening form and NEPA statement for each application, which are available for public review. We invite comment from the public and local, State, Tribal, and Federal agencies.

DATES: We must receive your written comments on or before October 2, 2025.

ADDRESSES:

Obtaining Documents: The documents this notice announces, as well as any comments and other materials that we receive, will be available for public inspection online in Docket No. FWS-R4-ES-2025-0043 at <https://www.regulations.gov>.

Submitting Comments: If you wish to submit comments on any document, you may do so in writing by one of the following methods:

- *Online:* <https://www.regulations.gov>

Follow the instructions for submitting comments on Docket No. FWS-R4-ES-2025-0043.

- *U.S. Mail:* Public Comments Processing, Attn: Docket No. FWS-R4-

ES-2025-0043; U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041-3803.

FOR FURTHER INFORMATION CONTACT:

William Lynn, by U.S. mail (see **ADDRESSES**), by telephone at 251-538-2065, or via email at william_lynn@fws.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: We, the Fish and Wildlife Service (Service), announce receipt of an application from each of the following applicants for an ITP under the Endangered Species Act, as amended (ESA; 16 U.S.C. 1531 *et seq.*): Emmer Holdings, LLC; Lindsey and Associates, LLC; Seahaven Farms, LLC; and Greg Smith (applicant/applicants). Each applicant requests an ITP to take the federally listed endangered Alabama beach mouse (ABM; *Peromyscus polionotus ammobates*) incidental to the construction, maintenance, and operation of single-family homes in Baldwin County, Alabama. We request public comment on each of the applications, which include each applicant's HCP, and on the Service's preliminary determinations that the proposed ITPs may qualify for a categorical exclusion pursuant to NEPA, DOI's NEPA regulations and the DOI DM (516 DM 8.5(C)(2)). To make these preliminary determinations, we prepared a draft screening form and NEPA statement for each HCP, both of which are available for public review.

Proposed Projects

Emmer Holdings, LLC requests a 50-year ITP to take ABM via the conversion of 0.104 acres (ac) of occupied nesting, foraging, and sheltering habitat incidental to the construction of a single-family home on a 1.27-ac parcel located at 23726 Perdido Beach Boulevard, Orange Beach, Alabama. The applicant proposes to mitigate for the take of ABM through an in-lieu fee of \$10,402.90 to the City of Orange Beach's Dune Enhancement Fund.

Seahaven Farms, LLC requests a 50-year ITP to take ABM via the conversion of approximately 0.101-ac incidental to construction of a single-family home on a 1.17-ac lot. The parcel is located 23666 Perdido Beach Boulevard in Orange Beach, Alabama. The applicant proposes to mitigate for the take of ABM

through an in-lieu fee of \$10,382.20 to the City of Orange Beach's Dune Enhancement Fund.

Lindsey and Associates, LLC requests a 50-year ITP to take ABM through the conversion of approximately 0.144 ac in the construction of a single-family home on a 1.36-ac lot. The parcel is located 23666 Perdido Beach Boulevard in Orange Beach, Alabama. The applicant proposes to mitigate for the take of ABM through an in-lieu fee of \$14,416.40 to the City of Orange Beach's Dune Enhancement Fund.

Greg Smith requests a 50-year ITP to take ABM via the conversion of approximately 0.57 ac of occupied nesting, foraging, and sheltering habitat incidental to the construction of two single family homes on a 1.21-ac parcel located at 309 East Beach Boulevard, Gulf Shores, Alabama. The applicant proposes to mitigate for take through offsite management of 1.24 ac of ABM habitat owned by the City of Gulf Shores. Management will be funded by a contribution to the City of Gulf Shores Dune Enhancement Fund at a rate of \$350 per unit (\$700 annually) for the life of the permit, totaling \$35,000.

Our Preliminary Determination

The Service has made a preliminary determination that reasonably foreseeable effects of each applicant's proposed project, including the construction of the residential development and associated infrastructure, would have a minor effect on Alabama beach mice and the human environment, and no extraordinary circumstances in 43 CFR 46.215 apply. Reasonably foreseeable effects encompass effects of implementation of the action including effects of the action in addition to other past, present, and reasonably foreseeable future effects. Therefore, we have preliminarily determined that the proposed ESA section 10(a)(1)(B) permits would be a low-effect ITP that may qualify for application of a categorical exclusion (516 DM 8.5(C)(2)), pursuant to NEPA (42 U.S.C. 4321 *et seq.*), the DOI's NEPA regulations (43 CFR part 46), and the DOI DM. A low-effect ITP is one that would result in (1) negligible or minor effects on species covered in the HCP; (2) no significant effects on the human environment; and (3) reasonably foreseeable effects that would not result in significant cumulative effects to the human environment.

Next Steps

The Service will evaluate each application and the applicable comments to determine whether to issue

the requested ITP. We will also conduct an intra-Service consultation pursuant to section 7 of the ESA to evaluate the effects of the proposed take. After considering the preceding and other matters, we will determine whether the permit issuance criteria of section 10(a)(1)(B) of the ESA have been met as to each application. If met, the Service will issue ITP number PER 18797693 to Emmer Holdings, LLC.; ITP number PER 18809553 to Lindsey and Associates, LLC.; ITP number PER 18810361 to Seahaven Farms, LLC; and ITP number PER 17904462 to Greg Smith.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, be aware that your entire comment, including your personal identifying information, may be made available to the public. If you submit a comment at <https://www.regulations.gov>, your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, such as your address, phone number, or email address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

The Service provides this notice under section 10(c) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.32), NEPA (42 U.S.C. 4321 *et seq.*), as amended, and the DOI's implementing regulations (43 CFR part 46).

William J. Pearson,

Field Supervisor, Alabama Ecological Service Field Office.

[FR Doc. 2025-16770 Filed 8-29-25; 8:45 am]

BILLING CODE 4333-15-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS-R4-ES-2025-0112; FXES11140400000-256-FF04EF4000]

Receipt of Incidental Take Permit Application and Proposed Habitat Conservation Plan for the Sand Skink and Blue-Tailed Mole Skink, Polk County, FL; Categorical Exclusion

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the Fish and Wildlife Service (Service), announce receipt of an application from Nola Land Company, Inc. (E.R. Jahna Haines City Sand Mine) (applicant) for an incidental take permit (ITP) under the Endangered Species Act. The applicant requests the ITP to take the federally listed sand skink and blue-tailed mole skink (skinks) incidental to the construction and operation of a sand mine expansion in Polk County, Florida. We request public comment on the application, which includes the applicant's proposed habitat conservation plan (HCP), and on the Service's preliminary determination that the proposed permitting action may be eligible for a categorical exclusion pursuant to the National Environmental Policy Act (NEPA), the Department of the Interior's (DOI) NEPA regulations, and the DOI Departmental Manual. To make this preliminary determination, we prepared a draft screening form and NEPA statement for HCPs, which is available for public review. We invite comment from the public and local, State, Tribal, and Federal agencies.

DATES: We must receive your written comments on or before October 2, 2025.

ADDRESSES:

Obtaining Documents: The document this notice announces, as well as any comments and other materials that we receive, will be available for public inspection online in Docket No. FWS-R4-ES-2025-0112; at <https://www.regulations.gov>.

Submitting Comments: If you wish to submit comments on any of the documents, you may do so in writing by one of the following methods:

- **Online:** <https://www.regulations.gov>. Follow the instructions for submitting comments on Docket No. FWS-R4-ES-2025-0112;
- **U.S. mail:** Public Comments Processing, Attn: Docket No. FWS-R4-ES-2025-0112; U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041-3803.

FOR FURTHER INFORMATION CONTACT: Erin Gawera, by U.S. mail (see **ADDRESSES**), by telephone on 904-404-2464 or via email at erin_gawera@fws.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: We, the Fish and Wildlife Service, announce receipt of an application from Nola Land Company, Inc. (E.R. Jahna Haines City Sand Mine) (applicant) for an ITP under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The applicant requests the ITP to take federally listed sand skinks (*Neopseps (=Plestiodon) reynoldsi*) and blue-tailed mole skinks (*Eumeces egregius lividus*) (skinks) incidental to the construction and operation of a sand mine expansion in Polk County, Florida.

We request public comment on the application, which includes the applicant's HCP, and on the Service's preliminary determination that this proposed ITP may qualify for a categorical exclusion pursuant to NEPA (42 U.S.C. 4321 *et seq.*), DOI's NEPA regulations (43 CFR part 46), and the DOI's Departmental Manual (516 DM 8.5(C)(2)). To make this preliminary determination, we prepared a draft screening form and NEPA statement for HCPs, both of which are available for public review.

Proposed Project

The applicant requests a 10-year ITP to take skinks via the conversion of approximately 0.92 acres (ac) of occupied nesting, foraging, and sheltering skink habitat incidental to the construction and operation of a sand mine expansion on 359.14-ac on parcel #s 27-28-01-000000-013010, 27-28-01-000000-013020, 27-27-36-000000-042010, 27-27-36-000000-041030, 27-27-36-000000-043040, 27-27-36-000000-043010, 27-27-36-000000-043030, 27-27-36-000000-043060, 27-27-36-000000-041020, 27-27-36-000000-041010, 27-27-36-000000-041060, 27-27-36-000000-041050, 27-27-36-000000-032010, 27-27-36-000000-034210, 27-27-36-000000-033040 & 27-27-25-000000-044010 in Sections 1, 25, 36 of Township 27 South, Range 27 East, Polk County, Florida. The applicant proposes to mitigate for take of the skinks by purchasing credits equivalent to 1.84 ac

of skink-occupied habitat within a Service-approved conservation bank. The Service would require the applicant to purchase the credits prior to engaging in any phase of the project.

Our Preliminary Determination

The Service has made a preliminary determination that reasonably foreseeable effects of the applicant's proposed project, including the construction of the mine and associated clearing, would have a minor effect on the skinks and the human environment. Therefore, no extraordinary circumstances in 43 CFR 46.215 apply. Reasonably foreseeable effects encompass effects of implementation of the action including effects of the action in addition to other past, present, and reasonably foreseeable future effects.

Therefore, we have preliminarily determined that the proposed ESA section 10(a)(1)(B) permit would be a low-effect ITP that may qualify for application of a categorical exclusion (516 DM 8.5(C)(2)) pursuant to NEPA, the DOI's NEPA regulations, and the DOI Departmental Manual. A low-effect ITP is one that would result in (1) negligible or minor individual or cumulative effects on species covered in the HCP; (2) no significant effect on the human environment; and (3) reasonably foreseeable effects that would not result in significant effects to the human environment.

Next Steps

The Service will evaluate the application and the comments to determine whether to issue the requested permit. We will also conduct an intra-Service consultation pursuant to section 7 of the ESA to evaluate the effects of the proposed take. After considering the preceding and other matters, we will determine whether the permit issuance criteria of section 10(a)(1)(B) of the ESA have been met. If met, the Service will issue ITP number PER14867408 to Nola Land Company, Inc. (E.R. Jahna Haines City Sand Mine).

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, be aware that your entire comment, including your personal identifying information, may be made available to the public. If you submit a comment at <https://www.regulations.gov>, your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, such

as your address, phone number, or email address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses and from individuals identifying themselves as representatives or officials of organizations or businesses will be made available for public disclosure in their entirety.

Authority

The Service provides this notice under section 10(c) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.32), NEPA (42 U.S.C. 4321 *et seq.*), and DOI's implementing regulations (43 CFR part 46).

José J. Rivera,

Acting Manager, Division of Environmental Review, Florida Ecological Services Field Office, U.S. Fish and Wildlife Service.

[FR Doc. 2025-16687 Filed 8-29-25; 8:45 am]

BILLING CODE 4333-15-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS-R4-ES-2024-0210; FXES11140400000-256-FF04EF4000]

Receipt of Incidental Take Permit Application and Proposed Habitat Conservation Plan for the Sand Skink; Orange County, FL; Categorical Exclusion

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments and information.

SUMMARY: We, the Fish and Wildlife Service (Service), announce receipt of an application from Waste Management (Pine Ridge Recycling & Disposal Facility) (applicant) for an incidental take permit (ITP) under the Endangered Species Act (ESA). The applicant requests the ITP to take the federally listed sand skink incidental to the construction of an expansion of the existing Pine Ridge Recycling & Disposal Facility in Orange County, Florida. We request public comment on the applicant's proposed habitat conservation plan (HCP) and on the Service's preliminary determination that the proposed permitting action may be eligible for a categorical exclusion pursuant to the National Environmental Policy Act (NEPA), the Department of Interior's (DOI) NEPA regulations, and the DOI Departmental Manual (DM). To

make this preliminary determination, we prepared a draft screening form and NEPA statement for HCPs, which is available for public review. We invite comment from the public and local, State, Tribal, and Federal agencies.

DATES: We must receive your written comments on or before October 2, 2025.

ADDRESSES:

Obtaining Documents: You may obtain copies of the documents online in Docket No. FWS-R4-ES-2024-0210; at <https://www.regulations.gov>.

Submitting Comments: If you wish to submit comments on any of the documents, you may do so in writing by one of the following methods:

- **Online:** <https://www.regulations.gov>. Follow the instructions for submitting comments on Docket No. FWS-R4-ES-2024-0210;
- **U.S. mail:** Public Comments Processing, Attn: Docket No. FWS-R4-ES-2024-0210; U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041-3803.

FOR FURTHER INFORMATION CONTACT: Erin Gawera, Florida Ecological Services Field Office, by telephone at 904-404-2464 or via email at erin_gawera@fws.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: We, the Fish and Wildlife Service (Service), announce receipt of an application from Waste Management (Pine Ridge Recycling & Disposal Facility) (applicant) for an ITP under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The applicant requests the ITP to take federally listed sand skinks (*Neoseps (=Plestiodon) reynoldsi*) (skink) incidental to the construction and operation of the expansion of the existing Pine Ridge Recycling & Disposal Facility in Orange County, Florida. We request public comment on the application, which includes the applicant's HCP, and on the Service's preliminary determination that this proposed ITP may qualify for a categorical exclusion pursuant to NEPA (42 U.S.C. 4321 *et seq.*), the DOI's NEPA regulations (43 CFR part 46), and the DOI's Departmental Manual DM (516 DM 8.5(C)(2)). To make this preliminary determination, we prepared a draft screening form and NEPA statement for

HCPs, both of which are available for public review.

Proposed Project

The applicant requests a 15-year ITP to take skinks via the conversion of approximately 12.52 acres (ac) of occupied nesting, foraging, and sheltering skink habitat incidental to the construction and operation of an expansion of the existing Pine Ridge Recycling & Disposal Facility on 56.8-ac, Parcel #s 18–23–27–0000–00–002 and 06–23–27–4292–06–080 in Section 18, Township 23 South, Range 27 East, Orange County, Florida. The applicant proposes to mitigate for take of the skinks by purchasing credits equivalent to 25.04 ac of skink-occupied habitat within the Lake Livingston Conservation Bank or another Service-approved conservation bank. The Service would require the applicant to purchase the credits prior to engaging in any phase of the project.

Our Preliminary Determination

The Service has made a preliminary determination that reasonably foreseeable effects of the applicant's proposed project, including the construction and expansion of the existing facility, would have a minor effect on the skink and the human environment, and no extraordinary circumstances in 43 CFR 46.215 apply. Reasonably foreseeable effects encompass effects of implementation of the action including effects of the action in addition to other past, present, and reasonably foreseeable future effects.

Therefore, we have preliminarily determined that the proposed ESA section 10(a)(1)(B) permit would be a low-effect ITP that may qualify for an application of a categorical exclusion (516 DM 8.5(C)(2)), pursuant to NEPA, the DOI's NEPA regulations, and the DOI DM. A low-effect ITP is one that would result in (1) negligible or minor effects on species covered in the HCP; (2) no significant effect on the human environment; and (3) reasonably foreseeable effects that would not result in significant effects to the human environment.

Next Steps

The Service will evaluate the application and the comments to determine whether to issue the requested permit. We will also conduct an intra-Service consultation pursuant to section 7 of the ESA to evaluate the effects of the proposed take. After considering the preceding and other matters, we will determine whether the permit issuance criteria of section 10(a)(1)(B) of the ESA have been met. If

met, the Service will issue ITP number PER14094861 to Waste Management (Pine Ridge Recycling & Disposal Facility).

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, be aware that your entire comment, including your personal identifying information, may be made available to the public. If you submit a comment at <https://www.regulations.gov>, your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, such as your address, phone number, or email address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

The Service provides this notice under section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.32), NEPA (42 U.S.C. 4321 *et seq.*), as amended, and the DOI's implementing regulations (43 CFR part 46).

José J. Rivera,

*Manager, Division of Environmental Review,
Florida Ecological Services Field Office.*

[FR Doc. 2025–16730 Filed 8–29–25; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[256A2100DD/AAKC001030/
A0A501010.000000]

Notice of Public Meeting of the Advisory Board for Exceptional Children

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of public meeting.

SUMMARY: The Bureau of Indian Education (BIE) is announcing that the Advisory Board for Exceptional Children will hold a two-day in-person and online meeting. The purpose of the meeting is to meet the mandates of the

Individuals with Disabilities Education Act of 2004 (IDEA) for Indian children with disabilities.

DATES: The BIE Advisory Board meeting will be held Thursday, September 25, 2025, from 8:00 a.m. to 4:00 p.m., Eastern Daylight Time (EDT) and Friday, September 26, 2025, from 8:00 a.m. to 2:00 p.m., EDT.

ADDRESSES: The onsite meeting location will be at the U.S. Department of the Interior, 1849 C Street NW, Washington, DC 20240. To attend virtually, participants may use this link to register: https://www.zoomgov.com/meeting/register/oZH1F0KHR_G6rEMDp6TjoA. Attendees register once and can attend one or both meeting events. After registering, you will receive a confirmation email containing information about joining the meeting.

Public comments can be emailed to the DFO at Jennifer.davis@bie.edu; or faxed to (602) 265–0293 Attention: Jennifer Davis, DFO; or mailed or hand delivered to the Bureau of Indian Education, Attention: Jennifer Davis, DFO, 2600 N Central Ave., 12th Floor, Suite 250, Phoenix, AZ 85004.

FOR FURTHER INFORMATION CONTACT: Jennifer Davis, Designated Federal Officer, Bureau of Indian Education, 2600 N Central Ave., 12th Floor, Suite 250, Phoenix, AZ 85004, Jennifer.Davis@bie.edu, or mobile phone (202) 860–7845.

SUPPLEMENTARY INFORMATION: In accordance with the Federal Advisory Committee Act (5 U.S.C. 10), the BIE is announcing the Advisory Board will hold its next meeting in-person and online. The Advisory Board was established under the Individuals with Disabilities Act of 2004 (20 U.S.C. 1400 *et seq.*) to advise the Secretary of the Interior, through the Assistant Secretary—Indian Affairs, on the needs of Indian children with disabilities. All meetings, including virtual sessions, are open to the public in their entirety.

Meeting Agenda Items

The following agenda items will be for the September 25, 2025, and September 26, 2025, meeting.

- Bureau of Indian Education (BIE) Central Office—Updates and Changes.
- The BIE's Special Education Program—Updates and Changes.
- Panel Discussion with current BIE funded School Superintendents, Administrators, and Principals—focusing on how their work aligns with the needs of native students with disabilities. Provides an overview of work, current challenges, recent achievements, and recommendations regarding students with disabilities.

- Office of Special Education Programs (OSEP) Funded Technical Assistance Centers (Part D)—focusing on how their work aligns with the needs of native students with disabilities. Provides an overview of their work, current challenges, recent achievements, recommendations regarding students with disabilities, and major changes have occurred that affect the work and partnerships.

- BIE Education Specialists (special education) representing Bureau Operated Schools and Tribally Controlled Schools—focusing on how their work aligns with the needs of native students with disabilities. Provides an overview of their work, current challenges, recent achievements, and recommendations regarding students with disabilities.

- *Advisory Board Work Session:* finalize the FY 2024 annual report; address the next meeting logistics; discuss next steps; provide recommendations for future projects or meetings; wrap-up important decisions; discuss outstanding tasks; and share working folders with board members for future meetings.

- Public Commenting Sessions will be provided during the Open Dialogue sessions and Board Work sessions, Thursday, September 25, 2025, and Friday, September 26, 2025.

- Public comments can be provided verbally via webinar or in writing using the chat box.

- Public comments can also be emailed to the DFO at Jennifer.Davis@bie.edu; or faxed to (602) 265–0293. Attention: Jennifer Davis, DFO; or mailed or hand delivered to the Bureau of Indian Education, Attention: Jennifer Davis, DFO, 2600 N Central Ave. 12th Floor, Suite 250, Phoenix, Arizona 85004.

Request for Accommodations: Please make requests in advance for sign language interpreter services, assistive listening devices, or other reasonable accommodations. Please contact the person listed in the section **FOR FURTHER INFORMATION CONTACT** at least seven (7) business days prior to the meeting to give the Department of the Interior sufficient time to process your request. All reasonable accommodation requests are managed on a case-by-case basis.

Public Disclosure of Comments: 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.

(Authority: 5 U.S.C. Ch. 10)

Scott J. Davis,

Senior Advisor to the Secretary of the Interior, Exercising the delegated authority of the Assistant Secretary—Indian Affairs.

[FR Doc. 2025–16710 Filed 8–29–25; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[OMB Control Number 1076–0180; 256A2100DD/AAKP300000/A0A501010.000000]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Leasing of Osage Reservation Lands for Oil and Gas Mining

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Affairs (BIA), are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before October 2, 2025.

ADDRESSES: Submit written comments and recommendations for the proposed information collection request (ICR) to the Office of Information and Regulatory Affairs (OIRA) through https://www.reginfo.gov/public/do/PRA/ICRPublicCommentRequest?ref_nbr=202507-1076-001 or by visiting <https://www.reginfo.gov/public/do/PRAMain> and selecting “Currently under Review—Open for Public Comments” and then scrolling down to the “Department of the Interior.”

FOR FURTHER INFORMATION CONTACT: Steven Mullen, Information Collection Clearance Officer, Office of Regulatory Affairs and Collaborative Action—Indian Affairs, U.S. Department of the Interior, 1001 Indian School Road NW, Suite 229, Albuquerque, New Mexico 87104; comments@bia.gov; (202) 924–2650. 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. You may also view the ICR at <https://www.reginfo.gov/public/>

Forward?SearchTarget=PRA&textfield=1076-0180.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public’s reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period on this collection of information was published on January 13, 2023 (88 FR 2430). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

- (1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;
- (2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;
- (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and
- (4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: In 1906, Congress passed “An Act for the division of the lands

and funds of the Osage Indians in Oklahoma Territory, and for other purposes,” providing for allotment of the Osage Nation’s lands. See Act of June 28, 1906, Public Law 59–321, 34 Stat. 539, as amended (1906 Act). Section 3 of the 1906 Act severed the surface estate from the subsurface mineral estate (Osage Mineral Estate) and reserved all oil, gas, coal, and other minerals to the Osage Nation. Thus, the United States holds the Osage Mineral Estate in trust for the benefit of the Osage Nation. The 1906 Act authorizes the Osage Nation to lease the Osage Mineral Estate for oil and gas mining, subject to the approval of the Secretary of the Interior and under such rules and regulations as he may prescribe.

The regulations governing such leasing are set forth in 25 CFR part 226. The information collections in 25 CFR part 226 specify what information lessees, operators, and others must provide to the BIA regarding leasing, exploration, development, and production. These information collections are necessary for the BIA to administer leasing of the Osage Mineral Estate, collect and account for royalty revenues, and ensure the protection of resource values.

Title of Collection: “Leasing of Osage Reservation Lands for Oil and Gas Mining” (25 CFR part 226).

OMB Control Number: 1076–0180.

Form Number: Form A, Form B, Form C, Form D, Form E, Form F, Form H, Form G, Form 101, Form 101–A, Form 133, Form 139, Form 157, Form 208, Form 229, Form 300, Form SWD Easement, Form Modification of Oil/Gas Mining Lease, Form List of Corporate Officers, Form Tank Bottom Oil Report, Form Assignment of Liability, Form Lease Status Report, Form Spill Reporting and Remediation, Form APD EA Questionnaire, Form Osage Mineral Reserve Trucking Permit.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals, businesses, and Tribal authorities.

Total Estimated Number of Annual Respondents: 1,001.

Total Estimated Number of Annual Responses: 48,539.

Estimated Completion Time per Response: Varies from 15 minutes to eight hours.

Total Estimated Number of Annual Burden Hours: 22,731.

Respondent’s Obligation: Required to obtain or retain a benefit.

Frequency of Collection: Varies from yearly to monthly.

Total Estimated Annual Nonhour Burden Cost: \$4,535.

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.

Authority: The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Scott J. Davis,

Senior Advisor to the Secretary of the Interior, Exercising the delegated authority of the Assistant Secretary—Indian Affairs.

[FR Doc. 2025–16713 Filed 8–29–25; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Docket No. BIA–2022–0005; OMB Control Number 1076–0161; 256A2100DD/AAPK300000/A0A501010.000000]

Agency Information Collection Activities; Tribal Transportation Program

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Indian Affairs (BIA) is proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before November 3, 2025.

ADDRESSES: To submit comments, please visit <https://www.regulations.gov/docket/BIA-2022-0005> or use the search field on <https://www.regulations.gov> to find the “BIA–2022–0005” docket. Please follow the instructions on *Regulations.gov* for submitting a comment; and reference the “OMB Control Number 1076–0161” within your comment submission. You may also mail comments to Indian Affairs, RACA, 1001 Indian School Road NW, Suite 229, Albuquerque, NM 87104.

FOR FURTHER INFORMATION CONTACT: Steven Mullen, Information Collection Clearance Officer, Office of Regulatory Affairs and Collaborative Action—Indian Affairs, U.S. Department of the Interior, 1001 Indian School Road NW, Suite 229, Albuquerque, New Mexico 87104; comments@bia.gov; (202) 208–5403. 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. You may also view the ICR at <https://www.reginfo.gov/public/Forward?SearchTarget=PRA&textfield=1076-0161>.

www.reginfo.gov/public/Forward?SearchTarget=PRA&textfield=1076-0161.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501) 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.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. We are especially interested in public comment addressing the following:

- (1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;
- (2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;
- (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and
- (4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The information submitted by Tribes allows them to participate in planning the development of transportation needs in their area; the information provides data for administration, documenting plans, and

for oversight of the program by the Department. Some of the information such as the providing inventory updates (25 CFR 170.444), the development of a long-range transportation plan (25 CFR 170.411 and 170.412), the development of a Tribal transportation improvement program (25 CFR 170.421), and annual report (25 CFR 170.420) are mandatory to determine how funds will be allocated to implement the Tribal Transportation Program.

Title of Collection: Tribal Transportation Program, 25 CFR part 170.

OMB Control Number: 1076–0161.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Federally recognized Indian Tribes.

Total Estimated Number of Annual Respondents: 281 on average.

Total Estimated Number of Annual Responses: 1,504 on average.

Estimated Completion Time per Response: Varies from 0.5 hours to 40 hours.

Total Estimated Number of Annual Burden Hours: 20,928 hours.

Respondent's Obligation: Some of the information, such as public hearing requirements, is necessary for public notification and involvement (25 CFR 170.437 and 170.438), while other information, such as a request for exception from design standards (25 CFR 170.456), is voluntary.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: \$0.

Authority

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).

Scott J. Davis,

Senior Advisor to the Secretary of the Interior, Exercising the delegated authority of the Assistant Secretary—Indian Affairs.

[FR Doc. 2025–16708 Filed 8–29–25; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Docket No. BIA–2022–0005; OMB Control Number 1076–0167; 256A2100DD/AAKP300000/A0A501010.000000]

Agency Information Collection Activities; Tribal Energy Resource Agreements

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Assistant Secretary—Indian Affairs (AS–IA) is proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before November 3, 2025.

ADDRESSES: To submit comments, please visit <https://www.regulations.gov/docket/BIA-2022-0005> or use the search field on <https://www.regulations.gov> to find the “BIA–2022–0005” docket. Please follow the instructions on [Regulations.gov](https://www.regulations.gov) for submitting a comment; and reference the “OMB Control Number 1076–0167” within your comment submission. You may also mail comments to Indian Affairs, RACA, 1001 Indian School Road NW, Suite 229, Albuquerque, NM 87104.

FOR FURTHER INFORMATION CONTACT: Steven Mullen, Information Collection Clearance Officer, Office of Regulatory Affairs and Collaborative Action—Indian Affairs, U.S. Department of the Interior, 1001 Indian School Road NW, Suite 229, Albuquerque, New Mexico 87104; comments@bia.gov; (202) 208–5403. 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. You may also view the ICR at <https://www.reginfo.gov/public/Forward?SearchTarget=PRA&textfield=1076-0167>.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501) 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.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Submission of this information is required for federally recognized Indian Tribes to apply for, implement, reassume, or rescind a Tribal Energy Resource Agreement (TERA) under 25 U.S.C. 3501 *et seq.*, and 25 CFR part 224. This collection also requires the Tribe to notify the public of certain actions and allows a petition from the public, to be submitted to Interior, to inform of possible noncompliance with a TERA.

Title of Collection: Tribal Energy Resource Agreements, 25 CFR part 224.

OMB Control Number: 1076–0167.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Federally recognized Indian Tribes and the public.

Total Estimated Number of Annual Respondents: 1 on average (each year).

Total Estimated Number of Annual Responses: 11 on average (each year).
Estimated Completion Time per Response: Varies from 32 hours to 432 hours.

Total Estimated Number of Annual Burden Hours: 2,960 hours.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: \$18,100.

Authority

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).

Scott J. Davis,

Senior Advisor to the Secretary of the Interior, Exercising the delegated authority of the Assistant Secretary—Indian Affairs.

[FR Doc. 2025–16709 Filed 8–29–25; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[A2407–014–004–065516; #O2412–014–004–047181.1; LLHQ210000]

Notice of Adoption of Categorical Exclusions Under Section 109 of the National Environmental Policy Act

AGENCY: Office of the Secretary, Interior.

ACTION: Notice.

SUMMARY: Under section 109 of the National Environmental Policy Act (NEPA), the Department of the Interior (Department) notifies the public about and documents the Bureau of Land Management's (BLM) adoption of 2 Department of the Navy (DON), 1 Department of Homeland Security (DHS), 1 U.S. Army Corps of Engineers (USACE), 28 Department of Energy (DOE), 1 Bureau of Indian Affairs (BIA), 1 Bureau of Reclamation (BOR), 8 National Park Service (NPS), 1 U.S. Fish and Wildlife Service (FWS), 5 U.S. Geological Survey (USGS), 1 Federal Highway Administration (FHWA), 4 Tennessee Valley Authority (TVA), 1 Animal and Plant Health Inspection Service (APHIS), 1 Farm Service Agency (FSA), 9 U.S. Forest Service (USFS), and 1 Rural Utility Service (RUS) categorical exclusions (CXs) for activities involving forest management, wildlife management, fire management, wild horse and burro management, recreation, minerals, realty, resource protection, and emergency management.

In accordance with section 109, this notice identifies the types of actions for which the BLM will rely on the CXs, the considerations that the BLM will use in determining the applicability of the CXs, and the consultation between agencies on the use of the CXs, including application of extraordinary circumstances.

DATES: The BLM's adoption of the CXs described in this notice is effective September 2, 2025.

FOR FURTHER INFORMATION CONTACT:

Amelia Savage, Senior Planning and Environmental Analyst, Division of Support, Planning and NEPA, alsavage@blm.gov, telephone (480) 307–8665.

SUPPLEMENTARY INFORMATION:

Background

Programs Background

1. Recreation

The BLM's Recreation Program supports and delivers a wide variety of recreational experiences, including, but not limited to, camping, hunting, fishing, hiking, horseback riding, off-highway vehicle driving, mountain biking, bird watching, and various winter sports. The program manages over 4,000 recreation sites and associated facilities, in addition to over 400 fee sites with standard and expanded amenities. An estimated 82 million visitors enjoy outdoor recreation on the BLM-managed public lands every year. The Recreation Program also supports the BLM's Travel and Transportation Management Program, which includes trails, roads, primitive roads, and associated parking lots and trail heads. The BLM's Recreation Program is similar to those managed by the USFS and the TVA. The BLM, USFS, and TVA recreation programs manage similar types of facilities, including roads, trails, parking areas, trailheads, picnic areas, viewpoints, campgrounds, and boat launch sites, and all three programs manage organized and commercial recreation activities through specific authorization and permit processes.

2. Minerals

The BLM's Energy and Minerals Programs manage the development of Federal minerals, including, but not limited to, oil and gas, coal, gold, copper, geothermal resources, and sand and gravel. The BLM seeks to find innovative methods to benefit the public by supporting local economies and providing dependable sources of domestic energy and minerals. Development of these energy and

mineral resources economically benefit the Nation and the states and also provide sources of royalty revenue. The BLM manages the Federal Government's onshore subsurface mineral estate—about 700 million acres (30 percent of the United States)—for the benefit of the American public consistent with the Mineral Leasing Act of 1920, as amended, and other applicable statutes, including the Mineral Leasing Act for Acquired Lands, the Mining Law of 1872, the Geothermal Steam Act, and the Materials Act of 1947. It also regulates operations that develop Indian minerals.

3. Forest Management

The BLM manages close to 58 million acres of forest and woodlands across 12 Western States and Alaska. BLM forests are managed for sustained yield timber production under the Oregon and California Railroad Grant Lands Act of 1937 and the Federal Land Policy and Management Act of 1976 (FLPMA) for the 2.4 million acres in western Oregon, and under the multiple-use and sustained-yield principles of FLPMA for the balance of public lands. The BLM manages forests to maintain healthy forest ecosystems that provide ecosystem services such as clean water, fish and wildlife habitats, economic opportunities from recreational use, and the harvest of forest products. A significant management issue in many forest types is overly dense conditions that are susceptible to high-severity wildfire, insect epidemics, and sensitivity to drought. Thinning treatments to reduce crown fire potential have been proven effective at preventing the loss of forest while also maintaining key ecosystem and habitat components.

4. Wild Horse and Burro

The BLM manages and protects wild horses and burros on 26.9 million acres of public lands across 10 Western States under the Wild and Free-Roaming Horses and Burros Act of 1971 and as part of its mission to administer public lands for a variety of uses. The Wild Horse and Burro Program's goal is to manage healthy wild horses and burros on healthy public rangelands. This includes reducing overpopulation on rangelands through a variety of methods such as direct removal and fertility treatments. After being removed from the range, animals are adopted, sold, or placed into off-range pastures and corrals.

5. Wildlife

The BLM's Wildlife Program manages wildlife habitat to help ensure self-

sustaining, abundant, and diverse populations of wildlife on public lands. In order to provide for the long-term conservation of wildlife resources, the BLM supports numerous habitat maintenance and restoration activities. BLM-managed lands are vital to thousands of mammal, reptile, avian, and amphibian species. Managing more wildlife habitat than any other Federal agency, the BLM's wildlife program helps ensure self-sustaining populations and a natural abundance and diversity of wildlife on public lands. Overall, the BLM manages habitat for more than 3,000 species of wildlife dispersed over some of the Nation's most ecologically diverse and unique habitats. In order to provide for the long-term protection of wildlife resources, the BLM supports numerous habitat conservation activities, many funded through partnerships with Federal, state, and nongovernmental organizations.

6. Fire Management

The BLM conducts a broad range of actions to protect the public, natural landscapes, wildlife habitat, recreational areas, and other values and resources. The primary goals of the BLM's Fire Management Program are to create resilient landscapes, fire adapted communities, and safe and effective wildfire response. These goals are accomplished by implementing strategies to minimize the impact of wildfires on communities, infrastructure, and resources; actively managing vegetation, including invasive species, to lower the threat of wildfires; and establishing lines of defense to improve the safety and the success of fire suppression efforts.

7. Rights-of-Way (ROW)

The BLM Lands and Realty Program processes applications for ROW or other land use authorizations that facilitate commercial, non-commercial, recreational, and other activities to ensure that the public lands are working landscapes managed for the use and enjoyment of current and future generations, including for communication sites, transmission lines, fiber optic infrastructure, and energy.

8. Resource Protection

The BLM's Wildlife and Cultural Heritage Programs manage wildlife habitat to help ensure self-sustaining, abundant, and diverse populations of wildlife on public and Tribal lands. These resources are important ensuring that current and future generations of American Indian and Alaska Native communities retain the ability to

connect to their natural and cultural heritage.

9. Emergency Stabilization

The BLM takes planned and emergency actions to stabilize and prevent degradation to natural and cultural resources, to minimize threats to life and property resulting from the effects of fire and other emergencies, or to repair, replace, or construct physical improvements necessary to prevent degradation of land or resources.

National Environmental Policy Act (NEPA) and Categorical Exclusions (CXs)

NEPA, as amended, 42 U.S.C. 4321–4347, requires all Federal agencies to consider the potential environmental impact of their proposed actions before deciding whether and how to proceed in taking any major Federal action significantly affecting the quality of the human environment. 42 U.S.C. 4321, 4332. NEPA's aims are to ensure that agencies consider the potential environmental effects of their proposed actions in their decision-making processes and inform and involve the public in that process. 42 U.S.C. 4331.

Under NEPA, a Federal agency can establish CXs—categories of actions that normally do not have a significant effect on the human environment and therefore do not require preparation of an environmental assessment (EA) or an environmental impact statement (EIS). 42 U.S.C. 4336e(1). These CXs are listed in an agency's NEPA implementation procedures. In accordance with that agency's NEPA procedures, if the agency determines that a CX covers a proposed action, it then evaluates the proposed action to determine whether any extraordinary circumstances are present that indicate the normally excluded action may have a significant effect. If no extraordinary circumstances are present, the agency may apply the CX to the proposed action without preparing an EA or EIS. 42 U.S.C. 4336(a)(2).

Section 109 of NEPA, enacted as part of the Fiscal Responsibility Act of 2023, allows a Federal agency to “adopt” another agency's CX for a category of proposed agency actions. 42 U.S.C. 4336c. To adopt another agency's CX under section 109, the adopting agency must identify the relevant CX listed in another agency's (“establishing agency”) NEPA procedures that cover the adopting agency's category of proposed actions or related actions; consult with the establishing agency to ensure that the proposed adoption of the CX for the relevant category of actions is appropriate; identify to the public the

CX that the adopting agency plans to use for its proposed actions; and document adoption of the CX. 42 U.S.C. 4336c. The initial documentation and notification of the BLM's planned adoption of these 65 CXs occurred on May 9, 2025, via BLM's National NEPA Register (https://eplanning.blm.gov/eplanning-ui/search?filterSearch=%7B'states':%5B'G_NA'%5D,'offices':null,'project_Types':%5B10%5D,'programs':null,'years':%5B'2025'%5D,'open':false,'active':false%7D). The BLM has prepared this notice to notify the public and describe how it has met applicable statutory requirements for the adoption of the 65 CXs, as described below, that are found at:

- 32 CFR 775.6(f)(39) and (40);
- 33 CFR 230.9(i);
- 10 CFR part 1021, subpart D, appendix B, paragraph B1.2, B1.8, B1.10, B1.12, B1.16, B1.17, B1.18, B1.19, B1.21, B1.26, B1.28, B1.29, B1.33, B1.34, B1.35, B3.1, B3.7, B4.11, B5.3, B5.5, B5.6, B5.15, B5.16, B6.1, B6.2, B6.4, B6.9 and B6.10;
- DHS Instruction Manual 023–01–001–01, Implementation of the National Environmental Policy Act (NEPA), appendix A, table 1, B3;
- 516 Departmental Manual (DM) 10.5(M)(5);
- 516 DM 14.5D(1);
- 516 DM 12.5 A(1), A(6), B(1), C(4), C(6), C(17), D(4) and D(5);
- 516 DM 8.5 B(5);
- 516 DM 9.5 (B), (F), (G), (I), and (K);
- 23 CFR 771.117(c)(28);
- 18 CFR part 1318, subpart C, appendix A, n. 16, 19, 30, and 31;
- 7 CFR 372.5(c)(1);
- 7 CFR 799.31(b)(4);
- 36 CFR 220.6(d)(4), (8), and (11); 36 CFR 220.6(e)(3), (6), (8), (19), (24) and (25); and
- 7 CFR 1970.54(c)(2).

Note that the CXs adopted from other DOI bureaus (BIA, BOR, FWS, NPS, and USGS) can also be found in the *DOI Handbook of NEPA Implementing Procedures, Appendix 2 Bureau Categorical Exclusions*.

The Department is adopting the following 65 CXs for use by the BLM.

Categorical Exclusions That Are Adopted

Department of the Navy (DON)

The BLM has identified the following DON CX, found at 32 CFR 775.6(f)(39), which applies to oil, gas, geothermal, and geophysical pre-lease exploration activities. The BLM intends to rely on the CX when authorizing, for example and without limitation, activities to explore for oil, gas, and geothermal

resources prior to issuing a lease. This CX was previously adopted only for use with geothermal exploration actions (89 FR 28797, Apr. 19, 2024) and is now being adopted in whole.

The BLM has identified the following DON CX, found at 32 CFR 775.6(f)(40), which applies to installing devices to protect human or animal life. The BLM intends to rely on the CX when authorizing, for example and without limitation, fencing or gating at abandoned mines, surface mines, or other hazardous areas.

U.S. Army Corps of Engineers (USACE)

The BLM has identified the following USACE CX, found at 33 CFR 230.9(i), which applies to minor ROWs for access roads, boat ramps, and utilities. The BLM intends to rely on the CX when authorizing, for example and without limitation, ROWs for utilities, such as powerlines and pipelines and construction of minor boat ramps within the parameters of the CX.

Department of Energy (DOE)

The BLM has identified the following DOE CX, found at 10 CFR part 1021, subpart D, appendix B, paragraph B1.2, which applies to site training exercises and simulations. The BLM intends to rely on the CX when authorizing, for example and without limitation, training exercises related to military, fire, rescue, police, state, local and Federal agencies and other training exercises and simulations on BLM-managed lands within the parameters of the CX.

The BLM has identified the following DOE CX, found at 10 CFR part 1021, subpart D, appendix B, paragraph B1.8, which applies to screened water intake and outflow structures. The BLM intends to rely on this CX when authorizing, for example and without limitation, modifications to screened water intake and outflow structures, such as fish screens.

The BLM has identified the following DOE CX, found at 10 CFR part 1021, subpart D, appendix B, paragraph B1.10, which applies to onsite storage of activated material. Activated materials are radionuclides with short half-lives (days or weeks). BLM's intended use for the reliance on this CX include, but are not limited to, storage of activated material when discovered in the field.

The BLM has identified the following DOE CX, found at 10 CFR part 1021, subpart D, appendix B, paragraph B1.12, which applies to detonation or burning of explosives or propellants not consumed in testing. The BLM intends to rely on this CX when authorizing, for example and without limitation,

outdoor detonation or burning of explosives or propellants when these items are found on BLM-managed lands.

The BLM has identified the following DOE CX, found at 10 CFR part 1021, subpart D, appendix B, paragraph B1.16, which applies to asbestos removal. The BLM intends to rely on the CX when removing asbestos from BLM-owned facilities, consistent with the parameters of the CX.

The BLM has identified the following DOE CX, found at 10 CFR part 1021, subpart D, appendix B, paragraph B1.17, which applies to polychlorinated biphenyl (PCB) removal. The BLM intends to rely on the CX when authorizing, for example and without limitation, removal of PCB from oil and gas well locations and disposal of the material at approved locations.

The BLM has identified the following DOE CX, found at 10 CFR part 1021, subpart D, appendix B, paragraph B1.18, which applies to water supply wells. The BLM intends to rely on the CX when authorizing, for example and without limitation, siting, construction, operation, and plugging and abandonment of new water supply wells within existing oil and gas fields or modification of existing water supply wells.

The BLM has identified the following DOE CX, found at 10 CFR part 1021, subpart D, appendix B, paragraph B1.19, which applies to microwave, meteorological, and radio towers. The BLM's realty program would rely on the CX when authorizing, for example and without limitation, siting, modification, operation, and removal of existing communications facilities and associated infrastructure. Additionally, the BLM may rely on this CX when authorizing new land uses that support the adjacent communications facilities. The BLM adopted this CX previously only for use with existing communication facilities (90 FR 4774, Jan. 16, 2025) and is now adopting it in whole.

The BLM has identified the following DOE CX, found at 10 CFR part 1021, subpart D, appendix B, paragraph B1.21, which applies to noise abatement. The BLM intends to rely on the CX when authorizing, for example and without limitation, mitigation in connection with permits for activities with noise effects that require noise abatement.

The BLM has identified the following DOE CX, found at 10 CFR part 1021, subpart D, appendix B, paragraph B1.26, which applies to small water treatment facilities of less than 250,000 gallons per day capacity. The BLM intends to rely on the CX when authorizing, for example and without limitation,

wastewater and surface water treatment facilities with less than 250,000 gallons per day capacity consistent with the CX.

The BLM has identified the following DOE CX, found at 10 CFR part 1021, subpart D, appendix B, paragraph B1.28, which applies when placing a facility in an environmentally safe condition. The BLM intends to rely on the CX when authorizing, for example and without limitation, retrofitting facilities to ensure visitor safety consistent with the CX.

The BLM has identified the following DOE CX, found at 10 CFR part 1021, subpart D, appendix B, paragraph B1.29, which applies to disposal facilities for construction and demolition waste. The BLM intends to rely on the CX when authorizing, for example and without limitation, onsite burial of construction material associated with construction projects located on BLM-managed land, consistent with the CX text.

The BLM has identified the following DOE CX, found at 10 CFR part 1021, subpart D, appendix B, paragraph B1.33, which applies to stormwater runoff control. The BLM intends to rely on the CX when authorizing, for example and without limitation, stormwater control activities to reduce storm water runoff and maintain natural hydrology.

The BLM has identified the following DOE CX, found at 10 CFR part 1021, subpart D, appendix B, paragraph B1.34, which applies to lead-based paint containment, removal, and disposal. The BLM intends to rely on the CX when authorizing activities that contain, remove, and dispose of lead-based paint on BLM-managed facilities.

The BLM has identified the following DOE CX, found at 10 CFR part 1021, subpart D, appendix B, paragraph B1.35, which applies to drop-off, collection, and transfer facilities for recyclable materials. The BLM intends to rely on the CX when authorizing, for example and without limitation, installation of recycle stations in high use visitor areas to reduce the amount of waste from visitors.

The BLM has identified the following DOE CX, found at 10 CFR part 1021, subpart D, appendix B, paragraph B3.1, which applies to site characterization and environmental monitoring. The BLM intends to rely on the CX when authorizing, for example and without limitation, geological, geophysical, geochemical, and engineering surveys and mapping, the establishment of survey marks, and the drilling of wells for sampling of groundwater or monitoring of groundwater.

The BLM has identified the following DOE CX, found at 10 CFR part 1021, subpart D, appendix B, paragraph B3.7,

which applies to new terrestrial infill exploratory and experimental wells. The BLM intends to rely on the CX when authorizing, for example and without limitation, installation of extraction or injection use wells within an existing field consistent with the parameters of the CX.

The BLM has identified the following DOE CX, found at 10 CFR part 1021, subpart D, appendix B, paragraph B4.11, which applies to electric power substations and interconnection facilities. The BLM intends to rely on the CX when authorizing, for example and without limitation, construction or modification of electric power substations or interconnection facilities.

The BLM has identified the following DOE CX, found at 10 CFR part 1021, subpart D, appendix B, paragraph B5.3, which applies to the modification or abandonment of wells. The BLM intends to rely on the CX when authorizing, for example and without limitation, plugging and abandonment of wells and modification of existing wells consistent with the parameters of the CX.

The BLM has identified the following DOE CX, found at 10 CFR part 1021, subpart D, appendix B, paragraph B5.5, which applies to short pipeline segments. The BLM intends to rely on the CX when authorizing, for example and without limitation, construction, operations, and abandonment of pipelines of 20 miles or less within previously disturbed or developed ROWs.

The BLM has identified the following DOE CX, found at 10 CFR part 1021, subpart D, appendix B, paragraph B5.6, which applies to oil spill cleanup. The BLM intends to rely on the CX when authorizing, for example and without limitation, removal and disposal of material contaminated by oil and other contaminated material from oil and gas facilities, ROWs, trespass actions, and other permits.

The BLM has identified the following DOE CX, found at 10 CFR part 1021, subpart D, appendix B, paragraph B5.15, which applies to small-scale renewable energy research and development and pilot projects. The BLM intends to rely on the CX when authorizing, for example and without limitation, small-scale research and design projects to test new renewable energy technology in previously disturbed or developed areas.

The BLM has identified the following DOE CX, found at 10 CFR part 1021, subpart D, appendix B, paragraph B5.16, which applies to solar photovoltaic systems. The BLM intends to rely on the CX when authorizing, for example and

without limitation, installation of solar photovoltaic systems on or adjacent to existing facilities (*i.e.*, recreation sites, fire annex buildings, and other BLM-owned facilities) and construction of solar photovoltaic systems on previously disturbed or developed lands. This CX was previously adopted only for installation of solar photovoltaic systems on or adjacent to existing facilities (90 FR 4774, Jan. 16, 2025), it is now being adopted in whole.

The BLM has identified the following DOE CX, found at 10 CFR part 1021, subpart D, appendix B, paragraph B6.1, which applies to cleanup actions. The BLM intends to rely on the CX when authorizing, for example and without limitation, small-scale, short-term cleanup actions to clean up materials left from the Cold War, military operations, and shooting sites. “Small scale,” as that term is used in the CX, is defined by DOE at 10 CFR part 1021, subpart D.

The BLM has identified the following DOE CX, found at 10 CFR part 1021, subpart D, appendix B, paragraph B6.2, which applies to waste collection, treatment, stabilization, and containment facilities. The BLM intends to rely on the CX when authorizing, for example and without limitation, siting, construction, and operation of temporary waste collection and treatment facilities.

The BLM has identified the following DOE CX, found at 10 CFR part 1021, subpart D, appendix B, paragraph B6.4, which applies to facilities for storing packaged hazardous waste for 90 days or less. The BLM intends to rely on the CX when authorizing, for example and without limitation, storage of packaged hazardous wastes for less than 90 days.

The BLM has identified the following DOE CX, found at 10 CFR part 1021, subpart D, appendix B, paragraph B6.9, which applies to temporary measures to reduce migration of contaminated groundwater. The BLM intends to rely on the CX when authorizing, for example and without limitation, temporary measures to reduce movement of groundwater contamination consistent with the CX parameters.

The BLM has identified the following DOE CX, found at 10 CFR part 1021, subpart D, appendix B, paragraph B6.10, which applies to small upgraded or replacement waste storage facilities. The BLM intends to rely on the CX when authorizing, for example and without limitation, siting, construction, modification, expansion, operation, and decommissioning of a small upgraded or replacement facility (less than approximately 50,000 square feet in

area) within or contiguous to a previously disturbed or developed area (where active utilities and currently used roads are readily accessible) for storage of waste that is already at the site at the time the storage capacity is to be provided.

Several of these CXs refer to DOE best practices and protocols, which refer to conditions that DOE places on the conduct of work. These conditions are specific to the type and location of the project. “Best management practices” are not specified in the CXs because they change over time and vary by location and technology. The BLM would use their regulations, best management practices, and industry standards when using CXs that mention “best practices and protocols.”

Department of Homeland Security (DHS)

The BLM has identified the following DHS CX, found at DHS Instruction Manual 023–01–001–01, Implementation of the National Environmental Policy Act (NEPA), appendix A, table 1, B3, which applies to proposed activities and operations to be conducted in existing structures and upgrades to existing facilities. The BLM intends to rely on the CX when, for example and without limitation, issuing and renewing contracts for off-range pastures and corrals for wild horses and burros and making minimal, but necessary, upgrades that have no significant environmental impacts to these existing facilities.

Bureau of Indian Affairs (BIA)

The BLM has identified the following BIA CX, found at 516 DM 10.5(M)(5), which applies to the conversion of abandoned oil wells to water wells. The BLM intends to rely on the CX when authorizing activities to convert abandoned oil and gas wells to water wells.

Bureau of Reclamation (BOR)

The BLM has identified the following BOR CX, found at 516 DM 14.5 D(1), which applies to maintenance, rehabilitation, and replacement of existing facilities which may involve a minor change in size, location, and/or operation. Consistent with the CX text, the BLM intends to rely on the CX when, for example and without limitation, taking action to maintain, replace, or rehabilitate existing facilities, such as visitor centers, range improvement projects, fences, parking lots, culverts, roads, trails, and camp sites.

National Park Service (NPS)

The BLM has identified the following NPS CX, 516 DM 12.5 A(1), which applies to changes or amendments to an approved action. The BLM intends to rely on this CX when, for example and without limitation, modifying terms and conditions as appropriate to enhance safety or make other improvements to an ongoing operation, allowing a proposed use on a previously disturbed area, and approving surface disturbing sundry notices for oil and gas related actions where no environmental consequences will occur. This CX would not be used to make continuous changes to an action to circumvent a finding of significant impact or an extraordinary circumstance.

The BLM has identified the following NPS CX, 516 DM 12.5 A(6), which applies to the issuances, extensions, renewals, reissuances, or minor modifications of permits not entailing new construction. The BLM intends to rely on this CX when, for example and without limitation, issuing, extending, renewing, reissuing, and modifying special recreation permits or other authorizations that do not require construction.

The BLM has identified the following NPS CX, 516 DM 12.5 B(1), which applies to changes or amendments to an approved plan. The BLM intends to rely on this CX when making, for example and without limitation, changes to travel management plans, Areas of Critical Environmental Concern plans, allotment management plans or their functional equivalent, and resource plans where the changes result in no or minimal environmental impact. This CX would not be applied to Resource Management Plans and would not be used to make continuous changes to an action to circumvent a finding of significant impact.

The BLM has identified the following NPS CX, 516 DM 12.5 C(4), which applies to routine maintenance and repairs to cultural resource sites, structures, utilities, and grounds. The BLM intends to rely on this CX when authorizing, for example and without limitation, maintenance and repair of culture resource sites, including buildings and other structures, consistent with existing BLM guidance.

The BLM has identified the following NPS CX, 516 DM 12.5 C(6), which applies to the installation of navigation aids. The BLM intends to rely on this CX when, for example and without limitation, installing navigation aids on BLM-managed lands and waters as appropriate.

The BLM has identified the following NPS CX, 516 DM 12.5 C(17), which applies to the construction of minor structures in previously disturbed or developed areas. The BLM intends to rely on this CX when authorizing, for example and without limitation, construction of structures related to third-party permitted use, recreation facilities, and rangeland management in previously disturbed or developed areas.

The BLM has identified the following NPS CX, 516 DM 12.5 D(4), which applies to minor changes in programs and regulations pertaining to visitor activities. The BLM intends to rely on this CX when making, for example and without limitation, temporary closures, service availability schedules, program policy, rulemakings, or implementation plan adjustments, such as when closing a trail to the public to execute a trail improvement contract.

The BLM has identified the following NPS CX, 516 DM 12.5 D(5), which applies to the issuance of permits for demonstrations, gatherings, ceremonies, concerts, arts and crafts shows, etc. The BLM intends to rely on this CX when, for example and without limitation, issuing special recreation permits for demonstrations, gatherings, ceremonies, concerts, and arts and crafts shows, including events like a Tribal religious ceremony on public lands or community organized musical or artistic display of talent.

U.S. Fish and Wildlife Service (FWS)

The BLM has identified the following FWS CX, 516 DM 8.5 B(5), which applies to fire management activities, including prevention and restoration measures. The BLM intends to rely on this CX when, for example and without limitation, authorizing vegetation management activities by manual, mechanical, prescribed fire, chemical, biological, and planting methods.

U.S. Geological Survey (USGS)

The BLM has identified the following USGS CX, found at 516 DM 9.5(B), which applies to routine exploratory or observation groundwater well drilling operations. The BLM intends to rely on this CX when authorizing, for example and without limitation, collection of data for various resources, including, but not limited to, minerals and hydrologic and geologic resources.

The BLM has identified the following USGS CX, found at 516 DM 9.5(F), which applies to routine exploratory or observation groundwater well drilling operations. The BLM intends to rely on this CX when authorizing, for example and without limitation, drilling of

groundwater wells to test for mineral density that are typically no deeper than 600 feet.

The BLM has identified the following USGS CX, found at 516 DM 9.5(G), which applies to test or exploration drilling and downhole testing. The BLM intends to rely on this CX when authorizing, for example and without limitation, exploratory drilling and downhole testing.

The BLM has identified the following USGS CX, found at 516 DM 9.5(I), which applies to digging and subsequent site restoration of exploratory trenches with no more than one acre of surface disturbance. The BLM intends to rely on this CX when authorizing, for example and without limitation, digging and trenching to explore for various resources with no more than one acre of surface disturbance.

The BLM has identified the following USGS CX, found at 516 DM 9.5(K), which applies to off-road travel to drilling, data collection or observation sites. The BLM intends to rely on this CX when undertaking or authorizing, for example and without limitation, off-road travel to drilling, data collection, or observation sites by truck, all-terrain vehicle, and utility terrain vehicle.

Federal Highway Administration (FHWA)

The BLM has identified the following FHWA CX, found at 23 CFR 771.117(c)(28), which applies to bridge rehabilitation, reconstruction, or replacement or at-grade railroad crossing replacement. Consistent with the CX text, the BLM intends to rely on the CX when rehabilitating, reconstructing, or replacing existing bridges or replacing at-grade railroad crossings.

The BLM would document the constraints outlined in 23 CFR 771.117(e)(1)–(6), which the BLM is also adopting as part of this CX. Those include: (1) An acquisition of more than a minor amount of ROW or that would result in any residential or non-residential displacements; (2) An action that needs a bridge permit from the U.S. Coast Guard, or an action that does not meet the terms and conditions of a U.S. Army Corps of Engineers nationwide or general permit under section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act of 1899; (3) An action where there is an associated finding of “adverse effect” to historic properties under the National Historic Preservation Act, or the use of a resource protected under 23 U.S.C. 138 or section 4(f) of the Department of Transportation (DOT) Act, 49 U.S.C.

303(f)(1), except for actions resulting in *de minimis* impacts, or a finding of “may affect, likely to adversely affect” threatened or endangered species or critical habitat under the Endangered Species Act (ESA); (4) Construction of temporary access or the closure of existing road, bridge, or ramps that would result in major traffic disruptions; (5) Changes in access control; (6) A floodplain encroachment other than functionally dependent uses (e.g., bridges, wetlands) or actions that facilitate open space use (e.g., recreational trails, bicycle, and pedestrian paths); or construction activities in, across or adjacent to a river component designated or proposed for inclusion in the National System of Wild and Scenic Rivers.

Consistent with FHWA’s application, the BLM may still apply the CX even if the constraints in section 771.117(e)(1)–(6) are present, pursuant to section 771.117(d)(13), which the BLM is also adopting. Under that provision, the CX may be used if there is documentation that demonstrates that significant environmental effects will not result. Therefore, the BLM may rely on the CX if it can justify and clearly explain how the action fits within the category of actions the CX covers and there is a written explanation as to why no significant environmental impacts will result.

The BLM would not complete a review of the DOT Act section 4(f) requirements under the third criterion above when applying this CX to a BLM action on BLM-managed lands. Section 4(f) applies when the DOT approves a transportation program or project that uses section 4(f) property. The BLM is not required to make section 4(f) determinations. If the BLM applies this CX to a DOT project, then DOT’s determination would be documented under the relevant criterion.

Tennessee Valley Authority (TVA)

The BLM has identified the following TVA CX, found at 18 CFR part 1318, subpart C, appendix A, n.16, which applies to construction of new 10-mile transmission line and construction of electric power substations or interconnection facilities. The BLM intends to rely on this CX when authorizing, for example and without limitation, construction of 10-mile transmission lines that do not authorize more than a 125-acre ROW and construction of 10-acre electric power substations or interconnection facilities.

The BLM has identified the following TVA CX, found at 18 CFR part 1318, subpart C, appendix A, n.19, which applies to removal of conductors and

structures or cessation of ROW vegetation management when transmission infrastructure is retired and rebuilding transmission lines of 25 miles or less. The BLM intends to rely on this CX when authorizing removal of decommissioned transmission infrastructure and the rebuilding of transmission lines within or contiguous to existing ROWs of no more than 25 miles in length or 125-acre ROW expansion.

The BLM has identified the following TVA CX, found at 18 CFR part 1318, subpart C, appendix A, n.30, which applies to actions to maintain, restore, or enhance terrestrial ecosystems. The BLM intends to rely on this CX when authorizing, for example and without limitation, vegetation management through manual or mechanized methods (mastication, mowing, and mechanized thinning), prescribed fire, fencing, and habitat restoration on up to 125 acres.

The BLM has identified the following TVA CX, found at 18 CFR part 1318, subpart C, appendix A, n.31, which applies to forest management actions. The BLM intends to rely on this CX when authorizing, for example and without limitation, silvicultural thinning treatments to improve forest resilience to wildfire, insect, disease, and drought on up to 125 acres; manual, mechanized, or prescribed fire methods to thin trees; salvage harvest of dead and dying trees to reduce heavy fuels from tree mortality after severe wildfire, insect, or disease infestation, and storm damage on up to 250 acres; and site preparation and tree planting of native species on up to 125 acres.

Animal and Plant Health Inspection Service (APHIS)

The BLM has identified the following APHIS CX, found at 7 CFR 372.5(c)(1), which applies to routine measures, such as, inspections, surveys, sampling that does not cause physical alteration of the environment, testing, seizures, quarantines, removals, sanitizing, inoculations, control, and monitoring employed by agency programs to pursue their missions and functions. The BLM intends to rely on this CX when, for example and without limitation, applying hand-delivered and dart-delivered fertility control vaccines to reduce population growth of wild horses and burros on public rangelands. BLM’s and APHIS’s interpretation of part (C) of the CX, which provides that “[t]he use does not adversely affect any federally protected species or critical habitat,” is that it refers to species listed under the ESA.

Farm Service Agency (FSA)

The BLM has identified the following FSA CX, found at 7 CFR 799.31(b)(4) which applies to planting actions. The BLM intends to rely on this CX when authorizing, for example and without limitation, agricultural activities under 2920 permits where no new surface disturbance would occur.

U.S. Forest Service (USFS)

The BLM has identified the following USFS CX, found at 36 CFR 220.6(d)(4), which applies to the repair and maintenance of roads, trails, and landline boundaries. The BLM intends to rely on this CX when authorizing, for example and without limitation, actions that repair and maintain existing BLM roads and trails, such as hazardous tree removal, road resurfacing, removing brush along a trail, shaving cut banks, extending or replacing culverts, constructing rolling dips, changing road drainage, cleaning inside ditches, and increasing road turnouts or parking availability and access.

The BLM has identified the following USFS CX, found at 36 CFR 220.6(d)(8), which applies to the approval, modification, or continuation of minor, short-term, special uses (as defined by USFS Manual 2700). The BLM intends to rely on this CX when, for example and without limitation, issuing, renewing, or modifying special recreation permits, such as a long-distance endurance event that occurs once per year, permits under 43 CFR part 2920, and permits for other uses that are within the meaning of minor, short-term, special uses as that term and concept are used in the USFS Manual 2700.

The BLM has identified the following USFS CX, found at 36 CFR 220.6(d)(11), which applies to the issuance of a new special use authorization (as defined by USFS Manual 2700) to replace an existing or expired special use authorization when an administrative change is made. The BLM intends to rely on this CX when, for example and without limitation, replacing an existing or expired special recreation permit or permit for another use that is within the meaning of special use as that term and concept are used in the USFS Manual 2700.

The BLM has identified the following USFS CX, found at 36 CFR 220.6(e)(3), which applies to the approval, modification, or continuation of minor special uses of National Forest Service (NFS) lands that require less than 20 contiguous acres of land. The BLM intends to rely on this CX when authorizing, for example and without

limitation, special recreation permits, ROWs (including communication sites), and permits under 43 CFR part 2920 of no greater than 20 acres on BLM-managed lands, consistent with the CX text. The specific activities that are allowed under this CX are those that fit within the meaning of special use as that term and concept are used the USFS Manual 2700.

The BLM has identified the following USFS CX, found at 36 CFR 220.6(e)(6), which applies to timber stand and wildlife habitat improvement activities, subject to limitations on the use of herbicides and road construction. The BLM intends to rely on this CX when authorizing, for example and without limitation, silvicultural thinning treatments to improve forest resilience to wildfire, insect, disease, and drought; forest structure and composition management using manual, mechanized, or prescribed fire methods; and prescribed fire to promote the vigor of desired species and reduction of fuel loads to reduce the risk of severe wildfire.

The BLM has identified the following USFS CX, found at 36 CFR 220.6(e)(8), which applies to mineral, energy, geophysical, and geothermal investigations of one year or less, involving no more than one mile of temporary road. The BLM intends to rely on this CX when authorizing, for example and without limitation, exploration operations and incidental support activities for various solid minerals, oil and gas, energy, and geophysical investigations that include up to one mile of temporary road and minor road repair. Covered activities would not include monitoring of reclamation, as monitoring does not require any surface disturbing activities or approval. This CX was previously adopted only for use with geothermal exploration actions (89 FR 28797, Apr. 19, 2024), it is now being adopted in whole.

The BLM has identified the following USFS CX, found at 36 CFR 220.6(e)(19), which applies to removing and relocating debris and sediment following a disturbance event. The BLM intends to rely on this CX when authorizing, for example and without limitation, removal and relocation of debris and sediment following a disturbance event from upland, wetland and riparian systems, consistent with the CX text.

The BLM has identified the following USFS CX, found at 36 CFR 220.6(e)(24), which applies to the construction and realignment of up to two miles of road and associated parking areas. The BLM intends to rely on this CX when

authorizing, for example and without limitation, BLM road reconstruction and alignment of up to two miles and associated parking areas, including bridges.

The BLM has identified the following USFS CX, found at 36 CFR 220.6(e)(25), which applies to forest and grassland management activities. The BLM intends to rely on this CX when authorizing activities with the primary purpose of meeting restoration objectives or increasing resilience, including, for example and without limitation, vegetation management (manual, mechanized, or prescribed fire) or timber harvesting activities on up to 2,800 acres. Examples of ecological restoration objectives would be to restore resilient forest structure and composition where fire suppression has caused dense forest conditions susceptible to high severity wildfire or insect and disease epidemics. The BLM may include construction of up to 0.5 mile of permanent and 2.5 miles of temporary roads and repair and maintenance of NFS roads and trails, consistent with the CX text. The BLM would not rely on this CX for salvage harvests.

Consistent with 36 CFR 220.6(e), the USFS, when relying on these CXs, develops a supporting record and a decision memo. The documentation the BLM will develop when it relies on one of these adopted CXs will be similar to the USFS documentation and the BLM will publish the documentation on its publicly available National NEPA Register (<https://eplanning.blm.gov/eplanning-ui/home>).

Rural Utility Service (RUS)

The BLM has identified the following RUS CX, 7 CFR 1970.54(c)(2), which applies to electric power lines with nominal voltage. The BLM intends to rely on this CX when authorizing, for example and without limitation, powerlines of voltages no greater than 230kV within the parameters of the CX.

Consultations and Determination of Appropriateness

The BLM consulted with DON, USACE, DOE, DHS, BIA, BOR, NPS, FWS, USGS, FHWA, TVA, APHIS, FSA, USFS and RUS on the appropriateness of the adoption of the CXs for the BLM's use in October 2024 and March, April, and May 2025. The consultations included a review of agencies' experiences developing and applying the CXs, as well as the types of actions for which the BLM plans to rely on the CXs. The USFS and the BLM discussed the fact that USFS's and the BLM's authorized trails, roads, and associated

land use authorizations are similar in type and scope. The other types of BLM actions are also similar in type and scope to the actions that agencies conduct in reliance on CXs. Therefore, the effects of the BLM's actions are expected to be similar to the effects of other agencies' actions, which are not significant, absent the presence of extraordinary circumstances that indicate potentially significant effects. The Department has determined that adoption of the CXs for the BLM's use as described in this notice is appropriate.

Consideration of Extraordinary Circumstances

In consultations with DON, USACE, DOE, DHS, BIA, BOR, NPS, FWS, USGS, FHWA, TVA, APHIS, FSA, USFS and RUS, the BLM evaluated the extraordinary circumstances to be considered when applying these CXs. When applying these CXs, Responsible Officials within the BLM will evaluate proposed actions covered by the CXs to determine whether any extraordinary circumstances are present. The Department's extraordinary circumstances are listed at 43 CFR 46.215 and include, in part, consideration of impacts on public health and safety; natural resources; unique geographic characteristics; historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; other ecologically significant or critical areas; unresolved conflicts concerning alternative uses of available resources; unique or unknown environmental risks; precedent for future decision-making; historic properties; listed species or critical habitat; access by Indian religious practitioners to, and for ceremonial use of, Indian sacred sites and the physical integrity of those sites; and contribution to the introduction, continued existence, or spread of invasive weeds or non-native invasive species. The Department's list of extraordinary circumstances addresses issues also identified by the DON at 32 CFR 775.6(e), USACE at 32 CFR 775.6(e), DOE at 10 CFR 1021.410 (b)(2) and (3), DHS at Instruction Manual # 023-01-001-01, V, B(c), FHWA at 23 CFR 771.117(b), TVA at 18 CFR 1318.201, APHIS at 7 CFR 372.5(d), FSA at 7 CFR 799.33, USFS at 36 CFR 220.6 and RUS at 7 CFR 1970.52, and therefore, Responsible Officials in the BLM intending to rely on these CXs will review whether the proposed action has

the potential to result in significant effects as described in the Department's extraordinary circumstances. Because the BLM, BIA, BOR, NPS, FWS and USGS are bureaus within the Department, the same extraordinary circumstances are used for all six bureaus. The Responsible Official will assess whether an extraordinary circumstance is present. If the Responsible Official cannot rely on a CX to support a decision to authorize or take a particular proposed action due to the presence of one or more extraordinary circumstances, the proposed action must be analyzed in an EA or EIS before a decision is made authorizing the action, consistent with 43 CFR 46.205(c).

Notice to the Public and Documentation of Adoption

This notice notifies the public of the Department's adoption of the DON's, USACE's, DOE's, DHS's, BIA's, BOR's, NPS's, FWS's, USGS's, FHWA's, TVA's, APHIS's, FSA's, USFS's and RUS's CXs for the BLM's use. The notice identifies the types of actions to which the BLM would apply the CXs. The documentation of the adoption will also be available at <http://www.blm.gov/programs/planning-and-nepa/what-informs-our-plans/nepa> and at <https://www.doi.gov/oepe/nepa/categorical-exclusions>. The Department will in due course add the adopted CXs to the *DOI Handbook of NEPA Implementing Procedures, Appendix 2 Bureau Categorical Exclusions*.

Authorities

National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*).

Stephen G. Tryon,

Director, Office of Environmental Policy and Compliance.

[FR Doc. 2025-16759 Filed 8-29-25; 8:45 am]

BILLING CODE 4331-27-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A2407-014-004-065516; #O2412-014-004-047181.1]

Notice of Filing of Plats of Survey, Colorado; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice; correction.

SUMMARY: The Bureau of Land Management published a notice of Filing of Plats of Survey, Colorado, in the *Federal Register* of May 9, 2025.

This notice corrects the section numbers that appeared in the land description for the survey in Township 49 North, Range 1 West, New Mexico Principal Meridian, Colorado.

FOR FURTHER INFORMATION CONTACT:

David W. Ginther, Chief Cadastral Surveyor for Colorado, telephone: (970) 826-5064; email: dginther@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:

Correction

In the *Federal Register* of May 9, 2025, in FR Doc. 2025-08099, on page 19728, in the third column, correct the final paragraph to read: "The plat and field notes of the dependent resurvey and subdivision of sections 15, 17, and 30 in Township 49 North, Range 1 West, New Mexico Principal Meridian, Colorado, were accepted on March 24, 2025."

(Authority: 43 U.S.C., ch. 3)

David W. Ginther,

Chief Cadastral Surveyor.

[FR Doc. 2025-16719 Filed 8-29-25; 8:45 am]

BILLING CODE 4331-16-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-IMR-YELL-NPS0033063; OMB Control Number 1024-0266; PPIMYELL60 POPCF8099.XZ0000 PX.P0315531B.00.1]

Agency Information Collection Activities; Reporting and Recordkeeping for Snow Coaches and Snowmobiles, Yellowstone National Park

AGENCY: National Park Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the National Park Service (NPS) are proposing to renew an information collection without change.

DATES: Interested persons are invited to submit comments on or before November 3, 2025.

ADDRESSES: Written comments and suggestions on the information collection requirements should be submitted by the date specified above in

DATES to <http://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting "Currently under Review—Open for Public Comments" or by using the search function. Please provide a copy of your comments to the NPS Information Collection Clearance Officer (ADIR-ICCO), 13461 Sunrise Valley Drive, (MS-263) Reston, VA 20191. (mail); or phadrea_ponds@nps.gov (email). Please include "1024-0266" in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT:

Becky Wyman, Concessions Management Specialist, PO Box 168 Mammoth Hot Springs Yellowstone National Park, WY 82190-0168; or by email at becky_wyman@nps.gov; or by telephone at 307-344-2278. 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 information collection request (ICR) at <https://www.reginfo.gov/public/do/PRAMain>.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct, or sponsor, and you are not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility.

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used.

(3) Ways to enhance the quality, utility, and clarity of the information to be collected.

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record.

We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: A management framework that allows the public to experience the unique winter resources and recreational opportunities at Yellowstone National Park is governed by NPS regulations codified in 36 CFR 7.13, “Yellowstone National Park.” Access to most of the park in the winter is limited by distance and the harsh winter environment which presents challenges to safety and park operations.

In response, the NPS provides opportunities for park visitors to experience Yellowstone in the winter via over-snow vehicles (snowmobiles and snow coaches, collectively OSVs). 36 CFR 7.13 includes provisions that allow greater flexibility for commercial tour operators, provide mechanisms to make the park cleaner and quieter during the winter seasons, reward OSV innovations and technologies, and allow increases in visitation. All OSVs operating in the park are required to meet air and sound emission standards and be accompanied by a guide.

The NPS will use Form 10–650, “OSV Monthly Use Report” to ensure that OSVs meet NPS emission standards to operate in the park. Commercial OSV operators must complete the Form 10–650, “OSV Monthly Use Report” to:

- Transportation Events (§ 7.13(l)(11)(i)–(iii))
- Emission and Sound Standards (§ 7.13(l)(4)(vii) and (5)) and
- Enhanced Emission Standards. (§ 7.13(l)(11)(iv)).

Form 10–650, “OSV Monthly Use Report,” form collects information to: (1) ensure that OSVs meet NPS emission standards to operate in the park; (2) evaluate commercial tour operators’ compliance with allocated transportation events and daily and seasonal OSV group size limits; (3) ensure that established daily transportation event limits for the park are not exceeded; (4) confirm that commercial tour operators do not run out of authorizations before the end of the season and create a gap when prospective visitors cannot be accommodated; and (5) guarantee compliance with applicable laws and regulations.

Title of Collection: Reporting and Recordkeeping for Snow coaches and Snowmobiles, Yellowstone National Park.

OMB Control Number: 1024–0266.

Form Number: NPS Form 10–650 “OSV Monthly Use Report.”

Type of Review: Extension of a currently approved collection.

Description of Respondents: Businesses desiring to operate snow coaches and snowmobiles in Yellowstone National Park.

Total Estimated Number of Annual Respondents: 64.

Estimated Completion Time per Response: Varies based on activity: 30 minutes to 2 hours.

Total Estimated Number of Annual Burden Hours: 129 hours.

Respondent’s Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Non hour Burden Cost: None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Phadrea Ponds,

*Information Collection Clearance Officer,
National Park Service.*

[FR Doc. 2025–16686 Filed 8–29–25; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–502 and 731–TA–1227 (Second Review)]

Steel Concrete Reinforcing Bar From Mexico and Turkey; Institution of Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to the Tariff Act of 1930, as amended, to determine whether revocation of the countervailing duty order on steel concrete reinforcing bar (“rebar”) from Turkey and revocation of the antidumping duty order on rebar from Mexico would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted September 2, 2025. To be assured of consideration, the deadline for responses is October 2, 2025. Comments on the adequacy of responses may be filed with the Commission by November 14, 2025.

FOR FURTHER INFORMATION CONTACT: Kenneth Gatten (202–708–1447), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission’s TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for this proceeding may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On November 6, 2014, the Department of Commerce (“Commerce”) issued an antidumping duty order on imports of rebar from Mexico (79 FR 65925) and a countervailing duty order on imports of rebar from Turkey (79 FR 65926). Following the five-year reviews by Commerce and the Commission, effective October 22, 2020, Commerce issued a continuation of the countervailing duty order on imports of rebar from Turkey and the antidumping duty order on imports of rebar from Mexico (85 FR 67334). The Commission is now conducting its second reviews pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the

Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by Commerce.

(2) The *Subject Countries* in these reviews are Mexico and Turkey.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise*. In its original determinations and full first five-year review determinations, the Commission defined a single *Domestic Like Product* that was coextensive with Commerce's scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product*, or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determinations and first full five-year review determinations, the Commission defined the *Domestic Industry* as all domestic producers of the *Domestic Like Product*.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in

internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is 5:15 p.m. on October 2, 2025. Pursuant to § 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is 5:15 p.m. on November 14, 2025. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures*, available on the Commission's website at https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf, elaborates upon the Commission's procedures with respect to filings. Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget ("OMB") number is not displayed; the OMB number is 3117 0016/USITC No. 25–5–652, expiration date June 30, 2026. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations,

U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to § 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determinations in the reviews.

Information To Be Provided in Response to This Notice of Institution

If you are a domestic producer, union/worker group, or trade/business association; import/export *Subject Merchandise* from more than one *Subject Country*; or produce *Subject Merchandise* in more than one *Subject Country*, you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent *Subject Country*. As used below, the term "firm" includes any related firms.

Those responding to this notice of institution are encouraged, but not required, to visit the USITC's website at https://usitc.gov/reports/response_noi_worksheet, where one can download and complete the "NOI worksheet" Excel form for the subject proceeding, to be included as attachment/exhibit 1 of your overall response.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product*, a U.S. union or worker group, a U.S. importer of the *Subject Merchandise*, a foreign producer or exporter of the *Subject Merchandise*, a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business

association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the countervailing duty order on imports of rebar from Turkey and the revocation of the antidumping duty order on imports of rebar from Mexico on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry*.

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product*. Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in each *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2019.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product*, provide the following information on your firm's operations on that product during calendar year 2024, except as noted (report quantity data in short tons and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from any *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2024 (report quantity data in short tons and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping and/or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. commercial shipments of *Subject Merchandise* imported from each *Subject Country*; and

(c) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from each *Subject Country*.

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in any *Subject Country*, provide the following information on your firm's(s') operations on that

product during calendar year 2024 (report quantity data in short tons and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping and/or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in each *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in each *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in each *Subject Country* after 2019, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in each *Subject Country*, and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry*; if you disagree

with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

By order of the Commission.

Issued: August 27, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025-16726 Filed 8-29-25; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-458 and 731-TA-1154 (Third Review)]

Kitchen Appliance Shelving and Racks From China; Institution of a Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to the Tariff Act of 1930, as amended, to determine whether revocation of the countervailing and the antidumping duty orders on kitchen appliance shelving and racks from China would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted September 2, 2025. To be assured of consideration, the deadline for responses is October 2, 2025. Comments on the adequacy of responses may be filed with the Commission by November 14, 2025.

FOR FURTHER INFORMATION CONTACT: Juan Carlos Pena-Flores (202-205-3169), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On September 14, 2009, the Department of Commerce (“Commerce”) issued antidumping and countervailing duty orders on imports of certain kitchen appliance shelving and racks from China (74 FR 46971). Commerce issued a continuation of the antidumping and countervailing duty orders on imports of certain kitchen appliance shelving and racks from China following Commerce's and the Commission's first five-year reviews, effective March 12, 2015 (80 FR 12983) and second five-year reviews, effective October 15, 2020 (85 FR 65345). The Commission is now conducting its third five-year reviews pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by Commerce.

(2) The *Subject Country* in these reviews is China.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise*. In its original determinations and its expedited first and second five-year review determinations, the Commission found two *Domestic Like Products*: (1) certain refrigeration shelving and baskets for refrigerators, freezers, combination refrigerator/freezers and other refrigerating or freezing equipment (“refrigeration shelving”); and (2) certain oven racks, side racks, and subframes for cooking stoves, ranges, and ovens (“oven racks”).

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product*, or those producers whose collective output of the *Domestic Like*

Product constitutes a major proportion of the total domestic production of the product. Based on its original determinations and its expedited first and second five-year review determinations of two separate *Domestic Like Products*, the Commission found two *Domestic Industries* consisting of the following: (1) all producers of certain refrigeration shelving and baskets for refrigerators, freezers, combination refrigerator/freezers, and other refrigerating or freezing equipment; and (2) all producers of certain oven racks, side racks, and subframes for cooking stoves, ranges, and ovens.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008).

Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was

pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is 5:15 p.m. on October 2, 2025. Pursuant to § 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is 5:15 p.m. on November 14, 2025. All written submissions must conform with the provisions of § 201.8 of the

Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures*, available on the Commission's website at https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf, elaborates upon the Commission's procedures with respect to filings. Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget (“OMB”) number is not displayed; the OMB number is 3117 0016/USITC No. 25–5–653, expiration date June 30, 2026. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to § 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determinations in the reviews.

Information To Be Provided in Response to This Notice of Institution: Please provide the requested

information separately for each *Domestic Like Product*, as defined by the Commission in its original and first and second expedited five-year review determinations, and for each of the products identified by Commerce as *Subject Merchandise*. As used below, the term “firm” includes any related firms.

Those responding to this notice of institution are encouraged, but not required, to visit the USITC’s website at https://usitc.gov/reports/response_noi_worksheet, where one can download and complete the “NOI worksheet” Excel form for the subject proceeding, to be included as attachment/exhibit 1 of your overall response.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product*, a U.S. union or worker group, a U.S. importer of the *Subject Merchandise*, a foreign producer or exporter of the *Subject Merchandise*, a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the countervailing and the antidumping duty orders on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry*.

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product*. Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject*

Country that currently export or have exported *Subject Merchandise* to the United States or other countries after 2019.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product*, provide the following information on your firm’s operations on that product during calendar year 2024, except as noted (report quantity data in units and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm’s(s’) production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country*, provide the

following information on your firm’s(s’) operations on that product during calendar year 2024 (report quantity data in units and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping and/or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm’s(s’) imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country*; and

(c) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country*.

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country*, provide the following information on your firm’s(s’) operations on that product during calendar year 2024 (report quantity data in units and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping and/or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm’s(s’) production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in the *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm’s(s’) exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm’s(s’) exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* after 2019, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country*, and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry*; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

By order of the Commission.

Issued: August 27, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025-16727 Filed 8-29-25; 8:45 am]

BILLING CODE 7020-02-P

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Evidence Rules; Meeting of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Advisory Committee on Evidence Rules; notice of open meeting.

SUMMARY: The Advisory Committee on Evidence Rules will hold an in-person meeting in hybrid format with remote attendance options on November 5, 2025 in New Orleans, LA. The meeting is open to the public for observation but

not participation. Please see the **SUPPLEMENTARY INFORMATION** section in this notice for instructions on observing the meeting.

DATES: November 5, 2025 (meeting date) and October 29, 2025 (registration deadline for in-person observation).

ADDRESSES: An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: <https://www.uscourts.gov/forms-rules/records-rules-committees/agenda-books>.

FOR FURTHER INFORMATION CONTACT: Carolyn A. Dubay, Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7-300, Washington, DC 20544, Phone (202) 502-1820, RulesCommittee_Secretary@ao.uscourts.gov.

SUPPLEMENTARY INFORMATION: To observe the meeting in person, individuals must contact the office listed above by 5 p.m. (eastern time) on October 29, 2025. After this deadline, only remote observation is permitted. Remote registration is available until the meeting date, provided it is completed before the projected end time.

(Authority: 28 U.S.C. 2073.)

Dated: August 28, 2025.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2025-16741 Filed 8-29-25; 8:45 am]

BILLING CODE 2210-55-P

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Criminal Rules; Meeting of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Advisory Committee on Criminal Rules; notice of open meeting.

SUMMARY: The Advisory Committee on Criminal Rules will hold an in-person meeting in hybrid format with remote attendance options on November 6, 2025 in New Orleans, LA. The meeting is open to the public for observation but not participation. Please see the **SUPPLEMENTARY INFORMATION** section in this notice for instructions on observing the meeting.

DATES: November 6, 2025 (meeting date) and October 30, 2025 (registration deadline for in-person observation).

ADDRESSES: An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: <https://www.uscourts.gov/forms-rules/records-rules-committees/agenda-books>.

www.uscourts.gov/forms-rules/records-rules-committees/agenda-books.

FOR FURTHER INFORMATION CONTACT: Carolyn A. Dubay, Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7-300, Washington, DC 20544, Phone (202) 502-1820, RulesCommittee_Secretary@ao.uscourts.gov.

SUPPLEMENTARY INFORMATION: To observe the meeting in person, individuals must contact the office listed above by 5 p.m. (eastern time) on October 30, 2025. After this deadline, only remote observation is permitted. Remote registration is available until the meeting date, provided it is completed before the projected end time.

(Authority: 28 U.S.C. 2073.)

Dated: August 28, 2025.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2025-16742 Filed 8-29-25; 8:45 am]

BILLING CODE 2210-55-P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Surface Coal Mines Daily Inspection; Certified Person; Reports of Inspection

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Mine Safety and Health Administration (MSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before October 2, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT: Michael Howell by telephone at 202-693-6782, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: Mine operators ensure a safe working environment for miners by conducting on shift examinations for hazardous conditions in working areas and surface installations. Section 77.1713, Title 30 of the Code of Federal Regulations requires coal mine operators to conduct examinations of each active working area of surface mines, active surface installations at these mines, facilities and preparation plants not associated with underground coal mines for hazardous conditions during each shift. A report of hazardous conditions detected must be entered into a record book along with a description of any corrective actions taken. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 29, 2025 (90 FR 22771).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

Agency: DOL–MSHA.

Title of Collection: Surface Coal Mines Daily Inspection; Certified Person; Reports of Inspection.

OMB Control Number: 1219–0083.

Affected Public: Private Sector.

Number of Respondents: 771.

Number of Responses: 188,812.

Annual Burden Hours: 286,365 hours.

Total Estimated Annual Other Costs Burden: \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D).)

Michael Howell,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2025–16772 Filed 8–29–25; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Pattern of Violations

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Mine Safety and Health Administration (MSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before October 2, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Michael Howell by telephone at 202–693–6782, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: The Federal Mine Safety and Health Act of 1977 (Mine Act), as amended, places the ultimate responsibility on mine operators for ensuring the safety and health of miners. The legislative history of the Mine Act emphasizes that Congress included the pattern of violations (POV) provision for mine operators who demonstrated a disregard for the safety and health of miners through a recurring pattern of significant and substantial (S&S) violations. MSHA was to use the POV provision in situations where other enforcement actions had been ineffective at bringing the mines into compliance with safety and health standards.

This final rule will simplify the POV criteria, improve consistency in applying the POV criteria, and more adequately achieve the statutory intent. It also will encourage chronic violators

to take proactive measures to comply with the Mine Act and MSHA's safety and health standards to bring their mines into compliance. This final rule contains a provision subject to review and approval by OMB under the Paperwork Reduction Act of 1995 (PRA). MSHA is submitting this information collection package to OMB for review under 44 U.S.C. 3504, paragraph (h) of the PRA, as amended (44 U.S.C. 3501 *et seq.*).

The existing rule included mitigating circumstances under the initial screening criteria, but does not define mitigating circumstances. MSHA explains its intent in policy. The final rule incorporates the initial screening criteria into the pattern criteria for placing a mine in a POV status. The preamble to the final rule states that MSHA will consider an operator's effective implementation of an MSHA-approved corrective action program as a mitigating circumstance. MSHA expects that most mine operators, who compare their compliance record with the POV criteria on MSHA's website and determine that they are approaching a POV level, will submit a written corrective action program to the District Manager for approval and work to bring their mines into compliance to avoid being issued a POV notice, which could result in the temporary closure of the mine or sections of the mine. MSHA believes that an operator who implements a corrective action program is demonstrating a commitment to complying with MSHA's standards and regulations, and to restoring safe and healthful conditions for miners. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 29, 2025 (90 FR 22760).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB

approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

Agency: DOL–MSHA.

Title of Collection: Pattern of Violations.

OMB Control Number: 1219–0150.

Affected Public: Private Sector.

Number of Respondents: 15.

Number of Responses: 21.

Annual Burden Hours: 1,664 hours.

Total Estimated Annual Other Costs Burden: \$2,801.

(Authority: 44 U.S.C. 3507(a)(1)(D).)

Michael Howell,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2025–16773 Filed 8–29–25; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0043]

TUV SUD America, Inc.: Grant of Expansion of Recognition and Modification to the NRTL Program’s List of Appropriate Test Standards

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the final decision to expand the scope of recognition for TUV SUD America, Inc. (TUVAM) as a Nationally Recognized Testing Laboratory (NRTL). Additionally, OSHA will add two standards to the NRTL Program’s List of Appropriate Test Standards.

DATES: The expansion of the scope of recognition becomes effective on September 2, 2025.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone: (202) 693–1999; email: meilinger.francis2@dol.gov.

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor; telephone: (202) 693–1911; email: robinson.kevin@dol.gov. OSHA’s web page includes information about the NRTL Program (see <http://www.osha.gov/dts/otpca/nrtl/index.html>).

SUPPLEMENTARY INFORMATION:

I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition for TUV SUD America Inc. (TUVAM). TUVAM’s expansion covers the addition of five test standards to the NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition. Each NRTL’s scope of recognition includes (1) the type of products the NRTL may test, with each type specified by its applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL’s scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes an application by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A, 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding. In the second notice, the agency provides the final decision on the application. These notices set forth the NRTL’s scope of recognition or

modifications of that scope. OSHA maintains an informational web page for each NRTL, including TUVAM, which details the NRTL’s scope of recognition. These pages are available from the OSHA website at: <https://www.osha.gov/nationally-recognized-testing-laboratory-program>.

TUVAM submitted an application to OSHA for expansion of the NRTL scope of recognition on March 22, 2022 (OSHA–2007–0043–0066), requesting the expansion of the NRTL scope of recognition to include five additional test standards. OSHA did not perform any on-site reviews with respect to this application.

OSHA published the preliminary notice announcing TUVAM’s expansion application in the **Federal Register** on July 9, 2025 (90 FR 30269). The agency requested comments by July 24, 2025, however no comments were received in response to this notice.

To review copies of all public documents pertaining to TUVAM’s application, go to <http://www.regulations.gov> or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor at (202) 693–2350. Docket No. OSHA–2007–0043 contains all materials in the record concerning TUVAM’s recognition. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 for assistance in locating docket submissions.

II. Final Decision and Order

OSHA staff examined TUVAM’s expansion application and examined other pertinent information. Based on its review of this evidence, OSHA finds that TUVAM meets the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the limitations and conditions listed in this notice. OSHA, therefore, is proceeding with this final notice to grant TUVAM’s expanded scope of recognition. OSHA limits the expansion of TUVAM’s recognition to include the testing and certification of products for demonstration of conformance to the test standards shown below in Table 1.

TABLE 1—LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN TUVAM’S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 991	Tests for Safety-Related Controls Employing Solid-Date Devices.
UL 60335–2–40	Household and Similar Electrical Appliances—Safety—Part 2–40: Particular Requirements for Electrical Heat Pumps, Air Conditioners and Dehumidifiers.
UL 60335–2–67 *	Household and Similar Electrical Appliances—Safety—Part 2–67: Particular Requirements for Floor Treatment Machines, for Commercial Use.

TABLE 1—LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN TUVAM’S NRTL SCOPE OF RECOGNITION—Continued

Test standard	Test standard title
UL 60335–2–68 *	Household and Similar Electrical Appliances—Safety—Part 2–68: Particular Requirements for Spray Extraction Machines, for Commercial Use.
UL 60335–2–72	Household and Similar Electrical Appliances—Safety—Part 2–72: Particular Requirements for Floor Treatment Machines With or Without Traction Drive, for Commercial Drive.

* Represents standard that OSHA is adding to the NRTL Program’s List of Appropriate Test Standards.

OSHA’s recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for

which OSHA does not require such testing and certification, a NRTL’s scope of recognition does not include these products.

In this notice, OSHA also announces the final decision to add two new test standards to the NRTL Program’s List of

Appropriate Test Standards. Table 2 below lists the test standards that are new to the NRTL Program. OSHA has determined that these test standards are appropriate test standards and will add them to the NRTL Program’s List of Appropriate Test Standards.

TABLE 2—TEST STANDARDS OSHA WILL ADD TO THE NRTL PROGRAM’S LIST OF APPROPRIATE TEST STANDARDS

Test standard	Test standard title
UL 60335–2–67	Household and Similar Electrical Appliances—Safety—Part 2–67: Particular Requirements for Floor Treatment Machines, for Commercial Use.
UL 60335–2–68	Household and Similar Electrical Appliances—Safety—Part 2–68: Particular Requirements for Spray Extraction Machines, for Commercial Use.

The American National Standards Institute (ANSI) may approve the test standards listed above as American National Standards. However, for convenience, OSHA may use the designation of the standards-developing organization for the standard as opposed to the ANSI designation. Under the NRTL Program’s policy (see OSHA Instruction CPL 01–00–004, Chapter 2, Section VIII), any NRTL recognized for a particular test standard may use either the proprietary version of the test standard or the ANSI version of that standard. Contact ANSI to determine whether a test standard is currently ANSI-approved.

A. Conditions

Recognition is contingent on continued compliance with 29 CFR 1910.7, including but not limited to, abiding by the following conditions of recognition:

1. TUVAM must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as a NRTL, and provide details of the change(s);
2. TUVAM must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and
3. TUVAM must continue to meet the requirements for recognition, including all previously published conditions on TUVAM’s scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of TUVAM as a NRTL, subject to the limitations and conditions specified above.

III. Authority and Signature

Amanda Laihow, Acting Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor’s Order No. 7–2027 (90 FR 27878; June 30, 2025), and 29 CFR 1910.7.

Signed at Washington, DC, on August 26, 2025.

Amanda Laihow,
Acting Assistant Secretary of Labor for Occupational Safety and Health.
[FR Doc. 2025–16683 Filed 8–29–25; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2019–0009]

DEKRA Certification Inc.: Request for Renewal of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor

ACTION: Notice.

SUMMARY: In this notice, OSHA announces DEKRA Certification Inc.’s (DEKRA) application containing a request for renewal of recognition as a Nationally Recognized Testing Laboratory (NRTL).

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before September 17, 2025.

ADDRESSES: Comments may be submitted as follows:

Electronically: You may submit comments, including attachments, electronically at <http://www.regulations.gov>, the Federal eRulemaking Portal. Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency’s name and the docket number for this rulemaking (Docket No. OSHA–2019–0009). All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at <https://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting information they do not want made available to the public, or submitting materials that contain personal information (either about themselves or others), such as Social Security numbers and birthdates.

Docket: To read or download comments or other material in the docket, go to <http://www.regulations.gov>. Documents in the

docket (including this **Federal Register** notice) are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693-2350 (TTY (877) 889-5627) for assistance in locating docket submissions.

Extension of comment period: Submit requests for an extension of the comment period on or before September 17, 2025 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N-3653, Washington, DC 20210, or by fax to (202) 693-1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, telephone: (202) 693-1999; email: meilinger.francis@dol.gov.

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, phone: (202) 693-1911 or email: robinson.kevin@dol.gov.

SUPPLEMENTARY INFORMATION:

I. Background

OSHA recognition of a NRTL signifies that the organization meets the requirements in Section 1910.7 of Title 29, Code of Federal Regulations (29 CFR 1910.7). Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification. OSHA maintains an informational web page for each NRTL that details its scope of recognition available at <http://www.osha.gov/dts/otpca/nrtl/index.html>.

OSHA processes applications by a NRTL for renewal of recognition following requirements in Appendix A

to 29 CFR 1910.7. OSHA conducts renewals in accordance with the procedures in 29 CFR 1910.7, Appendix A, paragraph II.C. In accordance with these procedures, NRTLs submit a renewal request to OSHA, not less than nine months nor more than one year, before the expiration date of its current recognition. The submission includes a request for renewal and any additional information the NRTL wishes to submit to demonstrate its continued compliance with the terms of its recognition and 29 CFR 1910.7. If OSHA has not conducted an on-site assessment of the NRTL's headquarters and any recognized sites that have unique capabilities crucial to the NRTL's scope within the previous 18 months, it will schedule the necessary on-site assessments in conjunction with the NRTL's application for renewal. At the discretion of the OTPCA Director, OSHA may conduct an on-site assessment in conjunction with the NRTL's application for renewal, even if OSHA has conducted one within the previous 18 months. Upon review of the submitted material and, as necessary, the successful completion of the on-site assessment, OSHA announces its preliminary decision to grant or deny renewal in the **Federal Register** and solicit comments from the public. OSHA then publishes a final **Federal Register** notice responding to any comments and renewing the NRTL's recognition for a period of five years, or denying the renewal of recognition.

DEKRA initially received OSHA recognition as a NRTL on September 22, 2020 (85 FR 59555). DEKRA submitted a timely request for renewal, dated October 31, 2024 (OSHA-2019-0009-0019); therefore, its current will not expire until a final decision had been made by OSHA on the request for renewal. The current addresses of the DEKRA facilities recognized by OSHA and included as part of the renewal request is:

1. DEKRA Certification Inc. 405 Glenn Drive, Suite 12, Sterling, Virginia 20164; and
2. DEKRA Certification BV. Meander 1051 6825 MJ Arnhem, Gelderland, The Netherlands.

II. Notice of Preliminary Findings

OSHA is providing notice that DEKRA is applying for renewal of its recognition as a NRTL. This renewal covers DEKRA's existing NRTL scope of recognition. OSHA evaluated DEKRA's application for renewal and preliminarily determined that DEKRA can continue to meet the requirements prescribed by 29 CFR 1910.7 for recognition. Accordingly, OSHA is

making a determination that it does not need to conduct an additional on-site review of DEKRA's facility based on its evaluations of DEKRA's application and all other available information. This information includes OSHA's audits of DEKRA's NRTL recognized sites during this recognition period, and the satisfactory resolution of non-conformances with the requirements of 29 CFR 1910.7. This preliminary finding does not constitute an interim or temporary approval of the request.

OSHA welcomes public comment as to whether DEKRA meets the requirements of 29 CFR 1910.7 for renewal of their recognition as a NRTL. Comments should consist of pertinent written documents and exhibits. Commenters needing more time to comment must submit a request in writing, stating the reasons for the request. OSHA must receive the written request for an extension by the due date for comments. OSHA will limit any extension to 30 days unless the requester justifies a longer period. OSHA may deny a request for an extension if it is not adequately justified. To obtain or review copies of the publicly available information in DEKRA's application and other pertinent documents (including exhibits), as well as all submitted comments, contact the Docket Office, Room N-3653, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address; these materials also are available online at <http://www.regulations.gov> under Docket No. OSHA-2019-0009.

OSHA staff will review all comments to the docket submitted in a timely manner and, after addressing the issues raised by these comments, will make a recommendation to the Assistant Secretary on whether to grant DEKRA's application for renewal. The Assistant Secretary will make the final decision on granting the application and, in making this decision, may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7.

OSHA will publish a public notice of this final decision in the **Federal Register**.

III. Authority and Signature

Amanda Laihow, Acting Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 7-2025 (90 FR 27878, June 30, 2025), and 29 CFR 1910.7.

Signed at Washington, DC, on August 26, 2025.

Amanda Laihow,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2025–16774 Filed 8–29–25; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 25–033]

International Space Station Advisory Committee; Charter Renewal

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of renewal of charter of the International Space Station Advisory Committee.

SUMMARY: Pursuant to sections 14(b)(1) and 9(c) of the Federal Advisory Committee Act (Pub. L. 92–463), and after consultation with the Committee Management Secretariat, General Services Administration, the NASA Administrator has determined that the renewal of the charter of the International Space Station Advisory Committee is in the public interest in connection with the performance of duties imposed on NASA by law. The renewed charter is for a two-year period ending September 27, 2027.

FOR FURTHER INFORMATION CONTACT: Mr. Dennis McSweeney, Designated Federal Officer, ISS Advisory Committee, NASA Headquarters, Washington, DC 20546, via email at dennis.mcsweeney@nasa.gov or by telephone at (202) 358–2012.

Jamie M. Krauk,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2025–16715 Filed 8–29–25; 8:45 am]

BILLING CODE 7510–13–P

NUCLEAR REGULATORY COMMISSION

[NRC–2025–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of September 1, 8, 15, 22, 29, and October 6, 2025. The schedule for Commission meetings is subject to change on short notice. The NRC Commission Meeting Schedule can be found on the internet at: <https://www.nrc.gov/public-involve/public-meetings/schedule.html>.

PLACE: The NRC provides reasonable accommodation to individuals with

disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (e.g., braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at Anne.Silk@nrc.gov. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

STATUS: Public and closed.

Members of the public may request to receive the information in these notices electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at Betty.Thweatt@nrc.gov or Samantha.Miklaszewski@nrc.gov.

MATTERS TO BE CONSIDERED:

Week of September 1, 2025

Thursday, September 4, 2025

2:30 p.m. Affirmation Session (Public Meeting) (Tentative)

- (a) Final Rule: Alternatives to the Use of Credit Ratings (Tentative)
- (b) Final Rule: Categorical Exclusions from Environmental Review (RIN 3150–AK54; NRC–218–0300) (Tentative)

(Contact: Wesley Held: 301–287–3591)

Additional Information: The items will be affirmed in a meeting being held on September 4, 2025. The public is invited to attend the Commission's meeting live; via teleconference. Details for joining the teleconference in listen only mode can be found at <https://www.nrc.gov/pmns/mtg>.

Week of September 8, 2025—Tentative

Tuesday, September 9, 2025

10:00 a.m. All Employees Meeting (Public Meeting) (Contact: Wesley Held: 301–287–3591)

Additional Information: The meeting will be held in the TWFN Auditorium, 11545 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission's meeting in person or watch live via webcast at the Web address—<https://video.nrc.gov/>.

Thursday, September 11, 2025

10:00 a.m. Briefing on NRC International Activities (Closed Ex. 1 and 9)

Week of September 15, 2025—Tentative

There are no meetings scheduled for the week of September 15, 2025.

Week of September 22, 2025—Tentative

There are no meetings scheduled for the week of September 22, 2025.

Week of September 29, 2025—Tentative

There are no meetings scheduled for the week of September 29, 2025.

Week of October 6, 2025—Tentative

Tuesday, October 7, 2025

10:00 a.m. Meeting With the Organization of Agreement States and the Conference of Radiation Control Program Directors (Public Meeting) (Contact: Jeffrey Lynch: 301–415–5041)

Additional Information: The meeting will be held in the Commissioners' Hearing Room, 11555 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission's meeting in person or watch live via webcast at the Web address—<https://video.nrc.gov/>.

CONTACT PERSON FOR MORE INFORMATION:

For more information or to verify the status of meetings, contact Wesley Held at 301–287–3591 or via email at Wesley.Held@nrc.gov.

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: August 28, 2025.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2025–16725 Filed 8–28–25; 11:15 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2025–0775]

Level 3 Probabilistic Risk Assessment Project Documentation (Volume 5)

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 report on the Level 3 Probabilistic Risk Assessment (PRA) project; specifically, “Volume 5: Overview of Reactor, Low-Power and Shutdown, Level 1, 2, and 3 PRAs for Internal Events.”

DATES: Submit comments by November 3, 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-2025-0775. 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(s) 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:

Alan Kuritzky, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-1552; email: Alan.Kuritzky@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2025-0775 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2025-0775.

- *NRC’s Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the “Availability of Documents” section.

- *NRC’s PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an

appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2025-0775 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

As directed in SRM-SECY-11-0089, “Options for Proceeding with Future Level 3 Probabilistic Risk Assessment (PRA) Activities,” the staff is conducting a full-scope multi-unit site Level 3 PRA (Level 3 PRA project) that addresses all internal and external hazards; all plant operating modes; and all reactor units, spent fuel pools, and dry cask storage. For definitional purposes, a Level 1 PRA estimates the frequency of accidents that cause damage to the nuclear reactor core; this is commonly called core damage frequency. A Level 2 PRA starts with the Level 1 core damage accidents and estimates the frequency of accidents that release radioactivity from the nuclear power plant. A Level 3 PRA starts with the Level 2 radioactivity release accidents and estimates the consequences in terms of injury to the public and damage to the environment.

The reference site for this study contains 2 four-loop Westinghouse pressurized water reactors with large dry containments. The objectives of the Level 3 PRA project are to (1) develop a Level 3 PRA, generally based on

current state-of-practice methods, tools, and data, that (a) reflects technical advances since the last NRC-sponsored Level 3 PRAs (NUREG-1150), which were completed over 30 years ago, and (b) addresses scope considerations that were not previously considered (e.g., low-power and shutdown risk, multi-unit risk, other radiological sources); (2) extract new insights to enhance regulatory decision making and to help focus limited NRC resources on issues most directly related to the agency’s mission to protect public health and safety; (3) enhance PRA staff capability and expertise and improve documentation practices to make PRA information more accessible, retrievable, and understandable; and (4) demonstrate technical feasibility and evaluate the realistic cost of developing new Level 3 PRAs.

The work performed under this project is being documented as a multi-volume report. The current Level 3 PRA project reports (Volume 5) describe the analyses and results for the reactor, low-power and shutdown, Level 1, 2, and 3 PRAs for internal events. Each set of Level 3 PRA project reports covering the Level 1, 2, and 3 PRAs for a specific site radiological source, plant operating state, and hazard group (or groups) is accompanied by an overview report. The overview reports summarize the results and insights from all three PRA levels.

The Level 3 PRA project analyses reflect the reference plant as it was designed and operated as of 2012. To provide results and insights better aligned with the current design and operation of the reference plant, the overview reports also provide a reevaluation of the plant risk based on a set of new plant equipment and PRA model assumptions and compare the results of the reevaluation to the original study results. This reevaluation reflects the potential impact of FLEX strategies (which reduce the risk to the public), as well as the current reactor coolant pump shutdown seal design (which has limited risk impact during low-power and shutdown conditions).

As documented in Section 2 of the Volume 5 overview report, the results of the original Level 3 PRA project analyses and the reevaluation both show that the combination of this plant design and site location has substantial margin to the quantitative health objectives related to the NRC’s safety goal policy when considering internal events during reactor shutdown, though the margins are noticeably less for the surrogate risk metrics of core damage frequency and large, early release frequency. Even though these margins can vary for other

plants due to variations in their design and siting, the estimates derived for the reference plant, when adjusted for siting and design variations, would provide

useful qualitative risk insights for other U.S. operating plants.

III. Availability of Documents

The documents identified in the following table are available to interested persons through ADAMS, as indicated.

Document description	Adams accession No.
SRM-SECY-11-0089, "Options for Proceeding with Future Level 3 Probabilistic Risk Assessment (PRA) Activities," dated September 21, 2011	ML112640419
Level 3 PRA Project, Volume 5: Overview of Reactor, Low-Power and Shutdown, Level 1, 2, and 3 PRAs for Internal Events (draft for public comment), published September 2025	ML25157A084
Level 3 PRA Project, Volume 5a: Reactor, At-Shutdown, Level 1 PRA for Internal Events, published September 2025	ML25157A085
Level 3 PRA Project, Volume 5b: Reactor, At-Shutdown, Level 2 PRA for Internal Events, published September 2025	ML25157A086
Level 3 PRA Project, Volume 5c: Reactor, At-Shutdown, Level 3 PRA for Internal Events, published September 2025	ML25157A087

Dated: August 28, 2025.

For the Nuclear Regulatory Commission.

Latonia Enos-Sylla,

Acting Chief, Probability Risk Assessment Branch, Division of Risk Analysis, Office of Nuclear Regulatory Research.

[FR Doc. 2025-16769 Filed 8-29-25; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2025-1073]

Monthly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Monthly notice.

SUMMARY: Pursuant to section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular monthly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration (NSHC), notwithstanding the pendency before the Commission of a request for a hearing from any person.

DATES: Comments must be filed by October 2, 2025. A request for a hearing or petitions for leave to intervene must be filed by November 3, 2025. This monthly notice includes all amendments issued, or proposed to be issued, from July 18, 2025, to August 14, 2025. The last monthly notice was published on August 6, 2025.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website.

- *Federal rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2025-1073. 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(s) 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: Angela Baxter, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-8209; email: Angela.Baxter@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2025-1073, facility name, unit number(s), docket number(s), application date, and subject when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2025-1073.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2025-1073, facility name, unit number(s), docket number(s), application date, and subject, 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. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

For the facility-specific amendment requests shown in this notice, the Commission finds that the licensees' analyses provided, consistent with section 50.91 of title 10 of the *Code of Federal Regulations* (10 CFR) "Notice for public comment; State consultation," are sufficient to support the proposed determinations that these amendment requests involve NSHC. Under the Commission's regulations in 10 CFR 50.92, operation of the facilities in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission is seeking public comments on these proposed determinations. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determinations.

Normally, the Commission will not issue the amendments until the expiration of 60 days after the date of publication of this notice. The Commission may issue any of these license amendments before the expiration of the 60-day period provided that its final determination is that the amendment involves NSHC. In addition, the Commission may issue any of these amendments prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. If the Commission takes action on any of these amendments prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final NSHC determination for any of these amendments, any hearing will take

place after issuance. The Commission expects that the need to take action on any amendment before 60 days have elapsed will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person (petitioner) whose interest may be affected by any of these actions may file a request for a hearing and petition for leave to intervene (petition) with respect to that action. Petitions shall be filed in accordance with the Commission's "Agency Rules of Practice and Procedure" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

Petitions must be filed no later than 60 days from the date of publication of this notice in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained, absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii).

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration, which will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h) no later than 60 days from the date of publication of this notice. Alternatively, a State, local

governmental body, Federally recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

For information about filing a petition and about participation by a person not a party under 10 CFR 2.315, see ADAMS Accession No. ML20340A053 (<https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML20340A053>) and on the NRC's public website at <https://www.nrc.gov/about-nrc/regulatory/adjudicatory/hearing.html#participate>.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including documents filed by an interested State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof that requests to participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as further discussed, is granted. Detailed guidance on electronic submissions is located in the "Guidance for Electronic Submissions to the NRC" (ADAMS Accession No. ML13031A056), and on the NRC's public website (<https://www.nrc.gov/site-help/e-submittals.html>).

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at Hearing.Docket@nrc.gov, or by telephone at 301-415-1677, to: (1) request a digital identification (ID) certificate which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at <https://www.nrc.gov/site-help/e-submittals/getting-started.html>. After a digital ID certificate is obtained and a docket is created, the participant must submit

adjudicatory documents in the Portable Document Format. Guidance on submissions is available on the NRC's public website at <https://www.nrc.gov/site-help/electronic-sub-ref-mat.html>. A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. ET on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email confirming receipt of the document. The E-Filing system also distributes an email that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed in order to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the "Contact Us" link located on the NRC's public website at <https://www.nrc.gov/site-help/e-submittals.html>, by email to MSHD.Resource@nrc.gov, or by a toll-free call at 1-866-672-7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., ET, Monday through Friday, except Federal holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 CFR 2.302(b)-(d). Participants filing adjudicatory documents in this manner are responsible for serving their documents on all other participants. Participants granted an exemption under 10 CFR 2.302(g)(2) must still meet the electronic formatting requirement in 10 CFR 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 CFR 2.302(g)(1).

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available at <https://adams.nrc.gov/ehd>, unless otherwise excluded pursuant to an order of the presiding officer. If you do not have an NRC-issued digital ID certificate as previously described, click "cancel" when the link requests certificates and you will be automatically directed to the NRC's electronic hearing docket where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include copyrighted materials in their submission.

The following table provides the plant name, docket number, date of application, ADAMS accession number, and location in the application of the licensees' proposed NSHC determinations. For further details with respect to these license amendment applications, see the applications for amendment, which are available for public inspection in ADAMS. For additional direction on accessing information related to this document, see the "Obtaining Information and Submitting Comments" section of this document.

LICENSE AMENDMENT REQUESTS

Constellation Energy Generation, LLC; Braidwood Station, Units 1 and 2, Will County, IL; Byron Station, Unit Nos. 1 and 2, Ogle County, IL; Constellation Energy Generation, LLC; Clinton Power Station, Unit No. 1; DeWitt County, IL; Constellation Energy Generation, LLC; Dresden Nuclear Power Station, Units 2 and 3; Grundy County, IL; Constellation Energy Generation, LLC; LaSalle County Station, Units 1 and 2; LaSalle County, IL; Constellation Energy Generation, LLC; Limerick Generating Station, Units 1 and 2; Montgomery County, PA; Constellation Energy Generation, LLC; Peach Bottom Atomic Power Station, Units 2 and 3; York County, PA; Constellation Energy Generation, LLC; Quad Cities Nuclear Power Station, Units 1 and 2; Rock Island County, IL; Nine Mile Point Nuclear Station, LLC and Constellation Energy Generation, LLC; Nine Mile Point Nuclear Station, Unit 2; Oswego County, NY

Docket Nos	50-456, 50-457, 50-454, 50-455, 50-461, 50-237, 50-249, 50-373, 50-374, 50-352, 50-353, 50-277, 50-278, 50-254, 50-265, 50-410.
Application date	August 5, 2025.
ADAMS Accession No	ML25218A063.
Location in Application of NSHC	Pages 4-5 of Attachment 1.
Brief Description of Amendments	The proposed amendments request adoption of Technical Specifications Task Force (TSTF) Traveler, TSTF-599, Revision 1, "Eliminate Periodic Surveillance Test of Simultaneous Start of Redundant Diesel Generators." TSTF-599 deletes a surveillance requirement in TS 3.8.1, "AC [alternating current] Sources—Operating," to verify that diesel generators achieve a specific frequency and voltage within a specified time period when started simultaneously.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Jason Zorn, Associate General Counsel, Constellation Energy Generation, LLC., 101 Constitution Ave. NW, Suite 400 East, Washington, DC 20001.
NRC Project Manager, Telephone Number	Scott Wall, 301-415-2855.

Constellation Energy Generation, LLC; Quad Cities Nuclear Power Station, Units 1 and 2; Rock Island County, IL

Docket Nos	50-254, 50-265.
Application date	June 20, 2025.
ADAMS Accession No	ML25171A137.
Location in Application of NSHC	Pages 5-7 of Attachment 1.

LICENSE AMENDMENT REQUESTS—Continued

Brief Description of Amendments	The proposed amendments would revise technical specification (TS) 3.6.2.4, "Residual Heat Removal (RHR) Suppression Pool Spray," for Quad Cities Nuclear Power Station, Units 1 and 2, to permit the use of a Risk-Informed Completion Time (RICT) when one RHR suppression pool spray subsystem is inoperable. The amendments adopt Technical Specifications Task Force (TSTF) Traveler TSTF-505, Revision 2, "Provide Risk-Informed Extended Completion Times—RITSTF Initiative 4b," which allows licensees to calculate longer Completion Times based on risk insights. The proposed amendments also remove license conditions associated with one-time actions to support prior implementation of RICT program.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Jason Zorn, Associate General Counsel, Constellation Energy Generation, LLC., 4300 Winfield Road, Warrenville, IL 60555.
NRC Project Manager, Telephone Number	Robert Kuntz, 301-415-3733.

Florida Power & Light Company; Turkey Point Nuclear Generating Unit Nos. 3 and 4; Miami-Dade County, FL

Docket Nos	50-250, 50-251.
Application date	June 30, 2025.
ADAMS Accession No	ML25182A034.
Location in Application of NSHC	Pages 23-24 of the Enclosure.
Brief Description of Amendments	The proposed amendments would allow the licensee to implement 10 CFR 50.69, "Risk-informed categorization and treatment of structures, systems and components for nuclear power reactors," at Turkey Point Nuclear Generating Unit Nos. 3 and 4.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Steven Hamrick, Senior Attorney—Nuclear, Florida Power and Light Company, (LAW/WAS) General Counsel, 801 Pennsylvania Ave. NW, Suite 220, Washington, DC 20004.
NRC Project Manager, Telephone Number	Blake Purnell, 301-415-1380.

Nebraska Public Power District; Cooper Nuclear Station; Nemaha County, NE

Docket No	50-298.
Application date	June 24, 2025.
ADAMS Accession No	ML25177A030.
Location in Application of NSHC	Pages 2-4 of Attachment 1.
Brief Description of Amendment	The proposed amendment would revise technical specification 3.6.4.3, "Standby Gas Treatment (SGT) System," Surveillance Requirement (SR) 3.6.4.3.1, which would revise the SR to operate the SGT system with electric heaters operating from 10 continuous hours to 15 continuous minutes in accordance with the Surveillance Frequency Control Program. The proposed amendment is consistent with Technical Specifications Task Force (TSTF) Traveler TSTF-522, Revision 0, "Revise Ventilation System Surveillance Requirements to Operate for 10 hours per Month." This license amendment requests the proposed amendment be evaluated under the Consolidated Line-Item Improvement Process.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	John C. McClure, Executive Vice President External Affairs and General Counsel, Nebraska Public Power District, P.O. Box 499, Columbus, NE 68601.
NRC Project Manager, Telephone Number	Thomas Byrd, 301 415-3719.

Northern States Power Company; Prairie Island Nuclear Generating Plant, Units 1 and 2; Goodhue County, MN

Docket Nos	50-282, 50-306.
Application date	July 14, 2025.
ADAMS Accession No	ML25195A249.
Location in Application of NSHC	Pages 6-7 of the Enclosure.
Brief Description of Amendments	The proposed amendments would change the technical specifications (TS) to relocate details from Note 1 of surveillance requirement (SR) 3.8.1.3 to the Bases, remove an expired one-time Completion Time from TS 3.8.1, Condition E, remove the expired guidance of TS SR 3.8.1.10, Note 3 and the associated footnote from TS, and make editorial corrections. Specifically, TS SR 3.8.1.3, Note 1 states, "DG [diesel generator] loadings may include gradual loading in consideration of manufacturer's recommendations." The proposed amendments would relocate discussion of manufacturer's recommendations to the Bases with added details. This change is similar to one approved previously for SR 3.8.1.2 via Amendment Nos. 245 and 233 on September 27, 2024 (ML24221A362).
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Andrew Van Duzer, Assistant General Counsel, Xcel Energy, 701 Pennsylvania Ave. NW, Suite 250, Washington, DC 20004.
NRC Project Manager, Telephone Number	Beth Wetzell, 301-415-5223.

Southern Nuclear Operating Company, Inc.; Joseph M. Farley Nuclear Plant, Units 1 and 2; Houston County, AL

Docket Nos	50-348, 50-364.
Application date	June 30, 2025.
ADAMS Accession No	ML25181A816.
Location in Application of NSHC	Pages E-11—E-13 of the Enclosure.
Brief Description of Amendments	The proposed amendments would revise the Joseph M. Farley Nuclear Plant, Units 1 and 2, Technical Specification Table 3.3.3-1, "Post Accident Monitoring Instrumentation," by deleting Function 10, "RCS [Reactor Coolant System] Subcooling Margin Monitor."

LICENSE AMENDMENT REQUESTS—Continued

Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Millicent Ronnlund, Vice President and General Counsel, Southern Nuclear Operating Co., Inc., P.O. Box 1295, Birmingham, AL 35201-1295.
NRC Project Manager, Telephone Number	Zachary Turner, 301-415-6303.

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4; Burke County, GA

Docket Nos	52-025, 52-026.
Application date	July 15, 2025.
ADAMS Accession No	ML25196A469.
Location in Application of NSHC	Pages E-11 and E-12 of the Enclosure.
Brief Description of Amendments	The proposed amendments would revise technical specification (TS) Actions for TS 3.3.13, "Engineered Safety Feature Actuation System (ESFAS) Main Control Room Isolation, Air Supply Initiation, and Electrical Load De-energization," and TS 3.7.6, "Main Control Room Emergency Habitability System (VES)."
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Millicent Ronnlund, Vice President and General Counsel, Southern Nuclear Operating Co., Inc., P.O. Box 1295, Birmingham, AL 35201-1295.
NRC Project Manager, Telephone Number	John Lamb, 301-415-3100.

III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last monthly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating

license or combined license, as applicable, proposed NSHC determination, and opportunity for a hearing in connection with these actions, were published in the **Federal Register** as indicated in the safety evaluation for each amendment.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has

made a determination based on that assessment, it is so indicated in the safety evaluation for the amendment.

For further details with respect to each action, see the amendment and associated documents such as the Commission's letter and safety evaluation, which may be obtained using the ADAMS accession numbers indicated in the following table. The safety evaluation will provide the ADAMS accession numbers for the application for amendment and the **Federal Register** citation for any environmental assessment. All of these items can be accessed as described in the "Obtaining Information and Submitting Comments" section of this document.

LICENSE AMENDMENT ISSUANCES

Constellation Energy Generation, LLC; Clinton Power Station, Unit No. 1; DeWitt County, IL; Constellation Energy Generation, LLC; LaSalle County Station, Units 1 and 2; LaSalle County, IL; Constellation Energy Generation, LLC; Limerick Generating Station, Units 1 and 2; Montgomery County, PA; Constellation Energy Generation, LLC; Peach Bottom Atomic Power Station, Units 2 and 3; York County, PA; Constellation FitzPatrick, LLC and Constellation Energy Generation, LLC; James A. FitzPatrick Nuclear Power Plant; Oswego County, NY; Nine Mile Point Nuclear Station, LLC; and Constellation Energy Generation, LLC; Nine Mile Point Nuclear Station, Unit 2; Oswego County, NY

Docket Nos	50-461, 50-373, 50-374, 50-352, 50-353, 50-277, 50-278, 50-333, 50-410.
Amendment Date	July 21, 2025.
ADAMS Accession No	ML25192A239.
Amendment Nos	256 (Clinton); 265 (LaSalle, Unit 1); 250 (LaSalle, Unit 2); 267 (Limerick, Unit 1); 229 (Limerick, Unit 2); 346 (Peach Bottom, Unit 2); 349 (Peach Bottom, Unit 3); 360 (FitzPatrick); 199 (Nine Mile, Unit 2).
Brief Description of Amendments	The amendments revised the technical specifications for each facility in accordance with Technical Specifications Task Force (TSTF) Traveler TSTF-597, Revision 0, "Eliminate LCO [Limiting Conditions for Operations] 3.0.3 Mode 2 Requirement."
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Constellation Energy Generation, LLC; Dresden Nuclear Power Station, Units 2 and 3; Grundy County, IL

Docket Nos	50-237, 50-249.
Amendment Date	July 30, 2025.
ADAMS Accession No	ML25196A299.
Amendment Nos	286 (Unit 2), 279 (Unit 3).
Brief Description of Amendments	The amendments adopted Technical Specification Task Force (TSTF) Traveler 505 (TSTF-505), Revision 2, "Provide Risk Informed Completion Times—RITSTF Initiative 4b," and TSTF-591, Revision 0, "Revise Risk Informed Completion Time (RICT) Program."

LICENSE AMENDMENT ISSUANCES—Continued

Public Comments Received as to Proposed NSHC (Yes/No).	No.
--	-----

Constellation Energy Generation, LLC; Dresden Nuclear Power Station, Units 2 and 3; Grundy County, IL

Docket Nos	50–237, 50–249.
Amendment Date	August 7, 2025.
ADAMS Accession No	ML25213A180.
Amendment Nos	287 (Unit 2), 280 (Unit 3).
Brief Description of Amendments	The amendments adopted 10 CFR 50.69, “Risk Informed Categorization and Treatment of Structures, Systems, and Components for Nuclear Power Reactors.”
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Energy Northwest; Columbia Generating Station; Benton County, WA

Docket No	50–397.
Amendment Date	July 24, 2025.
ADAMS Accession No	ML25161A150.
Amendment No	278.
Brief Description of Amendment	The amendment approved the use of generic personnel titles instead of plant-specific titles. Additionally, an enhancement was approved to replace the term “plant-specific titles” with “generic titles” in technical specification (TS) Section 5.0, “Administrative Controls,” and to use appropriately decapitalized titles for positions, ensuring consistency with the Columbia TSs listed sections. None of the changes resulted in changes to technical requirements.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Entergy Louisiana, LLC, and Entergy Operations, Inc.; River Bend Station, Unit 1; West Feliciana Parish, LA; Entergy Operations, Inc., System Energy Resources, Inc., Cooperative Energy, A Mississippi Electric Cooperative, and Entergy Mississippi, LLC; Grand Gulf Nuclear Station, Unit 1; Claiborne County, MS; Entergy Operations, Inc.; Arkansas Nuclear One, Units 1 and 2; Pope County, AR; Entergy Operations, Inc.; Waterford Steam Electric Station, Unit 3; St. Charles Parish, LA

Docket No	50–313, 50–368, 50–416, 50–458, 50–382.
Amendment Date	July 29, 2025.
ADAMS Accession No	ML25197A534.
Amendment Nos	283 (ANO, Unit 1); 336 (ANO, Unit 2); 238 (Grand Gulf); 218 (River Bend); 275 (Waterford 3).
Brief Description of Amendments	The amendments revised the technical specifications (TSs) for Arkansas Nuclear One, Units 1 and 2 (ANO Units 1 and 2), Grand Gulf Nuclear Station, Unit 1 (Grand Gulf), River Bend Station, Unit 1 (River Bend), and Waterford Steam Electric Station, Unit 3 (Waterford 3). Specifically, the amendments revised the “Programs and Manuals” (section is titled “Programs” for Waterford) TS Section, “Risk Informed Completion Time [RICT] Program,” to reference NRC’s Regulatory Guide 1.200, Revision 3, instead of Revision 2, and to make other changes. Additionally, a new report was added to the “Reporting Requirements” TS Section, to inform the NRC of newly developed methods used to calculate a RICT. The proposed changes were consistent with Technical Specifications Task Force (TSTF) Traveler, TSTF–591, Revision 0, “Revise Risk Informed Completion Time (RICT) Program.”
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Entergy Operations, Inc.; Arkansas Nuclear One, Unit 1; Pope County, AR

Docket No	50–313.
Amendment Date	July 30, 2025.
ADAMS Accession No	ML25188A184.
Amendment No	284.
Brief Description of Amendment	The amendment authorized corresponding changes to the safety analysis report concurrent with the issuance of an order relaxation letter (ML25192A201) for the Arkansas Nuclear One, Unit 1 Confirmatory Order dated January 2, 1980 (ML021220215), to implement all “Category A” lessons learned requirements by January 31, 1980. The changes allow certain manual actions outside the control room to restore emergency power to the pressurizer heaters.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Entergy Operations, Inc.; Waterford Steam Electric Station, Unit 3; St. Charles Parish, LA

Docket No	50–382.
Amendment Date	July 25, 2025.
ADAMS Accession No	ML25169A088.
Amendment No	274.

LICENSE AMENDMENT ISSUANCES—Continued

Brief Description of Amendment	The amendment revised current technical specification (TS) 3.7.6.3, "Control Room Air Temperature—Operating," and TS 3.7.6.4, "Control Room Air Temperature—Shutdown," by extending the completion time (CT) for one inoperable control room air conditioning unit from 7 days to 30 days and the CT when both control room air conditioning units are inoperable from 1 hour to 24 hours.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Pacific Gas and Electric Company; Diablo Canyon Nuclear Power Plant, Units 1 and 2; San Luis Obispo County, CA

Docket Nos	50–275, 50–323.
Amendment Date	July 21, 2025.
ADAMS Accession No	ML25184A077.
Amendment Nos	251 (Unit 1) and 253 (Unit 2).
Brief Description of Amendments	The amendments approved alternative security measures for the implementation of the Early Warning System.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Palisades Energy, LLC; Palisades Nuclear Plant; Van Buren County, MI

Docket No	50–255.
Amendment Date	July 24, 2025.
ADAMS Accession No	ML25156A045.
Amendment No	279.
Brief Description of Amendment	The amendment allows the use of the Framatome Inc. Topical Report EMF–2310, Revision 1, Supplement 2P–A, Revision 0, "SRP [Standard Review Plan] Chapter 15 Non-LOCA [loss-of-coolant accident] Methodology for Pressurized Water Reactors," for application of the Biasi Critical Heat Flux correlation in the Post-Scram Main Steam Line Break Analysis at Palisades Nuclear Plant (PNP), which supports the resumption of power operations at PNP.
Public Comments Received as to Proposed NSHC (Yes/No).	Yes.

Palisades Energy, LLC; Palisades Nuclear Plant; Van Buren County, MI

Docket No	50–255.
Amendment Date	July 24, 2025.
ADAMS Accession No	ML25157A127.
Amendment No	276.
Brief Description of Amendment	The amendment revised the Renewed Facility Operating License, the Permanently Defueled technical specifications, the Environmental Protection Plan, and the Physical Security Plan to support resumption of power operations at the Palisades Nuclear Plant.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Palisades Energy, LLC; Palisades Nuclear Plant; Van Buren County, MI

Docket No	50–255.
Amendment Date	July 24, 2025.
ADAMS Accession No	ML25157A107.
Amendment No	277.
Brief Description of Amendment	The amendment revised selected sections of the permanently defueled technical specifications to support reauthorization of power operations at the Palisades Nuclear Plant.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Palisades Energy, LLC; Palisades Nuclear Plant; Van Buren County, MI

Docket No	50–255.
Amendment Date	July 24, 2025.
ADAMS Accession No	ML25150A281.
Amendment No	278.
Brief Description of Amendment	The amendment revised the Palisades Nuclear Plant Permanently Defueled Emergency Plan and emergency action level scheme to reflect the reauthorization of power operations at the Palisades Nuclear Plant. The amendment approved the Palisades Nuclear Plant Power Operations Site Emergency Plan.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

PSEG Nuclear LLC; Hope Creek Generating Station; Salem County, NJ

Docket No	50–354.
Amendment Date	July 23, 2025.
ADAMS Accession No	ML25169A300.
Amendment No	238.

LICENSE AMENDMENT ISSUANCES—Continued

Brief Description of Amendment	The amendment revised the Hope Creek Generating Station technical specifications to Improved Standard Technical Specifications, consistent with NUREG-1433, Revision 5, "Standard Technical Specifications—General Electric BWR/4 Plants."
Public Comments Received as to Proposed NSHC (Yes/No).	No.

PSEG Nuclear LLC; Hope Creek Generating Station; Salem County, NJ

Docket No	50-354.
Amendment Date	July 17, 2025.
ADAMS Accession No	ML25107A308.
Amendment No	237.
Brief Description of Amendment	The amendment revised the license and technical specifications for Hope Creek Generating Station to increase certain surveillance requirement intervals from 18 months to 24 months for surveillance requirements whose frequency is controlled within the licensee's Surveillance Frequency Control Program. Also, the amendment increased some surveillance requirement intervals extended under the Surveillance Frequency Control Program from 36 months to 48 months.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

PSEG Nuclear LLC; Hope Creek Generating Station; Salem County, NJ

Docket No	50-354.
Amendment Date	August 5, 2025.
ADAMS Accession No	ML25104A095.
Amendment No	239.
Brief Description of Amendment	The amendment revised technical specification (TS) 3.4.3, "Safety/Relief Valves," that modified the code safety valve function lift settings for all 14 valves as well as, expand the as-found safety function lift setpoint tolerances that are listed in Surveillance Requirement (SR) 3.4.3.1. The amendment also increased the inservice testing program test pressure in SR 3.1.7.7, associated with TS 3.1.7, "Standby Liquid Control System."
Public Comments Received as to Proposed NSHC (Yes/No).	No.

PSEG Nuclear LLC; Salem Nuclear Generating Station, Unit Nos. 1 and 2; Salem County, NJ

Docket No	50-272, 50-311.
Amendment Date	August 5, 2025.
ADAMS Accession No	ML25191A194.
Amendment No	351 (Unit 1), 333 (Unit 2).
Brief Description of Amendment	The amendments modified the technical specification surveillance requirements for the containment fan cooler units by removing overly detailed information and relocating it to licensee-controlled documents, consistent with NUREG-1431, "Standard Technical Specifications—Westinghouse Plants."
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Southern Nuclear Operating Company, Inc.; Edwin I. Hatch Nuclear Plant, Units 1 and 2; Appling County, GA; Southern Nuclear Operating Company, Inc.; Joseph M. Farley Nuclear Plant, Units 1 and 2; Houston County, AL; Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 1 and 2; Burke County, GA; Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4; Burke County, GA

Docket Nos	50-321, 50-348, 50-364, 50-366, 50-424, 50-425, 52-025, 52-026.
Amendment Date	August 12, 2025.
ADAMS Accession No	ML25197A532.
Amendment Nos	257 (Farley, Unit 1), 254 (Farley, Unit 2), 328 (Hatch, Unit 1), 273 (Hatch, Unit 2), 228 (Vogtle, Unit 1), 210 (Vogtle, Unit 2), 204 (Vogtle Unit 3), and 201 (Vogtle, Unit 4).
Brief Description of Amendments	The amendments revised the respective technical specifications (TSs) regarding "Unit Staff Qualifications" by removing the licensee's staff qualification requirements from the TSs and relocating the control of unit staff qualification requirements to the licensee-controlled Southern Nuclear Operating Company Quality Assurance Topical Report (QATR) for Farley, Units 1 and 2, Hatch, Units 1 and 2, and Vogtle, Units 1 and 2, and the Nuclear Development Quality Assurance Manual (NDQAM) for Vogtle, Units 3 and 4, consistent with the guidance in NRC Administrative Letter (AL) 95-06, "Relocation of Technical Specification Administrative Controls Related to Quality Assurance" (ML031110271).
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4; Burke County, GA

Docket Nos	52-025, 52-026.
Amendment Date	July 22, 2025.
ADAMS Accession No	ML25147A107.
Amendment Nos	202 (Unit 3) and 199 (Unit 4).

LICENSE AMENDMENT ISSUANCES—Continued

Brief Description of Amendments	The amendments removed completed combined operating license (COL) conditions, modified other COL conditions, and removed some unit-specific technical specification and COL language that is no longer applicable for Vogtle, Units 3 and 4.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4; Burke County, GA

Docket Nos	52–025, 52–026.
Amendment Date	August 8, 2025.
ADAMS Accession No	ML25199A048.
Amendment Nos	203 (Unit 3) and 200 (Unit 4).
Brief Description of Amendments	The amendments added a new “Tcold—High,” Function 11.b for passive residual heat removal actuation logic to Technical Specification (TS) Table 3.3.8–1, “Engineered Safeguards Actuation System Instrumentation,” as well as editorial changes to TS 3.3.8 for Vogtle Electric Generating Plant, Units 3 and 4.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Vistra Operations Company LLC; Comanche Peak Nuclear Power Plant, Unit Nos. 1 and 2; Somervell County, TX

Docket Nos	50–445, 50–446.
Amendment Date	July 21, 2025.
ADAMS Accession No	ML25192A051.
Amendment Nos	192 (Unit 1) and 192 (Unit 2).
Brief Description of Amendments	The amendments revised the technical specification (TS) requirements in TS section 1.3, “Completion Times,” and TS section 3.0, “Limiting Condition for Operation (LCO) Applicability,” and “Surveillance Requirements (SR) Applicability.” Specifically, these changes clarified and expanded the use and application of the usage rules for Comanche Peak Nuclear Power Plant, Unit Nos. 1 and 2 TS and are consistent with the NRC-approved Technical Specifications Task Force (TSTF) Traveler TSTF–529, Revision 4, “Clarify Use and Application Rules,” dated February 29, 2016, and was approved by the NRC by letter dated April 21, 2016.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Dated: August 21, 2025.

For the Nuclear Regulatory Commission.

Jamie Pelton,

Acting Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2025–16718 Filed 8–29–25; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2024–263; CP2024–408; CP2024–512; CP2024–636; MC2025–1649 and K2025–1640; MC2025–1650 and K2025–1641; MC2025–1651 and K2025–1642; MC2025–1652 and K2025–1643]

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:* September 5, 2025.

ADDRESSES: Submit comments electronically via the Commission’s

Filing Online system at <https://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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

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).

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)*.: CP2024–263; *Filing Title*: USPS Request Concerning Amendment One to Priority Mail & USPS Ground Advantage Contract 231, with Materials Filed Under Seal; *Filing Acceptance Date*: August 27, 2025; *Filing Authority*: 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative*: Almaroof Agoro; *Comments Due*: September 5, 2025.

2. *Docket No(s)*.: CP2024–408; *Filing Title*: USPS Request Concerning Amendment One to Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 139, with Materials Filed Under Seal; *Filing Acceptance Date*: August 27, 2025; *Filing Authority*: 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative*: Christopher Mohr; *Comments Due*: September 5, 2025.

3. *Docket No(s)*.: CP2024–512; *Filing Title*: USPS Request Concerning Amendment Two to Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 217, with Materials Filed Under Seal; *Filing Acceptance Date*: August 27, 2025; *Filing Authority*: 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative*: Almaroof Agoro; *Comments Due*: September 5, 2025.

4. *Docket No(s)*.: CP2024–636; *Filing Title*: USPS Request Concerning Amendment One to Priority Mail Express, Priority Mail & USPS Ground

Advantage Contract 303, with Materials Filed Under Seal; *Filing Acceptance Date*: August 27, 2025; *Filing Authority*: 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative*: Kenneth Moeller; *Comments Due*: September 5, 2025.

5. *Docket No(s)*.: MC2025–1649 and K2025–1640; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 832 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: August 27, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Maxine Bradley; *Comments Due*: September 5, 2025.

6. *Docket No(s)*.: MC2025–1650 and K2025–1641; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1404 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: August 27, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Maxine Bradley; *Comments Due*: September 5, 2025.

7. *Docket No(s)*.: MC2025–1651 and K2025–1642; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 833 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: August 27, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Kenneth Moeller; *Comments Due*: September 5, 2025.

8. *Docket No(s)*.: MC2025–1652 and K2025–1643; *Filing Title*: USPS Request to Add Priority Mail Contract 924 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: August 27, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Jennaca Upperman; *Comments Due*: September 5, 2025.

III. Summary Proceeding(s)

None. See Section II for public proceedings.

This Notice will be published in the **Federal Register**.

Erica A. Barker,
Secretary.

[FR Doc. 2025–16779 Filed 8–29–25; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2024–566; CP2024–579; K2024–36; K2025–410; MC2025–1644 and K2025–1635; MC2025–1645 and K2025–1636; MC2025–1646 and K2025–1637; MC2025–1647 and K2025–1638; MC2025–1648 and K2025–1639]

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*: September 4, 2025.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <https://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction
- II. Public Proceeding(s)
- III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<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

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).

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. The comment due date discussed above does not apply to Section III proceedings (Docket Nos. MC2025–1647 and K2025–1638).

II. Public Proceeding(s)

1. *Docket No(s)*.: CP2024–566; *Filing Title*: USPS Request Concerning Amendment One to Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 253, with Materials Filed Under Seal; *Filing Acceptance Date*: August 26, 2025; *Filing Authority*: 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative*: Almaroof Agoro; *Comments Due*: September 4, 2025.

2. *Docket No(s)*.: CP2024–579; *Filing Title*: USPS Request Concerning Amendment One to Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 262, with Materials Filed Under Seal; *Filing Acceptance Date*: August 26, 2025; *Filing Authority*: 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative*: Kenneth Moeller; *Comments Due*: September 4, 2025.

3. *Docket No(s)*.: K2024–36; *Filing Title*: USPS Request Concerning Amendment One to Priority Mail & USPS Ground Advantage Contract 148 and Materials Filed Under Seal; *Filing Acceptance Date*: August 26, 2025; *Filing Authority*: 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative*: Christopher Mohr; *Comments Due*: September 4, 2025.

4. *Docket No(s)*.: K2025–410; *Filing Title*: USPS Request Concerning Amendment One to Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 730, with Materials Filed Under Seal; *Filing Acceptance Date*: August 26, 2025; *Filing Authority*: 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative*: Jennaca Upperman; *Comments Due*: September 4, 2025.

5. *Docket No(s)*.: MC2025–1644 and K2025–1635; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1402 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: August 26, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Elsie Lee-Robbins; *Comments Due*: September 4, 2025.

6. *Docket No(s)*.: MC2025–1645 and K2025–1636; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 830 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: August 26, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Elsie Lee-Robbins; *Comments Due*: September 4, 2025.

7. *Docket No(s)*.: MC2025–1646 and K2025–1637; *Filing Title*: USPS Request to Add Priority Mail Contract 923 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: August 26, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Evan Wise; *Comments Due*: September 4, 2025.

8. *Docket No(s)*.: MC2025–1648 and K2025–1639; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1403 to the Competitive

Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: August 26, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Evan Wise; *Comments Due*: September 4, 2025.

III. Summary Proceeding(s)

1. *Docket No(s)*.: MC2025–1647 and K2025–1638; *Filing Title*: USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 831, and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: August 26, 2025; *Filing Authority*: 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2025–16731 Filed 8–29–25; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Sunshine Act Meetings

TIME AND DATE: Tuesday, September 9, 2025, at 9:00 a.m. EST.

PLACE: Washington, DC, at U.S. Postal Service Headquarters, 475 L'Enfant Plaza, SW.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Strategic Matters.
2. Financial Matters.
3. Administrative Matters.

General Counsel Certification: The General Counsel of the United States Postal Service has certified that the meeting may be closed under the Government in the Sunshine Act, 5 U.S.C. 552b.

CONTACT PERSON FOR MORE INFORMATION:

Lucy C. Trout, Secretary of the Board of Governors, U.S. Postal Service, 475 L'Enfant Plaza, SW, Washington, DC 20260–1000. Telephone: (202) 268–4800.

Lucy C. Trout,

Secretary.

[FR Doc. 2025–16736 Filed 8–28–25; 11:15 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103782; File No. SR–CBOE–2025–020]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing of Amendment No. 2 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 2, To Eliminate Position and Exercise Limits for Options on the S&P 500 Equal Weight Index

August 27, 2025.

I. Introduction

On March 14, 2025, Cboe Exchange, Inc. (“Exchange” or “Cboe Options”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (“Act”)² and Rule 19b–4 thereunder,³ a proposed rule change to eliminate position and exercise limits for options that overlie the S&P 500 Equal Weight Index (based on both the full value (“SPEQF options”) and one-tenth the value (“SPEQX options”) of the index). The proposed rule change was published for comment in the **Federal Register** on March 31, 2025.⁴ On May 9, 2025, pursuant to Section 19(b)(2) of the Act,⁵ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.⁶ On June 26, 2025, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act⁷ to determine whether to approve or disapprove the proposed rule change.⁸

On July 7, 2025, the Exchange filed Amendment No. 1 to the proposed rule change; on July 23, 2025, the Exchange

withdrew Amendment No. 1 and replaced it with Amendment No. 2.⁹ The Commission received no comments on the proposed rule change. The Commission is publishing this Notice and Order to solicit comment on Amendment No. 2 in Sections II and III below, which sections are being published verbatim as filed by the Exchange, and to approve the proposed rule change, as modified and superseded by Amendment No. 2, on an accelerated basis.

II. 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 the position and exercise limits for options that overlie the S&P 500 Equal Weight Index (based on both the full value and one-tenth the value of the index) (“SPEQF options” and “SPEQX options,” respectively). The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange’s website (<http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx>) and at the Exchange’s Office of the Secretary.

III. 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 V below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

⁹ Amendment Nos. 1 and 2 are publicly available on the Commission’s website at <https://www.sec.gov/comments/sr-cboe-2025-020/srcboe2025020.htm>. Amendment No. 1 superseded and replaced the initial proposal; it removed SPESG options from the scope of the proposed rule change and provided additional support for and detail regarding what remained in the proposed rule change, namely, the proposed removal of position and exercise limits for SPEQF and SPEQX options. The exchange withdrew Amendment No. 1 due to a technical error in the Exhibit 1. Amendment No. 2 supersedes and replaces the initial filing and Amendment No. 1. In Amendment No. 2, the Exchange corrected that technical error in the Exhibit 1 of Amendment No. 1 but otherwise retained what was set forth in Amendment No. 1 without making any substantive changes to the initial filing other than those that were set forth in Amendment No. 1.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to amend the position and exercise limits for SPEQF options and SPEQX options. Pursuant to Rule 8.31(a), the current position limit for each of these three options is 25,000 contracts.¹⁰ Pursuant to Rule 8.42(b), the exercise limit for each of these options is equivalent to its position limit and thus is also 25,000 contracts. With respect to flexible exchange options (“FLEX options”), Rule 8.35(a)(2) provides that the position limits for FLEX SPEQF and SPEQX options are 200,000 contracts, and Rule 8.42(g) provides that the exercise limits are also 200,000 contracts.

The proposed rule change amends Rules 8.31(a) and 8.35(b) to eliminate the position and exercise limits for each of SPEQF and SPEQX options (including FLEX options). This would also eliminate the exercise limits for these options pursuant to Rule 8.42(b) and (g). There are currently no position or exercise limits for many other broad-based index options (including FLEX), including SPX and XSP options. The underlying index of SPX and XSP options (the S&P 500 Index) is comprised of the same components as SPEQF and SPEQX options. In addition, the Exchange notes that other S&P 500 Index-related options (e.g., S&P 500 Dividend Index) have no position or exercise limits. FLEX SPEQF and SPEQX options will be subject to the same reporting requirements triggered for other FLEX options traded on the Exchange.¹¹ Given the relationship between the S&P 500 Equal Weight Index and the S&P 500 Index, the Exchange understands that market participants’ investment and hedging strategies may consist of options overlying any or all of these options. As a result, the Exchange believes it is appropriate for these options to all be subject to the same position and exercise limits to provide them with the ability to execute these strategies with sufficient flexibility and in a consistent manner.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange

¹⁰ Positions (and exercises) are further limited to 15,000 near-term contracts. See Rule 8.31(a).

¹¹ See Rule 8.35(b).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b–4.

⁴ See Securities Exchange Act Release No. 102720 (March 25, 2025), 90 FR 14297 (“Notice”). The initial proposed rule change also would have eliminated position and exercise limits for options that overlie the S&P 500 Scored and Screened Index (formerly known as the S&P 500 ESG Index) (“SPESG options”). As described below, the Exchange removed this aspect of the proposal in Amendment Nos. 1 and 2. See *infra* note 9.

⁵ See 15 U.S.C. 78s(b)(2).

⁶ See Securities Exchange Act Release No. 103017, 90 FR 14297 (May 15, 2025). The Commission designated June 30, 2025, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

⁷ 15 U.S.C. 78s(b)(2)(B).

⁸ See Securities Exchange Act Release No. 103338, 90 FR 28846 (July 1, 2025) (“OIP”).

and, in particular, the requirements of Section 6(b) of the Act.¹² Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹³ 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)¹⁴ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change will promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest, because it is consistent with existing rules regarding position and exercise limits for many broad-based index options currently authorized for listing and trading on the Exchange. There are currently no position limits for related options that overlay the S&P 500 Index, the components of which are the same as those of the S&P 500 Equal Weight Index. Because of this relationship between the S&P 500 Equal Weight Index and the S&P 500 Index, options on all of which market participants may use as hedging vehicles to meet their investment needs in connection with S&P 500 Index-related products and cash positions, the Exchange believes the proposed rule change will benefit investors, as it will permit market participants to use these options in accordance with consistent rules with respect to their investment and hedging strategies.

Despite the overlapping constituents of the indexes underlying SPX options and SPEQF and SPEQX options, these options provide investors with important alternate investment opportunities. With respect to SPEQF and SPEQX options, the U.S. equity markets have experienced increased levels of concentration in recent years. SPEQF and SPEQX options provide market participants with alternative

tools to manage their risk and diversify their exposure to the stocks comprising the S&P 500 Index by permitting them to gain broad exposure to these stocks using options that would be less impacted by a shift in concentration and market momentum. Because capitalization-weighted indexes such as the S&P 500 Index are more impacted by larger capitalized stocks, options overlying an equal-weighted index (such as the S&P 500 Equal Weight Index) would benefit investors by permitting them to hedge against potential swings in the largest stocks comprising the S&P 500 Index while maintaining the ability to hedge across the entire span of S&P 500 constituent securities. Because the components of the S&P 500 Equal Weight Index are the same as the components of the S&P 500 Index, market participants may use options overlying these indexes as a hedging vehicle to meet their investment needs in connection with S&P 500-related products and cash positions, and, therefore, the Exchange believes it is appropriate to provide generally consistent features between options on these indexes, as that ultimately will remove impediments to and perfect the mechanism of a free and open market and a national market system. The Exchange believes imposing lower position and exercise position limits on SPEQF and SPEQX options may unnecessarily restrict investors' abilities to use these options to achieve their investment goals.

The Exchange believes the proposed rule change is designed to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade. The S&P 500 Equal Weight Index, like the S&P 500 Index, is comprised of the 500 largest capitalized stocks listed on U.S. securities exchanges. These stocks cover approximately 80% of the total U.S. stock market capitalization. The Exchange believes the deep, liquid markets for these large-capitalization stocks reduces concerns of market manipulation or impact on the underlying markets. Despite the difference in weighting of the constituents in the S&P 500 Equal Weight Index (each constituent would be approximately 0.2%) compared to the weight of the constituents in the S&P 500 Index (constituent weightings currently range from 0.01% to just under 7%), it would be difficult for investors to manipulate the index value of the S&P Equal Weight Index. Doing so would require investors to influence the value of a large number of constituent stocks to impact the value of

the index, which the Exchange believes would be prohibitively expensive to do so, even for the less liquid constituents. Similarly, even the least liquid constituents in the S&P 500 Equal Weight Index are still amongst the most liquid and largest capitalized stocks in the United States, making it unlikely those markets could be materially impacted by increased options trading. Therefore, the Exchange does not believe the elimination of position (and exercise) limits for SPEQF and SPEQX options will increase the risk of manipulation of the index value or impact the markets for the underlying constituents.

If the Commission approves the proposed rule change, the reporting requirements for SPEQF and SPEQX options would remain unchanged. Specifically, the Exchange's requirement that TPHs file reports with the Exchange for any customer who held aggregate large long or short positions on the same side of the market of 200 or more option contracts of any single class for the previous day will remain at this level for the options subject to this proposal and will continue to serve as an important part of the Exchange's surveillance efforts.¹⁵ While SPEQX and SPEQF options are not subject to the hedged position reporting requirement in Rule 8.43(b),¹⁶ the Exchange may access this position information from TPH.¹⁷

The Exchange believes that the existing surveillance procedures and reporting requirements at the Exchange and other SROs are capable of properly identifying disruptive and/or manipulative trading activity. The Exchange also represents that it has adequate surveillances in place to detect potential manipulation, as well as reviews in place to identify potential changes in composition of the S&P 500 Equal Weight Index and continued compliance with the Exchange's listing standards. These procedures utilize daily monitoring of market activity via automated surveillance techniques to identify unusual activity in both options and the underlying index, as

¹⁵ See Rule 8.43(a).

¹⁶ Rule 8.43(b) applies only to non-FLEX equity options.

¹⁷ The Options Clearing Corporation ("OCC") through the Large Option Position Reporting ("LOPR") system acts as a centralized service provider for TPH compliance with position reporting requirements by collecting data from each TPH or TPH organization, consolidating the information, and ultimately providing detailed listings of each TPH's report to the Exchange, as well as Financial Industry Regulatory Authority, Inc. ("FINRA"), acting as its agent pursuant to a regulatory services agreement ("RSA").

¹² 15 U.S.C. 78f(b).

¹³ 15 U.S.C. 78f(b)(5).

¹⁴ *Id.*

applicable.¹⁸ The Exchange also notes that large stock holdings must be disclosed to the Commission by way of Schedules 13D or 13G,¹⁹ which are used to report ownership of stock which exceeds 5% of a company's total stock issue and may assist in providing information in monitoring for any potential manipulative schemes.

The Exchange believes that the current financial requirements imposed by the Exchange and by the Commission adequately address concerns regarding potentially large, unhedged positions in SPEQX and SPEQF options. Current margin and risk-based haircut methodologies serve to limit the size of positions maintained by any one account by increasing the margin and/or capital that a TPH must maintain for a large position held by itself or by its customer.²⁰ In addition, Rule 15c3-1²¹ imposes a capital charge on TPHs to the extent of any margin deficiency resulting from the higher margin requirement.

When approving the Exchange's proposed rule change to eliminate position limits for SPX options, the Commission noted it believed "that the enormous capitalization of and deep, liquid markets for the underlying securities contained in these indexes significantly reduces concerns regarding market manipulation or disruption in the underlying market."²² The Commission continued, stating that "[r]emoving position and exercise limits for these index options may also bring additional depth and liquidity, in terms of both volume and open interest, to [SPX options] without significantly increasing concerns regarding

intermarket manipulations or disruptions of the options or the underlying securities."²³ This finding would apply to the S&P 500 Equal Weight Index, and thus SPEQF and SPEQX options, given that it is comprised of the same components as the S&P 500 Index underlying SPX options. The Commission further found that: (1) eliminating position and exercise limits for SPX options would better service the hedging needs of institutions; (2) financial requirements imposed by the Exchange and the Commission adequately address concerns that a Cboe member or customer may try to maintain an inordinately large unhedged SPX option position; (3) index derivatives are not subject to position and exercise limits in the over-the-counter market; and (4) the Exchange surveillance reporting safeguards would allow it to detect and deter trading abuses arising from the elimination of position and exercise limits for SPX options.²⁴ The Exchange believes these same principles apply to supporting no position or exercise limits for SPEQF and SPEQX, particularly given the exact overlap of constituents for the S&P 500 Index and the S&P 500 Equal Weight Index.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe the proposed rule change will impose any burden on intramarket competition that is not necessary in furtherance of the purposes of the Act, because it will apply to all market participants in the same manner. Additionally, the Exchange does not believe this proposed rule change will impose any burden on intermarket competition that is not necessary in furtherance of the purposes of the Act, because the Rules currently impose no position or exercise limits on many other broad-based index options, including SPX and XSP options, which overlie an index comprised of the same constituents. Additionally, the rules of other options exchange provide that other broad-based index options will not be subject to any position or exercise limits.²⁵

²³ *Id.*

²⁴ *Id.*

²⁵ See, e.g., Nasdaq PHLX LLC Options 4A, Section 6(a)(i) (which provides there are no position limits for Full Value Nasdaq 100 Options, the Reduced Value Nasdaq 100 Options, the Nasdaq 100-Micro Index Options, and the Nasdaq-100 ESG Index Options).

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 written comments on the proposed rule change.

IV. Discussion and Commission Findings

After careful review, the Commission finds that the Exchange's proposed rule change, as modified and superseded by Amendment No. 2 ("Amended Proposal"), is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.²⁶ In particular, the Commission finds that the Amended Proposal is consistent with Section 6(b)(5) of the Act,²⁷ which requires, among other things, that an exchange have rules designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

As stated above, for SPEQF and SPEQX options, the current position and exercise limit is 25,000 contracts for standardized positions and 200,000 contracts for FLEX positions. Under the Amended Proposal, these limits would be eliminated such that standardized and FLEX SPEQF and SPEQX options have no position or exercise limits. As the Commission stated in the OIP, the proposed elimination of position (and exercise) limits would permit market participants to significantly increase the size of unidirectional, unhedged positions in these products, and raises the potential for adverse market impacts and manipulative schemes.²⁸ The Commission also stated, in the OIP, that the initial filing did not address the potential risks of adverse market impact or manipulation that could be presented by the equal weighting of the underlying index components for SPEQF and SPEQX options, which is different from the market capitalization weighting applied to the underlying index components for SPX and XSP options.²⁹

²⁶ In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

²⁷ 15 U.S.C. 78f(b)(5).

²⁸ See OIP, *supra* note 8, 90 FR at 28847.

²⁹ *Id.* The Commission also expressed concern in the OIP regarding the initial filing's proposed elimination of position and exercise limits for SPESG options, but the Amended Proposal removes

¹⁸ The Exchange believes these procedures have been effective for the surveillance of trading the options subject to this proposal and will continue to employ them.

¹⁹ 17 CFR 240.13d-1.

²⁰ See Chapter 10 of the Exchange's rulebook, including Rule 10.3, for a description of margin requirements.

²¹ 17 CFR 240.15c3-1.

²² See Securities Exchange Act Release No. 40969 (January 22, 1999), 64 FR 4911, 4913 (February 1, 1999) (SR-CBOE-98-23). As of January 8, 2025, the total market capitalization of the S&P 500 Index was \$49.788 trillion (which is nearly six times more than the market capitalization of the S&P 500 Index in 1999, when the Commission approved the elimination of position and exercise limits for SPX options). Additionally, the average daily trading volume for the underlying components of the S&P 500 Index for the six months preceding January 8, 2025 was approximately 2.7 billion shares (compared to 757.7 million in 1999). Given that the S&P 500 Equal Weight Index is comprised of the same constituents as the S&P 500 Index, the S&P 500 Equal Weight Index would have the same market capitalization, and the underlying components would have the same average trading volume, as the S&P 500 Index, which demonstrates the "substantial liquidity of the index components as a group." *Id.*

Position and exercise limits serve as a regulatory tool designed to deter manipulative schemes and adverse market impact surrounding the use of options by preventing the establishment of options positions that can be used or might create incentives to manipulate the underlying market so as to benefit the options positions, or that might contribute to disruptions in the underlying market.³⁰ In addition, such limits serve to reduce the possibility of disruption in the options market itself, especially in illiquid classes.³¹ The Commission traditionally has balanced two competing concerns when considering the appropriate level at which to set option position and exercise limits. The Commission has recognized that the limits must be sufficient to prevent investors from disrupting the market in the component securities comprising the indexes.³² At the same time, the Commission has determined that limits should not be established at levels that are so low as to discourage participation in the options market by institutions and other investors with substantial hedging needs or to prevent specialists and market-makers from adequately meeting their obligations to maintain a fair and orderly market.³³

The components of the S&P 500 Equal Weight Index that underlie SPEQF and SPEQX options are the same as the components of the S&P 500 Index that underlie SPX and XSP options,³⁴ and there are no position or exercise limits for standardized or FLEX positions in SPX and XSP options.³⁵ Because the components of the S&P 500 Equal Weight Index are the same as the components of the S&P 500 Index, market participants may use options overlying both of these indexes as a

hedging vehicle to meet their investment needs in connection with S&P 500-related products and cash positions. It is appropriate to provide generally consistent features between options on these indexes, and imposing lower position and exercise limits on SPEQF and SPEQX options than those that apply to SPX and XSP options may unnecessarily restrict investors' abilities to use these options to achieve their investment goals.

At the same time, the potential for manipulation or market disruption stemming from inordinately large, unhedged positions in SPEQF or SPEQX options is mitigated. The S&P 500 Equal Weight Index consists of 500 of the most highly capitalized U.S.-listed companies.³⁶ The large number of underlying securities contained in the S&P 500 Equal Weight Index as well as their enormous capitalization and deep, liquid markets significantly reduces concerns regarding the potential for market manipulation or disruption in the market underlying SPEQF and SPEQX options. This is the case, in the Commission's view, notwithstanding the equal weighting applied to the component securities of the S&P 500 Equal Weight Index, as even the least liquid constituents in the S&P 500 Equal Weight Index are still among the most liquid and largest capitalized stocks in the United States. In addition, as set forth above, various requirements already exist that should enable the Exchange to guard against the potential for manipulation or adverse market impact stemming from large, unhedged SPEQF or SPEQX option positions.³⁷ These include TPH reporting requirements for large option positions,³⁸ as well as financial requirements imposed by the Exchange and the Commission.³⁹

Further, the potential risks of trading SPEQF and SPEQX options without position and exercise limits are mitigated by the Exchange's and other SROs' surveillance mechanisms.⁴⁰ The Exchange represents that it has in place adequate surveillances to detect

potential manipulation, as well as reviews to identify potential changes in composition of the S&P 500 Equal Weight Index and continued compliance with the Exchange's listing standards.⁴¹ According to the Exchange, these procedures utilize daily monitoring of market activity via automated surveillance techniques to identify unusual activity in both options and the underlying index, as applicable.⁴² The Commission expects that the Exchange will continue to monitor trading in SPEQF and SPEQX options for the purpose of discovering and sanctioning manipulative acts and practices, and will reassess whether to apply position and exercise limits to SPEQF and SPEQX, if and when appropriate, in light of its findings.

In light of the foregoing, the Commission believes that the Amended Proposal is consistent with Section 6(b)(5) of the Act.⁴³

V. Solicitation of Comments on Amendment No. 2 to the Proposed Rule Change

Interested persons are invited to submit written data, views, and arguments concerning whether Amendment No. 2 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-2025-020 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-2025-020 on the subject line. 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 will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in

that aspect of the initial filing, and thus it is not considered by the Commission in this order.

³⁰ See, e.g., Securities Exchange Act Release No. 40969 (January 22, 1999), 64 FR 4911 (February 1, 1999) (SR-CBOE-1998-23).

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ See Section III, *supra*. The Exchange also states that, as of January 8, 2025, the total market capitalization of the S&P 500 Index was \$49.788 trillion, and the average daily trading volume for its underlying components for the six months preceding January 8, 2025, was 2.7 billion shares. According to the Exchange, this demonstrates that there is substantial liquidity in the components of the S&P 500 Equal Weight Index since its components are the same as the S&P 500 Index. See note 22 and accompanying text, *supra*.

³⁵ See Section III, *supra*; see also Exchange Rules 8.31 and 8.42. There also are no position or exercise limits for S&P 500 Dividend Index options, which are another type of broad-based index option that trades on the Exchange. *Id.* Moreover, other exchanges offer broad-based index options without position or exercise limits. See, e.g., note 25, *supra*.

³⁶ See note 22, *supra*.

³⁷ See Section III, *supra*.

³⁸ See note 15, *supra*, and accompanying text. For example, pursuant to Exchange Rule 8.43(a), TPHs must file a report with the Exchange that identifies any customer who, acting alone or in concert with others, on the previous business day maintained aggregate long or short positions on the same side of the market of 200 or more option contracts of any single class of option contracts dealt in on the Exchange. The Exchange also may access additional option position information, such as regarding hedged positions, from TPHs. See note 17 and accompanying text, *supra*.

³⁹ See notes 20 and 21 and accompanying text, *supra*.

⁴⁰ See note 17 and accompanying text, *supra*.

⁴¹ See Section III, *supra*.

⁴² *Id.*

⁴³ 15 U.S.C. 78f(b)(5).

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-2025-020 on the subject line, and should be submitted on or before September 23, 2025.

VI. Accelerated Approval of Proposed Rule Change, as Modified and Superseded by Amendment No. 2

The Commission finds good cause to approve the Amended Proposal prior to the 30th day after the date of publication of Amendment No. 2 in the **Federal Register**. Amendment No. 2 narrows the scope of the initial proposed rule change by removing the initially proposed elimination of position and exercise limits for SPESG options. Amendment No. 2 also sets forth additional support and detail regarding the aspect of the initial proposed rule change that remains in the Amended Proposal, namely, the elimination of position and exercise limits for SPEQF and SPEQX options. In addition, the original filing has been subject to public comment and no comments have been received.

Thus, the Commission finds that Amendment No. 2 raises no novel regulatory issues that have not previously been subject to comment, and is reasonably designed, among other things, to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. Accordingly, pursuant to Section 19(b)(2) of the Act,⁴⁴ the Commission finds good cause to approve the Amended Proposal on an accelerated basis prior to the 30th day after publication of notice of the filing of Amendment No. 2 in the **Federal Register**.

VII. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,⁴⁵ that the proposed rule change (SR-CBOE-2025-020), as modified and superseded by Amendment No. 2, be, and hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁴⁶

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-16701 Filed 8-29-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103785; File No. SR-NYSEAMER-2025-56]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 7.31E(d)(1)(A)

August 27, 2025.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (“Act”)² and Rule 19b-4 thereunder,³ notice is hereby given that, on August 22, 2025, NYSE American LLC (“NYSE American” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 7.31E(d)(1)(A) to permit the displayed quantity of a Reserve Order to also be entered in a mixed lot sized quantity. The proposed rule change is available on the Exchange’s website at www.nyse.com and at the principal office of the Exchange.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 7.31E(d)(1)(A) to permit the displayed quantity of a Reserve Order to

also be entered in a mixed lot sized quantity. The proposed change would harmonize Reserve Order functionality with that of other markets that permit the displayed quantity to be either a round or mixed lot.

Background and Proposed Rule Change

Rule 7.31E(d)(1) defines a Reserve Order as a Limit or Inside Limit Order with a quantity of the size displayed and with a reserve quantity of the size that is undisplayed. Rule 7.31E(d)(1)(A) provides that on entry, the displayed quantity of a Reserve Order must be entered in round lots. The displayed portion of a Reserve Order is replenished when the displayed quantity is decremented to below a round lot.

Rule 7.5E defines a “round lot” as 100 shares, unless specified by a primary listing market to be fewer than 100 shares.⁴ Under Rule 7.5E, any amount less than a round lot constitutes an “odd lot,” and any amount greater than a round lot that is not a multiple of a round lot constitutes a “mixed lot.”

Other markets that have adopted a “reserve” order type permit submission of a reserve order with either a round or mixed lot sized displayed quantity.⁵

The Exchange proposes to amend Rule 7.31E(d)(1)(A) to allow the displayed quantity of a Reserve Order to be entered in a mixed lot sized quantity in addition to a round lot quantity. The Exchange does not otherwise propose any changes to the Reserve Order functionality. As proposed, once a Reserve Order with a displayed quantity meeting the definition of a mixed or round lot is accepted, the Reserve Order functionality would operate in the same way as it does currently.

⁴ The Exchange notes that as part of the amendments to certain Regulation NMS (“Reg NMS”) rules in 2024, the Commission approved amendments to Reg NMS Rule 603(b) to amend the odd-lot and round lot definitions adopted in 2020 under the Market Data Infrastructure (“MDI”) Rules and accelerate the compliance date for the amended definitions. See Exchange Act Release No. 101070 (Sept. 18, 2024), 89 FR 81620, 81773 (Oct. 08, 2024) (File No. S7-30-22) (“Release No. 101070”); Exchange Act Release No. 90610 (Dec. 9, 2020), 86 FR 18596 (Apr. 9, 2021) (File No. S7-03-20). Rule 600(b)(93) under Regulation NMS defines a round lot and provides that for NMS stocks that have an average closing price on the primary listing exchange during the prior evaluation period of: (1) \$250.00 or less per share, a round lot is 100 shares; (2) \$250.01 to \$1,000.00 per share, a round lot is 40 shares; (3) \$1,000.01 to \$10,000.00 per share, a round lot is 10 shares; and (4) \$10,000.01 or more per share, a round lot is 1 share. See 17 CFR 242.600(b)(93). The round lot definition will be implemented on the first business day of November 2025. See Release No. 101070, 89 FR at 81666. The Exchange will be submitting an amendment to Rule 7.5E shortly to reflect the pending changes.

⁵ See, e.g., Investors Exchange Rule 11.190(b)(2).

⁴⁴ 15 U.S.C. 78s(b)(2).

⁴⁵ *Id.*

⁴⁶ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

The Exchange believes that permitting the displayed quantity of a Reserve Order to be entered in a mixed lot sized quantity in addition to a round lot quantity would provide the same flexibility in designating the displayed quantity of a Reserve Order as currently exists on other marketplaces and is therefore not controversial and eligible for immediate effectiveness. The Exchange also believes that the proposal would incentivize the posting of more displayed liquidity on the Exchange and provide a corresponding opportunity for market participants to interact with that displayed liquidity.

The Exchange will announce the implementation date of the proposed change by Trader Update, which in no event would be later than December 31, 2025.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b)(5) of the Exchange Act,⁶ in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

Specifically, the Exchange believes that providing that the displayed quantity of a Reserve Order may be entered in a mixed lot size in addition to a round lot is consistent with the protection of investors and the public interest because it is designed to provide more flexibility and opportunities for member organizations to add displayed liquidity to the Exchange. The Exchange believes that the proposed rule change will attract additional displayed liquidity to the Exchange and, to the extent it is successful in doing so, will benefit all market participants, thereby supporting the purposes of the Act to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest. In addition, as noted above, the proposal would not otherwise alter Reserve Order functionality. Moreover, the proposal to permit entry of a mixed lot sized displayed quantity for a Reserve Order is consistent with the rules of other equities exchanges that offer a reserve

order,⁷ and thus the Exchange does not believe that the proposed rule change raises any new or novel issues not previously considered by the Commission.

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. On the contrary, the proposal is designed to enhance the Exchange's competitiveness by enabling it to offer reserve order functionality substantially similar to that offered by other equity exchanges. As discussed above, the proposal is designed to incentivize the entry of additional liquidity providing orders on the Exchange by offering the flexibility of using a mixed lot displayed quantity. The Exchange believes that the proposed rule change will enhance its ability to compete with other exchanges that already offer this flexibility and thereby attract more Reserve Orders to the Exchange, to the benefit of all market participants. The Exchange also does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. All member organizations will remain eligible to use the Reserve Order on an equal and non-discriminatory basis. Moreover, the proposal would provide potential benefits to all member organizations to the extent that there is more liquidity available on the Exchange as a result of the increased use of Reserve Orders.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act⁸ and Rule 19b-4(f)(6) thereunder.⁹ Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which

it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6)(iii) thereunder.¹⁰

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)¹¹ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSEAMER-2025-56 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-NYSEAMER-2025-56. 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 will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable

¹⁰ 17 CFR 240.19b-4(f)(6)(iii). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹¹ 15 U.S.C. 78s(b)(2)(B).

⁷ See note 5, *supra*.

⁸ 15 U.S.C. 78s(b)(3)(A)(iii).

⁹ 17 CFR 240.19b-4(f)(6).

⁶ 15 U.S.C. 78f(b)(5).

information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSEAMER–2025–56 and should be submitted on or before September 23, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹²

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025–16700 Filed 8–29–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103787; File No. SR–NYSEAMER–2025–20]

Self-Regulatory Organizations; NYSE National, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 7.31(d)(1)(A)

August 27, 2025.

Pursuant to Section 19(b)(1) ¹ of the Securities Exchange Act of 1934 (“Act”) ² and Rule 19b–4 thereunder, ³ notice is hereby given that on August 22, 2025, NYSE National, Inc. (“NYSE National” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 7.31(d)(1)(A) to permit the displayed quantity of a Reserve Order to also be entered in a mixed lot sized quantity. The proposed rule change is available on the Exchange’s website at www.nyse.com and at the principal office of the Exchange.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included

statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 7.31(d)(1)(A) to permit the displayed quantity of a Reserve Order to also be entered in a mixed lot sized quantity. The proposed change would harmonize Reserve Order functionality with that of other markets that permit the displayed quantity to be either a round or mixed lot.

Background and Proposed Rule Change

Rule 7.31(d)(1) defines a Reserve Order as a Limit or Inside Limit Order with a quantity of the size displayed and with a reserve quantity of the size that is undisplayed. Rule 7.31(d)(1)(A) provides that on entry, the displayed quantity of a Reserve Order must be entered in round lots. The displayed portion of a Reserve Order is replenished when the displayed quantity is decremented to below a round lot.

Rule 7.5 defines a “round lot” as 100 shares, unless specified by a primary listing market to be fewer than 100 shares.⁴ Under Rule 7.5, any amount less than a round lot constitutes an “odd lot,” and any amount greater than a

round lot that is not a multiple of a round lot constitutes a “mixed lot.”

Other markets that have adopted a “reserve” order type permit submission of a reserve order with either a round or mixed lot sized displayed quantity.⁵

The Exchange proposes to amend Rule 7.31(d)(1)(A) to allow the displayed quantity of a Reserve Order to be entered in a mixed lot sized quantity in addition to a round lot quantity. The Exchange does not otherwise propose any changes to the Reserve Order functionality. As proposed, once a Reserve Order with a displayed quantity meeting the definition of a mixed or round lot is accepted, the Reserve Order functionality would operate in the same way as it does currently.

The Exchange believes that permitting the displayed quantity of a Reserve Order to be entered in a mixed lot sized quantity in addition to a round lot quantity would provide the same flexibility in designating the displayed quantity of a Reserve Order as currently exists on other marketplaces and is therefore not controversial and eligible for immediate effectiveness. The Exchange also believes that the proposal would incentivize the posting of more displayed liquidity on the Exchange and provide a corresponding opportunity for market participants to interact with that displayed liquidity.

The Exchange will announce the implementation date of the proposed change by Trader Update, which in no event would be later than December 31, 2025.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b)(5) of the Exchange Act,⁶ in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

Specifically, the Exchange believes that providing that the displayed quantity of a Reserve Order may be entered in a mixed lot size in addition to a round lot is consistent with the protection of investors and the public interest because it is designed to provide more flexibility and opportunities for member organizations to add displayed liquidity to the

⁴ The Exchange notes that as part of the amendments to certain Regulation NMS (“Reg NMS”) rules in 2024, the Commission approved amendments to Reg NMS Rule 603(b) to amend the odd-lot and round lot definitions adopted in 2020 under the Market Data Infrastructure (“MDI”) Rules and accelerate the compliance date for the amended definitions. See Exchange Act Release No. 101070 (Sept. 18, 2024), 89 FR 81620, 81773 (Oct. 08, 2024) (File No. S7–30–22) (“Release No. 101070”); Exchange Act Release No. 90610 (Dec. 9, 2020), 86 FR 18596 (Apr. 9, 2021) (File No. S7–03–20). Rule 600(b)(93) under Regulation NMS defines a round lot and provides that for NMS stocks that have an average closing price on the primary listing exchange during the prior evaluation period of: (1) \$250.00 or less per share, a round lot is 100 shares; (2) \$250.01 to \$1,000.00 per share, a round lot is 40 shares; (3) \$1,000.01 to \$10,000.00 per share, a round lot is 10 shares; and (4) \$10,000.01 or more per share, a round lot is 1 share. See 17 CFR 242.600(b)(93). The round lot definition will be implemented on the first business day of November 2025. See Release No. 101070, 89 FR at 81666. The Exchange will be submitting an amendment to Rule 7.5 shortly to reflect the pending changes.

⁵ See, e.g., Investors Exchange Rule 11.190(b)(2).

⁶ 15 U.S.C. 78f(b)(5).

¹² 17 CFR 200.30–3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b–4.

Exchange. The Exchange believes that the proposed rule change will attract additional displayed liquidity to the Exchange and, to the extent it is successful in doing so, will benefit all market participants, thereby supporting the purposes of the Act to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest. In addition, as noted above, the proposal would not otherwise alter Reserve Order functionality. Moreover, the proposal to permit entry of a mixed lot sized displayed quantity for a Reserve Order is consistent with the rules of other equities exchanges that offer a reserve order,⁷ and thus the Exchange does not believe that the proposed rule change raises any new or novel issues not previously considered by the Commission.

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. On the contrary, the proposal is designed to enhance the Exchange's competitiveness by enabling it to offer reserve order functionality substantially similar to that offered by other equity exchanges. As discussed above, the proposal is designed to incentivize the entry of additional liquidity providing orders on the Exchange by offering the flexibility of using a mixed lot displayed quantity. The Exchange believes that the proposed rule change will enhance its ability to compete with other exchanges that already offer this flexibility and thereby attract more Reserve Orders to the Exchange, to the benefit of all market participants. The Exchange also does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. All member organizations will remain eligible to use the Reserve Order on an equal and non-discriminatory basis. Moreover, the proposal would provide potential benefits to all member organizations to the extent that there is more liquidity available on the Exchange as a result of the increased use of Reserve Orders.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act⁸ and Rule 19b-4(f)(6) thereunder.⁹ Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6)(iii) thereunder.¹⁰

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)¹¹ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or

⁸ 15 U.S.C. 78s(b)(3)(A)(iii).

⁹ 17 CFR 240.19b-4(f)(6).

¹⁰ 17 CFR 240.19b-4(f)(6)(iii). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹¹ 15 U.S.C. 78s(b)(2)(B).

- Send an email to rule-comments@sec.gov. Please include file number SR-NYSENAT-2025-20 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-NYSENAT-2025-20. 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 will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NYSENAT-2025-20 and should be submitted on or before September 23, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹²

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-16705 Filed 8-29-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235-0563]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Rule 17a-10

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.*) ("PRA") the Securities and Exchange Commission (SEC or "Commission") has submitted to the Office of Management and Budget ("OMB") a request for extension of the previously approved collection of information discussed below.

Section 17(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-1

¹² 17 CFR 200.30-3(a)(12).

⁷ See note 5, *supra*.

et seq.) (the “Act”), generally prohibits affiliated persons of a registered investment company (“fund”) from borrowing money or other property from, or selling or buying securities or other property to or from, the fund or any company that the fund controls.¹ Section 2(a)(3) of the Act defines “affiliated person” of a fund to include its investment advisers.² Rule 17a–10 (17 CFR 270.17a–10) permits (i) a subadviser³ of a fund to enter into transactions with funds the subadviser does not advise but that are affiliated persons of a fund that it does advise (e.g., other funds in the fund complex), and (ii) a subadviser (and its affiliated persons) to enter into transactions and arrangements with funds the subadviser does advise, but only with respect to discrete portions of the subadvised fund for which the subadviser does not provide investment advice.

To qualify for the exemptions in rule 17a–10, the subadvisory relationship must be the sole reason why section 17(a) prohibits the transaction. In addition, the advisory contracts of the subadviser entering into the transaction, and any subadviser that is advising the purchasing portion of the fund, must prohibit the subadvisers from consulting with each other concerning securities transactions of the fund, and limit their responsibility to providing advice with respect to discrete portions of the fund’s portfolio.⁴ This requirement regarding the prohibitions and limitations in advisory contracts of subadvisors relying on the rule constitutes a collection of information under the PRA.⁵

The staff assumes that all existing funds with subadvisory contracts amended those contracts to comply with the adoption of rule 17a–10 in 2003, which conditioned certain exemptions upon these contractual alterations, and therefore there is no continuing burden for those funds.⁶ However, the staff assumes that all newly formed subadvised funds, and funds that enter into new contracts with subadvisors, will incur the one-time burden by

amending their contracts to add the terms required by the rule.

Based on an analysis of fund filings, the staff estimates that approximately 49 funds enter into new subadvisory agreements each year.⁷ Based on discussions with industry representatives, the staff estimates that it will require approximately 3 attorney hours to draft and execute additional clauses in new subadvisory contracts in order for funds and subadvisors to be able to rely on the exemptions in rule 17a–10. Because these additional clauses are identical to the clauses that a fund would need to insert in their subadvisory contracts to rely on rules 10f–3 (17 CFR 270.10f–3), 12d3–1 (17 CFR 270.12d3–1), and 17e–1 (17 CFR 270.17e–1), and because we believe that funds that use one such rule generally use all of these rules, we apportion this 3 hour time burden equally among all four rules. Therefore, we estimate that the burden allocated to rule 17a–10 for this contract change would be 0.75 hours.⁸ Assuming that all 49 funds that enter into new subadvisory contracts each year make the modification to their contract required by the rule, we estimate that the rule’s contract modification requirement will result in 37 burden hours annually, with an associated cost of approximately \$18,907.⁹

The estimate of average burden hours is made solely for the purposes of the PRA. The estimate is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules. Complying with this collection of information requirement is necessary to obtain the benefit of relying on rule 17a–10. Responses will not be kept confidential.

⁷ Based on filings by registrants on Form N–1A and Form N–2 on Form N–CEN through March 14, 2025, there are 12,928 registered funds (open-end funds, closed-end funds, and exchange-traded funds), 5,272 funds of which have subadvisory relationships (approximately 41%); 49 new funds registered on Form N–1A or Form N–2 were established in 2024 by registrants with subadvisory relationships.

⁸ This estimate is based on the following calculation: (3 hours ÷ 4 rules = 0.75 hours).

⁹ These estimates are based on the following calculations: (0.75 hours × 49 funds = 37 burden hours); (\$511 per hour × 37 hours = \$18,907 total cost); the Commission’s estimates concerning the wage rates for attorney time are based on salary information for the securities industry compiled by the Securities Industry and Financial Markets Association; the estimated wage figure is based on published rates for in-house attorneys, modified to account for a 1,800-hour work-year and inflation, and adjusted to account for bonuses, firm size, employee benefits, and overhead, yielding an effective hourly rate of \$511; see Securities Industry and Financial Markets Association, Report on Management & Professional Earnings in the Securities Industry 2013.

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 collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency’s estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

The public may view and comment on this information collection request at: https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202504-3235-023 or send an email comment to MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov within 30 days of the day after publication of this notice by October 3, 2025.

Dated: August 27, 2025.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025–16707 Filed 8–29–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103786; File No. SR–NYSEARCA–2025–64]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 7.31–E(d)(1)(A)

August 27, 2025.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (“Act”)² and Rule 19b–4 thereunder,³ notice is hereby given that, on August 22, 2025, NYSE Arca, Inc. (“NYSE Arca” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b–4.

¹ 15 U.S.C. 80a–17(a).

² 15 U.S.C. 80a–2(a)(3)(E).

³ As defined in rule 17a–10(b)(2). 17 CFR 270.17a–10(b)(2).

⁴ 17 CFR 270.17a–10(a)(2).

⁵ 44 U.S.C. 3501.

⁶ Transactions of Investment Companies With Portfolio and Subadviser Affiliates, Investment Company Act Release No. 25888 (Jan. 14, 2003) [68 FR 3153, (Jan. 22, 2003)]; we assume that funds formed after 2003 that intended to rely on rule 17a–10 would have included the required provision as a standard element in their initial subadvisory contracts.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 7.31–E(d)(1)(A) to permit the displayed quantity of a Reserve Order to also be entered in a mixed lot sized quantity. The proposed rule change is available on the Exchange's website at www.nyse.com and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 7.31–E(d)(1)(A) to permit the displayed quantity of a Reserve Order to also be entered in a mixed lot sized quantity. The proposed change would harmonize Reserve Order functionality with that of other markets that permit the displayed quantity to be either a round or mixed lot.

Background and Proposed Rule Change

Rule 7.31–E(d)(1) defines a Reserve Order as a Limit or Inside Limit Order with a quantity of the size displayed and with a reserve quantity of the size that is undisplayed. Rule 7.31–E(d)(1)(A) provides that on entry, the displayed quantity of a Reserve Order must be entered in round lots. The displayed portion of a Reserve Order is replenished when the displayed quantity is decremented to below a round lot.

Rule 7.5–E defines a “round lot” as 100 shares, unless specified by a primary listing market to be fewer than 100 shares.⁴ Under Rule 7.5–E, any

⁴ The Exchange notes that as part of the amendments to certain Regulation NMS (“Reg NMS”) rules in 2024, the Commission approved amendments to Reg NMS Rule 603(b) to amend the odd-lot and round lot definitions adopted in 2020 under the Market Data Infrastructure (“MDI”) Rules and accelerate the compliance date for the amended

amount less than a round lot constitutes an “odd lot,” and any amount greater than a round lot that is not a multiple of a round lot constitutes a “mixed lot.”

Other markets that have adopted a “reserve” order type permit submission of a reserve order with either a round or mixed lot sized displayed quantity.⁵

The Exchange proposes to amend Rule 7.31–E(d)(1)(A) to allow the displayed quantity of a Reserve Order to be entered in a mixed lot sized quantity in addition to a round lot quantity. The Exchange does not otherwise propose any changes to the Reserve Order functionality. As proposed, once a Reserve Order with a displayed quantity meeting the definition of a mixed or round lot is accepted, the Reserve Order functionality would operate in the same way as it does currently.

The Exchange believes that permitting the displayed quantity of a Reserve Order to be entered in a mixed lot sized quantity in addition to a round lot quantity would provide the same flexibility in designating the displayed quantity of a Reserve Order as currently exists on other marketplaces and is therefore not controversial and eligible for immediate effectiveness. The Exchange also believes that the proposal would incentivize the posting of more displayed liquidity on the Exchange and provide a corresponding opportunity for market participants to interact with that displayed liquidity.

The Exchange will announce the implementation date of the proposed change by Trader Update, which in no event would be later than December 31, 2025.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b)(5) of the Exchange Act,⁶ in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and

definitions. See Exchange Act Release No. 101070 (Sept. 18, 2024), 89 FR 81620, 81773 (Oct. 08, 2024) (File No. S7–30–22) (“Release No. 101070”); Exchange Act Release No. 90610 (Dec. 9, 2020), 86 FR 18596 (Apr. 9, 2021) (File No. S7–03–20). Rule 600(b)(93) under Regulation NMS defines a round lot and provides that for NMS stocks that have an average closing price on the primary listing exchange during the prior evaluation period of: (1) \$250.00 or less per share, a round lot is 100 shares; (2) \$250.01 to \$1,000.00 per share, a round lot is 40 shares; (3) \$1,000.01 to \$10,000.00 per share, a round lot is 10 shares; and (4) \$10,000.01 or more per share, a round lot is 1 share. See 17 CFR 242.600(b)(93). The round lot definition will be implemented on the first business day of November 2025. See Release No. 101070, 89 FR at 81666. The Exchange will be submitting an amendment to Rule 7.5–E shortly to reflect the pending changes.

⁵ See, e.g., Investors Exchange Rule 11.190(b)(2).

⁶ 15 U.S.C. 78f(b)(5).

coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

Specifically, the Exchange believes that providing that the displayed quantity of a Reserve Order may be entered in a mixed lot size in addition to a round lot is consistent with the protection of investors and the public interest because it is designed to provide more flexibility and opportunities for member organizations to add displayed liquidity to the Exchange. The Exchange believes that the proposed rule change will attract additional displayed liquidity to the Exchange and, to the extent it is successful in doing so, will benefit all market participants, thereby supporting the purposes of the Act to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest. In addition, as noted above, the proposal would not otherwise alter Reserve Order functionality. Moreover, the proposal to permit entry of a mixed lot sized displayed quantity for a Reserve Order is consistent with the rules of other equities exchanges that offer a reserve order,⁷ and thus the Exchange does not believe that the proposed rule change raises any new or novel issues not previously considered by the Commission.

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. On the contrary, the proposal is designed to enhance the Exchange's competitiveness by enabling it to offer reserve order functionality substantially similar to that offered by other equity exchanges. As discussed above, the proposal is designed to incentivize the entry of additional liquidity providing orders on the Exchange by offering the flexibility of using a mixed lot displayed quantity. The Exchange believes that the proposed rule change will enhance its ability to compete with other exchanges that already offer this flexibility and thereby attract more Reserve Orders to the Exchange, to the benefit of all market participants. The Exchange also does not believe that the proposed rule

⁷ See note 5, *supra*.

change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. All member organizations will remain eligible to use the Reserve Order on an equal and non-discriminatory basis. Moreover, the proposal would provide potential benefits to all member organizations to the extent that there is more liquidity available on the Exchange as a result of the increased use of Reserve Orders.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act⁸ and Rule 19b-4(f)(6) thereunder.⁹ Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6)(iii) thereunder.¹⁰

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)¹¹ of the Act to determine whether the proposed rule change should be approved or disapproved.

⁸ 15 U.S.C. 78s(b)(3)(A)(iii).

⁹ 17 CFR 240.19b-4(f)(6).

¹⁰ 17 CFR 240.19b-4(f)(6)(iii). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹¹ 15 U.S.C. 78s(b)(2)(B).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSEARCA-2025-64 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-NYSEARCA-2025-64. 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 will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection.

All submissions should refer to file number SR-NYSEARCA-2025-64 and should be submitted on or before September 23, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹²

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-16703 Filed 8-29-25; 8:45 am]

BILLING CODE 8011-01-P

¹² 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103783; File No. SR-NYSE-2025-31]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 7.31(d)(1)(A)

August 27, 2025.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 ("Act")² and Rule 19b-4 thereunder,³ notice is hereby given that on August 18, 2025, New York Stock Exchange LLC ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 7.31(d)(1)(A) to permit the displayed quantity of a Reserve Order to also be entered in a mixed lot sized quantity. The proposed rule change is available on the Exchange's website at www.nyse.com and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 7.31(d)(1)(A) to permit the displayed quantity of a Reserve Order to

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

also be entered in a mixed lot sized quantity. The proposed change would harmonize Reserve Order functionality with that of other markets that permit the displayed quantity to be either a round or mixed lot.

Background and Proposed Rule Change

Rule 7.31(d)(1) defines a Reserve Order as a Limit or Inside Limit Order with a quantity of the size displayed and with a reserve quantity of the size that is undisplayed. Rule 7.31(d)(1)(A) provides that on entry, the displayed quantity of a Reserve Order must be entered in round lots. The displayed portion of a Reserve Order is replenished when the displayed quantity is decremented to below a round lot.

Rule 7.5 defines a “round lot” as 100 shares, unless specified by a primary listing market to be fewer than 100 shares.⁴ Under Rule 7.5, any amount less than a round lot constitutes an “odd lot,” and any amount greater than a round lot that is not a multiple of a round lot constitutes a “mixed lot.”

Other markets that have adopted a “reserve” order type permit submission of a reserve order with either a round or mixed lot sized displayed quantity.⁵

The Exchange proposes to amend Rule 7.31(d)(1)(A) to allow the displayed quantity of a Reserve Order to be entered in a mixed lot sized quantity in addition to a round lot quantity. The Exchange does not otherwise propose any changes to the Reserve Order functionality. As proposed, once a Reserve Order with a displayed quantity meeting the definition of a mixed or round lot is accepted, the Reserve Order functionality would operate in the same way as it does currently.

⁴ The Exchange notes that as part of the amendments to certain Regulation NMS (“Reg NMS”) rules in 2024, the Commission approved amendments to Reg NMS Rule 603(b) to amend the odd-lot and round lot definitions adopted in 2020 under the Market Data Infrastructure (“MDI”) Rules and accelerate the compliance date for the amended definitions. See Exchange Act Release No. 101070 (Sept. 18, 2024), 89 FR 81620, 81773 (Oct. 08, 2024) (File No. S7–30–22) (“Release No. 101070”); Exchange Act Release No. 90610 (Dec. 9, 2020), 86 FR 18596 (Apr. 9, 2021) (File No. S7–03–20). Rule 600(b)(93) under Regulation NMS defines a round lot and provides that for NMS stocks that have an average closing price on the primary listing exchange during the prior evaluation period of: (1) \$250.00 or less per share, a round lot is 100 shares; (2) \$250.01 to \$1,000.00 per share, a round lot is 40 shares; (3) \$1,000.01 to \$10,000.00 per share, a round lot is 10 shares; and (4) \$10,000.01 or more per share, a round lot is 1 share. See 17 CFR 242.600(b)(93). The round lot definition will be implemented on the first business day of November 2025. See Release No. 101070, 89 FR at 81666. The Exchange will be submitting an amendment to Rule 7.5 shortly to reflect the pending changes.

⁵ See, e.g., Investors Exchange Rule 11.190(b)(2).

The Exchange believes that permitting the displayed quantity of a Reserve Order to be entered in a mixed lot sized quantity in addition to a round lot quantity would provide the same flexibility in designating the displayed quantity of a Reserve Order as currently exists on other marketplaces and is therefore not controversial and eligible for immediate effectiveness. The Exchange also believes that the proposal would incentivize the posting of more displayed liquidity on the Exchange and provide a corresponding opportunity for market participants to interact with that displayed liquidity.

The Exchange will announce the implementation date of the proposed change by Trader Update, which in no event would be later than December 31, 2025.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b)(5) of the Exchange Act,⁶ in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

Specifically, the Exchange believes that providing that the displayed quantity of a Reserve Order may be entered in a mixed lot size in addition to a round lot is consistent with the protection of investors and the public interest because it is designed to provide more flexibility and opportunities for member organizations to add displayed liquidity to the Exchange. The Exchange believes that the proposed rule change will attract additional displayed liquidity to the Exchange and, to the extent it is successful in doing so, will benefit all market participants, thereby supporting the purposes of the Act to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest. In addition, as noted above, the proposal would not otherwise alter Reserve Order functionality. Moreover, the proposal to permit entry of a mixed lot sized displayed quantity for a Reserve Order is consistent with the rules of other equities exchanges that offer a reserve

order,⁷ and thus the Exchange does not believe that the proposed rule change raises any new or novel issues not previously considered by the Commission.

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. On the contrary, the proposal is designed to enhance the Exchange’s competitiveness by enabling it to offer reserve order functionality substantially similar to that offered by other equity exchanges. As discussed above, the proposal is designed to incentivize the entry of additional liquidity providing orders on the Exchange by offering the flexibility of using a mixed lot displayed quantity. The Exchange believes that the proposed rule change will enhance its ability to compete with other exchanges that already offer this flexibility and thereby attract more Reserve Orders to the Exchange, to the benefit of all market participants. The Exchange also does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. All member organizations will remain eligible to use the Reserve Order on an equal and non-discriminatory basis. Moreover, the proposal would provide potential benefits to all member organizations to the extent that there is more liquidity available on the Exchange as a result of the increased use of Reserve Orders.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act⁸ and Rule 19b–4(f)(6) thereunder.⁹ Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which

⁷ See note 5, *supra*.

⁸ 15 U.S.C. 78s(b)(3)(A)(iii).

⁹ 17 CFR 240.19b–4(f)(6).

⁶ 15 U.S.C. 78f(b)(5).

it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6)(iii) thereunder.¹⁰

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)¹¹ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSE-2025-31 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-NYSE-2025-31. 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 will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should

submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NYSE-2025-31 and should be submitted on or before September 23, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹²

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-16704 Filed 8-29-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103788; File No. SR-NYSE-2025-29]

Self-Regulatory Organizations; NYSE Texas, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 7.31(d)(1)(A)

August 27, 2025.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 ("Act")² and Rule 19b-4 thereunder,³ notice is hereby given that on August 22, 2025, the NYSE Texas, Inc. ("NYSE Texas" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 7.31(d)(1)(A) to permit the displayed quantity of a Reserve Order to also be entered in a mixed lot sized quantity. The proposed rule change is available on the Exchange's website at www.nyse.com and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of,

and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 7.31(d)(1)(A) to permit the displayed quantity of a Reserve Order to also be entered in a mixed lot sized quantity. The proposed change would harmonize Reserve Order functionality with that of other markets that permit the displayed quantity to be either a round or mixed lot.

Background and Proposed Rule Change

Rule 7.31(d)(1) defines a Reserve Order as a Limit or Inside Limit Order with a quantity of the size displayed and with a reserve quantity of the size that is undisplayed. Rule 7.31(d)(1)(A) provides that on entry, the displayed quantity of a Reserve Order must be entered in round lots. The displayed portion of a Reserve Order is replenished when the displayed quantity is decremented to below a round lot.

Rule 7.5 defines a "round lot" as 100 shares, unless specified by a primary listing market to be fewer than 100 shares.⁴ Under Rule 7.5, any amount less than a round lot constitutes an "odd lot," and any amount greater than a round lot that is not a multiple of a round lot constitutes a "mixed lot."

⁴ The Exchange notes that as part of the amendments to certain Regulation NMS ("Reg NMS") rules in 2024, the Commission approved amendments to Reg NMS Rule 603(b) to amend the odd-lot and round lot definitions adopted in 2020 under the Market Data Infrastructure ("MDI") Rules and accelerate the compliance date for the amended definitions. See Exchange Act Release No. 101070 (Sept. 18, 2024), 89 FR 81620, 81773 (Oct. 08, 2024) (File No. S7-30-22) ("Release No. 101070"); Exchange Act Release No. 90610 (Dec. 9, 2020), 86 FR 18596 (Apr. 9, 2021) (File No. S7-03-20). Rule 600(b)(93) under Regulation NMS defines a round lot and provides that for NMS stocks that have an average closing price on the primary listing exchange during the prior evaluation period of: (1) \$250.00 or less per share, a round lot is 100 shares; (2) \$250.01 to \$1,000.00 per share, a round lot is 40 shares; (3) \$1,000.01 to \$10,000.00 per share, a round lot is 10 shares; and (4) \$10,000.01 or more per share, a round lot is 1 share. See 17 CFR 242.600(b)(93). The round lot definition will be implemented on the first business day of November 2025. See Release No. 101070, 89 FR at 81666. The Exchange will be submitting an amendment to Rule 7.5 shortly to reflect the pending changes.

¹⁰ 17 CFR 240.19b-4(f)(6)(iii). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹¹ 15 U.S.C. 78s(b)(2)(B).

¹² 17 CFR 200.30-3(a)(12).

¹⁵ U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

Other markets that have adopted a “reserve” order type permit submission of a reserve order with either a round or mixed lot sized displayed quantity.⁵

The Exchange proposes to amend Rule 7.31(d)(1)(A) to allow the displayed quantity of a Reserve Order to be entered in a mixed lot sized quantity in addition to a round lot quantity. The Exchange does not otherwise propose any changes to the Reserve Order functionality. As proposed, once a Reserve Order with a displayed quantity meeting the definition of a mixed or round lot is accepted, the Reserve Order functionality would operate in the same way as it does currently.

The Exchange believes that permitting the displayed quantity of a Reserve Order to be entered in a mixed lot sized quantity in addition to a round lot quantity would provide the same flexibility in designating the displayed quantity of a Reserve Order as currently exists on other marketplaces and is therefore not controversial and eligible for immediate effectiveness. The Exchange also believes that the proposal would incentivize the posting of more displayed liquidity on the Exchange and provide a corresponding opportunity for market participants to interact with that displayed liquidity.

The Exchange will announce the implementation date of the proposed change by Trader Update, which in no event would be later than December 31, 2025.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b)(5) of the Exchange Act,⁶ in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

Specifically, the Exchange believes that providing that the displayed quantity of a Reserve Order may be entered in a mixed lot size in addition to a round lot is consistent with the protection of investors and the public interest because it is designed to provide more flexibility and opportunities for member organizations to add displayed liquidity to the Exchange. The Exchange believes that the proposed rule change will attract

additional displayed liquidity to the Exchange and, to the extent it is successful in doing so, will benefit all market participants, thereby supporting the purposes of the Act to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest. In addition, as noted above, the proposal would not otherwise alter Reserve Order functionality. Moreover, the proposal to permit entry of a mixed lot sized displayed quantity for a Reserve Order is consistent with the rules of other equities exchanges that offer a reserve order,⁷ and thus the Exchange does not believe that the proposed rule change raises any new or novel issues not previously considered by the Commission.

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. On the contrary, the proposal is designed to enhance the Exchange's competitiveness by enabling it to offer reserve order functionality substantially similar to that offered by other equity exchanges. As discussed above, the proposal is designed to incentivize the entry of additional liquidity providing orders on the Exchange by offering the flexibility of using a mixed lot displayed quantity. The Exchange believes that the proposed rule change will enhance its ability to compete with other exchanges that already offer this flexibility and thereby attract more Reserve Orders to the Exchange, to the benefit of all market participants. The Exchange also does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. All member organizations will remain eligible to use the Reserve Order on an equal and non-discriminatory basis. Moreover, the proposal would provide potential benefits to all member organizations to the extent that there is more liquidity available on the Exchange as a result of the increased use of Reserve Orders.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act⁸ and Rule 19b-4(f)(6) thereunder.⁹ Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6)(iii) thereunder.¹⁰

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)¹¹ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or

⁸ 15 U.S.C. 78s(b)(3)(A)(iii).

⁹ 17 CFR 240.19b-4(f)(6).

¹⁰ 17 CFR 240.19b-4(f)(6)(iii). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹¹ 15 U.S.C. 78s(b)(2)(B).

⁵ See, e.g., Investors Exchange Rule 11.190(b)(2).

⁶ 15 U.S.C. 78f(b)(5).

⁷ See note 5, *supra*.

• Send an email to rule-comments@sec.gov. Please include file number SR-NYSETEX-2025-29 on the subject line.

Paper Comments

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-NYSETEX-2025-29. 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 will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NYSETEX-2025-29 and should be submitted on or before September 23, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹²

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-16699 Filed 8-29-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103784; File No. SR-PEARL-2025-39]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rules To Conform With Recent Amendments to the Definition of Round Lot Under Rule 600 of Regulation NMS

August 27, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)¹ and Rule 19b-4 thereunder,² notice is hereby given that, on August 21, 2025, MIAX PEARL, LLC (“MIAX Pearl” or “Exchange”),³ filed with the

Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Exchange Rule 2610, Units of Trading, to conform with a recent amendment to the definition of Round Lot under Rule 600 of Regulation NMS recently approved by the Commission.⁴ The Exchange also proposes to make conforming non-substantive changes to Exchange Rules 2611, Odd and Mixed Lots, 2614, Orders and Order Instructions, and 2616, Priority of Orders.

The text of the proposed rule change is available on the Exchange's website at <https://www.miaxglobal.com/markets/us-equities/pearl-equities/rule-filings>, at MIAX Pearl's principal office.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, MIAX Pearl included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. MIAX Pearl has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Exchange Rule 2610, Units of Trading, to conform with the definition of Round Lot under Rule 600 of the Regulation NMS that is to be implemented in November 2025.⁵ The Exchange also proposes to make conforming non-substantive changes to Exchange Rules 2611, Odd and Mixed Lots, 2614, Orders and Order Instructions, and 2616, Priority of Orders.

In 2020, the Commission adopted amendments to Regulation NMS to modernize the NMS information provided within the national market system for the benefit of market participants and to better achieve Section 11A's goals of assuring “the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities that is prompt, accurate, reliable, and fair” (“MDI Rules”).⁶ These changes included an amendment to Rule 600 of Regulation NMS to include a definition of “round lot” that assigns each NMS stock to a round lot size based on the stock's average closing price. Prior to this change, a “round lot” was not defined in the Act or Regulation NMS. The definition of a “round lot” was included in the rules of each exchange, including Exchange Rule 2610, which typically defined a “round lot” as 100 shares, but they also allow the exchange, or the primary listing exchange for the stock, discretion to define it otherwise.

In light of delays in the implementation of the MDI Rules, including the definition of round lot, on September 18, 2024, the Commission, among other things, accelerated the implementation of the round lot definition. The Commission also revised the round lot definition as set forth below.⁷ Rule 600(b)(93) of Regulation NMS, as adopted by the MDI Rules and as amended in 2024,⁸ defines a round lot for NMS stocks⁹ that have an average closing price on the primary listing exchange during the prior Evaluation Period¹⁰ of: (1) \$250.00 or less per share as 100 shares; (2) \$250.01 to \$1,000.00 per share as 40 shares; (3) \$1,000.01 to \$10,000.00 per share as 10 shares; and (4) \$10,000.01 or more per share as 1 share. For any security that becomes an NMS Stock during an operative period, as described in Rule 600(b)(93)(iv),¹¹ a round lot is 100

⁶ See Securities Exchange Act Release No. 90610 (December 9, 2020), 86 FR 18596 (April 9, 2021) (“MDI Adopting Release”).

⁷ See *supra* note 4.

⁸ *Id.*

⁹ “NMS stock” is defined under Regulation NMS as any NMS security other than an option. 17 CFR 242.600(b)(65).

¹⁰ Rule 600(b)(93)(iii) of Regulation NMS defines the Evaluation Period as (A) all trading days in March for the round lot assigned on the first business day in May and (B) all trading days in September for the round lot assigned on the first business day of November during which the average closing price of an NMS stock on the primary listing exchange shall be measured by the primary listing exchange to determine the round lot for each NMS stock.

¹¹ Pursuant to Rule 600(b)(93)(iv) of Regulation NMS the round lot assigned under this section shall be operative on: (A) The first business day of May

¹² 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78a.

² 17 CFR 240.19b-4.

³ All references to “MIAX Pearl” in this filing are to MIAX Pearl Equities, the equities trading facility of MIAX PEARL, LLC. See Exchange Rule 1901.

⁴ See Securities Exchange Act Release No. 101070 (September 18, 2024), 89 FR 81620 (October 8, 2024) (S7-30-22).

⁵ See *supra* note 4.

shares. Adjustments to the round lot size for a security will occur on a semiannual basis and the calculation of the average closing price on the primary listing exchange will be based on a one month "Evaluation Period."

The revised definition of round lot is to be implemented on November 3, 2025, the first business day of November 2025. The Exchange now proposes to amend Exchange Rule 2610, Units of Trading, to conform with the definition of Round Lot under Rule 600 of the Regulation NMS.

Exchange Rule 2610 provides that "[t]he unit of trading in stocks is one (1) share." First, the Exchange proposes to amend this sentence to replace the word "stocks" with the term "NMS Stocks" to align with Rule 600 of Regulation NMS. Exchange Rule 2610 further provides that "100 shares constitutes a "round lot," unless specified by the primary listing market to be fewer than 100 shares." The Exchange proposes replace this sentence with a sentence that explicitly refers to the definition of round lots under Rule 600 of Regulation NMS. As a result, the above sentence will be deleted and replaced with the following, "[a] 'Round Lot' for each NMS Stock shall be the size assigned by the primary listing market pursuant to Rule 600 of Regulation NMS under the Exchange Act." Lastly, the Exchange proposes to capitalize the term Round Lot throughout the remainder of Exchange Rule 2610. The Exchange does not propose any additional changes to Exchange Rule 2610. Again, these changes are being proposed solely to conform the Exchange's definition of "round lot" under Exchange Rule 2610 to the new definition of Round Lot under Rule 600 of Regulation NMS.

The Exchange also proposes to make conforming non-substantive changes to Exchange Rules 2611, Odd and Mixed Lots, 2614, Orders and Order Instructions, and 2616, Priority of Orders. The Exchange proposes to capitalize the term Round Lot in each of these rules. In addition, the Exchange proposes to divide paragraph (b) of Exchange Rule 2616 into two subparagraphs. The first sentence of paragraph (b) will be designated as subparagraph (b)(1), and the second sentence will be designated as subparagraph (b)(2). The original subparagraphs (b)(1)–(4) of Exchange Rule 2616 will be renumbered as (b)(2)(i)–(iv). In light of the hierarchical

heading changes described above, the Exchange proposes to amend the cross reference contained in proposed renumbered Exchange Rule 2616(b)(2)(iv), that is to subparagraph (3), to now be to subparagraph (iii). The Exchange also proposes to amend renumbered Exchange Rule 2616(b)(2) to replace the term "System Security" with "NMS Security" because the term "System Security" is not otherwise defined in the Exchanges Rules and use of the term "NMS Security" would conform to Rule 602 of Regulation NMS. The purpose of these changes is to provide greater clarity to Equity Members¹² and the public regarding the Rulebook. The Exchange does not propose any additional changes to these rules.

Implementation Date

The proposed rule changes will be implemented on November 3, 2025, the same date as the revised definition of round lot under Regulation NMS is to be implemented.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,¹³ in general, and furthers the objectives of Section 6(b)(1)¹⁴ in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange. The Exchange also believes that the proposed rule change is consistent with Section 6(b)(5)¹⁵ of the Act in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange proposes to amend Exchange Rule 2610, Units of Trading, to conform with the definition of Round Lot under Rule 600 of the Regulation NMS that is to be implemented in November 2025.¹⁶ These changes are being proposed solely to conform the

Exchange's definition of "round lot" under Exchange Rule 2610 to the new definition of Round Lot under Rule 600 of Regulation NMS. The Exchange also proposes to make conforming non-substantive changes to Exchange Rules 2611, Odd and Mixed Lots, 2614, Orders and Order Instructions, and 2616, Priority of Orders. These changes are limited to capitalizing the term Round Lot in each of these rules to conform with the changes to Exchange Rule 2610, reorganizing Exchange Rule 2616(b) to provide greater clarity to Equity Members and the public regarding the Rulebook, and amending renumbered Exchange Rule 2616(b)(2) to replace the term "System Security" with "NMS Security". These changes do not amend the operation of these rules.

The proposed rule changes would reduce potential investor and market participant confusion and therefore remove impediments to and perfect the mechanism of a free and open market and a national market system by ensuring that the Exchange's rules properly reflect the requirements of Rule 600 of Regulation NMS. The Exchange also believes that the proposed rule changes would remove impediments to and perfects the mechanism of a free and open market by ensuring that persons subject to the Exchange's jurisdiction, regulators, and the investing public can more easily navigate and understand the Exchange's rules. The proposed rule changes would not be inconsistent with the public interest and the protection of investors because investors will not be harmed and in fact would benefit from the increased transparency and clarity, thereby reducing potential confusion.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange believes the proposed rule changes do not impose any burden on intramarket or intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule changes to amend the definition of Round lot are not intended to address competitive issues but rather are concerned solely with amending the Exchange's Rules to conform with the definition of Round Lot under Rule 600 of the Regulation NMS that is to be implemented in November 2025.¹⁷ The

for the March Evaluation Period and continue through the last business day of October of the calendar year; and (B) The first business day of November for the September Evaluation Period and continue through the last business day of April of the next calendar year.

¹² The term "Equity Member" is a Member authorized by the Exchange to transact business on MIAx Pearl Equities. See Exchange Rule 1901.

¹³ 15 U.S.C. 78f(b).

¹⁴ 15 U.S.C. 78f(b)(1).

¹⁵ 15 U.S.C. 78f(b)(5).

¹⁶ See *supra* note 4.

¹⁷ *Id.*

proposed rule changes to capitalize the term Round Lot in additional rules, reorganize Exchange Rule 2616(b), and amending renumbered Exchange Rule 2616(b)(2) to replace the term “System Security” with “NMS Security” are conforming and non-substantive in nature, and are not intended to address competitive issues.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act¹⁸ and Rule 19b-4(f)(6)¹⁹ thereunder. Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act²⁰ and Rule 19b-4(f)(6)²¹ 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 shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

¹⁸ 15 U.S.C. 78s(b)(3)(A).

¹⁹ 17 CFR 240.19b-4(f)(6).

²⁰ 15 U.S.C. 78s(b)(3)(A).

²¹ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

Electronic Comments

- Use the Commission’s internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-PEARL-2025-39 on the subject line.

Paper Comments

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to file number SR-PEARL-2025-39. 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 will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection.

All submissions should refer to file number SR-PEARL-2025-39 and should be submitted on or before September 23, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²²

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-16697 Filed 8-29-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103789; File No. SR-CboeBZX-2025-076]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing of Amendment No. 1 and Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 1, To Adopt New Rule 14.11(n) To Permit the Generic Listing and Trading of Class Exchange-Traded Fund Shares

August 27, 2025.

On June 2, 2025, Cboe BZX Exchange, Inc. (“Exchange” or “BZX”) filed with the Securities and Exchange

Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)¹ and Rule 19b-4 thereunder,² a proposed rule change to adopt new BZX Rule 14.11(n) to permit the generic listing and trading of Class Exchange-Traded Fund Shares. The proposed rule change was published for comment in the **Federal Register** on June 10, 2025.³

On July 14, 2025, pursuant to Section 19(b)(2) of the Act,⁴ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.⁵ On August 26, 2025, the Exchange filed Amendment No. 1 to the proposed rule change, which amended and replaced the proposed rule change in its entirety.⁶

The Commission is publishing this notice and order to solicit comments on the proposed rule change, as modified by Amendment No. 1, from interested persons and to institute proceedings pursuant to Section 19(b)(2)(B) of the Act⁷ to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1.

I. The Exchange’s Description of the Proposal, as Modified by Amendment No. 1

The Exchange is filing a proposed rule change to adopt Rule 14.11(n) to permit the generic listing and trading of Class Exchange-Traded Fund Shares. The Exchange is also proposing to make conforming changes to the Exchange’s definitions, corporate governance requirements under Rule 14.10(e), and other provisions of Rule 14.11 in order to accommodate the proposed listing of Class Exchange-Traded Fund Shares.

The text of the proposed rule change is also available on the Exchange’s website (http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/) and at the Exchange’s Office of the Secretary.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 103188 (June 4, 2025), 90 FR 24457 (“Notice”). The Commission has received no comments regarding the proposed rule change.

⁴ 15 U.S.C. 78s(b)(2).

⁵ See Securities Exchange Act Release No. 103453, 90 FR 33445 (July 17, 2025). The Commission designated September 8, 2025, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

⁶ Amendment No. 1 to the proposed rule change is available at: <https://www.sec.gov/comments/sr-cboebzx-2025-076/srcboebzx2025076.htm/>.

⁷ 15 U.S.C. 78s(b)(2)(B).

²² 17 CFR 200.30-3(a)(12).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

This Amendment No. 1 to SR-CboeBZX-2025-076 amends and replaces in its entirety the proposal as originally submitted on June 2, 2025. The Exchange submits this Amendment No. 1 in order to clarify certain points and add additional details to the proposal.

The Exchange proposes to adopt new Rule 14.11(n) for the purpose of permitting the generic listing and trading, or trading pursuant to unlisted trading privileges, of Class Exchange-Traded Fund ("ETF") Shares.⁸ The Exchange is also proposing to make conforming changes to the Exchange's definitions, corporate governance requirements under Rule 14.10(e), and other provisions of Rule 14.11 in order to accommodate the proposed listing of Class ETF Shares.

Consistent with ETF Shares listed under the generic listing standards in Rule 14.11(l), Class ETF Shares would be permitted to be listed and traded on the Exchange without prior Commission approval order or notice of effectiveness pursuant to Section 19(b) of the Act.⁹

⁸ The Exchange notes that it had previously submitted a version of this filing on April 15, 2024. See Securities Exchange Act Release No. 34-100034 (May 1, 2024) 89 FR 35255 (SR-CboeBZX-2024-026). On November 8, 2024, that filing was withdrawn and the Exchange submitted another filing. See Securities Exchange Act Release No. 101655 (November 25, 2024) 89 FR 92989 (SR-CboeBZX-2024-112). On June 2, 2025, the Exchange withdrew that filing and submitted this proposal.

⁹ Rule 19b-4(e)(1) provides that the listing and trading of a new derivative securities product by a self-regulatory organization ("SRO") is not deemed a proposed rule change, pursuant to paragraph c)(1) of Rule 19b-4, if the Commission has approved, pursuant to Section 19(b) of the Act, the SRO's trading rules, procedures and listing standards for the product class that would include the new derivative securities product and the SRO has a surveillance program for the product class. As

Background

There are numerous applications for exemptive relief for Class ETF Shares currently before the Commission¹⁰ that request exemptive relief similar to that previously granted to other funds.¹¹ This proposal would provide for the "generic" listing and/or trading of Class ETF Shares under proposed Rule 14.11(n) on the Exchange.

Starting in 2000, the Commission began granting limited relief for The Vanguard Group, Inc. ("Vanguard") to offer certain index-based open-end management investment companies with Class ETF Shares.¹² After this relief was granted, there was limited public discourse about Class ETF Shares until 2019, when the prospect of providing blanket exemptive relief to Class ETF Shares was addressed in the Commission's adoption of Rule 6c-11

contemplated by this Rule 14.11(n), the Exchange proposes new Rule 14.11(n) to establish generic listing standards for Class ETF Shares that are permitted of the ETF Class that would be required to operate as an ETF pursuant to the Multi-Class Fund Exemptive Relief (as defined herein) and be in compliance with the conditions and requirements of Rule 6c-11 under the Investment Company Act of 1940 (the "Investment Company Act"), except as noted in the Multi-Class Fund Exemptive Relief. Class ETF Shares listed under proposed Rule 14.11(n) would therefore not need a separate proposed rule change pursuant to Rule 19b-4 before it can be listed and traded on the Exchange.

¹⁰ See e.g., DFA Investment Dimensions Group Inc. and Dimensional Investment Group Inc., (amendment filed March 31, 2025); F/m Investments LLC (amendment filed April 10, 2025); Fidelity Hastings Street Trust and Fidelity Management & Research Company (amendment filed April 11, 2025); Morgan Stanley Institutional Fund Trust and Morgan Stanley Investment Management Inc. (amendment filed April 11, 2025); BlackRock Funds (amendment filed April 15, 2025); Guinness Atkinson Funds (amendment filed April 17, 2025); Metropolitan West Funds, TCW ETF Trust, and TCW Funds, Inc. (amendment filed April 22, 2025); and Northern Funds and Northern Trust Investments, Inc. (amendment filed May 2, 2025).

¹¹ *Infra* note 12.

¹² See Vanguard Index Funds, Investment Company Act Release Nos. 24680 (Oct. 6, 2000) (notice) and 24789 (Dec. 12, 2000) (order). The Commission itself, as opposed to the Commission staff acting under delegated authority, considered the original Vanguard application and determined that the relief was appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Investment Company Act. In the process of granting the order, the Commission also considered and denied a hearing request on the original application, as reflected in the final Commission order. See also the Vanguard Group, Inc., Investment Company Act Release Nos. 26282 (Dec. 2, 2003) (notice) and 26317 (Dec. 30, 2003) (order); Vanguard International Equity Index Funds, Investment Company Act Release Nos. 26246 (Nov. 3, 2003) (notice) and 26281 (Dec. 1, 2003) (order); Vanguard Bond Index Funds, Investment Company Act Release Nos. 27750 (Mar. 9, 2007) (notice) and 27773 (April 2, 2007) (order) (collectively referred to as the "Vanguard Orders").

(the "ETF Rule")¹³ under the Investment Company Act of 1940 (the "Investment Company Act"). The ETF Rule permits ETFs that satisfy certain conditions to operate without the expense or delay of obtaining an exemptive order. However, the ETF Rule did not provide blanket exemptive relief to allow for Class ETF Shares as part of the final rule. Instead, the Commission concluded that Class ETF Shares should request relief through the exemptive application process so that the Commission may assess all relevant policy considerations in the context of the facts and circumstances of particular applicants. The Exchange adopted Rule 14.11(l)¹⁴ shortly after the implementation of the ETF Rule and, because there were no exemptive applications before the Commission, the Exchange did not propose to include any language comparable to what is being proposed herein.

As noted above, a number of applications for exemptive relief to permit the applicable fund to offer Class ETF Shares (the "Applications") have been submitted to the Commission starting in early 2023. In general, the Applications state that the ability of a fund to offer Class ETF Shares, *i.e.*, both a class of mutual fund shares (each such class, a "Mutual Fund class" and such shares "Mutual Fund Shares") and ETF Shares, could be beneficial to the fund and to shareholders of each type of class for various reasons, including more efficient portfolio management, better secondary market trading opportunities, and cost efficiencies, among others.¹⁵ The Commission has granted by order specific exemptive relief ("Multi-Class Fund Exemptive Relief") under the Investment Company Act on [DATE], that permits, subject to certain conditions and requirements, a Multi-Class Fund (as defined below) to issue Class ETF Shares (as defined below) and one or more classes of shares that are not exchange-traded, among other things.¹⁶

¹³ See Securities Exchange Act Release No. 33-10695 (September 25, 2019) 84 FR 57162 (October 24, 2019) (the "ETF Rule Adopting Release").

¹⁴ See Securities Exchange Act No. 88566 (April 6, 2020) 85 FR 20312 (April 10, 2020) (SR-CboeBZX-2019-097) (Notice of Filing of Amendment No. 2 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 2, To Adopt BZX Rule 14.11(l) Governing the Listing and Trading of Exchange-Traded Fund Shares).

¹⁵ *Supra* note 10.

¹⁶ The Exchange will amend this filing to add a cite to the Multi-Class Fund Exemptive Relief when that becomes available.

Proposal

Proposed Rule 14.11(n)(1) provides that the Exchange will consider for trading, whether by listing or pursuant to unlisted trading privileges, Class ETF Shares that meet the criteria of this Rule.¹⁷

Proposed Rule 14.11(n)(2) provides that the proposed rule would be applicable only to Class ETF Shares. Except to the extent inconsistent with this Rule 14.11(n), or unless the context otherwise requires, the rules and procedures of the Board of Directors shall be applicable to the trading on the Exchange of such securities. Class ETF Shares are included within the definition of “security” or “securities” as such terms are used in the Rules of the Exchange.

Proposed Rule 14.11(n)(2) further provides that: (A) transactions in Class ETF Shares will occur throughout the Exchange’s trading hours; and (B) the Exchange will implement and maintain written surveillance procedures for Class ETF Shares.

Proposed Rule 14.11(n)(3)(A) provides that the term “Class ETF Shares” shall mean shares of the ETF Class¹⁸ issued by a Multi-Class Fund.¹⁹

Proposed Rule 14.11(n)(3)(B) provides that the term “ETF Class” means the class of exchange-traded shares of a Multi-Class Fund that (i) operates as an exchange-traded fund pursuant to exemptive relief granted by order under the Investment Company Act (“Multi-Class Fund Exemptive Relief”), and (ii) is in compliance with the requirements of proposed Rules 14.11(n)(4)(b) and 14.11(n)(4)(B)(i)(a)(2), discussed below, on an initial and continued listing basis.

Proposed Rule 14.11(n)(3)(C) provides that the term “Multi-Class Fund” means a registered open-end management company that (i) pursuant to Multi-Class

Fund Exemptive Relief, issues Class ETF Shares and one or more classes of shares that are not exchange-traded, and (ii) is in compliance with the conditions and requirements of the Multi-Class Fund Exemptive Relief.

Proposed Rule 14.11(n)(3)(D) provides that the term “Reporting Authority” in respect of a particular Multi-Class Fund means the Exchange, an institution, or a reporting service designated by the Exchange or by the exchange that lists Class ETF Shares (if the Exchange is trading such securities pursuant to unlisted trading privileges) as the official source for calculating and reporting information relating to such Multi-Class Fund, including, but not limited to, the amount of any dividend equivalent payment or cash distribution to holders of Class ETF Shares, net asset value, index or portfolio value, the current value of the portfolio of securities required to be deposited in connection with the issuance of Class ETF Shares, or other information relating to the issuance, redemption or trading of Class ETF Shares. A Multi-Class Fund may have more than one Reporting Authority, each having different functions.

Proposed Rule 14.11(n)(4) provides that the Exchange may approve Class ETF Shares of a Multi-Class Fund for listing and/or trading (including pursuant to unlisted trading privileges) on the Exchange pursuant to Rule 19b-4(e) under the Act, provided that: (a) the Multi-Class Fund is eligible to operate an ETF Class as an exchange-traded fund pursuant to, and is otherwise in compliance with the terms and conditions of, the Multi-Class Fund Exemptive Relief; (b) the ETF Class is in compliance with the conditions and requirements of Rule 6c-11 under the Investment Company Act, except as noted in such Multi-Class Fund Exemptive Relief; and (c) the ETF Class and the Multi-Class Fund each satisfies the requirements of this Rule 14.11(n), as applicable, on an initial and continued listing basis.

Proposed Rule 14.11(n)(4)(A) provides that the requirements of paragraph (4) of this Rule must be satisfied by the Multi-Class Fund issuing the Class ETF Shares on an initial and continued listing basis. The Multi-Class Fund with respect to such Class ETF Shares must also satisfy the following criteria on an initial and, except for sub-paragraph (i) below, continued listing basis. Further, proposed Rule 14.11(n)(4)(A) provides that: (i) for each Multi-Class Fund, the Exchange will establish a minimum number of Class ETF Shares required to be outstanding at the time of commencement of trading on the

Exchange; (ii) if an index underlying a Multi-Class Fund is maintained by a broker-dealer or fund adviser, the broker-dealer or fund adviser shall erect and maintain a “fire wall” around the personnel who have access to information concerning changes and adjustments to the index, and the index shall be calculated by a third party who is not a broker-dealer or fund adviser. If the investment adviser to an actively managed Multi-Class Fund is affiliated with a broker-dealer, such investment adviser shall erect and maintain a “fire wall” between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such Multi-Class Fund’s portfolio; and (iii) any advisory committee, supervisory board, or similar entity that advises a Reporting Authority or that makes decisions on the composition, methodology, and related matters of an index underlying a Multi-Class Fund, must implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material non-public information regarding the applicable index. For actively managed Multi-Class Funds, personnel who make decisions on the portfolio composition must be subject to procedures designed to prevent the use and dissemination of material, non-public information regarding the applicable portfolio.

Proposed Rule 14.11(n)(4)(B) provides that Class ETF Shares of each Multi-Class Fund will be listed and traded on the Exchange subject to application of the continued listing criteria therein. Proposed Rule 14.11(n)(4)(B)(i) provides that the Exchange will consider the suspension of trading in, and will commence delisting proceedings under Rule 14.12 for, Class ETF Shares under any of the following circumstances: (a) if the Exchange becomes aware that, with respect to the Class ETF Shares: (1) the Multi-Class Fund is no longer eligible to operate an ETF Class as an exchange-traded fund pursuant to, or is otherwise no longer in compliance with the terms and conditions of, the Multi-Class Fund Exemptive Relief; or (2) the ETF Class is no longer in compliance with the conditions and requirements of Rule 6c-11 under the Investment Company Act, except as noted in such Multi-Class Fund Exemptive Relief; (b) if any of the other listing requirements set forth in this Rule are not continuously maintained; (c) if, following the initial twelve-month period after commencement of trading on the Exchange of the Class ETF Shares, there are fewer than 50

¹⁷ To the extent that Class ETF Shares do not satisfy one or more of the criteria in proposed Rule 14.11(n), the Exchange may file a separate proposal under Section 19(b) of the Act in order to list such securities on the Exchange. Any of the statements or representations in that proposal regarding the index composition, the description of the portfolio or reference assets, limitations on portfolio holdings or reference assets, dissemination and availability of index, reference asset, and intraday indicative values (as applicable), or the applicability of Exchange listing rules specified in any filing to list such Class ETF Shares shall constitute continued listing requirements for the Class ETF Shares. Further, in the event that Class ETF Shares become listed under proposed Rule 14.11(n) and subsequently can no longer satisfy the requirements of proposed Rule 14.11(n), such Class ETF Shares may be listed as a series of Index Fund Shares under Rule 14.11(c) or Managed Fund Shares under Rule 14.11(i), as applicable, as long as the Class ETF Shares meets all listing requirements applicable under the alternate listing rule.

¹⁸ See proposed Rule 14.11(n)(3)(B).

¹⁹ See proposed Rule 14.11(n)(3)(C).

beneficial holders of the Class ETF Shares for 30 or more consecutive trading days; or (d) if such other event shall occur or condition exists which, in the opinion of the Exchange, makes further dealings on the Exchange inadvisable. Proposed Rule 14.11(n)(4)(B)(ii) provides that with respect to the Class ETF Shares, upon termination of the Multi-Class Fund or the ETF Class, as the case may be, the Exchange requires that the Class ETF Shares be removed from Exchange listing.

Proposed Rule 14.11(n)(5) provides that neither the Exchange, the Reporting Authority, nor any agent of the Exchange shall have any liability for damages, claims, losses or expenses caused by any errors, omissions, or delays in calculating or disseminating any current index or portfolio value; the current value of the portfolio of securities required to be deposited to the Multi-Class Fund in connection with the issuance of Class ETF Shares; the amount of any dividend equivalent payment or cash distribution to holders of Class ETF Shares; net asset value; or other information relating to the purchase, redemption, or trading of Class ETF Shares, resulting from any negligent act or omission by the Exchange, the Reporting Authority, or any agent of the Exchange, or any act, condition, or cause beyond the reasonable control of the Exchange, its agent, or the Reporting Authority, including, but not limited to, an act of God; fire; flood; extraordinary weather conditions; war; insurrection; riot; strike; accident; action of government; communications or power failure; equipment or software malfunction; or any error, omission, or delay in the reports of transactions in one or more underlying securities.

The Exchange is also proposing to make corresponding amendments to include Class ETF Shares in other Exchange rules, which are intended to align the treatment of the proposed products with how other open-end management investment company shares (e.g., ETF Shares, Index Fund Shares, and Managed Fund Shares) are treated under the Exchange's rules. First, the Exchange is proposing to add Class ETF Shares to the definition of UTP Security in Rule 1.5(ee) and to amend Rule 14.11(c)(3)(A)(i)(a) in order to include Class ETF Shares in the definition of Derivative Securities Products. The Exchange believes this is appropriate to ensure that Class ETF Shares are treated consistently with other open-end management investment company shares listed on the Exchange

such as ETF Shares, Index Funds Shares, and Managed Fund Shares.

Second, the Exchange proposes to amend Rule 14.10(e)(1)(E)(ii) to exempt Class ETF Shares from the requirements of Rule 14.10(i)(1) in connection with the acquisition of the stock or assets of an affiliated registered investment company in a transaction that complies with Rule 17a-8 under the Investment Company Act and does not otherwise require shareholder approval under the Investment Company Act and the rules thereunder or any other Exchange rule.²⁰

Third, the Exchange proposes to amend the definition of "Derivative Securities" in Rule 14.10(e)(1)(F)(ii) to add Class ETF Shares so the exclusions applicable to Derivative Securities in Rule 14.10 will also apply to Class ETF Shares. The Exchange believes this is appropriate to ensure that Class ETF Shares are treated consistently with other open-end management investment company shares listed on the Exchange such as ETF Shares, Index Fund Shares, and Managed Fund Shares. In addition, these issuers are exempt from the requirements relating to Audit Committees (as set forth in Rule 14.10(c)(3)), except for the applicable requirements of SEC Rule 10A-3.²¹

Discussion

Proposed Rule 14.11(n) is based on Rule 14.11(l) related to the listing and trading of ETF Shares on the Exchange, which are issued under the Investment Company Act and qualify as ETF Shares under Rule 6c-11. ETF Shares are similar to Class ETF Shares because the ETF Class is required to operate as an ETF pursuant to the Multi-Class Fund Exemptive Relief and be in compliance with the conditions and requirements of Rule 6c-11 under the Investment Company Act (except as noted in the Multi-Class Fund Exemptive Relief²²). The proposed Class ETF Shares generic listing rules would apply only to the

²⁰ Rule 14.10(1)(F) provides that issuers whose only securities listed on the Exchange are non-voting preferred securities, debt securities or Derivative Securities, are exempt from the requirements relating to Independent Directors (as set forth in Rule 14.10(c)(2)), Compensation Committees (as set forth in Rule 14.10(c)(4)), Director Nominations (as set forth in Rule 14.10(c)(5)), Code of Conduct (as set forth in Rule 14.10(d)), and Meetings of Shareholders (as set forth in Rule 14.10(f)). In addition, these issuers are exempt from the requirements relating to Audit Committees (as set forth in Rule 14.10(c)(3)), except for the applicable requirements of SEC Rule 10A-3. Notwithstanding, if the issuer also lists its common stock or voting preferred stock, or their equivalent on the Exchange it will be subject to all the requirements of Exchange Rule 14.10.

²¹ *Id.*

²² See *supra* note 16.

class of shares that are exchange-traded. Because the ETF Class would be required to comply, among other things, with the conditions and requirements of Rule 6c-11 under the Investment Company Act, similar to ETF Shares under Rule 14.11(l), the Exchange believes that using Rule 14.11(l) as the basis for proposed Rule 14.11(n) is appropriate.

The Exchange believes that the proposal is designed to prevent fraudulent and manipulative acts and practices because the Exchange will perform ongoing surveillance of Class ETF Shares listed on the Exchange in order to ensure that (a) the Multi-Class Fund is, and continues to be, eligible to operate an ETF Class as an exchange-traded fund pursuant to, and is otherwise in compliance with, the terms and conditions of, the Multi-Class Fund Exemptive Relief; (b) the ETF Class continues to be compliant with the conditions and requirements of Rule 6c-11 under the Investment Company Act, except as noted in such Multi-Class Fund Exemptive Relief; and (c) the ETF Class and the Multi-Class Fund each satisfies the requirements of Rule 14.11(n), as applicable, on an initial and continued basis. The Exchange believes that the manipulation concerns are mitigated by a combination of the Exchange's surveillance procedures, the Exchange's ability to halt trading under proposed Rule 14.11(n)(4)(B)(ii), and the Exchange's ability to suspend trading and commence delisting proceedings under proposed Rule 14.11(n)(4)(B)(i). The Exchange will halt trading in the Class ETF Shares under the conditions specified in Rule 11.18, "Trading Halts Due to Extraordinary Market Volatility." The Exchange also believes that such concerns are further mitigated by enhancements to the arbitrage mechanism that have come from Rule 6c-11, specifically the additional flexibility provided through the use of custom baskets for creations and redemptions and the additional information made available to the public through the additional daily website disclosure obligations applicable under Rule 6c-11.²³ The Exchange also notes that there are firewall and other information barrier restrictions in place in the proposed rule text.²⁴ The Exchange believes that the combination of these factors will act to keep Class ETF Shares trading near the value of their underlying holdings

²³ The Exchange notes that the Commission came to a similar conclusion in several places in the ETF Rule Adopting Release. See ETF Rule Adopting Release at 15-18; 60-61; 69-70; 78-79; 82-84; and 95-96.

²⁴ See proposed Rule 14.11(n)(4)(A)(ii).

and further mitigate concerns around manipulation of Class ETF Shares on the Exchange. The Exchange will monitor for compliance to ensure that (i) the Multi-Class Fund is, and continues to be, eligible to operate an ETF Class as an exchange-traded fund pursuant to, and is in otherwise compliance with, the terms and conditions of, the Multi-Class Fund Exemptive Relief, (ii) the ETF Class continues to be compliant with the conditions and requirements of Rule 6c-11 under the Investment Company Act, except as noted in such Multi-Class Fund Exemptive Relief, and (iii) the ETF Class and the Multi-Class Fund each satisfies the requirements of 14.11(n), as applicable, on an initial and continuing basis. Specifically, the Exchange will review the website of Class ETF Shares listed on the Exchange in order to ensure that the requirements of Rule 6c-11 are being met. The Exchange will also employ numerous intraday alerts that will notify Exchange personnel of trading activity throughout the day that is potentially indicative of certain disclosures not being made accurately or the presence of other unusual conditions or circumstances that could be detrimental to the maintenance of a fair and orderly market. As a backstop to the surveillances described above, the Exchange also notes that Rule 14.11(a) would require an issuer of Class ETF Shares to notify the Exchange of any failure to comply with the requirements of proposed Rule 14.11(n), the Multi-Class Fund Exemptive Relief, or Rule 6c-11 under the Investment Company Act.

The Exchange may suspend trading in and commence delisting proceedings for Class ETF Shares where such securities are not in compliance with the applicable listing standards or where the Exchange believes that further dealings on the Exchange are inadvisable.²⁵ The Exchange also notes

²⁵ Specifically, proposed Rule 14.11(n)(4)(B) provides that Class ETF Shares will be listed and traded on the Exchange subject to application of proposed Rule 14.11(n)(4)(B)(i) and (ii). Proposed Rule 14.11(n)(4)(B)(i) provides that the Exchange will consider the suspension of trading in, and will commence delisting proceedings under the Rule 14.12, Class ETF Shares under any of the following circumstances: (i) if the Exchange becomes aware that, with respect to the Class ETF Shares: (1) the Multi-Class Fund is no longer eligible to operate an ETF Class as an exchange-traded fund pursuant to, or is otherwise no longer in compliance with the terms and conditions of, the Multi-Class Fund Exemptive Relief; or (2) the ETF Class is no longer in compliance with the conditions and requirements of Rule 6c-11 under the Investment Company Act, except as noted in such Multi-Class Fund Exemptive Relief; (ii) if any of the other listing requirements set forth in this Rule are not continuously maintained; (iii) if, following the initial twelve month period after commencement of

that Rule 14.11(a) requires any issuer to provide the Exchange with prompt notification after it becomes aware that (i) the Multi-Class Fund is no longer eligible to operate an ETF Class as an exchange-traded fund pursuant to, or otherwise no longer complies with, the terms and conditions of, the Multi-Class Fund Exemptive Relief, (ii) the ETF Class is no longer compliant with the conditions and requirements of Rule 6c-11 under the Investment Company Act, except as noted in such Multi-Class Fund Exemptive Relief, or (iii) the ETF Class or the Multi-Class Fund no longer satisfies the requirements of Rule 14.11(n), as applicable, on an initial and continuing basis.²⁶

Further, the Exchange also represents that its surveillance procedures are adequate to properly monitor the trading of the Class ETF Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. Specifically, the Exchange intends to utilize its existing surveillance procedures applicable to derivative products, which are currently applicable to ETF Shares, Index Fund Shares and Managed Fund Shares among other product types, to monitor trading in Class ETF Shares. The Exchange or the Financial Industry Regulatory Authority, Inc. ("FINRA"), on behalf of the Exchange, will communicate as needed regarding trading in Class ETF Shares and certain of their applicable underlying components with other markets that are members of the Intermarket Surveillance Group ("ISG") or with which the Exchange has in place a comprehensive surveillance sharing agreement. In addition, the Exchange may obtain information regarding trading in Class ETF Shares and certain of their applicable underlying components from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. Finally, the issuer of Class

trading on the Exchange of Class ETF Shares, there are fewer than 50 beneficial holders of the Class ETF Shares for 30 or more consecutive trading days; or (iv) if such other event shall occur or condition exists which, in the opinion of the Exchange, makes further dealings on the Exchange inadvisable. Proposed Rule 14.11(n)(4)(B)(ii) provides that with respect to the Class ETF Shares, upon termination of the Multi-Class Fund or the ETF Class, as the case may be, the Exchange requires that the Class ETF Shares be removed from Exchange listing.

²⁶ The Exchange notes that failure by an issuer to notify the Exchange of non-compliance pursuant to Rule 14.11(a) would itself be considered non-compliance with the requirements of proposed Rule 14.11(n) and would subject the Class ETF Shares to potential trading halts and the delisting process under Rule 14.12.

ETF Shares will be required to comply with Rule 10A-3 under the Act for the initial and continued listing of Class ETF Shares, as provided under Rule 14.10(e)(1)(E).²⁷

The Exchange notes that it may consider all relevant factors in exercising its discretion to halt or suspend trading in Class ETF Shares. Trading may be halted if the circuit breaker parameters in Rule 11.18 have been reached, because of other market conditions, or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) the extent to which certain information about the Class ETF Shares that is required to be disclosed under Rule 6c-11 of the Investment Company Act is not being made available, including specifically where the Exchange becomes aware that the net asset value or the daily portfolio disclosure with respect to Class ETF Shares is not disseminated to all market participants at the same time, it will halt trading in such securities until such time as the net asset value or the daily portfolio disclosure is available to all market participants;²⁸ (2) if an interruption to the dissemination to the value of the index or reference asset on which Class ETF Shares is based persists past the trading day in which it occurred or is no longer calculated or available; (3) trading in the securities comprising the underlying index or portfolio has been halted in the primary market(s); or (4) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. The Exchange deems Class ETF Shares to be equity securities and therefore they would be subject to the full panoply of Exchange rules and procedures that currently govern the trading of equity securities on the Exchange.²⁹

²⁷ See *supra* note 20. The Exchange notes that these proposed changes in Rule 14.10(e)(1)(E) would subject Class ETF Shares to the same corporate governance requirements as other open-end management investment companies listed on the Exchange.

²⁸ The Exchange will obtain a representation from the issuer of Class ETF Shares that the net asset value per share will be calculated daily and made available to all market participants at the same time, and the requirements pertaining to the Multi-Class Fund Exemptive Relief and Rule 6c-11 under the Investment Company Act in proposed Rule 14.11(n) will be satisfied.

²⁹ With respect to trading in Class ETF Shares, the Exchange represents that all of the BZX Member obligations related to product description and prospectus delivery requirements will continue to apply in accordance with the Exchange Rules and federal securities laws, and the Exchange will continue to monitor its Members for compliance with such requirements, which are not changing as a result of the Multi-Class Fund Exemptive Relief order issued under the Investment Company Act.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.³⁰ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)³¹ 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)³² requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that proposed Rule 14.11(n) is designed to prevent fraudulent and manipulative acts and practices in that the proposed rules relating to listing and trading Class ETF Shares on the Exchange provide specific initial and continued listing criteria required to be met by such securities. Proposed Rule 14.11(n)(4) sets forth initial and continued listing criteria applicable to Class ETF Shares, specifically providing that the Exchange may approve Class ETF Shares for listing and/or trading (including pursuant to unlisted trading privileges) on the Exchange pursuant to Rule 19b-4(e) under the Act, provided that: (i) the Multi-Class Fund is eligible to operate an ETF Class as an exchange-traded fund pursuant to, and is otherwise in compliance with the terms and conditions of, the Multi-Class Fund Exemptive Relief; (ii) the ETF Class is in compliance with the conditions and requirements of Rule 6c-11 under the Investment Company Act, except as noted in such Multi-Class Fund Exemptive Relief; and (iii) the ETF Class and the Multi-Class Fund each satisfies the requirements of this Rule 14.11(n), as applicable, on an initial and continued listing basis.³³ The Exchange

will comply with all the requirements of Rule 19b-4(e) to specifically note that such Class ETF Shares are being listed on the Exchange pursuant to Rule 14.11(n).

Proposed Rule 14.11(n)(4)(B) provides that Class ETF Shares of each Multi-Class Fund will be listed and traded on the Exchange subject to application of proposed Rules 14.11(n)(4)(B)(i) and (ii). Proposed Rule 14.11(n)(4)(B)(i) provides that the Exchange will consider the suspension of trading in, and will commence delisting proceedings under Rule 14.12 for, Class ETF Shares under any of the following circumstances: (a) if the Exchange becomes aware that, with respect to the Class ETF Shares: (1) the Multi-Class Fund is no longer eligible to operate an ETF Class as an exchange-traded fund pursuant to, or is otherwise no longer in compliance with the terms and conditions of, the Multi-Class Fund Exemptive Relief; or (2) the ETF Class is no longer in compliance with the conditions and requirements of Rule 6c-11 under the Investment Company Act, except as noted in such Multi-Class Fund Exemptive Relief; (b) if any of the other listing requirements set forth in this Rule 14.11(n) are not continuously maintained; (c) if, following the initial twelve month period after commencement of trading on the Exchange of Class ETF Shares, there are fewer than 50 beneficial holders of the Class ETF Shares for 30 or more consecutive trading days; or (d) if such other event shall occur or condition exists which, in the opinion of the Exchange, makes further dealings on the Exchange inadvisable. The Exchange notes that it may become aware that the issuer is no longer compliant with Rule 6c-11 or any applicable exemptive relief thereunder, as described in proposed Rule 14.11(n)(4)(B)(i)(a), as a result of either the Exchange identifying non-compliance through its own monitoring process or through notification by the issuer.

Proposed Rule 14.11(n)(4)(B)(ii) provides that with respect to the Class

company would be listed on the Exchange pursuant to proposed Rule 14.11(n). To this point, an investment company that operates in reliance of exemptive relief providing for Class ETF Shares could alternatively be listed as a series of Index Fund Shares or Managed Fund Shares pursuant to Rule 14.11(c) or (j), respectively, and would be subject to all requirements under each of those rules. Further to this point, in the event that Class ETF Shares listed on the Exchange preferred to be listed as a series of Index Fund Shares or Managed Fund Shares (as applicable), nothing would preclude such security from changing to be listed as a series of Index Fund Shares or Managed Fund Shares (as applicable), as long as the security met each of the initial and continued listing obligations under the applicable rules.

ETF Shares, upon termination of the Multi-Class Fund or the ETF Class, as the case may be, the Exchange requires that the Class ETF Shares be removed from Exchange listing. The Exchange also notes that it will obtain a representation from the issuer of Class ETF Shares stating that the requirements of Rule 6c-11 and the applicable exemptive relief under the Investment Company Act will be continuously satisfied and that the issuer will notify the Exchange of any failure to do so.

The Exchange further believes that proposed Rule 14.11(n) is designed to prevent fraudulent and manipulative acts and practices because of the robust surveillances in place on the Exchange as required under proposed Rule 14.11(n)(2)(C) along with the similarities of proposed Rule 14.11(n) to the rules related to other securities that are already listed and traded on the Exchange and which would qualify as Class ETF Shares. ETF Shares are identical to Class ETF Shares except that Class ETF Shares have received exemptive relief to operate an exchange-traded fund class in addition to classes of shares that are not exchange-traded. As such, the Exchange believes because the ETF Class would be required to comply, among other things, with the conditions and requirements of Rule 6c-11 under the Investment Company Act, similar to ETF Shares under Rule 14.11(l), the Exchange believes that using Rule 14.11(l) as the basis for proposed Rule 14.11(n) is appropriate.

The Exchange believes that the proposal is consistent with Section 6(b)(1) of the Act in that,³⁴ in addition to being designed to prevent fraudulent and manipulative acts and practices, the Exchange has the capacity to enforce proposed Rule 14.11(n) by performing ongoing surveillance of Class ETF Shares listed on the Exchange in order to ensure that (a) the Multi-Class Fund is, and continues to be, eligible to operate an ETF Class as an exchange-traded fund pursuant to, and is otherwise in compliance with the terms and conditions of, the Multi-Class Fund Exemptive Relief; (b) the ETF Class continues to be compliant with the conditions and requirements of Rule 6c-11 under the Investment Company Act, except as noted in such Multi-Class Fund Exemptive Relief; and (c) the ETF Class and the Multi-Class Fund each satisfies the requirements of Rule 14.11(n), as applicable, on an initial and continued basis. The Exchange believes that the manipulation concerns that such standards are intended to address are mitigated by a combination of the

³⁰ 15 U.S.C. 78f(b).

³¹ 15 U.S.C. 78f(b)(5).

³² *Id.*

³³ The Exchange notes that eligibility to operate in reliance on Rule 6c-11 or any applicable exemptive relief under the Investment Company Act does not necessarily mean that an investment

³⁴ 15 U.S.C. 78f(b)(1).

Exchange's surveillance procedures, the Exchange's ability to halt trading under the proposed Rule 14.11(n)(4)(B)(ii), and the Exchange's ability to suspend trading and commence delisting proceedings under proposed Rule 14.11(n)(4)(B)(i). The Exchange will also halt trading in Class ETF Shares under the conditions specified in Rule 11.18, "Trading Halts Due to Extraordinary Market Volatility." The Exchange also believes that such concerns are further mitigated by enhancements to the arbitrage mechanism that have come from compliance with Rule 6c-11, specifically the additional flexibility provided through the use of custom baskets for creations and redemptions and the additional information made available to the public through the additional daily website disclosure obligations applicable under Rule 6c-11.³⁵ The Exchange believes that the combination of these factors will act to keep Class ETF Shares trading near the value of their underlying holdings and further mitigate concerns around manipulation of Class ETF Shares on the Exchange. The Exchange will monitor for compliance with Rule 6c-11 and any applicable exemptive relief in order to ensure that the continued listing standards are being met. Specifically, the Exchange plans to review the website of Class ETF Shares in order to ensure that the requirements of Rule 6c-11 are being met. The Exchange will also employ numerous intraday alerts that will notify Exchange personnel of trading activity throughout the day that is potentially indicative of certain disclosures not being made accurately or the presence of other unusual conditions or circumstances that could be detrimental to the maintenance of a fair and orderly market. As a backstop to the surveillances described above, the Exchange also notes that Rule 14.11(a) would require an issuer of Class ETF Shares to notify the Exchange of any failure to comply with Rule 6c-11 or the Investment Company Act.

To the extent that any of the requirements under Rule 6c-11 or Multi-Class Fund Exemptive Relief under the Investment Company Act are not being met, the Exchange may halt trading Class ETF Shares as provided in proposed Rule 14.11(n)(4)(B)(ii).

Further, the Exchange may also suspend trading in and commence delisting proceedings for Class ETF Shares where such securities are not in

compliance with the applicable listing standards or where the Exchange believes that further dealings on the Exchange are inadvisable. As discussed above, the Exchange also notes that Rule 14.11(a) requires any issuer to provide the Exchange with prompt notification after it becomes aware of any non-compliance with proposed Rule 14.11(n), which would include any failure of the issuer to comply with Rule 6c-11 or the Multi-Class Fund Exemptive Relief under the Investment Company Act.

Further, the Exchange also represents that its surveillance procedures are adequate to properly monitor the trading of the Class ETF Shares in all trading sessions and to deter and detect violations of Exchange rules. Specifically, the Exchange intends to utilize its existing surveillance procedures applicable to derivative products, which are currently applicable to Index Fund Shares, Managed Fund Shares and ETF Shares, among other product types, to monitor trading in Class ETF Shares. The Exchange or FINRA, on behalf of the Exchange, will communicate as needed regarding trading in Class ETF Shares and certain of their applicable underlying components with other markets that are members of the ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. In addition, the Exchange may obtain information regarding trading in Class ETF Shares and certain of their applicable underlying components from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

Additionally, FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities that may be held by a Multi-Class Fund for the Class ETF Shares reported to FINRA's TRACE. FINRA also can access data obtained from the MSRB's EMMA system relating to municipal bond trading activity for surveillance purposes in connection with trading Class ETF Shares, to the extent that the Multi-Class Fund for the Class ETF Shares holds municipal securities. Finally, as noted above, the issuer of Class ETF Shares will be required to comply with Rule 10A-3 under the Act for the initial and continued listing of Class ETF Shares, as provided under Rule 14.10(e)(1)(E).³⁶

The Exchange believes that permitting Class ETF Shares to list on the Exchange will help perfect the mechanism of a free and open market and, in general, will protect investors and the public interest in that it will permit the listing and trading of Class ETF Shares, consistent with the applicable exemptive relief, and in a manner that will benefit investors. Specifically, the Exchange believes that the relief proposed in the Applications and the expected benefits of the Class ETF Shares described above would be to the benefit of investors.

The Exchange also believes that proposed Rule 14.11(n) to explicitly provide that the initial and continued listing standards applicable to Class ETF Shares, including the suspension of trading or removal standards, are designed to promote transparency and clarity in the Exchange's Rules.

The Exchange also believes that the corresponding changes to add Class ETF Shares in the Exchange's definitions, corporate governance requirements under Rule 14.10(e), and other provisions of Rule 14.11 in order to accommodate the proposed listing of Class ETF Shares will add clarity to the Exchange's Rulebook. ETF Shares, Managed Fund Shares, and Index Fund Shares are similarly included in these provisions. Therefore, the Exchange believes these are non-substantive changes meant only to subject Class ETF Shares to the same exemptions and provisions currently applicable to ETF Shares, among other product types, so that the treatment of these open-end management investment companies is consistent under the Exchange's rules.

For the above reasons, the Exchange believes that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes the proposal, by permitting the listing and trading of Class ETF Shares under exemptive relief from the Investment Company Act and the rules and regulations thereunder, would introduce additional competition among various ETF products to the benefit of investors.

³⁵ The Exchange notes that the Commission came to a similar conclusion in several places in the ETF Rule Adopting Release. See ETF Rule Adopting Release at 15-18; 60-61; 69-70; 78-79; 82-84; and 95-96.

³⁶ The Exchange notes that these proposed changes would subject Class ETF Shares to the same corporate governance requirements as other open-end management investment companies listed on the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Proceedings To Determine Whether To Approve or Disapprove SR–CboeBZX–2025–076, as Modified by Amendment No. 1, and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act³⁷ to determine whether the proposed rule change, as modified by Amendment No. 1, should be approved or disapproved. Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposal. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to provide comments on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,³⁸ the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the proposal's consistency with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be "designed to prevent fraudulent and manipulative acts and practices" and "to protect investors and the public interest."³⁹

The Commission asks that commenters address the sufficiency of the Exchange's statements in support of the proposal, which are set forth in the Notice and Amendment No. 1, in addition to any other comments they may wish to submit about the proposed rule change, as modified by Amendment No. 1. In particular, the Commission seeks comment on whether the proposal is consistent with Section 6(b)(5) of the Act,⁴⁰ and specifically, whether the proposed rule change is designed to prevent fraudulent and manipulative acts and practices.

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and

arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposed rule change, as modified by Amendment No. 1, is consistent with Section 6(b)(5) or any other provision of the Act, and the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.⁴¹

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change should be approved or disapproved by September 23, 2025. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by October 7, 2025.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR–CboeBZX–2025–076 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeBZX–2025–076. 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 will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish

to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeBZX–2025–076 and should be submitted on or before September 23, 2025. Rebuttal comments should be submitted by October 7, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁴²

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025–16702 Filed 8–29–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, September 4, 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

⁴¹ Section 19(b)(2) of the Act, as amended by the Securities Acts Amendments of 1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. See Securities Acts Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

⁴² 17 CFR 200.30–3(a)(57).

³⁷ 15 U.S.C. 78s(b)(2)(B).

³⁸ *Id.*

³⁹ 15 U.S.C. 78f(b)(5).

⁴⁰ *Id.*

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: August 28, 2025.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2025-16793 Filed 8-28-25; 4:15 pm]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103781; File No. SR-Phlx-2025-39]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Permit Customer Cross Orders and Complex Customer Cross Orders as a Remote FBMS Transaction

August 27, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b-4 thereunder,² notice is hereby given that on August 14, 2025, Nasdaq PHLX LLC (“Phlx” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items II and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Options 3, Section 8, Options Opening Process; Options 3, Section 9, Trading Halts; Options 3, Section 10, Electronic Execution Priority and Processing in the System; Options 3, Section 14, Complex Orders; Options 5, Section 4, Order Routing; Options 8, Section 2, Definitions; Options 8, Section 30, Crossing, Facilitation and Solicited Orders; Options 8, Section 32, Types of Floor-Based (Non-System) Orders; and Options 8, Section 34, FLEX Index, Equity, and Currency Options in connection with a technology migration.

The text of the proposed rule change is available on the Exchange’s website at

<https://listingcenter.nasdaq.com/rulebook/phlx/rulefilings> and at the principal office of the Exchange.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In connection with a technology migration to an enhanced Nasdaq, Inc. (“Nasdaq”) functionality which will result in higher performance, scalability, and more robust architecture, the Exchange intends to adopt certain trading functionality currently utilized at Nasdaq affiliate exchanges. As further discussed below, the Exchange is proposing to adopt such functionality substantially in the same form as currently on the Nasdaq affiliated options exchanges, while retaining certain intended differences between it and its affiliates. The Exchange also proposes amendments to harmonize the Exchange’s rules where appropriate with the rules of its affiliated options exchanges by using consistent language to describe identical functionality.

Specifically, Phlx proposes to amend Options 3, Section 8, Options Opening Process; Options 3, Section 9, Trading Halts; Options 3, Section 10, Electronic Execution Priority and Processing in the System; Options 3, Section 14, Complex Orders; Options 5, Section 4, Order Routing; Options 8, Section 2, Definitions; Options 8, Section 30, Crossing, Facilitation and Solicited Orders; Options 8, Section 32, Types of Floor-Based (Non-System) Orders; and Options 8, Section 34, FLEX Index, Equity, and Currency Options in connection with a technology migration. Each change will be described below.

Options Opening Process

The Exchange proposes to amend its Opening Process at Options 3, Section 8(k)(C)(5) to remove the following language, “unless the member that

submitted the original order has instructed the Exchange in writing to reenter the remaining size, in which case the remaining size will be automatically submitted as a new order.” Today, Phlx may conduct a Forced Opening if the option series has not opened after acceptance of new interest that updated the Potential Opening Price after additional Imbalance Messages have been sent. Today, during a Forced Opening, any unexecuted interest from the imbalance not traded or routed will be cancelled back to the entering participant if they remain unexecuted and priced through the Opening Price, unless the member that submitted the original order has instructed the Exchange in writing to reenter the remaining size, in which case the remaining size will be automatically submitted as a new order. With the technology migration, identical to Nasdaq ISE, LLC (“ISE”) Options 3, Section 8(j)(5), any unexecuted interest from the imbalance not traded or routed will be cancelled back to the entering participant if they remain unexecuted and priced through the Opening Price. Phlx will not accept an instruction in writing to re-enter the remaining size. While the Exchange will not automatically re-enter the order as per an instruction, the member could elect to re-enter the order themselves. By removing this rule text, Phlx’s System behavior will align with ISE in the event of a Forced Opening.

Trading Halts

The Exchange proposes to modify Options 3, Section 9(f) which currently states that during a halt, the Exchange will maintain existing orders on the book (but not existing quotes), accept orders and quotes, and process cancels. The Exchange proposes to note that with the technology migration the Exchange will process modifications during a trading halt. This rule text is identical to ISE Options 3, Section 9(a)(2). With this proposal, Phlx’s System behavior will align with ISE in the event of a trading halt.

Electronic Execution Priority and Processing in the System

The Exchange proposes to correct a reference to a citation in Options 3, Section 10, Electronic Execution Priority and Processing in the System. Specifically, the Exchange proposes to amend a citation in Options 3, Section 10(a)(1)(B) to “(a)(i)(E).” The correct citation should be (a)(1)(E).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

Complex Orders

The Exchange recently amended its complex order rules.³ The Exchange proposes to make a technical amendment to Options 3, Section 14(c)(2) to remove a stray “a” from the sentence that states,

Notwithstanding the provisions of Options 3, Section 10: (i) a Complex Options Strategies may be executed at a total credit or debit price with one other member organization without giving priority to bids or offers established on the Exchange that are no better than the bids or offers in the individual options series comprising such total credit or debit; provided, however, that if any of the bids or offers established on the Exchange consist of a Public Customer Order, the price of at least one leg of the complex strategy must trade at a price that is better than the corresponding bid or offer on the Exchange by at least one minimum trading increment for the series as defined in Options 3, Section 3.

With respect to the execution of complex strategies, the Exchange noted at Options 3, Section 14(d)(2)(i) and (ii) that it would execute in time priority or pro-rata based on size according to Options 3, Section 10(a)(1)(E) and (F). The Exchange noted in its 19b4 that,

Public Customer Orders on the single leg order book shall retain priority and will execute prior to any other Complex Order or non-Public Customer single leg interest at the same price. Stock Option Orders and Stock Complex Orders will be executed at the best net price available from Complex Order Exposure pursuant to proposed Supplementary Material .01 to Options 3, Section 14 and executable Complex Orders on the Complex Order Book. The Exchange may designate on a class basis whether bids and offers at the same price on the Complex Order Book will be executed: (i) in time priority; or (ii) pro-rata based on size pursuant to Options 3, Section 10(a)(1)(E) and (F).⁴

The Exchange noted in footnote 93 of SR–Phlx–2025–17 that Phlx will retain its allocation methodology in Options 3, Section 10.⁵ At this time, the Exchange proposes to amend the rule text at Options 3, Section 14(d)(2)(ii) to include the reference to the Public Customer

allocation that was inadvertently excluded. Options 3, Section 14(d) addresses the Public Customer priority on the single-leg book in the current text, “. . . executable Complex Options Orders will execute against Public Customer interest on the single leg book at the same price before executing against the Complex Order Book. Thus, Public Customer Orders on the single leg order book shall retain priority and will execute prior to any other Complex Order or non-Public Customer single leg interest at the same price.” The Exchange proposed in SR–Phlx–2025–17 to offer Public Customer priority on the Complex Order Book as described in Options 3, Section 10(a)(1)(A).⁶ The Exchange notes that the current citation in Options 3, Section 14(d)(2)(ii) is to the Market Maker Priority and all other market participant allocations. The Exchange proposes to amend Options 3, Section 14(d)(2)(ii) to add the citation to Options 3, Section 10(a)(1)(A) for accuracy, to reflect the Public Customer Priority, and to comport with the discussion in SR–Phlx–2025–17.

Routing

The Exchange proposes to amend its routing rule at Options 5, Section 4. The Exchange proposes to capitalize the defined term “Routing Timer” and amend the word “timer” to “Routing Timer” for clarity in the use of the word in Options 5, Section 4(a)(iii)(B)(2) and Options 5, Section 4(a)(iii)(C)(5). The Exchange inadvertently noted “Opening Price” in Options 5, Section 4(a)(iii)(B)(3) and (4) that should instead state “Opening Process.”

The Exchange proposes to remove the word “internal” before “PBBO” in multiple places.⁷ Today, Phlx Legging Orders⁸ may be generated and executed in an increment other than the minimum increment for that series and are ranked on the order book at its generated price and displayed at a price that is rounded to the nearest minimum increment for that series.⁹ Phlx recently amended¹⁰ its Legging Order rules so

that Legging Orders will be generated and executed in the minimum increment for that options series pursuant to Options 3, Section 3. As a result of the amendment in SR–Phlx–2025–17 to the functionality, the Exchange proposes to remove the reference to “internal” which is no longer necessary because Legging Orders will generate and display at minimum increments. More specifically, today, the internal BBO reference in the routing rule is being utilized where the Legging Order, which is displayed at a price that is rounded to the nearest minimum increment for that series, is repriced pursuant to Options 3, Section 5(d) to avoid locking or crossing.¹¹ With the amendment in SR–Phlx–2025–17, the Legging Order would no longer display at a price that is rounded to the nearest minimum increment, therefore the internal BBO would be equal to the ABBO or the ABBO would be better than the internal PBBO on the same side of the market indicating that there was a locked or crossed market present. Similar to ISE Section 4(a)(iii)(B)(4), (5) and (7) and Section 4(a)(iii)(C)(5) the Exchange proposes to remove the word “internal” from Phlx Options 5, Section 4(a)(iii)(B)(4), (5) and Section 4(a)(iii)(C)(5).

Also, the Exchange proposes to correct an incorrect cross citation in Options 5, Section 4(a)(iii)(C)(6) to subparagraph “4” which should be subparagraph “5” and remove an errant “is” in that paragraph. Finally, the Exchange proposes to remove an errant “including” in Options 5, Section 4(a)(iii)(C)(8).

Customer Cross Orders

Today, pursuant to Options 8, Section 30(a), an Options Floor Broker who holds orders to buy and sell the same

2025) (SR–Phlx–2025–17) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Amend Phlx’s Complex Order Functionality). SR–Phlx–2025–17 proposed the same operative date as this proposal as they are both part of the same technology migration.

¹¹ Options 3, Section 5(d) provides that an order will not be executed at a price that trades through another market or displayed at a price that would lock or cross another market. An order that is designated by the member as routable will be routed in compliance with applicable Trade-Through and Locked and Crossed Markets restrictions. An order that is designated by a member as non-routable will be re-priced in order to comply with applicable Trade-Through and Locked and Crossed Markets restrictions. If, at the time of entry, an order that the entering party has elected not to make eligible for routing would cause a locked or crossed market violation or would cause a trade-through violation, it will be re-priced to the current national best offer (for bids) or the current national best bid (for offers) as non-displayed, and displayed at one minimum price variance above (for offers) or below (for bids) the national best price.

³ See Securities Exchange Act Release No. 102862 (April 15, 2025), 90 FR 16731 (April 21, 2025) (SR–Phlx–2025–17) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Amend Phlx’s Complex Order Functionality). SR–Phlx–2025–17 proposed the same operative date as this proposal as they are both part of the same technology migration.

⁴ See *id.* at 16747.

⁵ See Securities Exchange Act Release No. 102862 (April 15, 2025), 90 FR 16731 (April 21, 2025) (SR–Phlx–2025–17) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Amend Phlx’s Complex Order Functionality). SR–Phlx–2025–17 proposed the same operative date as this proposal as they are both part of the same technology migration.

⁶ See *id.*

⁷ The “internal PBBO” is defined as the Exchange’s non-displayed order book.

⁸ A Legging Order is a Limit Order on the regular order book in an individual series that represents one leg of a two-legged Complex Order (which improves the cPBBO) that is to buy or sell an equal quantity of two options series resting on the CBOOK. Legging Orders are firm orders that are included in the Exchange’s displayed best bid or offer. Legging Orders are not routable and are Limit Orders with a time-in-force of DAY, as they represent an individual component of a Complex Order. See Options 3, Section 7(b)(10).

⁹ See Options 3, Section 7(b)(10)(B).

¹⁰ The Exchange amended Legging Orders in SR–Phlx–2025–17. See Securities Exchange Act Release No. 102862 (April 15, 2025), 90 FR 16731 (April 21,

option series (including two Public Customer Orders) may cross such orders, provided the Options Floor Broker request bids and offers for such options series and make all persons in the trading crowd aware of his request.¹² After providing an opportunity for such bids and offers to be made, the Floor Broker must bid and offer at prices differing by the minimum increment and must improve the market by bidding above the highest bid or offering below the lowest offer.¹³ Finally, if such higher bid or lower offer is not taken, the Floor Broker may cross the orders at such higher bid or lower offer by announcing by public outcry that he is crossing and giving the quantity and price.¹⁴ Pursuant to Supplementary Material .02(iv) of Options 8, Section 30, a Floor Broker must disclose on its order ticket for any order which is subject to crossing, all of the terms of such order, including any contingency involving, and all related transactions in, either options or, in the case of equity or index options, underlying or related securities. The Floor Broker, in the case of equity or index options, must disclose all securities that are components of the Public Customer order which is subject to crossing before requesting bids and offers for the execution of all components of the order. Pursuant to Supplementary Material .02(vii) of Options 8, Section 30, the members of the trading crowd who established the market will have priority over all other orders that were not represented in the trading crowd at the time that the market was established (but not over Public Customer orders on the book) and will maintain priority over such orders except for orders that improve upon the market.

At this time, in addition to representations of Public Customer orders subject to Options 8, Section 30 in open outcry, the Exchange proposes to permit Floor Brokers to execute Customer Cross Orders and Complex Customer Cross Orders as a Remote FBMS Transaction, similar to Qualified Contingent Cross Orders.¹⁵ Phlx recently adopted rules that permit electronic members and member organizations to enter Customer Cross Orders and Complex Customer Cross Orders.¹⁶ This proposal would permit

Phlx floor members to also enter Customer Cross Orders and Complex Customer Cross Orders without the need for order exposure, provided the member complied with the elements in the proposed rules.

The Exchange proposes to describe a Customer Cross Order at Options 8, Section 32(f) as comprised of a Public Customer Order to buy and a Public Customer Order to sell at the same price and for the same quantity. Such orders will trade in accordance with Options 8, Section 30(f). Further, the Exchange proposes to note at proposed Options 8, Section 32(g) that, “[A] Complex Customer Cross Order is comprised of a Priority Customer Complex Order to buy and a Priority Customer Complex Order to sell at the same price and for the same quantity. Such orders will trade in accordance with Options 8, Section 30(g).” The Exchange would also re-letter Options 8, Section 32(h) through (i). The Exchange proposes to amend Options 8, Section 39 at E-11, Two-Way, Three Way and Multi-Spread Transactions (FOREIGN CURRENCY OPTION ONLY), to update the current reference to Options 8, Section 32(f) to new “k” due to the re-lettering.

The Exchange proposes to amend Options 8, Section 30 to add a new “f” related to Customer Cross Orders. Pursuant to proposed Options 8, Section 30(f), Customer Cross Orders would be automatically executed upon entry provided that the execution is at or between the best bid and offer on the Exchange and (i) is not at the same price as a Public Customer Order on the Exchange’s limit order book and (ii) will not trade through the NBBO similar to the manner in which such orders are executed on the electronic order book.¹⁷ Pursuant to proposed Options 8, Section 30(f)(1), Customer Cross Orders will be automatically canceled if they cannot be executed. Pursuant to proposed Options 8, Section 30(f)(2), Customer Cross Orders may only be entered in the regular trading increments applicable to the options class under Options 3, Section 3. Finally, pursuant to proposed Options 8, Section 30(f)(3), Options 3, Section 22(b)(1) applies to the entry and execution of Customer Cross Orders.¹⁸

Immediate Effectiveness of Proposed Rule Change To Amend PIXL and Adopt New Auctions.

¹⁷ See Options 3, Section 12(a). See Securities Exchange Act Release No. 103667 (August 8, 2025), 90 FR 39042 (August 13, 2025) (SR-Phlx-2025-35) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend PIXL and Adopt New Auctions).

¹⁸ Options 3, Section 22(b)(1) provides that the Limitations on Principal Transactions Rule in Options 3, Section 22(b) prevents a member from executing agency orders to increase its economic gain from trading against the order without first

With this proposal, the execution of a Customer Cross Order from the trading floor would continue to not be at the same price as a Public Customer Order on the Exchange’s limit order book, nor trade through the NBBO.

The Exchange proposes to amend Options 8, Section 30 to add a new paragraph “g” related to Complex Customer Cross Orders. Complex Customer Cross Orders would execute in the same manner as they execute electronically on Phlx.¹⁹ Proposed Options 8, Section 32(g) provides that Complex Customer Cross Orders may be entered as described in proposed Options 8, Section 30(g), which states that such orders will be automatically executed upon entry so long as: (i) the price of the transaction is at or within the best bid and offer for the same complex strategy on the Complex Order Book; (ii) there are no Public Customer Complex Orders for the same strategy at the same price on the Complex Order Book; and (iii) the options legs can be executed at prices that comply with the provisions of Options 3, Section 14(c)(2).²⁰ Proposed Options 8, Section

giving other trading interest on the Exchange an opportunity to either trade with the agency order or to trade at the execution price when the Member was already bidding or offering on the book. However, the Exchange recognizes that it may be possible for an member to establish a relationship with a customer or other person (including affiliates) to deny agency orders the opportunity to interact on the Exchange and to realize similar economic benefits as it would achieve by executing agency orders as principal. It will be a violation of this Rule for a member to be a party to any arrangement designed to circumvent this Rule by providing an opportunity for a customer or other person (including affiliates) to regularly execute against agency orders handled by the member immediately upon their entry into the System.

¹⁹ See Options 3, Section 12(b). See also Securities Exchange Act Release No. 103667 (August 8, 2025), 90 FR 39042 (August 13, 2025) (SR-Phlx-2025-35) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend PIXL and Adopt New Auctions). SR-Phlx-2025-35 proposed the same operative date as this proposal as they are both part of the same technology migration.

²⁰ Phlx Options 3, Section 14(c)(2)(i) states, a Complex Options Strategies may be executed at a total credit or debit price with one other Member without giving priority to bids or offers established on the Exchange that are no better than the bids or offers in the individual options series comprising such total credit or debit; provided, however, that if any of the bids or offers established on the Exchange consist of a Public Customer Order, the price of at least one leg of the complex strategy must trade at a price that is better than the corresponding bid or offer on the Exchange by at least one minimum trading increment for the series as defined in Options 3, Section 3. Phlx separately filed a proposal to adopt Complex Order functionality identical to ISE Options 3, Section 14 with SR-Phlx-2024-17. See Securities Exchange Act Release No. 102862 (April 15, 2025), 90 FR 16731 (April 21, 2025) (SR-Phlx-2025-17) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Amend Phlx’s Complex Order Functionality). SR-Phlx-2025-17 proposed the

¹² See Options 8, Section 30(a)(1). Public Customer Orders may be crossed in non-conforming spread ratios. See also Options 8, Section 24(h).

¹³ See Options 8, Section 30(a)(2).

¹⁴ See Options 8, Section 30(a)(3).

¹⁵ See Options 8, Section 2(a)(10).

¹⁶ See Securities Exchange Act Release No. 103667 (August 8, 2025), 90 FR 39042 (August 13, 2025) (SR-Phlx-2025-35) (Notice of Filing and

30(g) provides that only Complex Customer Cross Orders with a conforming ratio as defined in Options 1, Section 1(b)(13) will be accepted. Additionally, proposed Options 8, Section 30(g) states that a Complex Customer Cross Order will be rejected if they cannot be executed. Finally, proposed Options 8, Section 30(g) states that Options 3, Section 22(b)(1) applies to Complex Customer Cross Orders.

Proposed Options 8, Section 30(g)(1) states that Floor Brokers may only submit Complex Customer Cross Orders with a stock/ETF component if such orders comply with the Qualified Contingent Trade Exemption from Rule 611(a) of Regulation NMS. A Qualified Contingent Trade is a transaction consisting of two or more component orders, executed as agent or principal, that satisfy the six elements in the Commission's order exempting Qualified Contingent Trades ("QCTs") from the requirements of Rule 611(a),²¹ which requires trading centers to establish, maintain, and enforce written policies and procedures that are reasonably designed to prevent trade-throughs.²² Further proposed Options 8, Section 30(g)(1) provides that Floor Brokers submitting such orders with a stock/ETF component represent that such orders comply with the Qualified Contingent Trade Exemption. Member organizations of FINRA or The Nasdaq Stock Market ("Nasdaq") will be required to have a Uniform Service Bureau/Executing Broker Agreement

same operative date as this proposal as they are both part of the same technology migration.

²¹ 17 CFR 242.611(a).

²² See Securities Exchange Act Release No. 57620 (April 4, 2008), 73 FR 19271 (April 9, 2008) ("QCT Exemptive Order"). See also Securities Exchange Act Release No. 54389 (August 31, 2006), 71 FR 52829 (September 7, 2006). The QCT Exemption applies to trade-throughs caused by the execution of an order involving one or more NMS stocks that are components of a "qualified contingent trade." As described more fully in the QCT Exemptive Order, a qualified contingent trade is a transaction consisting of two or more component orders, executed as principal or agent, where: (1) At least one component order is an NMS stock; (2) all components are effected with a product or price contingency that either has been agreed to by the respective counterparties or arranged for by a broker-dealer as principal or agent; (3) the execution of one component is contingent upon the execution of all other components at or near the same time; (4) the specific relationship between the component orders (e.g., the spread between the prices of the component orders) is determined at the time the contingent order is placed; (5) the component orders bear a derivative relationship to one another, represent different classes of shares of the same issuer, or involve the securities of participants in mergers or with intentions to merge that have been announced or since cancelled; and (6) the Exempted NMS Stock Transaction is fully hedged (without regard to any prior existing position) as a result of the other components of the contingent trade.

("AGU") with Nasdaq Execution Services, LLC ("NES")²³ in order to trade orders containing a stock/ETF component; firms that are not members of FINRA or Nasdaq are required to have a Qualified Special Representative ("QSR") arrangement with NES in order to trade orders containing a stock/ETF component.²⁴ These aforementioned requirements are identical to the requirements for entering Complex Customer Cross Orders with a stock/ETF component pursuant to Options 3, Section 12(b)(1).²⁵

Today, on Phlx, NES performs the same functions with respect to execution, reporting and submission of the underlying stock or ETF component of a Complex Order that it would perform with these amendments for the underlying stock or ETF component of a Complex Order that is entered into FBMS from the trading floor or electronically.²⁶ The proposed language describing NES applies today to Complex Orders executed on Phlx and would likewise apply to this proposed rule in that NES would execute, report and submit of the underlying stock or ETF component of a Complex Order for a Complex Customer Cross Order.²⁷ Today, on Phlx, NES is responsible for the proper execution, trade reporting, and submission to clearing of the underlying stock or ETF component of

²³ NES is a broker-dealer owned and operated by Nasdaq, Inc. NES, an affiliate of the Exchange, has been approved by the Commission to become a Member of the Exchange and perform inbound routing on behalf of the Exchange. NES is a registered broker-dealer and member of various exchanges and the Financial Industry Regulatory Authority ("FINRA").

²⁴ See proposed Options 8, Section 30(g)(1).

²⁵ Options 3, Section 12(b)(1) was adopted in SR-Phlx-2025-35. See also Securities Exchange Act Release No. 103667 (August 8, 2025), 90 FR 39042 (August 13, 2025) (SR-Phlx-2025-35) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend PIXL and Adopt New Auctions). SR-Phlx-2025-35 proposed the same operative date as this proposal as they are both part of the same technology migration.

²⁶ See Phlx Supplementary .07 to Options 3, Section 14 as adopted in SR-Phlx-2025-17. See Securities Exchange Act Release No. 102862 (April 15, 2025), 90 FR 16731 (April 21, 2025) (SR-Phlx-2025-17) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Amend Phlx's Complex Order Functionality). SR-Phlx-2025-17 proposed the same operative date as this proposal as they are both part of the same technology migration.

²⁷ See proposed Phlx Options 8, Section 30(g)(1). See Phlx Options 3 Section 12(b)(1) as proposed in SR-Phlx-2025-35. See also Securities Exchange Act Release No. 103667 (August 8, 2025), 90 FR 39042 (August 13, 2025) (SR-Phlx-2025-35) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend PIXL and Adopt New Auctions). SR-Phlx-2025-35 proposed the same operative date as this proposal as they are both part of the same technology migration.

a Complex Order.²⁸ Because these trades with a stock component occur off-exchange, the principal regulator is FINRA;²⁹ the execution and reporting of the stock/ETF piece occur otherwise than on Phlx or any other exchange. The stock execution is handled by NES pursuant to applicable rules regarding equity trading,³⁰ including the rules governing trade reporting, trade-throughs and short sales. Specifically, NES reports the trades to the Trade Reporting Facility.³¹ Firms that are members of FINRA are required to have an AGU with NES in order to trade Complex Orders containing a stock/ETF component pursuant to proposed Options 8, Section 30(g)(1). Firms that are not members of FINRA are required to have a QSR arrangement with NES in order to trade Complex Orders containing a stock/ETF component pursuant to proposed Options 8, Section 30(g)(1).

Pursuant to proposed Options 8, Section 30(g)(2), where one component of a Complex Customer Cross Order is the underlying security, the Exchange shall electronically communicate the underlying security component of a Complex Customer Cross Order to NES, its designated broker-dealer, for immediate execution. Pursuant to proposed Options 8, Section 30(g)(2), such execution and reporting will not occur on the Exchange and will be handled by NES pursuant to applicable

²⁸ See *supra* note 26. In particular, NES has in place policies and procedures designed to prevent the misuse of material non-public information related to stock-tied executions. Of note, NES only receives information about the stock or ETF portion of the order from the Exchange. Today, NES is responsible for the proper execution, trade reporting, and submission to clearing of the underlying stock or ETF component of a Complex Order on Phlx.

²⁹ NES is responsible for compliance with FINRA rules generally and is subject to examination by FINRA. Specifically, NES is subject to FINRA Rule 3110, which generally requires that the policies and procedures and supervisory systems of a broker-dealer be reasonably designed to achieve compliance with applicable securities laws and regulations and with applicable FINRA rules, including those relating to the misuse of material non-public information. To this end, today, NES has in place policies related to confidentiality and the potential for informational advantages relating to its affiliates, intended to protect against the misuse of material nonpublic information. Phlx establishes and maintains procedures and internal controls reasonably designed to adequately restrict the flow of confidential and proprietary information between the Exchange and NES.

³⁰ Once the orders are communicated to the broker-dealer for execution, the broker-dealer has complete responsibility for determining whether the orders may be executed in accordance with all of the rules applicable to execution of equity orders.

³¹ Specifically, the trades will be reported to the FINRA/Nasdaq TRF which is a facility of FINRA that is operated by Nasdaq, Inc. and utilizes Automated Confirmation Transaction ("ACT") Service technology.

rules regarding equity trading. Pursuant to proposed Options 8, Section 30(g)(2), the execution price must be within a certain price from the current market, as determined by the Exchange. Finally, pursuant to proposed Options 8, Section 30(g)(2), if the stock price is not within these parameters, the Complex Customer Cross Order is not executable.³² These requirements are identical to the requirements in Phlx Options 3, Section 12(b)(2).³³

Finally, pursuant to proposed Options 8, Section 30(g)(3), when the short sale price test in Rule 201 of Regulation SHO is triggered for a covered security, NES will not execute a short sale order in the underlying covered security component of a Complex Customer Cross Order if the price is equal to or below the current national best bid. However, NES will execute a short sale order in the underlying covered security component of a Complex Customer Cross Order if such order is marked “short exempt,” regardless of whether it is at a price that is equal to or below the current national best bid pursuant to proposed Options 8, Section 30(g)(3). If NES cannot execute the underlying covered security component of a Complex Customer Cross Order in accordance with Rule 201 of Regulation SHO, the Exchange will cancel back the Complex Customer Cross Order to the entering Floor Broker pursuant to proposed Options 8, Section 30(g)(3). Proposed Options 8, Section 30(g)(2) notes that for purposes of this paragraph, the term “covered security” shall have the same meaning as in Rule 201(a)(1) of Regulation SHO. These requirements are identical to requirements in Phlx Options 3, Section 12(b)(3).³⁴ The manner in which Floor Brokers would be permitted to trade Complex Customer Cross Orders is identical to the manner in which Complex Customer Cross Orders are currently permitted to trade electronically pursuant to Option 3, Section 12(b).

Remote FBMS

Today, the Exchange permits Floor Brokers to utilize the Options Floor

Based Management System (“FBMS”),³⁵ remotely,³⁶ to enter certain orders that do not require exposure in open outcry. Today, the term “Remote FBMS Transaction” is described in Options 8, Section 2(a)(10) as a transaction effected by a Floor Broker, while not physically present on the Trading Floor, by submitting limit, market or stop orders pursuant to Options 8, Section 28(g) and Floor Qualified Contingent Cross Orders pursuant to Options 8, Section 30(e) to the electronic order book, through FBMS. The Exchange proposes to amend Options 8, Section 2(a)(10) to permit Customer Cross Orders and Complex Customer Cross Orders to be entered remotely while the Floor Broker is not physically present on the trading floor. Like Qualified Contingent Cross Orders, Customer Cross Orders and Complex Customer Cross Orders are paired orders that do not require exposure in open outcry. Floor Brokers may also enter Customer Cross Orders and Complex Customer Cross Orders while on the trading floor.

As is the case today, in order to conduct Remote FBMS Transactions, unless exempt from such requirements in accordance with Supplementary Material .01 to Options 10, Section 5 or Phlx General 4, Rule 1230, Floor Brokers are subject to the following regulatory requirements: (1) compliance with branch office requirements as described in Supplementary Material .01 to Options 10, Section 5, as well as supervision of such branch office as described in Phlx General 9, Section 20; and (2) compliance with applicable registration requirements described in Phlx General 4. These regulatory requirements would apply to Customer Cross Orders and Complex Customer Cross Orders that are entered remotely. Except as noted, all uses of FBMS involving open outcry must be conducted while physically present on the Trading Floor.³⁷

The Exchange’s proposal would permit Phlx’s Floor Broker to execute Customer Cross Orders and Complex

Customer Cross Orders pursuant to proposed Options 8, Section 30(f) and (g) utilizing the same order entry requirements as Phlx members and member organizations that transact business electronically pursuant to Options 3, Section 12(a) and (b).³⁸ The requirements to enter Customer Cross Orders and Complex Customer Cross Orders are identical for Floor Brokers and electronic Phlx members and member organizations except that Floor Brokers would execute Customer Cross Orders and Complex Customer Cross Orders through FBMS while electronically, Phlx members and member organizations would execute Cross Orders and Complex Customer Cross Orders through an order entry protocol.

As proposed, Options 8, Section 30(g) provides that only Complex Customer Orders with a conforming ratio would be permitted to trade pursuant to proposed Options 8, Section 30(g) whereas, today, two Public Customer Orders in open outcry pursuant to Options 8, Section 30(a) may be entered in either conforming or non-conforming ratios. The Exchange notes that Floor Brokers may continue to cross two Public Customer Orders in open outcry pursuant to Options 8, Section 30(a). This would be necessary if a Floor Broker desired to cross two Public Customer Orders with non-conforming ratios.³⁹

FLEX Position Limits

The Exchange proposes to amend Options 8, Section 34, FLEX Index, Equity, and Currency Options. Specifically, the Exchange proposes to amend paragraph (i)(2) of Options 8,

³⁸ Pursuant to proposed Options 8, Section 30(f) Customer Cross Orders are automatically executed upon entry provided that the execution is at or between the best bid and offer on the Exchange and is not at the same price as a Priority Customer Order on the Exchange’s limit order book and will not trade through the NBBO. Also, pursuant to Options 3, Section 30(g) Complex Customer Cross Orders will automatically executed upon entry so long as: the price of the transaction is at or within the best bid and offer for the same complex strategy on the Complex Order Book; there are no Public Customer Complex Orders for the same strategy at the same price on the Complex Order Book; and the options legs can be executed at prices that comply with the provisions of Options 3, Section 14(c)(2).

³⁹ Phlx’s trading floor permits a spread order to consist of different numbers of contracts so long as the number of contracts differ by a permissible ratio (a “Ratio Spread”). Similarly, the legs to a straddle or combination order may consist of different numbers of puts and calls so long as the number of contracts differ by a permissible ratio. A permissible ratio is any ratio that is equal to or greater than one-to-three (.333) and less than or equal to three-to-one (3.00). For example, a one-to-two (.5) ratio, a two-to-three (.667) ratio, or a two-to-one (2.0) ratio is permissible, whereas a one-to-four (.25) ratio or a four-to-one (4.0) ratio is not. See Options 8, Section 24(h).

³² See proposed Options 8, Section 30(g)(2).

³³ Phlx Options 3, Section 12(b)(2) was adopted in SR-Phlx-2025-35. See Securities Exchange Act Release No. 103667 (August 8, 2025), 90 FR 39042 (August 13, 2025) (SR-Phlx-2025-35) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend PIXL and Adopt New Auctions).

³⁴ Phlx Options 3, Section 12(b)(3) was adopted in SR-Phlx-2025-35. See Securities Exchange Act Release No. 103667 (August 8, 2025), 90 FR 39042 (August 13, 2025) (SR-Phlx-2025-35) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend PIXL and Adopt New Auctions).

³⁵ FBMS, an order management system, is the gateway for the electronic execution of equity, equity index and U.S. dollar-settled foreign currency option orders represented by Floor Brokers on the Exchange’s Options Floor. Floor Brokers contemporaneously upon receipt of an order and prior to the representation of such an order in the trading crowd, record all options orders represented by such Floor Broker to FBMS, which creates an electronic audit trail. The execution of orders to Phlx’s electronic trading system also occurs via FBMS. The FBMS application is available on hand-held tablets and stationary desktops.

³⁶ Utilizing FBMS while not physically present on the Trading Floor would be considered remote access.

³⁷ See Options 8, Section 2(a)(10).

Section 34 related to FLEX Index Options position limits. Today, paragraph (i)(2) provides,⁴⁰

FLEX Index Options shall be subject to a separate position limit of 200,000 contracts on the same side of the market respecting market index options; 36,000, 48,000, or 60,000 contracts respecting industry index options, depending on the position limit tier determined pursuant to Options 4A, Section 6(b)(i). FLEX Index Options shall otherwise be subject to the same position limits governing index options as provided for within Options 4A, Section 6. FLEX Equity Options shall not be subject to a separate FLEX position limit. Except as provided in subsection (3) of this section (i), positions in FLEX Equity Options shall not be taken into account when calculating position limits for non-FLEX Equity Options, or FLEX or non-FLEX Index Options.

At this time, the Exchange proposes to instead provide,

FLEX Index Options shall be subject to a separate position limit for broad-based FLEX Index Options, in the aggregate, of 200,000 contracts on the same side of the market, except that there shall be no position limits for FLEX NDX or XND. FLEX Index Options shall otherwise be subject to the same position limits governing index options as provided for within Options 4A, Section 6. FLEX Index Options shall otherwise be subject to the same position limits governing index options as provided for within Options 4A, Section 6. FLEX Equity Options shall not be subject to a separate FLEX position limit. Except as provided in subsection (3) of this section (i), positions in FLEX Equity Options shall not be taken into account when calculating position limits for non-FLEX Equity Options, or FLEX or non-FLEX Index Options.

The Exchange's addition of the words, "for broad-based FLEX Index Options, in the aggregate" align with rule text at Cboe Exchange, Inc. ("Cboe") Rule 8.35(a)(2).⁴¹ Also, noting that options on NDX and XND have no position limits aligns with Phlx Options 4A, Section 6(a)(i).⁴² The Exchange is removing rule

⁴⁰ Options 8, Section 34 was previously amended by Securities Exchange Act Release Nos. 97658 (June 7, 2023), 88 FR 38562 (June 13, 2023) (Phlx-2023-22); 100321 (June 12, 2024), 89 FR 51580 (June 18, 2024) (SR-Phlx-2024-24); and 102977 (May 2, 2025), 90 FR 19546 (May 8, 2025) (SR-Phlx-2025-20).

⁴¹ Cboe's position limits for a broad-based FLEX Index Option class shall not exceed in the aggregate 200,000 contracts on the same side of the market. See Cboe Rule 8.35(a)(2).

⁴² ISE Options 4A, Section 6(a)(i) provides that respecting the Full Value Nasdaq 100 Options, the Reduced Value Nasdaq 100 Options, the Nasdaq 100-Micro Index Options, and the Nasdaq-100 ESG Index Options there shall be no position limits. Of note, Cboe currently trades both NDX and XND FLEX options and has similar language at Cboe Rule 8.35(b) with respect to the position limits for NDX and XND FLEX options. Further, Phlx Options 4A, Section 6(c) provides that each member or member organization that maintains a position on the same side of the market in excess of 100,000 contracts for

text that states, ". . . respecting market index options; 36,000, 48,000, or 60,000 contracts respecting industry index options, depending on the position limit tier determined pursuant to Options 4A, Section 6(b)(i)." The Exchange notes that FLEX Index Option position limits in Options 4A, Section 6(b)(i) provides for varying contract limits of 18,000, 24,000 and 31,500 for option contracts on a narrow-based (industry) index. Pursuant to Options 4A, Section 6(b)(i)-(iii) the actual position limit is determined at the commencement of trading of such options on the Exchange and thereafter review the determination semiannually on January 1 and July 1 and subject to the to the procedures specified Options 4A, Section 6(b)(iii) as well as the position limits in Options 4A, Section 6(b)(i).

The Exchange believes that the proposed amendments will align Phlx's FLEX Index Options on the trading Floor with Cboe's Rules and Phlx's Index Options position limits at Options 4A.

Implementation

The Exchange will implement this rule change on or before December 20, 2025. Phlx would commence its implementation with a limited symbol migration and continue to migrate symbols over several weeks. The Exchange will issue an Options Trader Alert to members to provide notification of the symbols that will migrate and the relevant dates.⁴³

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,⁴⁴ in general, and furthers the objectives of Section 6(b)(5) of the Act,⁴⁵ in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and

its own account or for the account of a customer in excess of 100,000 contracts for its own account or for the account of a customer in Full Value Nasdaq-100[®] Options, NDX; or in excess of 100,000 contracts for its own account for the account of a customer in Nasdaq-100 ESG Index Options, must file a report with the Exchange that includes, but is not limited to, data related to the option positions, whether such positions are hedged and if applicable, a description of the hedge and information concerning collateral used to carry the positions. Market Makers are exempt from this reporting requirement. For positions exceeding the position limit in Supplementary Material .01(a) of Options 4A, Section 6 contains the requirements for qualifying for the Index Hedge Exemption under this Rule. Cboe has similar reporting requirements with respect to NFX and XND FLEX at Cboe Rule 8.35(b).

⁴³ See <https://www.nasdaqtrader.com/MicroNews.aspx?id=OTA2024-17>.

⁴⁴ 15 U.S.C. 78f(b).

⁴⁵ 15 U.S.C. 78f(b)(5).

open market and a national market system, and, in general to protect investors and the public interest.

Options Opening Process

The Exchange's proposal to amend its Opening Process at Options 3, Section 8(k)(C)(5) to remove the following language, "unless the member that submitted the original order has instructed the Exchange in writing to reenter the remaining size, in which case the remaining size will be automatically submitted as a new order" is consistent with the Act. The Exchange's proposal to no longer accept an instruction from a member to reenter the remaining size is consistent with the Act because the member could elect to re-enter the order themselves. The amendment will align Phlx's System behavior to ISE at Options 3, Section 8(j)(5) in the event of a Forced Opening.

Trading Halts

Amending Options 3, Section 9(f) to note that the Exchange will process modifications during a trading halt is consistent with the Act as the Exchange's behavior will allow Phlx members and member organizations to modify orders during a trading halt identical to ISE Options 3, Section 9(a)(2). With this proposal, Phlx's System behavior will align with ISE in the event of a trading halt.

Electronic Execution Priority and Processing in the System

The Exchange's proposal to amend a citation in Options 3, Section 10(a)(1)(B) is non-substantive.

Complex Orders

The Exchange's proposal to amend Options 3, Section 14(d)(ii) to include the reference to the Public Customer allocation that was inadvertently excluded is consistent with the Act as Public Customers would receive priority allocation on both the single-leg and Complex Order Book. Options 3, Section 14(d) addresses the Public Customer priority on the single-leg book in the current text, ". . . executable Complex Options Orders will execute against Public Customer interest on the single leg book at the same price before executing against the Complex Order Book. Thus, Public Customer Orders on the single leg order book shall retain priority and will execute prior to any other Complex Order or non-Public Customer single leg interest at the same price." The Exchange also proposes to offer Public Customer priority on the Complex Order Book as described in

Options 3, Section 10(a)(1)(A).⁴⁶ The Exchange notes that the current citation is to the Market Maker Priority and all other market participant allocations. The Exchange's proposal to remove a stray "a" from Options 3, Section 14(c)(2) is a non-substantive amendment.

Routing

The Exchange's proposal to amend its routing rule to remove the word "internal" before "PBBO" in multiple places is consistent with the Act because Phlx recently amended⁴⁷ its Legging Order rules so that Legging Orders will be generated and executed in the minimum increment for that options series pursuant to Options 3, Section 3. As a result of the amendment in SR-Phlx-2025-17, the minimum increment rule in Options 3, Section 3 would be applicable to Legging Orders. With this amended functionality the Legging Order would no longer display at a price that is rounded to the nearest minimum increment, therefore the internal BBO would be equal to the ABBO or the ABBO would be better than the internal PBBO on the same side of the market indicating that there was a locked or crossed market present. As a result of this amendment in SR-Phlx-2025-17 to the functionality, the Exchange proposes to remove the reference to "internal" because it is no longer necessary with the System change to Legging Order processing where orders will generate and display at minimum increments.⁴⁸ Similar to ISE Section 4(a)(iii)(B)(4), (5) and (7) and Section 4(a)(iii)(C)(5) the Exchange proposes to remove the word "internal" from Phlx Options 5, Section 4(a)(iii)(B)(4), (5) and (7) and Section 4(a)(iii)(C)(5). The remainder of the proposed changes are non-substantive.

⁴⁶ SR-Phlx-2024-71 amended Options 3, Section 10. See Securities Exchange Act Release No. 101989 (December 30, 2024), 89 FR 106888 (December 30, 2024) (SR-Phlx-2024-71). SR-Phlx-2024-71 is effective but not yet operative. SR-Phlx-2024-71 would be operative at the same time as this rule change as they are both part of the same technology migration.

⁴⁷ The Exchange amended Legging Orders in SR-Phlx-2025-17. See Securities Exchange Act Release No. 102862 (April 15, 2025), 90 FR 16731 (April 21, 2025) (SR-Phlx-2025-17) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Amend Phlx's Complex Order Functionality). SR-Phlx-2025-17 proposed the same operative date as this proposal as they are both part of the same technology migration.

⁴⁸ More specifically, today, the internal BBO reference in the routing rule is being utilized where the Legging Order, which is displayed at a price that is rounded to the nearest minimum increment for that series, is repriced pursuant to Options 3, Section 5(d) to avoid locking or crossing.

Customer Cross Orders

Permitting Floor Brokers to enter Customer Cross Orders and Complex Customer Cross Orders directly into FBMS without having to expose the order in open outcry is consistent with the Act because this proposal would permit Floor Broker to continue to execute paired Customer Cross Orders, while also protecting Public Customer Orders on the book at the same price. Identical to Phlx members and member organizations that transact electronically, Phlx Floor Brokers would be required to enter Customer Cross Orders where the execution price is at or between the best bid and offer on the Exchange and is not at the same price as a Public Customer Order on the Exchange's limit order book and will not trade through the NBBO.⁴⁹ Additionally, identical to Phlx members and member organizations that transact electronically, Floor Brokers entering Complex Customer Cross Orders would execute in the same manner as they execute electronically on Phlx, that is such orders will be automatically executed upon entry so long as: the price of the transaction is at or within the best bid and offer for the same complex strategy on the Complex Order Book, there are no Public Customer Complex Orders for the same strategy at the same price on the Complex Order Book, and the options legs can be executed at prices that comply with the provisions of Options 3, Section 14(c)(2).⁵⁰ The Exchange notes that the requirements to enter Customer Cross Orders and Complex Customer Cross Orders are identical for Floor Brokers and electronic Phlx members and member organizations except that Floor Brokers would execute Customer Cross Orders and Complex Customer Cross Orders through FBMS while Phlx members and member organizations that trade electronically would execute Cross Orders and Complex Customer Cross Orders through an order entry protocol.

Further, the Exchange believes it is consistent with the Act and the protection of investors to permit Customer Cross Orders and Complex Customer Cross Orders to be entered remotely from off the trading floor because these orders are not required to be exposed in open outcry. Allowing Floor Brokers to enter Customer Cross Orders and Complex Customer Cross Orders remotely from off the floor would place them on equal footing with Phlx members and member organizations that trade these orders

⁴⁹ See proposed Options 8, Section 30(f).

⁵⁰ See proposed Options 8, Section 30(g).

electronically. With this proposal, Floor Brokers may only enter Complex Customer Cross Orders in conforming ratios as defined in Options 8, Section 1(b)(13) remotely from off the floor, however Floor Brokers would be able to continue to cross two Public Customer Orders in open outcry pursuant to Options 8, Section 30(a). This would be necessary if a Floor Broker desired to cross two Public Customer Orders with non-conforming ratios because under proposed Options 8, Section 30(g) only Complex Customer Cross Orders with a conforming ratio are accepted for electronic processing.⁵¹

Permitting Floor Brokers to only submit Complex Customer Cross Orders with a stock/ETF component if such orders comply with the Qualified Contingent Trade Exemption from Rule 611(a) of Regulation NMS is consistent with the Act and the protection of investors. Phlx's proposed Options 8, Section 30(g)(1) will require that Floor Brokers submitting such orders with a stock/ETF component represent that such orders comply with the Qualified Contingent Trade Exemption. Member organizations of FINRA or Nasdaq would be required to have an AGU with NES⁵² in order to trade orders containing a stock/ETF component; firms that are not members of FINRA or Nasdaq are required to have a QSR arrangement with NES in order to trade orders containing a stock/ETF component.⁵³ This proposal is consistent with today's treatment of Complex Orders with a stock/ETF component and is not changing the manner in which a Complex Order with a stock/ETF component is treated today on Phlx.

Section 11(a) and the rules thereunder generally prohibit members of an exchange from effecting transactions on the exchange for their own account, the account of an associated person, or an

⁵¹ Phlx's trading floor permits a spread order to consist of different numbers of contracts so long as the number of contracts differ by a permissible ratio (a "Ratio Spread"). Similarly, the legs to a straddle or combination order may consist of different numbers of puts and calls so long as the number of contracts differ by a permissible ratio. A permissible ratio is any ratio that is equal to or greater than one-to-three (.333) and less than or equal to three-to-one (3.00). For example, a one-to-two (.5) ratio, a two-to-three (.667) ratio, or a two-to-one (2.0) ratio is permissible, whereas a one-to-four (.25) ratio or a four-to-one (4.0) ratio is not. See Options 8, Section 24(h).

⁵² NES is a broker-dealer owned and operated by Nasdaq, Inc. NES, an affiliate of the Exchange, has been approved by the Commission to become a Member of the Exchange and perform inbound routing on behalf of the Exchange. NES is a registered broker-dealer and member of various exchanges and the Financial Industry Regulatory Authority ("FINRA").

⁵³ See proposed Options 8, Section 30(g)(1).

account with respect to which it or an associated person thereof exercises investment discretion unless an exemption applies.⁵⁴ With respect to the application of Customer Cross Order to Section 11(a) of the Act and the rules thereunder, the Exchange notes that the entry and execution of Customer Cross Orders raises no novel issues under Section 11(a) and the rules thereunder from a compliance, surveillance or enforcement perspective. Exchange Floor Brokers are required to comply and the Exchange surveils for compliance with Section 11(a) and the rules thereunder when using Exchange systems to effect transactions using existing order types, and they will be required to comply with Section 11(a) and the rules thereunder when using the Customer Cross Orders as amended.

FLEX Position Limits

The Exchange's proposal to amend paragraph (i)(2) of Options 8, Section 34 related to FLEX Index Options position limits is consistent with the Act because the proposed rule text would harmonize Phlx's FLEX rules related to FLEX Index Options position limits with Phlx Options 4A, Section 6(a)(i) for standard options as well as Cboe Rule 8.35(a)(2) with respect to the broad based index options language.

NDX and XND are subject to the same rules that presently govern the trading of index options based on the Nasdaq-100 Index, including sales practice rules, and margin requirements, trading rules. The Exchange represents that it has adequate surveillances in place to detect potential manipulation, as well as reviews in place to identify continued compliance with the Exchange's listing standards. Further, the Exchange believes that the current financial requirements imposed by the Exchange and by the Commission adequately address concerns regarding potentially large, unhedged positions in equity options. Current margin and risk-based haircut methodologies serve to limit the size of positions maintained by any one account by increasing the margin and/or capital that a member organization must maintain for a large position held by itself or by its customer.⁵⁵ In addition, Rule 15c3-1⁵⁶ imposes a capital charge on member organizations

⁵⁴ See 15 U.S.C. 78k(a). Section 11(a) contains multiple exemptions, including exemptions for those acting in the capacity of market makers, as odd-lot dealers, and those engaged in stabilizing conduct; there are also rule-based exemptions such as the "effect vs. execute" exception under SEC Rule 11a2-2(T) under the Act. See 17 CFR 240.11a2-2(T).

⁵⁵ See Options 6C Section 3 regarding margin requirements.

⁵⁶ 17 CFR 240.15c3-1.

to the extent of any margin deficiency resulting from the higher margin requirement.

The Exchange notes that not imposing position limits on NDX and XND aligns with Phlx Options 4A, Section 6(a)(i).⁵⁷ Removing rule text related to specific index options position limits for industry index options in favor of broader language noting that FLEX Index Options are subject to the same position limits governing index options as provided for within Options 4A, Section 6 is consistent with the Act. The revised text makes clear that Phlx's position limits for Phlx FLEX Index Options on the trading Floor are the same as standard position limits in Options 4A, Section 6. Also, Cboe has the same FLEX Options position limits as noted in Cboe Rule 8.35(a)(2). Finally, Phlx's proposal does not otherwise amend the position limits other than amending NDX and XND position limits.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Options Opening Process

The Exchange's proposal to amend its Opening Process at Options 3, Section 8(k)(C)(5) to remove the following language, "unless the member that submitted the original order has instructed the Exchange in writing to reenter the remaining size, in which case the remaining size will be automatically submitted as a new order" does not impose an undue burden on intramarket competition because no member or member organization would be permitted to have the System automatically reenter the remaining size.

The Exchange's proposal to amend its Opening Process at Options 3, Section 8(k)(C)(5) does not impose an undue burden on intermarket competition because ISE at Options 3, Section 8(j)(5) has an identical rule.

Trading Halts

The Exchange's proposal to amend Options 3, Section 9(f) to note that the Exchange will process modifications during a trading halt does not impose an undue burden on intramarket competition because the Exchange will allow all Phlx members and member

⁵⁷ Of note, Cboe currently trades both NDX and XND FLEX options and has similar language at Cboe Rule 8.35(b).

organizations to modify orders during a trading halt.

The Exchange's proposal to amend Options 3, Section 9(f) to note that the Exchange will process modifications during a trading halt does not impose an undue burden on intermarket competition because ISE has identical rule text at Options 3, Section 9(a)(2).

Complex Orders

The Exchange's proposal to amend Options 3, Section 14(d)(ii) to include the reference to the Public Customer allocation that was inadvertently excluded does not impose an undue burden on intramarket competition because all market participants would be subject to the Public Customer allocation in the Complex Order Book.

The Exchange's proposal to amend Options 3, Section 14(d)(ii) to include the reference to the Public Customer allocation that was inadvertently excluded does not impose an undue burden on intermarket competition because Phlx allocates in the same manner today in its single-leg order book. With this proposal, Public Customers would receive priority allocation on both the single-leg and Complex Order Book. Other options exchanges may also adopt the same allocation methodology as Phlx's allocation methodology.

Routing

The Exchange's proposal to amend its routing rule at Options 5, Section 4(a)(iii)(B)(4), (5) and (7) and Section 4(a)(iii)(C)(5) does not impose an undue burden on intramarket competition because any FIND Order or SRCH Order submitted by any member or member organization would need to be marketable against the displayed book.

The Exchange's proposal to amend its routing rule at Options 5, Section 4(a)(iii)(B)(4), (5) and (7) and Section 4(a)(iii)(C)(5) does not impose an undue burden on intermarket competition because a FIND Order or SRCH Order on ISE is also marketable against the displayed book pursuant to ISE Options 5, Section 4(a)(iii)(B)(5).

Customer Cross Orders

The proposed Customer Cross Orders and Complex Customer Cross Orders do not impose an undue burden on intramarket competition because today Phlx members and member organizations that transact electronically are subject to identical rules and may enter such orders without the need to expose the orders. The ability to enter Customer Cross Order remotely through FBMS does not impose an undue burden on intramarket competition

because the functionality will be available to all Floor Brokers.

The proposed Customer Cross Orders and Complex Customer Cross Orders do not impose an undue burden on intermarket competition because other options exchanges have similar rules on their electronic markets.

FLEX Position Limits

The Exchange's proposal to amend Options 8, Section 34(i) to provide that NDX and XND shall have no position limits does not impose an undue burden on intramarket competition as no Phlx member or member organization would be subject to FLEX position limits for those symbols.

The Exchange's proposal to amend Options 8, Section 34(i) to provide that NDX and XND shall have no FLEX position limits does not impose an undue burden on intermarket competition as Cboe similarly does not impose position limits on NDX or XND.⁵⁸

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act⁵⁹ and subparagraph (f)(6) of Rule 19b-4 thereunder.⁶⁰

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings

to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-Phlx-2025-39 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-Phlx-2025-39. 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 will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-Phlx-2025-39 and should be submitted on or before September 23, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶¹

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-16698 Filed 8-29-25; 8:45 am]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.
ACTION: 30-Day notice.

SUMMARY: The Small Business Administration (SBA) is seeking

approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act and OMB procedures, SBA is publishing this notice to allow all interested members of the public an additional 30 days to provide comments on the proposed collection of information.

DATES: Submit comments on or before October 2, 2025.

ADDRESSES: Written comments and recommendations for this information collection request should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection request by selecting "Small Business Administration"; "Currently Under Review". This information collection can be identified by title and/or OMB Control Number.

FOR FURTHER INFORMATION CONTACT: You may obtain a copy of the information collection and supporting documents from the Agency Clearance Office at records@sba.gov, or Bethany Shana in OCRM Bethany.shana@SBA.gov (202) 205-6402, or from www.reginfo.gov/public/do/PRAMain.

SUPPLEMENTARY INFORMATION: SBA's Office of Credit Risk Management (OCRM) is responsible for the oversight and supervision of the SBA operations of over 3100 7(a) Lenders, Certified Development Companies ("CDCs"), and Microloan Intermediaries ("Intermediaries") that participate in SBA's business loan programs and is responsible for enforcement of the applicable rules and regulations. Currently, the Agency guarantees more than \$110 billion dollars in small business loans through these programs.¹ The information collection described in detail below helps OCRM protect the safety and soundness of the business loan programs and taxpayer dollars.

In general, SBA collects information in connection with reviews for Federally-regulated 7(a) Lenders, CDCs, SBA Supervised Lenders including Small Business Lending Companies (SBLCs) and Non-Federally Regulated Lenders (NFRLs), and Intermediaries.² The discussion below identifies the nature of the information to be collected for each type of lender and the related review or examination. In addition, SBA has created separate lists, which are also

¹ These numbers do not include over 5,000 lenders that participated in the Paycheck Protection Program (PPP) that issued approximately 11.8 million guaranteed, forgivable loans for \$800 billion.

² SBLCs and NFRLs are defined in 15 U.S.C. 632(r) and 13 CFR 120.10.

⁵⁸ See Cboe Rule 8.35(a)(2).

⁵⁹ 15 U.S.C. 78s(b)(3)(A)(iii).

⁶⁰ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

⁶¹ 17 CFR 200.30-3(a)(12).

discussed below, to clearly identify the information to be collected.

I. 7(a) Lender Diagnostic, Limited Scope, Limited Scope (Targeted) Reviews; CDC SMART Analytical and Full Reviews; and Supervised Lender Safety and Soundness Exams

A. Common Information Collected

For all reviews, and Safety and Soundness examinations³ of 7(a) Lenders and CDCs, as applicable, in general, SBA requests information related to the 7(a) Lender's or CDC's management and operation, eligibility of its SBA loans for SBA guaranty, compliance with SBA Loan Program Requirements, credit administration, and performance of its SBA loan portfolio.

1. *Management and Operations:* The information requested generally includes the SBA program organization chart with responsibilities, business plan, financial and program audits, evidence of Lender compliance with regulatory orders and agreements (if applicable and as appropriate), and staff training on SBA lending.

2. *Eligibility and Credit Administration:* In reviewing these areas, SBA may request the Lender's or CDC's credit policies and procedures; servicing policies and procedures; loan sample files; independent loan reviews; underwriting, loan credit scoring, risk rating methodologies; and information on loans approved as exceptions to policy.

3. *Compliance with Loan Program Requirements:* Here, SBA generally collects information on services and fees charged for Lenders' third-party vendors,⁴ Lender's FTA⁵ trust account, and Lender's use of the System for Awards Management to perform Agent due diligence. For CDCs, SBA collects additional information related to Loan Program Requirements as described below in Section I.C.

4. *Portfolio Performance:* In considering Lender or CDC portfolio performance, SBA may request that

lenders provide a listing of loans indicating those past due, those with servicing actions, individual risk ratings, and those in liquidation or purchased for SBA to compare with SBA data. SBA may also request that lenders provide an explanation for risks identified (*e.g.*, identified by higher risk metrics or PARRiS flags triggered).

Further detail on the information SBA collects in reviews, and Safety and Soundness Exams is contained in the SBA Supervised Lender Safety and Soundness Examination/Full Review Information Request; 7(a) Lender Risk-Based Review Information Request; CDC SMART Analytical Review Information Request and CDC SMART Full Review Information Request. Each Information Request document is available upon request.

B. SBA Supervised Lender Supplemental Information for Safety and Soundness Exams

SBA is the primary Federal regulator for SBA licensed SBLCs and NFRLs that participate in the 7(a) program.⁶ Because SBA is the primary Federal regulator, SBA may perform comprehensive exams that require information in addition to that referenced in Section I.A. Specifically, for SBA Supervised Lender examinations, SBA additionally documents and information on the Lender's financial condition, internal controls, and risk mitigation. SBA also requests information on higher risk loans, payments related to loans in loan sample, fidelity insurance, credit scoring model validation and lender self-testing for compliance with SBA Loan Program Requirements. SBA Supervised Lender safety and soundness examinations include review of capital, earnings, and liquidity in accordance with 13 CFR 120.1050(b) and accordingly, SBA requests information on the lender's financing, asset account calculations, and dividend policy. Further detail on the information that SBA requests for SBA Supervised Lender examinations is contained in SBA Supervised Lender Safety and Soundness Examination/Full Review Information Request (Form 2513). This document is available upon request.

C. CDC Supplemental Information

SBA is also the primary Federal regulator for CDCs. SBA guarantees 100% of 504 program debentures. Therefore, SBA also requests additional information to prudently oversee CDCs, as it does for SBA Supervised Lenders. The additional information generally requested includes corporate governance documents and information on Lenders' financial condition, internal controls and risk mitigation practices, and the CDC's plan for investment in other local economic development. In addition, SBA requests, as applicable, information on a CDC's Premier Certified Lenders Program (PCLP) Loan Loss Reserve Account and loans that a CDC packages for other 7(a) lenders. You may request a copy of the CDC SMART Analytical Review Information Request (Form 2512) and CDC SMART Full Review Information Request (SBA Form 2508) for more details on this supplemental information request.

II. 7(a) Lender and CDC Delegated Authority Reviews

SBA collects information for Delegated Authority Reviews performed, in general, every two years for lenders applying or reapplying to SBA's Delegated Authority Programs. Delegated Authority programs include for example; the Preferred Lender Program (PLP) for 7(a) Lenders and Accredited Lender Program (ALP) or PCLP for CDCs.⁷ If a lender is scheduled to receive a review or a Safety and Soundness Examination during the same review cycle as a Delegated Authority Review, generally SBA will coordinate the timing of the reviews and the related information collections to lessen the burden.

III. Microloan Intermediary Reviews

For Microloan Program Intermediary oversight, SBA District Offices perform an annual site visit for active Intermediaries. SBA requests information, for example, on SBA program management and operations responsibilities, Board of Directors, contact information. SBA primarily reviews the Intermediary's credit administration through a loan sample file request. Specifics on the information collected are contained in SBA's Microloan Intermediary Site Visit/Review Information Request document, a copy of which is available. In addition, SBA may conduct a more in-depth review of performance and

³ Safety and Soundness Examinations are only performed on SBA Supervised Lenders in the 7(a) program. SBA Supervised Lenders include SBA licensed Small Business Lending Companies and Non-Federally Regulated Lenders as defined in 13 CFR 120.10. Analytical Reviews and Full Reviews are performed on 7(a) Lenders (including SBA Supervised Lenders) and CDCs.

⁴ For purposes of this notice, Third-party vendors include, for example, certain Agents (*e.g.*, Packagers and Lender Service Providers) and Professional Managers with management contracts.

⁵ FTA refers to SBA's Fiscal and Transfer Agent. 7(a) Lenders that sell SBA loans in the Secondary Market are required by the terms of the Form 1086, Secondary Participation Guaranty Agreement, to deposit the guaranteed portion of loan payments in a segregated account for the benefit of investors.

⁶ SBA Supervised Lenders are a relatively small subset of 7(a) Lenders. 7(a) Lenders include SBA Supervised Lenders and 7(a) Lenders with a Federal Financial Institution Regulator as defined by 13 CFR 120.10 (*i.e.*, lenders regulated by the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Federal Reserve Board, the National Credit Union Administration, and/or the Farm Credit Administration).

⁷ Through SBA's Delegated Authority programs, qualified lenders may process SBA loans with further autonomy and reduced paperwork than through regular SBA loan processing.

compliance. New forms have been made and are being processed in this package.

IV. Other Reviews, Corrective Action Plans, and Increased Supervision for 7(a) Lenders, CDCs, and Intermediaries

SBA may pose additional information requests for its Other Reviews⁸, generally of higher risk lenders. For example, for 7(a) Lenders under a public regulatory order or agreement, SBA may request information relating to the status of the underlying deficiencies, as appropriate, or request loan files for SBA to review to mitigate risk before the loan can be sold into the secondary market. SBA may also conduct reviews of higher risk lenders that utilize Lender Service Providers or Loan Agents requesting information for example on fees, service agreements, and activities performed. SBA may also request corrective action plans from lenders following reviews where findings and deficiencies are identified. Finally, SBA may request additional information of lenders under increased supervision. However, information requests for increased supervision (and corrective actions) tend to be lender specific.

In general, for information that has already been provided by a 7(a) Lender, a CDC, or a Microloan Intermediary but is unchanged, a lender may certify that the information was already provided and is unchanged in lieu of resubmitting the information. The certification must also state to whom and on what date the information was provided to SBA.

Solicitation of Public Comments

Comments may be submitted 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.

OMB Control No.: 3245–0365.

Title: SBA Lender and Microloan Intermediary Reporting Requirements.

Description of Respondents: 7(a) Lenders (including SBA Supervised Lenders), Certified Development Companies, and Microloan Intermediaries.

Estimated Number of Respondents: 3541.

⁸ Other Reviews may include, for example, Secondary Market loan reviews, reviews of lender self-assessments, or Agreed Upon Procedures Reviews performed by third-party practitioners or an independent office within the Lender to which SBA and the Lender agree, that follow a review protocol as prescribed or approved by SBA.

Estimated Annual Responses: 3541.
Estimated Annual Hour Burden: 13,195.

Shauniece Carter,

Interim Agency Clearance Officer.

[FR Doc. 2025–16766 Filed 8–29–25; 8:45 am]

BILLING CODE 8026–09–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 November 3, 2025.

ADDRESSES: Send all comments to Cailyn Gerald, *cailyn.gerald@sba.gov*, 409 3rd Street SW, Washington, DC, 20416, Office of Financial Program Operations, Office of Capital Access, Small Business Administration.

FOR FURTHER INFORMATION CONTACT: Cailyn Gerald, *cailyn.gerald@sba.gov*, (202) 870–3772 and Shauniece Carter, Interim Agency Clearance Officer, *Shauniece.carter@sba.gov*, (202) 935–6942.

SUPPLEMENTARY INFORMATION: SBA Form 1050, Settlement Sheet is used in SBA's 7(a) Loan Program to collect information from lenders and borrowers regarding the disbursement of loan proceeds. SBA relies on this information during the guaranty purchase review process as a component in determining whether to honor a loan guaranty. The current form includes 1050 Settlement Sheet instructions for the lender. The currently approved form primarily requires the lender and borrower to certify to whether they complied with a series of loan requirements. The current form also requires submission of documentation (e.g., joint payee or cancelled checks, invoices or paid receipts, and wire transfer records) in support of the certification.

The form will be divided into several sections to clearly identify the information to be submitted. The form will continue to collect the same basic

identifying information such as loan amount, loan number and lender's name. In addition, the form will continue to require certifications from both the lender and borrower regarding compliance with the disbursement requirements and accuracy of information submitted. In the section for "Authorized Use of Proceeds," the 1050 Settlement Sheet will include "Land Acquisitions with or without improvements", "Leasehold Improvements to property owned by applicant or owned by others", "Export Working Capital (EWCP or Export Express)", "Support Standby Letter of Credit (EWCP or Export Express)", "Refinance Existing (EWCP) or Export LOC (EWCP)", "Business Acquisition/Change of Ownership", "Pay off SBA Loan, SID or Other Lender", "Pay Notes Payable, SID or Other Lender", "Pay Accounts Payable." This collection will allow the lender to document all the sources and uses of funds at the time of loan closing more clearly. This information will better allow both lenders and SBA staff to ensure that the necessary information is collected at the time of loan origination.

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

PRA Number: 3245–0200.

Title: Settlement Statement.

Description of Respondents: SBA Lenders and Borrowers.

Form Number: SBA Form 1050.

Total Estimated Annual Responses: 52,000.

Total Estimated Annual Hour Burden: 26,000.

Shauniece Carter,

Interim Agency Clearance Officer.

[FR Doc. 2025–16690 Filed 8–29–25; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF STATE**[Public Notice: 12809]****Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: “Learning to Draw” Exhibition**

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to an agreement with their foreign owner or custodian for temporary display in the exhibition “Learning to Draw” at the J. Paul Getty Museum at the Getty Center, Los Angeles, California, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: section2459@state.gov). The mailing address is U.S. Department of State, L/DP, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Stefanie E. Williams,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2025–16695 Filed 8–29–25; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE**[Public Notice: 12811]****Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: “Monet and Venice” Exhibition**

SUMMARY: Notice is hereby given of the following determinations: I hereby

determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition “Monet and Venice” at the Brooklyn Museum, Brooklyn, New York; the Fine Arts Museums of San Francisco, de Young Museum, San Francisco, California; and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: section2459@state.gov). The mailing address is U.S. Department of State, L/DP, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Stefanie E. Williams,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2025–16721 Filed 8–29–25; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE**[Public Notice: 12810]****Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: “Renoir Drawings” Exhibition**

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition “Renoir Drawings” at The Morgan Library & Museum, New York, New York, and at possible additional exhibitions or venues yet to be

determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: section2459@state.gov). The mailing address is U.S. Department of State, L/DP, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Stefanie E. Williams,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2025–16696 Filed 8–29–25; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE**[Public Notice: 12812]****Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: “Henri Rousseau: A Painter’s Secrets” Exhibition**

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition “Henri Rousseau: A Painter’s Secrets” at The Barnes Foundation, Philadelphia, Pennsylvania, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

Reed Liriano, Program Coordinator,

Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: section2459@state.gov). The mailing address is U.S. Department of State, L/DP, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Stefanie E. Williams,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2025–16722 Filed 8–29–25; 8:45 am]

BILLING CODE 4710–05–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Product Exclusion Extensions: China’s Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

AGENCY: Office of the United States Trade Representative (USTR).

ACTION: Notice.

SUMMARY: In prior notices, the U.S. Trade Representative modified the actions in the Section 301 investigation of China’s acts, policies, and practices related to technology transfer, intellectual property, and innovation by excluding from additional duties certain products of China. This notice announces the U.S. Trade Representative’s determination to further extend the current exclusions.

DATES: The modifications announced in the annexes to this notice further extend the exclusions through November 29, 2025.

FOR FURTHER INFORMATION CONTACT: For general questions about this notice, contact Senior Associate General Counsel Philip Butler at (202) 395–5725. For specific questions on customs classification or implementation of the product exclusions, contact traderemedycbp.dhs.gov.

SUPPLEMENTARY INFORMATION:

A. Background

On December 29, 2023, USTR invited the public to submit comments on whether to extend 352 previously reinstated exclusions and 77 COVID-related exclusions. *See* 88 FR 90225 (December 29, 2023) (the December 29, 2023 notice). On May 30, 2024, USTR announced the extension of 164 of these exclusions through May 31, 2025. *See* 89 FR 46948 (May 30, 2024) (the May 30, 2024 notice).

In connection with the four-year review, on September 18, 2024, USTR announced fourteen exclusions covering certain solar manufacturing equipment. *See* 89 FR 76581 (September 18, 2024) (the September 18, 2024 notice). The fourteen exclusions were effective from January 1, 2024 through May 31, 2025. For additional background on the four-year review, see previous notices issued in the investigation, including the September 18, 2024 notice.

On May 31, 2025, USTR announced the further extension of the 164 exclusions extended in May 2024 and the fourteen exclusions granted in September 2024. *See* 90 FR 23987 (June 5, 2025) (the June 5, 2025 notice). These 178 exclusions were further extended through August 31, 2025.

B. Determination To Further Extend Exclusions

Based on continued consideration of the comments received in response to the December 29, 2023 notice and the comments received in the four-year review, and in accordance with section 307(a)(1)(C) of the Trade Act of 1974, as amended, the U.S. Trade Representative has determined that an additional 90-day further extension (through November 29, 2025) of the 178 exclusions extended in the June 5, 2025 notice is appropriate. The U.S. Trade Representative’s decision to further extend these exclusions takes into account public comments previously submitted. The determination to further extend these exclusions also takes into account the advice of advisory committees and the advice of the interagency Section 301 Committee.

As provided in the May 30, 2024 notice and the September 18, 2024 notice, the exclusion extensions in the annexes to this notice are available for any product that meets the description in the product exclusion. Further, the scope of each exclusion is governed by the scope of the ten-digit Harmonized Tariff Schedule of the United States (HTSUS) statistical reporting numbers and product descriptions set forth in U.S. notes 20(vvv)(i), 20(vvv)(ii), 20(vvv)(iii), 20(vvv)(iv), and 20(www) to

subchapter III of chapter 99 of the HTSUS.

U.S. Customs and Border Protection will issue instructions on entry guidance and implementation.

The U.S. Trade Representative may continue to consider further extensions or additional modifications as appropriate.

Annex A

The U.S. Trade Representative has determined to extend all exclusions under heading 9903.88.69 and U.S. notes 20(vvv)(i), 20(vvv)(ii), 20(vvv)(iii), and 20(vvv)(iv) to subchapter III of chapter 99 of the HTSUS. *See* 89 FR 46948 (May 30, 2024) and 90 FR 23987 (June 5, 2025). The extension is effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on September 1, 2025, and before 11:59 p.m. eastern daylight time on November 29, 2025. Effective on September 1, 2025, the article description of heading 9903.88.69 of the HTSUS is modified by deleting “August 31, 2025,” and by inserting “November 29, 2025,” in lieu thereof.

Annex B

The U.S. Trade Representative has determined to extend all exclusions under heading 9903.88.70 and U.S. note 20(www) to subchapter III of chapter 99 of the HTSUS. *See* 89 FR 76581 (September 18, 2024) and 90 FR 23987 (June 5, 2025). The extension is effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on September 1, 2025, and before 11:59 p.m. eastern daylight time on November 29, 2025. Effective on September 1, 2025, the article description of heading 9903.88.70 of the HTSUS is modified by deleting “before September 1, 2025,” and by inserting “through November 29, 2025,” in lieu thereof.

Philip Butler,

Senior Associate General Counsel, Chair, Section 301 Committee, Office of the United States Trade Representative.

[FR Doc. 2025–16733 Filed 8–29–25; 8:45 am]

BILLING CODE 3390–F4–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2025–2463]

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: 2120–0776, Part 107 Authorizations and Waivers Under 14 CFR Part 107 and Airspace Authorizations in Controlled Airspace Under 49 U.S.C. 44809(a)(5)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) to renew Information Collection 2120–0776. The purpose of this notice is to allow 60 days for public comment. The FAA proposes collecting information related to requests made under 49 U.S.C. 44809(a)(5) and 14 CFR part 107 to operate Unmanned Aircraft Systems (UAS) in controlled airspace. Information collected under 14 CFR part 107 is currently approved under Information Collection 2120–0768. The FAA proposes to combine these collections because both use the collected information to make determinations whether to authorize or deny the requested authorization of UAS operation in controlled airspace. The proposed information collection is necessary to issue such authorizations or denials consistent with the FAA’s mandate to ensure safe and efficient use of national airspace.

DATES: Written comments should be submitted by November 3, 2025.

ADDRESSES: Please send written comments:

By Electronic Docket:
www.regulations.gov (Enter docket number into search field).

By mail: Atlantic City International Airport, FAA William J. Hughes Technical Center, Bldg. 316, Column I, Desk 4S409, Atlantic City, NJ 08405.

By fax: 202–493–2251.

FOR FURTHER INFORMATION CONTACT: Andrew Shutt by email at Andrew.C.Shutt@faa.gov; phone: 817–222–4670.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA’s performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB’s clearance of this information collection.

OMB Control Number: 2120–0776.

Title: Part 107 Authorizations and Waivers under 14 CFR part 107 and Airspace Authorizations in Controlled Airspace under 49 U.S.C. 44809(a)(5).

Form Numbers: Not Applicable.

Type of Review: Renewal of an existing Information Collection.

Background: There has been an increased number of operations of small Unmanned Aircraft Systems in the National Air Space (NAS) in recent years and regulations and statutes have been enacted to establish the use of small UAS in the NAS. Included in these is 14 CFR part 107 and 49 U.S.C. 44809(a)(5). Section 107.41 states that “no person may operate a small unmanned aircraft in Class B, Class C, or Class D airspace or within the lateral boundaries of the surface areas of Class E airspace designated for an airport unless that person has prior authorization from Air Traffic Control (ATC).” Additionally, 49 U.S.C. 44809(a)(5) states that a strictly recreational user of small UAS must have authorization from the FAA to fly a small UAS “in Class B, Class C, or Class D airspace or within the lateral boundaries of the surface areas of Class E airspace designated for an airport.” Such authorizations may be obtained in the form of either an airspace authorization issued by the FAA or a waiver of the authorization requirements of 14 CFR 107.41 (known as an airspace waiver). In order to process authorization and airspace waiver requests, the FAA requires the operator’s name, the operator’s contact information, and information related to the date, place, and time of the requested small UAS operation. This information is necessary for the FAA to meet its statutory mandate of maintaining a safe and efficient national airspace. See 49 U.S.C. 40103, 44701, and 44807. The FAA will use the requested information to determine if the proposed UAS operation can be conducted safely. The FAA proposes to use the Low Altitude Authorization and Notification Capability (LAANC) and the DroneZone web portal to process authorization requests from the public to conduct Part 107 flight operations pursuant to Section 107.41 and 49 U.S.C. 44809(a)(5). The FAA also uses the DroneZone web portal to process requests from the public to conduct Part 107 flight operations that requires an airspace waiver.

Respondents: Small UAS operators seeking to conduct flight operations under 14 CFR part 107 or 49 U.S.C. 44809(a)(5) within controlled airspace or flight operations that require waiver from the provisions of 14 CFR 107.41. Between 2025–2028, the FAA estimates that it will receive a total of 3,052,432 requests for airspace authorization.

Frequency: The requested information will need to be provided each time a respondent requests an airspace

authorization to operate a small UAS under 14 CFR part 107 or 49 U.S.C. 44809(a)(5) in controlled airspace. Additionally, the requested information will need to be provided each time a respondent requests a waiver from the provisions of 14 CFR 107.41 to operate a small UAS in controlled airspace.

Estimated Average Burden per Response: The FAA estimates the respondents using LAANC will take five (5) minutes per airspace authorization request and those using the web portal will take thirty (30) minutes per request. For those making airspace waiver requests through the web portal, the FAA estimates it takes 30 minutes per request.

Estimated Total Annual Burden: For airspace authorizations, the FAA estimates that the average annual burden will be 125,035 burden hours. This includes 76,373 burden hours for 920,154 LAANC respondents and 48,662 burden hours for 97,324 web portal respondents per year.

Issued in Washington, DC, on August 27, 2025.

Barbara L. Hall,

FAA Information Collection Clearance Officer, Performance, Policy, and Records Management, Branch, ASP–110.

[FR Doc. 2025–16714 Filed 8–29–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Working Group on Covered Resources

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

ACTION: Notice; solicitation of nominations for membership.

SUMMARY: The Department solicits nominations for membership to serve on the Working Group on Covered Resources (Working Group), which is intended to conduct a study and submit a report to the Secretary of Transportation on access to covered resources (e.g., sand, stone, and gravel) in Federal transportation infrastructure projects.

DATES: The deadline for nominations for Working Group members must be received on or before October 2, 2025.

FOR FURTHER INFORMATION CONTACT: H. Thomas Yu, Designated Federal Officer, Working Group on Covered Resources, Federal Highway Administration, Office of Infrastructure, 1200 New Jersey Avenue SE, Washington, DC 20590, tom.yu@dot.gov.

SUPPLEMENTARY INFORMATION: The Working Group on Covered Resources was established by the Secretary on October 5, 2023 in accordance with section 11526 of the Infrastructure Investment and Jobs Act (IIJA) (Pub. L. 117–58). It operates in accordance with the Federal Advisory Committee Act, 5 United States Code (U.S.C.) ch. 10. The purpose of the Working Group is to conduct a study on access to covered resources for infrastructure projects.

In particular, the Working Group will analyze the following: (1) the use of covered resources in transportation projects funded with Federal dollars; (2) how the proximity of covered resources to such projects affects the cost and environmental impact of those projects; (3) whether and how State, Tribal, and local transportation and planning agencies consider covered resources when developing transportation projects; and (4) any challenges for transportation project sponsors regarding access and proximity to covered resources per section 11526(d) of IIJA. The Working Group shall submit a report to the Secretary of Transportation that includes the findings of its study and any recommendations.

The Working Group will terminate 180 days after the date on which the Secretary receives the Working Group's report. The Working Group is expected to meet at least four times each year, or more frequently as is determined necessary by the DFO in coordination with the chairperson. Unless otherwise required by law or approved by the Secretary, all meetings will be held virtually.

In this notice, the Department is soliciting nominations for membership to the Working Group. The Working Group shall report to the Secretary of Transportation and comprises up to 15 members, including not less than one representative from each of the following, in accordance with section 11526(c) of IIJA:

- (1) State departments of transportation;
- (2) State agencies associated with covered resources protection;
- (3) State planning and geologic survey and mapping agencies;
- (4) Commercial motor vehicle operators, including small business operators and operators who transport covered resources;
- (5) Covered resources producers;
- (6) Construction contractors;
- (7) Labor organizations;
- (8) Metropolitan planning organizations and regional planning organizations;

(9) Indian Tribes, including Tribal elected leadership or Tribal transportation officials; and

(10) Any other stakeholders that the Secretary determines appropriate.

Members are appointed by the Secretary. Members may continue to serve until their replacement has been appointed. Members will serve 2-year terms but may be reappointed. Past members of the Working Group are welcome to apply. The Department is interested in ensuring membership is balanced fairly in terms of the points of view represented and the functions to be performed by the Working Group.

Process and Deadline for Submitting Nominations: Qualified individuals can self-nominate or be nominated by any individual or organization. To be considered for the Working Group on Covered Materials, nominators should submit the following information:

- (1) Name, title, and relevant contact information (including phone, fax, and email address) of the individual requesting consideration;
- (2) A letter of support from a company, union, trade association, academic, or nonprofit organization on letterhead containing a brief description why the nominee should be considered for membership;
- (3) Short biography of nominee, including professional and academic credentials;
- (4) An affirmative statement that the nominee meets all Working Group eligibility requirements;
- (5) For nominees seeking to serve in their individual capacity (and not seeking appointment to represent the interests of a nongovernmental entity, a recognizable group of persons such as an industry sector or labor union, or State or local governments), an affirmative statement that the nominee is not a federally registered lobbyist, and that the nominee understands that if appointed, the nominee will not be allowed to continue to serve as a Working Group member if the nominee becomes a federally registered lobbyist;
- (6) For nominees seeking to serve as chairperson, an affirmative statement from the nominee of their willingness and ability to serve as the chairperson for the Working Group, which will require additional time commitment beyond simple membership.

Please do not send company, trade association, or organization brochures or any other information. Materials submitted should total two pages or less, not including any letter(s) of support. Should more information be needed, DOT staff will contact the nominee, obtain information from the nominee's past affiliations, or obtain

information from publicly available sources, such as the internet.

A selection team will make recommendations regarding membership to the Secretary based on evaluation criteria including: (1) professional or academic expertise, experience, and knowledge; (2) stakeholder representation; and (3) skills working on committees and advisory panels. A list of recommended candidates to the Secretary for review and selection of Working Group members.

Nominations must be received on or before October 2, 2025 via email to H. Thomas Yu, tom.yu@dot.gov. Nominees selected for appointment to the Working Group will be notified by return email and by a letter of appointment.

Gloria M. Shepherd,

Executive Director, Federal Highway Administration.

[FR Doc. 2025–16743 Filed 8–29–25; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Transit Advisory Committee for Safety; Solicitation of Nominations

AGENCY: Federal Transit Administration (FTA), U.S. Department of Transportation (Department or DOT).

ACTION: Notice; solicitation of nominations for TRACS membership.

SUMMARY: The Department solicits nominations for membership to serve on the Transit Advisory Committee for Safety (TRACS), which is intended to provide information, advice, and recommendations to the U.S. Secretary of Transportation (Secretary) and FTA Administrator in response to tasks assigned to TRACS.

DATES: Nominations for TRACS membership must be received on or before October 2, 2025.

ADDRESSES: Application packages can be emailed to TRACS@dot.gov or sent to TRACS Nominations, Office of Transit Safety and Oversight, Federal Transit Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

FOR FURTHER INFORMATION CONTACT: Joseph DeLorenzo, TRACS Designated Federal Officer, Associate Administrator, FTA Office of Transit Safety and Oversight, (202) 366–1783, Joseph.DeLorenzo@dot.gov, or TRACS@dot.gov.

SUPPLEMENTARY INFORMATION: TRACS was established on November 23, 2009.

Most recently, its charter was renewed by the Secretary on June 9, 2025. TRACS operates in accordance with the Federal Advisory Committee Act, 5 U.S.C. ch. 10. The purpose of TRACS is to provide the Secretary and the FTA Administrator with information, advice, and recommendations related to the safety of the Nation's public transportation systems. TRACS does not exercise program management responsibilities and makes no decisions directly affecting the programs on which it provides advice. The Secretary may accept or reject a recommendation made by TRACS and is not bound to pursue any recommendation from TRACS.

In particular, TRACS will provide advice and recommendations on improvements and innovations in transit safety, review current challenges and innovations in public transportation, and provide recommendations that FTA can implement in support of safety in the public transportation sector. As stated in the 2024–2026 charter, TRACS must meet at least once a year. Unless otherwise required by law or approved by the Secretary, all meetings will be held virtually or in a hybrid forum that does not require additional use of Federal funds.

In this notice, the Department is soliciting nominations for membership to TRACS. TRACS reports to the Secretary through the FTA Administrator and comprises up to 25 members. Members should be knowledgeable of trends and issues related to rail transit and/or bus transit safety. Along with their experience in the rail transit and/or bus transit industry, applicants will also be evaluated and selected based on factors including leadership and organizational skills, region of the country represented, and the overall balance of industry representation. Members will serve two-year terms but may be reappointed. Past members of the advisory committee are welcome to apply. The Department is interested in ensuring membership is balanced fairly in terms of the points of view represented and the functions to be performed by TRACS.

Process and Deadline for Submitting Nominations: Qualified individuals can self-nominate or be nominated by any individual or organization. To be considered for nomination, nominators should submit the following information:

(1) Name, title, and relevant contact information (including phone, fax, and email address) of the individual requesting consideration;

(2) A letter of support from an agency, union, trade association, academic, or

nonprofit organization on letterhead containing a brief description of why the nominee should be considered for membership;

(3) A short biography of nominee, including professional and academic credentials;

(4) An affirmative statement that the nominee meets all TRACS eligibility requirements.

Please do not send company, trade association, or organization brochures or any other information. Materials submitted should total two pages or less. Should more information be needed, DOT staff will contact the nominee, obtain information from the nominee's past affiliations, or obtain information from publicly available sources, such as the internet.

Nominations must be received before October 2, 2025. Nominees selected for appointment to TRACS will be notified by return email and by a letter of appointment.

Marcus J. Molinaro,
Administrator.

[FR Doc. 2025–16778 Filed 8–29–25; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2025–0564]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V DAY TRIPPER

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by 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 October 2, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2025–0564 by any one of the following methods:

- **Federal eRulemaking Portal:** Go to <https://www.regulations.gov>. Search the above DOT Docket Number 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, 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 the DOT Docket Number, 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 DOT 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

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.

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 Number listed in the **ADDRESSES** section above 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 the DOT Docket Number list in the **ADDRESSES** section above 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: 46 U.S.C. 12121, 49 CFR 1.93(a))

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,
Secretary, Maritime Administration.

[FR Doc. 2025-16692 Filed 8-29-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0566]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V HEY BAY

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by 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 requester's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before October 2, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0566 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search the

above DOT Docket Number 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, 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 the DOT Docket Number, 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 DOT 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 Number listed in the **ADDRESSES** section above at <https://www.regulations.gov>.

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.

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 the DOT Docket Number list in the **ADDRESSES** section above 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: 46 U.S.C. 12121, 49 CFR 1.93(a))

By Order of the Maritime Administration,
T. Mitchell Hudson, Jr.,
Secretary, Maritime Administration.

[FR Doc. 2025-16691 Filed 8-29-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0565]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V DAY FRIKKI TIKI

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by 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 October 2, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0565 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search the above DOT Docket Number 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, 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 the DOT Docket Number, 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 DOT 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 Number listed in the **ADDRESSES** section above 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.-

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.

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 the DOT Docket Number list in the **ADDRESSES** section above 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: 46 U.S.C. 12121, 49 CFR 1.93(a))

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,
Secretary, Maritime Administration.

[FR Doc. 2025-16693 Filed 8-29-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration (PHMSA)

[Docket No.: PHMSA-2025-0680]

Pipeline Safety: Gas and Liquid Pipeline Advisory Committees

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

ACTION: Notice; solicitation of nominations for membership.

SUMMARY: The Department solicits nominations for membership to serve on the Technical Pipeline Safety Standards Committee, also known as the Gas Pipeline Advisory Committee (GPAC), and the Technical Hazardous Liquid Pipeline Safety Standards Committee, also known as the Liquid Pipeline Advisory Committee (LPAC). GPAC and LPAC are Federal advisory committees that review and provide recommendations on standards affecting pipeline safety.

DATES: Nominations for GPAC and LPAC members must be received on or before October 2, 2025.

ADDRESSES: All nomination materials should refer to the docket number above and be submitted by one of the following methods:

- *Federal Rulemaking Portal:* <https://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.
- *Hand Delivery:* 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC, between 9 a.m. and 5 p.m. EST, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Joseph Berry, Transportation Specialist, by email at joseph.berry1@dot.gov, or by phone at 720-601-3577. Interested parties can also access information about GPAC and LPAC by visiting

PHMSA's website at: <https://www.phmsa.dot.gov/standards-rulemaking/pipeline/pipeline-advisory-committees>.

SUPPLEMENTARY INFORMATION: GPAC and LPAC ("the Committees") were established by the Secretary of Transportation (Secretary) in accordance with 49 United States Code (U.S.C.) 60115 and are operated in accordance with the Federal Advisory Committee Act, 5 U.S.C. Ch. 10. The purpose of the Committees is to review and provide recommendations on the technical feasibility, reasonableness, cost-effectiveness, and practicability of proposed amendments to PHMSA's Federal pipeline safety standards. The Committees also review and provide recommendations on the risk assessments that PHMSA prepares to support those proposed amendments.

The Committees are subject to renewal every two years and are expected to meet approximately four times each calendar year. Unless otherwise required by law or approved by the Secretary, all meetings will be held virtually.

In this notice, the Department is soliciting nominations for membership to the Committees. The Committees provide advice to the Secretary and PHMSA and report to the Associate Administrator for Pipeline Safety. Members are appointed by the Secretary after consultation with public and private agencies that are concerned with the technical aspect of gas or hazardous liquid transportation or the operation of pipeline facilities. GPAC members must be experienced in the safety regulation of gas transportation and pipeline facilities or must be qualified technically to evaluate gas pipeline safety standards or risk-management principles by their training, experience, or knowledge in one or more fields of engineering applicable to the transportation of gas or operation of a gas pipeline facility. LPAC members must be experienced in the safety regulation of transporting hazardous liquid and of hazardous liquid pipeline facilities or technically qualified—by training, experience, or knowledge in at least one field of engineering applicable to transporting hazardous liquid or operating a hazardous liquid pipeline facility—to evaluate hazardous liquid pipeline safety standards or risk management principles.

The Committees shall each comprise approximately 15 members that include: (1) five members from departments, agencies, and instrumentalities of the Federal Government and the States; (2) five members from the natural gas or

hazardous liquid industry, selected in consultation with industry representatives; and (3) five members from the public. Two of the government members of each Committee must be State officials. In addition, each Committee must have at least three industry members who currently participate in the active operation of natural gas or hazardous liquid pipelines or pipeline facilities, while at least one industry member must have a background, education, or experience in risk assessment and cost-benefit analysis. Each Committee must have two public members who have a background, education, or experience in environmental protection or public safety, while at least one public member must have a background, education, or experience in risk assessment and cost-benefit analysis. At least one public member of each Committee may not have any financial interest in the pipeline, petroleum, or natural gas industries. Finally, no public member of a Committee may have a significant financial interest in the pipeline, petroleum, or natural gas industries.

Members will serve three-year terms but may be reappointed. Past members of the Committees are welcome to apply. The Department is interested in ensuring membership is balanced fairly in terms of the points of view represented and the functions to be performed by each Committee. PHMSA is also interested in applicants who can provide recommendations on the technical feasibility, reasonableness, cost-effectiveness, and practicability of proposed amendments to the Federal pipeline safety standards and on the risk assessments that PHMSA prepares to support those amendments.

Process and Deadline for Submitting Nominations: Qualified individuals can self-nominate or be nominated by any individual or organization. To be considered for the Committees, nominators should submit the following information:

(1) Name, title, and relevant contact information (including phone, fax, and email address) of the individual requesting consideration.

(2) A letter of support from a company, union, trade association, academic, or nonprofit organization on letterhead containing a brief description of why the nominee should be considered for membership.

(3) Short biography of nominee, including professional and academic credentials.

(4) An affirmative statement that the nominee meets all Committee eligibility requirements.

Please do not send company, trade association, or organization brochures, or any other information. Materials submitted should total two pages or less. Should more information be needed, DOT staff will contact the nominee, obtain information from the nominee's past affiliations, or obtain information from publicly available sources, such as the internet.

Nominations must be received before October 2, 2025. Nominees selected for appointment to the Committees will be notified by return email and by a letter of appointment.

Issued in Washington, DC, on August 27, 2025.

Linda Daugherty,

Acting Associate Administrator for Pipeline Safety.

[FR Doc. 2025-16717 Filed 8-29-25; 8:45 am]

BILLING CODE 4910-60-P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

[Docket Number OST-2025-* * * *]

Agency Information Collection Activity; Notice of Request for Approval To Collect New Information: Crash Causal Factors Program Heavy-Duty Truck Study Interview Data Collection

AGENCY: Bureau of Transportation Statistics (BTS), Office of the Assistant Secretary for Research and Technology (OST-R), U.S. Department of Transportation.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the requirements of section 3506(c)(2)(A) of Title 44 of the U.S. Code (Pub. L. 104-13, the Paperwork Reduction Act of 1995), this notice announces the intention of BTS to request the Office of Management and Budget (OMB) to approve a new data collection: Crash Causal Factors Program Heavy-Duty Truck Study Interview Data Collection. This information collection request (ICR) pertains to data collected in the interview portion of the Heavy-Duty Truck Study, which was mandated by Congress in Section 23006 of the Infrastructure and Investment Jobs Act. **DATES:** Written comments should be submitted by November 3, 2025.

ADDRESSES: To ensure that your comments are not entered more than once into the docket, submit comments by only one of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov> and follow

the instructions for sending your comments electronically.

- **Docket Number:** OST-2025-* * * *

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

- **Hand Delivery:** Deliver to mail address above between 9 a.m. and 5 p.m. EST, Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number. 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.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov>, and follow the online instructions for accessing the docket, or go to the street address listed above.

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

Public Participation: The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can obtain electronic submission and retrieval help and guidelines under the "help" section of the Federal eRulemaking Portal website. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online. Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Allison Fischman, Office of Safety Data and Analysis, Bureau of Transportation Statistics, U.S. Department of Transportation, RTS-35, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, allison.fischman@dot.gov.

SUPPLEMENTARY INFORMATION:

Title: Crash Causal Factors Program Heavy-Duty Truck Study Interview Data Collection.

OMB Control Number: Not yet known.

Type of Request: New collection.

Affected Public: Drivers of heavy-duty trucks (class 7 and 8 trucks), motor

carrier industry representatives, and members of the public involved in heavy-duty truck fatal crashes.

Estimated Annual Respondents: 5,000.

Estimated Annual Burden: 5,000 hours.

Abstract: In accordance with Section 23006 of the Infrastructure Investment and Jobs Act, Public Law 117–58, the Federal Motor Carrier Safety Administration (FMCSA) established the Crash Causal Factors Program (CCFP) as a comprehensive study to determine the causes and contributing factors to crashes involving commercial motor vehicles. The CCFP's first phase, the Heavy-Duty Truck Study, will focus on collecting information from a nationally representative sample of at least 2,000 fatal crashes involving Class 7 and 8 trucks (*i.e.*, trucks with a gross vehicle weight rating of 26,0001 pounds or more). Data collection will occur over the course of two years, and may extend beyond the two year study period subject to FMCSA State-specific agreements and renewals of relevant information collection requests. To supplement data collected by FMCSA under the study, the Bureau of Transportation Statistics (BTS) will conduct interviews on a voluntary basis with carriers, drivers, and witnesses following a crash. Information gathered during the interviews will provide additional information and context for a more comprehensive understanding of crashes and their causal factors.

For each fatal crash, BTS will attempt to interview the heavy-duty truck driver, a representative from the involved motor carrier, the driver of any other involved vehicle, all vehicle occupants, and any other persons involved in the crash. The number of interviews per crash will vary depending on the crash circumstances. The estimated reporting burden considers an average of five interviews per crash, with one hour as the average length per interview. BTS will analyze information collected during interviews to identify key driver, vehicle, motor carrier, and environmental factors that may contribute to fatal crashes involving heavy-duty trucks. Analysis results and findings may be used to inform preventive measures, reduce identified risks, and address causal factors of heavy-duty truck crashes.

The Confidential Information Protection and Statistical Efficiency Act of 2018 (CIPSEA) (44 U.S.C. 3561–3583), provides strong confidentiality protection for information acquired for statistical purposes under a pledge of confidentiality. CIPSEA guidance from the Office of Management and Budget

advises that a non-statistical agency or unit (FMCSA) that wishes to acquire information with CIPSEA protection may consider entering into an agreement with a Federal statistical agency or unit (BTS). BTS and FMCSA have determined that it is in public interest to collect data from interviews under a pledge of confidentiality for statistical purposes.

BTS, within the U.S. Department of Transportation, is an objective supplier of statistically sound baseline, contextual, and trend information used to shape transportation policy investment decisions across the United States. BTS is responsible for providing timely, accurate, and reliable information on U.S. passenger and freight transportation systems and their impact on the economy, society, and the environment. As a Federal statistical agency, BTS has the authority to collect data confidentially for statistical purposes under CIPSEA, which strictly prohibits BTS from disclosing information in identifiable form to anyone other than BTS employees or BTS agents with a need to know.

Data Confidentiality Provisions: The confidentiality of information from interviews with individuals and companies involved in the crash is protected under the BTS confidentiality statute (49 U.S.C. 6307(b)) and CIPSEA. In accordance with these confidentiality statutes, only statistical and non-identifying data will be made publicly available by BTS through reports. Further, BTS will not release to any public or private entity any information that might reveal the identity of an individual participating in an interview with BTS.

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 BTS's functions; (2) the accuracy of the estimated burden; (3) ways for BTS 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. Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

Allison Fischman,

Director, Office of Safety Data & Analysis.

[FR Doc. 2025–16734 Filed 8–29–25; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request on Reverse Like-Kind Exchanges

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of information collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the IRS is inviting comments on the information collection request outlined in this notice.

DATES: Written comments should be received on or before November 3, 2025 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to pra.comments@irs.gov. Include “OMB Control No. 1545–1701” in the subject line of the message.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of this collection should be directed to LaNita Van Dyke, 202–317–6009.

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Title: Reverse Like-Kind Exchanges.

OMB Control Number: 1545–1701.

Regulation Project Number: Revenue Procedure 2000–37 (as modified by Revenue Procedure 2004–51).

Abstract: Revenue Procedure 2000–37 provides a safe harbor for reverse like-kind exchanges in which a transaction using a “qualified exchange accommodation arrangement” will qualify for non-recognition treatment under section 1031 of the Internal Revenue Code. Revenue Procedure 2004–51 modifies sections 1 and 4 of Rev. Proc. 2000–37, 2000–2 C.B. 308, to provide that Rev. Proc. 2000–37 does not apply if the taxpayer owns the property intended to qualify as replacement property before initiating a qualified exchange accommodation arrangement (QEAA).

Current Actions: There is no change to the previously approved information collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, and farms.

Estimated Number of Responses: 1,600.

Estimated Time per Response: 2 hours.

Estimated Total Annual Burden Hours: 3,200.

Dated: August 28, 2025.

LaNita Van Dyke,

Tax Analyst.

[FR Doc. 2025–16760 Filed 8–29–25; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request on Guidance Regarding the Transition Tax Under Section 965

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of information collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the IRS is inviting comments on the information collection request outlined in this notice.

DATES: Written comments should be received on or before November 3, 2025 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to pra.comments@irs.gov. Include “OMB Control No. 1545–2280” in the subject line of the message.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of this collection should be directed to LaNita Van Dyke, 202–317–6009.

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Title: Guidance Regarding the Transition Tax Under Section 965 and Related Provisions.

OMB Control Number: 1545–2280.

Regulation Project Number: TD 9846.

Abstract: The Tax Cuts and Jobs Act, Section 14103 (Pub. L. 115–97), provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018, amended section 965 of the Internal Revenue Code. Because of the amendment, certain taxpayers are required to include in income an amount based on the accumulated post-1986 deferred foreign income of certain corporations that they own either directly or indirectly through other entities. This collection covers the guidance regarding the transition tax under section 965. The regulations affect United States persons with direct or indirect ownership interests in certain foreign corporations.

Current Actions: There is no change to the previously approved information collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, Individuals and households.

Estimated Number of Responses: 100,000.

Estimated Time per Response: 5 hours.

Estimated Total Annual Burden Hours: 500,000.

Dated: August 28, 2025.

LaNita Van Dyke,

Tax Analyst.

[FR Doc. 2025–16762 Filed 8–29–25; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request on Treasury Decision 8517, Debt Instruments With Original Discount; Imputed Interest on Deferred Payment Sales or Exchanges of Property; Treasury Decision 9599, Property Traded on an Established Market

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of information collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the IRS is inviting comments on the information collection request outlined in this notice.

DATES: Written comments should be received on or before November 3, 2025 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to pra.comments@irs.gov. Include “OMB Control No. 1545–1353” in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to LaNita Van Dyke, 202–317–6009.

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper

performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Title: Debt Instruments with Original Discount; Imputed Interest on Deferred Payment Sales or Exchanges of Property; Property Traded on an Established Market.

OMB Control Number: 1545–1353.

Regulation Project Number: TD 8517 and TD 9599.

Abstract: These regulations provide definitions, reporting requirements, elections, and general rules relating to the tax treatment of debt instruments with original issue discount and the imputation of, and accounting for, interest on certain sales or exchanges of property.

Current Actions: There is no change to the previously approved information collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, Individuals or Households.

Estimated Number of Responses: 545,000.

Estimated Time per Response: 21 minutes for TD 8517; 30 minutes for TD 9599.

Estimated Total Annual Burden Hours: 195,500.

Dated: August 28, 2025.

LaNita Van Dyke,

Tax Analyst.

[FR Doc. 2025–16763 Filed 8–29–25; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request on Form 1127

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of information collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the

IRS is inviting comments on the information collection request outlined in this notice.

DATES: Written comments should be received on or before November 3, 2025 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to pra.comments@irs.gov. Include “OMB Control No. 1545–2131” in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: View the latest drafts of the tax forms related to the information collection listed in this notice at <https://www.irs.gov/draft-tax-forms>. Requests for additional information or copies of this collection should be directed to LaNita Van Dyke, 202–317–6009.

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Title: Application for Extension of Time for Payment of Tax Due to Undue Hardship.

OMB Control Number: 1545–2131.
Form Number: Form 1127.

Abstract: Internal Revenue Code section 6161 allows individual and business taxpayers to request an extension of time for payment of tax shown or required to be shown on a return or for a tax due on a notice of deficiency. Form 1127 must be filed with supporting documentation to approve an extension, providing

evidence the taxpayer would sustain a substantial financial loss if forced to pay the tax or deficiency on the due date.

Current Actions: There is no change to the previously approved information collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, Individuals and households.

Estimated Number of Responses: 1,000.

Estimated Time per Response: 7 hours, 26 minutes.

Estimated Total Annual Burden Hours: 7,470.

Dated: August 28, 2025.

LaNita Van Dyke,

Tax Analyst.

[FR Doc. 2025–16764 Filed 8–29–25; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request on Revenue Procedure 2001–29, Leveraged Leases

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of information collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the IRS is inviting comments on the information collection request outlined in this notice.

DATES: Written comments should be received on or before November 3, 2025 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to pra.comments@irs.gov. Include “OMB Control No. 1545–1738” in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to LaNita Van Dyke, 202–317–6009.

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the IRS assess the impact and minimize the burden of its information collection requirements.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Title: Revenue Procedure 2001–29, Leveraged Leases.

OMB Control Number: 1545–1738.

Regulation Project Number: Revenue Procedure 2001–29.

Abstract: Revenue Procedure 2001–29 sets forth the information and representation required to be furnished by taxpayers in requests for advanced rulings on leveraged lease transactions. Section 3 of the Revenue Procedure sets forth a list of general information requirements, and Section 4 includes specific information requirements that taxpayers should include in an initial ruling request. This information can help the Internal Revenue Service more promptly and efficiently process the request.

Current Actions: There is no change to the previously approved information collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals and households, and not-for-profit institutions.

Estimated Number of Responses: 10.

Estimated Time per Response: 80 hours.

Estimated Total Annual Burden Hours: 800.

Dated: August 28, 2025.

LaNita Van Dyke,

Tax Analyst.

[FR Doc. 2025–16758 Filed 8–29–25; 8:45 am]

BILLING CODE 4830–01–P

UNIFIED CARRIER REGISTRATION PLAN

Sunshine Act Meetings

TIME AND DATE: September 4, 2025, 12:00 p.m. to 3:00 p.m., EDT

PLACE: The meeting will be accessible via conference call and via Zoom Meeting and Screenshare. Any interested person may call (i) 1–929–205–6099 (US Toll) or 1–669–900–6833 (US Toll), Meeting ID: 985 7165 9695, to listen and participate in this meeting. The website to participate via Zoom Meeting and Screenshare is <https://kellen.zoom.us/meeting/register/m6r6eP88TUe6fP6Z7N9HWg>.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Board of Directors (the “Board”) will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement. The subject matter of this meeting will include:

Proposed Agenda

I. Welcome and Call to Order—UCR Board Chair

The UCR Board Chair will welcome attendees, call the meeting to order, call roll for the Board, confirm the presence of a quorum, and facilitate self-introductions.

II. Verification of Publication of Meeting Notice—UCR Legal Counsel

UCR Legal Counsel will verify publication of the meeting notice on the UCR website and distribution to the UCR contact list via email, followed by subsequent publication of the notice in the **Federal Register**.

III. Review and Approval of Board Agenda—UCR Board Chair

For Discussion and Possible Board Action

The proposed Agenda will be reviewed. The Board will consider action to adopt.

Ground Rules

➤Board actions taken only in designated areas on the agenda

IV. Possible Renewal of Contracts for Compliance Specialists at Seikosoftware and DSL Transportation Services, Inc.—UCR Board Chair, UCR Legal Counsel

For Discussion and Possible Board Action

The UCR Board Chair and UCR Legal Counsel will discuss possible renewal of

the current contracts with Seikosoftware (for 2 FTEs) and DSL Transportation Services, Inc. (for 2 FTEs), for compliance specialists expiring on September 30, 2025. The Board may take action to approve the renewal of the contracts on terms and conditions approved by the Board.

V. Possible Renewal of Contract With the UCR Executive Director—UCR Board Chair, UCR Legal Counsel

For Discussion and Possible Board Action

The UCR Board Chair and UCR Legal Counsel will discuss possible renewal of the current contract with the UCR Executive Director expiring on October 31, 2025. The Board may take action to approve the renewal of the contract on terms and conditions approved by the Board.

VI. Possible Renewal of Contract With Kellen—UCR Board Chair, UCR Legal Counsel

For Discussion and Possible Board Action

The UCR Board Chair and UCR Legal Counsel will discuss possible renewal of the UCR Plan's contract with Kellen for an additional one-year term as provided in the UCR Plan's current contract with Kellen. The Board may take action to exercise the option to renew the current UCR Plan contract with Kellen for an additional one-year period under such terms provided under the current contract.

VII. Other Business—UCR Board Chair

The UCR Board Chair will call for any other business, old or new, from the floor.

VIII. Adjournment—UCR Board Chair

The UCR Board Chair will adjourn the meeting.

The agenda will be available no later than 5:00 p.m. Eastern daylight time, August 27, 2025, at: <https://plan.ucr.gov>.

CONTACT PERSON FOR MORE INFORMATION:

Elizabeth Leaman, Chair, Unified Carrier Registration Plan Board of Directors, (617) 305–3783, eleaman@board.ucr.gov.

Alex B. Leath,

Chief Legal Officer, Unified Carrier Registration Plan.

[FR Doc. 2025–16745 Filed 8–28–25; 11:15 am]

BILLING CODE 4910–YL–P



FEDERAL REGISTER

Vol. 90

Tuesday,

No. 167

September 2, 2025

Part II

The President

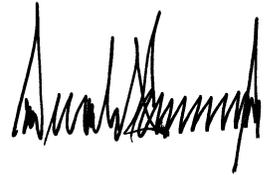
Proclamation 10966—Honoring the Victims of the Tragedy in Minneapolis, Minnesota

Presidential Documents

Title 3—**Proclamation 10966 of August 27, 2025****The President****Honoring the Victims of the Tragedy in Minneapolis, Minnesota****By the President of the United States of America****A Proclamation**

As a mark of respect for the victims of the senseless acts of violence perpetrated on August 27, 2025, in Minneapolis, Minnesota, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, I hereby order that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, August 31, 2025. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of August, in the year of our Lord two thousand twenty-five, and of the Independence of the United States of America the two hundred and fiftieth.



Reader Aids

Federal Register

Vol. 90, No. 167

Tuesday, September 2, 2025

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids **202-741-6000**

Laws **741-6000**

Presidential Documents

Executive orders and proclamations **741-6000**

The United States Government Manual **741-6000**

Other Services

Electronic and on-line services (voice) **741-6020**

Privacy Act Compilation **741-6050**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: www.govinfo.gov.

Federal Register information and research tools, including Public Inspection List and electronic text are located at: www.federalregister.gov.

E-mail

FEDREGTOC (Daily Federal Register Table of Contents Electronic Mailing List) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to <https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new>, enter your email address, then follow the instructions to join, leave, or manage your subscription.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to <http://listserv.gsa.gov/archives/publaws-l.html> and select *Join or leave the list (or change settings)*; then follow the instructions.

FEDREGTOC and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: fedreg.info@nara.gov

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATE, SEPTEMBER

42309-42516..... 2

CFR PARTS AFFECTED DURING SEPTEMBER

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
10966.....42515

8 CFR

1.....42309

14 CFR

39 (2 documents)42310,
42312

15 CFR

736.....42315
740.....42315
746.....42315
748.....42321

20 CFR

660.....42322
661.....42322
662.....42322
663.....42322
664.....42322
665.....42322
666.....42322
667.....42322
668.....42322
669.....42322
670.....42322
671.....42322
672.....42322

33 CFR

Proposed Rules:
165.....42338

40 CFR

63.....42323
Proposed Rules:
52.....42343
257.....42347

43 CFR

3830 (5 documents)42328,
42329, 42332, 42334, 42336

47 CFR

Proposed Rules:
4.....42355

49 CFR

Proposed Rules:
40.....42363

50 CFR

679.....42337

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion

in today's **List of Public Laws**.

Last List August 21, 2025

Public Laws Electronic Notification Service (PENS)

PENS is a free email notification service of newly

enacted public laws. To subscribe, go to https://portalguard.gsa.gov/__layouts/PG/register.aspx.

Note: This service is strictly for email notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.

TABLE OF EFFECTIVE DATES AND TIME PERIODS—SEPTEMBER 2025

This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these

dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

DATE OF FR PUBLICATION	15 DAYS AFTER PUBLICATION	21 DAYS AFTER PUBLICATION	30 DAYS AFTER PUBLICATION	35 DAYS AFTER PUBLICATION	45 DAYS AFTER PUBLICATION	60 DAYS AFTER PUBLICATION	90 DAYS AFTER PUBLICATION
September 2	Sep 17	Sep 23	Oct 2	Oct 7	Oct 17	Nov 3	Dec 1
September 3	Sep 18	Sep 24	Oct 3	Oct 8	Oct 20	Nov 3	Dec 2
September 4	Sep 19	Sep 25	Oct 6	Oct 9	Oct 20	Nov 3	Dec 3
September 5	Sep 22	Sep 26	Oct 6	Oct 10	Oct 20	Nov 4	Dec 4
September 8	Sep 23	Sep 29	Oct 8	Oct 14	Oct 23	Nov 7	Dec 8
September 9	Sep 24	Sep 30	Oct 9	Oct 14	Oct 24	Nov 10	Dec 8
September 10	Sep 25	Oct 1	Oct 10	Oct 15	Oct 27	Nov 10	Dec 9
September 11	Sep 26	Oct 2	Oct 14	Oct 16	Oct 27	Nov 10	Dec 10
September 12	Sep 29	Oct 3	Oct 14	Oct 17	Oct 27	Nov 12	Dec 11
September 15	Sep 30	Oct 6	Oct 15	Oct 20	Oct 30	Nov 14	Dec 15
September 16	Oct 1	Oct 7	Oct 16	Oct 21	Oct 31	Nov 17	Dec 15
September 17	Oct 2	Oct 8	Oct 17	Oct 22	Nov 3	Nov 17	Dec 16
September 18	Oct 3	Oct 9	Oct 20	Oct 23	Nov 3	Nov 17	Dec 17
September 19	Oct 6	Oct 10	Oct 20	Oct 24	Nov 3	Nov 18	Dec 18
September 22	Oct 7	Oct 14	Oct 22	Oct 27	Nov 6	Nov 21	Dec 22
September 23	Oct 8	Oct 14	Oct 23	Oct 28	Nov 7	Nov 24	Dec 22
September 24	Oct 9	Oct 15	Oct 24	Oct 29	Nov 10	Nov 24	Dec 23
September 25	Oct 10	Oct 16	Oct 27	Oct 30	Nov 10	Nov 24	Dec 26
September 26	Oct 14	Oct 17	Oct 27	Oct 31	Nov 10	Nov 25	Dec 26
September 29	Oct 14	Oct 20	Oct 29	Nov 3	Nov 13	Nov 28	Dec 29
September 30	Oct 15	Oct 21	Oct 30	Nov 4	Nov 14	Dec 1	Dec 29