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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–0627; Project Identifier MCAI–2024–00608–E; Amendment 39–23135; AD 2025–18–08]

RIN 2120–AA64

Airworthiness Directives; GE Aviation Czech s.r.o. (Type Certificate Previously Held by WALTER Engines a.s., Walter a.s., and MOTORLET a.s.) Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2024–06–02 for all GE Aviation Czech s.r.o. (GEAC) Model M601D–11, M601E–11, M601E–11A, M601E–11AS, M601E–11S, and M601F engines. AD 2024–06–02 required a one-time detailed visual inspection (DVI) of the compressor case pad welds for any crack, and replacement of the compressor case if necessary. Since the FAA issued AD 2024–06–02, the manufacturer determined that the compliance time for the DVI can be extended, and repetitive inspections of the centrifugal compressor case must be accomplished. This AD requires performing repetitive DVIs of the compressor case pad welds for any crack, replacing the compressor case if necessary, and sending certain inspection results to the manufacturer. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 21, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 21, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–0627; 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 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, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2025–0627.

FOR FURTHER INFORMATION CONTACT: Robert Charbonneau, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (781) 238–7132; email: *robert.d.charbonneau@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2024–06–02, Amendment 39–22707 (89 FR 21196, March 27, 2024) (AD 2024–06–02). AD 2024–06–02 applied to all GEAC Model M601D–11, M601E–11, M601E–11A, M601E–11AS, M601E–11S, and M601F engines. AD 2024–06–02 required a one-time DVI of the compressor case pad welds for any crack and replacement of the compressor case if necessary. The FAA issued AD 2024–06–02 to prevent failure of the centrifugal compressor case.

The NPRM was published in the **Federal Register** on April 23, 2025 (90 FR 17022). The NPRM was prompted by EASA AD 2024–0194, dated October 15, 2024 (EASA AD 2024–0194) (also referred to as the MCAI) issued by EASA, which is Technical Agent for the Member States of the European Union. The MCAI states that since that AD was issued, it has been confirmed that the compliance time for the DVI can be extended, and that repetitive DVIs of the affected part must be accomplished.

In the NPRM, the FAA proposed to require performing repetitive DVIs of the compressor case pad welds for any crack, replacing the compressor case if necessary, and sending certain inspection results to the manufacturer.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–0627.

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 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, to include allowing the use of a part eligible for installation, 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 2024–0194, which specifies procedures for performing repetitive DVIs of the compressor case pad welds for any crack, replacement of the compressor case if necessary, and sending certain inspection results to the manufacturer.

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

Differences Between This AD and the MCAI

GEAC Model M601D, M601D–1, M601D–2, M601D–11NZ, M601E, M601E–21, M601FS, and M601Z engines do not have an FAA type certificate, therefore this AD does not include those engines in the applicability.

Costs of Compliance

The FAA estimates that this AD affects 45 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect centrifugal compressor case	1 work-hour × $85 per hour = $85	$0	$85	$3,825
Report inspection results	1 work-hour × $85 per hour = $85	0	85	3,825

The FAA estimates the following costs to do any necessary replacements that would be required based on the results of the inspection. The agency has no way of determining the number of engines that might need this replacement:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace centrifugal compressor case	10 work-hours × $85 per hour = $850	$5,000	$5,850

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

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive 2024–06–02, Amendment 39–22707 (89 FR 21196, March 27, 2024); and

■ b. Adding the following new airworthiness directive:

2025–18–08 GE Aviation Czech s.r.o. (Type Certificate Previously Held by WALTER Engines a.s., Walter a.s., and MOTORLET a.s.): Amendment 39–23135; Docket No. FAA–2025–0627; Project Identifier MCAI–2024–00608–E.

(a) Effective Date

This airworthiness directive (AD) is effective October 21, 2025.

(b) Affected ADs

This AD replaces AD 2024–06–02, Amendment 39–22707 (89 FR 21196, March 27, 2024) (AD 2024–06–02).

(c) Applicability

This AD applies to GE Aviation Czech s.r.o. (GEAC) (type certificate previously held by WALTER Engines a.s. Walter a.s., and MOTORLET a.s.) Model M601D–11, M601E–11, M601E–11A, M601E–11AS, M601E–11S, and M601F engines.

(d) Subject

Joint Aircraft System Component (JASC) Codes 7120, Engine Mount Section; 7230, Turbine Engine Compressor Section.

(e) Unsafe Condition

This AD was prompted by a report of a crack on the centrifugal compressor case mount pad weld area caused by a non-conforming weld (lack of welding penetration). The FAA is issuing this AD to prevent failure of the centrifugal compressor case. The unsafe condition, if not addressed, could result in crack propagation, possibly resulting in engine separation and reduced control of the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified in paragraph (h) of this AD, perform all required actions within the compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2024–0194, dated October 15, 2024 (EASA AD 2024–0194).

(h) Exceptions to EASA AD 2024–0194

(1) Where EASA AD 2024–0194 requires compliance from its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2024–0194 defines serviceable part as ''Centrifugal compressor case, eligible for installation in accordance with GEAC instructions, which is not an affected part'', this AD requires replacing that text with ''centrifugal compressor case, eligible for installation, which is not an affected part''.

(3) Where EASA AD 2024–0194 specifies ''Replacing the affected part of an engine with a centrifugal compressor case, eligible for installation in accordance with GEAC instructions, which is not an affected part'', this AD requires replacing that text with ''Replacing the affected part of an engine with a centrifugal compressor case, eligible for installation, which is not an affected part''.

(4) Where EASA AD 2024–0194 specifies to contact the manufacturer for approved instructions if any crack is detected on an affected part, this AD requires replacement of the compressor case.

(5) This AD does not adopt the ''Remarks'' paragraph of EASA AD 2024–0194.

(i) Alternative Methods of Compliance (AMOCs)

The Manager, AIR–730 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 AIR–730 International Validation Branch, send it to the attention of the person identified in paragraph (j) of this AD and email to: *AMOC@faa.gov.*

(j) Additional Information

For more information about this AD, contact Robert Charbonneau, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (781) 238–7132; email: *robert.d.charbonneau@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2024–0194, dated October 15, 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 this material on the EASA website at *ad.easa.europa.eu.*

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

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

Issued on September 3, 2025.

Steven W. Thompson,

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

[FR Doc. 2025–17852 Filed 9–15–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–0630; Project Identifier MCAI–2023–00518–R; Amendment 39–23131; AD 2025–18–04]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters Deutschland GmbH Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus Helicopters Deutschland GmbH Model EC135P1, EC135P2, EC135P2+, EC135P3, EC135T1, EC135T2, EC135T2+, EC135T3, EC635T2+, MBB–BK 117 C–2, MBB–BK 117 D–2, and MBB–BK 117 D–3 helicopters. This AD was prompted by a review of design data and the determination for recalculation of accumulated hoist boom cycles (cycles) and repetitive inspections. This AD requires determining the total cycles of certain hoist boom assemblies, inspecting those hoist boom assemblies, and depending on the results, taking corrective action. This AD also prohibits installing those hoist boom assemblies unless certain requirements are met. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 21, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publications listed in this AD as of October 21, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–0630; 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 this material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2025–0630.

FOR FURTHER INFORMATION CONTACT: Steven Warwick, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222–5225; email: *steven.r.warwick@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 Airbus Helicopters Deutschland GmbH Model EC135P1, EC135P2, EC135P2+, EC135P3, EC135T1, EC135T2, EC135T2+, EC135T3, EC635T2+, MBB–BK 117 C–2, MBB–BK 117 D–2, and MBB–BK 117 D–3 helicopters. The NPRM was published in the **Federal Register** on April 25, 2025 (90 FR 17348). The NPRM was prompted by EASA AD 2023–0066, dated March 24, 2023 (EASA AD 2023–0066) (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 due to a review of design data, it was determined that hoist boom assemblies, part number (P/N) 44301–500, 44307–500, and 44307–500–1, must be inspected repetitively based on accumulated cycles. The additional inspection criteria were due to a new fatigue calculation to factor in external load, particularly human external cargo.

In the NPRM, the FAA proposed to require determining the total cycles of certain hoist boom assemblies, inspecting those hoist boom assemblies, and depending on the results, taking corrective action.

The FAA is issuing this AD to prevent failure of the hoist boom assembly. The unsafe condition, if not addressed, could lead to in-flight loss of the hoist load and consequent injury to occupants.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–0630.

Discussion of Final Airworthiness Directive

Comments

The FAA received one comment from Air Evac Lifeteam. The following presents the comment received on the NPRM and the FAA's response to the comment.

Air Evac Lifeteam commented that the proposed AD lacks a compliance path for aircraft that do not have the affected part installed and requested the FAA revise the Applicability paragraph of the proposed AD to specify aircraft with the affected part installed. Air Evac Lifeteam alternatively suggested that the FAA add a compliance requirement for aircraft that do not have the affected part installed (Group 2 helicopters) that states that no further action is required.

The applicability statement in each AD action identifies all aircraft affected by that AD. All of the requirements of an AD apply to the aircraft listed in the applicability, unless a specific paragraph in the AD specifies that it applies only to certain aircraft, such as those with an affected part installed. The MCAI that this AD incorporates by reference includes an installation limitation that currently applies to all models listed in the Applicability paragraph of this AD. If the Applicability paragraph of this AD were revised to apply only to those aircraft with the affected part installed, the installation limitation would only apply to aircraft with the affected part installed, rather than all aircraft. The FAA did not change this AD as a result of this comment.

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 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 2023–0066, which specifies procedures for inspecting certain part-numbered hoist boom assemblies at certain intervals and, depending on the results, replacing or removing certain parts or taking further corrective action to resolve the discrepancy [crack, deformation, dent, corrosion, or other damage] or replacing the hoist boom assembly. EASA AD 2023–0066 also provides a terminating action for the inspections and prohibits installing those part-numbered hoist boom assemblies on any helicopter unless its requirements are met.

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

Differences Between This AD and the MCAI

The MCAI applies to Model EC635 P2+, EC635 P3, EC635 T1, EC635 T3, and MBB–BK117 D–3m helicopters, whereas this AD does not because these model helicopters do not have an FAA type certificate.

The MCAI requires accomplishing a corrective action in accordance with the instructions of the service material, whereas this AD requires repairing or replacing affected parts that have certain discrepancies, within allowable limits, as described in this AD.

Costs of Compliance

The FAA estimates that this AD affects 732 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.

If required, determining the total cycles will take 0.5 work-hour for an estimated cost of $43 per helicopter. Inspecting a hoist boom assembly will take 4 work-hours for an estimated cost of $340 per helicopter and $248,880 for the U.S. fleet, per inspection cycle.

Repairing any surface deformation, damage, or corrosion that is within allowable limits will take up to 1 work-hour and parts will cost a nominal amount for an estimated cost of up to $85 per helicopter. Replacing a hoist boom assembly (which includes a boom elbow, boom tube, and boom adapter) will take up to 5 work-hours (depending on configuration) and parts will cost up to $88,812 (depending on P/N) for an estimated cost of up to $89,237 per helicopter.

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:

2025–18–04 Airbus Helicopters Deutschland GmbH: Amendment 39–23131; Docket No. FAA–2025–0630; Project Identifier MCAI–2023–00518–R.

(a) Effective Date

This airworthiness directive (AD) is effective October 21, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Helicopters Deutschland GmbH Model EC135P1, EC135P2, EC135P2+, EC135P3, EC135T1, EC135T2, EC135T2+, EC135T3, EC635T2+, MBB–BK 117 C–2, MBB–BK 117 D–2, and MBB–BK 117 D–3 helicopters, certificated in any category.

Note 1 to paragraph (c): Helicopters with an EC135P3H designation are Model EC135P3 helicopters, helicopters with an EC135T3H designation are Model EC135T3 helicopters, and helicopters with an MBB–BK 117C–2e designation are Model MBB–BK 117C–2 helicopters.

(d) Subject

Joint Aircraft System Component (JASC) Code: 2500, Cabin Equipment/Furnishings.

(e) Unsafe Condition

This AD was prompted by a review of design data and the determination for a new calculation of accumulated hoist boom cycles (cycles) to factor in external load and repetitive inspections. The FAA is issuing this AD to prevent failure of the hoist boom assembly. The unsafe condition, if not addressed, could lead to in-flight loss of the hoist load and consequent injury to occupants.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency AD 2023–0066, dated March 24, 2023 (EASA AD 2023–0066).

(h) Exceptions to EASA AD 2023–0066

(1) Where EASA AD 2023–0066 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraphs (3) and (4) of EASA AD 2023–0066 refer to any discrepancy, for the purposes of this AD, a discrepancy is identified as surface deformation, damage, or corrosion that is within allowable limits.

(3) Where paragraph (3) of EASA AD 2023–0066 specifies ''before next hoist operation, accomplish the applicable corrective action in accordance with the instructions of the ASB'', this AD requires replacing that text with ''before next hoist operation, repair any deformation, damage, and corrosion that is within the allowable limit, apply a protective chemical film, and restore the protective finish. If the inspection criteria fails (if there is surface deformation, damage, or corrosion that exceeds the allowable limit, any damage or corrosion in a riveted bore hole, or any crack), before further flight, replace the hoist boom assembly (which includes the support assembly) with a serviceable part, as defined in EASA AD 2023–0066''.

(4) This AD does not adopt the ''Remarks'' section of EASA AD 2023–0066.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2023–0066 specifies to submit certain information to the manufacturer, this AD does not require that action.

(j) Alternative Methods of Compliance (AMOCs)

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

(k) Additional Information

For more information about this AD, contact Steven Warwick, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222–5225; email: *steven.r.warwick@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2023–0066, dated March 24, 2023.

(ii) [Reserved]

(3) For EASA material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website: *easa.europa.eu.* You may find this 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 September 3, 2025.

Steven W. Thompson,

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

[FR Doc. 2025–17849 Filed 9–15–25; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–0914; Project Identifier MCAI–2024–00413–R; Amendment 39–23136; AD 2025–18–09]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus Helicopters Model AS 332L2 and EC 225LP helicopters. This AD was prompted by reports of overlengthened and deformed attachment bolts installed on the link of the main gearbox (MGB) suspension bar attachment bracket. This AD requires replacing certain attachment bolts on the MGB suspension bar fittings, inspecting the

removed bolts, and reporting the results of this inspection to Airbus Helicopters. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 21, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 21, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–0914; 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 this material on the EASA website at *ad.easa.europa.eu.*

• You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2025–0914.

FOR FURTHER INFORMATION CONTACT: George Weir, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222–4045; email: *george.a.weir@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Helicopters Model AS 332L2 and EC 225LP helicopters. The NPRM was published in the **Federal Register** on June 2, 2025 (90 FR 23297). The NPRM was prompted by AD 2024–0142, dated July 17, 2024 (EASA AD 2024–0142) (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 two attachment screws (bolts) were found overlengthened and deformed on helicopters having the new link of the MGB suspension bar attachment brackets. The MCAI further states the investigation is still ongoing and that collecting additional data to support the investigation is part of addressing the unsafe condition.

In the NPRM, the FAA proposed to require replacing certain attachment bolts on the MGB suspension bar fittings, inspecting the removed bolts, and reporting the results of this inspection to Airbus Helicopters. The FAA is issuing this AD to prevent structural failure of the MGB suspension bar attachment bolts. This condition, if not addressed, could result in failure of an MGB attachment assembly, detachment of an MGB suspension bar, and consequent loss control of the helicopter.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–0914.

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 2024–0142. This material specifies procedures for replacing attachment screw part number 332A22–3644–20 with a part that is new (never been installed), inspecting the removed screws, and reporting the inspection results to Airbus Helicopters. The attachment screws are installed on the left-hand and right-hand rear MGB suspension bar fittings. Additionally, EASA AD 2024–0142 prohibits installing that part-numbered attachment screw on any helicopter unless it is installed in accordance with certain service instructions.

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

Differences Between This AD and the MCAI

Where the material referenced in the MCAI specifies contacting Airbus Helicopters for instructions if the difference between (L4) and (L3) is more than 1.6 mm (.063 in), this AD requires using a repair method approved by the FAA, EASA, or Airbus Helicopters' EASA Design Organization Approval.

Where the MCAI prohibits installing an affected part unless it has been installed in accordance with certain service instructions, this AD does not contain that prohibition.

Interim Action

The FAA considers that this AD is an interim action. The inspection reports that are required by this AD will enable the manufacturer to obtain better insight into the nature and cause of the screw deformation and eventually to develop final action to address the unsafe condition. Once a final action has been identified, the FAA might consider further rulemaking.

Costs of Compliance

The FAA estimates that this AD affects 38 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.

Replacing a set of eight rear MGB fitting attachment bolts takes 16 work-hours and parts cost $587 for an estimated cost of $1,947 per helicopter and $73,986 for the U.S. fleet.

Reporting inspection results takes 1 work-hour for an estimated cost of $85 per helicopter.

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to take approximately 1 hour per response, including the time for reviewing

instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

Authority for This Rulemaking

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

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

Regulatory Findings

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:

2025–18–09 Airbus Helicopters: Amendment 39–23136; Docket No. FAA–2025–0914; Project Identifier MCAI–2024–00413–R.

(a) Effective Date

This airworthiness directive (AD) is effective October 21, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Helicopters Model AS 332L2 and EC 225LP helicopters, certificated in any category, as identified in European Union Aviation Safety Agency AD 2024–0142, dated July 17, 2024 (EASA AD 2024–0142).

(d) Subject

Joint Aircraft System Component (JASC) Code 6330, Main Rotor Transmission Mount.

(e) Unsafe Condition

This AD was prompted by reports of overlengthened and deformed attachment bolts installed on the new link of the main gearbox (MGB) suspension bar attachment bracket. The FAA is issuing this AD to prevent structural failure of the MGB suspension bar attachment bolts. The unsafe condition, if not addressed, could result in failure of an MGB attachment assembly, detachment of an MGB suspension bar, and consequent loss control of the helicopter.

(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, EASA AD 2024–0142.

Note 1 to paragraph (g): EASA AD 2024–0142 and Airbus Helicopters material that is referenced in EASA AD 2024–0142 refer to MGB suspension bar attachment ''bolts'' as ''screws.''

(h) Exceptions to EASA AD 2024–0142

(1) Where paragraph (1) of EASA AD 2024–0142 requires compliance within 2,500 flight hours since first installation, this AD requires compliance as specified in paragraphs (h)(1)(i) and (ii) of this AD.

(i) For each affected part that has accumulated 2,500 or more total hours time-in-service (TIS) or if the total hours TIS on the affected part cannot be determined: Before further flight, and thereafter at intervals not to exceed 2,500 total hours TIS on the affected part.

(ii) For each affected part that has accumulated less than 2,500 total hours TIS: Before the affected part accumulates 2,500 total hours TIS, and thereafter at intervals not to exceed 2,500 total hours TIS on the affected part.

(2) Where the material referenced in EASA AD 2024–0142 specifies discarding parts, this AD requires removing those parts from service.

(3) Instead of the reporting requirement in paragraph (3) of EASA AD 2024–0142, this AD requires reporting the results of each inspection to Airbus Helicopters at the compliance time specified in paragraph (h)(3)(i) or (ii) of this AD. The report must include the total hours TIS (if known) on each bolt, the batch number and serial number of the bolt, the length of the bolt, a detailed description of any findings, any previous maintenance, and any photos (if possible).

(i) For an inspection done on or after the effective date of this AD: Submit the report within 30 days after the inspection.

(ii) For an inspection done before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

(4) This AD does not require paragraph (4) of EASA AD 2024–0142.

(5) Where the material referenced in EASA AD 2024–0142 specifies contacting Airbus Helicopters for repair instructions, this AD requires using a repair method approved by the Manager, International Validation Branch, FAA; or EASA; or Airbus Helicopters' EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(6) This AD does not adopt the ''Remarks'' section of EASA AD 2024–0142.

(i) 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 responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (j) of this AD and email to: *AMOC@faa.gov.*

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

(j) Additional Information

For more information about this AD, contact George Weir, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite

410, Westbury, NY 11590; phone: (817) 222–4045; email: *george.a.weir@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2024–0142, dated July 17, 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 this 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 September 3, 2025.

Steven W. Thompson,

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

[FR Doc. 2025–17850 Filed 9–15–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 744

[Docket No. 250912–0152]

RIN 0694–AK26

Additions and Revisions to the Entity List

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

ACTION: Final rule.

SUMMARY: In this rule, the Bureau of Industry and Security (BIS) amends the Export Administration Regulations (EAR) by adding 32 entities to the Entity List. These entries are listed on the Entity List under the destination of China, People's Republic of (China) (23), India, (1), Iran (1), Singapore (1), Taiwan (1), Turkey (3), and the United Arab Emirates (UAE) (2). These entities have been determined by the U.S. Government to be acting contrary to the national security or foreign policy interests of the United States. This final rule revises an entry by removing two addresses from one entity under the destination of Russia. Finally, this rule amends 27 existing entries on the Entity List to correct typographical errors under the following destinations: Belarus (3), China (11), Iran (1), Pakistan (1), Russia (9), and Turkey (2).

DATES: This rule is effective September 12, 2025.

FOR FURTHER INFORMATION CONTACT: Chair, End-User Review Committee, Office of the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, Phone: (202) 482–5991, Email: *ERC@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Entity List (supplement no. 4 to part 744 of the EAR (15 CFR parts 730–774)) identifies entities for which there is reasonable cause to believe, based on specific and articulable facts, that the entities have been involved, are involved, or pose a significant risk of being or becoming involved in activities contrary to the national security or foreign policy interests of the United States, pursuant to § 744.11(b). The EAR imposes additional license requirements on, and limits the availability of, most license exceptions for exports, reexports, and transfers (in-country) when a listed entity is a party to the transaction. The license review policy for each listed entity is identified in the ''License Review Policy'' column on the Entity List, and the impact on the availability of license exceptions is described in the relevant **Federal Register** document that added the entity to the Entity List. The Bureau of Industry and Security (BIS) places entities on the Entity List pursuant to part 744 (Control Policy: End-User and End-Use Based) and part 746 (Embargoes and Other Special Controls) of the EAR.

The End-User Review Committee (ERC), composed of representatives of the Departments of Commerce (Chair), State, Defense, Energy and, where appropriate, the Treasury, makes decisions regarding additions to, removals from, or other modifications to the Entity List. The ERC makes decisions to add an entry to the Entity List by majority vote and makes decisions to remove or modify an entry by unanimous vote.

Additions to the Entity List

The ERC determined to add the Chinese Academy of Sciences, National Time Service Center, under the destination of China, to the Entity List. This entity is being added for acquiring and attempting to acquire U.S.-origin items in support of advancing China's military and defense-related space-domain activities, as well as China's quantum technology capabilities; these actions have serious ramifications for U.S. national security, given the military applications of quantum technologies. This entity will be added with a license requirement for all items subject to the EAR and licenses will be reviewed under a presumption of denial.

The ERC determined to add Beijing Fudan Microelectronics Technology Co., Ltd.; Shanghai Fudan Microelectronics Co., Ltd.; Shenzhen Fudan Microelectronics Co., Ltd.; Shanghai Fukong Hualong Microsystem Technology Co., Ltd.; Shanghai Fuwei Xunjie Digital Technology Co., Ltd.; and Sino IC Technology Co., Ltd., under the destination of China, and Shanghai Fudan Microelectronics (HK) Co., Ltd. under the destinations of China, Singapore, and Taiwan, to the Entity List. These entities are added for acquiring and attempting to acquire U.S.-origin items in support of China's military modernization, for participating in China's advanced computing and integrated circuit manufacturing and distribution sectors, and directly supplying the military, government, and security apparatus of China. These entities are added with a license requirement for all items subject to the EAR. They are added with a license review policy of presumption of denial.

The ERC has further determined that Shanghai Fudan Microelectronics Co., Ltd. and Sino IC Technology Co., Ltd. will receive a footnote 4 designation. These entities are involved in the production of high-performance computing (HPC) chips, including for artificial intelligence and other dual-use applications. Additionally, Shanghai Fudan Microelectronics Co., Ltd. has supplied technology to Russian military end users. For purposes of the license requirements applicable to these entities, ''items subject to the EAR'' include foreign-produced items described in § 734.9(e)(2) of the EAR.

The ERC determined to add AR Sales Pvt Ltd., under the destination of India, to the Entity List. This addition is being made because the entity has diverted or attempted to divert U.S.-origin items to Russia without prior authorization from BIS. In addition, the entity has engaged in dilatory, evasive, or misleading behavior regarding the importation of U.S.-origin items that effectively prevented end-use checks (EUCs) from occurring or made the EUCs inaccurate. A license is required for all items subject to the EAR. License applications

will be reviewed under a presumption of denial.

The ERC determined to add Atempo Proje Taahhüt Ses ve Görüntü Sistemleri Anonim Şirketi İstanbul Şubesi (Atempo); EB Teknoloji Sistemleri Anonım Şirketi (EB Teknoloji); and Dentun Elektronik, all under the destination of Turkey, to the Entity List. These companies have diverted or attempted to divert controlled U.S.-origin items to Russia without prior authorization from BIS. Dentun Elektronik has exported U.S.-origin Common High Priority List (CHPL) electronics to Russia and repeatedly engaged in evasive and dilatory conduct that prevented a BIS EUC from occurring. Moreover, EB Teknoloji, in conjunction with Atempo, is engaged in concealing shipments of Tier 2 CHPL U.S.-origin goods to Russian entities. These items are primarily electronic components that have been retrieved from Russian weapons found on the battlefield or have been identified as essential items for Russia to manufacture its own military equipment. The ERC has determined that, due to their significant risk of involvement in the supply or diversion of items subject to the EAR to procurement networks for Russia's defense industry or intelligence services, two of these entities, Atempo and EB Teknoloji, qualify as Russian Procurement Entities under § 734.9(g) of the EAR and are receiving a footnote 3 designation. A footnote 3 designation subjects these entities to the Russia/Belarus-Military End User and Procurement FDP rule, detailed in § 734.9(g). These entities are added with a license requirement for all items subject to the EAR. These applications will be reviewed under a policy of denial.

The ERC determined to add one entity to the Entity List: Smart Mail Services under the destinations of Iran and the United Arab Emirates. This addition is being made because the U.S. government has identified this entity as a facilitator of the illicit transshipment network of Hossein Hatefi Ardakani. The Department of the Treasury's Office of Foreign Assets Control designated Ardakani on December 19, 2023, for having provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, the Islamic Revolutionary Guard Corps Aerospace Force Self Sufficiency Jihad Organization. A license is required for all items subject to the EAR. License applications will be reviewed under a presumption of denial.

The ERC determined to add Hua Ke Supply Chain (HK) Limited; Hua Ke Logistics (HK) Limited; and Shenzhen Xinlikang Supply Chain Management Co., Limited, under the destination of China, to the Entity List. These entities are added for their involvement in the diversion of dual-use items in support of sanctioned entities, including the Iranian military. These entities will be added with a license requirement for all items subject to the EAR and licenses will be reviewed under a presumption of denial.

The ERC determined to add HAS General Trading LLC, under the destination of the UAE, to the Entity List for engaging in the export and attempted export of items on the Commerce Control List (CCL) from the U.S. to Iran and Russia through the UAE, in apparent violation of the Iranian Transactions and Sanctions Regulations (ITSR, 31 CFR part 560) and the EAR. The entity is added with a license requirement for all items subject to the EAR. License applications will be reviewed with a presumption of denial.

The ERC determined to add Aerospace Information Research Institute, Chinese Academy of Sciences, under the destination of China, to the Entity List. Specifically, this entity is being added for its connections to companies that support China's High Altitude Balloon program. This entity will be added with a license requirement for all items subject to the EAR and licenses will be reviewed under a presumption of denial. Licenses will be reviewed on a case-by-case basis for items for U.S. government supported use of U.S. land remote sensing satellite data, under § 740.11(b). This license requirement may be overcome by License Exception GOV under § 740.11(b).

The ERC determined to add GMC Semiconductor Technology (Wuxi) Co., Ltd.; and Jicun Semiconductor Technology (Shanghai) Co., Ltd., under the destination of China, to the Entity List. These additions are being made because of the entities' acquiring of U.S.-origin items for diversion to parties on the Entity List. Specifically, these entities acquired U.S. origin semiconductor manufacturing equipment for two Entity List parties, SMIC Northern Integrated Circuit Manufacturing (Beijing) Co., Ltd. and Semiconductor Manufacturing International (Beijing) Corporation, without the requisite license or authorization from BIS (see 85 FR 83420, Dec. 22, 2020). A license is required for all items subject to the EAR for these entities; license applications will be reviewed under a presumption of denial.

The ERC determined to add Beijing Tianyi Huiyuan Biotechnology Co., Ltd.; Beijing Tsingke Biotech Co., Ltd.; and Sangon Biotech (Shanghai) Co., Ltd., under the destination of China, to the Entity List. These entities pose an unacceptable risk of using or diverting U.S. origin items for the People's Liberation Army (PLA) Academy of Military Medical Sciences (AMMS). These entities will be added with a license requirement for all items subject to the EAR and licenses will be reviewed under a presumption of denial.

The ERC determined to add Shanghai Suochen Information Technology Co., Ltd.; and Hong Kong DEMX Co., Ltd., under the destination of China, to the Entity List. These additions are being made because these entities develop computer-aided engineering software for key customers in the Chinese military-industrial complex, including those on the BIS Entity List. These entities are added with a license requirement for all items subject to the EAR and a license review policy of presumption of denial.

The ERC determined to add Changsha NetForward Electronic Technology Co., Ltd.; Changzhou NetForward Microelectronics Co., Ltd.; Chengdu NetForward Microelectronics Co., Ltd.; and Shenzhen NetForward Microelectronics Co., Ltd., all under the destination of China, to the Entity List. These additions are being made because they pose a risk of circumvention of export controls and diversion to entity-listed parties. These entities will be added with a license requirement for all items subject to the EAR and licenses will be reviewed under a presumption of denial.

For the reasons described above, this final rule adds the following 32 entities to the Entity List and includes, where appropriate, aliases:

China

- Aerospace Information Research Institute, Chinese Academy of Sciences,
- Beijing Fudan Microelectronics Technology Co., Ltd.,
- Beijing Tianyi Huiyuan Biotechnology Co., Ltd.,
- Beijing Tsingke Biotech Co., Ltd.,
- Changsha NetForward Electronic Technology Co. Ltd.,
- Changzhou Netforward Microelectronics Co., Ltd.,
- Chengdu NetForward Microelectronics Co., Ltd.,
- Chinese Academy of Sciences, National Time Service Center,
- GMC Semiconductor Technology (Wuxi) Co., Ltd.,

- Hong Kong DEMX Co., Ltd.,
- Hua Ke Logistics (HK) Limited,
- Hua Ke Supply Chain (HK) Limited,
- Jicun Semiconductor Technology (Shanghai) Co., Ltd.,
- Sangon Biotech (Shanghai) Co., Ltd.,
- Shanghai Fudan Microelectronics Co., Ltd.,
- Shanghai Fudan Microelectronics (HK) Co., Ltd.,
- Shanghai Fukong Hualong Microsystem Technology Co., Ltd.,
- Shanghai Fuwei Xunjie Digital Technology Co., Ltd.,
- Shanghai Suochen Information Technology Co., Ltd.,
- Shenzhen Fudan Microelectronics Co., Ltd.,
- Shenzhen NetForward Microelectronics Co., Ltd.,
- Shenzhen Xinlikang Supply Chain Management Co., Limited, *and*
- Sino IC Technology Co., Ltd.

India

- AR Sales Pvt Ltd.

Iran

- Smart Mail Services.

Singapore

- Shanghai Fudan Microelectronics (HK) Co., Ltd.

Taiwan

- Shanghai Fudan Microelectronics (HK) Co., Ltd.

Turkey

- Atempo Proje Taahhüt Ses ve Görüntü Sistemleri Anonim Şirketi İstanbul Şubesi,
- Dentun Elektronik, and
- EB Teknoloji Sistemleri Anonim Şirketi.

United Arab Emirates

- HAS General Trading LLC, and
- Smart Mail Services.

Revision to an Entry on the Entity List

The ERC determined to remove Intertech Rus LLC addresses of d. 27 str. 2 etazh/pom./kom. 2/IV/1–3,5–25, ul. Elektrozavodskaya Moscow, 107023 Russian Federation and 8, 2nd Brestskaya str., 10th Floor 125047, Moscow Russia from the Entity List based on the review the ERC conducted in accordance with procedures described in supplement no. 5 to part 744 of the EAR.

Corrections to Entries on the Entity List

This final rule revises twenty-seven entries on the Entity List consisting of three entries under Belarus, 11 entries under China, one entry under Iran, one entry under Pakistan, nine entries under Russia, and two entries under Turkey to correct typographical errors in the alias, address, license requirements, **Federal Register** citation, or punctuation.

Belarus

''Belmicrosystems Research and Design Center,'' first added to the Entity List on June 28, 2010 (75 FR 36516); ''SOE Semiconductor Devices Factory,'' first added to the Entity List on June 28, 2010 (75 FR 36516); and ''Vasili Kuntsevich,'' first added to the Entity List on June 28, 2010 (75 FR 36516).

China

''Allchips Limited,'' first added to the Entity List on August 27, 2024 (89 FR 68548); ''Beijing E-science Co., Ltd.,'' first added to the Entity List on July 12, 2021 (86 FR 36499); ''Beijing Leike Defense Technology Co., Ltd.,'' first added to the Entity List on May 9, 2024 (89 FR 41888, May 14, 2024); ''China Electronics Technology Group Corporation 52nd Research Institute,'' first added to the Entity List on December 21, 2021 (86 FR 71559); Furuida Heilongjiang Supply Chain Management Co., Ltd.,'' first added to the Entity List on August 27, 2024 (89 FR 68548); ''Harbin Institute of Technology,'' first added to the Entity List on June 5, 2020 (85 FR 34497); ''Hexin Xingtong Technology (Beijing) Co., Ltd.,'' first added to the Entity List on May 9, 2024 (89 FR 41888, May 14, 2024); ''Nanjing Colpak Mechanical Equipment Co., Ltd.,'' first added to the Entity List on March 2, 2023 (88 FR 13675, March 6, 2023); ''Northwestern Polytechnical University,'' first added to the Entity List on May 14, 2001 (66 FR 24266); ''Onstar Electronics Co. Ltd.,'' first added to the Entity List on October 6, 2023 (88 FR 70353, October 11, 2023); and ''Shenzhen Shunjinxin Import & Export Co. Ltd.,'' first added to the Entity List on September 22, 2020 (85 FR 59421).

Iran

''General Electronic,'' first added to the Entity List on August 27, 2024 (89 FR 68548).

Pakistan

''AHD International,'' first added to the Entity List on March 22, 2018 (83 FR 12479).

Russia

''Daltransgaz, OAO,'' first added to the Entity List on September 7, 2016 (81 FR 61601); ''Federal State Enterprise Perm Powder Plant,'' first added to the Entity List on August 27, 2024 (89 FR 68548); ''Joint Stock Company ODK-Klimov,'' first added to the Entity List on August 27, 2024 (89 FR 68548); ''Limited Liability Company Analytical Manufactory,'' first added to the Entity List on August 27, 2024 (89 FR 68548); ''Limited Liability Company Eluent Laboratories,'' August 27, 2024 (89 FR 68548); ''Limited Liability Company Medstandart,'' first added to the Entity List on August 27, 2024 (89 FR 68548); ''Limited Liability Company Rusmedtorg,'' first added to the Entity List on August 27, 2024 (89 FR 68548); ''LLC Volgogradpromproyekt,'' first added to the Entity List on June 18, 2024 (89 FR 51652); and ''Public Joint Stock Company UEC-Ufa Engine Industrial Association,'' first added to the Entity List on August 27, 2024 (89 FR 68548).

Turkey

''Biopharmist Medikal Urunler Dis Ticaret LTD STI,'' first added to the Entity List on August 27, 2024 (89 FR 68548) and ''BuyBest Electronic,'' first added to the Entity List on August 27, 2024 (89 FR 68548).

Savings Clause

Shipments of items removed from eligibility for a License Exception or export, reexport, or transfer (in-country) without a license (NLR) as a result of this regulatory action that were en route aboard a carrier to a port of export, reexport, or transfer (in-country), on September 12, 2025, pursuant to actual orders for export, reexport, or transfer (in-country) to or within a foreign destination, may proceed to that destination under the previous eligibility for a License Exception or export, reexport, or transfer (in-country) without a license (NLR), provided the export, reexport, or transfer (in-country) is completed no later than on October 14, 2025.

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) (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, 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, establishing and maintaining a list of foreign persons and end-uses that are determined to be a threat to the national

security and foreign policy of the United States pursuant to the policy set forth in Section 1752(2)(A), and restricting exports, reexports, and in-country transfers of any controlled items to any foreign person or end-use so listed; 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 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 or 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 regulation involves an information collection approved by OMB under control number 0694–0088, Simplified Network Application Processing System. BIS does not anticipate a change to the burden hours associated with this collection as a result of this rule. Information regarding the collection, including all supporting materials, can be accessed at: *https://www.reginfo.gov/public/do/PRAMain.*

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 744

Exports, Reporting and recordkeeping requirements, Terrorism.

Accordingly, part 744 of the Export Administration Regulations (15 CFR parts 730–774) is amended as follows:

PART 744—CONTROL POLICY: END-USER AND END-USE BASED

■ 1. The authority citation for 15 CFR part 744 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. 3201 *et seq.;* 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of September 18, 2024, 89 FR 77011 (September 20, 2024); Notice of November 7, 2024, 89 FR 88867 (November 8, 2024); Notice of August 4, 2025, 90 FR 37999 (August 6, 2025).

■ 2. Supplement no. 4 to part 744 is amended by:
■ a. Under BELARUS, by revising the entries for ''Belmicrosystems Research and Design Center;'' ''SOE Semiconductor Devices Factory;'' *and* ''Vasili Kuntsevich.''
■ b. Under CHINA, PEOPLE'S REPUBLIC OF, by:
■ i. Adding in alphabetical order, an entry for ''Aerospace Information Research Institute, Chinese Academy of Sciences;''
■ ii. Revising the entries for ''Allchips Limited;'' *and* ''Beijing E-science Co., Ltd.;''
■ iii. Adding in alphabetical order, an entry for ''Beijing Fudan Microelectronics Technology Co., Ltd.;''
■ iv. Revising the entry for ''Beijing Leike Defense Technology Co., Ltd.;''
■ v. Adding in alphabetical order, entries for ''Beijing Tianyi Huiyuan Biotechnology Co., Ltd.;'' ''Beijing Tsingke Biotech Co., Ltd.;'' ''Changsha NetForward Electronic Technology Co. Ltd.;'' Changzhou NetForward Microelectronics Co., Ltd.;'' and ''Chengdu NetForward Microelectronics Co., Ltd.;''
■ vi. Revising the entry for ''China Electronics Technology Group Corporation 52nd Research Institute;''
■ vii. Adding in alphabetical order, an entry for ''Chinese Academy of Sciences, National Time Service Center;''
■ viii. Revising the entry for ''Furuida Heilongjiang Supply Chain Management Co., Ltd.;''
■ ix. Adding in alphabetical order, an entry for ''GMC Semiconductor Technology (Wuxi) Co., Ltd.;''
■ x. Revising the entry for ''Harbin Institute of Technology;''
■ xi. Revising the entry for ''Hexin Xingtong Technology (Beijing) Co., Ltd.;''
■ xii. Adding in alphabetical order, entries for ''Hong Kong DEMX Co., Ltd.;'' ''Hua Ke Logistics (HK) Limited;'' ''Hua Ke Supply Chain (HK) Limited;'' and ''Jicun Semiconductor Technology (Shanghai) Co., Ltd.;''
■ xiii. Revising the entry for ''Nanjing Colpak Mechanical Equipment Co., Ltd.;''
■ xiv. Revising the entry for ''Northwestern Polytechnical University;''
■ xv. Revising the entry for ''Onstar Electronics Co. Ltd.;''
■ xvi. Adding in alphabetical order, entries for ''Sangon Biotech (Shanghai) Co., Ltd.;'' ''Shanghai Fudan Microelectronics Co., Ltd.;'' ''Shanghai Fudan Microelectronics (HK) Co., Ltd.;'' ''Shanghai Fukong Hualong Microsystem Technology Co., Ltd.;'' ''Shanghai Fuwei Xunjie Digital Technology Co., Ltd.;'' ''Shanghai Suochen Information Technology Co., Ltd.;'' ''Shenzhen Fudan Microelectronics Co., Ltd.;'' and ''Shenzhen NetForward Microelectronics Co., Ltd.;''
■ xvii. Revising the entry for ''Shenzhen Shunjinxin Import & Export Co. Ltd.,'' and
■ xviii. Adding in alphabetical order, entries for ''Shenzhen Xinlikang Supply Chain Management Co., Limited;'' and ''Sino IC Technology Co., Ltd.''
■ c. Under INDIA, by adding in alphabetical order, an entry for ''AR Sales Pvt Ltd.''
■ d. Under IRAN, by:
■ i. Revising the entry for ''General Electronic;'' and
■ ii. Adding in alphabetical order, an entry for ''Smart Mail Services.''
■ e. Under PAKISTAN, by revising the entry for ''AHD International.''
■ f. Under RUSSIA, by:
■ i. Revising the entry for ''Daltransgaz, OAO;''
■ ii. Revising the entry for ''Federal State Enterprise Perm Powder Plant;''
■ iii. Revising the entry for ''Intertech Rus LLC;''
■ iv. Revising the entry for ''Joint Stock Company ODK-Klimov;'' *and*v. Revising the entries for ''Limited Liability Company Analytical Manufactory;'' ''Limited Liability Company Eluent Laboratories;'' ''Limited Liability Company Medstandart;'' and ''Limited Liability Company Rusmedtorg;''
■ vi. Revising the entry for ''LLC Volgogradpromproyekt;'' and

■ vii. Revising the entry for ''Public Joint Stock Company UEC-Ufa Engine Industrial Association.''

■ g. Under SINGAPORE by adding in alphabetical order, an entry ''Shanghai Fudan Microelectronics (HK) Co., Ltd.''

■ h. Under TAIWAN by adding in alphabetical order, an entry for ''Shanghai Fudan Microelectronics (HK) Co., Ltd.''

■ i. Under TURKEY, by:

■ i. Adding in alphabetical order, an entry for ''Atempo Proje Taahhüt Ses ve Görüntü Sistemleri Anonim Şirketi İstanbul Şubesi;''

■ ii. Revising the entries for ''Biopharmist Medikal Urunler Dis Ticaret LTD STI;'' and ''BuyBest Electronic;''

■ iii. Adding in alphabetical order, entries for ''Dentun Elektronik;'' and ''EB Teknoloji Sistemleri Anonim Şirketi;'' and

■ j. Under the United Arab Emirates, by adding in alphabetical order, entries for ''HAS General Trading LLC;'' *and* ''Smart Mail Services.''

The additions and revisions read as follows:

Supplement No. 4 to Part 744—Entity List

* * * * *

Country	Entity	License requirement	License review policy	**Federal Register** citation
*	* * *	* *	*	*
BELARUS	* *	* *	*	*
	Belmicrosystems Research and Design Center, Office 313, 12 Korzhenevsky Street, 220108 Minsk, Republic of Belarus; *and* Korjenevsky Str., 12, Minsk, 220108, Republic of Belarus; *and* 12, Korzhenevskogo Str., Minsk, 220108, Belarus.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	75 FR 36516, 6/28/10. 77 FR 58006, 9/19/12. 90 FR [INSERT FR PAGE NUMBER] 9/16/25.
	* *	* *	*	*
	SOE Semiconductor Devices Factory, Office 313, 12 Korzhenevsky Street, 220108 Minsk, Republic of Belarus; *and* Korjenevsky Str., 12, Minsk, 220108, Belarus; *and* 12, Korzhenevskogo Str., Minsk, 220108, Belarus.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	75 FR 36516, 6/28/10. 77 FR 58006, 9/19/12. 90 FR [INSERT FR PAGE NUMBER] 9/16/25.
	* *	* *	*	*
	Vasili Kuntsevich, Office 313, 12 Korzhenevsky Street, 220108 Minsk, Republic of Belarus; *and* Korjenevsky Str., 12, Minsk, 220108, Republic of Belarus; and 12, Korzhenevskogo Str., Minsk, 220108, Belarus.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	75 FR 36516, 6/28/10. 77 FR 58006, 9/19/12. 90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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CHINA, PEOPLE'S REPUBLIC OF.	* *	* *	*	*
	Aerospace Information Research Institute, Chinese Academy of Sciences, a.k.a., the following sixteen aliases: —AIRI; —Institute of Aeronautics and Astronautics; —Academy of Aerospace Sciences; —The Institute of Electronics, Chinese Academy of Sciences; —IECAS; —The Institute of Remote Sensing and Digital Earth, Chinese Academy of Sciences; —RADI; —Academy of Optoelectronics, Chinese Academy of Sciences; —AOE; —AIRCAS; —The Center for Earth Observation and Digital Earth, Chinese Academy of Sciences; —CEODE; —The Remote Sensing Satellite Ground Station, Chinese Academy of Sciences; —The Center for Airborne Remote Sensing, Chinese Academy of Sciences; —The Laboratory of Digital Earth Sciences, Chinese Academy of Sciences; *and* —CAS Institute of Aerospace Information Innovation. No. 9, Dengzhuang South Road, Beijing, China; *and* No. 19, North 4th Ring Road, Beijing, China; *and* Datun Road 3, Chaoyang District, Beijing, China; *and* CC35, South Jinhuluo Road, Miyun District, Beijing, China; *and* No. 5, Yanqi East 2nd Road, Beijing, China; *and* Fenglin Oasis, Datun Road, Chaoyang District, Beijing, China.	For all items subject to the EAR. (See § 744.11 of the EAR). This license requirement may be overcome by License Exception GOV under § 740.11(b) when used by the U.S Geological Survey.	Presumption of denial	90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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Country	Entity	License requirement	License review policy	Federal Register citation
	Allchips Limited, a.k.a., the following fifteen aliases: —Shenzhen Allchips Co., Ltd; —Allchips Group Limited; —Shenzhen Yingzhicheng Information Technology Co., Ltd; —Shenzhen Yingyuan Zhizao Digital Technology Co., Ltd; —Shenzhen Yingke Digital Technology Co., Ltd; —Shenzhen Xinqiqi Technology Co., Ltd; —Shenzhen Xinwuzhong Technology Co., Ltd; —Zhejiang Yingkepai Digital Technology Co., Ltd; —Shenzhen Yingjie Wisdom Supply Chain Co., Ltd; —Shenzhen Yingjie Technology Co., Ltd; —Shenzhen Forsea Allchips Information & Technology Co., Ltd; —Shenzhen Qianhai Hard City Information Technology Co., Ltd; —Shenzhen Qianhai Yingzhicheng Information Technology Company Limited; —PCBA Online; *and* —YYFab. 20th Floor, E Times, No. 159 Heng Road, North of Pingji Avenue, Longgang District, Shenzhen, Guangdong, China; *and* Room 806, 8/F Hang Bong Commercial Centre Jordan, Kowloon, Hong Kong; *and* 902, Building 3, Shenzhen New Generation Industrial Park, 136 Zhongkang Road, Meidu Community, Meilin Subdistrict, Futian District, Shenzhen, Guangdong, China; *and* Room 1205, 12th Floor, Siu Wai Industrial Building, 29–33 Wing Hong Street, Kowloon, Hong Kong; *and* No. 51 Lexin Road, Xinmu Community, Pinghu Subdistrict, Longgang District, Shenzhen, Guangdong, China; and 4th Floor, Tower A, Dongsheng Building, No. 8 Zhongguancun East Road, Haidian District, Beijing, China; *and* Room 1601, No.238, Jiangchang 3rd Road, Jing'an District, Shanghai, China; *and* Room 301, 3rd Floor, Pinghu Pioneer Park, Zhongxinbao Group, Fuchengao Community, Pinghu Subdistrict, Longgang District, Shenzhen, Guangdong, China.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR).	Policy of denial for all items subject to the EAR. See § 746.8(b).	89 FR 68548, 8/27/24. 90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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	Beijing E-science Co., Ltd., a.k.a, the following alias: —Beijing Yanjing Electronics Co., Ltd. No. 9 Jiuxianqiao East Rd, Chaoyang, Beijing, 100015, China; *and* A36–2 Huayuan Haidian, China.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR 36499, 7/12/21. 90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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	Beijing Fudan Microelectronics Technology Co., Ltd., a.k.a., the following two aliases: —Beijing Fudan; *and* —Beijing Fudan Micro. 423, 4th Floor, No. 1 Qinglong Hutong, Dongcheng District, Beijing, China.	For all items subject to the EAR (See § 744.11 of the EAR).	Presumption of denial	90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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	Beijing Leike Defense Technology Co., Ltd., a.k.a., the following two aliases: —Rayco Defense; *and* —Reco Defense. Floor 6, Building 5, Yard No. 2, West Third Ring North Road, Haidian District, Beijing, China; *and* South of Jianhua Road, Jiandong Village, Lijia Town, Wujin District, Changzhou, Jiangsu, China; *and* 3rd Floor, Building 5, Lu Xun Cultural and Creative Park, No. 6 Yuanda South Street, Haidian District, Beijing, China.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	89 FR 41888, 5/14/24. 90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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	Beijing Tianyi Huiyuan Biotechnology Co., Ltd., a.k.a., the following two aliases: —Tianyi Huiyuan; *and* —DNA 1953. Building 2, No. 8 Hangfeng Road, Beijing, China	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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Country	Entity	License requirement	License review policy	**Federal Register** citation
	Beijing Tsingke Biotech Co., Ltd., a.k.a., the following two aliases: —Beijing Qingke Biotechnology Co., Ltd.; *and* —Tsingke Biotechnology Co., Ltd. 6th Floor, Building 3, No. 105, Jinghai 3rd Road, Beijing, China; *and* Room 401, Building 5, Jinghai 4th Road, Beijing, China; *and* Xiangneng Building, No. 315, Yinpen South Road, Changsha, China; *and* Building B, No. 2, Xiyuan 8th Road, Hangzhou, China; *and* 5th Floor, Building 2, No. 9 Qiande Road, Nanjing, China; *and* Building 11, Jinan Biopharmaceutical Port (Central District), No. 30766 Jingshidong Road, Jinan, China; *and* Building 2, Courtyard 5, Gaoxin Fifth Street, Beijing, China; *and* Building 18, Biopharmaceutical Industry Park, No. 21 Chaoqian Road, Suzhou, China; *and* Building 2, No. 2440 Pingliang Road, Shanghai, China; *and* Building 1, No. 33 Jinzhou North Road, Fuzhou, China; *and* Building 3, No. 6 Xinchuang Road, Tianjin, China; *and* Building C10, No. 199 Haiyu Middle Line, Haikou, China; *and* Room 701, Experimental Building, Zhengxin Science *and* Technology Park, No. 2 Gaohua Road, Nanning, China; *and* No. 871 Longquan Road, Kunming, China; *and* B1 Building, Block B, Qingdao Industrial Technology Research Institute, No. 17 Songyuan Road, Qingdao, China; *and* 5th Floor, Building C, Innovation and Entrepreneurship Center, No. 8989 Shangji Road, Xi'an, China; *and* Room 201–76, No. 115 Long'an Avenue, Chongqing, China; *and* Building 4, No. 999 Jiangyue Road, Shanghai, China; *and* Building 6, No. 9 Gaokeyuan 3rd Road, Wuhan East Lake New Technology Development Zone, Wuhan, China; *and* Building 1, No. 5 Keyuan South Road, Chengdu, China; *and* Xiangneng Building, No. 317 Yinpennan Road, Changsha, China; *and* Building 1, No. 188 Kaiyuan Avenue, Guangzhou, China; *and* No. E5, Henan University Science and Technology Park, No. 11 Changchun Road, Zhengzhou, China.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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	Changsha NetForward Electronic Technology Co. Ltd., a.k.a., the following two aliases: —Changsha Nanfei Electronic Technology Co., Ltd.; *and* —Changsha Netforward Electronic Technology Co. Ltd. Room No. 1007, Floor 10, Building No. 3, Huachuang International Square, Section 1, No. 109, Furong M. Road, Wujialing Sub-District, Kaifu Dist, Changsha, Hunan, 410000, China; *and* Jinxia Future Science and Technology City, Changsha, 410000, China.	For all items subject to the EAR (See § 744.11 of the EAR).	Presumption of denial	90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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	Changzhou NetForward Microelectronics Co., Ltd., a.k.a., the following two aliases: —Changzhou Nanfei Microelectronics Co., Ltd.; *and* —Changzhou Netforward Microelectronics Co., Ltd. Room 525, No. 18, Xinya Road, Wujin Guojia High-Tech Industrial Development Zone, Changzhou, Jiangsu, 213000, China; *and* Room 309–1, Floor 3, Building 5, No. 456, Hongcao Road, Xuhui District Shanghai, Shanghai, 200000, China; *and* 401, 4/F, No. 2, Haidian East 3rd Street, Haidian District, Beijing, 100000, China; *and* No. 25 Gaoxin North 6 Road, North District Science Park, Shenzhen, 518054, China.	For all items subject to the EAR (See § 744.11 of the EAR).	Presumption of denial	90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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	Chengdu NetForward Microelectronics Co., Ltd., a.k.a., the following two aliases: —Chengdu Nanfei Microelectronics Co., Ltd.; *and* —Chengdu Netforward Microelectronics Co., Ltd., No. OI–02–202204056 Auxiliary, No. 733, Hupan Road East Section, Xinglong Sub-District, Tianfu New District, China Pilot Free Trade Zone, Chengdu, Sichuan, 610000, China.	For all items subject to the EAR (See § 744.11 of the EAR).	Presumption of denial	90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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Country	Entity	License requirement	License review policy	Federal Register citation
	China Electronics Technology Group Corporation 52nd Research Institute, a.k.a., the following three aliases: —CETC 52; —CETHIK Group; *and* —China Electronics Technology HIK Group Co., Ltd. 198 Aicheng Street, Wuchang Avenue, Yuhang District, Hangzhou; and No. 36, Macheng Road, Xihu District, Hangzhou; and No. 1500, Wenyi West Road, Yuhang District; and No. 9 Lixin Road, Qinghai Lake, Hangzhou; and No. 9 Wenfu Road, Hangzhou, China.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR 71559, 12/17/21. 90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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	Chinese Academy of Sciences, National Time Service Center, a.k.a., the following three aliases: —NTSC; —NTS; *and* —Shaanxi Astronomical Observatory of the Chinese Academy of Sciences. No. 3, Shuyuan East Road, Xi'an Shaanxi, 710600, China; *and* P.O. Box 18, Lintong District, Xi'an, China.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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	Furuida Heilongjiang Supply Chain Management Co., Ltd., Room 803–773, Floor 8, Building 10, Harbin Songbei Technology Chuangxin Industrial Zone, 3043 Zhigu 2nd Street, Songbei District, Harbin, Heilongjiang, 150000, China.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR).	Policy of denial for all items subject to the EAR. See § 746.8(b).	89 FR 68548, 8/27/24. 90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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	GMC Semiconductor Technology (Wuxi) Co., Ltd., a.k.a., the following five aliases: —GMCs; —GMC Semiconductor; —GMC Semitech; —GMC Semitech Co., Ltd.; *and* —Jimuxi Semiconductor Technology Co., Ltd. No. 1 Jingxiang Road, Xibei Town, Xishan District, Wuxi, Jiangsu, China; *and* No. 326 Room 22708, Unit 2, Building 1 (B), Yangyang International, No. 132, Zhuque Street, Yanta District, Xi'an City, Shaanxi Province, China; *and* Building 10, No. 860, Xinyang Road, Lingang New Area, China (Shanghai) Pilot Free Trade Zone, China; *and* Room 1299, 1st Floor, No. 9 Cainan Road, Caiyu Town, Daxing District, Beijing, China; *and* Room 311, Office A, 3rd Floor, Reader New Media Building, No. 105, Wensan Road, National Animation Park, Sino-Singapore Eco-city, Binhai New Area, Tianjin, China; *and* No. 20, Dinglan Road, Funing High-tech Industrial Development Zong Yancheng, Jiangsu Province, China; *and* Room 509–1, Block A, Floor 1–5, Building 1, Smart Grid Industrial Park, No. 22 Gaoxin 4th Road, Donghu New Technology Development Zone, Wuhan City, Hubei Province, China; *and* No. 4–12, Jindong Commercial Street, Xibei District, Wuxi, Jiangsu Province, China.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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Country	Entity	License requirement	License review policy	**Federal Register** citation
	—Harbin Institute of Technology, a.k.a., the following nine aliases: —Harbin Institute of Technology, Anshan Industrial & Technology Research Institute; —Harbin Institute of Technology, Chongqing Research Institute; —Harbin Institute of Technology, Huizhou Institute of International Innovation; —Harbin Institute of Technology, Shenzhen Research Institute; —Harbin Institute of Technology, Weihai Institute of Industrial Technology; —Harbin Institute of Technology, Wuhu Robot Industry & Technology Research Institute; —Harbin Institute of Technology, Wuxi Institute of New Materials; —Harbin Institute of Technology, Yibi Industrial Technology Research Institute; *and* —Harbin Institute of Technology, Yixing Environmental Protection Research Institute. No. 92 Xidazhi Street, Nangang District, Harbin, Heilongjiang, China; *and* No. 92 West Dazhi Street, Nangang District, Harbin, Heilongjiang, China; *and* No. 2 West Wenhua Road, Weihai, Shandong, China; *and* Pingshan 1st Road, Shenzhen, Guangdong, China; *and* 10th Floor, Block A, Keji South 10 Road, High-tech Zone, Yuehai Street, Nanshan District, Shenzhen, China; *and* No. 17 Shenzhou Road, Office Building of Product Quality Supervision and Inspection Center of National Industrial Robot, Jiujiang Economic and Technological Development Zone, Wuhu City, China; *and* No. 2 West Wenhua Road, Weihai City, China; *and* 501 Lvyuan Road, Environmental Science and Technology Industrial Park, Yixing City, China; *and* Bei Hui Road, Industrial Transformation Cluster Area, Huishan, Wuxi, China; *and* Room 302, No. 9 Gangyuan Avenue, Lingang Economic Development Zone, Yibin City, China; *and* No. 618 Liangjiang Dadao, Longxing Town, Yubei District, Chongqing, China; *and* Management Committee of Huizhou Tonghu Ecological Wisdom Zone, No. 333 Xinhua Avenue, Zhongkai High-tech Zone, Huizhou City, Guangdong Province, China; *and* No. 196 Qianshan Zhong Lu, Anshan City, China.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	85 FR 34497, 6/5/20. 87 FR 62202, 10/13/22. 88 FR 13675, 3/6/23. 90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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	Hexin Xingtong Technology (Beijing) Co., Ltd., a.k.a., the following two aliases: —Unicorecomm; *and* —Hexinxingtong Technology (Beijing) Co., Ltd. 3rd Floor, Beidouxingtong Building, No. 7 Fengxian East Road, Haidian District, Beijing, China; *and* 3F Building 8, No. 912 Bi Bo Road, Shanghai, China.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	89 FR 41888, 5/14/24. 90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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	Hong Kong DEMX Co., Ltd., a.k.a., the following one alias: —DEMX Co., Ltd. 302–308 Hennessy Road, C C Wu Building, 21st Floor, Room 2107, Wanchai, Hong Kong.	For all items subject to the EAR (See § 744.11 of the EAR).	Presumption of denial	90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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	Hua Ke Logistics (HK) Limited, Rm. G01, G/F, Grandtech Center, 8 OnPing St, Siu Lek Yuen, Sha Tin District, Hong Kong; *and* Rm 501–502, 5/F, Grandtech Center, 8 On, Ping St, Siu Lek Yuen, Sha Tin District, Hong Kong; *and* Rm 601, 6/F, Grandtech Center, 8 On Ping St, Siu Lek Yuen, Sha Tin, Hong Kong; *and* Rm 603, 6/F Grandtech Center, 8 On Ping St, Siu Lek Yuen, Sha Tin, Hong Kong; *and* Rm 603–605, 6/F, Grandtech Center, 8 On Ping St, Siu Lek Yuen, Sha Tin, Hong Kong.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	90 FR [INSERT FR PAGE NUMBER] 9/16/25.
	Hua Ke Supply Chain (HK) Limited, Rm G01, G/F, Grandtech Center, 8 On Ping St, Siu Lek Yuen, Sha Tin District, Hong Kong; *and* Rm 501–502, 5/F, Grandtech Center, 8 On Ping St, Siu Lek Yuen, Sha Tin District, Hong Kong; *and* Rm 601, 6/F, Grandtech Center, 8 On Ping St, Siu Lek Yuen, Sha Tin District, Hong Kong.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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Country	Entity	License requirement	License review policy	Federal Register citation
	Jicun Semiconductor Technology (Shanghai) Co., Ltd., a.k.a., the following one alias: —Jicun Semitech (Shanghai) Co., Ltd. Room 115, 1F, No. 45, Feila Road, China (Shanghai) Pilot Free Trade Zone, China; *and* Building 17, Phase 9, Lingang Intelligent Manufacturing Park, Lingang Fengxian Park, No. 2858, Pingzhuang East Road, Fengxian District, Shanghai, China; *and* No. 45 Yougu Park, No. 58 Jinhong X, Xibei Town, Xishan, Wuxi, Jiangsu Province, 214192, China; *and* No. 1 Jingxiang Road, Xibei Town, Xishan District, Wuxi, Jiangsu Province, China.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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	Nanjing Colpak Mechanical Equipment Co., Ltd., Office No. 1–128, Front Bungalow, 21 Lanqi Street, Qinhuai District, Najing, Jiangsu, 210000, China.	For all items subject to the EAR. (See § 744.11 of the EAR).	See §§ 744.2(d) and 744.3(d) of the EAR.	88 FR 13675, 3/6/23. 90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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	Northwestern Polytechnical University, a.k.a. the following ten aliases: —Northwest Polytechnic University; —Northwest Polytechnical University; —Northwestern Polytechnic University; —Northwestern Polytechnical University, Beijing Research Institute; —Northwestern Polytechnical University, Chongqing Innovation Center; —Northwestern Polytechnical University, Collaborative Innovation Center; —Northwestern Polytechnical University, Ningbo Research Institute; —Northwestern Polytechnical University, Qingdao Research Institute; —Northwestern Polytechnical University, Shenzhen Research Institute; *and* —Northwestern Polytechnical University, Yangtze River Delta Research Institute. 127 Youyi Xilu, Xi'an 710072 Shaanxi, China; and Youyi Xi Lu, Xi'an, Shaanxi, China; and No. 1 Bianjia Cun, Xi'an, China; and West Friendship Rd. 59, Xi'an, China; and 3 10 W Apt 3, Xi'an, China; and Yard 5, Yangfangdian East Road, Haidian District, Beijing, China; *and* 20th Floor, Block B, Innovation Building, 17 Laodong South Road, Xi'an, China; and 25th Floor, Shenzhen Sanhang Technology Building, Northwestern Polytechnical University, No. 45, Gaoxin South 9th Road, Nanshan District, Shenzhen, China; *and* Building 4, Phase II, Qingdao Blue Valley Venture Center, Jimo District, Shandong Province, Qingdao City, China; *and* Lane 218, Qingyi Road, High-tech Zone, Ningbo, China; *and* 27 Zigang Road, Science *and* Education New Town, Jiangsu Province, Taicang City, China; and Building A2, Liangjiang Quaker Headquarters City, No. 598 Liangjiang Avenue, Longxing Town, Yubei District, Chongqing, China; and Block A, No. 515 Shennan Road, Minhang District, Shanghai, China.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	66 FR 24266, 5/14/01. 75 FR 78883, 12/17/10. 77 FR 58006, 9/9/12. 81 FR 64696, 9/20/16. 84 FR 40241, 8/14/19. 87 FR 62202, 10/13/22. 88 FR 13675, 3/6/23. 90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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	Onstar Electronics Co. Ltd., No. 45 Hoi Yuen Road, Yau Lee Center, 3rd Floor, Unit 83, Kwun Tong, Kowloon, Hong Kong; *and* Zhonghang Road, Dynamic World Building Room 811, Futian District, Shenzhen, Guangdong, 518031, China.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR).	Policy of denial for all items subject to the EAR. See § 746.8(b).	88 FR 70353, 10/11/23. 89 FR 87265, 11/1/24. 90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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	Sangon Biotech (Shanghai) Co., Ltd. a.k.a., the following five aliases: —Shanghai Shenggong Biotechnology Service Co. Ltd.; —Shenggong Biotechnology (Shanghai) Co. Ltd.; —Shenggong Biotechnology; —Sangon Biotech Technology Service Co., Ltd.; *and* —Shanghai Bioengineering Co., Ltd. No. 698 Xiangmin Road, Shanghai, China; *and* 695 Xiangmin Road, Shanghai, China.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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Country	Entity	License requirement	License review policy	**Federal Register** citation
	Shanghai Fudan Microelectronics Co., Ltd., a.k.a., the following five aliases: —Fudan Micro; —Fudan Microelectronics; —Shanghai Fudan Microelectronics Group Co., Ltd.; —FMSH; *and* —Shanghai Fudan. No. 220, Handan Rd., Shanghai, China; *and* Building 4, No. 127, Guotai Road, Yangpu District, Shanghai, China; *and* Rm. 1901–1904, Fudan University, Science Park, No. 11, Guo Tai, Shanghai, China; *and* Room 423, Block B, Gehua Building, No. 1 Qinglong Hutong, Dongzhimen North Street, Dongcheng District, Beijing, China; *and* Room 1303, Century Building, Shengtingyuan Hotel Huaqiang Rd. (North), Shenzhen, China; *and* 423, 4th Floor, No. 1 Qinglong Hutong, Dongcheng District, Beijing, China and Rooms 2306, 2307, and 2308, Building 1, Block C, Section 1, Chuangzhi Cloud City, Xili Community, Liuxian Avenue, Xili Street, Nanshan District, Shenzhen, China; *and* No. 1688 North Guoquan Road, Shanghai, China; *and* No. 3945, Yixian Road, Baoshan, Shanghai, China.	For all items subject to the EAR. (See §§ 734.9(e)(2) and 744.11 of the EAR).[4]	Presumption of denial.	90 FR [INSERT FR PAGE NUMBER] 9/16/25.
	Shanghai Fudan Microelectronics (HK) Co., Ltd., a.k.a., the following four aliases: —HK Fudan; —Shanghai Fudan Microelectronics (HK) Limited; —Hong Kong Fudan Microelectronics; *and* —Shanghai Fudan Microelectronics (Hong Kong) Co., Ltd. Unit 506, 5F., East Ocean Centre 98 Granville Rd., Tsim Sha Tsui East, Kowloon, Hong Kong. (See alternate address under Singapore and Taiwan)	For all items subject to the EAR (See § 744.11 of the EAR).	Presumption of denial	90 FR [INSERT FR PAGE NUMBER] 9/16/25.
	Shanghai Fukong Hualong Microsystem Technology Co., Ltd., a.k.a., the following two aliases: —Hualong Company; *and* —FKHL. 618–623, C625–628, Zone C, No. 180, Changjiang South Road, Boashan District, Shanghai, China.	For all items subject to the EAR (See § 744.11 of the EAR).	Presumption of denial	90 FR [INSERT FR PAGE NUMBER] 9/16/25.
	Shanghai Fuwei Xunjie Digital Technology Co., Ltd., a.k.a., the following five aliases: —Fuwei Xunjie; —FM Swift; —Shanghai Fuwei Swift Digital Technology Co., Ltd.; —Fuwei Swift; *and* —Shanghai FM Swift Digital Technology Company, Limited. No. 968, 128 Memorial Road, Boashan District, Shanghai, China; *and* Block B1, Bay Valley Technology Park, No. 1688, Guoquan North Road, Yangpu District, Shanghai, China.	For all items subject to the EAR (See § 744.11 of the EAR).	Presumption of denial	90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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	Shanghai Suochen Information Technology Co., Ltd., a.k.a., the following three aliases: —DEMX; —DEMXS; *and* —Suochen Technology. 27 Xinjinqiao Road, Building 13, 2nd Floor, Pilot Free Trade Zone, Shanghai, China; *and* 18 Chaoyangmenwai Street, Building A, 21st Floor, Chaoyang District, Beijing, China; *and* 10 Tuanjie South Road, Building 1, 12th Floor, Room 11206, Unit 1, Gaoxin District, Xi'an, China; *and* 170–1 Ruanjian Blvd., Building 2, Room 1401, Yuhuatai District, Nanjing, China; *and* 300 Huaihai Middle Road, K11 Building, 51F, Huangpu District, Shanghai, China; *and* No. 35 Xueyuan Road, Shining Building, 7th Floor, Room 708, Haidian District, Beijing, China; *and* Tiansuo Technology Park, Building 2, Room 1601, Yuhuatai District, Jiangsu Province, Nanjing, China; *and* No. 88 Nanguanzheng Street, Chang'an International Center, Building F, 8th Floor, Unit 102, Shaanxi Province, Xi'an, China; *and* Hongxing Road, IFS, No. 1, Section 3, Building 3, Room 4007, Sichuan Province, Jinjiang District, Chengdu, China; *and* No. 1515, Zhongshan Avenue, Building 1, Room 1903, Jiang'an District, Wuhan, China; *and* IFC, T1 Office Building, 31F, Room 3112, Changsha, Hunan, China.	For all items subject to the EAR (See § 744.11 of the EAR).	Presumption of denial	90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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Country	Entity	License requirement	License review policy	Federal Register citation
	Shenzhen Fudan Microelectronics Co., Ltd., a.k.a., the following one alias: —Shenzhen Fudan Rooms 2306, 2307, and 2308, Building 1, Block C, Section 1, Chuangzhi Cloud City, Xili Community, Liuxian Avenue, Xili Street, Nanshan District, Shenzhen, China.	For all items subject to the EAR (See § 744.11 of the EAR).	Presumption of denial	90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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	Shenzhen NetForward Mircroelectronics Co., Ltd., a.k.a., the following four aliases: —NetForward; —Shenzhen Nanfei Microelectronics Co., Ltd.; —Shenzhen Nanfei Micro-electronic Co., Ltd.; *and* —Shenzhen Netforward Mircroelectronics Co., Ltd., 2nd Floor, Fengyun Building, No. 25, Gaoxin North 6th Road, Songpingshan Community, Xili Street, Nanshan District, Shenzhen, Guangdong Province, 518054, China; *and* 19 Lanrun Morili Center, 12 West 2nd Section, Chengdu, China; *and* Floor 1, Fengyun Technology Building, No.25, Gaoxinbeiliudao, Xili Sub-District, Nanshan District, Shenzhen, Guangdong, 518000, China; *and* Block B, Building 9, Area G, Qingyang Industrial Headquarters Base, Qingyang District, Chengdu, 610073, China and No. 25, Galaxy Wind Cloud, Gaoxin North 6th Road, Nanshan District, Shenzhen City, Guangdong Province, 518000, China; *and* No. 809, 8th Floor, Building 17, No. 169 Haichang Road, Huayang Street, Tianfu New Area, Chengdu, Sichuan, 610000, China.	For all items subject to the EAR (See § 744.11 of the EAR).	Presumption of denial	90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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	Shenzhen Shunjinxin Import & Export Co. Ltd., a.k.a., the following one alias: —Shenzhen Shunjinxin IMP&Export Co. Ltd. 25H North Door Shenhua Comm. Build., Jiabin Road 2018, Luohu District, Shenzhen, China; *and* Room 2114, 21/FL Shenhua Commercial Bldg, Luohu District Shenzhen, China, 518001; *and* Room 815, 8F Zhongzhen Bld., No. 68, Luofang, South Luohu, Shenzhen, China.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	85 FR 59421, 9/22/20. 90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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	Shenzhen Xinlikang Supply Chain Management Co., Limited, a.k.a., the following one alias: —Shenzhen Sinlikon Supply Chain Management, Co., Limited. 2001, Xinlikang Intelligent Headquarters Building, No. 2 Taike Road, Meifeng Community, Futian District Shenzhen, Guangdong, 518049, China; *and* Unit G/01 Grandtech Center, 8 On Ping St, Siu Lek Yuen, Sha Tin District, Hong Kong; *and* 33rd Floor, Qianhai Xinlikang Building, No. 3044, Xinhai Ave, Nanshan District, Shenzhen, China; *and* 32–34 Floor, Xinlikang Mansion, No. 3044 Xinhai Road, Qianhai Shenzhen—HK Cooperation Zone, Shenzhen, China; *and* 36/F Tower A, Neo Building, 6011 Shennan Ave, Shenzhen, China; *and* Shenzhen Sinlikon Building, No 3044 Nanshan St, Qianhaishenggang Cooperation Area, Shenzhen, China.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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	Sino IC Technology Co., Ltd., a.k.a., the following seven aliases: —Sino IC Test; —Shanghai Hualing Integrated Circuit Technology Co., Ltd.; —SinoLink; —Shanghai Enterprise Technology Center; —SINOIC; —Hualing; *and* —Shanghai Sino-Tech. No. 351, Guoshoujing Road, China (Shanghai) Pilot Free Trade Zone, China.	For all items subject to the EAR. (See §§ 734.9(e)(2) and 744.11 of the EAR).[4]	Presumption of denial	90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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INDIA	* * * * * *			

Country	Entity	License requirement	License review policy	**Federal Register** citation
	AR Sales Pvt Ltd., a.k.a., the following five aliases: —AR Sales Private Ltd; —AR Sales Privat Ltd; —A R Sales Private Ltd; —AR Sales; *and* —Aarushi Sales Private Ltd. Flat 1009, Prakash Deep Building, Tolstoy Road, New Delhi, Delhi, 110001, India; *and* 479, Mohalla Maharam, Shahdara, New Delhi, Delhi, 110032, India; *and* 479, Narendra Kumar, Mohalla Maharam, Shahdara, New Delhi, Delhi, 110032, India; *and* 106, Delhi Development Authority Building, Laxmi Nagar District Center, Nirman Vihar, New Delhi, Delhi, 110092, India.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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IRAN	* *	* *	*	*
	General Electronic, a.k.a., the following three aliases: —Digital Electronics Engineering Group; —Delta Electronic; *and* —Keyhan Electronic. Unit 620, 6th floor, Abbasian Building, after Hafez Bridge, Jomhuri Eslami St., Tehran, Iran; *and* No.B33, Tavakkol Passage before Hafez St., Jomhouri St., Tehran, Iran; *and* Unit 22, Second floor, Amjad Passage, between Hafez and Si Tir, Jomhouri St., Tehran, Iran.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	89 FR 68548, 8/27/24. 90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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	Smart Mail Services, a.k.a., the following one alias: —Smart Mail Service LLC. Vanak Sq, Negar Tower, Fl 3, Tehran, Iran. (See alternate address under United Arab Emirates.)	For all items subject to the EAR (See § 744.11 of the EAR).	Presumption of denial	90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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PAKISTAN	* *	* *	*	*
	AHD International, House 9, Building 9, Business Bay, Phase VII, Bahria Town, Rawalpindi, Pakistan.	For all items subject to the EAR. (See § 744.11 of the EAR).	See § 744.2(d) of the EAR	88 FR 66273, 9/27/23. 90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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RUSSIA	* *	* *	*	*
	Daltransgaz, OAO, a.k.a., the following two aliases: —Daltransgaz; *and* —Otkrytoe Aktsionernoe Obshchestvo 'Daltransgaz'. d. 1 ul.Solnechnaya S. Ilinka, Khabarovski Raion Khabarovski krai 680509, Russia.	For all items subject to the EAR when used in projects specified in § 746.8(a)(4) of the EAR.	See § 746.8(b)(2) of the EAR..	81 FR 61601 preview citation details, 9/7/16. 89 FR 51652, 6/18/24. 90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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	Federal State Enterprise Perm Powder Plant, a.k.a., the following four aliases: —Federalnoe Kazennoe Predpriyatie Permski Porokhovoi Zavod; —Permski Porokhovoi Zavod; —Perm Powder Plant; *and* —Perm Gunpowder Mill. 11 Galperina Street, Perm, Perm Region, 614101, Russia; *and* 6 Avtozavodskaya Street, Perm, Perm Region, 614101, Russia; *and* 1 Lsvinskaya Street, Perm, Perm Region, 614113, Russia; *and* 6 Marshala Rybalko Street, Office 19, Perm, Perm Region, 614101, Russia; *and* 3 Oruzheiny Lane, Building 1, Moscow, Russia; *and* sad El'niki, Sylva Settlement, Perm Region, 614503, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR 68548, 8/27/24. 90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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	Intertech Rus LLC, a.k.a., the following one alias: —Intertek Rus OOO. d. 3 str. 2 pom. 506 kom. 69, ul. Krymski Val Moscow, 119049 Russia.	For all items subject to the EAR (See § 744.11 of the EAR).	See §§ 744.2(d), 744.3(d), and 744.4(d).	87 FR 38925, 6/30/22. 90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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Country	Entity	License requirement	License review policy	Federal Register citation
	Joint Stock Company ODK-Klimov, a.k.a., the following four aliases: —JSC ODK-Klimov; —Aktsionernoe Obshchestvo ODK-Klimov; —AO ODK-Klimov; *and* —UEC-Klimov. 11 Kantemirovskaya Street, Building 1, Saint Petersburg, 194100, Russia; *and* 4A Lenin Place, Arsenev, Primorsky Region, 692335, Russia; *and* 1 Khorinskaya Street, Ulan-Ude, Republic of Buryatiya, 670009, Russia; *and* Razdole Building, Priozersk Region, Leningrad Region, 188733, Russia; *and* Military Unit 35666, Korenovsk, Korenovsk Region, 353180, Russia; *and* 14 Tetsevskaya Street, Kazan, Republic of Tatarstan, 420085, Russia; *and* 57 Zapovednaya Street, Saint Petersburg, 194356, Russia; *and* 283 Bogdana Khmelnitskogo Street, Omsk, Omsk Region, 644021, Russia; *and* 93 Komsomolski Avenue, Perm, Perm Region, 614010, Russia; *and* Military Unit 44936, Novaya Zhizn Village, Budennovski Region, 356821, Russia; *and* 2 Vodnikov Street, Moscow, 125362, Russia; *and* 6 Berzarina Street, Building 2, Moscow, 127204, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR 68548, 8/27/24. 90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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	Limited Liability Company Analytical Manufactory, a.k.a., the following five aliases: —LLC Analytical Manufactory; —Obshchestvo S Organichennio Otyetstvennostyu Analiticheskaya Maufaktura; —OOO Analiticheskaya Maufaktura —Analytical Manufaktory; *and* —Analytikal Manufactory. 9 Rublevshoe Highway, Floor 1, Room I, Room 10B, Moscow, 121108, Russia.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR 68548, 8/27/24. 90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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	Limited Liability Company Eluent Laboratories, a.k.a., the following five aliases: —LLC Eluent Laboratories; —Obshchestvo S Organichennio Otyetstvennostyu Elyuentlaboratoriz; —OOO Elyuentlaboratoriz; —Elyuentlaboratoriz LTD; *and* —Elyuent Laboratories. 4 Ivana Franko Street, Building 2, Floor 2, Room N1, Room N27, Moscow, 121108, Russia.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR 68548, 8/27/24. 90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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	Limited Liability Company Medstandart, a.k.a., the following four aliases: —Medstandart, LLC; —Obshchestvo S Organichennio Otyetstvennostyu Medstandart; —Medstandart, OOO; *and* —Medstandart. 16 Varshayshoe Highway, Building 2, Floor 1, Room I, Room 3, Moscow, 117105, Russia.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR 68548, 8/27/24. 90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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	Limited Liability Company Rusmedtorg, a.k.a., the following four aliases: —LLC Rusmedtorg; —Obshchestvo S Organichennio Otyetstvennostyu Rusmedtorg; —OOO Rusmedtorg; *and* —Rusmedtorg. 2/21 Lenskaya Street, Floor 5, Room III, Room 2, Moscow, 129327, Russia.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR 68548, 8/27/24. 90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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	LLC Volgogradpromproyekt, a.k.a. the following five aliases: —Obshchestvo S Ogranichennoi Otvetstvennostyu "Volgogradpromproekt"; —OOO Volgogradpromproyekt; —OOO Volgogradpromproekt; —OOO VPP; *and* —VPP. 47 Promyslovaya Street, Volgograd, Volgograd Region, 400057, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR 51652, 6/18/24. 90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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Country	Entity	License requirement	License review policy	**Federal Register** citation
	Public Joint Stock Company UEC-Ufa Engine Industrial Association, a.k.a., the following fourteen aliases: —Public Joint Stock Company ODK—Ufim Motor—Building Production Association; —Public Joint—Stock Company ODK—Ufimskoye; —PJSC UEC–UMPO; —PAO UEC–UMPO; —ODK-Ufim Motor-Building Production Association; —PJSC ODK–UMPO; —United Engine Manufacturing Corporation-Ufa Engine Building Production Association Public Joint Stock Corporation; —UEC-Ufa Motor-Building Manufacturing Association; —ODK–UMPO Engine Building Enterprise; —Ufa Engine-Manufacturing Company; —ODK–UMPO PAO; —ODK–UMPO Engine Building Association; —Ufa Engine Building Manufacturing Company; *and* —UEC–UMPO. 2 Ferina Street, Ufa, Republic of Bashkortostan, 450039, Russia; *and* 4 Selskaya Bogorodskaya Street, Ufa, Republic of Bashkortostan, 450039, Russia; *and* 7 Vishnevaya Street, Moscow, 125362, Russia; *and* 47/1 Tukhvata Yanabi Boulevard, Ufa, Republic of Bashkortostan, 450043, Russia; *and* 12 Petrozavodskaya Street, Ufa, Republic of Bashkortostan, 450030, Russia; *and* 32/3 Volgogradski Avenue, Building 3, Building 11, Moscow, 109316, Russia; *and* 13 Kasatkina Street, Moscow, 129301, Russia; *and* Building 9, Lytkarino, Moscow Region, 140080, Russia; *and* Baigildino Village, Nurimanovski Region, Republic of Bashkortostan, 452443, Russia; *and* Atamanovka Village, Karaidelski Region, Republic of Bashkortostan, 452377, Russia.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR 68548, 8/27/24. 90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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SINGAPORE	* *	* *	*	*
	Shanghai Fudan Microelectronics (HK) Co., Ltd., a.k.a., the following two aliases: —Shanghai Fudan Microelectronics (HK) Limited Singapore Branch; *and* —Shanghai Fudan Microelectronics (HK) Ltd. Singapore Representative Office 8 Burn Road, #15–13, Trivex, Singapore 369977; *and* 47 Kallang Pudding Road, #08–06 The Crescent @ Kallang, 349318, Singapore. (See alternate address under China and Taiwan).	For all items subject to the EAR (See § 744.11 of the EAR).	Presumption of denial	90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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TAIWAN	* *	* *	*	*
	Shanghai Fudan Microelectronics (HK) Co., Ltd., a.k.a., the following two aliases: —Shanghai Fudan Microelectronics (HK) Ltd., Taiwan Representative Office; *and* —Shanghai Fudan Microelectronics (HK) Limited Taiwan Branch Room 1225, 12th Floor, No. 252, Section 1, Neihu Road, Neihu District, Taipei City, 114, Taiwan. (See alternate address under China and Singapore).	For all items subject to the EAR (See § 744.11 of the EAR).	Presumption of denial	90 FR [INSERT FR PAGE NUMBER] 9/16/25.
*	* * *	* *	*	*
TURKEY	* *	* *	*	*
	Atempo Proje Taahhüt Ses ve Görüntü Sistemleri Anonim Şirketi İstanbul Şubesi, Bülent Ecevit Bulvarı No: 141/A, Lara, Antalya, 07230, Turkey; *and* Taşpınar Mah. 2899 No: 5 İncek Gölbaşı, Ankara, Turkey; *and* Esentepe Mah. Gazeteciler Sit. Yazarlar Sok. No: 10, İstanbul, Turkey.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR).	Policy of denial for all items subject to the EAR. See § 746.8(b).	90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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Country	Entity	License requirement	License review policy	Federal Register citation
	Biopharmist Medikal Urunler Dis Ticaret LTD STI, a.k.a., the following two aliases: —Biopharmist; *and* —Biopharmist Medikal. D–134956, Orta Mah. Oztes Sk, No.3, Orhanli, Tuzla, Istanbul, Turkey; *and* Inonu Mah., 19 Mayis Cd., No 106–5, Atasehir, Istanbul 34755, Turkey.	For all items subject to the EAR (See §§ 734.9(g),[3] 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR 68548, 8/27/24. 90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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	BuyBest Electronic, a.k.a., the following three aliases: —Buy Best Electronic Pars; —Buybest Elektronik İthalat İhracat Limited Şirketi; *and* —Andriman Group İnşaat İthalat İhracat Sanayi Ve Ticaret Limited Şirketi. 19 Mayis mah, Halaskargazi cad, Polat pasaji, No:158, D:96 Şişli, Istanbul, Turkey. (See alternate addresses under China and Iran.)	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	89 FR 68548, 8/27/24. 90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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	Dentun Elektronik, Marmara Mah. Önder Cad., İhlas Marmara Evleri 1. Kisim C8 Blok No:8B İc Kapı No:4, İstanbul, 34524, Turkey.	For all items subject to the EAR (See § 744.11 of the EAR).	Policy of denial for all items subject to the EAR.	90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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	EB Teknoloji Sistemleri Anonim Şirketi, a.k.a., the following one alias: —Algoritma Bilişim Sistemleri a.ş. Bülent Ecevit Bulvarı No: 141/A Lara, Antalya, 07230, Turkey; *and* Taşpınar Mah. 2899 No: 5 İncek Gölbaşı, Ankara, Turkey; *and* Esentepe Mah. Gazeteciler Sit. Yazarlar Sok. No: 10b İstanbul, Turkey; *and* Bayraktar Mah. Macka Sk. Birlik Apt. No:5 İç Kapı No:1 Ankara, Turkey.	For all items subject to the EAR. (See §§ 734.9(g),[3] 746.8(a)(3), and 744.11 of the EAR).	Policy of denial for all items subject to the EAR. See § 746.8(b).	90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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UNITED ARAB EMIRATES.	* *	* *	* *	*
	HAS General Trading LLC, a.k.a., the following three aliases: —HAS Aviation; —HAS GT; *and* —HAS Aviation GT. Tamani Art Tower Suite 1937, Burj Khalifa District, P.O. Box 183744, Dubai, U.A.E.; *and* Business Bay, Burj Khalifa District, Dubai, U.A.E.	For all items subject to the EAR (See § 744.11 of the EAR).	Presumption of denial	90 FR [INSERT FR PAGE NUMBER] 9/16/25.
	* *	* *	*	*
	Smart Mail Services, a.k.a., the following one alias: —Smart Mail Service LLC. Sheikh Zayed Road, Unit 111, 1st Floor, Blue Building Tower, Dubai, United Arab Emirates; *and* Salahuddin Road, Al Khabaisi Area, Deira, Dubai, United Arab Emirates; *and* Al Maktoum Rd, Office 304, 3rd Floor, MM Tower, Deira, Dubai, United Arab Emirates. (See alternate address under Iran.)	For all items subject to the EAR (See § 744.11 of the EAR).	Presumption of denial	90 FR [INSERT FR PAGE NUMBER] 9/16/25.
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[3] For this entity, ''items subject to the EAR'' includes foreign-produced items that are subject to the EAR under § 734.9(g) of the EAR. See §§ 744.11, 744.21, and 746.8 of the EAR for related license requirements, license review policy, and restrictions on license exceptions.

[4] For this entity, ''items subject to the EAR'' includes foreign-produced items that are subject to the EAR under § 734.9(e)(2) of the EAR. See § 744.11(a)(2)(iv) for related license requirements and license review policy.

Julia A. Khersonsky,

Deputy Assistant Secretary for Strategic Trade.

[FR Doc. 2025–17893 Filed 9–12–25; 4:15 pm]

BILLING CODE 3510–33–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

19 CFR Part 4

[Docket No. USCBP–2025–0581; CBP Dec. 25–13]

RIN 1685–AA34

Tonnage Tax Modernization

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

ACTION: Interim final rule; request for comments.

SUMMARY: This interim final rule amends U.S. Customs and Border Protection (CBP) regulations so that a tonnage year, for purposes of calculating tonnage taxes for a vessel, is aligned with the fiscal year of the Federal Government. Currently, CBP calculates a unique tonnage year for each vessel, starting when the vessel first enters the United States. This rule also permits CBP to issue a single electronic receipt for the payment of tonnage taxes and light money. This rule simplifies the tonnage tax process, decreases the number of errors in assessing tonnage taxes, and simplifies the tracking of tonnage tax payments.

DATES:

Effective Date: This interim final rule is effective on September 16, 2025.

Comment Date: Comments must be received by November 17, 2025.

ADDRESSES: Please submit comments, identified by docket number, by the following method:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments via docket number USCBP–2025–0581.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. For additional information on the rulemaking process, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Brian Sale, Branch Chief, Office of Field Operations, U.S. Customs and Border Protection, by telephone at 202–325–3338 or by email at *OFO-MANIFESTBRANCH@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Public Participation

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments on all aspects of the interim final rule. CBP also invites comments that relate to the economic, environmental, or federalism effects that might result from this rule.

Comments that will provide the most assistance to CBP will reference a specific portion of the interim final rule, explain the reason for any recommended change, and include data, information, or authority that support such recommended change.

II. Background and Need for Rule

U.S. Customs and Border Protection (CBP) assesses and collects tonnage taxes on vessels brought into the United States from a foreign port or place under the authority of 46 U.S.C. 60301.[1] Section 4.20 of title 19 of the Code of Federal Regulations (19 CFR 4.20) details how CBP calculates regular tonnage taxes. In general, CBP calculates regular tonnage taxes based on either a lower rate of 2 cents per net ton for certain specified vessels, not to exceed 10 cents per net ton in any one year, or a higher rate of 6 cents per net ton, not to exceed 30 cents per net ton per year, for all other vessels.[2] *See* 46 U.S.C. 60301(a), (b); 19 CFR 4.20(a). Additional regulatory provisions describe the exceptions to regular tonnage tax, the process for obtaining a certificate of payment and cash receipt, the process for applying for a refund, and guidance on how regular tonnage tax is calculated. *See* 19 CFR 4.20–4.21, 4.23–4.24. Tonnage tax is generally collected along with special tonnage taxes and light money, if applicable. *See* 19 CFR 4.20(c), 4.22.[3]

A. Tonnage Year

The relevant statute and CBP regulations establish a yearly maximum for the payment of regular tonnage taxes. 46 U.S.C. 60301(a), (b); 19 CFR 4.20(a). For example, if a vessel has made five payments at the 2-cent rate during a tonnage year, CBP will not assess additional regular tonnage tax at the 2-cent rate on that vessel for the remainder of that tonnage year. *See* 19 CFR 4.20(b). Similarly, if a vessel has made five payments at the 6-cent rate during a tonnage year, CBP will not assess additional tonnage tax at the 6-cent rate on that vessel for the remainder of that tonnage year. *See* 19 CFR 4.20(b).

When determining whether a vessel has met the yearly maximum, CBP calculates a ''tonnage year'' that is unique to each vessel. The tonnage year starts on the date of the first entry of the vessel concerned and expires on the day preceding the corresponding date of the following year. *See* 19 CFR 4.20(b).

The use of a unique tonnage year for each vessel results in an overly complicated calculation of regular tonnage taxes. For each vessel, the CBP officer must determine the relevant tonnage year to determine whether the yearly maximums have been met. This process increases the opportunities for errors in the tonnage tax calculation, resulting in both overpayments and underpayments. Overpayments result in additional work for CBP to process any requests for a refund and underpayments result in a loss of revenue for the U.S. Government. Additionally, if CBP identifies an error in a vessel's tonnage tax calculation, the process to correct the vessel history can be arduous and time consuming.

A consistent tonnage year for all vessels will simplify the tonnage tax collection process and will provide greater certainty on the amount of money due for both CBP and the vessel agents and operators. CBP officers will be able to calculate tonnage taxes more quickly because they will not need to determine each vessel's unique tonnage year. Additionally, vessel agents and operators will be better able to predict their yearly tonnage tax payments and

[1] *See also* Treasury Order 100–20 in which the Secretary of the Treasury delegated to the Secretary of Homeland Security the authority related to the customs revenue functions vested in the Secretary of the Treasury as set forth in 6 U.S.C. 212 and 215, subject to certain exceptions; and DHS, Delegation No. 07010.3, Delegation of Authority to the Commissioner of U.S. Customs and Border Protection II.A (Rev. No. 03.2, Incorporating Change 2) (Dec. 11, 2024).

[2] The lower rate of 2 cents per net ton applies to each entry in a port of the United States of a vessel entering from a foreign port or place in North America, Central America, the West Indies, the Bahama Islands, the Bermuda Islands, or the coast of South America bordering on the Caribbean Sea, a vessel entering from the high seas adjacent to the United States or the above listed foreign locations, and on all vessels (except for vessels of the United States, recreational vessels and barges as defined in 46 U.S.C. 2101) that depart from a U.S. port or place and return to the same port or place without being entered in the United States from another port or place. *See* 46 U.S.C. 60301(a); 19 CFR 4.20(a). At each entry in a port of the United States of a vessel from a foreign port or place not otherwise specified as receiving the lower rate, the higher rate of 6 cents per net ton, not to exceed a total of 30 cents per net ton per year, applies. *See* 46 U.S.C. 60301(b); 19 CFR 4.20(a).

[3] Light money is a duty of a specified amount per ton applicable to all foreign vessels entering U.S. ports, unless exempted. *See* 46 U.S.C. 60302–60304.

will need to spend less time checking their payment history for errors because there will be less uncertainty on when a tonnage year starts or ends.

B. Receipt Process for Regular Tonnage Tax, Special Tonnage Tax, and Light Money

Upon each payment of regular tonnage tax, special tonnage tax or light money, CBP provides to the master of the vessel a certificate on CBP Form 1002 (Certificate of Payment of Tonnage Tax) that includes the control number from the related cash receipt (CBP Form 368 or 368A).[4] *See* 19 CFR 4.23. CBP Form 1002 constitutes the official evidence of the payment of regular tonnage taxes, special tonnage taxes, and light money. *See* 19 CFR 4.23. This certificate must be presented upon each entry during the tonnage year to establish the date of commencement of the tonnage year and to ensure against overpayment. *See* 19 CFR 4.23.

This manual, paper-based receipt process outlined in the regulations is cumbersome for CBP officers and vessel agents and operators.[5] The process requires duplicative receipts for the payment of tonnage taxes because CBP prepares and issues, and the vessel agents and operators must keep in the records, a receipt for the payment of tonnage taxes on CBP Form 368 or 368A, as well as a receipt on CBP Form 1002.

In order to modernize this paper-based process, this rule will replace CBP Form 1002 with an electronic receipt in most circumstances. This automation will result in multiple benefits to both CBP and vessel agents and operators. For example, CBP personnel can create draft receipts prior to boarding a vessel, which decreases the amount of time it takes to fill out and issue the receipt. This enables CBP personnel to issue electronic receipts more quickly and efficiently. Additionally, the automation provides vessel owners and operators with the ability to store and receive receipts electronically. This decreases the possibility that a vessel agent or operator will be unable to provide evidence of prior tonnage tax payments and would be required to obtain a replacement receipt from the port director to whom the payment was made. *See* 19 CFR 4.23.

III. Amendments to the Regulations

A. Aligning the Tonnage Year With the Fiscal Year

This rule changes the definition of a tonnage year in 19 CFR 4.20(b) to align with the fiscal year of the Federal Government, starting on October 1 of each year and ending on September 30 of the following year.[6] *See* 31 U.S.C. 1102. CBP will no longer calculate a tonnage year based on when a particular vessel first enters the United States.

This change will simplify the tonnage tax collection process, eliminate the unique calculation of a tonnage year for each vessel, and reduce errors caused by multiple tonnage years, thereby considerably reducing the time and effort CBP officers currently spend calculating tonnage taxes and investigating and correcting tonnage tax errors. This is part of a broader effort by CBP to align various taxes and fees with the fiscal year to simplify assessments and collections and improve efficiencies for both CBP and the public. CBP is not changing the requirement that the tonnage tax year is calculated without regard to the rate of the payment made at the first entry of the vessel concerned.

As a result of this change, most vessels will be required to start a new tonnage year earlier than they would without this rule. For example, a vessel that has paid the yearly maximum under current requirements and which has several more months until the vessel's unique tonnage year expires, would be required to start a new tonnage year on October 1. CBP does not expect this to cause significant disruption to vessel operations because the rate of applicable tonnage taxes is not increasing, and tonnage taxes are generally not a significant cost compared to other vessel duties and taxes. Additionally, CBP does not expect the tonnage tax revenue in the transition year to be significantly higher compared to subsequent years as a result of this rule. Finally, CBP has conducted outreach to the trade, which has been supportive of this change.[7]

B. Modernized Receipt Process

This rule amends several provisions in 19 CFR 4.20 and 4.23 to modernize the receipt process so that CBP may issue a single, electronic receipt for the payment of regular tonnage tax, special tonnage tax, and light money. This contrasts with the current procedures outlined in the regulations, which require CBP to issue two paper receipts for each payment at each entry.

First, this rule amends 19 CFR 4.23 to state that CBP will issue to the master of each vessel, upon each payment of regular tonnage tax, special tonnage tax, or light money, a receipt of payment. This will replace the current paper-based process in the regulations, that require CBP to issue a certificate of payment on CBP Form 1002, as well as a receipt on CBP Form 368/368A for the same payment. *See* 19 CFR 4.23. In most situations, CBP will provide the master of the vessel with an electronic receipt. If CBP is unable to provide an electronic receipt, such as in a system outage, CBP will issue a receipt on a paper CBP Form 368/368A or other equivalent paper receipt. The receipt will constitute the official evidence of payment and must be presented upon each entry during the tonnage year to ensure against overpayment. *See* new 19 CFR 4.23. In the absence of the receipt, evidence of payment of tonnage tax can be obtained from the port director to whom the payment was made. *Id.* The vessel agents and operators are responsible for maintaining their records of payment, electronically or on paper, to be available for CBP review.

As a result of this change, CBP Form 1002 will be eliminated. CBP will not be required to maintain paper copies of CBP Form 1002 and vessel agents and operators will not be required to maintain paper copies of finalized CBP Form 1002s. Vessel agents and operators should maintain any finalized CBP Forms 1002 for the entirety of any tonnage year in which they received a paper CBP Form 1002 as a receipt of payment.

Second, CBP is amending section 4.20(f)(2) to eliminate the reference to ''Customs Form 1002.'' Pursuant to 19 CFR 4.20(f)(2), certain information is noted on CBP Form 1002 and on the Vessel Entrance or Clearance Statement, CBP Form 1300. This notation on two forms is redundant and does not serve CBP operations. CBP will continue to include the necessary information on CBP Form 1300 and on the receipt issued for payment. CBP is also amending section 4.20(f)(2) so that ''Customs Form 1300'' is referred to as

[4] Although these forms are referenced as ''Customs Form[s]'' in 19 CFR 4.20 and 4.23, these forms are now CBP Forms.

[5] For participants in the Mobile Collections and Receipts Pilot (MCR), CBP may issue a single electronic receipt that is the combined equivalent of CBP Forms 1002 and 368. *See* 82 FR 58008 (Dec. 12, 2017) and 88 FR 86912 (Dec. 15, 2023); *see also* CBP, Automation of 368 and 1002 Receipts, *https://www.cbp.gov/trade/priority-issues/revenue/revenue-modernization/automation-368-and-1002-receipts* (last visited Mar. 7, 2025).

[6] Special tonnage taxes and light money are not subject to a yearly maximum and, therefore, are not affected by the shift to a fiscal year tonnage year.

[7] Since February 2023, CBP's Office of Field Operations has conducted outreach to vessel agents attending in-person and virtual training sessions and received positive feedback on the proposal to change the definition of tonnage year so that all vessels use the same timeframe. CBP also conducted outreach to various trade associations representing vessel operators and agents and received positive feedback to the proposal to implement a consistent tonnage year for all vessels.

''CBP Form 1300'' in accordance with current naming conventions.

Finally, CBP is amending 19 CFR 4.23 so that the receipt for payment of tonnage taxes is no longer used to establish when the tonnage year starts for a particular vessel. A consistent tonnage year for all vessels, equal to the fiscal year of the Federal Government, means that CBP does not need to rely on the receipt of payment for each vessel to establish when a tonnage year starts. CBP will continue to rely on the receipt of payment when determining whether a vessel has reached the yearly maximum number of payments for a tonnage tax rate.

C. Description of the Yearly Maximums

In addition to defining the tonnage year, 19 CFR 4.20(b) provides the maximum number of payments during a tonnage year, five payments at the maximum (6-cent) rate and five payments at the minimum (2-cent) rate, so that the maximum assessment of regular tonnage taxes may amount to 40 cents per net ton for the tonnage year of a vessel engaged in alternating trade. This rule amends section 4.20(b) to improve readability and clarity. CBP does not intend for this change to substantively affect the calculation of tonnage taxes.

D. Guidance

CBP uses four scenarios listed in 19 CFR 4.20 as guidance when determining the port of origin for a voyage to the United States and the applicable rate of regular tonnage tax. *See* 19 CFR 4.20(a)(1)–(4). CBP is revising the wording of these scenarios to provide more clarity for the trade and to the ports of entry. The revisions are not intended to substantively alter how CBP determines a port of origin or rate of tonnage tax.

IV. Statutory and Regulatory Reviews

A. Administrative Procedure Act

Section 553(b) of the Administrative Procedure Act (APA) generally requires agencies to publish a notice of proposed rulemaking in the **Federal Register** that solicits public comments before the rule takes effect. CBP finds that this rule is exempt from prior notice and comment rulemaking procedures under section 553(b)(A) of the APA. Pursuant to section 553(b)(A), the standard prior notice and comment procedures do not apply to an agency rulemaking to the extent that the rule involves matters of ''agency organization, procedure, or practice.'' Rules are procedural if they are ''primarily directed toward improving the efficient and effective operations of an agency, not toward a determination of the rights or interests of affected parties.'' *Mendoza* v. *Perez,* 754 F.3d 1002, 1023 (D.C. Cir. 2014) (quoting *Batterton* v. *Marshall,* 648 F.2d 694, 702 n.34 (D.C.C. 1980). The purpose of the exception is ''to ensure that agencies retain latitude in organizing their internal operations.'' *Mendoza,* 754 F.3d at 1023 (quoting *Batterton,* 648 F.2d at 707).

This rule is a procedural rule promulgated for efficiency purposes that falls within this exception. This rulemaking replaces a paper certificate of payment of tonnage tax (CBP Form 1002) with an electronic receipt, or if an electronic receipt is not feasible, with a single, equivalent paper receipt. This is a change in the format of the receipt and does not change any of the substantive requirements related to the payment or receipt process. Eliminating CBP Form 1002 so that certain information is listed only on the Vessel Entrance or Clearance Statement, CBP Form 1300, and not on both CBP Forms 1300 and 1002 is also only a change in CBP recordkeeping procedures that does not affect the substantive rights or interests of the public.

Additionally, the shift to a tonnage year that is aligned with the fiscal year does not substantively affect the rights or interests of the public. Congress has determined the substantive requirements of tonnage tax, including the applicable rates and the yearly maximums. *See* 46 U.S.C. 60301. This rule does not change those substantive requirements, and vessel agents and operators will continue to be subject to the same rates and the same requirements for meeting the yearly maximums regardless of this rule. The only change to the tonnage tax process is to change which 12-month period CBP uses to determine the tonnage year. CBP considers this change to merely set forth a CBP accounting procedure for implementing the statute that does not itself impose a substantive requirement. Although average tonnage tax revenue is expected to increase under this rule, an estimated 94% of all vessels in a given year will pay no more in tonnage tax with the rule than without it. For those vessels that do pay more tonnage tax in a given year, the increase will be nominal, with the average tonnage tax per entry increasing by approximately $128. For these reasons, CBP may forgo advance notice and comment.

As discussed above, section 553(b) of the APA generally requires agencies to publish a notice of proposed rulemaking in the **Federal Register** that solicits public comments before the provisions of the rule take effect. In addition to the aforementioned procedural rule exception, CBP finds that this rule is exempt from the prior notice and public comment requirements for good cause under 5 U.S.C. 553(b)(B), which permits agencies to forgo those procedures when they are impracticable, unnecessary, or contrary to the public interest. CBP finds prior notice and comment unnecessary in this case because this rule does not impose new obligations on the public, does not alter the substantive requirements governing tonnage tax rates or eligibility, and instead eliminates duplicative and outdated administrative processes. The revisions streamline how CBP documents tonnage tax payments and standardizes the tonnage year across all vessels, improving internal consistency and clarity for vessel agents and operators. Because these changes are limited to administrative procedures and remove, rather than impose, compliance burdens, standard notice and comment is unnecessary under 5 U.S.C. 553(b)(3)(B). Although prior notice and comment is not required in this context, CBP nonetheless invites post promulgation comments to identify any technical or procedural improvements that may aid in future implementation.

Section 553(d) of the APA requires agencies to delay the effective date of final rules by a minimum of 30 days after the rule publishes in the **Federal Register**, subject to certain exceptions. For the same reasons stated above, CBP finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in the rule's effective date. Specifically, CBP finds that a delayed effective date is unnecessary because this rule is an administrative, deregulatory rule that does not impose new obligations or alter substantive requirements. CBP assesses that trade members will not experience significant disruptions in adjusting to the revised requirements; thus, delaying the effective date of this rule would unnecessarily postpone operational improvements expected to reduce administrative errors, eliminate duplicate paperwork, and promote uniformity in the tonnage tax collection process. Immediate implementation will enable CBP and the trade community to utilize the benefits of these streamlined procedures without further delay. Moreover, this rule is a procedural rule. Because procedural rules are not substantive rules within the meaning of 5 U.S.C. 553(d), the delayed effective date requirement does not apply. For these reasons, CBP may forgo a 30-day delayed effective date.

B. Executive Orders 12866, 13563, and 14192

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 14192 (Unleashing Prosperity Through Deregulation) directs agencies to significantly reduce the private expenditures required to comply with Federal regulations and provides that ''any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.''

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

This interim final rule is considered an Executive Order 14192 deregulatory action. We estimate that this rule generates $24,792 in net annualized cost savings at a 7% discount rate, discounted relative to year 2024, over a perpetual time horizon. We estimate that this rule would result in a total net deregulatory impact on CBP and trade members by simplifying tonnage tax calculations and reducing tax calculation errors, with only a small one-time development cost to update the electronic application that records vessels' tonnage tax histories. The present value of the positive net impact of the rule over Fiscal Years (FY) 2025–2035 would be $239,109 under a 3% discount rate or $195,555 under a discount rate of 7%, discounting to FY 2025. Annualized over the ten-year period FY 2025–2034, the net impact would be a positive $27,214 per year under a 3% discount rate or $26,021 per year under a 7% discount rate. The rule would also lead to an increase in transfers from trade members to the U.S. Government over FY 2025–2035 with a present value of $2,731,750 under a discount rate of 3% or $2,356,446 under a discount rate of 7%. In terms of annualized value over ten years, from FY 2025–2034, these present values translate to an increase in transfers by $310,917 or $313,556 per year under a discount rate of 3% or 7%, respectively.

1. Background

Upon making entry in the United States, a vessel arriving from a foreign port or place is assessed a tonnage tax by CBP.[8] Generally, a vessel arriving from North America, the Caribbean, or a South American port on the Caribbean coast is subject to a rate of 2 cents per net ton, whereas a vessel arriving from elsewhere is subject to a rate of 6 cents per net ton. If the vessel has already made five payments at a given rate in the current tonnage year, it is exempt from further tonnage taxes at that rate for the remainder of the tonnage year. Currently, a vessel's tonnage year begins on the date the vessel makes entry in the United States without a tonnage year already in effect. The tonnage year then expires on the day preceding the corresponding date of the following year.

When processing at a port, the master of the vessel or vessel agent will present the certificates of payment of tonnage tax from recent entries to establish the start date of the current tonnage year. Upon payment of the tonnage tax on the current entry, the CBP officer will give the master or agent a new certificate of payment to record both the current payment and the start date of the tonnage year used for said payment. Before the recent automation of tonnage tax receipts, the certificate of payment was a paper CBP Form 1002 that included the control number of the cash receipt (CBP Form 368 or 368A).[9] Now, thanks to CBP's Mobile Collections and Receipts (MCR) initiative, CBP may instead issue an electronic receipt that is the combined equivalent of CBP Forms 1002 and 368.[10] The master or vessel agent may then use a printed copy of the receipt sent by email as a certificate of payment.

In FY 2023, 12,475 vessels made entry in the United States from a foreign port or place.[11] At 4.6 entries per vessel, vessels arriving from foreign ports made 57,513 entries in total.[12] Using CBP entrance data, we calculate that 56% of these entries were subject to a tonnage tax, with the remainder exempted for being made past the five-payment cap. Under the baseline tonnage year calculation method described further in the Transfers section below, the total tonnage tax payments in FY 2023 summed to $27,402,291, averaging $476 per entry. The mean vessel paid $2,197 in total, and the median vessel paid $1,108.

CBP sometimes applies an incorrect tonnage year start date when assessing tonnage taxes. After a mistake is made, CBP officers will sometimes continue to use the wrong tonnage year start date for the vessel's subsequent entries if the original error is not caught, which leads to more errors. Using the wrong tonnage year start date can lead to CBP's overcounting or undercounting the number of entries a vessel has made in the current tonnage year. As a vessel's tonnage tax obligation depends on the number of entries made in the current tonnage year, such an error can lead to an incorrect assessment of the tonnage tax. Upon finding an error in a vessel's recorded tonnage year start date, CBP must then take the time to look through the vessel's past receipts to determine when the vessel's true tonnage year began. Requesting additional tonnage tax payments from underbilled vessels and granting refunds to overbilled vessels are time-consuming for CBP. Such billing errors also make the current system confusing to the public.

2. Purpose of Rule

The rule would align vessels' tonnage years with the fiscal year of the Federal Government, starting on October 1 of each year and ending on September 30 of the following year. The alignment would occur by cutting all current tonnage years short, ending them on September 30 and beginning the new tonnage year on October 1 of whichever year CBP begins the new process, assumed here to be FY 2026 (which begins on October 1, 2025). Switching vessels to a universal tonnage year would simplify the calculation of tonnage taxes and reduce billing errors. With fewer billing errors made, CBP would spend less time making requests for additional payments or handling requests for refunds and the trade would have more clarity as to the amount of money owed. The simplification would also allow CBP officers to calculate tonnage taxes more quickly. Vessel agents have expressed enthusiasm for this new tonnage year calculation method.[13]

3. Baseline and Regulatory Scenarios

This regulatory impact analysis compares a baseline scenario and the

[8] *See* 19 CFR 4.20.

[9] *See supra* note 5; 19 CFR 4.23.

[10] CBP, Automation of 368 and 1002 Receipts, *https://www.cbp.gov/trade/priority-issues/revenue/revenue-modernization/automation-368-and-1002-receipts* (last visited Feb. 29, 2024).

[11] Internal CBP database; entrance data provided by CBP Office of Field Operations subject matter experts on September 29, 2023, October 27, 2023, and January 23, 2024.

[12] Entry here refers to entry of a vessel arriving from a foreign port or place.

[13] Information provided by CBP Office of Field Operations subject matter expert on October 26, 2023. *See also* footnote 7, above.

regulatory scenario to measure the net impact of the rule. In the baseline, CBP would continue to calculate tonnage years the current way, as explained in the Background section. Under the regulatory scenario, CBP would align vessels' tonnage years with the fiscal year at the start of the FY 2026, as explained in the Purpose of Rule section. No technological or other regulatory changes in the future are expected to affect the frequency or costliness of CBP's errors in calculating tonnage tax payments in either scenario. In the Alternative Transition Options section, we analyze another way to transition to the new tonnage year calculation method.

4. Costs

The only costs from the rule would be the cost of redevelopment within the MCR application to account for the new universal tonnage year start date. A subject matter expert estimated on March 20, 2025, that redevelopment would take 80 hours of labor. Based on the average hourly pay of CBP employees of this type ($93.55/hour),[14] the one-time cost of redevelopment would be $7,484. The change in vessels' tonnage years would not increase administrative costs or compliance costs. The rule would increase the amount that trade members pay in tonnage taxes on net, but this effect counts as a transfer rather than as a cost because the change in tax expense represents a transfer of value within society and not an aggregate societal cost or cost savings. This effect is explained further in the Transfers section below.

We examined whether it is likely that vessels would alter their activity in response to a change in tonnage year calculation method. For example, under the rule, a vessel planning to make regular trips (*i.e.,* more than five) to the United States for the length of one year could reduce its tonnage taxes by beginning those trips at the start of the fiscal year of the Federal Government rather than part way through. Beginning the calculations at the start of the fiscal year would make the vessel's entries fall under one tonnage year rather than two, reducing the number of entries subject to a tonnage tax. By contrast, under the current method of calculating tonnage years, adjusting the start date of those trips would not reduce tonnage taxes. At only 2 cents or 6 cents per net ton, however, a change in how tonnage taxes are assessed would probably not cause any distortions in vessel activity. The annual revenue collected from the tonnage tax is only 2% as large as the revenue collected from the harbor maintenance fee for vessels arriving from foreign ports, which is itself 0.125% of the value of the cargo. Hence, tonnage taxes are on average about 0.0025% as much as the cargo value, or 1 cent for every $400 of cargo. The marginal tonnage tax rate may be somewhat higher than the average rate, but not by a significant amount. Therefore, we assume that the savings in tonnage taxes that a vessel operator could achieve by purposely delaying entry to the start of the new fiscal year would be smaller than the cost of the delay and that vessels' entrance timing would therefore not be distorted by the rule.

5. Cost Savings of Rule

Aligning vessels' tonnage years with the fiscal year of the Federal Government would simplify the calculation of tonnage taxes, resulting in time savings for the Government. The complexity of the current definition of tonnage year makes the process of assessing tonnage tax longer and more error-prone than necessary. CBP officers sometimes miscalculate vessels' tonnage year start dates by mistake and sometimes due to a misunderstanding of the regulations. By restricting every tonnage year to start on October 1, the rule would leave no room for calculation errors or misconceptions regarding the tonnage year start date.

Under the existing process, the nature of the tonnage tax means that one error can beget multiple errors. If a CBP officer assigns a vessel the wrong tonnage year start date, then future tonnage year start dates will be wrong as well if the original error is not fixed. If a vessel's supposed tonnage year start date is later than its true tonnage year start date, the CBP officer may undercount the vessel's past tonnage tax payments and mistakenly assess a tonnage tax from which the vessel should be exempt. Alternatively, if the vessel's supposed tonnage year start date is earlier than its true tonnage year start date, the vessel may be underbilled. It takes time for CBP to fix all of these errors when they are finally discovered. If a vessel is found to have been overbilled, a vessel agent may submit to CBP a request for refund, and these requests take time for CBP to process, though we lack the data to estimate the time burden.

When a CBP officer discovers an error regarding a vessel's past tonnage taxes, such as a wrong tonnage year start date, the officer submits a service ticket to the Revenue Modernization Service Desk. CBP then looks through the vessel's tonnage tax payment history in Mobile Collections Receipts (MCR), where the information is recorded, and makes edits to correct for any errors.[15] Between November 14, 2024, and March 13, 2025, the Revenue Modernization Service Desk resolved 40 incident tickets.[16] Of these, 29 tickets required a correction to be made to the vessel's tonnage year start date. At the rate of 29 such tickets submitted over 120 days, we estimate that 88 tickets that at least partly involve an incorrect tonnage year start date will be submitted annually.

CBP believes the rule would prevent all issues stemming from miscalculated tonnage year start dates. Some of these tickets may be submitted anyway due to unrelated issues, such as errors related to the CBP User Fee, but a service ticket that only reports an issue with the CBP User Fee can be resolved more quickly than a ticket reporting both a CBP User Fee error and a tonnage tax error. We are unable to quantify the time savings that would result from preventing these tonnage tax errors, as we lack estimates for the average time it takes for a CBP officer to submit a ticket or for CBP to resolve a ticket, nor do we know how much this time burden would decline for service tickets that would no longer have any tonnage tax errors but would still have been submitted because of CBP User Fee errors.

Aligning vessels' tonnage years with the fiscal year would not only cut down on errors but also help CBP officers to calculate tonnage taxes more quickly. To calculate a vessel's tonnage tax obligation, a CBP officer must look at the vessel's payment history and count the tonnage tax payments made during the current tonnage year to check whether the vessel has reached its five-payment maximum at the relevant tonnage tax rate. Under the current definition of tonnage year, this process requires CBP officers to keep track of the vessel's particular tonnage year while counting the vessel's past payments. If every vessel had the same tonnage year, however, CBP officers could count each vessel's payments faster because they would not be slowed down by the need to keep track of the vessel's unique tonnage year start date. Instead, officers would always count the tonnage payments back to October 1 of the

[14] Source of average hourly pay among other CBP positions: CBP bases this wage on the fully-loaded FY 2024 salary and benefits of the national average of other CBP positions, which is equal to a GS–9, Step 6. Source: Information provided by CBP's Office of Finance on June 17, 2024.

[15] Information provided by CBP Office of Finance subject matter expert on March 13, 2025.

[16] Based on data provided by CBP Office of Finance on March 13, 2025.

current fiscal year of the Federal Government, regardless of the vessel.

CBP asked three subject matter experts in the field to quantify how long it takes them to calculate a vessel's tonnage tax using the current tonnage year definition and how long the calculation takes when using the fiscal year as tonnage year.[17] The three subject matter experts gave estimates for the average time burden under the current regulation of 25, 35, and 45 seconds. Those experts' estimates using the fiscal year of the Federal Government as tonnage year were 15, 17, and 20 seconds, respectively. The time savings from the new tonnage year definition would thus average 17.7 seconds, a 50.5% reduction in the average time burden.

CBP officers calculate tonnage tax every time a vessel enters after arriving from a foreign port. Therefore, we use the number of entries from foreign ports to estimate the number of times CBP officers make these calculations per year. Table 1 presents the number of entrances made by vessels arriving from a foreign port from fiscal years 2012 to 2024. The number of entrances was not following any trend before the COVID–19 pandemic. The number then fell in FY 2020 but has since rebounded nearly to its FY 2019 level, as of FY 2024. Now that volumes have returned to pre-COVID–19 levels, we do not expect there to be any future trend in the number of entries by vessels arriving from foreign ports, and so we use 59,307, the annual count in FY 2024, as our estimate for all future years during the period of analysis.

TABLE 1—ANNUAL ENTRANCES BY VESSELS ARRIVING FROM A FOREIGN PORT

Fiscal year	Entrances
2012	59,669
2013	58,653
2014	60,714
2015	61,431
2016	58,062
2017	57,681
2018	61,008
2019	59,603
2020	52,882
2021	52,503
2022	57,216
2023	57,513
2024	59,307

Source: based on entrance data obtained through the Vessel Management System in CBP's ACE database on January 14, 2025.

[17] The subject matter experts' responses were provided to us by CBP's Office of Field Operations on March 11, 2025.

If the rule would save CBP officers 17.7 seconds per tonnage calculation and this calculation is done for all 59,307 entrances of vessels arriving from a foreign port per year, then the rule would save a total of 291 hours per year in tonnage tax calculation. The average hourly pay for CBP officers is $99.33 per hour,[18] and so the value of these time savings would be $28,908 per year. It is possible that the savings could be even higher because the officers who provided the savings estimates are experts and may calculate tonnage taxes faster than most CBP personnel. If calculating tonnage taxes takes the average CBP officer more time than these sources, it is possible that the time savings from the new tonnage year definition are also larger for the average officer. Furthermore, these time estimates for tonnage tax calculations describe the time burdens for the simplest cases, but sometimes tonnage tax calculation can take much longer. One of the field sources later reported that a more complicated case took him 6 minutes to determine that a vessel owed no tonnage tax.[19] If the tonnage year change can significantly reduce the time burden of tonnage tax calculation in these more complicated cases, then the true time savings would be larger than our estimate.

The new tonnage year definition would also improve the vessel entrance process for trade members, who have expressed support for the rule change. By simplifying the calculation of tonnage year start dates, the rule would give vessel agents and vessel operators more clarity on whether a given entry will require a tonnage tax payment. Because CBP would also make fewer billing errors, trade members would spend less time checking for errors in the tonnage tax assessment and challenging CBP's calculations. Due to the difficulty of estimating this time burden, we cannot quantify the cost savings to trade members.

In addition to changing vessels' tonnage years, the rule would also modify the regulations regarding receipts for tonnage taxes and light money. CBP officers typically use MCR to create electronic receipts for tonnage tax payments as well as light money payments. These electronic receipts are the combined equivalent of CBP Forms 368 and 1002. On the rare occasion when CBP does not use the electronic MCR application, CBP instead issues the paper CBP Forms 368 and 1002, in accordance with current regulation. The rule would modify the regulations so that, on occasions when MCR is not used, CBP would not necessarily have to issue both CBP Forms 368 and 1002. Instead, a CBP officer could issue just CBP Form 368. This change would save time, as the officer would not need to issue CBP Form 1002 and the vessel agent would not need to hold onto a copy of CBP Form 1002. We expect that this will save a positive but negligible amount of time for CBP and would save a small amount of storage costs for vessel agents. We request comment on the savings to vessel agents of no longer needing to maintain copies of the CBP Form 1002 in their records.

[18] Source of average hourly pay among CBP officers: CBP bases this wage on the fully-loaded FY 2024 salary and benefits of the national average of CBP Officer positions, which is equal to a GS–11, Step 10. Source: Information provided by CBP's Office of Finance on June 17, 2024.

[19] Information provided by CBP Office of Field Operations on March 11, 2025.

TABLE 2—PROJECTED COST SAVINGS, FY 2025–2035

Fiscal year	Time savings (hours)	Value of time savings (2024 USD)
2025	0	$0
2026	291	28,908
2027	291	28,908
2028	291	28,908
2029	291	28,908
2030	291	28,908
2031	291	28,908
2032	291	28,908
2033	291	28,908
2034	291	28,908
2035	291	28,908

Table 2 displays the quantified cost savings from the rule, which are the annual time savings to CBP officers from calculating tonnage years more quickly. The tonnage year start date change would not take effect until the start of FY 2026, but we include FY 2025 for consistency with other sections of this analysis. The present value of these savings over FY 2026–2035 would be $246,592 under a 3% discount rate or $203,039 under a 7% discount rate, discounted to base year FY 2025. In addition to these cost savings, there are others that are harder to quantify. CBP would spend less time fixing errors in MCR that stem from incorrect tonnage year start dates and less time processing requests for refunds from vessels that were overbilled due to tonnage tax miscalculation. Vessel agents would also face less uncertainty regarding their tonnage tax obligations and therefore spend less time checking for errors in their tonnage tax payments. Finally, CBP officers could be trained more quickly, as CBP would not have to spend as much time explaining how tonnage taxes work because the

definition of tonnage year would be less complicated.

6. Transfers

Aligning vessels' tonnage years with the fiscal year of the Federal Government would increase Government revenue by raising the share of entries that are subject to a tonnage tax. This effect counts as a transfer rather than as a cost or cost savings because the change in tax expense represents a transfer of value within society and not an aggregate societal cost or benefit. Therefore, the size of the transfer, reported below, would not affect the net impact of the rule change. To estimate the effect of the rule on government revenue, we applied the baseline and regulatory tonnage year calculation methods to the same historical entrance data. After projecting future tonnage tax revenue in each case, we then estimate that the rule would increase government revenue by an annualized value of $310,917 under a discount rate of 3% or $313,556 under a discount rate of 7%, annualized over ten years starting at base year FY 2025.

We use historical vessel entrance data spanning FY 2017 to FY 2023 to compute which entries would be taxable under which tonnage year calculation method. In the entrance data, some observations are listed as having zero net tonnage, but CBP believes that most zero-tonnage observations are inaccurate. Therefore, among vessels with zero net tonnage listed on some entries and positive net tonnage listed on other entries, we substituted each vessel's smallest positive value of net tonnage for its zero net tonnage values. CBP's entrance data does not contain the tonnage tax rate that an entry was or would be subject to, but the data does contain the vessel's last port. We assume for these calculations that a vessel's last port is where the cargo was laden and assign the tonnage tax rate accordingly. All vessels arriving from another U.S. port are therefore assumed to be exempt from the tonnage tax. To the extent that the vessel's last port is different from where the cargo was laden, the tonnage tax rate could differ. According to a smaller CBP dataset containing more information about tonnage tax payments, most vessels are taxed at the tonnage tax rate that would apply if their cargo were laden at the most recent foreign port. Hence, this assumption is unlikely to significantly affect the results of the analysis.

Under the regulatory tonnage year calculation method, each vessel's tonnage year start date is set to October 1 of each fiscal year. To get the start dates of vessels' first tonnage year under the baseline, we use each vessel's earliest filing date in the FY 2017–2023 entrance data. After determining each vessel's first tonnage year start date, we calculate the start of all later tonnage years according to the baseline tonnage year calculation method. CBP does have records of tonnage tax payments, which include additional information not found in the basic entrance data such as the start date of each entry's tonnage year under the baseline and the applicable tonnage tax rate. However, if we were to compare the tonnage tax payments that would have occurred if the rule had been in place to the actual baseline tonnage tax records, the comparison between the baseline and regulatory scenarios would be clouded by differences in calculation errors and information constraints. Recalculating the baseline tonnage year start dates and assigning the tax rates using only the basic entrance data allows us to isolate the effect of the tonnage year calculation method when comparing tonnage tax payments under the baseline and regulatory scenarios.

After calculating the start dates of all vessels' tonnage years under both the baseline and regulatory tonnage year calculations, we calculate the annual mean net tonnage of taxed entries and the annual number of taxed entries at each tax rate under each calculation method, shown in Table 3 and Table 4. We use these historical series to form projections from FY 2026 to 2035. To project the future mean net tonnages of taxed entries for both rates, under both the baseline and regulatory scenarios, we calculated the compound annual growth rate of each series from FY 2017–2023 and use these as the estimates for future growth rates.

The mean net tonnage of entries taxed at the 2-cent rate is projected to grow at 3.75% per year under the baseline and 3.37% under the regulatory scenario. For 6-cent entries, the growth will be slower, at 1.46% and 1.34% under the baseline and regulatory scenarios, respectively. Table 5 shows the projection of mean net tonnage for each series from FY 2026–2035.

TABLE 3—MEAN NET TONNAGE OF TAXED ENTRIES

Fiscal year	2-Cent rate		6-Cent rate	
	Baseline	Rule	Baseline	Rule
2017	13,273	13,233	21,869	22,034
2018	13,962	13,892	21,951	22,140
2019	14,614	14,452	22,186	22,306
2020	14,990	15,027	22,375	22,573
2021	14,597	14,550	23,451	23,597
2022	15,953	15,622	23,509	23,550
2023	16,700	16,510	23,977	24,006

TABLE 4—NUMBER OF TAXED ENTRIES

Fiscal year	2-Cent rate		6-Cent rate	
	Baseline	Rule	Baseline	Rule
2017	18,300	19,043	13,541	13,829
2018	19,097	19,898	13,606	13,950
2019	18,604	19,609	13,495	13,759
2020	15,953	17,192	12,961	13,323
2021	15,750	16,420	15,079	15,319
2022	16,421	17,147	15,745	16,001
2023	16,903	17,584	15,123	15,416

TABLE 5—PROJECTED MEAN NET TONNAGE OF TAXED ENTRIES

Fiscal year	2-Cent rate		6-Cent rate	
	Baseline	Rule	Baseline	Rule
2026	18,648	18,238	25,040	24,984
2027	19,347	18,853	25,405	25,318
2028	20,072	19,489	25,775	25,657
2029	20,824	20,147	26,151	26,001
2030	21,604	20,827	26,532	26,349
2031	22,413	21,530	26,918	26,702
2032	23,253	22,256	27,310	27,060
2033	24,124	23,007	27,708	27,422
2034	25,028	23,784	28,111	27,790
2035	25,966	24,586	28,521	28,162

Turning to the projected number of taxed entries, we found that the FY 2017–2023 compound annual growth rates did not reflect the paths that the series are currently on and are likely to follow. Under both the baseline and regulatory scenario, the number of taxed entries at the 2-cent rate fell in FY 2020 and then began rising back toward the pre-2020 level. Because the compound annual growth rate (CAGR) from FY 2017–2023 is negative, and because using the positive FY 2021–2023 CAGR would likely overstate the amount of future growth, we assume that the future number of taxed entries will have not a constant growth rate but a constant rate of convergence toward the FY 2017–2019 average. We use the rate of convergence from FY 2021–2023 as our future estimate. As for entries at the 6-cent rate, the number of taxed entries, under either scenario, dipped somewhat in FY 2020 and then rose well above the pre-2020 average. In FY 2023, the number of taxed entries at the 6-cent rate began to fall. We assume for our projections that the number of 6-cent taxed entries will continue to fall back down to the FY 2017–2019 average at the same rate as from FY 2022–2023. Table 6 shows the FY 2017–2019 averages and the rates of convergence [20] used for the future projections of each series, and Table 7 shows the implied projected growth rates. Table 8 shows the FY 2026–2035 projected values of each series.

TABLE 6—RATES OF CONVERGENCE, NUMBER OF TAXED ENTRIES

	2-Cent rate		6-Cent rate	
	Baseline	Rule	Baseline	Rule
FY2017–2020 Mean	18,667	19,517	13,547	13,846
Rate of Convergence	0.778	0.790	0.717	0.729

TABLE 7—PROJECTED GROWTH RATES OF TAXED ENTRIES

Fiscal year	2-Cent rate		6-Cent rate	
	Baseline (%)	Rule (%)	Baseline (%)	Rule (%)
2026	1.35	1.38	−1.60	−1.54
2027	1.03	1.08	−1.16	−1.14
2028	0.80	0.84	−0.84	−0.84
2029	0.61	0.66	−0.61	−0.62
2030	0.47	0.52	−0.44	−0.45
2031	0.37	0.41	−0.32	−0.33
2032	0.28	0.32	−0.23	−0.24
2033	0.22	0.25	−0.16	−0.18
2034	0.17	0.20	−0.12	−0.13
2035	0.13	0.16	−0.08	−0.09

TABLE 8—PROJECTED NUMBER OF TAXED ENTRIES

Fiscal year	2-Cent rate		6-Cent rate	
	Baseline	Rule	Baseline	Rule
2026	17,837	18,564	14,128	14,453
2027	18,022	18,764	13,964	14,288
2028	18,165	18,922	13,846	14,168
2029	18,277	19,047	13,761	14,081
2030	18,364	19,145	13,701	14,017

[20] If the rate of convergence is, for example, 0.778, then the difference between each year's number of taxed entries and the pre-2020 mean will be 0.778 times the previous year's difference.

TABLE 8—PROJECTED NUMBER OF TAXED ENTRIES—Continued

Fiscal year	2-Cent rate		6-Cent rate	
	Baseline	Rule	Baseline	Rule
2031	18,431	19,223	13,657	13,971
2032	18,484	19,285	13,626	13,937
2033	18,524	19,334	13,604	13,912
2034	18,556	19,372	13,588	13,894
2035	18,581	19,402	13,576	13,881

These projections of mean net tonnage and number of taxed entries imply what nominal revenue will be over the same time period. Using Survey of Consumer Expectations (SCE) inflation expectations [21] from January 2024, we convert projected nominal tonnage tax revenue to projected tonnage tax revenue in 2024 U.S. dollars.[22] Table 9 and Table 10 display the projections for nominal revenue and real revenue, respectively, from FY 2025 to 2036. Because the rule would not change vessels' tonnage years until FY 2026, revenue would be the same in FY 2025 in both scenarios. We include the FY 2025 projections because our period of analysis is FY 2025–2035, due to the costs that would be incurred from the rule during FY 2025.

TABLE 9—PROJECTED NOMINAL REVENUE, FY 2025–2035

Fiscal year	Baseline	Rule	Difference
2025	$27,588,401	$27,588,401	$0
2026	27,879,164	28,436,812	557,648
2027	28,258,408	28,780,570	522,162
2028	28,705,021	29,186,803	481,782
2029	29,203,992	29,641,665	437,673
2030	29,744,711	30,135,195	390,483
2031	30,319,739	30,660,273	340,534
2032	30,923,921	31,211,857	287,936
2033	31,553,746	31,786,417	232,671
2034	32,206,885	32,381,530	174,646
2035	32,881,860	32,995,578	113,718

TABLE 10—PROJECTED REAL REVENUE (2024 USD), FY 2025–2035

Fiscal year	Baseline	Rule	Difference
2025	$26,784,855	$26,784,855	$0
2026	26,278,786	26,804,423	525,637
2027	26,024,508	26,505,391	480,884
2028	25,828,666	26,262,172	433,506
2029	25,627,338	26,011,408	384,070
2030	25,455,885	25,790,066	334,180
2031	25,305,859	25,590,080	284,221
2032	25,171,399	25,405,772	234,373
2033	25,048,451	25,233,154	184,703
2034	24,934,223	25,069,432	135,209
2035	24,826,796	24,912,656	85,860

As shown in Table 11 and Table 12, the regulatory calculation method would increase the present value of government revenue from the tonnage tax by $2,731,750 or $2,356,446, discounted at a rate of 3% or 7% to the start of FY 2025. This result translates to an annualized increase of $310,917 or $313,556 under a discount rate of 3% or 7%, annualized over FY 2025–2034.

TABLE 11—TONNAGE TAX REVENUE (2024 USD), FY25–FY35, 3% DISCOUNT RATE

	Baseline	Rule	Difference
Present Value	$244,210,613	$246,942,363	$2,731,750

[21] SCE, Inflation Expectations, *https://www.newyorkfed.org/microeconomics/sce#/inflexp-1* (last visited Oct. 9, 2024). FRBNY requires the following attribution and disclaimer to be included with any publication or presentation of the SCE data: 'Source: Survey of Consumer Expectations, © 2013–2024 Federal Reserve Bank of New York (FRBNY). The SCE data are available without charge at *http://www.newyorkfed.org/microeconomics/sce* and may be used subject to license terms posted there. FRBNY disclaims any responsibility or legal liability for this analysis and interpretation of Survey of Consumer Expectations data.'

[22] The SCE Inflation Expectations include the expected inflation rate 1 year, 3 years, and 5 years out. FRBNY, SCE, Inflation Expectations, *https://www.newyorkfed.org/microeconomics/sce#/inflexp-1* (last visited Oct. 9, 2024). We use the 1-year-out expected inflation rate for both the first and second years out from FY 2024, the 3-year-out expected inflation rate for the third and fourth years, and the 5-year-out expected inflation rate as the inflation rate of all remaining years.

TABLE 11—TONNAGE TAX REVENUE (2024 USD), FY25–FY35, 3% DISCOUNT RATE—Continued

	Baseline	Rule	Difference
Annualized Value (FY 2025–2034)	25,624,912	25,911,554	286,642

TABLE 12—TONNAGE TAX REVENUE (2024 USD), FY25–FY35, 7% DISCOUNT RATE

	Baseline	Rule	Difference
Present Value	$206,159,356	$208,515,802	$2,356,446
Annualized Value (FY 2025–2034)	25,694,181	25,987,871	293,690

Government revenue would be higher under the regulatory scenario because on average vessels' entries would be split between more tonnage years. For example, a vessel making recurring entries in the United States from April 2026 to March 2027 would experience one tonnage year under the baseline and two tonnage years under the regulatory scenario. The vessel would therefore have fewer entries per tonnage year in the latter case, putting more of its entries under each tonnage year's cap of five tonnage tax payments at a given rate. Because a baseline tonnage year always begins with an entry, the time span of a baseline tonnage year tends to cover more entries than a fiscal year.

In addition to making the above projections, we also calculated statistics describing how tonnage tax payments would have differed in 2023 between the baseline and regulatory scenarios. Aligning vessels' tonnage years with the fiscal year of CBP in 2023 would have led to an increase in total tonnage tax revenue of $608,573 (in 2023 U.S. dollars). The share of entries subject to a tonnage tax would have increased from 55.7% to 57.4%, leading to 974 more tonnage tax payments. Tonnage tax per vessel would have risen by $49, a 2% increase, and the tax per entry by $11. Total tonnage taxes would have stayed the same for 92% of vessels, while 6% of vessels would have paid more under the regulatory scenario and 2% would have paid less. Among the 6% of vessels that would have seen an increase in total payments, the tax per vessel would have risen by $1,061, a 37% increase, and the tax per entry by $128.

7. Net Impact

The net impact of the rule would be positive, as the time savings to CBP officers would exceed the one-time development costs in MCR. Table 13 displays the quantified cost savings and costs of the rule. The net impact of aligning the tonnage year with the fiscal year of the Federal Government would be negative in FY 2025 due to development costs and then positive every year afterward. The present value of the rule would be $239,109 under a 3% discount rate or $195,555 under a 7% discount rate, discounted to FY 2025. Annualized over a ten-year period starting in base year FY 2025, the positive net impact equals $27,214 per year or $26,021 per year under a discount rate of 3% or 7%. This quantified net impact does not take into account other cost savings of the rule that are more difficult to quantify, such as the savings stemming from the elimination of tonnage year calculation errors or the reduced uncertainty for trade members. The estimated net impact also does not include the increase in tax revenue that would result from the rule, as the tax revenue change represents neither a cost nor cost savings, but a transfer.

TABLE 13—NET IMPACT, FY 2025–2035 (2024 USD)

Fiscal year	Cost savings	Cost	Net impact
2025	$0	$7,484	−$7,484
2026	28,908	0	28,908
2027	28,908	0	28,908
2028	28,908	0	28,908
2029	28,908	0	28,908
2030	28,908	0	28,908
2031	28,908	0	28,908
2032	28,908	0	28,908
2033	28,908	0	28,908
2034	28,908	0	28,908
2035	28,908	0	28,908

8. Alternative Transition Options

In this section, we consider an alternative way to align vessels' tonnage years with the fiscal year of the Federal Government. In the analysis above, the alignment would occur by cutting all vessels' baseline tonnage years short on September 30 of 2025 and beginning the new universal tonnage year on the following day. CBP could instead do a long transition. In this scenario, vessels' baseline tonnage years beginning in FY 2025 would be extended to the end of FY 2026 rather than cut short at the start of FY 2026. Vessels' tonnage years would then be aligned with the fiscal year of the Federal Government in FY 2027. Hence, the cost savings and costs of the rule would be delayed by one year, compared to the quick transition scenario. The development in MCR would need to be done before FY 2027 instead of before FY 2026 as in the quick transition scenario, and CBP officers would not experience any time savings until FY 2027. This delay would lower the positive present value of the net impact of the rule. Table 14 displays the costs, cost savings, and net impact of the rule under the alternative transition option from FY 2025 to FY 2035. Under a discount rate of 3%, the present value of the net impact in this

scenario would be $211,261, which is $27,848 lower than in the quick transition scenario. Under a discounted rate of 7%, the present value of the net impact would be $169,028, which is $26,527 lower than in the quick transition scenario.

TABLE 14—NET IMPACT (LONG TRANSITION), FY 2025–2035 (2024 USD)

Fiscal year	Cost savings	Cost	Net impact
2025	$0	$0	$0
2026	0	7,484	−7,484
2027	28,908	0	28,908
2028	28,908	0	28,908
2029	28,908	0	28,908
2030	28,908	0	28,908
2031	28,908	0	28,908
2032	28,908	0	28,908
2033	28,908	0	28,908
2034	28,908	0	28,908
2035	28,908	0	28,908

As for transfers, the long transition would clearly lead to lower government revenue than in the case of the quick transition, as the long transition year would lead to more of vessels' entries being made past the five-payment cap at a given rate. To project what real government revenue would be in the long transition scenario from FY 2025 to FY 2035, we start by calculating the number and mean net tonnage of taxed entries at each rate in FY 2023 if vessels' baseline tonnage years beginning in FY 2022 had been extended to the end of FY 2023, using the same data and methods described in the Transfers section above. Table 15 shows how these values would have deviated from the baseline results in FY 2023.

TABLE 15—TAXED ENTRIES, LONG TRANSITION YEAR (FY 2023)

	Deviation from FY23 baseline	
	2-Cent entries (%)	6-Cent entries (%)
Mean Net Tonnage	−6.08	−1.63
Number of Taxed Entries	−29.05	−12.74

We then project what the number and mean net tonnage of taxed entries at each rate would be in FY 2026 if the tonnage years beginning in FY 2025 were extended to the end of FY 2026 by applying the percent deviations in Table 15 to our projection of the baseline values in FY 2026. Our projection of the number and mean net tonnage of taxed entries at each rate from FY 2026 to FY 2035 under the long transition alternative is thus composed of our FY 2026 projection of the long transition year values and our FY 2027–2035 projections under the alternative tonnage year calculation method, described in the Transfers section above.

Calculating the annual nominal revenue implied by the projections and converting to real 2024 U.S. dollars, again using the SCE expected inflation rates, we arrive at our FY 2025–2035 projection of real government tonnage tax revenue under the long transition scenario. Once again, our projected revenue for FY 2025 in the long transition scenario would be the same as in the baseline, as the rule would have no effect on vessels' tonnage years until FY 2026. Table 16 and Table 17 compare how the present values and annualized values of government revenue would change after switching from the baseline to the alternative tonnage year calculation method using each transition option under discount rates of 3% and 7%. While a quick transition to the regulatory scenario would raise the present value of government revenue by $2,731,750 (under a discount rate of 3%), a delayed transition would instead lower it by $2,560,531. Under a discount rate of 7%, a quick transition would raise the present value of government revenue by $2,356,447, while a delayed transition would lower it by $2,737,992. The annualized value of tonnage tax revenue over FY 2025–2034 would be $602,346 lower under a delayed transition than under a quick transition to the new tonnage year calculation method under a discount rate of 3%, or $677,882 lower under a discount rate of 7%. This difference in tonnage tax revenue does not factor into the net impact of the transition method. As the loss or gain to some trade members would be exactly offset by the gain or loss to the U.S. Government, the change in tax revenue represents a transfer within society rather than an aggregate cost or cost savings to society.

TABLE 16—TONNAGE TAX REVENUE (2024 USD), TRANSITION OPTIONS, FY25–FY35, 3% DISCOUNT RATE

	Change from baseline to alternative	
	Quick transition	Long transition
Marginal Present Value	$2,731,750	−$2,560,531
Marginal Annualized Value (FY 2025–2034)	310,917	−291,429

TABLE 17—TONNAGE TAX REVENUE (2024 USD), TRANSITION OPTIONS, FY25–FY35, 7% DISCOUNT RATE

	Change from baseline to alternative	
	Quick transition	Long transition
Marginal Present Value	$2,356,447	−$2,737,992
Marginal Annualized Value (FY 2025–2034)	313,556	−364,326

C. Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act (RFA) (5 U.S.C. 603(b)), as amended by the Small Business Regulatory Enforcement and Fairness Act of 1996 (SBREFA), requires an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of a proposed rule on small entities (*i.e.,* small businesses, small organizations, and small governmental jurisdictions) when the agency is required ''to publish a general notice of proposed rulemaking for any proposed rule.'' Because this rule is being issued as an interim rule, on the grounds set forth above, a regulatory flexibility analysis is not required under the RFA.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995, enacted as Public Law 104–4 on March 22, 1995, requires each Federal agency, to the extent permitted by law, to prepare a written assessment of the effects of any Federal mandate in a proposed or final agency rule that may result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. *See* 2 U.S.C. 1532(a). This rule will not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

E. Paperwork Reduction Act

The Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3507(d)) requires that CBP consider the impact of paperwork and other information collection burdens imposed on the public. An agency may not conduct, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number assigned by the Office of Management and Budget. The recordkeeping requirements for CBP Forms 1002 and 368 are covered by OMB control number 1651–0076. As a result of this rule, the recordkeeping requirement for CBP Form 1002 is removed as the form will no longer be required. As this form makes up such a small portion of the overall recordkeeping requirement, CBP does not estimate any change in the overall burden associated with this collection.

F. Privacy

CBP will ensure that all Privacy Act requirements and policies are adhered to in the implementation of this rule and will issue or update any necessary Privacy Impact Assessment and/or Privacy Act System of Records notice to fully outline processes that will ensure compliance with Privacy Act protections.

V. Signing Authority

In accordance with Treasury Order 100–20, the Secretary of the Treasury delegated to the Secretary of Homeland Security the authority related to the customs revenue functions vested in the Secretary of the Treasury as set forth in 6 U.S.C. 212 and 215, subject to certain exceptions. This regulation is being issued in accordance with DHS Directive 07010.3, Revision 3.2, which delegates to the Commissioner of CBP the authority to prescribe and approve/sign regulations related to customs revenue functions.

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

List of Subjects in 19 CFR Part 4

Exports, Freight, Harbors, Maritime carriers, Oil pollution, Reporting and recordkeeping requirements, Vessels.

For the reasons stated in the preamble, CBP amends 19 CFR part 4 as follows:

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

■ 1. The general authority citation for part 4 and the specific authority citation for § 4.20 continue to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1415, 1431, 1433, 1434, 1624, 2071 note; 46 U.S.C. 501, 60105.

* * * * *

Section 4.20 also issued under 46 U.S.C. 2107(b), 8103, 14306, 14502, 14511–14513, 14701, 14702, 60301–60306, 60312;

* * * * *

■ 2. Amend § 4.20 by revising paragraphs (a)(1) through (4), (b), and (f)(2) to read as follows:

§ 4.20 Tonnage Taxes.

(a) * * *

(1) *Arriving in ballast.* Vessels arriving to the United States in ballast from either a 2-cent port, 6-cent port, or both, will be subject to the tonnage rate applicable to the last port of call.

(2) *Arriving with cargo, passengers, or both from a port, or ports, of the same rate*—(i) Vessels arriving to the United States with cargo, passengers, or any combination thereof taken onboard only at a 2-cent port or ports will be subject to the 2-cent rate.

(ii) Vessels arriving to the United States with cargo, passengers, or any combination thereof taken onboard only at a 6-cent port or ports will be subject to the 6-cent rate.

(3) *Arriving from ports subject to various rates*—(i) If any of the cargo or passengers on board the vessel were taken on board at a 6-cent port, then the vessel will be subject to the 6-cent rate, except for in the situation specified in paragraph (a)(3)(iii) of this section.

(ii) Vessels which transport cargo, passengers, or any combination thereof taken on board at a 6-cent port or ports and which discharge all cargo and passengers in a 2-cent port or ports prior to arriving in the United States will be subject to the 2-cent rate, regardless of whether the vessel is in ballast or took on cargo or passengers at the 2-cent port, as long as there is no cargo or passengers still onboard from a 6-cent port.

(iii) Vessels which arrive to the United States with cargo, passengers, or any combination thereof from a 6-cent port will be subject to the 6-cent rate. If the vessel then proceeds to a foreign 2-cent port to discharge or take on cargo, passengers, or any combination thereof

and returns to the United States, the vessel will be subject to the 2-cent rate.

(4) *Yearly maximum met.* A vessel subject to the 6-cent rate will not be assessed at the 2-cent rate, even if the yearly maximum (specified in paragraph (b) of this section) has been met at the 6-cent rate. A vessel subject to the 2-cent rate will not be assessed at the 6-cent rate, even if the yearly maximum (specified in paragraph (b) of this section) has been met at the 2-cent rate.

(b) The tonnage year is equal to the fiscal year beginning on October 1 of each year and ending on September 30 of the following year, without regard to the rate of the payment made at each entry. Each vessel may be charged no more than five payments at the 6-cent rate and no more than five payments at the 2-cent rate within a tonnage year.

* * * * *

(f) * * *

(2) An appendix is attached to the marine document showing a net tonnage ascertained under the so-called ''British rules'' or the rules of any foreign country which have been accepted as substantially in accord with the rules of the United States, in which case the tonnage so shown may be accepted and the date the appendix was issued shall be noted on the Vessel Entrance or Clearance Statement, CBP Form 1300. For the purpose of computing tonnage tax on a vessel with a tonnage mark and dual tonnages, the higher of the net tonnages stated in the vessel's marine document or tonnage certificate shall be used unless the CBP officer concerned is satisfied by report of the boarding officer, statement or certificate of the master, or otherwise that the tonnage mark was not submerged at the time of arrival. Whether the vessel has a tonnage mark, and if so, whether the mark was submerged on arrival, shall be noted on CBP Form 1300 by the boarding officer.

* * * * *

■ 3. Revise § 4.23 to read as follows:

§ 4.23 Receipt of Payment.

Upon payment of regular tonnage tax, special tonnage tax, or light money, the master of the vessel shall be issued a receipt. This receipt shall constitute the official evidence of such payment and shall be presented upon each entry during the tonnage year to ensure against overpayment. In the absence of a receipt, evidence of payment may be obtained from the port director to whom the payment was made.

Robert F. Altneu

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

[FR Doc. 2025–17826 Filed 9–15–25; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF STATE

22 CFR Parts 22 and 42

[Public Notice: 12819]

RIN 1400–AG09

Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates—Visa Services Fee Changes

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State (''Department'') proposes an adjustment to the Schedule of Fees for Consular Services of the Department of State's Bureau of Consular Affairs (''Schedule of Fees'' or ''Schedule'') to establish a $1 fee to register for the Diversity Visa lottery program. This change will more fairly place the burden of the lottery registration on individuals seeking the benefit of gaining access to the DV application process instead of charging only the small percentage of successful registrants for the costs associated with administering the lottery program for all registrants. To effect this change to the DV program, the Department is also amending its regulations to note that an electronic registration fee will be collected at the time of registration.

DATES: This final rule is effective September 16, 2025.

ADDRESSES: Please visit *http://regulations.gov* and search for docket number DOS–2025–0302.

FOR FURTHER INFORMATION CONTACT: Steve Jacob, Office of the Comptroller, Bureau of Consular Affairs, Department of State; phone: 771–204–4677; email: *Fees@state.gov.*

SUPPLEMENTARY INFORMATION:

Background

This rule makes a change to Item 33 of the Schedule of Fees by adding a $1 fee to register for the DV lottery in addition to the $330 Diversity Visa Application fee. The cost of managing the DV lottery historically has been included in the Diversity Visa Application fee as authorized by law. *See* 8 U.S.C. 1153 (note) (noting that the Diversity Visa Application fee ''may be set at a level that will ensure recovery of the cost to the Department of State of allocating visas under such section, including the cost of processing all applications thereunder''). By creating a new fee for the lottery registration, the Department will more fairly put the cost of managing the lottery on those who register for it. This change will also help to reduce specious registrations by actors seeking to exploit unsuspecting potential entrants.

To effect this change to the DV program, the Department is also amending 22 CFR 42.33(b)(3) by deleting the following sentence: ''No fee will be collected at the time of submission of a petition, but a processing fee may be collected at a later date, as provided in paragraph (i) of this section.'' In addition, the Department is amending 22 CFR 42.33(i) to note that a registration fee will be collected through an authorized U.S. Government payment portal at the time of registration, prior to submission and completion of the registration.

What is the authority for this action?

Sec. 636 of Public Law 104–208, div. C, Title VI, 110 Stat. 3009–703, reproduced at 8 U.S.C. 1153 (note), authorizes the Secretary of State to collect and retain a ''Diversity Immigrant Lottery Fee.'' Under this fee authority, the Secretary of State may establish and retain a fee to recover the costs of ''allocating visas'' described in 8 U.S.C. 1153, *i.e.,* running the DV lottery pursuant to 8 U.S.C. 1154(a)(1)(I), and to recover the costs of ''processing applications'' for diversity immigrant visas submitted by selectees of the lottery. Per the authority, the Department is permitted but not required to build the costs of running the lottery into the DV application fee. The DV application fee was last adjusted in 2012, when it was lowered from $440 to $330.

In addition to the specific DV application fee authority, the Department derives the general authority to establish cost-based consular fees from the general user charges statute, 31 U.S.C. 9701. *See, e.g.,* 31 U.S.C. 9701(b)(2)(A) (''The head of each agency . . . may prescribe regulations establishing the charge for a service or thing of value provided by the agency . . . based on . . . the costs to the government.''). The President also has the power to set the amount of fees to be charged for consular services provided at U.S. embassies and consulates abroad pursuant to 22 U.S.C. 4219, and has delegated this authority to the Secretary of State, E.O. 10718 (June

27, 1957). The Department is relying on these authorities to establish this fee to register for the DV lottery, and is shifting the costs of running the lottery from the DV application fee to the $1 lottery registration fee.

In the absence of a specific statutory fee retention authority, fees collected for consular services must be deposited into the general fund of the Treasury pursuant to 31 U.S.C. 3302(b).

Why is the Department adjusting fees at this time?

The Department is creating a $1 fee to register for the DV lottery program. This $1 fee reflects the operational costs of running the annual DV lottery. These include the annual review and update of the systems required to collect the lottery form submissions, data storage, automated randomized selection of lottery winners, and associated security reviews. The Diversity Visa application fee will continue to cover all other costs associated with administering the Diversity Visa program. The costs associated with the lottery that are currently included in the DV application fee would be removed from that fee, but the overall cost per accepted applicant is low enough that the DV fee would not be immediately reduced. The Department reviews consular fees periodically, including through an annual update to its Cost of Service Model, to determine appropriateness of each fee consistent with OMB guidance. The Department will review the DV fee in its next model update and adjust the DV application fee if and as needed at that time.

Separating the DV lottery process from the DV application process more fairly places the cost burden of the lottery registration on individuals who seek the benefit of gaining access to the DV lottery instead of charging the small percentage of successful registrants for the increased costs associated with administering the program for all registrants. With certain exceptions—such as the reciprocal nonimmigrant visa issuance fee—the Department generally sets consular fees at an amount calculated to achieve recovery of the costs to the U.S. government of providing the consular service, in a manner consistent with general user charges principles, regardless of the specific statutory authority under which the fees are authorized. As set forth in OMB Circular A–25, as a general policy, each recipient should pay a reasonable user charge for government services, resources, or goods from which he or she derives a special benefit, at an amount sufficient for the U.S. government to recover the full costs to it of providing the service, resource, or good. *See* OMB Circular No. A–25, sec. 6(a)(2)(a). The OMB guidance covers all Federal Executive Branch activities that convey special benefits to recipients beyond those that accrue to the general public. See id., sections 4(a), 6(a)(1).

When will the Department of State implement this rule?

The Department intends to implement this rule 30 days after date of publication.

Regulatory Findings

Administrative Procedure Act

The Department asserts the ''foreign affairs function'' exemption to the Administrative Procedure Act (APA) (5 U.S.C. 553(a)(1)). This is consistent with the Attorney General's opinion [1] that was issued concurrent with the passage of the APA that

> It is equally clear that the exemption is not limited to strictly diplomatic functions, because the phrase ''diplomatic function'' was employed in the January 6, 1945 draft of S. 7 (Senate Comparative Print of June 1945, p. 6; Sen. Doc. p. 157) and was discarded in favor of the broader and more generic phrase ''foreign affairs function''. *In the light of this legislative history, it would seem clear that the exception must be construed as applicable to most functions of the State Department and to the foreign affairs functions of any other agency.* (emphasis added)

The subject matter of this final rule involves the collection of visa fees through the Diversity Visa program. The administration of this program is a foreign affairs function of the United States.

By requiring the $1 fee for all aliens who register for the Diversity Visa program, the Department is shifting the burden of the registration and random selection process to the group that seeks the benefit of gaining access to the program, instead of only charging the small percentage of successful registrants, who will still be responsible for the costs associated with administering the remainder of the program. This is a fairer way to administer the DV visa program. Visas are issued by the Department of State to foreign citizens in foreign countries. Accordingly, this rule is properly viewed as one that ''clearly and directly involve[s] activities or actions characteristic to the conduct of international relations.'' *Capital Area Immigrants' Rights Coal.* v. *Trump,* 471 F. Supp. 3d 25, 53 (D.D.C. 2020); *E.B.* v. *U.S. Dep't of State,* 583 F. Supp. 3d 58, 64 (D.D.C. 2022). The D.C. Circuit likely would apply this test as well, as that court has adopted a direct-involvement test for the analogous benefits exception contained in the same subsection of the APA. Crafting visa policy for the United States is inherently a foreign affairs function under any test.

In addition, although the text of the Administrative Procedure Act does not require an agency invoking this exemption to show that such procedures may result in ''definitely undesirable international consequences,'' some courts have required such a showing. *E.g., Yassini* v. *Crosland,* 618 F.2d 1356, 1360 n.4 (9th Cir. 1980). As noted above, the collection of this fee is intended in part to help to reduce specious registrations by actors seeking to exploit unsuspecting potential entrants. Because the publication of this rule for notice and comment would provide opportunity for such actors to modify their methods prior to the first DV registration in which the fee will be implemented, such publication would more than likely result in such undesirable international consequences. Accordingly, the promulgation of a fee to be collected at the time of registration for the DV program involves an inherently foreign affairs function of the Department of State.

In addition, consistent with his statutory authority,[2] the Secretary of State has determined that all policy related to visa operations and issuance, among other matters, constitutes a foreign affairs function of the United States under the Administrative Procedure Act (5 U.S.C. 553).[3]

Regulatory Flexibility Act

This rule would not regulate ''small entities'' as that term is defined in 5 U.S.C. 601(6) and as such would not have a significant economic impact on a substantial number of small entities. The Department affirms that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined in 5 U.S.C. 601(6).

Unfunded Mandates Act of 1995

This rule will not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the

[1] Attorney General's Manual on the Administrative Procedure Act. (1947). United States: U.S. Department of Justice, pp. 26–27.

[2] 22 U.S.C. 2656.

[3] *See* Determination: Foreign Affairs Function of the United States, 90 FR 12200 (Mar. 14, 2025).

Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1501–1504.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by 5 U.S.C. 804(2).

Executive Order 12866 (Regulatory Planning and Review) and Executive Order 13563 (Improving Regulation and Regulatory Review)

The Department has reviewed this rule to ensure its consistency with the regulatory philosophy and principles set forth in the Executive Orders. OMB has determined that this rule is not significant under Executive Order 12866.

The Department is establishing this fee in accordance with 31 U.S.C. 9701 and OMB Circular A–25, as described in more detail above. *See, e.g.,* 31 U.S.C. 9701(b)(2)(A) (''The head of each agency . . . may prescribe regulations establishing the charge for a service or thing of value provided by the agency . . . based on . . . the costs to the Government.'').

Details of the proposed fee change are as follows:

Item No.	Proposed fee	Current fee	Change in fee	Percentage increase	Estimated annual number of applications [1]	Estimated change in annual fees collected [1]
Schedule of Fees for Consular Services						
* *	*	*	*	*	*	*
Visa Services						
33. Diversity Visa application fee:						
(a) Registration Fee	$1	$0	$1		25,000,000	$25,000,000
(b) Application Fee	330	330	0		62,000	0
Total						25,000,000
* *	*	*	*	*	*	*

[1] Based on projected FY 2025 workload.

The Department of State anticipates that demand for the DV lottery may decrease in part due to these fee changes.

Executive Orders 12372 and 13132

This regulation will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on federal programs and activities do not apply to this regulation.

Executive Order 13175

The Department has determined that this rulemaking will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not preempt tribal law. Accordingly, the requirements of Executive Order 13175 do not apply to this rulemaking.

Paperwork Reduction Act

This rule does not impose any new reporting or record-keeping requirements subject to the Paperwork Reduction Act 44 U.S.C. Chapter 35.

Executive Order 14192—Unleashing Prosperity Through Deregulation

This rule is not an Executive Order 14192 regulatory action because it is being issued with respect to an immigration-related function of the United States. The rule's primary direct purpose is to implement or interpret the immigration laws of the United States (as described in INA sec. 101(a)(17), 8 U.S.C. 1101(a)(17)) or any other function performed by the U.S. Federal Government with respect to aliens.

List of Subjects

22 CFR Part 22

Fees; Foreign service: Immigration; Passports and visas.

22 CFR Part 42

Administrative practice and procedure; Aliens; Fees; Foreign officials; Immigration; Passports and visas.

Accordingly, for the reasons stated in the preamble, the State Department amends 22 CFR parts 22 42 as follows:

PART 22—SCHEDULE OF FEES FOR CONSULAR SERVICES—DEPARTMENT OF STATE AND FOREIGN SERVICE

■ 1. The authority citation for part 22 is revised to read as follows:

Authority: 8 U.S.C. 1101 note, 1153 note, 1183a note, 1351, 1351 note, 1713, 1714, 1714 note; 10 U.S.C. 2602(c); 11 U.S.C. 1157 note; 22 U.S.C. 214, 214 note, 1475e, 2504(a), 2651a, 4201,4206, 4215, 4219, 6551; 31 U.S.C. 9701; Exec. Order 10,718, 22 FR 4632 (1957); Exec. Order 11,295, 31 FR 10603 (1966).

■ 2. In § 22.1 amend the table ''Schedule of Fees for Consular Services'' by revising entry 33 to read as follows:

§ 22.1 Schedule of Fees

* * * * *

SCHEDULE OF FEES FOR CONSULAR SERVICES

Item No.	Fee
* * * * *	
Immigrant and Special Visa Services	
* * * * *	
33. Diversity Visa Lottery:	
(a) Registration Fee	$1
(b) Application Fee	330
* * * * *	

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

■ 3. Amend § 42.33 by revising paragraphs (b)(3) and (i) to read as follows:

§ 42.33 Diversity immigrants.

* * * * *

(b) * * *

(3) *Submission of petition.* A petition for consideration for visa issuance under INA 203(c) must be submitted to the Department of State by electronic entry to an internet website designated by the Department for that purpose. The Department will establish a period of not less than thirty days during each fiscal year within which aliens may submit petitions for approval of eligibility to apply for visa issuance during the following fiscal year. Each fiscal year the Department will give timely notice of both the website address and the exact dates of the petition submission period, as well as other pertinent information, through publication in the **Federal Register** and such other methods as will ensure the widest possible dissemination of the information, both abroad and within the United States.

* * * * *

(i) *Diversity Visa Lottery fee.* (1) An electronic registration fee will be collected at the time of registration.

(2) Consular officers shall collect, or ensure the collection of, the Diversity Visa Lottery fee from those persons who apply for a diversity immigrant visa, described in INA 203(c), after being selected by the diversity visa lottery program. The Diversity Visa Lottery fee, as prescribed by the Secretary of State, is set forth in the Schedule of Fees, 22 CFR 22.1.

John L. Armstrong,

Senior Bureau Official, Bureau of Consular Affairs, U.S. Department of State.

[FR Doc. 2025–17851 Filed 9–15–25; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 10033]

RIN 1545–BR11

Catch-Up Contributions

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document sets forth final regulations that provide guidance for retirement plans that permit participants who have attained age 50 to make additional elective deferrals that are catch-up contributions. The regulations reflect statutory changes made by the SECURE 2.0 Act of 2022, including the requirement that catch-up contributions made by certain catch-up eligible participants must be designated Roth contributions. The regulations affect participants in, beneficiaries of, employers maintaining, and administrators of certain retirement plans.

DATES:

Effective date: These regulations are effective on November 17, 2025.

Applicability date: These regulations generally apply with respect to contributions in taxable years beginning after December 31, 2026. However, see §§ 1.401(k)–1(f)(5)(iii), 1.414(v)–1(i)(2), and 1.414(v)–2(e)(2) and the Applicability Dates section later in this preamble for additional details regarding applicability dates.

FOR FURTHER INFORMATION CONTACT: Jessica S. Weinberger at (202) 317–6349 (not a toll-free number) or Christina M. Cerasale at (202) 317–4102 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Authority

This document sets forth amendments to the Income Tax Regulations (26 CFR part 1) under sections 401(k), 403(b), and 414(v) of the Internal Revenue Code (Code) relating to catch-up contributions. These final regulations are issued by the Secretary of the Treasury or the Secretary's delegate (Secretary) under the express delegations of authority in sections 401(m)(9), 414(v)(7)(D), and 7805(a) of the Code.

Section 401(m)(9) provides, in part, that ''[t]he Secretary shall prescribe such regulations as may be necessary to carry out the purposes of [section 401(m) and (k)].'' Section 414(v)(7)(D) provides a specific delegation of authority with respect to the requirements of section 414(v)(7)(A), stating, ''[t]he Secretary may provide by regulations that an eligible participant may elect to change the participant's election to make additional elective deferrals if the participant's compensation is determined to exceed the limitation under [section 414(v)(7)(A)] after the election is made.'' Section 7805(a) provides that ''the Secretary shall prescribe all needful rules and regulations for the enforcement of [the Code], including all rules and regulations as may be necessary by reason of any alteration of law in relation to internal revenue.''

Background

This document sets forth amendments to the Income Tax Regulations under section 414(v) of the Code. Section 414(v) permits a retirement plan to allow catch-up eligible participants to make additional elective deferrals that are catch-up contributions and sets forth requirements relating to those contributions.[1] These final regulations amend the regulations under section 414(v) to reflect changes to the catch-up contribution requirements for certain catch-up eligible participants pursuant to sections 109, 117, and 603 of Division T of the Consolidated Appropriations Act, 2023, Public Law 117–328, 136 Stat. 4459 (2022), known as the SECURE 2.0 Act of 2022 (SECURE 2.0 Act).

This document also sets forth conforming amendments to the regulations under sections 401(k) and 403(b) of the Code that reflect section 603 of the SECURE 2.0 Act.

I. General Statutory and Regulatory Framework

Section 414(v)(1) of the Code provides that an applicable employer plan will not be treated as failing to meet any requirement of the Code solely because it permits an eligible participant to make additional elective deferrals (as

[1] Existing § 1.414(v)–1(g)(3) provides that an employee is a ''catch-up eligible participant'' for a taxable year if the employee is eligible to make elective deferrals under an applicable employer plan (without regard to section 414(v) or § 1.414(v)–1) and the employee's fiftieth or higher birthday would occur before the end of the employee's taxable year.

defined in section 414(v)(6)(B)) in any plan year. ''Applicable employer plan'' is defined in section 414(v)(6)(A) to mean a qualified plan under section 401(a) (qualified plan), a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b) (section 403(b) plan), an eligible deferred compensation plan under section 457 of an eligible employer described in section 457(e)(1)(A) (eligible governmental 457(b) plan),[2] an arrangement meeting the requirements of section 408(k) (SEP arrangement), and an arrangement meeting the requirements of section 408(p) (SIMPLE IRA plan). Under section 414(v)(5), an eligible participant is a participant who is generally eligible to make elective deferrals under an applicable employer plan, who would attain age 50 by the end of the taxable year, and with respect to whom no further elective deferrals may (without regard to section 414(v)) be made to the plan for the plan year (or other applicable year) by reason of a limitation or restriction listed in section 414(v)(3) or a comparable limitation or restriction included in the terms of the plan.

Under section 414(v)(2)(A), the amount of additional elective deferrals that a plan may permit a participant to make pursuant to section 414(v)(1) for a taxable year is limited to the lesser of: (1) the applicable dollar amount under section 414(v)(2)(B) (referred to as the applicable dollar catch-up limit), and (2) the excess (if any) of the participant's compensation (as defined in section 415(c)(3)) for the year over any other elective deferrals of the participant for such year that are made without regard to section 414(v). Section 414(v)(2)(B)(i) provides the applicable dollar catch-up limit for an applicable employer plan other than a plan described in section 401(k)(11) (SIMPLE 401(k) plan) or a SIMPLE IRA plan. Section 414(v)(2)(B)(ii) provides the applicable dollar catch-up limit for a SIMPLE 401(k) plan or a SIMPLE IRA plan (collectively referred to as SIMPLE plans). Section 414(v)(2)(C) provides that the applicable dollar catch-up limits under section 414(v)(2)(B)(i) and (ii) are subject to annual adjustment based on changes in the cost of living. Section 414(v)(2)(D) provides that, for purposes of section 414(v)(2), all applicable employer plans, other than eligible governmental 457(b) plans, that are maintained by the same employer (as determined under section 414(b), (c), (m), or (o)) are treated as a single plan, and all eligible governmental 457(b) plans that are maintained by the same employer are treated as a single plan.

Under section 414(v)(3)(A)(i), a catch-up contribution is not, with respect to the year in which the contribution is made, subject to certain otherwise applicable limitations, including those contained in section 401(a)(30) (limiting a participant's elective deferrals during a calendar year to the amount permitted under section 402(g)), section 403(b) (including the requirement under section 403(b)(1)(E) that a contract purchased under a salary reduction agreement must meet the requirements of section 401(a)(30)), and section 457(b)(2) applied without regard to any increase under section 457(b)(3) (limiting a participant's elective deferrals for a taxable year to the applicable dollar amount in section 457(e)(15), or if less, 100 percent of the participant's includible compensation). Under section 414(v)(3)(B), in the case of any catch-up contribution to a plan, except as provided in section 414(v)(4), the plan shall not be treated as failing to meet the requirements of sections 401(a)(4), 401(k)(3), 401(k)(11), 403(b)(12), 408(k), 410(b), or 416 by reason of the making of (or the right to make) the catch-up contribution.

Section 414(v)(4) provides that an applicable employer plan is treated as failing to meet the nondiscrimination requirements under section 401(a)(4) with respect to benefits, rights, and features unless the plan allows all catch-up eligible participants to make the same election with respect to catch-up contributions. For purposes of section 414(v)(4), all plans maintained by employers that are treated as a single employer under section 414(b), (c), (m), or (o) are treated as one plan (with the exception of a plan described in section 410(b)(6)(C)(i) for the duration of the transition period described in section 410(b)(6)(C)(ii) with respect to that plan).

Section 414(v) was added to the Code by section 631 of the Economic Growth and Tax Relief Reconciliation Act of 2001, Public Law 107–16, 115 Stat. 38. The Department of the Treasury (Treasury Department) and the IRS issued comprehensive regulations under section 414(v) in 2003 (TD 9072, 68 FR 40510). Subsequently, provisions relating to catch-up contributions under section 414(v) were incorporated into regulations under sections 401(k), 403(b), and 457(b).

II. SECURE 2.0 Act Changes to Section 414(v)

A. Section 109 of the SECURE 2.0 Act

For taxable years beginning after December 31, 2024, section 109 of the SECURE 2.0 Act amends section 414(v)(2) of the Code to increase the applicable dollar catch-up limit under section 414(v)(2)(B)(i) and (ii) in the case of a catch-up eligible participant who attains age 60, 61, 62, or 63 during the taxable year. For such a participant in an applicable employer plan other than a SIMPLE plan, the increased applicable dollar catch-up limit is 150 percent of the otherwise applicable dollar catch-up limit under section 414(v)(2)(B)(i) in effect for 2024.[3] For such a participant in a SIMPLE plan, the increased applicable dollar catch-up limit is 150 percent of the otherwise applicable dollar catch-up limit under section 414(v)(2)(B)(ii) in effect for 2025.[4] In either case, for a year beginning after December 31, 2025, the increased applicable dollar catch-up limit is subject to adjustment to reflect changes in the cost of living, in accordance with the last sentence of section 414(v)(2)(C).

B. Section 117 of the SECURE 2.0 Act

A SIMPLE plan is an alternative plan design under which employees of an eligible employer as defined in section 408(p)(2)(C)(i) (that is, generally, an employer that had no more than 100 employees who received at least $5,000 of compensation from the employer for the preceding calendar year) are permitted to elect to have salary reduction contributions (or elective contributions, in the case of a SIMPLE 401(k) plan) made on their behalf.[5]

[2] Section 414(v)(6)(C) provides that section 414(v) does not apply to a participant in an eligible governmental 457(b) plan for any year for which a higher limitation applies to the participant under section 457(b)(3).

[3] Under section 414(v)(2)(E)(i), the adjusted annual limit on catch-up contributions that applies to an employee participating in an applicable employer plan other than a SIMPLE plan in a year in which the employee attains age 60, 61, 62, or 63 is described as the greater of $10,000 or an amount equal to 150 percent of the otherwise applicable dollar catch-up limit under section 414(v)(2)(B)(i) in effect for 2024. However, the amount equal to 150 percent of the otherwise applicable dollar catch-up limit for 2025 ($11,250) is greater than $10,000, and this amount will continue to be greater than $10,000 in future years.

[4] Under section 414(v)(2)(E)(ii), the adjusted annual limit on catch-up contributions that applies to an employee participating in an applicable employer plan that is a SIMPLE plan in a year in which the employee attains age 60, 61, 62, or 63 is described as the greater of $5,000 or an amount equal to 150 percent of the otherwise applicable dollar catch-up limit under section 414(v)(2)(B)(ii) in effect for 2025. However, the amount equal to 150 percent of the otherwise applicable dollar catch-up limit for 2025 ($5,250) is greater than $5,000, and this amount will continue to be greater than $5,000 in future years.

[5] The annual limit on salary reduction contributions or elective contributions is lower for

Among other things, section 117 of the SECURE 2.0 Act amends section 414(v)(2) of the Code to increase the applicable dollar catch-up limit under section 414(v)(2)(B)(ii) for SIMPLE plans sponsored by certain eligible employers who are described in section 408(p)(2)(E)(iv).[6] The increased applicable dollar catch-up limit is available automatically to a SIMPLE plan sponsored by an eligible employer described in section 408(p)(2)(E)(iv) that had no more than 25 employees who received at least $5,000 of compensation from the employer for the preceding calendar year. Other eligible employers described in section 408(p)(2)(E)(iv) may make an election for the increased applicable dollar catch-up limit to apply and, if the election is made, the employer must make additional matching or nonelective contributions.

The increased applicable dollar catch-up limit, which applies to taxable years beginning after December 31, 2023, is 110 percent of the otherwise applicable dollar catch-up limit under section 414(v)(2)(B)(ii) for calendar year 2024. For a year beginning after December 31, 2024, the increased applicable dollar catch-up limit is subject to adjustment to reflect changes in the cost of living, in accordance with section 414(v)(2)(C)(ii).

C. Section 603 of the SECURE 2.0 Act

Section 603(a) of the SECURE 2.0 Act amends section 414(v) of the Code to add section 414(v)(7). Section 414(v)(7)(A) sets forth the requirement that catch-up contributions made by certain catch-up eligible participants must be designated Roth contributions (the Roth catch-up requirement). Specifically, under section 414(v)(7)(A), in the case of a catch-up eligible participant whose wages as defined in section 3121(a) (that is, wages for purposes of the Federal Insurance Contributions Act (FICA), codified at subtitle C, chapter 21 of the Code, or FICA wages) for the preceding calendar year from the employer sponsoring the plan exceeded $145,000, section 414(v)(1) applies only if any catch-up contributions made by the participant are designated Roth contributions (as defined in section 402A(c)(1)).

Section 414(v)(7)(B) provides that, in the case of an applicable employer plan with respect to which section 414(v)(7)(A) applies to any participant for a plan year, section 414(v)(1) does not apply to the plan unless the plan provides that any catch-up eligible participant may make catch-up contributions as designated Roth contributions. Section 414(v)(7)(C) provides that section 414(v)(7)(A) does not apply to SEP arrangements or SIMPLE IRA plans. Under section 414(v)(7)(D), the Secretary may issue regulations providing that a catch-up eligible participant may elect to change the participant's election to make catch-up contributions if the participant's compensation is determined to exceed the wage limitation under section 414(v)(7)(A) after the election is made. Under section 414(v)(7)(E), for taxable years beginning after December 31, 2024, the wage limitation is adjusted for changes in the cost of living (the wage limitation, as adjusted, is referred to as the Roth catch-up wage threshold).[7]

Section 603(b) of the SECURE 2.0 Act includes conforming amendments with respect to section 603(a). Section 603(b)(1) of the SECURE 2.0 Act strikes section 402(g)(1)(C) of the Code. Prior to its elimination, section 402(g)(1)(C) provided that a catch-up eligible participant's gross income did not include elective deferrals in excess of the applicable dollar amount under section 402(g)(1)(B) to the extent that the amount of those elective deferrals did not exceed the applicable dollar catch-up limit under section 414(v)(2)(B)(i) for the taxable year (without regard to the treatment of the elective deferrals by an applicable employer plan under section 414(v)).

Section 603(b)(2) of the SECURE 2.0 Act amends section 457(e)(18)(A)(ii) of the Code and, pursuant to this amendment, if a catch-up eligible participant's limit under section 457(e)(18) is greater than the limit under section 457(b)(3) (determined without regard to section 457(e)(18)), then a portion of the catch-up contributions made to the eligible governmental 457(b) plan by the participant is required to be designated Roth contributions. The portion of the catch-up contributions that is subject to this Roth requirement is the amount by which the sum of the limits under sections 457(b)(2) and 414(v)(2)(B)(i) exceeds the maximum permitted contribution set forth in section 457(b)(3) (determined without regard to section 457(e)(18)).

Under section 603(c) of the SECURE 2.0 Act, the amendments made by section 603 of the SECURE 2.0 Act apply to taxable years beginning after December 31, 2023.

III. Notice 2023–62

In August 2023, the Treasury Department and the IRS issued Notice 2023–62, 2023–37 IRB 817. Notice 2023–62 clarifies that, despite the elimination of section 402(g)(1)(C) of the Code under section 603(b)(1) of the SECURE 2.0 Act, applicable employer plans may, for taxable years beginning after December 31, 2023, continue to permit catch-up eligible participants to make elective deferrals that exceed the applicable dollar amount under section 402(g)(1)(B) of the Code (or deferrals that exceed the applicable dollar amount under section 457(e)(15)) if those contributions in excess of the applicable dollar amount satisfy the requirements for catch-up contributions under section 414(v). In addition, pursuant to Notice 2023–62, the first two taxable years beginning after December 31, 2023, are regarded as an administrative transition period with respect to the Roth catch-up requirement. During the administrative transition period, catch-up contributions made by a participant who is subject to the Roth catch-up requirement will be treated as satisfying the requirements of section 414(v)(7)(A), even if the contributions are not designated Roth contributions.

Notice 2023–62 also summarizes anticipated guidance from the Treasury Department and the IRS with respect to the implementation of section 603 of the SECURE 2.0 Act as follows: (1) the Roth catch-up requirement would not apply in the case of a catch-up eligible participant who did not have FICA wages for the preceding calendar year from the employer sponsoring the plan; (2) in the case of a catch-up eligible participant who is subject to the Roth catch-up requirement, a plan administrator and an employer would be permitted to treat an election by the participant to make catch-up contributions on a pre-tax basis as an election by the participant to make catch-up contributions that are designated Roth contributions; and (3) a catch-up eligible participant's FICA wages for the preceding calendar year

SIMPLE plans than for other types of plans. In addition, SIMPLE plans are not subject to nondiscrimination testing, and the employer must make certain contributions.

[6] An eligible employer is described in section 408(p)(2)(E)(iv) if, during the three-taxable-year period preceding the first year that the employer maintained the SIMPLE plan, the employer (including any member of the employer's controlled group or any predecessor of the employer or member of its controlled group) has not established or maintained a qualified plan, a section 403(a) annuity plan, or a section 403(b) plan under which contributions were made or benefits were accrued for substantially the same employees as the employees eligible to participate in the SIMPLE plan. *See* Q&A E–1 in Notice 2024–2, 2024–2 IRB 316.

[7] The adjustments are to be made in the same manner as adjustments under section 415(d)(1)(A) (including that any increase which is not a multiple of $5,000 is rounded to the next lower multiple of $5,000), except that the base period is the calendar quarter beginning July 1, 2023.

from one participating employer in an applicable employer plan that is maintained by more than one employer (including a multiemployer plan) would not be aggregated with the participant's FICA wages for the preceding calendar year from another participating employer in the plan for purposes of determining whether the participant's FICA wages for that year exceeded the Roth catch-up wage threshold. The notice requested comments with respect to the anticipated guidance summarized in the notice, additional matters under consideration relating to a plan without a qualified Roth contribution program, and, more generally, the provisions of section 603 of the SECURE 2.0 Act.

IV. Proposed Regulations

A notice of proposed rulemaking (REG–101268–24) containing proposed regulations that would amend the regulations under sections 401(k), 403(b), and 414(v) to reflect changes to the catch-up contribution requirements for certain catch-up eligible participants pursuant to sections 109, 117, and 603 of the SECURE 2.0 Act was published in the **Federal Register** on January 13, 2025 (90 FR 2645). Comments received in response to Notice 2023–62 were considered in the preparation of the proposed regulations. Nineteen comments were received on the proposed regulations, and a public hearing was held on April 7, 2025.

After consideration of the comments received in response to the notice of proposed rulemaking and testimony at the public hearing, the proposed regulations are adopted by this Treasury decision with certain changes described in the Summary of Comments and Explanation of Revisions section of this preamble.

Summary of Comments and Explanation of Revisions

This Summary of Comments and Explanation of Revisions addresses the significant comments regarding catch-up contributions under section 414(v) of the Code that the Treasury Department and the IRS received in response to the proposed regulations and describes the revisions included in the final regulations. Rules under the proposed regulations that are included in the final regulations without change generally are not discussed in this Summary of Comments and Explanation of Revisions.

I. Amendments to Regulations Under Sections 401(k) and 403(b)—Deemed Roth Catch-Up Election

In order to facilitate compliance with the Roth catch-up requirement under section 414(v)(7)(A), proposed § 1.401(k)–1(f)(5)(iii) generally would permit a plan to provide, for taxable years beginning after December 31, 2023, that a participant who is subject to the Roth catch-up requirement is deemed to have irrevocably designated any catch-up contributions as designated Roth contributions in accordance with the requirements of existing § 1.401(k)–1(f)(1)(i). However, in accordance with section 414(v)(7)(D), proposed § 1.401(k)–1(f)(5)(iv) would provide that the application of a deemed Roth catch-up election to a participant would be conditioned on the participant having an effective opportunity (determined in accordance with existing § 1.401(k)–1(e)(2)(ii), which applies a facts and circumstances test) to make a new election that is different than the deemed election. The proposed regulations also proposed to amend § 1.403(b)–3(c)(1) to incorporate proposed § 1.401(k)–1(f)(5)(iii) and (iv), among other provisions.

Commenters requested that the final regulations permit a plan to continue applying a deemed Roth catch-up election to a participant in certain circumstances in which the participant is no longer subject to the Roth catch-up requirement. One commenter requested that, in the case of a participant who ceases to be subject to the Roth catch-up requirement during a taxable year due to a transfer of employment to another participating employer, a plan be permitted to continue applying the deemed Roth catch-up election to the participant until the end of the taxable year. Similarly, commenters requested that the final regulations permit a plan to continue applying the deemed Roth catch-up election to a participant for a taxable year based on the FICA wages reported on the participant's Form W–2 (Wage and Tax Statement) for the preceding calendar year, even if the participant's FICA wages for the preceding calendar year are later determined not to exceed the Roth catch-up wage threshold.

In response to these comments, the final regulations clarify the conditions set forth in proposed § 1.401(k)–1(f)(5)(iv) by providing that the deemed election described in § 1.401(k)–1(f)(5)(iii) must cease to apply to an employee within a reasonable period of time following the date on which: (1) the employee ceases to be subject to the requirement under section 414(v)(7) to make any catch-up contributions as designated Roth contributions, or (2) an amended Form W–2 is filed or furnished to the employee indicating that the employee is not subject to the requirement under section 414(v)(7) to make any catch-up contributions as designated Roth contributions. Accordingly, catch-up contributions that were designated as Roth contributions pursuant to the deemed election before the end of the reasonable period of time referred to in the prior sentence do not need to be recharacterized as pre-tax catch-up contributions.

One commenter requested clarification regarding the effective opportunity requirement under proposed § 1.401(k)–1(f)(5)(iv), including whether a notice requirement applies and how any notice requirement could be satisfied. The final regulations retain the proposed rule providing that whether a participant has an effective opportunity is determined under existing § 1.401(k)–1(e)(2)(ii), which applies a facts and circumstances test. However, the determination of whether certain facts and circumstances would satisfy the requirements of § 1.401(k)–1(e)(2)(ii) is outside the scope of the final regulations.

One commenter requested that the final regulations permit a plan to apply a deemed Roth catch-up election to a participant who is subject to the Roth catch-up requirement if the participant's elective deferrals for the taxable year have reached the section 401(a)(30) limit without regard to any designated Roth contributions that the participant made earlier in the taxable year.

The final regulations retain the proposed rule that a plan may provide that an employee who is subject to the Roth catch-up requirement is deemed to have irrevocably designated any elective deferrals that are catch-up contributions as designated Roth contributions. As described in section III.B.1 of this Summary of Comments and Explanation of Revisions (''Designated Roth contributions that are treated as catch-up contributions for purposes of the Roth catch-up requirement''), the final regulations also retain the proposed rule in § 1.414(v)–2(b)(1), which provides that an elective deferral that is treated as a catch-up contribution at the time of deferral (for example, an elective deferral that is a catch-up contribution because it exceeds the section 401(a)(30) limit on elective deferrals) is required to be a designated Roth contribution only to the extent the participant has not previously made elective deferrals that are designated Roth contributions during the taxable year equal to the applicable dollar catch-up limit under § 1.414(v)–1(c)(2). However, this commenter's request to be permitted to deem elective deferrals as designated Roth contributions once total elective deferrals have reached the section

401(a)(30) limit has been incorporated into the final rules in § 1.414(v)–2(c)(3)(i)(B) regarding the practices and procedures that are necessary in order for a plan to use the Form W–2 or in-plan Roth rollover correction method to correct a pre-tax elective deferral that exceeds a statutory limit, as explained further in sections III.B.1 and III.C.3.a of this Summary of Comments and Explanation of Revisions (''Prerequisite to correct certain section 414(v)(7) failures under the new correction methods'').

One commenter requested that a plan be permitted to apply a deemed Roth catch-up election in the case of a participant who is permitted under the plan to make a separate election to treat a portion of the participant's elective deferrals as catch-up contributions during each payroll period without regard to whether the participant has already made elective deferrals equal to the section 401(a)(30) limit (referred to as a separate election plan). Assuming this deeming is permitted, the commenter also requested that no correction be required if such an elective deferral is deemed to be made as a designated Roth contribution but is later determined not to be a catch-up contribution.

Under existing § 1.414(v)–1(c)(3), the determination of whether an elective deferral is a catch-up contribution is made as of the last day of the plan year (or in the case of section 415, as of the last day of the limitation year), except that, with respect to elective deferrals in excess of an applicable limit that is tested on the basis of the taxable year or calendar year (for example, the section 401(a)(30) limit on elective deferrals), the determination of whether such elective deferrals are treated as catch-up contributions is made at the time they are deferred. Thus, an additional elective deferral that exceeds an employer-provided limit (for example, a plan limit on the amount of a participant's compensation that may be deferred for each payroll period) would not be determined to be a catch-up contribution under the existing regulations until the last day of the plan year (regardless of any earlier treatment as catch-up contributions pursuant to a participant election). The final regulations do not make changes to § 1.414(v)–1(c)(3).

However, for a separate election plan (including a plan utilizing the proration-of-limit design described in existing § 1.414(v)–1(e)(1)(ii)(A)), § 1.401(k)–1(f)(5)(v) of the final regulations permits the plan to apply a separate-election deemed Roth catch-up election to a participant's elective deferrals that the participant elects to treat as catch-up contributions. As with any application of a deemed Roth catch-up election to a participant, the application in this case would be conditioned on the participant having an effective opportunity (determined in accordance with existing § 1.401(k)–1(e)(2)(ii)) to make a new election that is different than the deemed election. Thus, in the case of a participant who is made subject to a separate-election deemed Roth catch-up contribution election and does not make a different election, the plan is not required to recharacterize as pre-tax any of the participant's elective deferrals treated as Roth catch-up contributions pursuant to the deemed Roth election, even if these amounts are determined not to be catch-up contributions under § 1.414(v)–1(c)(3).

One commenter requested that the final regulations provide guidance on whether, in order to apply a deemed Roth catch-up election to a participant, the deemed Roth catch-up election must be set forth in a plan amendment (and, if so, requested additional time following the publication of the final regulations for an employer to adopt the plan amendment). Under the final regulations, as under the proposed regulations, a plan generally may provide that an employee who is subject to the Roth catch-up requirement is deemed to have irrevocably designated any elective deferrals that are catch-up contributions as designated Roth contributions. Thus, in order for a plan to apply a deemed Roth catch-up election to a participant, the deemed Roth catch-up election must be set forth in the plan document.

Although the final regulations do not address the deadline for this plan amendment, under Q&A J–1 of Notice 2024–2, the deadline under section 501 of the SECURE 2.0 Act to amend a plan (for required, integral, and discretionary plan amendments) with respect to the applicable provisions of section 603 of the SECURE 2.0 Act, or any regulations thereunder, generally is extended to December 31, 2026. Further extensions apply in the case of: (1) a qualified plan that is an applicable collectively bargained plan or a governmental plan within the meaning of section 414(d); (2) a section 403(b) plan that is an applicable collectively bargained plan of a tax-exempt organization described in section 501(c)(3) of the Code or maintained by a public school; or (3) an eligible governmental 457(b) plan.

While proposed § 1.401(k)–1(f)(5)(iii) would permit a deemed Roth election with respect to a participant who is subject to the Roth catch-up requirement, the proposed regulations did not include a rule permitting a plan to require that all participants' catch-up contributions be designated Roth contributions. Footnote 16 of the preamble to the proposed regulations explained that, for a participant who is not subject to the Roth catch-up requirement, allowing a plan design that requires all participants' catch-up contributions to be designated Roth contributions would be inconsistent with the language of section 402A(b)(1), which provides that a designated Roth contribution must be elected by an employee ''in lieu of all or a portion of elective deferrals the employee is otherwise eligible to make.'' [8]

Notwithstanding the explanation in footnote 16 of the preamble to the proposed regulations, commenters requested that the final regulations permit a plan to require that all participants' catch-up contributions be made as designated Roth contributions, regardless of a participant's FICA wages for the preceding calendar year. Commenters argued that permitting this plan design would simplify implementation of the Roth catch-up requirement, would reduce section 414(v)(7) failures, and, in some cases, could avoid a perception of unfairness (for example, in the case of a participant who is not subject to the Roth catch-up requirement under section 414(v)(7)(A) because the participant did not have FICA wages in the prior year, but had wages from self-employment for the preceding calendar year that exceeded the Roth catch-up wage threshold). With respect to section 402A(b)(1), commenters argued that provision merely defines the term ''qualified Roth contribution program,'' does not explicitly prohibit a plan from requiring that all catch-up contributions be made as designated Roth contributions, and permits an employee to have designated Roth contributions ''made on the employee's behalf'' under the plan.

The Treasury Department and the IRS do not agree with the commenters' characterization of the language in section 402A(b)(1) as merely a definition. In addition, the language of section 402A(b)(1) permitting an employee to have designated Roth contributions ''made on the employee's behalf'' under a plan was added to section 402A(b)(1) by section 604(b) of

[8] Section 402A(b)(1) provides that ''[t]he term 'qualified Roth contribution program' means a program under which an employee may elect to make, or to have made on the employee's behalf, designated Roth contributions in lieu of all or a portion of elective deferrals the employee is otherwise eligible to make, or of matching contributions or nonelective contributions which may otherwise be made on the employee's behalf, under the applicable retirement plan.''

the SECURE 2.0 Act. Section 604 of the SECURE 2.0 Act permits certain nonelective contributions and matching contributions that are made after December 29, 2022, to be designated Roth contributions. Thus, this language reflects the distinction between designated Roth contributions that are made in lieu of pre-tax elective deferrals and those that are made in lieu of nonelective or matching contributions.

Further, section 414(v)(7)(A) refers to designated Roth contributions as defined under section 402A(c)(1), and, under section 402A(c)(1), the term ''designated Roth contribution'' includes ''any elective deferral . . . which is excludable from gross income of an employee without regard to [section 402A], and the employee designates (at such time and in such manner as the Secretary may prescribe) as not being so excludable.'' Thus, under section 402A(c)(1), an employee must be permitted to make a pre-tax elective deferral in order for the employee to designate such a pre-tax elective deferral as a designated Roth contribution.

Although the requirement under section 402A(b)(1) and (c)(1) that an employee be eligible to make pre-tax elective deferrals in order to elect to make designated Roth contributions in lieu of all or a portion of those pre-tax elective deferrals is not consistent with the Roth catch-up requirement under section 414(v)(7)(A) in the case of a participant who is subject to the Roth catch-up requirement, final regulation § 1.414(v)–2(b)(6) resolves this inconsistency by providing that the Roth catch-up requirement applies notwithstanding section 402A(b)(1) and (c)(1). However, there is no inconsistency in the case of a participant who is not subject to the Roth catch-up requirement. Accordingly, the final regulations do not include a rule permitting a plan to require that all participants' catch-up contributions be designated Roth contributions.

II. Revisions to § 1.414(v)–1

A. Increased Applicable Dollar Catch-Up Limit During the Year of Attainment of Age 60 Through 63 Under Section 109 of the SECURE 2.0 Act

The proposed regulations generally would retain the existing rules in § 1.414(v)–1(c)(2)(i) and (ii) setting forth the applicable dollar catch-up limit that applies to a catch-up eligible participant in an applicable employer plan that is not a SIMPLE plan and a catch-up eligible participant in a SIMPLE plan, respectively (to be adjusted annually under § 1.414(v)–1(c)(2)(iii) for changes in the cost of living). In accordance with section 109 of the SECURE 2.0 Act, for a taxable year beginning after 2024, the proposed regulations also noted the existence of a higher applicable dollar catch-up limit for an individual attaining age 60, 61, 62, or 63 that is 150 percent of the applicable dollar catch-up limit that applies to the individual under § 1.414(v)–1(c)(2)(i) or (ii) (as applicable) during a taxable year beginning in 2024, adjusted for changes in the cost of living for years after 2025.

Some commenters asked that the Treasury Department and the IRS clarify whether a plan term that incorporates the catch-up contribution limit under section 414(v) of the Code by reference also incorporates the optional higher catch-up contribution limit for participants attaining age 60, 61, 62, or 63 permitted under section 414(v)(2)(B)(i) and (ii) in accordance with section 109 of the SECURE 2.0 Act. The Treasury Department and the IRS expect that a plan's terms will be made clear as to whether or not a reference to the catch-up contribution limit under section 414(v) in the plan document includes the optional higher limit for participants attaining age 60, 61, 62, or 63. This ensures that a plan is operated in accordance with its terms. See Q&A J–1 of Notice 2024–2 for a discussion of the deadline under section 501 of the SECURE 2.0 Act to adopt a plan amendment with respect to a provision of the SECURE 2.0 Act.

One commenter requested that the final regulations permit the increased catch-up contribution limit to continue until at least the taxable year in which a catch-up eligible participant attains age 65. The final regulations do not incorporate this comment because, pursuant to section 414(v)(2)(B)(i) and (ii), the higher catch-up contribution limits under section 414(v)(2)(E) apply only to a catch-up eligible participant ''who would attain age 60 but would not attain age 64 before the close of the taxable year.''

Another commenter requested confirmation that catch-up eligible participants attaining age 60, 61, 62, or 63 who are eligible to make special section 403(b) catch-up contributions are permitted to make those contributions in addition to catch-up contributions under section 414(v), as increased under section 414(v)(2)(E). As explained in section III.B.3 of this Summary of Comments and Explanation of Revisions (''Coordination with other catch-up contributions''), the catch-up contributions described in section 414(v) may apply in a year in which a participant also qualifies for the special section 403(b) catch-up contributions. Thus, the Treasury Department and the IRS agree that catch-up eligible participants attaining age 60, 61, 62, or 63 who are eligible to make the special section 403(b) catch-up contributions are permitted to make those contributions in addition to catch-up contributions under section 414(v), as increased under section 414(v)(2)(E).

B. Interaction of the Adjusted Applicable Dollar Catch-Up Limits Under Sections 109 and 117 of the SECURE 2.0 Act

In accordance with section 117 of the SECURE 2.0 Act, for a taxable year beginning in 2024, proposed § 1.414(v)–1(c)(2)(ii)(C) would set forth a higher applicable dollar catch-up limit for a participant in a SIMPLE plan that is sponsored by an eligible employer described in section 408(p)(2)(E)(iv) of the Code and for which the higher applicable dollar catch-up limit under section 414(v)(2)(B)(iii) applies automatically or by election. The higher applicable dollar catch-up limit under proposed § 1.414(v)–1(c)(2)(ii)(C) would be 110 percent of the applicable dollar catch-up limit that applied to the individual under proposed § 1.414(v)–1(c)(2)(ii)(A) during a taxable year beginning in 2024. For taxable years after 2024, proposed § 1.414(v)–1(c)(2)(iii)(C) would provide that this higher applicable dollar catch-up limit is to be adjusted for changes in the cost of living.

With respect to an individual who attains age 60 through 63 in a year in which the individual participates in a SIMPLE plan to which the higher applicable dollar catch-up limit under section 117 of the SECURE 2.0 Act applies, commenters requested that the final regulations clarify whether the SIMPLE plan may provide that the applicable dollar catch-up limit that applies to the individual is an amount equal to the general applicable dollar catch-up limit for SIMPLE plans under section 414(v)(2)(B) of the Code, increased pursuant to section 109 of the SECURE 2.0 Act to an amount equal to 150% of the applicable dollar catch-up limit that would otherwise be in effect and increased further pursuant to section 117 of the SECURE 2.0 Act to an amount equal to 110% of the applicable dollar catch-up limit that would otherwise be in effect. As in the proposed regulations, § 1.414(v)–1(c)(2)(ii)(C) in the final regulations provides that the 10% increase under section 117 of the SECURE 2.0 Act applies to the applicable dollar catch-up limit in effect under § 1.414(v)–1(c)(2)(ii)(A). Section 1.414(v)–

1(c)(2)(ii)(A) sets forth the otherwise applicable dollar catch-up limit for SIMPLE plans, without regard to the higher limit under section 109 of the SECURE 2.0 Act (which is set forth in § 1.414(v)–1(c)(2)(ii)(B)). Thus, under the final regulations, the 10% increase under section 117 of the SECURE 2.0 Act applies only to participants in affected SIMPLE plans who are not permitted to make the increased catch-up contributions under section 109 of the SECURE 2.0 Act.

Section 414(v)(2)(B)(iii) of the Code provides that the higher limit pursuant to section 117 of the SECURE 2.0 Act is ''an amount equal to 110 percent of the dollar amount in effect under [section 414(v)(2)(B)(ii) of the Code] for calendar year 2024.'' Since section 109 of the SECURE 2.0 Act is effective for taxable years beginning after December 31, 2024, the 50% increase for individuals attaining age 60 through 63 did not apply for calendar year 2024, and the dollar amount in effect under section 414(v)(2)(B)(ii) of the Code for calendar year 2024 was the same for all catch-up eligible individuals. Thus, the applicable dollar amount under section 414(v)(2)(B)(iii) for calendar year 2024 did not take into account the 50% increase under section 109 of the SECURE 2.0 Act. Similarly, the applicable dollar amount that applies under section 414(v)(2)(B)(iii) of the Code for any calendar year after 2024 does not reflect the 50% increase under section 109 of the SECURE 2.0 Act.

Although a SIMPLE plan cannot provide for an applicable dollar catch-up limit that reflects increases under both sections 109 and 117 of the SECURE 2.0 Act, a SIMPLE plan that generally provides for the 10% increase under section 117 of the SECURE 2.0 Act may provide that the 50% increase under section 109 of the SECURE 2.0 Act applies instead to a participant in a year in which the participant attains age 60 through 63. This is because section 414(v)(2)(B)(ii) of the Code provides that the applicable dollar catch-up limit that applies to a SIMPLE plan participant for a year is the general applicable dollar catch-up limit or, where applicable, the adjusted applicable dollar catch-up limit for individuals attaining age 60 through 63, ''except as provided in section 414(v)(2)(B)(iii).'' The Treasury Department and the IRS interpret that exception to apply only if applying section 414(v)(2)(B)(iii) would increase the applicable dollar catch-up limit for a participant. Thus, beginning with the 2025 calendar year, a SIMPLE plan that is generally subject to the 10% increase under section 117 of the SECURE 2.0 Act may instead permit participants attaining age 60 through 63 to contribute catch-up contributions up to an amount equal to 150% of the applicable dollar catch-up limit that would otherwise be in effect (pursuant to section 109).

C. Different Applicable Dollar Catch-Up Limits and Universal Availability

In accordance with the universal availability requirement in section 414(v)(4) of the Code, existing § 1.414(v)–1(e)(1)(i) sets forth a general rule that an applicable employer plan that offers catch-up contributions and that is otherwise subject to section 401(a)(4) (including a plan that is subject to section 401(a)(4) pursuant to section 403(b)(12)) will not satisfy the requirements of section 401(a)(4) unless all catch-up eligible participants who participate under any applicable employer plan maintained by the employer are provided with an effective opportunity to make the same dollar amount of catch-up contributions.

The proposed regulations did not propose to amend the general rule set forth in § 1.414(v)–1(e)(1)(i) of the existing regulations. However, the preamble to the proposed regulations explained that the Treasury Department and the IRS do not believe that a plan should fail to satisfy the universal availability requirement merely because the plan utilizes the increased limit for catch-up eligible participants attaining age 60 through 63 that is permitted under section 414(v)(2)(E). Thus, proposed § 1.414(v)–1(e)(1)(iii) would provide an exception to the general rule in § 1.414(v)–1(e)(1)(i) if each catch-up eligible participant who participates under any applicable employer plan maintained by an employer is permitted to make elective deferrals up to the statutory maximum dollar amount of catch-up contributions permitted with respect to the participant under section 414(v). Under this new exception, an applicable employer plan would not fail to satisfy the requirements of section 401(a)(4) merely because the plan allows catch-up eligible participants who are subject to the increased applicable dollar catch-up limit for participants attaining age 60 through 63 under section 414(v)(2)(E) to make catch-up contributions up to that increased limit, while permitting other catch-up eligible participants to make catch-up contributions only up to the applicable dollar catch-up limit that applies generally under section 414(v)(2)(B)(i) or (ii), as applicable.[9]

One commenter requested that the final regulations clarify that an applicable employer plan does not fail to satisfy the universal availability requirement merely because it permits non-collectively bargained employees who are subject to the increased applicable dollar catch-up limit for participants attaining age 60 through 63 under section 414(v)(2)(E) to make catch-up contributions up to that increased limit, while retaining the regular applicable dollar catch-up limit under section 414(v)(2)(B)(i) or (ii), as applicable, for its collectively bargained employees. Another commenter requested that the final regulations clarify whether flexibility is available in relation to the increased applicable dollar catch-up limit for participants attaining age 60 through 63 under section 414(v)(2)(E) that would enable a plan to permit fewer catch-up eligible participants to make catch-up contributions up to that increased limit or to limit the increase so that it is below the statutory maximum dollar amount.

The final regulations retain the exception in proposed § 1.414(v)–1(e)(1)(iii) with only minor modification. Thus, under the final regulations, an applicable employer plan generally must satisfy the rule in existing § 1.414(v)–1(e)(1)(i) or permit each participant to make catch-up contributions equal to the statutory maximum that applies to the participant. However, with respect to employees described in section 410(b)(3), the final regulations amend § 1.414(v)–1(e)(2) to provide that an applicable employer plan also does not fail to satisfy the universal availability requirement of § 1.414(v)–1(e) merely because employees described in section 410(b)(3) are provided the opportunity to make catch-up contributions to a lesser extent than other employees.[10] Thus, for example, an applicable employer plan does not fail to satisfy the universal availability requirement merely because it permits non-collectively bargained employees who

[9] Similarly, under proposed § 1.414(v)–1(e)(1)(iii), an applicable employer plan that covers employees in both the United States and Puerto Rico would not fail to satisfy the requirements of section 401(a)(4) merely because the plan allows catch-up eligible participants whose catch-up contributions are subject to the limit set forth in section 1081.01(d)(7) of the Puerto Rico Internal Revenue Code of 2011 (13 L.P.R.A. section 30391(d)(7)), as amended (Puerto Rico Code), to make catch-up contributions only up to the amount of that limit ($1,500 for 2025).

[10] The proposed regulations did not propose to amend § 1.414(v)–1(e)(2). Prior to amendment by these final regulations, § 1.414(v)–1(e)(2) provided that an applicable employer plan does not fail to satisfy the universal availability requirement of § 1.414(v)–1(e) merely because employees described in section 410(b)(3) (for example, collectively bargained employees) are not provided the opportunity to make catch-up contributions.

are subject to the increased applicable dollar catch-up limit for participants attaining age 60 through 63 under section 414(v)(2)(E) to make catch-up contributions up to that increased limit, while permitting collectively bargained employees to make catch-up contributions only up to the applicable dollar catch-up limit that applies generally under section 414(v)(2)(B)(i) or (ii), as applicable.

One commenter requested clarification that the phrase ''make the maximum amount of catch-up contributions permitted'' in proposed § 1.414(v)–1(e)(1)(iii) would not preclude an employer from utilizing the permitted practices described in § 1.414(v)–1(e)(1)(ii) of the existing regulations, including the cash availability rule in § 1.414(v)–1(e)(1)(ii)(B).[11] Under § 1.414(v)–1(e)(1)(ii), an applicable employer plan does not fail to satisfy the universal availability requirement of § 1.414(v)–1(e) merely because of the practices described in § 1.414(v)–1(e)(1)(ii). Accordingly, the Treasury Department and the IRS agree that the phrase ''make the maximum amount of catch-up contributions permitted'' in § 1.414(v)–1(e)(1)(iii) of the final regulations does not preclude an employer from utilizing the permitted practices described in § 1.414(v)–1(e)(1)(ii).

One commenter requested relief from the universal availability requirement in the case of a plan that permits catch-up eligible participants attaining age 60 through 63 under section 414(v)(2)(E) to make catch-up contributions up to that increased limit but another plan maintained by a related employer does not, provided that all plans maintained under the same controlled group of employers are amended before the applicability date of the final regulations to permit catch-up eligible participants attaining age 60 through 63 under section 414(v)(2)(E) to make catch-up contributions up to that increased limit. As explained in footnote 6 of the preamble to the proposed regulations, the higher applicable dollar catch-up limit for participants attaining age 60 through 63 may, but is not required to be, included in an applicable employer plan. However, if an applicable employer plan provides for this higher applicable dollar catch-up limit, then any applicable employer plan maintained by an employer within the same controlled group must also provide for this higher applicable dollar catch-up limit, except to the extent that the exception for employees described in section 410(b)(3) applies under § 1.414(v)–1(e)(2) of these regulations. The final regulations do not address the application of the universal availability requirement before the applicability date of the final regulations.

III. Section 1.414(v)–2

A. General Rules Relating to the Requirements of Section 414(v)(7)

1. Roth Catch-Up Requirement Under Section 414(v)(7)(A)

Proposed § 1.414(v)–2(a) would set forth general rules relating to the Roth catch-up requirement under section 414(v)(7)(A). Under proposed § 1.414(v)–2(a)(2), if a catch-up eligible participant in an applicable employer plan had FICA wages for the preceding calendar year from the employer sponsoring the plan (as defined in proposed § 1.414(v)–2(b)(3)) that exceeded the Roth catch-up wage threshold, then section 414(v)(1) would apply with respect to the participant's elective deferrals that are catch-up contributions only if they are designated Roth contributions (as defined in section 402A(c)(1)). Under proposed § 1.414(v)–2(a)(3), the initial $145,000 Roth catch-up wage threshold would be subject to cost-of-living adjustments, in accordance with section 414(v)(7)(E).[12] Under proposed § 1.414(v)–2(a)(4), the Roth catch-up requirement would not apply to a participant in a SEP arrangement or a SIMPLE IRA plan, in accordance with section 414(v)(7)(C). As further discussed in this Section III.A.1, there are no substantive changes to these provisions in the final regulations.

Consistent with section 414(v)(7)(A) and the description of anticipated guidance in Notice 2023–62, proposed § 1.414(v)–2(a)(2) would provide that a participant who did not have FICA wages exceeding $145,000 (as adjusted) from the employer sponsoring the plan for the preceding calendar year would not be subject to the Roth catch-up requirement under the plan for the current year. Proposed § 1.414(v)–2(a)(2) would define FICA wages by reference to the FICA taxes imposed by sections 3101(a) and 3111(a), not sections 3101(b) and 3111(b), and would provide that the wages are taken into account for this purpose in the same year that they are taken into account for FICA tax purposes. Accordingly, an individual who did not have any FICA wages from the employer sponsoring the plan for the preceding calendar year (for example, a partner who had only self-employment income; an individual who had wages under section 3231(e) that are subject to taxation under the Railroad Retirement Tax Act, codified at title 45, chapter 9 of the United States Code, rather than FICA; or a State or local government employee whose services were excluded from the definition of employment under section 3121(b)(7) without regard to section 3121(u)) would not be subject to the Roth catch-up requirement under the plan in the current year. Similarly, an individual who received cash compensation from the employer sponsoring the plan in the preceding calendar year but nevertheless did not have any FICA wages from the employer for that year (for example, because the compensation was taxed in an earlier year pursuant to section 3121(v)(2)) would not be subject to the Roth catch-up requirement under the plan in the current year.

One commenter requested clarification as to why applicability of the Roth catch-up requirement would be determined under the proposed regulations on the basis of prior year FICA wages for purposes of sections 3101(a) and 3111(a) (that is, FICA wages that are Social Security wages reported in Box 3 of Form W–2), as opposed to sections 3101(b) and 3111(b) (that is, FICA wages that are Medicare wages reported in Box 5 of Form W–2). Section 1.414(v)–2(a)(2) retains the rule defining FICA wages by reference to the FICA taxes imposed by sections 3101(a) and 3111(a) due to the impact that referencing the FICA taxes imposed by sections 3101(b) and 3111(b) might have on employees of State and local governments. Section 3121(a) defines ''wages'' for FICA purposes as all remuneration for employment (subject to certain exceptions). Under section 3121(b), which defines ''employment'' for FICA purposes, the services of certain employees are excluded from the definition of employment (including, under section 3121(b)(7), the services of

[11] Under § 1.414(v)–1(e)(1)(ii)(B), an applicable employer plan does not fail to satisfy the universal availability requirement of § 1.414(v)–1(e) merely because it restricts the elective deferrals of any employee (including a catch-up eligible participant) to amounts available after other withholding from the employee's pay (for example, after deduction of all applicable income and employment taxes). For this purpose, an employer limit of 75% of compensation or higher will be treated as limiting employees to amounts available after other withholdings.

[12] Under proposed § 1.414(v)–2(a)(2), the Roth catch-up wage threshold of $145,000 would be applied to a catch-up eligible participant's 2023 FICA wages to determine whether the Roth catch-up requirement applies to the participant's catch-up contributions made for 2024. In accordance with Notice 2024–80, 2024–47 IRB 1120, the Roth catch-up wage threshold to be applied to a catch-up eligible participant's 2024 FICA wages to determine whether the Roth catch-up requirement applies to the participant's catch-up contributions made for 2025 would remain $145,000.

employees of State and local governments unless an exception applies) and, therefore, these employees generally do not have wages under section 3121(a) and consequently are not subject to section 414(v)(7) of the Code.[13] However, as a result of section 3121(u)(2), wages subject to the taxes imposed by sections 3101(b) and 3111(b) are reported in Box 5 for State and local government employees who are covered by Medicare even if no wages are reported in Box 3. The Treasury Department and the IRS do not interpret the Box 5 wages reported in accordance with the exception in section 3121(u)(2) to be section 3121(a) FICA wages for purposes of section 414(v)(7) because Box 5 wages do not relate to Social Security coverage. Therefore, the final regulations retain the rule that applicability of the Roth catch-up requirement to a participant is based on the prior year FICA wages reported in Box 3 of Form W–2 for the participant. The use of this rule achieves the intended result of excepting those State and local government employees who do not have wages subject to the taxes imposed by sections 3101(a) and 3111(a) relating to Social Security coverage from the application of section 414(v)(7).

The commenter also asked whether a plan could rely on the Social Security wages reported in Box 3 of a catch-up eligible participant's Form W–2 for the preceding calendar year for purposes of determining whether the participant is subject to the Roth catch-up requirement, and whether the Social Security wage base could have any impact on the Roth catch-up wage threshold. The Treasury Department and the IRS do not expect that the limitation of an employee's wages under sections 3101(a) and 3111(a) to the maximum Social Security wage base would affect the ability to determine applicability of the Roth catch-up wage threshold on the basis of those wages. For 2024, the Social Security wage base limit was $168,600, which is significantly higher than the $145,000 threshold for 2024 wages on which applicability of the Roth catch-up requirement in 2025 was based. As both dollar amounts are adjusted annually for cost-of-living increases under current law, the Treasury Department and the IRS do not expect that applying the Social Security wage base limit will ever affect the determination of whether a participant is subject to the Roth catch-up wage threshold.

Commenters also requested that, until the applicability date of the final regulations, a plan be permitted to rely on Medicare wages reported in Box 5 of a catch-up eligible participant's Form W–2 for the preceding calendar year for purposes of determining whether the participant is subject to the Roth catch-up requirement. In response to these comments, § 1.414(v)–2(e)(2)(i) clarifies that, for contributions in taxable years prior to the applicability date of the final regulations, a reasonable, good faith interpretation standard applies with respect to section 414(v)(7). For a discussion of the application of this standard, see the Applicability Dates section later in this preamble.

2. Availability of Roth Catch-Up Contributions Under Section 414(v)(7)(B)

Section 414(v)(7)(B) provides that, in the case of an applicable employer plan with respect to which section 414(v)(7)(A) applies to any participant for a plan year, section 414(v)(1) shall not apply to the plan unless the plan provides that any catch-up eligible participant may make catch-up contributions as designated Roth contributions.

Proposed § 1.414(v)–2(a)(5)(ii) would set forth a rule to address the application of section 414(v)(7)(B) to a plan that is subject to the qualification requirements of both section 401(a) and section 1081.01 of the Puerto Rico Code (dual-qualified plan).[14] As explained in the preamble to the proposed regulations, if a dual-qualified plan that covers both employees in the United States and employees in Puerto Rico permits any catch-up eligible participant who is subject to the Roth catch-up requirement to make catch-up contributions as designated Roth contributions for a plan year, then, in accordance with section 414(v)(7)(B), the plan generally would be required to permit all catch-up eligible participants to make catch-up contributions as designated Roth contributions for the plan year. However, the Puerto Rico Code currently does not provide for designated Roth contributions. In order to address this issue, the proposed regulations would provide that, in the case of a catch-up eligible participant who is subject to the Roth catch-up requirement of section 414(v)(7)(A) of the Code and is subject to section 1081.01 of the Puerto Rico Code, the requirements of section 414(v)(7)(B) of the Code would be treated as satisfied if, under the applicable employer plan, that participant is permitted to make catch-up contributions as after-tax contributions within the meaning of section 1081.01(a)(15) of the Puerto Rico Code.

Commenters requested that the final regulations permit a dual-qualified plan to offer a participant who is subject to both section 414(v)(7)(A) of the Code and section 1081.01 of the Puerto Rico Code the opportunity to make catch-up contributions as pre-tax contributions (rather than after-tax catch-up contributions), and that the plan need not offer after-tax catch-up contributions in order to satisfy section 414(v)(7)(B) of the Code. These commenters argued that the Roth catch-up requirement of section 414(v)(7)(A), and the related Roth catch-up availability requirement of section 414(v)(7)(B), should not apply in the case of a participant who, under the Puerto Rico Code, is not permitted to make designated Roth contributions.

The Treasury Department and the IRS have determined that providing transition relief for dual-qualified plans is consistent with the historical approach taken with respect to plans qualified under the Puerto Rico Code if there is a difference in the United States and Puerto Rico Codes that does not allow for the same treatment of contributions made by participants in the United States and Puerto Rico.[15] Therefore, in response to these comments, the final regulations do not include the rule set forth in proposed § 1.414(v)–2(a)(5)(ii). Instead, § 1.414(v)–2(a)(6) provides that the Roth catch-up requirement of section 414(v)(7)(A) and the Roth catch-up availability requirement of section 414(v)(7)(B) are treated as satisfied for a taxable year with respect to a catch-up

[13] If a state and local government employee does have wages under section 3121(a) that are subject to the taxes imposed by sections 3101(a) and 3111(a) pursuant to an exception to section 3121(b)(7) (for example, under section 3121(b)(7)(E), an employee who is subject to an agreement entered into pursuant to section 218 of the Social Security Act, or, under section 3121(b)(7)(F), an employee who is not a member of a state retirement system), that employee is subject to section 414(v)(7) of the Code.

[14] For purposes of this Treasury decision, a dual-qualified plan includes a plan for which an election under section 1022(i)(2) of the Employee Retirement Income Security Act of 1974 (Public Law 93–406, 88 Stat. 829), as amended (ERISA), has been made.

[15] *See, e.g.,* Notice 2002–4, 2002–1 CB 298, and TD 9072, 68 FR 40510, 40514 (July 8, 2003), which addressed the fact that catch-up contributions were not permitted under the Puerto Rico Code but were permitted under the United States Code (''These final regulations do not affect the transitional relief granted in Notice 2002–4 that provides that an applicable employer plan will not fail to satisfy the universal availability requirement solely because another applicable employer plan of the employer that is qualified under Puerto Rico law does not provide for catch-up contributions.''). In a September 28, 2015, report (JCX–132–15), the Joint Committee on Taxation explained that, as a general matter, ''Federal law does not require that the income tax laws in force in the United States also be in force in . . . Puerto Rico.''

eligible participant who is subject to section 1081.01 of the Puerto Rico Code, if that taxable year begins before the effective date of any future amendment to the Puerto Rico Code to provide for designated Roth contributions.

Another commenter requested that the final regulations clarify how the catch-up contribution rules apply to employees who move between the mainland and Puerto Rico during the year. The final regulations do not address this comment as it involves an interpretation of the Puerto Rico Code and, therefore, is outside the scope of the final regulations.

B. Rules of Operation for Implementing the Roth Catch-Up Requirement

1. Designated Roth Contributions That Are Treated as Catch-Up Contributions for Purposes of the Roth Catch-Up Requirement

Under proposed § 1.414(v)–2(b)(1), an elective deferral that is determined to be a catch-up contribution at the time of contribution under the timing rules in § 1.414(v)–1(c)(3) of the existing regulations (for example, an elective deferral that is a catch-up contribution because it exceeds the section 401(a)(30) limit on elective deferrals) would be required to be made as a designated Roth contribution by a participant who is subject to the Roth catch-up requirement only to the extent the participant has not previously made elective deferrals as designated Roth contributions during the calendar year or taxable year equal to the applicable dollar catch-up limit. Thus, if a catch-up eligible participant's total elective deferrals that are designated Roth contributions over the course of a calendar year or taxable year (including, if applicable, contributions to a pension-linked emergency savings account described in section 402A(e) of the Code) equal or exceed the total elective deferrals that are determined to be catch-up contributions, then the participant would satisfy the Roth catch-up requirement.[16]

One commenter requested that the final regulations provide that designated Roth contributions that are made prior to a participant's elective deferrals for the calendar year reaching the section 401(a)(30) limit may, but are not required to, be taken into account for purposes of determining whether the participant has satisfied the Roth catch-up requirement. The commenter explained that some employers have indicated that taking into account designated Roth contributions that are made earlier in a calendar year would create administrative burden and complexity.

In order to maintain flexibility for participants, § 1.414(v)–2(b)(1) of the final regulations retains the proposed rule that, for a participant who is subject to the Roth catch-up requirement, an elective deferral that is treated as a catch-up contribution at the time of deferral is required to be a designated Roth contribution only to the extent the participant has not previously made elective deferrals that are designated Roth contributions during the taxable year equal to the applicable dollar catch-up limit. However, as explained in sections I and III.C.3.a of this Summary of Comments and Explanation of Revisions (''Amendments to Regulations Under Sections 401(k) and 403(b)—Deemed Roth Catch-up Election'' and ''Prerequisite to correct certain section 414(v)(7) failures under the new correction methods''), in order to ease administrative burden for plans, in determining when during the year to implement a deemed Roth election under final regulation § 1.401(k)–1(f)(5)(iii), a plan is not required to take into account elective deferrals made by a participant earlier in the year as designated Roth contributions. Thus, a plan may provide that a deemed Roth election will be implemented with respect to a participant once a participant's total elective deferrals for the year (including any designated Roth contributions) equal the section 401(a)(30), 402(g)(7), or 457(b) limit, as applicable. Further, after implementing the deemed Roth election, the plan would not be required to recharacterize any designated Roth catch-up contributions made pursuant to the deemed election as pre-tax for the purpose of counting any designated Roth contributions made earlier in the year by the participant toward satisfaction of the Roth catch-up requirement. However, since the plan must also provide such a participant an effective opportunity to make a new election that is different than the deemed election, if a participant who is subject to the Roth catch-up requirement makes an affirmative election to make pre-tax catch-up contributions, the plan would be required to take into account any elective deferrals made by the participant earlier in the year as designated Roth contributions when determining the amount of the pre-tax catch-up contributions to be corrected in order to comply with section 414(v)(7) (such that the pre-tax catch-up contributions must be corrected—that is, either distributed from the plan or corrected in accordance with a correction method set forth in final regulation § 1.414(v)–2(c)(2)—only to the extent that a participant's catch-up contributions for the year exceed the participant's designated Roth contributions made over the course of the year).

Another commenter requested clarification as to whether an in-plan Roth rollover that is elected voluntarily by a participant under section 402A(c)(4)(E) could be used to satisfy the Roth catch-up requirement. The Treasury Department and the IRS have determined that an in-plan Roth rollover that is elected by a participant voluntarily under section 402A(c)(4)(E) may not be used to satisfy the Roth catch-up requirement because the amount of the in-plan Roth rollover could be attributable to contributions other than elective deferrals. However, as described in section III.C.2 of this Summary of Comments and Explanation of Revisions (''Additional permissible correction methods for elective deferrals that exceed an applicable limit''), § 1.414(v)–2(c)(2)(iii) of the final regulations generally retains the provision of the proposed regulations permitting a plan to use the in-plan Roth rollover correction method to correct a pre-tax elective deferral that exceeds an applicable limit but does not satisfy the Roth catch-up requirement.

2. Plans That Do Not Include a Qualified Roth Contribution Program

In accordance with section 402A(a), an applicable employer plan may, but is not required to, include a qualified Roth contribution program within the meaning of section 402A(b). In addition, under the proposed regulations, an applicable employer plan that allows catch-up contributions, but does not have a qualified Roth contribution program, would not be required to adopt such a program. The plan would be allowed to permit catch-up eligible participants who are not subject to the Roth catch-up requirement to make catch-up contributions but not permit catch-up eligible participants who are subject to the Roth catch-up requirement to make catch-up contributions.

With respect to the universal availability requirement of § 1.414(v)–1(e), proposed § 1.414(v)–2(b)(2) would

[16] This is also the case with respect to elective deferrals that are determined to be catch-up contributions because the plan would fail the actual deferral percentage (ADP) test under section 401(k)(3) if the plan did not correct under section 401(k)(8). The determination of elective deferrals that are catch-up contributions because they are in excess of the ADP limit in § 1.414(v)–1(b)(1)(iii) occurs in the plan year following the plan year for which the elective deferrals are made.

provide that an applicable employer plan that does not include a qualified Roth contribution program would not fail to satisfy the universal availability requirement merely because the plan (or another applicable employer plan maintained by the employer that does not include a qualified Roth contribution program) does not permit catch-up eligible participants who are subject to the Roth catch-up requirement to make catch-up contributions. However, proposed § 1.414(v)–2(b)(2)(ii) also would provide that existing § 1.414(v)–1(d)(4) [17] would not apply to an applicable employer plan that does not include a qualified Roth contribution program and permits only catch-up eligible participants who are not subject to the Roth catch-up requirement to make catch-up contributions. As explained in the preamble to the proposed regulations, § 1.414(v)–1(d)(4) would not apply to such a plan because not all catch-up eligible employees under the plan would be able to make catch-up contributions.

Because the Roth catch-up wage threshold is slightly lower than the wage threshold used in the definition of highly compensated employee (HCE) under section 414(q)(1)(B), some non-HCEs may be subject to the Roth catch-up requirement,[18] and some HCEs may not be subject to the Roth catch-up requirement (for example, because they did not receive FICA wages for the preceding year). Thus, if a plan that does not include a qualified Roth contribution program prohibits catch-up eligible participants who are subject to the Roth catch-up requirement from making catch-up contributions, while permitting other catch-up eligible participants to make catch-up contributions, then the plan might fail to satisfy the nondiscrimination test with respect to the availability of catch-up contributions performed under § 1.401(a)(4)–4. Accordingly, proposed § 1.414(v)–2(b)(2)(ii) would provide that such a plan would be permitted to also preclude one or more catch-up eligible participants who are HCEs and who are not subject to the Roth catch-up requirement (for example, because they did not receive FICA wages from the employer sponsoring the plan for the preceding year) from making catch-up contributions if doing so facilitates satisfaction of § 1.401(a)(4)–4 with respect to the availability of catch-up contributions.

Commenters generally requested that the final regulations provide that a plan will not be treated as failing to satisfy benefits, rights, and features testing under section 401(a)(4) with respect to catch-up contributions merely because the plan does not include a qualified Roth contribution program. These commenters argued that, although some non-HCEs (those who are subject to the Roth catch-up requirement) would not be permitted to make catch-up contributions under such a plan design, HCEs also generally would be excluded from making catch-up contributions, and that it would be impractical to satisfy § 1.401(a)(4)–4 by precluding one or more catch-up eligible participants who are HCEs and who are not subject to the Roth catch-up requirement from making catch-up contributions. One of these commenters requested that, if the final regulations retain the approach in the proposed regulations, the final regulations clarify how a plan that fails to satisfy benefits, rights, and features testing with respect to catch-up contributions could preclude one or more HCEs who are not subject to the Roth catch-up requirement from making catch-up contributions in a timely manner. Another commenter requested that, if the final regulations do not treat § 1.414(v)–1(d)(4) as applying, then nondiscrimination testing for a plan that does not include a qualified Roth contribution program should be based only on participants who are age 50 and above, and not on the entire employee population.

The final regulations generally retain the rules of proposed § 1.414(v)–2(b)(2) (although § 1.414(v)–2(b)(2)(ii) is renumbered as § 1.414(v)–2(b)(3) in the final regulations). However, in response to these comments, the final regulations clarify that, in the case of a plan that does not include a qualified Roth contribution program (and, therefore, may need to preclude one or more catch-up eligible participants who are HCEs and who are not subject to the Roth catch-up requirement from making catch-up contributions to facilitate satisfaction of § 1.401(a)(4)–4 with respect to the availability of catch-up contributions), the plan will be deemed to satisfy § 1.401(a)(4)–4 with respect to the availability of catch-up contributions if the plan provides that all catch-up eligible participants who are HCEs with net earnings from self-employment for the preceding calendar year from the employer sponsoring the plan above the Roth catch-up wage threshold are not permitted to make catch-up contributions. This safe harbor provision may be used even if a plan does not have any participants with net earnings from self-employment for the preceding calendar year. In addition, § 1.414(v)–2(b)(3) of the final regulations provides that this safe harbor provision may be used by a plan that includes a qualified Roth contribution program and, in accordance with § 1.414(v)–2(b)(4)(ii), (b)(4)(iii), or (b)(4)(iv)(A), does not permit pre-tax catch-up contributions for one or more employees who are not subject to section 414(v)(7) (that is, one or more non-HCEs who are determined to be subject to the Roth catch-up requirement solely due to an optional plan term providing for aggregation of wages in accordance with § 1.414(v)–2(b)(4)(ii), (b)(4)(iii), or (b)(4)(iv)(A) of these regulations).

3. Coordination With Other Catch-Up Contributions

One commenter requested examples to illustrate the interaction between the requirement that certain catch-up contributions be designated Roth contributions and the rule permitting special catch-up contributions for section 403(b) plans under section 402(g)(7) for employees with at least 15 years of service. Two other commenters requested clarification that the requirement that certain catch-up contributions be designated Roth contributions does not apply to the special section 403(b) catch-up contributions.

As described in § 1.403(b)–4(c)(2) of the existing regulations, the catch-up contributions described in section 414(v) may apply in a year in which a participant also qualifies for the special section 403(b) catch-up contributions. In addition, § 1.403(b)–4(c)(3)(iv) provides that any catch-up amount contributed by an employee who is eligible for both types of catch-up contributions is treated first as a special section 403(b) catch-up contribution and then as a catch-up contribution under section 414(v). Accordingly, the special section 403(b) catch-up contributions are not subject to section 414(v), including the requirement under section 414(v)(7) that certain catch-up contributions be designated Roth contributions.

One commenter requested examples to illustrate the application of section 457(e)(18)(A)(ii), and another commenter requested clarification that the requirement that certain catch-up contributions be designated Roth contributions does not apply to the

[17] Generally, under § 1.414(v)–1(d)(4), an applicable employer plan does not violate § 1.401(a)(4)–4 merely because the group of employees for whom catch-up contributions are currently available is not a group of employees that would satisfy the minimum coverage requirements of section 410(b).

[18] If an employer makes the top-paid group election under section 414(q)(1)(B)(ii), the number of non-HCEs that are over the wage threshold used in the definition of HCE will be higher, and thus the number of non-HCEs subject to the Roth catch-up requirement will be higher.

special section 457(b)(3) catch-up contributions permitted for the last three taxable years ending before an individual attains normal retirement age. As described in the Background section of this Treasury decision, if a catch-up eligible participant's limit under section 457(e)(18) is greater than the limit under section 457(b)(3) (determined without regard to section 457(e)(18)), then a portion of the catch-up contributions made to the eligible governmental 457(b) plan by the participant is required to be designated Roth contributions. As noted in footnote 5 of the preamble to the proposed regulations, proposed regulations relating to the inclusion of a qualified Roth contribution program in an eligible governmental 457(b) plan were published in the **Federal Register** (81 FR 40548) and those proposed regulations have not been finalized.

4. Determination of Employer Sponsoring the Plan

The determination as to whether the Roth catch-up requirement applies to a catch-up eligible participant is based on the amount of the participant's FICA wages for the preceding year ''from the employer sponsoring the plan,'' but that phrase is not defined in section 414(v)(7). For purposes of determining an individual's FICA wages, the term ''employer'' generally means the person for whom the individual performs service as an ''employee'' (determined under the common law standards for employee status set forth in § 31.3121(d)–1(c)). Thus, for purposes of determining the individual's FICA wages, the term ''employer'' generally refers solely to an individual's common law employer.[19] Because the phrase ''from the employer sponsoring the plan'' modifies the reference to FICA wages in section 414(v)(7)(A), the determination of whether the Roth catch-up requirement applies to a participant would generally follow the FICA rules and be based on the FICA wages from the participant's common law employer.

Proposed § 1.414(v)–2(b)(3) would provide that, with respect to each catch-up eligible participant who is subject to the Roth catch-up requirement, the term ''employer sponsoring the plan'' refers only to the participant's common law employer contributing to the plan. Under the proposed regulation, the employer sponsoring the plan would not include other entities that are treated as a single employer with a catch-up eligible participant's common law employer under section 414(b), (c), (m), or (o). Some commenters agreed with the approach in the proposed regulation. Other commenters requested that the final regulation provide an option to aggregate FICA wages from different employers in certain situations, in order to ease plan administration by aligning determination of applicability of the Roth catch-up requirement with the employers' general payroll practices. These commenters argued that this aggregation option would be particularly helpful in situations involving entities that are aggregated with the participant's common law employer under section 414(b), (c), (m), or (o) and situations involving a common paymaster in accordance with section 3121(s).

Section 1.414(v)–2(b)(4)(i) of the final regulations, which is renumbered from proposed § 1.414(v)–2(b)(3), provides that, with respect to each catch-up eligible participant who is subject to the Roth catch-up requirement, the term ''employer sponsoring the plan'' refers to the participant's common law employer contributing to the plan. However, in response to comments, § 1.414(v)–2(b)(4)(ii) provides that if the common law employer uses a common paymaster in accordance with section 3121(s), the plan may provide that the employee's common law employer is aggregated with one or more other employers using that common paymaster and treat the aggregated employers as a single employer sponsoring the plan for purposes of section 414(v)(7) and § 1.414(v)–2. Section 1.414(v)–2(b)(4)(iii) also provides that if the common law employer is a member of a group of employers that are treated as a single employer under the rules of section 414(b), (c), (m), or (o), the plan may provide that the employee's common law employer is aggregated with one or more other employers in that group of employers and treat the aggregated employers as a single employer sponsoring the plan for purposes of section 414(v)(7) and § 1.414(v)–2. For example, a plan could provide for aggregation of selected related employers for purposes of section 414(v)(7) by listing the employers being aggregated in the plan document. In cases of aggregation in accordance with § 1.414(v)–2(b)(4)(ii) or (iii), the employee's wages from the common law employer and from the one or more other employers that are aggregated with the common law employer are treated as wages from the employer sponsoring the plan.

One commenter requested that the final regulations address how applicability of the Roth catch-up requirement is determined for a calendar year for which wages paid to an employee by a predecessor employer are attributed to the employee's common law employer who is a successor employer on account of an asset purchase in accordance with § 31.3121(a)(1)-1(b). Specifically, the commenter requested that the final regulations provide a safe harbor permitting plan administrators to rely on wage information as reported on a Form W–2 issued by the successor employer for the calendar year of the asset purchase in accordance with the standard or alternate procedure for Form W–2 reporting set forth in Rev. Proc. 2004–53, 2004–34 IRB 320.[20]

Section 1.414(v)–2(b)(4)(iv) of the final regulations provides such a safe harbor. Thus, pursuant to § 1.414(v)–2(b)(4)(iv)(A), if a successor employer files a Form W–2 for the calendar year of the asset purchase in accordance with the alternate procedure set forth in Rev. Proc. 2004–53, then a plan that is sponsored by the successor employer (or an entity that is aggregated with the successor employer in accordance with final regulation § 1.414(v)–2(b)(4)(ii) or (iii)) may provide that all of the wages reported in Box 3 of the Form W–2 are treated as wages from the employer sponsoring the plan for purposes of determining applicability of the Roth catch-up requirement. So, too, pursuant to § 1.414(v)–2(b)(4)(iv)(B), if a successor employer files a Form W–2 for the calendar year of the asset purchase

[19] In general, FICA wages are determined separately by related employers. *See* § 31.3121(a)(1)–1(a)(3) (''If during a calendar year the employee receives remuneration from more than one employer, the annual wage limitation does not apply to the aggregate remuneration received from all of such employers, but instead applies to the remuneration received during such calendar year from each employer.''). *See also* § 31.3121(s)–1(a) (''For purposes of section . . . 3121(a)(1), except as otherwise provided . . ., when two or more related corporations concurrently employ the same individual and compensate that individual . . ., each of the corporations is considered to have paid only the remuneration it actually disburses to that individual.'').

[20] Under the standard procedure set forth in Rev. Proc. 2004–53, the predecessor and successor employers report the wages each pays during the calendar year in which the asset purchase occurs on a separate Form W–2. Despite the separate Form W–2 reporting, the wages reported by the successor employer in Box 3 of the Form W–2 cannot exceed the difference between the Social Security wage base limit for the year and the wages paid by the predecessor employer during the calendar year. Under the alternate procedure, the successor employer reports all of the wages paid by both the predecessor employer and the successor employer in the calendar year in which the asset purchase occurs on a single Form W–2 (with the wages reported in Box 3 limited to the Social Security wage base limit for the calendar year).

in accordance with the standard procedure set forth in Rev. Proc. 2004–53, then a plan that is sponsored by the successor employer (or an entity that is aggregated with the successor employer in accordance with final regulation § 1.414(v)–2(b)(4)(ii) or (iii)) may provide that the wages paid by the successor employer for the year that are treated as wages from the employer sponsoring the plan for purposes of determining applicability of the Roth catch-up requirement are limited to the wages reported in Box 3 of the Form W–2.

One commenter requested that the final regulations address the treatment, for purposes of section 414(v)(7), of an employee who receives wages from an entity that is disregarded as an entity separate from its owner in accordance with § 301.7701–2(c)(2)(i) (that is, the entity has not made an election under § 301.7701–3(b)(1)(ii) to be classified as a corporation). The commenter noted that a disregarded entity is generally disregarded for Federal income tax purposes but is treated as a separate entity for employment tax purposes. Section 1.414(v)–2(b)(4)(v) of the final regulations provides that the owner of the disregarded entity is treated as the employer sponsoring the plan and the employee's wages from the employer sponsoring the plan include the employee's wages from the disregarded entity and from its owner.

One commenter suggested that, for purposes of the Roth catch-up requirement as applied to a multiemployer plan, the employer sponsoring the plan is the joint board of trustees because section 3(16)(B) of ERISA defines the ''plan sponsor'' of a multiemployer plan as the joint board of trustees (rather than the contributing employers). Under the interpretation of section 414(v)(7)(A) suggested by the commenter, the employees of those other employers would not be subject to section 414(v)(7)(A) (because those other employers are merely signatories of the collective bargaining agreement pursuant to which their employees participate in the multiemployer plan and are contributors to that plan, but would not be employees of the employer sponsoring the plan).[21] As explained in the preamble to the proposed regulations, the Treasury Department and the IRS do not agree that this is a reasonable interpretation of section 414(v)(7)(A) because the rules in title 29 of the United States Code, which includes section 3(16)(B) of ERISA, are separate from the rules of the Internal Revenue Code in title 26 of the United States Code, and title 29 of the United States Code does not include any provisions that directly apply to, or are parallel to, the Code's catch-up contribution rules. Rather, in the context of the Roth catch-up requirement, the employer sponsoring the plan is the common law employer that is the source of the participant's FICA wages and contributions to the multiemployer plan (but the plan may provide for aggregation of FICA wages from certain related employers as described earlier in this preamble section).

[21] Even under the commenter's interpretation, an employee of the joint board of trustees who has wages from that employer in excess of the Roth catch-up wage threshold would be subject to section 414(v)(7)(A) because the joint board of trustees is the employer sponsoring the plan.

5. Plans With More Than One Employer Sponsoring the Plan

For a plan that has more than one employer sponsoring the plan, proposed § 1.414(v)–2(b)(4) would apply the Roth catch-up requirement on the basis of FICA wages (if any) for the preceding calendar year solely from a participant's common law employer without aggregating those wages with the FICA wages from other employers, including employers that participate in the same plan or employers that are treated as a single employer together with the common law employer under section 414(b), (c), (m), or (o). Thus, under the proposed regulations, a catch-up eligible participant who had FICA wages exceeding $145,000 (as adjusted) in the preceding calendar year from any employer other than the employer sponsoring the plan (as defined with respect to the participant in accordance with proposed § 1.414(v)–2(b)(3)) would not be subject to the Roth catch-up requirement under the plan in the current year if the participant did not also have more than $145,000 (as adjusted) of FICA wages for the preceding year from the employer sponsoring the plan. Section 1.414(v)–2(b)(5) of the final regulations, which was renumbered from proposed § 1.414(v)–2(b)(4), includes that same rule related to wages from an employer other than the employer sponsoring the plan, except that the rule takes into account the new optional aggregation rules of § 1.414(v)–2(b)(4) for determining the employer sponsoring the plan (that is, the rules allowing for aggregation of wages in situations involving controlled groups and common paymasters).

C. Treatment of Pre-Tax Catch-Up Contributions That Are Required To Be Designated Roth Contributions Under Section 414(v)(7)

1. Correcting a Violation of the Section 414(v)(7) Roth Catch-Up Requirement

As explained in the Background section of the preamble to the proposed regulations, section 414(v)(7)(A) provides that section 414(v)(1) applies to catch-up contributions made by a participant who is subject to the Roth catch-up requirement only if the catch-up contributions are designated Roth contributions. If a participant who is subject to the Roth catch-up requirement makes a pre-tax elective deferral in excess of an applicable limit, then section 414(v)(1) will not apply to that elective deferral and the plan will fail to be qualified unless the plan corrects the failure. A plan is permitted to correct this type of error by distributing the additional elective deferrals that are not catch-up contributions under section 414(v)(1) from the plan in accordance with a permitted correction method specific to the limit on elective deferrals that the additional elective deferrals exceeded (for example, the correction method in § 1.402(g)–1(e) for elective deferrals that exceeded the section 401(a)(30) limit, the correction method in section 6.06(1) and (2) of Revenue Procedure 2021–30, 2021–31 IRB 172, for elective deferrals that resulted in the participant's annual additions exceeding the section 415(c) limit, or the correction method in § 1.401(k)–2(b)(2) or Appendix B, section 2.01, of Revenue Procedure 2021–30 for elective deferrals that exceeded the ADP limit).

One commenter requested clarification regarding the treatment of excess contributions (as defined in Code section 401(k)(8)(B)) as catch-up contributions that are not required to be distributed under § 1.401(k)–2(b)(4)(v) in the case of a plan with a plan year other than the calendar year and an HCE who is not subject to the Roth catch-up requirement for part of the plan year and is subject to the Roth catch-up requirement for the remainder of the plan year. Under § 1.401(k)–2(b)(1)(ii), a plan may permit an HCE with elective contributions for a year that includes both pre-tax elective contributions and designated Roth contributions to elect whether the excess contributions are to be attributed to pre-tax elective contributions or designated Roth contributions. Consistent with that rule, a plan may permit an HCE who was subject to the Roth catch-up requirement for only part of the plan year to elect whether the excess

contributions that are treated as catch-up contributions are contributions that were subject to the Roth requirement or were permitted to be pre-tax contributions.

2. Additional Permissible Correction Methods for Elective Deferrals That Exceed an Applicable Limit

As an alternative to making a corrective distribution, proposed § 1.414(v)–2(c)(2) would permit a plan to use either of two new methods to correct a section 414(v)(7) failure.

a. Form W–2 Correction Method

Under the correction method set forth in proposed § 1.414(v)–2(c)(2)(ii), a plan would be permitted to correct a participant's pre-tax catch-up contribution that was required to be a designated Roth contribution by transferring the elective deferral (adjusted for allocable gain or loss) from the participant's pre-tax account to the participant's designated Roth account and reporting the contribution (not adjusted for allocable gain or loss) as a designated Roth contribution on the participant's Form W–2 for the year of the deferral (that is, reporting the contribution as if it had been correctly made as a designated Roth contribution). As explained in Section III.C.2.a of the preamble to the proposed regulations (''Form W–2 Correction Method''), the contribution (not adjusted for allocable gain or loss) would be includible in the participant's gross income for the year of the deferral as if the contribution had been correctly made as a designated Roth contribution. However, this method would not be permitted to be used if the participant's Form W–2 for that year has already been filed or furnished to the participant.

One commenter requested that the final regulations permit a correction under the Form W–2 correction method to be reported on a participant's amended Form W–2 for the year of the deferral (in other words, permit the Form W–2 correction method to be used even if the participant's Form W–2 for the year of the deferral has already been filed or furnished to the participant). The final regulations do not reflect this request because the Treasury Department and the IRS have determined that such an approach would be overly burdensome to affected participants, who might be required to file amended income tax returns to reflect the amended Forms W–2, and create additional administrative burden for the IRS, which would be required to process any amended Federal income tax returns.

Another commenter explained that the Form W–2 correction method is unlikely to be effectively implemented by multiemployer plans because those plans do not have access to or control over their contributing employers' payroll systems. However, as described in section III.C.2.b of this Summary of Comments and Explanation of Revisions (''In-plan Roth rollover correction method''), these final regulations also include an in-plan Roth rollover correction method as an alternative to distribution.

Accordingly, the final regulations generally retain the Form W–2 correction method as set forth in proposed § 1.414(v)–2(c)(2)(ii) without modification. However, the final regulations clarify the method for calculating earnings and losses for purposes of determining the amount to be transferred from a participant's pre-tax account to the participant's designated Roth account, as described in section III.C.2.b of this Summary of Comments and Explanation of Revisions (''In-plan Roth rollover correction method'').

b. In-Plan Roth Rollover Correction Method

Under proposed § 1.414(v)–2(c)(2)(iii), a plan would be permitted to correct a participant's pre-tax catch-up contribution that was required to be a designated Roth contribution through an in-plan Roth rollover in accordance with section 402A(c)(4)(E). As explained in Section III.C.2.b of the preamble to the proposed regulations (''In-Plan Roth Rollover Correction Method''), a plan would directly roll over the elective deferral (adjusted for allocable gain or loss) from the participant's pre-tax account to the participant's designated Roth account and report the amount of the in-plan Roth rollover on Form 1099–R (Distributions From Pensions, Annuities, Retirement or Profit-Sharing Plans, IRAs, Insurance Contracts, etc.) for the year of rollover. The provisions of Notice 2010–84, 2010–51 IRB 872, and Notice 2013–74, 2013–52 IRB 819, would generally apply to an in-plan Roth rollover used to correct a section 414(v)(7) failure. Thus, the amount directly rolled over to the participant's designated Roth account would be the same as the amount reported on Form 1099–R, and the contribution (adjusted for allocable gain or loss) would be includible in the participant's gross income for the year of the rollover.

One commenter requested that the final regulations not require that an amount directly rolled over to a participant's designated Roth account be adjusted for allocable gain or loss. The final regulations do not reflect this comment because the amount directly rolled over to the participant's designated Roth account would be includible in the participant's gross income for the year of the rollover, which may be a later year than the year the contribution would have been includible if it had been made correctly as a designated Roth contribution. Thus, the adjustment for any allocable gain would serve to balance any delayed inclusion in gross income.

The commenter also requested that, if the final regulations require that the amount directly rolled over to a participant's designated Roth account be adjusted for allocable gain or loss, the final regulations maintain flexibility as to the method a plan uses to calculate the gain or loss. Another commenter requested that, with respect to both the Form W–2 and in-plan Roth rollover correction methods, the final regulations provide a rule similar to § 1.401(k)-2(b)(2)(iv), under which a plan generally may use any reasonable method for computing the income allocable to excess contributions or use the alternative method under § 1.401(k)-2(b)(2)(iv)(C). In response to these comments, § 1.414(v)–2(c)(2)(ii) and (iii) of the final regulations clarifies that the adjustment for earnings or losses for an in-plan Roth rollover correction must be calculated in accordance with the flexible standard provided under § 1.402(g)–1(e)(5). A similar clarification applies for purposes of determining the amount to be transferred to the participant's designated Roth account if a section 414(v)(7) failure is corrected under the Form W–2 method.

Commenters also requested clarification regarding the extent to which an in-plan Roth rollover that is used to correct a section 414(v)(7) failure is different than an in-plan Roth rollover under section 402A(c)(4)(E). One commenter requested that the final regulations clarify that the participant election provision of section 402A(c)(4)(E)(i) does not apply to an in-plan Roth rollover that is used to correct a section 414(v)(7) failure. The Treasury Department and the IRS agree that an in-plan Roth rollover correction is permitted to be made only by a plan and may not be elected voluntarily by a participant. Therefore, in response to these comments, § 1.414(v)–2(c)(2)(iii) requires that the rules of section 402A(c)(4)(E)(ii) and (iii) (rather than section 402A(c)(4)(E) in its entirety) apply to the correction.

Similarly, some commenters requested clarification that a plan may provide for the use of the in-plan Roth rollover method to correct a section

414(v)(7) failure even if the plan does not permit participants to elect in-plan Roth rollovers under section 402A(c)(4)(E). As explained in Q&A–2 of Notice 2010–84, a participant may elect an in-plan Roth rollover only if the plan provides for such rollovers. However, the Treasury Department and the IRS agree that, because an in-plan Roth rollover correction for a section 414(v)(7) failure is implemented pursuant to plan terms rather than a participant's voluntary election, a plan may provide for the use of the in-plan Roth rollover correction method even if the plan does not permit participants to elect in-plan Roth rollovers under section 402A(c)(4)(E).

One commenter requested clarification that the use of the in-plan Roth rollover correction method is not a benefit, right, or feature that is subject to section 401(a)(4). Under existing § 1.401(a)(4)–4(e)(3)(iii)(I), the right to make rollover contributions and transfers to and from a plan (which would include the right to make an in-plan Roth rollover) is a right or feature. However, a plan's use of the in-plan Roth rollover correction method is an administrative detail not reasonably expected to be of meaningful value to an employee under § 1.401(a)(4)–4(e)(3)(ii)(C) and not a benefit, right, or feature for purposes of section 401(a)(4) and § 1.401(a)(4)–4.

Commenters also requested clarification regarding the taxable year in which the 5-taxable-year period for a qualified distribution under section 402A(d)(2)(B) begins if an amount that is transferred pursuant to the Form W–2 correction method, or directly rolled over pursuant to the in-plan Roth rollover correction method, is the first contribution to a participant's designated Roth account. One commenter requested that the final regulations provide that, under either correction method, the 5-taxable-year period begins in the year in which the pre-tax elective deferral was made, and another commenter requested confirmation that an amount directly rolled over to a participant's designated Roth account pursuant to an in-plan Roth rollover correction is treated in the same manner as a participant-initiated Roth contribution for purposes of determining the 5-taxable-year period.

Under section 402A(d)(2)(B), for purposes of determining whether a payment or distribution from a designated Roth account is treated as a qualified distribution, the 5-taxable-year period generally begins with ''the first taxable year for which the individual made a designated Roth contribution to any designated Roth account established for such individual under the same applicable retirement plan. . . .'' [22] If an amount that is transferred pursuant to the Form W–2 correction method or directly rolled over pursuant to the in-plan Roth rollover correction method is the first contribution to a participant's designated Roth account, then the 5-taxable-year-period begins with the taxable year for which the amount transferred or directly rolled over is includible in the participant's gross income (which, depending on the circumstances, could be the same taxable year in which the pre-tax elective deferral was made or the next taxable year).

Commenters also requested that the final regulations provide that an in-plan Roth rollover that is made as a correction for a section 414(v)(7) failure and distributed within the 5-taxable-year period that begins on January 1 of the year of the correction is not subject to the 5-year recapture rule under sections 402A(c)(4)(D) and 408A(d)(3)(F).[23] Commenters argued that the 5-year recapture rule should not apply in this circumstance because, if the pre-tax elective deferral had been correctly made as a designated Roth contribution, then the 5-year recapture rule would not apply to a later distribution of that designated Roth contribution.

The final regulations do not reflect these comments with respect to the 5-taxable-year period and the 5-year recapture rule because the Treasury Department and the IRS have determined that aligning the in-plan Roth rollover correction method with the existing provisions of section 402A(c)(4)(E)(ii) and (iii) would facilitate sound tax administration (for example, by requiring that the correction be consistently treated as an in-plan Roth rollover for purposes of Form 1099–R reporting). Thus, for example, if an in-plan Roth rollover that is made as a correction for a section 414(v)(7) failure is distributed within the 5-taxable-year period that begins on January 1 of the year in which the in-plan Roth rollover is made, then the distribution would be subject to a 10 percent additional tax under section 72(t) unless an exception applies under section 72(t)(2).

c. Consistency Requirements for Choice of Correction Method

Under proposed § 1.414(v)–2(c)(2)(i), a plan would be permitted to provide for either correction method but, with respect to a plan year, the plan would be required to apply the same correction method for all participants with elective deferrals in excess of the same applicable limit.

Commenters requested that the final regulations not include the requirement that, with respect to a plan year, a plan apply the same correction method for all participants with elective deferrals in excess of the same applicable limit. Commenters argued that this requirement would discourage the use of the Form W–2 correction method due to the possibility that elective deferrals for some participants might be corrected using the Form W–2 correction method but other participants with elective deferrals in excess of the same applicable limit might not be identified until after the Forms W–2 for the year of the deferral have been filed or furnished to the participants. In such case, the in-plan Roth rollover correction method could not be used with respect to those later identified participants and their additional elective deferrals would be required to be distributed from the plan in accordance with a permitted correction method specific to the limit on elective deferrals that the additional elective deferrals exceeded.

In response to these comments, the final regulations do not require that, with respect to a plan year, a plan apply the same correction method for all participants with elective deferrals in excess of the same applicable limit. Instead, § 1.414(v)–2(c)(2)(i) provides flexibility by merely requiring that a plan apply the same correction method for similarly situated participants. Section 1.414(v)–2(c)(2)(i) provides further that the selection of which correction method applies may not be based on the investment returns earned in participants' accounts. For example, a plan may provide for correction using the Form W–2 correction method for all participants for whom the Forms W–2 for that year have not been filed or

[22] As explained in Q&A–8 of Notice 2013–74, if an in-plan Roth rollover is the first contribution made to an employee's designated Roth account, the 5-taxable-year period begins on the first day of the first taxable year in which the employee makes the in-plan Roth rollover.

[23] Under section 402A(c)(4)(D), the 5-year recapture rules of section 408A(d)(3)(F) apply for purposes of section 402A(c)(4). Q&A–12 of Notice 2010–84 explains that, pursuant to sections 402A(c)(4)(D) and 408A(d)(3)(F), if an amount allocable to the taxable amount of an in-plan Roth rollover is distributed within the 5-taxable-year period beginning with the first day of the participant's taxable year in which the rollover was made, the amount distributed is treated as includible in gross income for the purpose of applying section 72(t). Therefore, if a plan distributes any part of an in-plan Roth rollover within this 5-taxable-year period, the distribution is subject to a 10 percent additional tax under section 72(t) unless an exception applies under section 72(t)(2), or the distribution is allocable to any nontaxable portion of the in-plan Roth rollover.

furnished and for correction using the in-plan Roth rollover correction method for all other participants.

3. General Correction Requirements and Deadlines To Correct

a. Prerequisite To Correct Certain Section 414(v)(7) Failures Under the New Correction Methods

Under proposed § 1.414(v)–2(c)(3)(i), a plan would be eligible to use the Form W–2 or in-plan Roth rollover correction method with respect to pre-tax elective deferrals that exceed a statutory limit described in § 1.414(v)–1(b)(1)(i) (such as contributions that exceed the section 401(a)(30) limit or that result in the participant's annual additions exceeding the section 415(c) limit) only if the plan sponsor or plan administrator has in place practices and procedures designed to result in compliance with section 414(v)(7) at the time an elective deferral is made.[24] A plan would not meet this requirement unless the plan provides for a deemed Roth catch-up election in accordance with proposed § 1.401(k)–1(f)(5)(iii) and (iv). Under the deemed Roth catch-up election approach, if a participant who is subject to the Roth catch-up requirement has made pre-tax elective deferrals for a calendar year that equal the section 401(a)(30) limit for the taxable year that begins in the calendar year, then subsequent elective deferrals made by the participant in the calendar year would automatically be made as designated Roth contributions, even if the participant has not made an affirmative election to make catch-up contributions as designated Roth contributions. Similarly, if such a participant has made pre-tax elective deferrals for a limitation year that result in the participant's annual additions for the limitation year equaling the section 415(c) limit, then subsequent elective deferrals made by the participant in the limitation year would automatically be treated as designated Roth contributions.

Although commenters generally agreed that a plan should be permitted to provide for a deemed Roth catch-up election, commenters requested that the final regulations not include the proposed requirement that a plan provide for the deemed Roth catch-up election in order for the Form W–2 or in-plan Roth rollover correction method to be used to correct a pre-tax elective deferral that exceeds a statutory limit. Commenters argued that a deemed Roth catch-up election could be viewed as impractical or less efficient than collecting affirmative designated Roth contribution elections, would need to be negotiated with respect to collectively bargained plans, and potentially could be prohibited under State or local law.

Section 1.414(v)–2(c)(3)(i)(B) of the final regulations generally retains the requirement that a plan provide for a deemed Roth catch-up election in order for the Form W–2 or in-plan Roth rollover correction method to be used to correct a pre-tax elective deferral that exceeds a statutory limit.[25] However, the Treasury Department and the IRS note that § 1.401(k)–1(f)(5)(iv) of the final regulations also retains the requirement that a plan offer to a participant who is subject to a deemed Roth catch-up contribution election an effective opportunity to make a different election (that is, an election to make pre-tax catch-up contributions or to make no catch-up contributions). The Treasury Department and the IRS believe that concerns relating to compliance with the terms of a collective bargaining agreement or applicable State or local law would be mitigated by a participant's ability to make an election to override any deemed Roth treatment by the plan.

In addition, in response to commenters and as noted previously in section III.B.1. of this preamble, the final regulations reduce the potential administrative burden of this requirement by removing the requirement that a plan take into account any designated Roth contributions that a participant made earlier in a calendar year for purposes of applying the deemed Roth catch-up election. Thus, under the final regulations, in order for a plan to use the Form W–2 or in-plan Roth rollover correction method to correct a pre-tax elective deferral that exceeds a statutory limit, the plan must provide that the elective deferrals of a participant who is subject to the Roth catch-up requirement are automatically treated as designated Roth contributions either: (1) after the participant's total elective deferrals made during the calendar year (including elective deferrals made as designated Roth contributions) exceed the section 401(a)(30) limit on elective deferrals for the taxable year that begins in the calendar year, or (2) after the participant's pre-tax elective deferrals made during the calendar year exceed the section 401(a)(30) limit on elective deferrals for the taxable year that begins in the calendar year.

In addition, § 1.414(v)–2(c)(3)(i)(B) clarifies that, although a plan must provide a participant who is subject to the deemed Roth catch-up election with an effective opportunity to make a new election that is different than the deemed election, if a plan implements a participant's affirmative pre-tax catch-up contribution election, the plan must then determine whether the participant's affirmative pre-tax catch-up contribution election is permissible (taking into account any designated Roth contributions made by the participant earlier in the calendar year). If the participant's affirmative pre-tax catch-up contribution election is impermissible, then the section 414(v)(7) failure generally must be corrected.

The final regulations also provide that, in the case of an employee participating in a section 403(b) plan for whom the section 402(g) limit is increased pursuant to section 402(g)(7), the plan is permitted to provide that the automatic treatment of additional elective deferrals as designated Roth contributions applies either: (1) after the employee's elective deferrals under the plan for the calendar year exceed the section 401(a)(30) limit on elective deferrals for the taxable year that begins in the calendar year, increased by the amount described in section 402(g)(7)(A), or (2) after the employee's pre-tax elective deferrals under the plan for the calendar year exceed the section 401(a)(30) limit on elective deferrals for the taxable year that begins in the calendar year, increased by the amount described in section 402(g)(7)(A).

Similarly, the final regulations provide that, in the case of an eligible governmental 457(b) plan, the automatic treatment of additional elective deferrals as designated Roth contributions generally applies with respect to the corresponding limit of section 457(b)(2). However, a plan is permitted to provide that the automatic treatment of additional elective deferrals as designated Roth contributions applies once the amount deferred under the

[24] A plan would not be required under proposed § 1.414(v)–2(c)(3)(i) to have such practices and procedures in place in order to correct a pre-tax catch-up contribution that is a catch-up contribution because it exceeds an employer-provided limit as described in § 1.414(v)–1(b)(1)(ii). A plan would also not be required to have such practices and procedures in place in order to correct a pre-tax elective deferral that is a catch-up contribution because it exceeds the ADP limit as described in § 1.414(v)–1(b)(1)(iii). This is because these elective deferrals are not determined to be catch-up contributions under § 1.414(v)–1(c)(3) until the last day of the plan year of deferral or in the following plan year.

[25] The final regulations do not include the proposed requirement that if a participant who is subject to the deemed Roth catch-up election has made pre-tax elective deferrals for a limitation year that result in the participant's annual additions for the limitation year equaling the section 415(c) limit, then subsequent elective deferrals made by the participant in the limitation year must automatically be treated as designated Roth contributions.

plan for the taxable year exceeds the section 457(b)(3) limit for the participant.

Under proposed § 1.414(v)–2(c)(3)(ii), a plan would not fail to meet the requirement to have in place practices and procedures that are designed to result in compliance with the Roth catch-up requirement at the time an elective deferral is made merely because the plan determines the applicability of the Roth catch-up requirement to a participant solely on the basis of the participant's FICA wages from the employer sponsoring the plan for the preceding calendar year as reported on a timely-filed Form W–2 with respect to the participant. However, as explained in section III.C.3.a of the preamble to the proposed regulations (''Prerequisite to Correct Certain Section 414(v)(7) Failures Under the New Correction Methods''), the fact that a plan would not fail to meet the requirement to have in place practices and procedures did not mean that the plan would not have to correct any pre-tax catch-up contributions that should have been designated Roth contributions if the amount of a participant's FICA wages for the preceding calendar year that is timely reported on a Form W–2 is later determined to be incorrect. The Treasury Department and the IRS invited comments on whether there are scenarios in which it would not be appropriate to require correction of pre-tax catch-up contributions that are required to be designated Roth contributions on the basis of a subsequent determination that the amount of FICA wages reported on the Form W–2 was incorrect. The final regulations retain the rule included in proposed § 1.414(v)–2(c)(3)(ii). However, in response to comments received and as explained in section III.C.4 of this Summary of Comments and Explanation of Revisions (''Correction not required in certain circumstances''), the final regulations do not require the correction of a section 414(v)(7) failure if a participant became subject to section 414(v)(7)(A) solely because the participant's FICA wages for the calendar year preceding the calendar year in which the taxable year begins were not determined to exceed the Roth catch-up wage threshold until after the deadline for correction in § 1.414(v)–2(c)(3)(iii).

b. Deadline to Correct Section 414(v)(7) Failures

Under proposed § 1.414(v)–2(c)(3)(iii), the deadline to correct a section 414(v)(7) failure would depend on which limit is the basis for the pre-tax elective deferral being designated a catch-up contribution. For example, if the elective deferral is a catch-up contribution because it exceeds the section 401(a)(30) limit on elective deferrals, then, consistent with § 1.402(g)–1(e), the deadline to complete the corrective steps under proposed § 1.414(v)–2(c)(2) would be April 15 of the calendar year following the calendar year for which the elective deferral was made. Further, the proposed regulations would include separate deadlines with respect to the section 415(c) limit and with respect to the ADP limit or an employer-provided limit.

Commenters generally recommended that the correction deadlines set forth in the proposed regulations be simplified and that a later deadline should be provided under the final regulations. Commenters provided various suggestions for a single correction deadline (for example, the close of the calendar year following the calendar year in which the pre-tax elective deferrals were made) or for extended correction deadlines in certain circumstances (for example, with respect to the ADP limit, 12 months after the close of the plan year in which the excess contribution arose). One commenter also requested the consideration of correction options that would limit administrative burden to plans and prevent double taxation for participants (for example, by not requiring the inclusion of a pre-tax deferral in excess of the section 401(a)(30) limit in a participant's gross income for the year in which the deferral was made and for the year in which the participant receives a corrective distribution).

In response to these comments, § 1.414(v)–2(c)(3)(iii) of the final regulations provides that, if a section 414(v)(7) failure arises with respect to an elective deferral that is a catch-up contribution because it exceeds a statutory limit within the meaning of § 1.414(v)–1(b)(1) (which would include, for example, the section 401(a)(30) limit and the section 415(c) limit), the deadline to complete all corrective steps required under § 1.414(v)–2(c)(2) in order to avoid a qualification failure is the last day of the taxable year following the taxable year for which the elective deferral was made. If the section 414(v)(7) failure arises with respect to an elective deferral that is a catch-up contribution because it exceeds an employer-provided limit as described in § 1.414(v)–1(b)(1)(ii) or the ADP limit, the deadline to complete the corrective steps required under § 1.414(v)–2(c)(2) in order to avoid a qualification failure is the last day of the plan year following the plan year for which the catch-up contribution was made.

However, a pre-tax elective deferral that must be corrected due to a section 414(v)(7) failure is not treated as a catch-up contribution prior to the date that the failure is corrected under § 1.414(v)–2(c)(2). This means that if there are consequences for failing to be a catch-up contribution which apply before the deadline for making the correction in § 1.414(v)–2(c)(3)(iii), those consequences will apply with respect to the additional elective deferral (even if the correction is made by that deadline).

For example, under § 1.414(v)–2(c)(3)(iii)(A), in the case of an elective deferral that is a catch-up contribution because it exceeds the section 401(a)(30) limit on elective deferrals, if all corrective steps required under § 1.414(v)–2(c)(2) are not completed by April 15 following the close of the taxable year for which the elective deferral was made, then the excess deferral will not be treated as having been corrected by the deadline in § 1.402(g)–1(e)(2)(ii). Thus, the excess deferral will be subject to the tax treatment rules of § 1.402(g)–1(e)(8)(iii). Similarly, if a section 414(v)(7) failure arises with respect to an elective deferral that is a catch-up contribution because it exceeds an employer-provided limit, the contribution is not excluded from being taken into account as a catch-up contribution for purposes of the ADP test of section 401(k)(3) pursuant to § 1.401(k)–2(a)(5)(iii) before the correction for the section 414(v)(7) failure occurs.

Section 1.414(v)–2(c)(3)(iii)(C) of the final regulations provides that if a section 414(v)(7) failure arises with respect to an elective deferral that is a catch-up contribution because it exceeds the ADP limit, the contribution is not excluded from the requirement to distribute excess contributions as a catch-up contribution pursuant to § 1.401(k)–2(b)(4)(v) before the correction for the section 414(v)(7) failure occurs. The final regulations align with the existing section 401(k) regulations for the correction of an excess contribution by clarifying that, if a plan does not correct excess contributions within 2–½ months after the close of the plan year for which the excess contributions are made (as extended to 6 months under § 1.401(k)–2(b)(5)(iii) in the case of certain applicable employer plans that include an eligible automatic contribution arrangement within the meaning of section 414(w)), then the employer will be liable for a 10% excise tax under section 4979 on the amount of the

excess contributions that were not distributed timely.

4. Correction Not Required in Certain Circumstances

Commenters requested that Treasury and the IRS address whether there are circumstances in which a pre-tax elective deferral in excess of an applicable limit that fails to comply with section 414(v)(7)(A) would not need to be corrected in order for section 414(v)(1) to apply and requested that correction not be required in certain circumstances. Commenters requested that the final regulations include a de minimis exception under which pre-tax elective deferrals that do not exceed a specified threshold (for example, $250) would not need to be corrected. One commenter also requested that the final regulations permit a plan to rely on a participant's final Form W–2 for a year when determining whether the participant is subject to the Roth catch-up requirement and not require correction in the event that the participant's FICA wages are later adjusted. An example would be a participant whose Form W–2 for the preceding calendar year indicates that FICA wages did not exceed the Roth catch-up wage threshold, but whose FICA wages are later adjusted as a result of an employment tax examination, if the adjusted FICA wages for the participant exceed the Roth catch-up wage threshold.

In response to these comments, § 1.414(v)–2(c)(4) sets forth two circumstances in which a pre-tax elective deferral in excess of an applicable limit that fails to comply with section 414(v)(7)(A) would not need to be corrected in order for the elective deferral to be treated as a catch-up contribution. First, correction is not required if the amount of the pre-tax elective deferral that was required to be a designated Roth contribution does not exceed $250. For purposes of applying this $250 threshold, earnings and losses on the pre-tax elective deferral are not taken into account. Second, correction is not required if the participant became subject to section 414(v)(7)(A) solely because the participant's FICA wages for the calendar year preceding the calendar year in which the taxable year begins were not determined to exceed the Roth catch-up wage threshold until after the deadline for correction in § 1.414(v)–2(c)(3)(iii).

One commenter requested that the final regulations not require a correction after a significant passage of time (for example, after the statute of limitations has run on the participant's tax return for the taxable year in which the pre-tax elective deferral should have been made as a designated Roth contribution) or after the amount that would otherwise be required to be transferred or directly rolled over to the participant's designated Roth account has been distributed from the plan. As a general matter, in order to remain qualified, any failure to meet the qualification requirements must be corrected even if all applicable statutes of limitations on assessment for the year in which the failure occurred have closed. The final regulations do not alter this general principle.

Another commenter requested that the final regulations address the correction method for a participant who is subject to the Roth catch-up requirement, is permitted to make pre-tax catch-up contributions, and subsequently takes a distribution of the participant's entire account balance before the plan has an opportunity to correct the failure. Distribution of such an amount would satisfy the qualification requirements without the need for any additional rules in these final regulations. However, under § 1.402(c)–2(c)(3)(i) through (iii), the portion of the distribution attributable to the pre-tax catch-up contributions would not be an eligible rollover distribution.

D. Other Issues Related to Applicable Employer Plans

1. Safe Harbor Section 401(k) Plans

One commenter requested confirmation that a plan amendment that is made pursuant to section 603 of the SECURE 2.0 Act would not be a prohibited mid-year change described in section III.D of Notice 2016–16, 2016–7 IRB 318.[26] The Treasury Department and the IRS have determined that, for purposes of section III.D of Notice 2016–16, a plan amendment that is made pursuant to section 603 of the SECURE 2.0 Act, or any regulation relating to that provision, is not a prohibited mid-year change.

2. Eligible Governmental 457(b) Plans

One commenter requested clarification that correction methods similar to the in-plan Roth rollover correction method would be available to an eligible governmental 457(b) plan for a violation of section 457(c). The commenter noted that, in the proposed regulations, the deadlines for using the in-plan Roth rollover correction method would refer to violations of section 401(a)(30), which does not apply to section 457(b) plans. As described in section III.C.3.b of this Summary of Comments and Explanation of Revisions (''Deadline to correct section 414(v)(7) failures''), a single correction deadline applies for all section 414(v)(7) failures that arise with respect to an elective deferral that is a catch-up contribution because it exceeds a statutory limit within the meaning of § 1.414(v)–1(b)(1). A statutory limit within the meaning of § 1.414(v)–1(b)(1) includes the limit provided in section 457(b)(2) (without regard to section 457(b)(3)).

Commenters also requested that eligible governmental 457(b) plans be permitted to include a deemed Roth catch-up election, as permitted for section 401(k) and section 403(b) plans. These final regulations do not make any revisions to the regulations relating to eligible governmental 457(b) plans because those regulations do not currently provide for the inclusion of a qualified Roth contribution program in an eligible governmental 457(b) plan.[27]

IV. Applicability Date Issues

The proposed amendments to §§ 1.401(k)–1 and 1.403(b)-3 were proposed to apply for taxable years beginning after December 31, 2023. The proposed amendments to § 1.414(v)–1 generally were proposed to apply with respect to contributions in taxable years that begin more than 6 months after the date that final regulations amending § 1.414(v)–1 are issued. However, under the proposed regulations, a taxpayer would have been permitted to elect to apply the regulatory provisions relating to sections 109 and 117 of the SECURE 2.0 Act as early as the statutory applicability dates.

[26] Section 1.401(k)–3(e)(1) provides that a plan will fail to satisfy the requirements of section 401(k)(12) and 401(k)(13) and § 1.401(k)–3 unless plan provisions that satisfy the safe harbor plan rules of § 1.401(k)–3 are adopted before the first day of the plan year and remain in effect for an entire 12-month plan year. However, the safe harbor plan regulations set out several exceptions to this requirement and permit additional exceptions to be provided in guidance of general applicability published in the Internal Revenue Bulletin. Notice 2016–16 provides guidance regarding mid-year changes (as defined in section III.A of Notice 2016–16) to a safe harbor plan. Under that guidance, with the exception of certain amendments that are subject to regulatory conditions (as described in section III.B of Notice 2016–16) and certain prohibited mid-year changes described in section III.D of Notice 2016–16, a mid-year change is permitted provided that, if it changes a plan's required safe harbor notice content, the notice and election opportunity conditions in section III.C of Notice 2016–16 are satisfied.

[27] On June 22, 2016, proposed regulations relating to the inclusion of a qualified Roth contribution program in an eligible governmental 457(b) plan were published in the **Federal Register** (81 FR 40548) and those proposed regulations have not been finalized. The comments received regarding eligible governmental 457(b) plans in response to the proposed regulations under section 414(v) will be taken into account for purposes of future regulations under section 457(b).

For a plan that is not maintained pursuant to a collective bargaining agreement, proposed § 1.414(v)–2 was proposed to apply with respect to contributions in taxable years beginning more than 6 months after the date that final regulations adding § 1.414(v)–2 to the Code of Federal Regulations are issued. For a plan that is maintained pursuant to one or more collective bargaining agreements, proposed § 1.414(v)–2 was proposed to apply with respect to contributions in taxable years beginning after the later of the first taxable year described in the preceding sentence, or the first taxable year that begins after the date on which the last collective bargaining agreement related to the plan that is in effect on December 31, 2025, terminates (determined without regard to any extension of those agreements). However, under the proposed regulations, a plan would be permitted to apply § 1.414(v)–2 with respect to contributions in taxable years beginning after December 31, 2023.

Many commenters requested a later applicability date for the final regulations and a reasonable, good-faith standard for interpretation of the statute in advance of the applicability date of the final regulations. Some of these commenters specifically requested delays for governmental plans or for plans that are maintained pursuant to one or more collective bargaining agreements. Other commenters requested an extension of the administrative transition period provided under Notice 2023–62.

In general, the applicability dates under the final regulations are based on the applicability dates set forth in the proposed regulations. Thus, for example, § 1.414(v)–2 is generally applicable for taxable years beginning after December 31, 2026. The Treasury Department and the IRS have determined that this regulatory applicability date provides an adequate period for implementation of the provisions of the final regulations. The final regulations do not extend or modify the administrative transition period provided under Notice 2023–62.

However, in response to comments, § 1.414(v)–2(e)(2)(iii) of the final regulations extends the regulatory applicability date of § 1.414(v)–2 in the case of a governmental plan within the meaning of section 414(d), as described in the Applicability Dates section of this preamble. In addition, the Treasury Department and the IRS understand that multiemployer plans would benefit from a further extended applicability date for the Roth catch-up requirement because of the unique issues faced by those plans. For example, multiemployer plans do not have access to or control over their contributing employers' payroll systems and thus must implement complex administrative coordination procedures to comply with the Roth catch-up requirement. Therefore, in response to comments, § 1.414(v)–2(e)(2)(ii) of the final regulations provides that if that plan is a multiemployer plan as defined in section 414(f), section 414(v)(7) is deemed satisfied until the first taxable year described in the Applicability Dates section of this preamble.

Applicability Dates

The amendments to §§ 1.401(k)–1 and 1.403(b)–3 apply for taxable years beginning after December 31, 2023. The amendments to § 1.414(v)–1 apply with respect to contributions in taxable years beginning after December 31, 2026. However, the regulations permit a taxpayer to elect to apply (1) § 1.414(v)–1(c)(2)(ii)(C) and (c)(2)(iii)(C) (relating to the higher catch-up limit for certain newly-established SIMPLE plans) with respect to taxable years beginning after December 31, 2023, and (2) § 1.414(v)–1(c)(2)(i)(B), (c)(2)(ii)(B), and (c)(2)(iii)(B) (relating to the higher catch-up limit applicable during the taxable year of attainment of age 60 through 63) with respect to taxable years beginning after December 31, 2024.

For a plan that is not maintained pursuant to a collective bargaining agreement and not a governmental plan within the meaning of section 414(d), § 1.414(v)–2 applies with respect to contributions in taxable years beginning after December 31, 2026. For a plan that is maintained pursuant to one or more collective bargaining agreements, § 1.414(v)–2 applies with respect to contributions in taxable years beginning after the later of the first taxable year described in the preceding sentence, or the first taxable year that begins after the date on which the last collective bargaining agreement related to the plan that is in effect on December 31, 2025, terminates (determined without regard to any extension of those agreements). Further, if that plan is a multiemployer plan as defined in section 414(f), section 414(v)(7) is deemed satisfied until the first taxable year beginning after the date on which the last collective bargaining agreement related to the plan that is in effect on November 17, 2025 terminates (determined without regard to any extension to those agreements). In the case of a governmental plan within the meaning of section 414(d), § 1.414(v)–2 applies with respect to contributions in taxable years beginning after the later of the first taxable year beginning after December 31, 2026, or the first taxable year beginning after the close of the first regular legislative session of the legislative body with the authority to amend the plan that begins after December 31, 2025. However, a plan is permitted to apply § 1.414(v)–2 with respect to contributions in taxable years beginning after December 31, 2023.

Prior to the applicability date of the final regulations, a reasonable, good faith interpretation standard applies with respect to the statutory provisions reflected in the final regulations. For example, with respect to contributions in taxable years prior to the applicability date of the final regulations, this standard would be met if the determination of whether a participant's FICA wages for the preceding calendar year exceeded the Roth catch-up wage threshold is made by referencing the FICA taxes imposed by sections 3101(b) and 3111(b) (rather than sections 3101(a) and 3111(a)).

Special Analyses

I. Regulatory Planning and Review—Economic Analysis

These final regulations are not subject to review under section 6(b) of Executive Order 12866 pursuant to the Memorandum of Agreement (July 4, 2025) between the Treasury Department and the Office of Management and Budget regarding review of tax regulations.

II. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) requires that a Federal agency obtain the approval of the Office of Management and Budget (OMB) before collecting information from the public, whether such collection of information is mandatory, voluntary, or required to obtain or retain a benefit. A Federal agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

These regulations contain reporting requirements, contained in § 1.414(v)–2(c), that relate to corrections of pre-tax elective deferrals that are catch-up contributions subject to the requirement under section 414(v)(7)(A) of the Code to be designated Roth contributions. These collections of information generally will be used by the IRS for tax compliance purposes and may involve submission of a Form 1099–R or a Form W–2 to the IRS. The Form 1099–R and its associated burden are approved by the OMB under 1545–0119. The Form W–2 and its associated burden are

approved by the OMB under 1545–0029. The regulation does not change the reporting procedures already established for these forms.

The regulations also contain a recordkeeping requirement that plan administrators maintain written practices and procedures designed to result in real-time compliance with certain requirements of section 414(v)(7)(A). These recordkeeping requirements are expected to be usual and customary business practices that impose no additional burden on respondents. Therefore, the recordkeeping requirement does not require OMB approval under 5 CFR 1320.3(b)(2).

III. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. chapter 6), it is hereby certified that these regulations will not have a significant economic impact on a substantial number of small entities. These regulations will affect individuals and businesses, some of which may be small entities.

Even if a substantial number of small entities will be affected, the economic impact of these regulations is not expected to be significant. As discussed in the Paperwork Reduction Act section of this preamble, these regulations may involve reporting and ordinary recordkeeping but are not expected to result in an increase in estimated burden. Any additional recordkeeping or administrative costs resulting from the changes relating to catch-up contributions that apply to certain section 401(k) plans, section 403(b) plans, and eligible governmental 457(b) plans sponsored by small entities are consistent with existing procedures and are not expected to be significant. Therefore, a regulatory flexibility analysis under the Regulatory Flexibility Act is not required.

Pursuant to section 7805(f) of the Code, the notice of proposed rulemaking preceding these regulations was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small businesses and no comments were received.

IV. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 requires that agencies assess anticipated costs and benefits and take certain other actions before issuing a final rule that includes any Federal mandate that may result in expenditures in any one year by a State, local, or Tribal government, in the aggregate, or by the private sector, of $100 million in 1995 dollars, updated annually for inflation. The regulations do not include any Federal mandate that may result in expenditures by State, local, or Tribal governments, or by the private sector, in excess of that threshold.

V. Executive Order 13132: Federalism

Executive Order 13132 (Federalism) prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial, direct compliance costs on State and local governments, and is not required by statute, or preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive order. The regulations do not have federalism implications, impose substantial direct compliance costs on State and local governments, or preempt State law within the meaning of the Executive order.

VI. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this rule as a major rule, as defined by 5 U.S.C. 804(2).

Statement of Availability of IRS Documents

IRS Revenue Procedures, Revenue Rulings notices, and other guidance cited in this document are published in the Internal Revenue Bulletin (or Cumulative Bulletin) and are available from the Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402, or by visiting the IRS website at *http://www.irs.gov.*

Drafting Information

The principal authors of these regulations are Kara M. Soderstrom, Christina M. Cerasale, and Jessica S. Weinberger of the Office of the Associate Chief Counsel (Employee Benefits, Exempt Organizations, and Employment Taxes (EEE)). However, other personnel from the Treasury Department and the IRS participated in the development of the proposed regulations.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 is amended by adding entries, in numerical order, for §§ 1.401(k)–1 and 1.414(v)–2 to read in part, as follows:

Authority: 26 U.S.C. 7805 * * *

* * * * *

Section 1.401(k)–1 also issued under 26 U.S.C. 401(m)(9).

* * * * *

Section 1.414(v)–2 also issued under 26 U.S.C. 414(v)(7)(D).

* * * * *

■ **Par. 2.** Section 1.401(k)–1 is amended by adding paragraphs (f)(5)(iii) through (v) to read as follows:

§ 1.401(k)–1 Certain cash or deferred arrangements.

* * * * *

(f) * * *

(5) * * *

(iii) *Deemed Roth catch-up contribution elections.* For taxable years beginning after December 31, 2023, a plan that satisfies the requirements of paragraph (f)(5)(iv) of this section may provide that an employee who is subject to the requirement under section 414(v)(7) to make any catch-up contributions as designated Roth contributions is deemed to have irrevocably designated any elective deferrals that are catch-up contributions as designated Roth contributions in accordance with paragraph (f)(1)(i) of this section. In such a case, the elective deferrals must be—

(A) Treated by the employer as not excludible from the employee's gross income, in accordance with paragraph (f)(2) of this section; and

(B) Maintained by the plan in a separate account, in accordance with paragraph (f)(3) of this section.

(iv) *Election for employees subject to section 414(v)(7)(A).* A plan satisfies the requirements of this paragraph (f)(5)(iv) only if under the plan—

(A) An employee who is described in paragraph (f)(5)(iii) of this section is provided an effective opportunity (as determined under paragraph (e)(2)(ii) of this section) to make a new election that is different than the deemed election described in paragraph (f)(5)(iii) of this section; and

(B) The deemed election described in paragraph (f)(5)(iii) of this section ceases to apply to an employee within a reasonable period of time following the date—

(*1*) The employee ceases to be subject to the requirement under section 414(v)(7) to make any catch-up contributions as designated Roth contributions; or

(*2*) An amended Form W–2 (Wage and Tax Statement) is filed or furnished to the employee indicating that the employee is not subject to the

requirement under section 414(v)(7) to make any catch-up contributions as designated Roth contributions.

(v) *Separate election plans.* Subject to the rules in paragraphs (f)(5)(iii) and (iv) of this section, a plan utilizing a plan design that permits a participant to make a separate election to treat certain elective deferrals as catch-up contributions during each payroll period (without regard to whether the catch-up contributions are catch-up contributions under § 1.414(v)–1(c)(3)), including a plan design described in § 1.414(v)–1(e)(1)(ii)(A), is permitted to provide that a participant who is subject to the requirement under section 414(v)(7) to make any catch-up contributions as designated Roth contributions is deemed to have irrevocably designated as Roth contributions any elective deferrals that are made pursuant to the separate election.

* * * * *

§ 1.403(b)–3 [Amended]

■ **Par. 3.** Section 1.403(b)–3 is amended in paragraph (c)(1) by:

■ a. Removing the reference ''§ 1.401(k)–1(f)(1) and (2)'' and adding, in its place, the reference ''§ 1.401(k)–1(f)(1), (2), (3), and (5)'';

■ b. Adding the language ''(or is deemed to be so irrevocably designated in accordance with § 1.401(k)–1(f)(5)(iii))'' immediately following the language ''otherwise eligible to make under the plan''; and

■ c. Removing the language ''(within the meaning of § 1.401(k)–1(f)(2))'' and adding, in its place, the language ''(within the meaning of § 1.401(k)–1(f)(3))''.

■ **Par. 4.** Section 1.414(v)–1 is amended by:

■ a. In the last sentence of paragraph (a)(1), removing the language ''this section and § 1.402(g)–2'' and adding, in its place, the language ''this section and §§ 1.414(v)–2 and 1.402(g)–2'';

■ b. Adding paragraph (a)(4);

■ c. Revising and republishing paragraph (c)(2);

■ d. Adding paragraph (e)(1)(iii); and

■ e. Revising and republishing paragraphs (e)(2) and (i).

The additions and revisions read as follows:

§ 1.414 (v)–1 Catch-up contributions.

(a) * * *

(4) *Catch-up contributions must be designated Roth contributions for certain participants.* For provisions relating to the requirement under section 414(v)(7) that catch-up contributions made by certain catch-up eligible participants must be designated Roth contributions, *see* § 1.414(v)–2.

* * * * *

(c) * * *

(2) *Applicable dollar catch-up limit*—(i) *Plans other than SIMPLE Plans*—(A) *In general.* Except as provided in paragraph (c)(2)(i)(B) of this section, the applicable dollar catch-up limit that applies under an applicable employer plan, other than a SIMPLE 401(k) plan described in section 401(k)(11) or a SIMPLE IRA plan described in section 408(p), for a taxable year is $5,000, as adjusted for changes in the cost of living under paragraph (c)(2)(iii)(A) of this section.

(B) *Higher limit applicable during the taxable year of attainment of age 60 through 63.* For a taxable year beginning after 2024, with respect to a catch-up eligible participant who would attain age 60, 61, 62, or 63 during the taxable year, the applicable dollar catch-up limit for the taxable year under an applicable employer plan described in paragraph (c)(2)(i)(A) of this section is $11,250 (which is 150 percent of the applicable dollar catch-up limit described in paragraph (c)(2)(i)(A) of this section for a taxable year beginning in 2024), as adjusted for changes in the cost of living under paragraph (c)(2)(iii)(B) of this section.

(ii) *SIMPLE plans*—(A) *In general.* Except as provided in paragraph (c)(2)(ii)(B) or (C) of this section, the applicable dollar catch-up limit that applies under a SIMPLE 401(k) plan described in section 401(k)(11) or a SIMPLE IRA plan described in section 408(p) for a taxable year is $2,500, as adjusted for changes in the cost of living under paragraph (c)(2)(iii)(A) of this section.

(B) *Higher limit applicable during the taxable year of attainment of age 60 through 63.* For a taxable year beginning after 2024, with respect to a catch-up eligible participant who would attain age 60, 61, 62, or 63 during the taxable year, the applicable dollar catch-up limit for the taxable year under an applicable employer plan described in paragraph (c)(2)(ii)(A) of this section is $5,250 (which is 150 percent of the applicable dollar catch-up limit under paragraph (c)(2)(ii)(A) of this section for a taxable year beginning in 2025), as adjusted for changes in the cost of living under paragraph (c)(2)(iii)(B) of this section.

(C) *Higher limit for certain SIMPLE plans.* For a taxable year beginning after 2023, the applicable dollar catch-up limit under an applicable employer plan described in paragraph (c)(2)(ii)(A) of this section that is maintained by an eligible employer meeting the requirements in section 408(p)(2)(E)(iv) is $3,850 (which is 110 percent of the applicable dollar catch-up limit in effect under paragraph (c)(2)(ii)(A) of this section for a taxable year beginning in 2024), as adjusted for changes in the cost of living under paragraph (c)(2)(iii)(C) of this section. The preceding sentence applies with respect to a taxable year only if the taxable year begins in a calendar year for which the eligible employer is described in section 408(p)(2)(E)(i)(I) or makes the election described in section 408(p)(2)(E)(i)(II).

(iii) *Cost-of-living adjustments*—(A) *In general.* For a taxable year beginning after 2006, the applicable dollar catch-up limit under paragraph (c)(2)(i)(A) or (c)(2)(ii)(A) of this section (whichever applies to the plan) is the initial amount ($5,000 or $2,500, respectively), increased for changes in the cost of living. The increase is made at the same time and in the same manner as adjustments under section 415(d), except that the base period is the calendar quarter beginning July 1, 2005, and any increase that is not a multiple of $500 is rounded to the next lower multiple of $500.

(B) *Adjustments to higher limit applicable during the taxable year of attainment of age 60 through 63.* For a taxable year beginning after 2025, the applicable dollar catch-up limit under paragraph (c)(2)(i)(B) or (c)(2)(ii)(B) of this section (whichever applies to the plan) is the initial amount ($11,250 in the case of paragraph (c)(2)(i)(B) of this section and $5,250 in the case of paragraph (c)(2)(ii)(B) of this section), increased for changes in the cost of living. The increase is made at the same time and in the same manner as adjustments under section 415(d), except that the base period is the calendar quarter beginning July 1, 2024, and any increase that is not a multiple of $500 is rounded to the next lower multiple of $500.

(C) *Adjustments to higher limit for certain SIMPLE plans.* For a taxable year beginning after 2024, the applicable dollar catch-up limit under paragraph (c)(2)(ii)(C) of this section is the initial amount ($3,850), increased for changes in the cost of living. The increase is made at the same time and in the same manner as adjustments under section 415(d), except that the base period is the calendar quarter beginning July 1, 2023, and any increase that is not a multiple of $500 is rounded to the next lower multiple of $500.

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(e) * * *

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(iii) *Plans providing the statutory maximum catch-up contributions.* An applicable employer plan that provides each catch-up eligible participant who participates under any applicable employer plan maintained by the employer with an effective opportunity to make the maximum amount of catch-up contributions permitted for that participant under section 414(v) or, if applicable, section 1081.01(d)(7) of the Puerto Rico Internal Revenue Code of 2011 (13 L.P.R.A. section 30391(d)(7)), as amended, does not fail to satisfy the universal availability requirement of this paragraph (e) merely because of differences among catch-up eligible participants as to the dollar amount of catch-up contributions they are permitted to make. For example, an applicable employer plan does not fail to satisfy the universal availability requirement of this paragraph (e) merely because the plan permits catch-up eligible participants who would attain age 60, 61, 62, or 63 during a taxable year to make catch-up contributions up to the increased applicable dollar catch-up limit in section 414(v)(2)(E) while only permitting other catch-up eligible participants to make catch-up contributions up to the applicable dollar catch-up limit in section 414(v)(2)(B) without regard to section 414(v)(2)(E).

(2) *Certain employees disregarded.* An applicable employer plan does not fail to satisfy the universal availability requirement of this paragraph (e) merely because employees described in section 410(b)(3) (for example, collectively bargained employees) are not provided the opportunity to make catch-up contributions (or are provided the opportunity to make catch-up contributions to a lesser extent than other employees).

* * * * *

(i) *Applicability dates*—(1) *In general.* Except as described in paragraph (i)(2) of this section or § 1.414(v)–2(e), section 414(v) applies to contributions in taxable years beginning on or after January 1, 2002. Except as provided in paragraph (i)(2) of this section, paragraphs (a) through (h) of this section apply to contributions in taxable years beginning on or after January 1, 2004.

(2) *Increases in applicable dollar catch-up limit under section 414(v)(2)*—(i) *Higher limit during the taxable year of attainment of age 60 through 63.* The amendments to section 414(v)(2) made by section 109 of Division T of the Consolidated Appropriations Act, 2023, Public Law 117–328, 136 Stat. 4459 (2022), known as the SECURE 2.0 Act of 2022 (SECURE 2.0 Act) to provide for a higher applicable dollar catch-up limit for individuals who attain age 60, 61, 62, or 63 during the taxable year apply to contributions in taxable years beginning after December 31, 2024. Paragraphs (c)(2)(i)(B), (c)(2)(ii)(B), and (c)(2)(iii)(B) of this section apply to contributions in taxable years beginning after December 31, 2026 (or, at the election of the taxpayer, taxable years beginning after December 31, 2024). Except as provided in paragraph (i)(2)(ii) of this section, for taxable years beginning on or before December 31, 2024, the applicable dollar catch-up limit is determined under § 1.414(v)–1(c)(2) as it appeared in the April 1, 2025, edition of 26 CFR part 1.

(ii) *Higher limit for certain SIMPLE plans.* The amendments to section 414(v)(2) made by section 117 of the SECURE 2.0 Act to provide for a higher applicable dollar catch-up limit for certain SIMPLE plans apply to contributions in taxable years beginning after December 31, 2023. Paragraphs (c)(2)(ii)(C) and (c)(2)(iii)(C) of this section apply to contributions in taxable years beginning after December 31, 2026 (or, at the election of the taxpayer, taxable years beginning after December 31, 2023). For taxable years beginning on or before December 31, 2023, the applicable dollar catch-up limit for a SIMPLE 401(k) plan described in section 401(k)(11) or a SIMPLE IRA plan described in section 408(p) is determined under § 1.414(v)–1(c)(2)(ii) as it appeared in the April 1, 2025, edition of 26 CFR part 1.

■ **Par. 5.** Section 1.414(v)–2 is added to read as follows:

§ 1.414 (v)–2 Catch-up contributions required to be designated Roth contributions under section 414(v)(7).

(a) *Section 414(v)(7) Roth catch-up contribution requirement*—(1) *Organization of this section.* Paragraphs (a)(2) through (6) of this section provide general rules relating to the requirements of section 414(v)(7). Paragraph (b) of this section provides certain rules of operation for implementing the requirements of section 414(v)(7) addressed in this paragraph (a). Paragraph (c) of this section provides rules relating to the treatment of pre-tax catch-up contributions that were required to be designated Roth contributions under section 414(v)(7). Paragraph (d) of this section provides examples illustrating the application of the rules of this section. Paragraph (e) of this section sets forth the statutory and regulatory applicability dates relating to the section 414(v)(7) Roth catch-up requirement.

(2) *Roth catch-up contribution requirement in general.* For a taxable year beginning on or after January 1, 2024, if, for the calendar year preceding the calendar year in which the taxable year begins, a catch-up eligible participant in an applicable employer plan had wages from the employer sponsoring the plan (as determined under paragraph (b)(4) of this section) that exceeded the Roth catch-up wage threshold for the calendar year preceding the calendar year in which the taxable year begins, then § 1.414(v)–1(a)(1) applies only if that participant's catch-up contributions (as described in § 1.414(v)–1(a)(1)) under the plan are designated Roth contributions (as defined in section 402A(c)(1)). For this purpose, wages taken into account are wages as defined in section 3121(a) for purposes of the taxes imposed by sections 3101(a) and 3111(a) for the year the wages are required to be taken into account for purposes of chapter 21 of the Internal Revenue Code. The Roth catch-up wage threshold that applies for a calendar year is $145,000, as adjusted for changes in the cost of living under paragraph (a)(3) of this section.

(3) *Cost-of-living adjustment.* For a calendar year beginning after December 31, 2024, the Roth catch-up wage threshold in paragraph (a)(2) of this section is the initial amount ($145,000), increased for changes in the cost of living. The increase is made at the same time and in the same manner as adjustments under section 415(d), except that the base period is the calendar quarter beginning July 1, 2023, and any increase that is not a multiple of $5,000 is rounded to the next lower multiple of $5,000.

(4) *Certain plans not subject to section 414(v)(7).* Paragraph (a)(2) of this section does not apply to a plan described in section 408(k) or (p).

(5) *Availability of designated Roth catch-up contributions.* If, under an applicable employer plan, any catch-up eligible participant who is subject to the Roth catch-up requirement under paragraph (a)(2) of this section is permitted to make catch-up contributions as designated Roth contributions for a plan year, then all catch-up eligible participants in the plan must be permitted to make catch-up contributions as designated Roth contributions for the plan year.

(6) *Special rule for participants subject to the Puerto Rico Code.* Paragraphs (a)(2) and (5) of this section are treated as satisfied for a taxable year with respect to a catch-up eligible participant who is subject to section 1081.01 of the Puerto Rico Internal Revenue Code of 2011 (13 L.P.R.A.

section 30391), as amended (Puerto Rico Code), if that taxable year begins before the effective date of an amendment to the Puerto Rico Code to provide for designated Roth contributions.

(b) *Rules of operation*—(1) *Determination of catch-up contributions subject to section 414(v)(7) Roth requirement.* For a participant who is subject to the Roth catch-up requirement under paragraph (a)(2) of this section for a plan year, an elective deferral that, in accordance with § 1.414(v)–1(c)(3), is treated as a catch-up contribution at the time of deferral (for example, an elective deferral that is a catch-up contribution because it exceeds the section 401(a)(30) limit on elective deferrals) is required to be a designated Roth contribution only to the extent the participant has not previously made elective deferrals that are designated Roth contributions during the taxable year equal to the applicable dollar catch-up limit under § 1.414(v)–1(c)(2). Thus, for example, if a participant who is subject to the Roth catch-up requirement under paragraph (a)(2) of this section has already made elective deferrals that are designated Roth contributions during the taxable year that equal or exceed the applicable dollar catch-up limit at the time the participant's elective deferrals for the taxable year reach the section 401(a)(30) limit on elective deferrals, section 414(v)(7) would not require the participant's subsequent elective deferrals for the taxable year to be designated Roth contributions even though they are treated as catch-up contributions under § 1.414(v)–1(c)(3).

(2) *Treatment of plans without qualified Roth contribution programs.* For purposes of § 1.414(v)–1(e)(1)(iii), if an applicable employer plan does not include a qualified Roth contribution program (within the meaning of section 402A(b)), then, for a catch-up eligible participant who is subject to the Roth catch-up requirement under paragraph (a)(2) of this section, the maximum amount of catch-up contributions permitted under section 414(v) is $0. Such a plan does not fail to satisfy the universal availability requirement of § 1.414(v)–1(e) merely because the plan (or another applicable employer plan maintained by the employer that does not include a qualified Roth contribution program) does not permit catch-up contributions for participants who are subject to the Roth catch-up requirement under paragraph (a)(2) of this section.

(3) *Application of nondiscrimination requirements*—(i) *Plans without qualified Roth contribution programs.* If an applicable employer plan is described in paragraph (b)(2) of this section, then § 1.414(v)–1(d)(4) does not apply to the plan. As a result, a plan that has one or more highly compensated employees (as defined in section 414(q)) who are not subject to the Roth catch-up requirement under paragraph (a)(2) of this section may need to provide that one or more of those highly compensated employees is not permitted to make catch-up contributions in order to facilitate satisfaction of § 1.401(a)(4)–4 with respect to the availability of catch-up contributions. For this purpose, a plan will be deemed to satisfy § 1.401(a)(4)–4 with respect to the availability of catch-up contributions if the plan provides that no catch-up eligible participants who are highly compensated employees with net earnings from self-employment for the preceding calendar year from the employer sponsoring the plan above the Roth catch-up wage threshold are permitted to make catch-up contributions. A plan is not treated as failing to satisfy the universal availability requirement of § 1.414(v)–1(e) merely because the plan precludes one or more highly compensated employees from making catch-up contributions in accordance with the second sentence of this paragraph (b)(3)(i) or precludes all catch-up eligible participants who are highly compensated employees with net earnings from self-employment for the preceding calendar year from the employer sponsoring the plan above the Roth catch-up wage threshold from making catch-up contributions.

(ii) *Plans limiting pre-tax catch-up contributions for employees not subject to section 414(v)(7).* The rules of paragraph (b)(3)(i) of this section also apply to a plan that includes a qualified Roth contribution program and, in accordance with an optional plan term providing for aggregation of wages under § 1.414(v)–2(b)(4)(ii), (b)(4)(iii), or (b)(4)(iv)(A), does not permit pre-tax catch-up contributions for one or more employees who are not subject to section 414(v)(7).

(4) *Determination of employer sponsoring the plan*—(i) *General rule.* Except as provided in paragraphs (b)(4)(ii) and (iii) of this section, and subject to paragraphs (b)(4)(iv) and (v) of this section, for purposes of determining the employer sponsoring the plan with respect to a catch-up eligible participant, the employer is the participant's common law employer.

(ii) *Optional aggregation for employers using a common paymaster.* If the employer described in paragraph (b)(4)(i) of this section uses a common paymaster in accordance with section 3121(s), then the plan may provide that the employee's common law employer is aggregated with one or more other specified employers using that common paymaster and treat the aggregated employers as a single employer sponsoring the plan for purposes of section 414(v)(7) and this section. In such a case, the employee's wages from the common law employer and from the one or more other employers that are aggregated with the common law employer are treated as wages from the employer sponsoring the plan.

(iii) *Optional aggregation for other controlled group members.* If the employer described in paragraph (b)(4)(i) of this section is a member of a group of employers that are treated as a single employer under the rules of section 414(b), (c), (m), or (o), then the plan may provide that the employee's common law employer is aggregated with one or more other specified employers in that group of employers and treat the aggregated employers as a single employer sponsoring the plan for purposes of section 414(v)(7) and this section. In such a case, the employee's wages from the common law employer and from the one or more other employers that are aggregated with the common law employer are treated as wages from the employer sponsoring the plan.

(iv) *Optional aggregation in the year of an asset purchase.* The following optional provisions apply for a calendar year for which wages paid to an employee by a predecessor employer are attributed to the employee's common law employer who is a successor employer in accordance with § 31.3121(a)(1)–1(b) of this chapter:

(A) *Successor employer reports all calendar year wages paid by predecessor and successor employers on single Form W–2.* A plan sponsored by the successor employer (or an entity aggregated with the successor employer in accordance with paragraph (b)(4)(ii) or (iii) of this section) may provide that the wages paid by the predecessor employer to the employee in the calendar year of the asset purchase and attributed to the successor employer are treated as wages from the employer sponsoring the plan for purposes of section 414(v)(7)(A) and paragraph (a)(2) of this section if such wages are reported on a Form W–2 (Wage and Tax Statement) filed by the successor employer for the calendar year in which the asset purchase occurs.

(B) *Predecessor and successor employers report respective wages paid on separate Forms W–2.* If the predecessor employer and the successor

employer report the wages each pays to the employee during the calendar year in which the asset purchase occurs on separate Forms W–2, a plan sponsored by the successor employer (or an entity aggregated with the successor employer in accordance with paragraph (b)(4)(ii) or (iii) of this section) may provide that the wages paid by the successor employer that are treated as wages from the employer sponsoring the plan for purposes of section 414(v)(7)(A) and paragraph (a)(2) of this section do not exceed the difference between the Social Security wage base limit for the calendar year and the wages paid in the calendar year by the predecessor employer, as reported on the Form W–2 filed by the successor employer.

(v) *Disregarded entities.* In the case of an employee who receives wages from an entity that is disregarded as an entity separate from its owner in accordance with § 301.7701–2(c)(2)(i) of this chapter (that is, the entity has not made an election under § 301.7701–3(b)(1)(ii) of this chapter to be classified as a corporation), the owner is treated as the employer sponsoring the plan for purposes of applying this paragraph (b)(4). In such a case, the employee's wages from the employer sponsoring the plan include the employee's wages from the disregarded entity and from its owner.

(5) *Plans with more than one employer sponsoring the plan.* If, after application of paragraph (b)(4) of this section, an applicable employer plan has more than one employer sponsoring the plan that are not treated as one employer under paragraph (b)(4)(ii) or (iii), then—

(i) A catch-up eligible participant's wages for the calendar year preceding the calendar year in which the taxable year begins from one employer sponsoring the plan are not aggregated with the wages from another employer sponsoring the plan for purposes of determining whether the participant's wages for that preceding calendar year exceeded the Roth catch-up wage threshold in paragraph (a)(2) of this section; and

(ii) Even if a catch-up eligible participant's wages for the calendar year preceding the calendar year in which the taxable year begins from an employer sponsoring the plan exceeded the Roth catch-up wage threshold in paragraph (a)(2) of this section, elective deferrals made from the participant's compensation from another employer sponsoring the plan that are catch-up contributions are required to be designated Roth contributions only if the participant's wages for that preceding calendar year from that other employer also exceeded that wage threshold.

(6) *Coordination with Code section 402A(b)(1) and (c)(1).* With respect to an employee who is subject to the Roth catch-up requirement set forth in paragraph (a)(2), the rules of this section apply notwithstanding the requirements regarding elections to make designated Roth contributions in section 402A(b)(1) and (c)(1).

(c) *Treatment of pre-tax catch-up contributions that are required to be designated Roth contributions*—(1) *Permitted correction.* A pre-tax elective deferral in excess of an applicable limit described in § 1.414(v)–1(b)(1) that, in accordance with paragraph (a)(2) of this section, is a catch-up contribution only if it is a designated Roth contribution does not cause an applicable employer plan to fail to satisfy any requirement of the Internal Revenue Code if—

(i) The failure to be a designated Roth contribution is corrected in accordance with paragraph (c)(2) of this section; or

(ii) No correction is required under the rules of paragraph (c)(4) of this section.

(2) *Correction of section 414(v)(7) failures*—(i) *In general.* For purposes of this paragraph (c), if an elective deferral that exceeds a statutory limit, employer-provided limit, or ADP limit (as such terms are defined in § 1.414(v)–1(b)(1)) fails to be a catch-up contribution under section 414(v)(1) solely because the elective deferral is not a designated Roth contribution, then the failure to satisfy section 414(v)(7) is referred to as a ''section 414(v)(7) failure.'' In such a case, subject to paragraph (c)(3) of this section, the section 414(v)(7) failure may be corrected in accordance with this paragraph (c)(2). A plan may provide for either of the correction methods described in paragraphs (c)(2)(ii) and (iii) of this section, but must apply the same correction method for similarly situated participants, and the selection of which correction method applies may not be based on the investment returns earned in participants' accounts. For example, a plan may provide that a section 414(v)(7) failure is corrected using the correction method described in paragraph (c)(2)(ii) of this section for all participants for whom the Forms W–2 for that year have not been filed or furnished and is corrected using the correction method described in paragraph (c)(2)(iii) of this section for all other participants.

(ii) *Permitted correction on Form W–2.* A plan may correct a section 414(v)(7) failure by transferring the catch-up contribution (adjusted for earnings and losses in accordance with § 1.402(g)–1(e)(5)) from the participant's pre-tax account to the participant's designated Roth account and reporting the contribution (not adjusted for earnings and losses) as an elective deferral that is a designated Roth contribution on the participant's Form W–2 for the year in which the elective deferral was originally excluded from the participant's gross income. However, this correction method may be used only if the participant's Form W–2 for that year has not been filed or furnished to the participant.

(iii) *Permitted correction by in-plan Roth rollover.* As an alternative to the correction method permitted under paragraph (c)(2)(ii) of this section, a plan may correct a section 414(v)(7) failure by directly rolling over the elective deferrals that would be catch-up contributions if they had been designated Roth contributions (adjusted for earnings and losses in accordance with § 1.402(g)–1(e)(5)) from the participant's pre-tax account to the participant's designated Roth account. Under this correction method, the rules of section 402A(c)(4)(E)(ii) and (iii) will apply and the direct rollover must be reported as such on Form 1099–R (Distributions from Pensions, Annuities, Retirement or Profit-Sharing Plans, IRAs, Insurance Contracts, etc.) for the year of the rollover.

(3) *General correction requirements*—(i) *Practices and procedures designed to avoid section 414(v)(7) violations*—(A) *In general.* For a plan to be eligible to use either of the correction methods described under paragraph (c)(2) of this section with respect to an elective deferral that is a catch-up contribution because it exceeds a statutory limit described in § 1.414(v)–1(b)(1)(i), the plan sponsor or plan administrator must have in place practices and procedures designed to result in compliance with section 414(v)(7) at the time the elective deferral is made.

(B) *Catch-up contributions relating to section 401(a)(30) limit.* As part of the practices and procedures described in paragraph (c)(3)(i)(A) of this section, the plan must provide that a participant who is subject to the Roth catch-up requirement under paragraph (a)(2) of this section is deemed to have irrevocably designated any elective deferrals that are catch-up contributions as designated Roth contributions once the participant's elective deferrals (or, at the option of the plan, only the participant's pre-tax elective deferrals) made during the calendar year exceed the section 401(a)(30) limit on elective deferrals for the taxable year that begins in the calendar year, provided that the plan provides such an employee an

effective opportunity to make a new election that is different than the deemed election. If a plan implements a participant's affirmative pre-tax catch-up contribution election that is not permitted under paragraph (a)(2) of this section (taking into account the application of paragraph (b)(1) of this section), then, except as provided in paragraph (c)(4) of this section, the section 414(v)(7) failure must be corrected in accordance with paragraph (c)(2) of this section.

(C) *Catch-up contributions for employees with higher section 402(g)(7) limit.* In the case of a section 403(b) plan maintained by a qualified organization described in section 402(g)(7)(B), the plan is permitted to provide that the automatic treatment of additional elective deferrals described in section 414(v) as designated Roth contributions applies to a qualified employee described in section 402(g)(7)(C) once the qualified employee's elective deferrals (or, at the option of the plan, only the qualified employee's pre-tax elective deferrals) under the plan for the calendar year exceed the section 401(a)(30) limit on elective deferrals for the taxable year that begins in the calendar year, increased by the amount described in section 402(g)(7)(A).

(D) *Catch-up contributions relating to section 457(b) limit.* In the case of an eligible governmental section 457(b) plan, rules similar to the rules of paragraph (c)(3)(i)(B) of this section apply with respect to the section 457(b)(2) limit, except that a plan is permitted to provide that the automatic treatment of additional elective deferrals described in section 414(v) as designated Roth contributions applies after the amount deferred under the plan for the taxable year exceeds the section 457(b)(3) limit for the employee.

(ii) *Reliance on Form W–2.* A plan sponsor or plan administrator does not fail to have in place practices and procedures in accordance with paragraph (c)(3)(i) of this section merely because a plan determines the applicability of the section 414(v)(7)(A) Roth catch-up requirement to a participant on the basis of a timely-filed Form W–2 with respect to the participant.

(iii) *Deadlines for corrections of section 414(v)(7) failures under paragraph (c)(2) of this section*—(A) *Elective deferrals in excess of a statutory limit.* If the section 414(v)(7) failure arises with respect to an elective deferral that is a catch-up contribution because it exceeds a statutory limit (within the meaning of § 1.414(v)–1(b)(1)), the deadline to complete all corrective steps required under paragraph (c)(2) of this section in order to avoid a qualification failure is the last day of the taxable year following the taxable year for which the elective deferral was made. However, any applicable earlier correction deadline related to other tax consequences continues to apply to the excess deferral. For example, in the case of an elective deferral that is a catch-up contribution because it exceeds the section 401(a)(30) limit on elective deferrals, if all corrective steps required under paragraph (c)(2) of this section are not completed by April 15 following the close of the taxable year for which the elective deferral was made, then the excess deferral will not be treated as having been corrected by the deadline in § 1.402(g)–1(e)(2)(ii). Thus, the tax treatment rules of § 1.402(g)–1(e)(8)(iii) would apply to the excess deferral.

(B) *Elective deferrals in excess of an employer-provided limit.* If the section 414(v)(7) failure arises with respect to an elective deferral that is a catch-up contribution because it exceeds an employer-provided limit as described in § 1.414(v)–1(b)(1)(ii), the deadline to complete the corrective steps required under paragraph (c)(2) of this section in order to avoid a qualification failure is the last day of the plan year following the plan year for which the catch-up contribution was made. However, the contribution is not excluded from being taken into account as a catch-up contribution for purposes of the ADP test of section 401(k)(3) pursuant to § 1.401(k)–2(a)(5)(iii) before the correction occurs.

(C) *Elective deferrals in excess of the ADP limit.* If the section 414(v)(7) failure arises with respect to an elective deferral that is a catch-up contribution because it exceeds the ADP limit, the deadline to complete the corrective steps required under paragraph (c)(2) of this section in order to avoid a qualification failure is the last day of the plan year following the plan year for which the catch-up contribution was made. However, the contribution is not excluded from the requirement to distribute excess contributions as a catch-up contribution pursuant to § 1.401(k)–2(b)(4)(v) before the correction occurs. Thus, the plan must distribute the excess contribution if the correction for the ADP failure is made before the correction for the section 414(v)(7) failure is made, but the distribution need not be made if the section 414(v)(7) failure is corrected before the excess contribution is distributed. If a plan does not correct excess contributions within 2–2 months after the close of the plan year for which the excess contributions are made (as extended to 6 months under § 1.401(k)–2(b)(5)(iii) in the case of certain applicable employer plans that include an eligible automatic contribution arrangement within the meaning of section 414(w)), then the employer will be liable for a 10% excise tax on the amount of the excess contributions. *See* section 4979 and § 54.4979–1 of this chapter.

(4) *Correction not required in certain circumstances*—(i) *De minimis section 414(v)(7) failures.* A section 414(v)(7) failure with respect to a participant does not need to be corrected if the amount of the pre-tax elective deferral that was required to be a designated Roth contribution does not exceed $250. In such a case, the section 414(v)(7) failure is disregarded, and the elective deferral is treated as a catch-up contribution.

(ii) *Failures attributable to an amended Form W–2.* A section 414(v)(7) failure with respect to a participant does not need to be corrected if the participant became subject to section 414(v)(7)(A) solely because the participant's wages taken into account under paragraph (a)(2) of this section for the calendar year preceding the calendar year in which the taxable year begins were not determined to exceed the Roth catch-up wage threshold until after the deadline for correction in paragraph (c)(3)(iii) of this section. In such a case, the section 414(v)(7) failure is disregarded, and the elective deferral is treated as a catch-up contribution.

(d) *Examples.* The following examples illustrate the application of this section. For purposes of these examples, assume that the participant's elective deferrals under all plans of the employer do not exceed the participant's section 415(c)(3) compensation, the participant's annual additions for a limitation year do not exceed the section 415(c) limit, the taxable year of the participant is the calendar year, the plan includes a qualified Roth contribution program, does not provide for the optional aggregation provision described in paragraph (b)(4)(iii) of this section, and the plan year is the calendar year (except as specifically provided). Assume further that this section applies to contributions in taxable years beginning in 2027, the section 401(a)(30) limit on elective deferrals for 2027 is $25,000, the applicable dollar catch-up limit for 2027 that is applicable to each participant in the examples is $8,000, and the Roth catch-up wage threshold to be applied to 2026 FICA wages for determining applicability of the Roth catch-up requirement under section 414(v)(7)(A) for a taxable year beginning in 2027 is $155,000.

(1) *Example 1: Application of Roth catch-up wage threshold*—(i) *Facts.* In January 2026, Participant A became an employee of an accounting firm that is structured as a partnership. Through October 2026, A had $156,000 of FICA wages from the accounting firm. In November 2026, Participant A became a partner in the accounting firm, and, for 2026, Participant A had a $30,000 distributive share of partnership income from the accounting firm, all of which was self-employment income. Participant A is a partner with the accounting firm for all of 2027.

(ii) *Analysis.* Although Participant A is a partner with the accounting firm for the last two months of 2026 and for all of 2027 (and thus has self-employment income rather than FICA wages for that period), Participant A had more than $155,000 in FICA wages from the accounting firm for 2026. Thus, Participant A is subject to section 414(v)(7)(A) for 2027, and if Participant A makes elective deferrals in excess of an applicable limit for 2027 under a plan sponsored by the accounting firm, those elective deferrals must be designated Roth contributions.

(2) *Example 2: Application of Roth catch-up wage threshold*—(i) *Facts.* The facts are the same as in paragraph (d)(1) of this section (*Example 1*), except that Participant A became a partner of the accounting firm in May 2026, and had FICA wages from the firm of $60,000 before becoming partner. In addition, for 2026, Participant A had a $155,000 distributive share of partnership income from the accounting firm, all of which was self-employment income.

(ii) *Analysis.* Although Participant A had total compensation of $215,000 for the services Participant A performed for the accounting firm in 2026, only $60,000 of that amount were FICA wages. Because Participant A did not have more than $155,000 of FICA wages from the accounting firm for 2026, any elective deferrals in excess of an applicable limit that Participant A makes for 2027 under a plan sponsored by the accounting firm are not required to be designated Roth contributions.

(3) *Example 3: Application of section 414(v)(7)(B) to a plan with a plan year other than the calendar year*—(i) *Facts.* Participant B participates in an applicable employer plan sponsored by Employer E. The plan year begins on July 1 and ends on June 30. Participant B had $160,000 in wages within the meaning of section 3121(a) from Employer E for calendar year 2026, and is a catch-up eligible participant for calendar year 2027. For the plan year beginning July 1, 2026, the plan allows all catch-up eligible participants to make catch-up contributions and requires that any elective deferrals in excess of an applicable limit made by catch-up eligible participants who are subject to the requirements of section 414(v)(7)(A) be designated Roth contributions.

(ii) *Analysis.* Because Participant B's FICA wages from Employer E for calendar year 2026 exceeded $155,000, Participant B is subject to the requirements of section 414(v)(7)(A) for 2027, and any catch-up contributions that Participant B makes under the plan during 2027 (which includes the second half of the plan year beginning July 1, 2026) must be designated Roth contributions. Because Participant B is permitted to make catch-up contributions that are designated Roth contributions under the plan for the plan year beginning July 1, 2026 (after Participant B reaches an applicable limit (as defined in § 1.414(v)–1(b)(1)), all catch-up eligible participants under the plan must be permitted to make catch-up contributions that are designated Roth contributions for the plan year. Furthermore, if the plan continues to permit catch-up contributions for the plan year beginning July 1, 2027, then any catch-up contributions that Participant B makes under the plan during the first half of that plan year must be designated Roth contributions (as well as any catch-up contributions in the second half of the plan year if Participant B had wages exceeding the applicable threshold in 2027).

(4) *Example 4: Plans with more than one employer sponsoring the plan*—(i) *Facts.* Employer F and Employer G are members of a controlled group of corporations within the meaning of section 414(b). Participant C was hired by Employer F on January 1, 2026, and remained employed by Employer F through October 31, 2026. Effective November 1, 2026, Participant C transferred to Employer G and was employed by Employer G for the remainder of 2026. Participant C is employed by Employer G for all of 2027, the year in which Participant C attains age 55. Employer F reported $160,000 of FICA wages on a Form W–2 for Participant C for 2026. Employer G reported $35,000 of FICA wages on a Form W–2 for Participant C for 2026. Employers F and G are participating employers in a section 401(k) plan, Plan P. Participant C becomes eligible to participate in Plan P on January 1, 2027, and all of Participant C's elective deferrals for 2027 are made from compensation paid by Employer G.

(ii) *Analysis.* Employers F and G are common law employers of Participant C during different portions of 2026, and, under paragraph (b)(3) of this section, they are both employers sponsoring the plan. Because Plan P does not provide for the optional aggregation provision described in paragraph (b)(4)(iii) of this section, and Participant C's FICA wages from Employer G in 2026 did not exceed $155,000, Participant C is not subject to the requirements of section 414(v)(7)(A) with respect to elective deferrals that are made from compensation paid by Employer G in 2027. Accordingly, Participant C is not required to designate any catch-up contributions made for 2027 under Plan P as designated Roth contributions. This is the case even though Participant C had wages from Employer F (an employer sponsoring the plan) that exceeded $155,000 for 2026.

(5) *Example 5: Correction of section 414(v)(7) failure*—(i) *Facts.* Participant D, who attains age 55 in 2027, participates in a section 401(k) plan, Plan Q, sponsored by Employer H. Plan Q does not limit elective deferrals except as necessary to comply with sections 401(a)(30) and 415(c). Plan Q does not provide catch-up eligible participants with a separate election for elective deferrals that are in excess of the section 401(a)(30) limit and provides that such a participant is permitted to defer amounts in excess of the section 401(a)(30) limit on elective deferrals up to the applicable dollar catch-up limit for the year. For 2026, Participant D had $156,000 in wages (within the meaning of section 3121(a)) from Employer H. For 2027, Participant D elects to defer $1,250 into Participant D's account in Plan Q for each of 24 pay periods. Employer H has in place practices and procedures that are designed to prevent section 414(v)(7) failures and to result in compliance with the section 414(v)(7) Roth catch-up requirement at the time an elective deferral is made, and Plan Q provides for a deemed Roth catch-up election as described in paragraph (c)(3)(i) of this section. Nonetheless, Employer H discovers that all of Participant D's elective deferrals under Plan Q during 2027 (a total of $30,000) were pre-tax elective deferrals.

(ii) *Analysis.* Because Participant D had over $155,000 in wages from Employer H for 2026, under section 414(v)(7)(A), Participant D's catch-up contributions under Plan Q for 2027 (that is, the elective deferrals that exceed the section 401(a)(30) limit) are required to be designated Roth contributions. Thus, $5,000 of Participant D's elective deferrals for 2027 (that is, the elective deferrals in excess of the section 401(a)(30) limit of $25,000) are required to be designated Roth contributions. To keep these

contributions in the plan, Employer H must correct the section 414(v)(7) failure with respect to $5,000 of Participant D's pre-tax elective deferrals for 2027 using one of the methods set forth under paragraph (c)(2) of this section. If all corrective steps required under paragraph (c)(2) of this section are not completed by April 15, 2028, then the excess deferral will not be treated as having been corrected by the deadline in § 1.402(g)–1(e)(2)(ii). Thus, the tax treatment rules of § 1.402(g)–1(e)(8)(iii) would apply to the excess deferral.

(6) *Example 6: Designated Roth contributions that can satisfy the section 414(v)(7) Roth catch-up requirement*—(i) *Facts.* The facts are the same as in paragraph (d)(5) of this section (*Example 5*), except that the first $3,750 of the $30,000 total elective deferrals Participant D makes for 2027 are designated Roth contributions. (Thus, during each of the first 3 pay periods in 2027, Participant D makes $1,250 of elective deferrals that are designated Roth contributions, and then subsequently makes $26,250 in pre-tax elective deferrals ratably over the remaining 21 pay periods.) Participant D reaches the section 401(a)(30) limit on elective deferrals during the twentieth pay period of 2027 and does not make any designated Roth contributions after reaching the section 401(a)(30) limit on elective deferrals in 2027.

(ii) *Analysis.* In accordance with paragraph (b)(1) of this section, the $3,750 in elective deferrals that are designated Roth contributions that Participant D made at the beginning of 2027 can be taken into account for purposes of satisfying Participant D's Roth catch-up requirement under section 414(v)(7). Thus, the portion of Participant D's pre-tax elective deferrals that are required to be corrected is $1,250 ($5,000 of elective deferrals that are in excess of the section 401(a)(30) limit, minus $3,750 of elective deferrals that were made as designated Roth contributions within the taxable year), and Employer H must correct the section 414(v)(7) failure with respect to only $1,250 of Participant D's pre-tax elective deferrals. To keep the $1,250 in the plan, Employer H must correct the section 414(v)(7) failure using one of the methods set forth under paragraph (c)(2) of this section. If all corrective steps required under paragraph (c)(2) of this section are not completed by April 15, 2028, then the excess deferral will not be treated as having been corrected by the deadline in § 1.402(g)–1(e)(2)(ii). Thus, the tax treatment rules of § 1.402(g)–1(e)(8)(iii) would apply to the excess deferral.

(e) *Applicability dates*—(1) *Statutory applicability date.* Section 414(v)(7) applies to contributions in taxable years beginning after December 31, 2023.

(2) *Regulatory applicability dates*—(i) *General rule.* Except as provided in paragraphs (e)(2)(ii) through (iv) of this section, this section applies to contributions in taxable years beginning after December 31, 2026. For prior taxable years, a reasonable, good faith interpretation standard applies with respect to section 414(v)(7).

(ii) *Collectively bargained plans.* In the case of an applicable employer plan maintained pursuant to one or more collective bargaining agreements, paragraphs (a) through (d) of this section shall not apply until the first taxable year described in paragraph (e)(2)(i) of this section, or, if later, the first taxable year beginning after the date on which the last collective bargaining agreement related to the plan that is in effect on December 31, 2025, terminates (determined without regard to any extension to those agreements). Further, if that plan is a multiemployer plan as defined in section 414(f), section 414(v)(7) is deemed satisfied until the first taxable year beginning after the date on which the last collective bargaining agreement related to the plan that is in effect on November 17, 2025 terminates (determined without regard to any extension to those agreements).

(iii) *Governmental plan.* In the case of a governmental plan within the meaning of section 414(d), paragraphs (a) through (d) of this section shall not apply until the first taxable year described in paragraph (e)(2)(i) of this section, or, if later, the first taxable year beginning after the close of the first regular legislative session of the legislative body with the authority to amend the plan that begins after December 31, 2025.

(iv) *Early implementation permitted.* A plan is permitted to apply the rules of this section to contributions in any taxable year beginning after December 31, 2023.

Edward T. Killen,

Acting Chief Tax Compliance Officer.

Approved: September 8, 2025.

Kenneth J. Kies,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2025–17865 Filed 9–15–25; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2022–0222]

RIN 1625–AA09

Drawbridge Operation Regulation; Okeechobee Waterway, Stuart, FL

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the operating schedule that governs the Florida East Coast (FEC) Railroad Bridge, across the Okeechobee Waterway (OWW), mile 7.41, at Stuart, FL. This rule will allow the drawbridge to operate on a more predictable and reliable schedule to meet the needs of competing modes of transportation. This action is necessary due to a significant increase in railway activity.

DATES: This rule is effective November 17, 2025.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov.* Type the docket number (USCG–2022–0222) in the ''SEARCH'' box and click ''SEARCH''. In the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email call or email Ms. Jennifer Zercher, Bridge Management Specialist, Coast Guard Southeast District; telephone 571–607–5951, email *Jennifer.N.Zercher@uscg.mi*l.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
OMB Office of Management and Budget
NPRM Notice of Proposed Rulemaking
§ Section
U.S.C. United States Code
TD Temporary Deviation
OWW Okeechobee Waterway
FL Florida
TIR Temporary Interim Rule
NOI Notice of Inquiry
SNOI Supplemental Notice of Inquiry
FECR Florida East Coast Railway
FEC Florida East Coast

II. Background Information and Regulatory History

On May 3, 2022, the Coast Guard published a Notification of Inquiry (NOI); request for comments in the **Federal Register** (87 FR 26145). This NOI sought information from waterway

users in response to provided questions. Those questions focused on waterway usage and navigation in the vicinity of the railroad and highway bridges. On June 10, 2022, a Supplemental Notification of Inquiry (SNOI); request for comments was published in the **Federal Register** (87 FR 35472). The SNOI provided clarification on the Coast Guard's intent in gathering information. The Coast Guard was seeking information regarding usage and equitable access to the waterway. We received a total of 2358 comments on those publications. Those comments were taken into consideration when developing the temporary test deviation published on June 8, 2023.

On June 8, 2023, the Coast Guard published a notice titled ''Temporary deviation from regulations; request for comments'' in the **Federal Register** (88 FR 37470) (Temporary Deviation 1). The deviation was effective from 12:01 a.m. on June 21, 2023, through 11:59 p.m. on December 17, 2023. Under Temporary Deviation 1, the railroad bridge opened twice an hour upon request and was required to remain in the open position if trains were not crossing the bridge. Additional operating requirements were specified by the Coast Guard. The comment period ended on August 4, 2023, with 371 comments received. Those comments were taken into consideration when developing Temporary Deviation 2, which was published on August 11, 2023.

On August 11, 2023, the Coast Guard published a notice titled ''Temporary deviation from regulations; cancellation'' in the **Federal Register** (88 FR 54488). This action cancelled Temporary Deviation 1, as it was determined FEC Railway (FECR) was experiencing extreme difficulty meeting the requirements of the temporary deviation.

On August 11, 2023, the Coast Guard also published a notice titled ''Temporary deviation from regulations; request for comments'' in the **Federal Register** (88 FR 54487) (Temporary Deviation 2). The deviation was effective from 12:01 a.m. on August 15, 2023, through 11:59 p.m. on December 17, 2023. Under Temporary Deviation 2, the railroad bridge was maintained in the fully open-to-navigation position, except during periods when it closed for the passage of train traffic. Additional operating requirements were specified by the Coast Guard, one of which was a fixed 15-minute opening period each hour. The comment period ended October 15, 2023, with 211 comments received. Those comments were addressed in Temporary Deviation 3, which was published on February 6, 2024.

On November 7, 2023, the Coast Guard published a notice titled ''Temporary deviation from regulations; reopening the comment period'' in the **Federal Register** (88 FR 76666). This action was necessary due to a delay in the start of passenger rail service. Due to the delay, the public was not afforded adequate opportunity to provide comments on Temporary Deviation 2 during actual passenger rail service operations. The comment period ended November 30, 2023, with 4 comments received. Those comments were addressed in Temporary Deviation 3, which was published on February 6, 2024.

On December 7, 2023, the Coast Guard published a notice titled ''Temporary deviation from regulations; modification'' in the **Federal Register** (88 FR 85111). The deviation was effective from 12:01 a.m. on December 18, 2023, through 11:59 p.m. on February 11, 2024. This action extended Temporary Deviation 2 to allow for the review of public comments, while providing continuity in the operation of the drawbridge. An additional comment period was not provided for the extension of Temporary Deviation 2 since multiple comment periods had already been provided.

On February 6, 2024, the Coast Guard published a notice titled ''Temporary deviation from regulations; request for comments'' in the **Federal Register** (89 FR 8074) (Temporary Deviation 3). The deviation was effective from 12:01 a.m. on February 12, 2024, through 11:59 p.m. on August 9, 2024. Under Temporary Deviation 3, the railroad bridge was maintained in the fully open-to-navigation position, except during periods when it closed for the passage of train traffic. Additional operating requirements were specified by the Coast Guard, one of which was a fixed 10-minute opening period each hour. The comment period ended May 6, 2024, with one comment received. That comment is addressed in the NPRM, which was published on March 25, 2025 (90 FR 13573).

On August 7, 2024, the Coast Guard published a Temporary Interim Rule (TIR) with request for comments in the **Federal Register** (89 FR 64367). The temporary interim rule was effective from August 9, 2024, through 11:59 p.m. on December 31, 2024. This action was necessary to allow for continuity of drawbridge operations while the Coast Guard reviewed comments, and the Coast Guard Commissioned Marine Traffic Study of the Okeechobee Waterway (St. Lucie) (study) associated with the temporary test deviation. The comment period for the TIR ended September 23, 2024, with one comment received. That comment is addressed in the NPRM, which was published on March 25, 2025 (90 FR 13573).

On February 7, 2025, the Coast Guard published a TIR with request for comments in the **Federal Register** (90 FR 9126). The temporary interim rule was effective from February 7, 2025, through 11:59 p.m. on May 31, 2025. This action allowed for continuity for drawbridge operations while the Coast Guard evaluates documentation received for a request to permanently change the operating regulation. The comment period for the TIR ended March 10, 2025, with 22 comments received, and those comments are addressed in Section IV of this Final Rule.

On March 25, 2025, the Coast Guard published a NPRM entitled ''Drawbridge Operation Regulation; Okeechobee Waterway, Stuart, FL'' in the **Federal Register** (90 FR 13573). There we stated why we issued the NPRM and invited comments on our proposed regulatory change. During the comment period that ended April 24, 2025, we received two comments, and those comments are addressed in Section IV of this Final Rule.

On May 19, 2025, the Coast Guard published a TIR in the **Federal Register** (90 FR 21223). The temporary interim rule is effective from June 1, 2025, through 11:59 p.m. on September 30, 2025. This action allowed for continuity for drawbridge operations while the Coast Guard evaluates documentation received for a request to permanently change the operating regulation.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority 33 U.S.C. 499.

The Florida East Coast (FEC) Railroad Bridge across the Okeechobee Waterway (OWW), mile 7.41, at Stuart, FL, is a single-leaf bascule bridge with a six-foot vertical clearance at mean high water in the closed position. The normal operating schedule for the bridge is found in 33 CFR 117.317(c).

Railway activity has significantly increased across the FEC Railroad Bridge. The Coast Guard is changing the operating regulation for the railroad bridge to allow the drawbridge to operate a more predictable and reliable schedule to meet the needs of competing modes of transportation.

IV. Discussion of Comments, Changes and the Final Rule

The Coast Guard received 22 comments from the TIR published

February 7, 2025. Fifteen comments were neither in support of nor against the proposed rule but instead made statements regarding the railroad's perceived failure to adhere to the specific requirements of the proposed rule. Comments stated the bridge is not maintained in the open to navigation position when trains are not crossing and does not open immediately after trains pass. This section of the FEC train corridor is a single track which requires the bridge to remain in the down position when trains approach the bridge or are in the track circuit or ''block''. When trains occupy the block for the railroad bridge, they may not be visible from the waterway, and it may appear the bridge is remaining down needlessly. Per federal railway regulations, the block is a safety signal system leading up to the bridge that requires the bridge to remain down until the train moves outside of the block (safety signal) and prevents a train from entering a block already occupied by another train. Again, this bridge crossing is single track and it may take longer for trains to clear the block before another train is permitted to enter and cross the bridge. FEC has scheduled trains to cross the bridge close to each other to reduce the amount of time the bridge is closed to navigation.

Comments stated the mobile application is not reliable. The mobile application displays a daily schedule when the drawbridge is open and closed to navigation. Bridge tender logs indicate the drawbridge is operating similarly in conjunction with the mobile application. There are minor discrepancies when the drawbridge closes or remains closed when the mobile application indicates it is open to navigation and these incidents are attributed to complex railroad operations or incidents along the railroad corridor. However, there are instances when the drawbridge is open when the mobile application indicates it is in the down or closed position. FEC is complying with the fixed 10-minute opening period at the top of each hour from 6 a.m. to 8 p.m. FEC is required to update the mobile application in a timely manner when these incidents occur. The mobile application provides the mariner with reliable information while competing with other modes of transportation.

Comments stated the signage is insufficient and difficult to see. The signage is electronic on a digital board that provides more information than typical bridge signage and is similar in letter height. Mariners can also contact the bridge tender on marine radio channel 9. The Coast Guard does not have the authority to require a bridge owner to post specific requirements on any structure other than the actual bridge structure. We find that the signage is sufficient as it provides the required information.

Comments stated that reducing the total shared hours by two hours is not reasonable for navigation. The drawbridge is required to remain open when trains are not crossing, and it is not allowed to remain closed to navigation for more than 60 consecutive minutes from 8:01 p.m. until 5:59 a.m. daily. The Coast Guard determined that from 8:01 p.m. until 5:59 a.m. requiring the drawbridge to be locally manned with a fixed 10-minute opening at the top of the hour was not necessary as marine traffic was not robust.

One commenter provided several recommendations that are not reasonable for the area and outside the scope of Coast Guard Bridge Program authority. They stated the current schedule does not satisfy the needs of marine navigation, leading to economic losses for commercial vessels and local businesses. The commenter did not provide evidence that the proposed schedule, which has been active under the TIR for the past year and a half, has led to economic losses for the community. The commenter recommended a structured daily schedule, and the schedule should be easily accessible via online platform. The mobile application satisfies this recommendation. Additionally, the commenter recommended a priority reservation system for vessels should be implemented which would require the bridge to open based on vessels with pressing time constraints. This is unreasonable and unnecessary as the drawbridge is required to be maintained in the open position when trains are not crossing and a 10-minute opening at the top of the hour is provided, which mariners can plan for.

One comment stated the Coast Guard should allow marine traffic access under the bridge and that it is unfair for a private company to stop marine traffic for more than fifty percent of an hour. The proposed rule provides for reasonable access for competing modes of transportation that all users can plan for based on the final schedule.

A commercial property owner stated the excessive closure of the railroad bridge to marine traffic is detrimental to his tenants that use his property for their marine construction businesses and boat storage. There is no evidence provided by commenters that the proposed schedule, which has been active under the TIR for the past year and a half, has been detrimental to the marine industry nor is closed excessively. The bridge logs indicate, overall, the bridge owner is complying with the proposed rule. The commenter also stated during approaching hurricanes, mariners can't access their facility in a timely manner to avoid the storm. During Hurricane Season, multiple federal, state, and local agencies coordinate to ensure the public, including the boating public, are aware of storms. The information provided includes, but is not limited to, evacuation routes, roadway and bridge closures. The Coast Guard coordinates with bridge owners to ensure waterway access is available for mariners seeking safe haven and also provides the bridge owner with sufficient time to secure moveable bridges to prevent storm damage. Mariners are advised to follow emergency orders and plan early vessel movements to ensure they have access to waterways prior to the lockdown of moveable bridges due to approaching storms.

There were four comments outside the scope of the TIR that we determined were not actionable.

The Coast Guard received two comments on the NPRM published on March 25, 2025. The two comments were unrelated to the substance of the proposed rule.

This rule changes the operating schedule from the generic requirement of ''open to navigation except when trains are crossing'', to defining specific operating requirements, one of which is a fixed 10-minute opening period each hour. The rule allows the drawbridge to operate on a more predictable and reliable schedule to meet the needs of competing modes of transportation due to the significant increase in railway activity.

This rule specifies that the drawbridge will not be closed for more than 50 consecutive minutes in any given hour during daytime operations (6 a.m. to 8 p.m.) and for more than 7 total hours during daytime operations (6 a.m. to 8 p.m.). The drawbridge will open and remain open to navigation for a fixed 10-minute period at the top of each hour from 6 a.m. to 8 p.m. At night from 8:01 p.m. until 5:59 a.m. daily, the drawbridge will remain in the fully open-to-navigation position, except during periods when it is closed for the passage of train traffic, to conduct inspections, and to perform maintenance and repairs authorized by the Coast Guard. The drawbridge will not be closed more than 60 consecutive minutes during this night and early morning time frame.

Lastly, if a train is in the track circuit at the start of a fixed opening period, the

opening may be delayed up to, but not more than, five minutes. Once the train has cleared the circuit, the bridge must open immediately for navigation to begin the fixed opening period.

V. Regulatory Analyses

We developed this 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 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities for the following reasons. The drawbridge must open at the top of the hour for 10 minutes during the day time which gives predictability and planning to small entities needing to transit the bridge. If a train is in the track circuit at the start of a fixed opening period, the opening may be delayed up to, but not more than, five minutes. Once the train has cleared the circuit, the bridge must open immediately for navigation to begin the fixed opening period. In addition, the drawbridge will not be closed for more than 50 consecutive minutes in any given hour during daytime operations (6 a.m. to 8 p.m.) and for more than 7 total hours during daytime operations (6 a.m. to 8 p.m.). This ensures the small businesses affected are not delayed for more than 50 minutes during day time hours if a train is passing. In the evenings and early mornings, from 8:01 p.m. until 5:59 a.m. daily, the drawbridge will remain in the fully open-to-navigation position, except during periods when it is closed for the passage of train traffic or other authorized actions by the Coast Guard. We tailored this schedule to reduce the effect on small entities, give predictability to all users, reduce unforeseen delays, and included contingency planning for when the railroad needs cause the drawbridge to remain closed during planned openings.

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

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

B. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

C. Federalism and Indian Tribal Government

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

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

D. Unfunded Mandates Reform Act

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

E. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01, Rev.1, associated implementing instructions, and Environmental Planning Policy COMDTINST 5090.1 (series) which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f). The Coast Guard has determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule promulgates the operating regulations or procedures for drawbridges and is categorically excluded from further review, under paragraph L49, of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

Neither a Record of Environmental Consideration nor a Memorandum for the Record are required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; and Department of Homeland Security Delegation No. 00170.1. Revision No. 01.3.

■ 2. Amend § 117.317 by revising paragraph (c) to read as follows.

§ 117.317 Okeechobee Waterway.

* * * * *

(c) *Florida East Coast Railroad (FEC) Bridge, mile 7.41, at Stuart.* The draw shall operate as follows:

(1) The drawbridge will be maintained in the fully open-to-navigation position, except during periods when it is closed for the passage of train traffic, to conduct inspections, and to perform maintenance and repairs authorized by the Coast Guard.

(2) The drawbridge will not be closed for more than 50 consecutive minutes in any given hour during daytime operations (6 a.m. to 8 p.m.) and for more than 7 total hours during daytime operations (6 a.m. to 8 p.m.).

(3) Notwithstanding paragraph (c)(1) of this section, the drawbridge will open and remain open to navigation for a

fixed 10-minute period at the top of each hour from 6 a.m. to 8 p.m.

(4) From 8:01 p.m. until 5:59 a.m. daily, the drawbridge will remain in the fully open-to-navigation position, except during periods when it is closed for the passage of train traffic, to conduct inspections, and to perform maintenance and repairs authorized by the Coast Guard. The drawbridge will not be closed more than 60 consecutive minutes during this time frame.

(5) If a train is in the track circuit at the start of a fixed opening period, the opening may be delayed up to, but not more than, five minutes. Once the train has cleared the circuit, the bridge must open immediately for navigation to begin the fixed opening period.

(6) The drawbridge will be tended from 6 a.m. to 8 p.m., daily. The bridge tender will monitor VHF–FM channels 9 and 16 and will provide estimated times of drawbridge openings and closures, or any operational information requested. Operational information will be provided 24 hours a day by telephone at (305) 889–5576.

(7) The drawbridge owner will maintain a mobile application. The drawbridge owner will publish drawbridge opening times, and the drawbridge owner will provide timely updates to schedules, including but not limited to, impacts due to emergency circumstances, inspections, maintenance, and repairs authorized by the Coast Guard.

(8) Signs will be posted and visible to marine traffic, displaying VHF radio contact information, application information, and the telephone number for the bridge tender.

* * * * *

Dated: September 12, 2025.

Adam A. Chamie,

Rear Admiral, U.S. Coast Guard, Commander, Coast Guard Southeast District.

[FR Doc. 2025–17888 Filed 9–15–25; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2025–0320]

RIN 1625–AA11

Regulated Navigation Area; Illinois River, Naplate, IL

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a regulated navigation area for certain waters of the Illinois River. This action is necessary to provide for the safety of human health and the environment on these navigable waters near Naplate, IL due to an Environmental Protection Agency Superfund Alternative Site. This rulemaking prohibits persons and vessels from anchoring or pushing their vessels onto the bank of the river in the regulated navigation area unless authorized by the Captain of the Port Sector Lake Michigan or a designated representative, or in the event of an emergency.

DATES: This rule is effective October 16, 2025.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2025–0320 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email Lieutenant Kyle Goetz, Chief, Waterways Management, U.S. Coast Guard; telephone 630–986–2131, email *D09-SMB-MSUChicago-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
EPA Environmental Protection Agency
FR Federal Register
NPRM Notice of proposed rulemaking
OTFG Ottawa Township Flat Glass
OU2 Operable Unit 2
PNA Pilkington North America, Inc.
§ Section
U.S.C. United States Code
USCG U.S. Coast Guard

II. Background Information and Regulatory History

In October of 2024, the United States Environmental Protection Agency (EPA), Pilkington North America, Inc. (PNA), Illinois Environmental Protection Agency (IEPA), and the United States Coast Guard (USCG) began discussions to explore establishing a Regulated Navigation Area for Operable Unit 2 (OU2) of the Ottawa Township Flat Glass (OTFG) Superfund Alternative Site (the Site; EPA ID: ILD005468616) along the Illinois River. The purpose of this Regulated Navigation Area is to prevent disturbance of riverbed sediment in OU2 that has been contaminated with arsenic due to historic Site operations.

In 2000, PNA characterized arsenic contamination in Illinois River sediment, and collected sediment samples and conducting bathymetric surveys with EPA oversight. Sampling results indicated that arsenic concentrations in sediment adjacent to the Site and Original Sand Pond source area on the north side of the Illinois River were above background levels. PNA performed additional work in 2002 to determine if sediment deposits within OU2 were stable and to evaluate whether arsenic exceedances had an adverse impact on benthic organisms living in the sediment. Through various sampling efforts, radioisotope, and bioassay studies conducted by the State of Illinois and PNA, EPA concluded that contaminated arsenic sediment deposits in OU2 were stable, not prone to washout by yearly flood events, and had negligible effect on river water quality or toxicity to aquatic organisms. As part of the 2023 Five-Year Review for the Site, EPA recommended that a no anchorage area be established along the OU2 portion of the Illinois River to prohibit the disturbance of contaminated sediment. In December of 2024, EPA identified for the Coast Guard the appropriate area for a Regulated Navigation Area.

In response, on June 16, 2025, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Regulated Navigation Area; Illinois River, Naplate, IL (90 FR 25183). There, we stated why we issued the NPRM and invited comments on our proposed regulatory action related to this area. During the comment period that ended July 16, 2025, we received one comment.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under the authority in 46 U.S.C. 70034. The purpose of this rulemaking is to ensure the protectiveness of the remedy for the Illinois River Operable Unit, as outlined in the 2008 EPA Record of Decision for the OTFG Site, by prohibiting anchoring or pushing a vessel onto the bank within the Regulated Navigation Area except as otherwise set forth herein. The Great Lakes District Commander has determined that the protection provided by this rule will also protect human health and the environment.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received one comment on our NPRM published June 16, 2025. As this comment was fully in support of the proposal as written, there are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

This rule establishes a Regulated Navigation Area for all waters of the Illinois River, from surface to bottom, encompassed by a line connecting the following points beginning at 41°19′24.495″ N, 88°53′23.388″ W; thence to 41°19′22.5156″ N, 88°53′25.2198″ W; thence to 41°19′17.4684″ N, 88°53′17.4876″ W; thence to 41°19′17.259″ N, 88°53′15.3126″ W; thence to 41°19′21.9468″ N, 88°52′44.8206″ W; thence to 41°19′27.4404″ N, 88°52′33.9708″ W; thence to 41°19′32.3862″ N, 88°52′29.1534″ W; thence to 41°19′33.8088″ N, 88°52′31.8612″; and along the shore line back to the beginning point. These coordinates are based on World Geodetic System 1984 (WGS 84).

All vessels and persons are prohibited from anchoring, dredging, laying cable, dragging, seining, bottom fishing, conducting salvage operations, or any other activity which could potentially disturb the seabed in the designated area. Vessels may otherwise transit or navigate within the RNA. The prohibition described does not apply to vessels or persons engaged in activities associated with remediation efforts related to the Ottawa Township Flat Glass Superfund Alternative Site, provided that the Coast Guard Captain of the Port Lake Michigan (COTP) is given advance notice of those activities by EPA.

V. Regulatory Analyses

We developed this 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 received no comments from the Small Business Administration on this rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities for the following reasons: vessel traffic will be able to transit or navigate within the RNA, so long as they do not engage in anchoring, dredging, laying cable, dragging, seining, bottom fishing, conducting salvage operations, or any other activity which could potentially disturb the seabed in the designated area. While such activities are prohibited within the RNA, ample alternative locations exist near the RNA to conduct them, thus ensuring that this rule will not have a significant impact on a substantial number of small entities.

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

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

B. Collection of Information

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

C. Federalism and Indian Tribal Governments

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

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

D. Unfunded Mandates Reform Act

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

E. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves all vessels conducting operations potentially disturbing contaminated seabed in the regulated area to include, but not limited to: anchoring, dragging, spudding, or dredging. Normally, such actions are categorically excluded from further review under paragraph L[60a] of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5;

Department of Homeland Security Delegation No. 00170.1, Revision No. 01.4.

■ 2. Add § 165.946 to read as follows:

§ 165.946 Regulated navigation area; EPA Superfund Site, Naplate, Illinois.

(a) *Location.* The following area is a Regulated Navigation Area (RNA): All waters of the Illinois River, from surface to bottom, encompassed by a line connecting the following points beginning at 41°19′24.495″ N, 88°53′23.388″ W; thence to 41°19′22.5156″ N, 88°53′25.2198″ W; thence to 41°19′17.4684″ N, 88°53′17.4876″ W; thence to 41°19′17.259″ N, 88°53′15.3126″ W; thence to 41°19′21.9468″ N, 88°52′44.8206″ W; thence to 41°19′27.4404″ N, 88°52′33.9708″ W; thence to 41°19′32.3862″ N, 88°52′29.1534″ W; thence to 41°19′33.8088″ N, 88°52′31.8612″; and along the shore line back to the beginning point. These coordinates are based on World Geodetic System 1984 (WGS 84).

(b) *Regulations.* In addition to the general RNA regulations in § 165.13, the following regulations apply to the RNA described in paragraph (a) of this section.

(1) All vessels and persons are prohibited from anchoring, dredging, laying cable, dragging, seining, bottom fishing, conducting salvage operations, or any other activity which could potentially disturb the seabed in the designated area. Vessels may otherwise transit or navigate within the RNA.

(2) The prohibition described in paragraph (b)(1) of this section does not apply to vessels or persons engaged in activities associated with remediation efforts related to the Ottawa Township Flat Glass Superfund Alternative Site, provided that the Coast Guard Captain of the Port Lake Michigan (COTP) is given advance notice of those activities by the U.S. Environmental Protection Agency.

(c) *Contact information.* If you observe violations of the regulations in this section, you may notify the COTP by email, at *D09-SMB-MSUChicago-WWM@uscg.mil,* or by phone, 414–747–7080.

Dated: September 11, 2025.

J.P. Hickey,

Rear Admiral, U.S. Coast Guard, Commander, Great Lakes District.

[FR Doc. 2025–17839 Filed 9–15–25; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2025–0850]

RIN 1625–AA00

Safety Zone; Naval Salvage Operation, Apra Harbor, GU

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for certain navigable waters of Apra Harbor, Guam and adjacent Philippine Sea. The moving safety zone will include all navigable waters within 100 yards of the USNS SALVOR and M/V VOYAGER during Dead Ship Tow operations. This action is necessary to protect personnel, vessels, and the marine environment from potential hazards associated with the salvage, towing, and disposal of an abandoned, derelict vessel. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Guam.

DATES: This rule is effective without actual notice from September 16, 2025 through October 7, 2025. For the purposes of enforcement, actual notice will be used from September 15, 2025 until September 16, 2025. It is subject to enforcement while the USNS SALVOR is engaged in vessel salvage operations.

ADDRESSES: To view available documents, go to *https://www.regulations.gov* and search for USCG–2025–0850.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call, or email LT James DeInnocentiis, Forces Micronesia/Sector Guam Waterways Management Division; telephone 671–355–4800, email *wwmguam@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background and Authority

The Coast Guard received notification that the USNS SALVOR will be conducting vessel salvage operations in the vicinity of Piti Channel, Apra Harbor. As part of the salvage, the USNS SALVOR will be relocating the M/V VOYAGER, under Dead Ship Tow, from its current grounded position to a designated ocean disposal site approximately 20 nautical miles Northwest of Guam. The Captain of the Port (COTP) Guam has determined that potential hazards associated with the salvage operation are a safety concern for anyone within 100 yards of the active tow.

Therefore, the COTP is issuing this rule under the authority in 46 U.S.C. 70034, which is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone.

The Coast Guard is issuing this rule without prior notice and comment. As is authorized by 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable and contrary to the public interest. The Coast Guard was notified of this salvage operation on September 8, 2025, and we must establish this safety zone by September 15, 2025, to protect personnel, vessels, and the marine environment. Therefore, we have do not have enough time to solicit and respond to comments. Delaying the effective date for this safety zone to complete the NPRM process also would be contrary to the public interest as it would delay the safety measures vital to safe navigation.

For the same reasons, the Coast Guard finds that under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date for this rule is impracticable because prompt action is needed to respond to the potential safety hazards associated with the salvage operation.

III. Discussion of the Rule

This rule establishes a safety zone while the USNS SALVOR intermittently has the M/V VOYAGER under Dead-Ship tow during the Naval salvage operation occurring from September 15, 2025, through October 07, 2025. The safety zone will encompass all navigable waters within a 100-yard radius surrounding both vessels. During the periods when it is subject to enforcement, the duration of the zone will be announced via Broadcast Notice to Mariners and is intended to protect personnel, vessels, and the marine environment during hazardous portions of the salvage operation while continuing to facilitate normal port operations. No vessel or person will be permitted to enter the moving safety

zone without obtaining permission from the COTP or their designated representative.

IV. Regulatory Analyses

We developed this 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 analysis provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to rules that are not subject to notice and comment. Because the Coast Guard has, for good cause, waived the notice and comment requirement that would otherwise apply to this rulemaking, the Regulatory Flexibility Act's flexibility analysis provisions do not apply here.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), if this rule will affect your small business, organization, or governmental jurisdiction and you have questions, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards by calling 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

B. Collection of Information

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

C. Federalism and Indian Tribal Governments

We have analyzed this rule under Executive Order 13132, Federalism, and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in that Order.

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

D. Unfunded Mandates Reform Act

As required by The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Coast Guard certifies that this rule will not result in an annual expenditure of $100,000,000 or more (adjusted for inflation) by a State, local, or tribal government, in the aggregate, or by the private sector.

E. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment.

This rule is a safety zone. It is categorically excluded from further review under paragraph L60(c) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1, because we must get the safety zone into effect before imminent salvage operations begin.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T14–0850 to read as follows:

§ 165.T14–0850 Safety Zone; Naval Salvage Operation, Apra Harbor, GU.

(a) *Location.* The following area is a moving safety zone: All navigable waters within a 100-yard radius surrounding the USNS SALVOR and M/V VOYAGER as it transits within the U.S. Coast Guard Forces Micronesia/Sector Guam COTP Zone, as described in 33 CFR 3.70–15.

(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, or local officer designated by or assisting the COTP in the enforcement of the safety zone.

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

(2) To seek permission to enter or transit through the zone, contact the COTP or their designated representative via VHF Channel 16 or by phone at 671–355–4800. Those within the safety zone must comply with all lawful orders or directions given to them by the COTP or their designated representative.

(d) *Enforcement period.* This section will be enforced for designated periods of time, while the USNS SALVOR is engaged in vessel salvage operations, on days requested by the Navy. The Coast Guard will inform mariners of the enforcement period via a Marine Safety Information Bulletin, Local Notice to Mariners, or Broadcast Notice to Mariners.

Jessica S. Worst,

Captain, U.S. Coast Guard, Captain of the Port, U.S. Coast Guard Forces Micronesia/Sector Guam.

[FR Doc. 2025–17841 Filed 9–15–25; 8:45 am]

BILLING CODE 9110–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 4

[PS Docket Nos. 21–346 and 15–80; ET Docket No. 04–35, FCC 25–45; FR ID 311054]

Resilient Networks; Concerning Disruptions to Communications

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) adopts an Order on Reconsideration (*Order*) which grants in part, the Alliance for Telecommunications Industry Solutions' (ATIS's) petition for reconsideration of the Second Report and Order & Further Notice Proposed Rulemaking (FNPRM)—in which the Commission adopted certain rules governing Disaster Information Reporting System (DIRS) activations—to clarify what the Commission expects from providers during DIRS activations. Specifically, the *Order* clarifies the

scope of the suspension of Network Outage Reporting System (NORS) reporting obligations during DIRS activations, thereby reducing filing burdens. The Commission otherwise denies ATIS's petition.

DATES: Effective September 16, 2025.

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 Order on Reconsideration (*Order*), 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 Proposed Rule relating to 47 CFR part 4 is published elsewhere in this issue of the **Federal Register**.

Procedural Matters

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 a Final Regulatory Flexibility Analysis (FRFA) and Initial Regulatory Flexibility Analysis (IRFA) concerning possible impact of the rule and policy changes contained in the *Order on Reconsideration* on small entities concerning possible impact of the rule and policy changes contained in the *Order on Reconsideration* on small entities. The FRFA is set forth in Appendix C.

Congressional Review Act

The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs, that this rule is ''non-major'' under the Congressional Review Act, 5 U.S.C. 804(2). The Commission will send a copy of this *Order on Reconsideration* to Congress and the Government Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A).

Paperwork Reduction Act

This *Order on Reconsideration* does not contain proposed information collections subject to the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501–3521. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, 44 U.S.C. 3506(c)(4).

Synopsis

In this *Order,* we grant, in part, ATIS's Petition for Reconsideration and/or Clarification of the *Second Report and Order.* The *Second Report and Order* codifies the suspension of NORS reporting requirements when filers timely report outages in DIRS while DIRS is activated. We clarify that when any NORS filing is due prior to the first DIRS filing deadline, providers must submit that filing in NORS. Requirements to submit NORS filings with deadlines that occur after the deadline for the first DIRS filing deadline are waived so long as the outage is timely reported in DIRS. We otherwise deny the petition. Specifically, we decline ATIS's request to clarify that the waiver of NORS reporting during DIRS activations extends to 911 and 988 special facility notifications. We reaffirm that the final rules that the Commission adopted in the Second Report and Order regarding the waiver of NORS reporting during DIRS activations serve the public interest. We dispose of the other issues raised in ATIS's petition, concerning DIRS final reports and extending the NORS reporting waiver to DIRS-Lite activations, pursuant to § 1.429(b). These arguments were not raised in response to the *2021 Resilient Networks NPRM,* and we do not believe that consideration of ATIS's arguments on these points is required in the public interest, as necessary for us to address an issue that was not raised during the proceeding for which reconsideration is sought. We nonetheless seek comment on these issues in the *Third Further Notice* to more fully consider alternatives in response to the points ATIS raises.

A. Clarifying the Situations in Which NORS Reporting Is Waived

We clarify our outage reporting requirements for outages that occur in the same geographic area as a DIRS activation. In these circumstances, providers must file in NORS if the required filing will become due prior to the first DIRS filing deadline of the activation. Requirements to submit any NORS filings with deadlines that occur after the first DIRS filing deadline will be waived as long as the outages are timely reported in DIRS. If the first DIRS filing deadline occurs before the NORS notification is due, then the provider may file solely in DIRS. This waiver does not apply to outages occurring outside of the geographic area where DIRS is activated, nor does it apply to outages with notification deadlines that occur after DIRS is deactivated. All outage impacts that are not timely reported in DIRS must still be reported in NORS. We believe the clarity we provide today will serve the public interest by confirming reporting obligations in those limited circumstances when an outage occurs, in ATIS's phrasing, ''just prior to'' a DIRS activation. This clear demarcation defining when NORS reports must be filed for outages occurring ''just prior'' to a DIRS activation will remove any potential uncertainty among providers. We agree with ATIS that by providing greater certainty regarding how the NORS waiver is to be applied, this waiver will be more effective at reducing filing burdens during emergencies.

We deny ATIS's request to clarify that NORS filers be allowed to withdraw notifications or reports that are filed in NORS before the first DIRS filing deadline solely because DIRS has been activated in the area of the outage. ATIS suggests that without this clarification, the Commission may receive ''duplicative outage reports for the same disaster.'' We find that the benefit of maintaining the NORS report on file outweighs any burden of potentially receiving duplicative reports. Maintaining the NORS report on file allows the Commission to retain a record that the provider satisfied its obligation. Additionally, allowing withdrawals solely in response to a DIRS activation would not reduce any reporting burden to communications service providers, as the effort to create and submit a NORS report would have already been expended (and withdrawing a NORS report would arguably expend additional provider resources). Further, withdrawing a NORS report would deprive the Commission of potentially useful information that is not collected in DIRS, such as the outage start time. To be clear, we do not preclude

communications service providers from withdrawing NORS reports if there are other reasons in addition to the activation of DIRS that support withdrawal (*e.g.,* the outage is determined not to meet the NORS reporting threshold). But absent some other reason justifying withdrawal in addition to a DIRS activation, we find that the public interest is best served by maintaining such NORS reports on file and therefore decline ATIS's request.

B. 911 and 988 Special Facility Notifications

We decline ATIS's request to clarify that the NORS reporting waiver during DIRS activations applies to 911 and 988 special facility outage notification requirements because ATIS's request is both procedurally and substantively infirm. With respect to the procedural soundness of ATIS's request for clarification, we agree with APCO that ATIS's argument is procedurally barred because ATIS failed to present it to the Commission at the appropriate juncture. ATIS does not dispute that its comments and reply in response to the *2021 Resilient Networks NPRM* failed to request that the Commission extend its proposed NORS waiver to include special facility notification requirements, but asserts that its argument is nonetheless timely because some special facility notification requirements stem from subsequent Commission orders on 911 and 988 reporting that post-date the *2021 Resilient Networks NPRM.* While it is true that the Commission adopted additional 911 and 988 special facility outage notification obligations following issuance of the *2021 Resilient Networks NPRM,* substantially similar 911 special facility outage notification rules have been codified in the Commission's rules for several years. Since 2004, originating providers of cable communications, wireless, satellite communications, and wireless service have been required to notify a 911 special facility ''as soon as possible'' whenever an outage potentially affects that 911 special facility. In 2013, the Commission expanded this 911 special facility notification requirement to ''covered 911 service providers'' and imposed more specific requirements on the timing and content of those notifications. Thus, although the Commission took further incremental steps to refine the timing for delivery of those notifications in the November 2022 *911 Outage Notification Order* and expanded their application to the 988 context in the July 2023 *988 Outage Notification Order,* the special facility notification requirements were a longstanding component of the Commission's rules when ATIS submitted its comments and reply in response to the 2021 Resilient Networks NPRM. ATIS therefore cannot satisfy the requirement under the rules of establishing that it did not know, and could not have ascertained with ordinary diligence, its argument about waiving 911 and 988 special facility notification requirements when DIRS is activated until it filed its petition in May 2024. We therefore decline to consider this argument on procedural grounds.

On alternative and independent grounds, we deny ATIS's clarification request because it raises public interest concerns that cannot be overcome by the purported benefits that ATIS claims. To justify its request, ATIS asserts that this clarification ''will better satisfy the purpose of the waiver'' and ''reduce the burden on providers during major disasters. . . .'' APCO cites ''substantive concerns'' with ATIS's request, noting that the special facility outage notifications provide ''a degree of situational awareness that is qualitatively different from the information available in DIRS[]'' and ''are much more likely to enable PSAP/ECC personnel to recognize the impacts on their community'' and take prompt responsive action. Contrary to ATIS and CTIA's contentions that these notifications are unnecessary, DIRS daily reports are not an adequate substitute for the outage notifications to 911 and 988 special facilities required by our rules. ATIS is incorrect when it asserts that PSAPs can access DIRS data directly pursuant to the Commission's information sharing rules with state and federal governments under section 4.2. PSAPs generally would not qualify for such access because they are not state agencies. While we expect that PSAPs would derive value from the aggregated DIRS daily reports made publicly available during disaster events, outage notifications made directly to PSAPs are more timely than those provided through DIRS daily reports and provide more specific information including the identity of the service provider experiencing the outage. Moreover, while we recognize that there is some burden in preparing and submitting these notifications, we believe that burden is outweighed by the situational awareness these notifications will afford 911 and 988 special facilities in times of disaster when emergency services are needed most. For example, when 911 special facilities receive notification of an outage within 30 minutes, as required under the notification rules, they are able to timely publicize alternative methods for contacting emergency services. In contrast, DIRS reports must be submitted only once per day, and the information they contain could therefore be less up-to-date. To foster continued realization of these important public safety benefits, we deny ATIS's request for clarification and confirm that providers must continue to comply with applicable 911 and 988 outage notification requirements during DIRS activations.

Final Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission incorporated an Initial Regulatory Flexibility Analysis (IRFA) in the *2021 Resilient Networks Notice of Proposed Rulemaking* (*NPRM*), released in October 2021, and in the *Second Report and Order & Further Notice of Proposed Rulemaking* (*Second Report and Order & FNPRM*), released in January 2024. The Commission sought written public comment on the proposals in the *2021 Resilient Networks NPRM* and the *Second Report and Order & FNPRM,* including comment on the IRFAs. No comments were filed addressing the IRFAs. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA, and it (or summaries thereof) will be published in the **Federal Register**.

A. Need for, and Objective of, the Proposed Rules

In today's *Order on Reconsideration* (*Order*), the Commission addresses the Alliance for Telecommunications Industry Solutions' (ATIS's) petition for reconsideration of the *Second Report and Order & FNPRM* clarifying how the waiver of Network Outage Reporting System (NORS) reports will apply during Disaster Information Reporting System (DIRS) activations when outages occur in the same geographic area as a DIRS activation, to outages for which notifications or initial reports have already been filed in NORS, and to the Commission's Public Safety Answering Points (PSAPs) and 988 Suicide & Crisis Lifeline notification requirements. We clarify that when any NORS filing is due prior to the first DIRS filing deadline, providers must submit that filing in NORS. Requirements to submit NORS filings with deadlines that occur after the deadline for the first DIRS filing deadline are waived so long as the outage is timely reported in DIRS. The Commission believes this clarity will serve the public interest by providing certainty to service providers regarding their outage reporting obligations.

We decline to extend the NORS reporting waiver to the Commission's PSAP and 988 Suicide & Crisis Lifeline notification requirements for procedural and substantive reasons. We find this request for clarification is beyond the scope of the *Second Report and Order & FNPRM* because neither the *2021 Resilient Networks NPRM* nor the *Second Report and Order & FNPRM* contemplated waiving these notifications, and because granting this relief would be contrary to the public interest as it would deprive public safety stakeholders of timely information about service outages.

In the *Third Further Notice* accompanying the *Order on Reconsideration,* the Commission seeks comment on the remaining issues raised in the underlying petition for reconsideration. Specifically, we seek comment on whether the NORS filing waiver should apply to DIRS-Lite activations and whether DIRS final reporting obligations should be eliminated. These issues will be addressed based on the record from the *Third Further Notice.*

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, 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, 615b, and section 1.429 of the Commission's rules, 47 CFR 1.429.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A ''small business concern'' is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

Small Businesses, Small Organizations, Small Governmental Jurisdictions. Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe 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 actions taken in the *Order* will apply to a substantial number of 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; Operator Service Providers; Local Resellers; Toll Resellers; Telecommunications Resellers; Wireless Telecommunications Carriers (except Satellite); Specialized Mobile Radio Licenses; and Wireless Telephony.

D. Description of Economic Impact and Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

The requirements in the *Order* will not impose new or modified reporting, recordkeeping and/or other compliance obligations on small entities. The *Order* clarifies the timing of outage reports and situations in which NORS reporting is waived. Providing a clear demarcation defining when NORS reports must be filed for outages occurring ''just prior'' to a DIRS activation will remove any potential filing requirements uncertainty for small and other providers. Further, the certainty provided by the Commission's clarification of how the NORS waiver is to be applied should reduce filing burdens during emergencies for small and other providers. The *Order* will not impose additional obligations or expenditure of resources on small businesses, and our clarifications should not require small entities to hire professionals.

E. Response to Comments From the Chief Counsel for Advocacy of the Small Business Administration

The Chief Counsel for Advocacy of the Small Business Administration did not file any comments in response to the proposed rules in this proceeding.

F. Discussion of Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

The Commission in the *Order* considered and denied ATIS's request for clarification that NORS filers be allowed to withdraw notifications or reports that are filed in NORS before the first DIRS filing deadline solely because DIRS has been activated in the area of the outage. We also considered and denied ATIS's request to clarify that the NORS reporting waiver applies to 911 and 988 special facility outage notification requirements, and confirm that small and other providers must continue to comply with applicable 911 and 988 outage notification requirements during DIRS activations.

Ordering Clauses

Accordingly, *it is ordered* that the *Order on Reconsideration* in PS Docket Nos. 21–346 and 15–80 and ET Docket No. 04–35 *is adopted* and the Alliance for Telecommunications Industry Solutions' Petition for Clarification and/or Reconsideration *is granted as discussed herein and otherwise denied.*

It is further ordered that the Office of Managing Director, Performance Program Management, *shall send* a copy of this Order on Reconsideration in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A).

It is further ordered that this *Order on Reconsideration shall be effective* upon publication in the **Federal Register**.

List of Subjects in 47 CFR Part 4

Airports, Communications common carriers, Communications equipment,

Reporting and recordkeeping requirements, Telecommunications.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 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 (b) to read as follows:

§ 4.18 Mandatory Disaster Information Reporting System (DIRS) reporting for Cable Communications, Wireless, Wireline, and VoIP providers.

* * * * *

(b) Facilities-based cable communications, wireline communications, wireless service, and interconnected VoIP providers who provide a DIRS report pursuant to paragraph (a) of this section are not required to make submissions in the Network Outage Reporting System (NORS) under this chapter pertaining to any outage that occurs in an area in which the Commission has activated DIRS, as long as the first daily DIRS report for the activation is due before the NORS submission under section 4.9 of this chapter would be due for the outage, and the outage is timely reported in DIRS. Subject providers shall be notified that DIRS is activated and deactivated pursuant to Public Notice from the Commission and/or the Public Safety and Homeland Security Bureau.

[FR Doc. 2025–17899 Filed 9–15–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 52

[WC Docket No. 18–336; FCC 25–42; FR ID 313142]

Implementation of the National Suicide Hotline Act of 2018

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) adopts rules requiring covered text providers, including wireless providers, to develop the capability to transmit georouting data in a format that is compatible with the Lifeline's platform to allow the routing of covered 988 text messages by the Lifeline Administrator to the appropriate crisis center based on the texter's general location, rather than area code; and to provide such georouting data for covered 988 text messages, when available, to the Lifeline Administrator. To protect the privacy of 988 texters, this document defines ''georouting data'' as location data generated from a cell-based location technology that is aggregated to a level that will not identify the precise location of the handset, but only the general area from which the text originated, thereby making local resources available while protecting texters' identities.

DATES:

Effective date: This rule is effective October 16, 2025.

Compliance dates: Nationwide Commerical Mobile Radio Service (CMRS) providers must comply with the addition of 47 CFR 52.203 by 18 months after October 16, 2025. All covered text providers, including non-nationwide CMRS providers, must comply with the addition of 47 CFR 52.203 by 36 months after October 16, 2025.

FOR FURTHER INFORMATION CONTACT: For further information, contact Merry Wulff, Wireline Competition Bureau, Competition Policy Division, at *Merry.Wulff@fcc.gov* or (202) 418–1084.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Fourth Report and Order* in WC Docket No. 18–336, FCC 25–42, adopted on July 24, 2025 and released on July 25, 2025. The full text of the document is available on the Commission's website at *https://docs.fcc.gov/public/attachments/FCC-25-42A1.pdf.* To request materials in accessible formats for people with disabilities (*e.g.,* braille, large print, electronic files, audio format, etc.), send an email to *FCC504@fcc.gov* or call the Consumer & Governmental Affairs bureau at (202) 418–0530 (voice).

Synopsis

I. Discussion

1. In this *Fourth Report and Order,* we take further steps to facilitate access to the 988 Lifeline's critical local support services by requiring covered text providers to develop and implement georouting solutions for 988 text messages. First, based on a review of the record in the *Implementation of the National Suicide Hotline Act of 2018, Third Further notice of Proposed Rulemaking* (*988 Georouting Third Further Notice*), 89 FR 91636 (November 20, 2024) we find that establishing georouting for 988 text messages is essential to ensure that text users are routed to geographically appropriate crisis centers and will provide important benefits to Lifeline users. Next, we define ''georouting data'' and other relevant terms for purposes of our rules, and adopt a two-part requirement to delineate the scope of covered text providers' obligations. Finally, in order to facilitate ongoing efforts to develop 988 text georouting capabilities, we adopt an implementation time frame of 18 months for nationwide providers, and 36 months for non-nationwide providers.

A. Text-to-988 Georouting Will Improve Access and Efficiency of the Lifeline

2. Georouting refers to the technical solutions for directing calls based on a geographic location of the originating call without transmitting information about the handset's precise location. Georouting is distinct from geolocation, which involves the transmission of precise location information (*e.g.,* street address) often used to dispatch emergencies services. Today, in the absence of georouting, providers route 988 text messages to the Lifeline's centralized system. After a text message reaches 988, the Lifeline Administrator is responsible for routing the text message to an individual crisis center and currently does so based on the area code associated with the text user's wireless device. This inhibits the Lifeline's ability to provide access to more localized services when a text user's area code does not correspond to their geographic location.

Based on our review of the record, we find that requiring providers to implement a georouting solution for 988 text messages is essential to improving access to the Lifeline's critical mental health crisis and suicide prevention services. The record overwhelmingly supports the conclusion that georouting for 988 text messages will help connect individuals with more geographically appropriate crisis centers that should have a better understanding of available local resources and unique community stressors. As Reimagine Crisis Response explains, local crisis centers are better positioned to connect individuals ''with local mental health care, resources, and support that can help . . . beyond the initial crisis.'' According to the current Lifeline Administrator, many individuals that reach out to 988 need

resources for follow-up care, including referrals to mental health resources within their current local communities. Several commenters agree that georouting for 988 text messages will improve access to referral and follow-up services that may reduce the risk of future mental health and suicidal crises.

Mental health and public safety commenters emphasize that georouting for 988 text messages will improve access for youth and young adults. Indeed, in response to the *Implementation of the National Suicide Hotline Act of 2018, Second Further Notice of Proposed Rulemaking* (*988 Georouting Second Further Notice*), 89 FR 46340 (May 29, 2024), we received over 450 comments from American Foundation for Suicide Prevention (AFSP) advocates expressing support for requiring georouting for 988 text messages, all emphasizing the significant benefits for children and young adults. As the current Lifeline Administrator explains, georouting for 988 text messages will ''help connect young people with counselors who may have a deeper insight into the unique exacerbators within their local communities.'' AFSP further notes that georouting is particularly important for ''college-aged young adults [who] may be attending schools and universities . . . in areas that do not correspond with their cell phones' area codes.''

3. Many commenters also agree that georouting for 988 text messages will enhance access to local resources and follow-up care services for individuals with disabilities, including individuals who are deaf, hard of hearing, or have a speech disability. As the Accessibility Organizations explain, text messaging is ''a preferred or necessary mode of communication, due to barriers to making voice calls,'' for many individuals with disabilities. The record further indicates that georouting for 988 text messages will provide benefits for other disproportionately impacted populations, including older men, rural communities, and individuals with low incomes or safety concerns.

4. We also find georouting for 988 text messages will help ensure that Americans in crisis have access to help, regardless of whether they call or text the Lifeline. As the National Alliance on Mental Illness (NAMI) asserts, implementing georouting for voice calls but not for text messages may cause confusion and undermine trust in the 988 Lifeline. Additionally, as several commenters emphasize, achieving routing parity with voice calls will help to minimize inconsistencies in service quality that might otherwise discourage individuals from seeking help, further increasing trust in the 988 Lifeline.

B. Definitions

5. As proposed in the *988 Georouting Third Further Notice,* for the purposes of the rules we adopt today, we incorporate the definitions of the terms ''covered 988 text message'' and ''covered text provider,'' as adopted in the *Implementation of the National Suicide Hotline Act of 2018, Second Report and Order* (*Text-to-988 Second Report and Order*), 89 FR 46340 (May 29, 2024). We similarly rely on the definitions of ''Commercial Mobile Radio Service (CMRS)'' and ''georouting data'' adopted by the Commission in the *Implementation of the National Suicide Hotline Act of 2018, Third Report and Order* (*988 Georouting Third Report and Order*), 89 FR 91636 (November 20, 2024). To preserve consistency across the requirements for georouting 988 calls and georouting text-to-988, we likewise use the definition of ''Lifeline Administrator'' adopted by the *988 Georouting Third Report and Order.* No commenter opposed this approach. Although supportive of the Commission's existing definitions for these terms, the Accessibility Organizations urge the Commission to account for the accessibility needs of individuals who are deaf or hard of hearing, or have a speech or other disability that impacts communication in crafting rules for 988 text georouting. We find that georouting text-to-988 will have a significant impact on connecting individuals, including those who are deaf or hard of hearing, or have a speech or other disability that impacts communication, to local resources and improve the accessibility of lifesaving resources. We therefore adopt our proposal in the *Further Notice* to incorporate the definitions adopted by the Commission in the *Text-to-988 Second Report and Order* and *988 Georouting Third Report and Order* with our 988 text georouting rules. We find that relying on the Commission's existing definitions will ensure technological neutrality and regulatory consistency across our rules with respect to 988 georouting.

6. *Covered 988 Text Message.* We apply our 988 text georouting requirements to ''covered 988 text messages'' as that term is defined in the *Text-to-988 Second Report and Order* (defining a ''[c]overed 988 text message'' as ''a 988 text message in SMS format and any other format that the Wireline Competition Bureau has determined must be supported by covered text providers''), thereby limiting our georouting rules to ''988 text messages'' that are in an Short Message Service (SMS) format. The record overwhelmingly supports limiting our requirements to SMS messages at this stage, in order to conform with the existing technical capabilities of the Lifeline, which can currently only receive SMS texts. While Intrado Life & Safety (Intrado) argues that the rules should obligate georouting of the text portion of Multimedia Message Service (MMS), we find that limiting our georouting rules to messages sent in SMS format will enable the 988 Lifeline to leverage current technology while developing georouting solutions that could adapt to messaging protocols such as MMS and Rich Communications Service (RCS) if necessary in the future. In this *Fourth Report and Order,* we use ''Intrado'' to refer to the entity previously referred to in this proceeding as ''Intrado Life & Safety.'' For a full discussion of the Intrado organization, see *988 Georouting Second Further Notice.* In the *Text-to-988 Second Report and Order,* the Commission delegated to the Bureau the authority to make future determinations to require covered text providers to support additional text formats, in the event that the Lifeline developed the capability to receive such messages. In connection with this delegated authority, the Commission directed the Bureau to consult with the Substance Abuse and Mental Health Services Administration (SAMHSA) and the U.S. Department of Veterans Affairs (VA) on whether any text formats other than SMS are compatible with the 988 Lifeline. To the extent that SAMHSA is reorganized, dissolved, or its responsibilities are transferred, all references to ''SAMHSA'' in this Order shall be interpreted to include any successor agency or entity that assumes authority for oversight of the 988 Lifeline, grants administration, or coordination on technical implementation of 988 services. We further direct the Bureau to determine through its ongoing consultation process with SAMHSA and the VA whether the 988 Lifeline can accept georouting data with any newly identified text formats. In the event that the 988 Lifeline becomes capable of accepting any additional text formats, the Bureau shall seek comment on whether to require providers to transmit georouting data for such text formats in its annual public notice. We emphasize that this delegated authority is limited in scope. The Bureau may incorporate additional text formats into the Commission's rules if, and only if, the Lifeline becomes able to receive such messages, in which case it must provide

notice and an opportunity for comment before adopting any new requirements. The Bureau is also required to ''identify all implementation deadlines with certainty (*i.e.,* by a specified calendar date)'' and in doing so, must ''assess factors such as technical and financial challenges with respect to implementation, the status of the Lifeline, and the public interest.''

7. *Covered Text Providers.* We apply our 988 text georouting requirements to ''Covered Text Providers,'' as defined in the *Text-to-988 Second Report and Order.* Covered text providers include ''all [Commercial Mobile Radio Service (CMRS)] providers, as well as all providers of interconnected text messaging services that enable consumers to send text messages to and receive text messages from all or substantially all text-capable U.S. telephone numbers, including through the use of applications downloaded or otherwise installed on mobile phones.'' As noted above, our text georouting requirements are limited to 988 text messages sent in SMS format and therefore do not apply to over-the-top providers. An over-the-top provider refers to services accessed through broadband connections obtained by the consumer, or through public or private Wi-Fi connections that may not access cellular networks.

8. *Georouting Data.* For the purposes of these rules, we define ''georouting data'' to mean location data generated from cell-based location technology that is aggregated to a level that will not identify the location of the cell site or base station receiving the 988 text message or otherwise identify the precise location of the handset. Vibrant initially raised concern that adopting this definition of georouting data for text-to-988 was too broad, however, it later indicated agreement with the proposed approach and ''recommend[ed] that any proposed georouting solution should utilize cell tower data, obtained from a carrier, to determine the geographic origin of 988 Lifeline text messages.'' We note that this definition, which is consistent with that adopted in the *988 Georouting Third Report and Order,* precludes the transmission of more precise location data. The definition of georouting data adopted in this *Fourth Report and Order* is the same as that used for our georouting rules for 988 voice calls, apart from its application to ''covered 988 text message[s],'' as opposed to ''988 call[s].'' The *988 Georouting Third Report and Order* found that this approach would ''best identify a caller's location to enable routing of 988 calls to geographically appropriate crisis centers, while maintaining the privacy interests of callers'' and ''provid[ing] nationwide providers flexibility to deploy current georouting solutions developed with the SAMHSA and the Lifeline Administrator.'' As explained below, we find that these considerations apply equally with respect to our text-to-988 georouting rules. Some commenters assert that georouting based on the location of the tower in which the contact was initiated does not provide sufficient granularity to dispatch emergency services. As discussed in greater detail below, we find that georouting based on aggregated, cell-based location information best balances the benefits of location-based routing with the privacy interests of 988 users.

9. *Commercial Mobile Radio Service.* We also adopt our proposal to revise § 52.201(b) of the Commission's rules to read ''Commercial Mobile Radio Service'' instead of ''Commercial Mobile Radio Services.'' This correction is necessary to align the rule with the Commission's intent, as stated in the *Text-to-988 Second Report and Order,* to adopt the well-established text-to-911 definition of ''covered text provider.'' We note that no commenter questioned our proposal.

C. Scope of Text-to-988 Georouting Requirement

10. In this *Fourth Report and Order,* we adopt general requirements designed to enhance the Lifeline's ability to connect text users to geographically appropriate crisis centers, while safeguarding the critical privacy interests of individuals seeking life-saving assistance. Specifically, we require covered text providers to: (1) develop the capability to transmit georouting data in a format that is compatible with the Lifeline's system to allow routing of covered 988 text messages by the Lifeline Administrator to the appropriate crisis center based on the geographic area where the handset is located at the time the text message is initiated; and (2) provide such georouting data for 988 text messages, when available, to the Lifeline Administrator. In adopting these rules, we support voluntary efforts to identify and develop industry-based georouting solutions for 988 text messages by providing a flexible, technology-neutral framework for our requirements.

1. Capability To Provide Georouting Data

11. Consistent with the *988 Georouting Third Further Notice,* we first require covered text providers to develop the capability to transmit georouting data for 988 text messages in a format that is compatible with the Lifeline's routing platform. We find that this requirement is necessary to ensure that 988 text users receive the benefits of georouting, regardless of the covered text providers' network configurations. As with the other requirements we adopt today, we give covered text providers the flexibility to use technically feasible options that are best suited to their networks, provided that the georouting solutions are compatible with the Lifeline's system. We make clear that our rules create an ongoing obligation for covered text providers to ensure that georouting data remains compatible with the Lifeline's system, and we encourage stakeholders to collaborate in developing and testing such solutions.

12. The record strongly supports requiring any text-to-988 georouting solutions to be compatible with the Lifeline's system and infrastructure. For example, CTIA argues that we should ''continue to rely on technologies that are consistent with covered text providers' and the Lifeline's system[] to facilitate prompt and seamless implementation of new capabilities, including georouting.'' The Accessibility Organizations add that this approach ''ensures uniformity, reducing the chances of technical mismatches or delays in delivering critical support.'' We therefore agree with the Lifeline Administrator and T-Mobile that ''the best georouting solution will be one that can integrate with the 988 Lifeline's current routing network.'' And, as we have explained, we are adopting a rule that does not mandate geolocation reporting and that defines georouting data as''[l]ocation data generated from cell-based location technology that is aggregated to a level that will not identify the location of the cell site or base station receiving the covered 988 text message or otherwise identify the precise location of the handset.''

13. We recognize that our federal partners may choose to expand the Lifeline's system to support a broader range of compatible text-to-988 georouting solutions. Accordingly, and similar to the Commission's approach for voice-to-988 georouting, we direct the Bureau to routinely consult with SAMHSA regarding the format of text-to-988 georouting data that is compatible with the 988 Lifeline's system. We further direct the Bureau to monitor the development of text-to-988 georouting solutions and, if necessary, propose and seek comment on implementation parameters for covered text providers for any compatible text-to-988 georouting data that is

substantially modified from the requirements adopted herein.

14. *Aggregation of Cell-Based Location Data.* As numerous commenters observe, the privacy interests of 988 text users are paramount. For this reason, we require covered text providers to aggregate location data generated from cell-based technology to a level that will not identify the location of the cell site or base station receiving the 988 text or otherwise identify the precise location of the handset. The rules we adopt today protect privacy interests by prohibiting the transmission of more granular cell site data or the precise location of the text user, while allowing covered text providers flexibility in implementing technical solutions that use different granularity of data, such as wire center or Federal Information Processing Series (FIPS) code geographic boundaries. As with the Commission's approach for voice-to-988 georouting, in adopting this requirement, we carefully balance the importance of maintaining user privacy with the need to expeditiously improve the routing of text messages to the Lifeline.

15. The *988 Georouting Third Further Notice* and *988 Text Georouting Privacy Notice* sought comment to determine the necessary granularity of location data for text-to-988 georouting that protects the privacy expectations of text users, while still facilitating access to more localized services. In response, commenters generally argued that covered text providers need flexibility to develop and implement text-to-988 georouting solutions. To that end, rather than a prescriptive rule, we establish a general requirement that allows covered text providers flexibility to use technically feasible methods that are best suited to their networks to aggregate location data.

16. Based on our review of the record, we find that aggregating location data to county-level or wire-center boundaries is sufficiently general to protect text users' privacy while improving the routing of 988 text messages. The record indicates that the industry-based text georouting solution currently under development by nationwide wireless providers, the current Lifeline Administrator, and its vendor utilizes county-level FIPS code boundaries based on cell tower information and does not introduce precise location information into the 988 data flow. The Federal Information Processing Series (FIPS) codes are maintained and assigned by the Census Bureau to identify geographic areas. In its comments, the Lifeline Administrator states that the ''solutions under consideration will use county-level data,'' which ''minimizes user-specific data to simply connect a help seeker to the nearest crisis contact center based on cell phone tower data.'' We anticipate that our broad definition of ''georouting data'' will give covered text providers flexibility to implement technical solutions that use different granularity of data, such as wire center or FIPS code boundaries provided that such data does not reveal the precise location of the handset.

17. We disagree with the Boulder Regional Emergency Telephone Service Authority's (BRETSA) contention that more precise location information should be transmitted with 988 text messages. The record reflects significant support for georouting solutions that provide geographic routing information to the Lifeline without identifying a text user's precise location. We are also persuaded by commenters that 988 text users have unique privacy expectations as compared to 911 users, and find that any text-to-988 georouting solution must maintain text users' confidence that their precise location information will remain confidential when communicating with the Lifeline. Additionally, as discussed below, we decline to take specific action at this time to extend text-to-988 georouting requirements to the Lifeline's specialized service lines. We believe that this approach should alleviate the concern raised by the Electronic Privacy Information Center and Wildflower Alliance (EPIC–WA) that text users contacting the Lifeline's specialized service lines may be at a greater risk of being personally identified. While EPIC–WA provides a cautionary example of a texter in a small county ''contacting a hotline focused on LGBTQ+ specific needs,'' we note that, as of July 17, 2025, the 988 Lifeline ''no longer silo[s] LGB+ youth services'' through a ''Press 3 option.''

18. Although we agree with the Conservative Political Action Conference Foundation's Center for Regulatory Freedom (CPAC) that maintaining the privacy of 988 callers and text users has been integral to the Lifeline's ability to serve as a ''safe and dependable resource,'' the requirements we adopt today will not obligate covered text providers to engage in ''approximate geolocation reporting'' or undermine Americans' trust in the integrity of the Lifeline. The rules we adopt today do not require covered text providers to transmit more precise geolocation data with 988 text messages, but rather aggregated location data, such as county-level information, that maintains text users' privacy by not identifying the precise location of the text users' handset.

19. We also disagree with those commenters that argue georouting data is not sufficiently granular to improve the routing of 988 text messages. While some commenters identify alternatives to georouting that may connect text users with local resources, we find that generating aggregated location information using cell-based technology will significantly improve the routing of 988 text messages and help connect text users to local resources in a timely manner while protecting user privacy. We disagree with BRETSA's inference that the benefits of improved routing are limited to instances in which individuals require emergency services intervention. As discussed above, georouting provides numerous benefits to individuals contacting 988, including those that do not require dispatch of emergency services. Likewise, we acknowledge CPAC's contention that geolocation could alleviate routing errors more effectively than georouting data, as well as its concerns about ''further regulations aimed at correcting misrouting.'' As CPAC states, however, sharing a 988 text user's precise location data raises significant privacy concerns. We agree, and therefore the definition of georouting data we adopt today precludes the transmission of more precise location data for 988 text messages.

2. Providing Georouting Data

20. We next adopt the Commission's proposal to require covered text providers to provide georouting data, when available, to the Lifeline Administrator, sufficient to allow routing of the message to the appropriate crisis center based on the geographic area where the handset is located at the time the covered 988 text message is initiated. As discussed below, we find that this approach strikes the right balance between ensuring that covered text providers support georouting for 988 text messages and allowing sufficient flexibility to develop and implement solutions that maximize their network capabilities.

21. *Technical Considerations.* To address technical limitations raised by the record, we require covered text providers to provide georouting data for 988 text messages to the Lifeline Administrator only when such data is available. We agree with CTIA and Intrado that limiting this requirement to providing georouting data ''when available'' is necessary to account for technical challenges and to enable

covered text providers to optimize their current technology and networks. For instance, several commenters raise concerns about the technical feasibility of transmitting georouting data with text messages originated when a text user is roaming. While we acknowledge the public benefits of supporting georouting for all 988 text messages, we believe that limiting the requirement to providing georouting data ''when available'' strikes the appropriate balance between facilitating access to the Lifeline's resources and allowing providers the flexibility to address technical challenges.

22. The record indicates that, in the event that georouting data is unavailable, the Lifeline will route text messages based on the area code of the user's device. We agree with CX360 that, while ''area code-based routing is imperfect,'' this ''alternative routing'' process will help ensure that text users receive assistance even if the closest crisis center cannot be identified or reached. We believe that the Lifeline's default routing mechanism also alleviates record concern about incorporating ''fallback mechanisms or alternative data sources'' in our definition of georouting data. Additionally, we find that this approach provides parity with the Commission's rules for voice-to-988 georouting, which helps minimize confusion for both providers and individuals texting the 988 Lifeline. We also believe that this approach alleviates record concern about scenarios where covered text providers are incapable of providing georouting data.

23. *Supporting Industry Efforts To Implement Text-to-988 Georouting.* The rules we adopt today provide a flexible, technology-neutral framework that enables covered text providers to make industry-based determinations on implementing georouting solutions for 988 text messages. The record reflects that nationwide wireless providers, the current Lifeline Administrator, and its vendors are actively collaborating to develop georouting solutions for 988 text messages. As the Lifeline Administrator notes, this process will help ''identify the necessary routing requirements for text messaging and explore solutions that protect the privacy of help-seekers.'' And, as CTIA observes, aligning our requirements with industry-based solutions developed by stakeholders and the Lifeline Administrator is integral to the successful, timely implementation and ongoing improvement of the 988 Lifeline.

24. We find that a flexible approach to 988 text georouting is essential to support further innovation, as urged by many commenters in this proceeding. As several commenters observe, allowing providers flexibility to use technically feasible options that are compatible with the Lifeline's system is ''appropriate, particularly given the ongoing technological development in this area.'' The Competitive Carriers Association (CCA) adds that a technology-neutral framework ''offers providers the flexibility to adopt the solutions that work best for their networks and promote[s] the improvement of those solutions over time.'' We also share concerns that setting prescriptive requirements may compel providers to rely on underdeveloped solutions and potentially discourage further innovation to improve georouting for 988 text messages. To further facilitate efforts to make an industry-based determination, as discussed below, we provide a longer compliance period for both nationwide and non-nationwide providers than proposed in the *988 Georouting Third Further Notice.* As such, we decline at this time to adopt more prescriptive requirements for how covered text providers must develop the capability and provide georouting data to the Lifeline.

25. We also agree with CCA that allowing ''robust industry-led development of a standardized and scalable approach to georouting data for text messages'' will better serve non-nationwide providers. The compliance deadlines we adopt below provide ample time for both nationwide and non-nationwide providers to implement and develop a georouting solution for 988 text messages, thereby minimizing compliance burdens. We strongly encourage non-nationwide covered text providers to collaborate with SAMHSA and the Lifeline Administrator in developing and testing georouting solutions for 988 text messages.

26. We conclude, however, that purely voluntary implementation undermines our goal of ensuring that the clear public benefits of georouting for 988 text messages are realized in a timely manner. For example, some wireless providers and industry commenters argue that text-to-988 georouting requirements are unnecessary at this time because national systems, rather than local crisis centers, handle most 988 text messages due to infrastructure limitations. We disagree. The record demonstrates that a significant number of local crisis centers are currently able to receive texts to 988. Moreover, the Lifeline Administrator indicates that this number is likely to grow in the future as more local crisis centers add text-to-988 capability. In any event, text-to-988 capability does not need to be universally available among the Lifeline's more than 200 local crisis centers in order to realize the significant benefits of georouting for 988 text messages, including improved access to local resources and counselors who may better understand unique community stressors. Notably, the current Lifeline Administrator does not dispute the need for us to adopt an affirmative requirement at this time. We therefore find that the benefits of georouting 988 text messages to those local crisis centers that are capable of receiving such messages easily support the commonsense, non-prescriptive requirements we adopt today.

27. We also decline to adopt the Rural Wireless Association's (RWA) suggestion to allow small rural non-nationwide providers to implement georouting solutions for 988 text messages on a voluntary basis. While we acknowledge that non-nationwide providers may face operational limitations when implementing georouting solutions for 988 text messages, we offer flexibility and additional compliance time to non-nationwide providers to minimize such burdens. Additionally, several commenters emphasize the importance of implementing georouting solutions for 988 text messages to improve access to the Lifeline's critical intervention services for rural Americans. We find the benefits of ensuring that all Americans have improved access to the Lifeline's lifesaving resources support applying our requirements to all covered text providers, including small rural providers. Our approach also promotes parity between 988 calls and texts, ensuring consistent and predictable level of service across communication modes while reducing potential confusion for individuals in distress.

28. We are unpersuaded by CTIA's argument that we should not extend georouting requirements to 988 text messages based on the Commission's actions in the *911 LBR Report and Order.* In the *911 LBR Report and Order,* the Commission declined to extend location-based routing (LBR) requirements to 911 SMS text messages, both because the industry had not yet developed standards for implementing location-based routing on SMS networks and to avoid requiring providers to retrofit legacy SMS networks. The Commission also noted that a number of Public Safety Answering Points (PSAPs) were incapable of receiving texts and that the volume of 911 text messages was far smaller than the volume of 911

voice calls. Although the record in this proceeding indicates that georouting solutions for 988 text messages may require some network and infrastructure changes, it does not raise the same concerns found in the context of 911 location-based routing about extensively retrofitting legacy SMS networks. The industry-based text-to-988 georouting solution endorsed by CX360 also supports the conclusion that industry stakeholders have already developed some standards for implementing text-to-988 georouting solutions. Further, georouting solutions for 988 text messages and location-based routing for 911 require different granularity of location data, and different entities perform the routing functions. Specifically, 911 location-based routing uses precise location data on the user's device to route 911 calls to the appropriate destination, whereas georouting solutions for 988 text messages use less granular aggregated location data, such as county-level FIPS codes or wire center boundaries. Moreover, in the context of 911, providers determine the routing destination based on the precise location information of a device, whereas the Lifeline Administrator retains responsibility for routing 988 text messages to individual crisis centers using the georouting data provided by the covered text providers. We therefore find that the technical differences between the routing methodologies and the record received in this proceeding distinguish 911 location-based routing requirements from georouting for 988 text messages.

29. We also disagree with those commenters that argue it is premature for the Commission to consider adopting text-to-988 georouting requirements. We believe that enabling georouting for 988 text messages to improve service for text users should not be unduly delayed, and that the Commission's affirmative and timely decision to require implementation (with flexible, technology-neutral parameters) will minimize confusion for both providers and individuals texting 988. Adopting rules will also provide clarity and regulatory certainty for covered text providers, encouraging progress in developing and implementing text-to-988 georouting solutions. Given the clear public interest benefits of supporting georouting for 988 text messages, we find that deployment and implementation of georouting solutions for 988 text messages should not be optional.

30. *Technological Feasibility.* We find that implementing georouting for 988 text messages is technologically feasible for nationwide and non-nationwide covered text providers. In the *988 Georouting Third Further Notice,* the Commission sought comment on technical challenges that may arise in providing georouting data with covered 988 text messages, noting that there was disagreement in the record regarding the difficulty of implementing text-to-988 georouting solutions. While we recognize that there are technical differences between georouting solutions for 988 calls and text messages, the record indicates that at least one technically feasible approach exists today for text-to-988 georouting. Therefore, although the work to develop these solutions is ongoing, we find that deploying georouting solutions for 988 text messages is feasible for both nationwide and non-nationwide covered text providers within the compliance time frames we adopt in this *Fourth Report and Order.*

31. As discussed above, the nationwide wireless providers, the current Lifeline Administrator, and other industry stakeholders are actively collaborating to develop an industry-based georouting solution for 988 text messages that maintains text users' privacy. For instance, under the approach endorsed by CX360, covered text providers route covered text messages to the Lifeline as required under the Commission's existing rules without georouting data. The Lifeline's interactive voice response (IVR) system—which allows 988 callers and text-users to select specialized service lines, such as the Veterans Crisis Line—requests georouting data from the providers via a ''secure, industry-standard application programming interface'' only when the 988 text user does not request specialized services. To protect privacy, the covered text providers aggregate location data using county-level FIPS code boundaries, which is similar to the aggregation process used by some wireless providers for voice-to-988 georouting solutions. The record indicates that nationwide providers are already offering and supporting the use of network application programming interfaces. Moreover, while the ''discovery phase'' to develop an industry-based georouting solution is ongoing, the Lifeline Administrator ''anticipates that it is technologically feasible for both nationwide and non-nationwide CMRS providers to identify georouting solutions that work best with their existing networks.''

32. We are not persuaded by the arguments advanced by Intrado that the solution endorsed by CX360 raises privacy concerns due to the Lifeline querying for location data. Intrado argues that text-to-988 georouting solutions must avoid designs that allow the Lifeline to query providers for location information to protect text users' privacy, adding that ''wireless providers should remain in full control of user location information with a push of only coarse location.'' As CX360 states, however, under its proposed approach, the Lifeline's system would only have access to FIPS codes from wireless providers. AT&T adds that the Lifeline Administrator prefers solutions that provide georouting data only with a user's initial text message in a single conversation series, and that such solutions will likely require the Lifeline to query providers for georouting data. We also note that there is support in the record for including georouting data with the text user's initial message to protect privacy by avoiding the transmission of precise location information to downstream parties. Moreover, we require covered text providers to aggregate location data in order to maintain the privacy interests of 988 text users. We thus reject Intrado's inference that, under the approach suggested by CX360, the ''Lifeline Administrator could have access to the location for every device on the carrier's network.''

33. *Text-to-911-Based Georouting Solutions.* We decline, at this time, to expand the scope of our requirements to georouting solutions that utilize Text Control Centers (TCC) as intermediaries between covered text providers and the Lifeline, as proposed by some commenters. A Text Control Center (TCC) is a controlling functional element specified in a relevant standard for text-to-911. The TCC has the responsibility to ''(1) convert various protocols and act as a gateway; (2) request location that may be used for routing; (3) request routing instructions; and (4) initiate a dialogue with the [Public Safety Answering Point (PSAP)] through the appropriate interworking function of the TCC. When the TCC receives an initial text message, it obtains location from the [location server]. It then uses that location to obtain routing instructions from the [routing server]. Then, the TCC converts the text message to an appropriate protocol and initiates a dialogue with the PSAP (via the emergency services network) through the appropriate interworking function of the TCC.'' As the Commission emphasized in the *988 Georouting Third Further Notice,* SAMHSA, the agency with oversight of the Lifeline Administrator, must ultimately determine the routing data

that it will deem acceptable for the Lifeline's system to process. In its comments, the current Lifeline Administrator strongly advises against georouting solutions that leverage text-to-911 infrastructure due to concerns about required modifications to the Lifeline's network and unknown costs and implementation time.

34. While several commenters argue that text-to-911-based georouting solutions could provide benefits for text-to-988 georouting, we are convinced by the record that adopting such proposals at this time would be contrary to our goal of ensuring that georouting is available for 988 text messages without delay. For example, AT&T and CX360 argue that georouting solutions that utilize TCCs introduce an unnecessary ''point of failure'' and require modifications of the Lifeline's system. The record also raises concerns that using a system designed for 911 in the context of 988 may have a chilling effect due to differing privacy expectations. Several commenters also argue that georouting solutions based on text-to-911 infrastructure may compromise privacy due to access to, and potential inadvertent disclosure of, precise location information. Based on our review of the record, and given the concerns raised by commenters regarding implementation delays and the potential chilling effects associated with using geolocation data in the context of 988, we find that expanding our requirements to allow text-to-911-based georouting solutions is unwarranted at this time. Nevertheless, we encourage all industry stakeholders and the Lifeline Administrator to actively collaborate on the development and improvement of georouting solutions that protect privacy and are compatible with the Lifeline's system.

35. *Direct Routing.* We also decline to adopt proposals that would bypass the Lifeline's initial direct and centralized routing platform. CPAC recommends an alternative approach to georouting solutions that focuses on providing local crisis centers with ''resources necessary to allow them to welcome calls and texts directly,'' arguing that this would improve the routing of 988 contacts while prioritizing confidentiality. The Commission previously concluded that the Lifeline's centralized routing process provides numerous benefits, including faster implementation, reduced routing costs, and improved service. In the *988 Georouting Third Further Notice,* the Commission also declined to seek comment on text-to-988 georouting solutions that would bypass the Lifeline's centralized routing platform.

36. The record reflects significant support for retaining the Lifeline's existing centralized routing structure. In particular, we are persuaded by commenters that the centralized routing system plays a critical role in managing the capacity of crisis centers, routing text messages to the national back-up center, and minimizing technical burdens placed on crisis centers. As the Lifeline Administrator states, the centralized structure facilitates network monitoring to resolve ''any potential issues that arise'' and helps ensure that text messages are ''routed efficiently to the appropriate crisis contact center.'' CX360 adds that this structure allows the ''Lifeline Administrator to balance text volumes within a certain geographic area to minimize response times,'' helping to connect text users ''to the resources they need . . . if a crisis center is particularly busy.'' CTIA and CX360 similarly agree that proposals to bypass the Lifeline's centralized routing system ''should remain outside the scope of this proceeding.'' Based on our review of the record, and consistent with the Commission's proposal and previous conclusions, we find that the benefits of maintaining the Lifeline's centralized routing system greatly exceed the costs of localized routing at this time.

37. *Specialized Service Lines.* We decline to take specific action to apply our text-to-988 georouting requirements to the Lifeline's specialized service lines. Currently, when an individual texts 988 they are provided options to redirect to specialized service lines, for example, veterans and service members are redirected to text ''838255'' to reach the Veterans Crisis Line. Individuals may also text ''AYUDA'' to connect with a Spanish-speaking crisis counselor. The record indicates that individual crisis centers have varying capacities to provide specialized services, which complicates the Lifeline's ability to consistently connect text users with an appropriate local crisis center that handles specialized services. Moreover, we believe that our federal partners at SAMHSA and the VA are best positioned to evaluate the benefits and challenges of using georouting data for specialized service lines.

D. Implementation Time Frame

38. In order to support industry efforts to develop efficient and effective text georouting solutions for the Lifeline, we grant nationwide covered text providers a period of 18 months, and non-nationwide covered text providers a period of 36 months, following the effective date of this *Fourth Report and Order* in which to comply with the rules we adopt today. We find that this compliance window appropriately balances the need to expeditiously implement 988 text georouting with the burdens on providers of developing the necessary routing systems. In the *988 Georouting Third Further Notice,* the Commission proposed a uniform implementation deadline of six months from the effective date of the rules. In response, a broad cross-section of stakeholders submitted arguments that additional time would be needed to sufficiently identify and implement georouting solutions for text-to-988. Commenters emphasized that efforts to identify georouting solutions for text-to-988 compatible with the Lifeline's centralized routing system are in the early stages of development and encourage the Commission to allow for its discovery phase, which could take approximately six to 12 months, to develop without regulatory impediment. The record indicates that the Lifeline Administrator plans to conduct a ''discovery'' pilot with its vendor and nationwide wireless providers in 2025 to identify, develop, and test text-to-988 georouting solutions, and that it expects the process to take approximately six to 12 months. As such, we disagree with the assertion by the Crisis Text Line that we should not adopt rules requiring text-to-988 georouting because ''the length of time required to develop [such] a georouting solution is [] unknown.'' The Lifeline Administrator also expects to ''leverage its established relationship with industry stakeholders to expedite the georouting process for text messages.'' We anticipate that the flexible and technology-neutral landscape that our rules provide will allow industry stakeholders sufficient time to complete their collaborative efforts to identify an industry-based consensus technical solution for text-to-988 georouting.

39. We therefore agree with those commenters who argue that a longer compliance period than that proposed in the *988 Georouting Third Further Notice* is warranted. In particular, we note that, at the time the Commission adopted the *988 Georouting Third Report and Order,* the nationwide providers were nearing the end of their collaboration with the Lifeline Administrator to develop and test voice georouting solutions. The *988 Georouting Third Report and Order's* expedited implementation time frame for nationwide providers reflected this fact. Here, however, the development of technical solutions for text-to-988 georouting remains in its early stages. We recognize the critical need for time

and resources to develop and test solutions, and to account for on-going collaboration amongst the Lifeline Administrator, SAMHSA, providers, and 988 Lifeline vendors. The rules we adopt today allow for this process to proceed while at the same time providing certainty that providers should keep working toward a specific completion date. We therefore grant an extended compliance time frame of 18 months for nationwide providers to reflect the time necessary to complete the discovery phase and subsequently implement its findings.

40. Additionally, commenters called for additional time for non-nationwide providers to account for the fact that the *988 Georouting Third Report and Order* grants those providers until December 2026 to implement georouting for voice calls to 988. For instance, RWA and Intrado emphasize the burden that imposing overlapping compliance deadlines would have on small and rural service providers and recommend the Commission impose a 36-month compliance time frame for non-nationwide providers. We agree with these commenters that the georouting text-to-988 requirement deadline should not be earlier than the deadline for voice-to-988 georouting. Non-nationwide providers must comply with the *988 Georouting Third Report and Order* by December 14, 2026. To account for non-nationwide providers' on-going efforts to comply with our voice-to-988 georouting implementation requirement, we require non-nationwide providers to comply with our 988 text georouting requirements within 36 months following the effective date of this *Fourth Report and Order,* which, as RWA explains, should allow non-nationwide providers a sufficient compliance period. Based on the record, we are confident that our extended compliance deadline will provide sufficient time for non-nationwide service providers to implement 988 text georouting solutions. We decline a request by CTIA that we ''delegate authority to the Wireline Competition Bureau to waive or stay the implementation deadlines'' we adopt in this item. CTIA states that it is ''hopeful that the 18-month timeline for nationwide providers [to implement text georouting solutions] will be sufficient'' but requests a provision under which the Bureau would monitor the development process and provide additional time for compliance, if warranted. As discussed above, we find that the 18- and 36-month deadlines we adopt today will provide ample time for nationwide and non-nationwide providers, respectively, to develop and deploy text-to-988 georouting solutions. Nevertheless, we note that providers may seek a waiver of these deadlines, if necessary, under the Commission's existing rules.

41. We recognize that the effectiveness of text-to-988 georouting benefits from public awareness. To support this, we encourage all stakeholders involved in the delivery and operation of 988 text georouting to engage in outreach that informs the public about the availability and purpose of georouting solutions. Additionally, we direct the Consumer and Governmental Affairs Bureau, in coordination with the Bureau and our federal partners at SAMHSA and the VA, to develop and publish a consumer-facing guide promoting awareness around 988 and access to local crisis services, and what consumers should expect when utilizing text messaging to reach the 988 Lifeline.

E. Additional Proposals

42. In response to the *988 Georouting Third Further Notice* and *988 Text Georouting Privacy Public Notice* commenters raise a number of other issues related to georouting for 988 texts, including proposals related to privacy and data protection protocols, user consent, direct video calling (DVC), 911–988 interoperability, and cost recovery for service providers. As discussed below, we decline to adopt these proposals in this *Fourth Report and Order.*

43. *Privacy and Data Protection Protocols.* We decline to adopt specific data privacy and cybersecurity requirements with respect to our text-to-988 rules in this *Fourth Report and Order,* beyond adopting rules requiring that georouting data is aggregated so that it cannot identify the precise location of the individual contacting the 988 Lifeline. In the *988 Text Georouting Privacy Public Notice,* the Bureau noted that privacy and cybersecurity are critical elements in ensuring that individuals contacting the 988 Lifeline have confidence in the program and trust that their identity will remain anonymous. The Bureau therefore sought comment on ''any data handling protocols and policies that . . . should be in place to protect the privacy and confidentiality of 988 texters'' and on whether to adopt any ''additional privacy measures . . . to prevent unintended chilling effects as the Commission continues to enhance the 988 Lifeline through georouting capabilities[.]''

44. The record in this proceeding, including that developed in response to the *988 Text Georouting Privacy Public Notice,* highlights the importance of safeguarding user privacy in developing georouting solutions for texts to 988. As discussed above, we find that our approach to 988 text georouting, which relies on coarse location data rather than the precise location of the user's handset, provides an essential, built-in privacy protection for 988 users. We find that this approach obviates the need for additional data protection requirements, which may provide less reliable privacy protection, or require regulating the conduct of entities outside of the Commission's jurisdiction.

45. As several commenters observe, our approach to 988 text georouting mirrors that successfully deployed by the Commission regarding georouting for 988 voice calls. By requiring covered text providers to aggregate location data to a level that does not identify the location of the cell site or base station receiving the 988 text or otherwise identify the precise location of the handset, we ensure that the Lifeline does not receive sensitive location data that may reveal a user's precise location. This ''privacy by design'' architecture provides significant benefits compared with a system in which more sensitive user data is transmitted by providers to downstream entities that may have varying data security protocols and privacy protections.

46. We also decline to require an informed consent mechanism for georouting text-to-988. While comments submitted by CPAC and EPIC–WA argue that informed consent is necessary and vital to the success of the 988 Lifeline, we conclude that the parameters of our rules effectively minimize the level of personal information transmitted with 988 text messages. Nevertheless, we acknowledge the critical importance of enabling 988 text users to provide meaningful consent and therefore strongly encourage SAMHSA and the Lifeline Administrator to ensure that text users can easily access disclosures about the Lifeline's use of georouting data. We agree that text users contacting the 988 Lifeline should have a high expectation of privacy. We also agree that texters should be made aware of the implications of contacting the Lifeline, particularly as it relates to the collection and use of georouting data.

47. However, we disagree that mandating an informed consent mechanism prior to engaging with the 988 Lifeline will have a net positive impact on individuals seeking help. On the contrary, we find that an informed consent mechanism may have a detrimental impact on the efficacy of the

988 Lifeline and may serve as a barrier to life saving resources. Specifically, we are persuaded by arguments submitted by NAMI, a mental health subject matter expert, that the introduction of an express consent mechanism may be confusing to those in crisis, have unintended deterrent consequences, and undermine confidence in the 988 Lifeline. On balance, we conclude that the benefits of georouting texts to 988 far outweigh the attendant privacy risks. As detailed above, our approach to georouting inherently safeguards individual privacy by precluding the transmission by service providers of precise location data. We also note that our decision not to require a specific consent mechanism in connection with the rules we adopt today is consistent with the Commission's approach in adopting voice-to-988 georouting requirements.

48. *Direct Video Calling.* We decline, at this time, to expand the present proceeding to include Direct Video Calling (DVC). Accessibility advocates submitted comments in support of georouting requirements for text-to-988 and advocated for similar requirements for DVC. We agree with comments submitted by the Accessibility Organizations that georouting 988 text messages will ensure individuals who are deaf, hard of hearing, or with a speech disability have access to local resources and we conclude such requirements should be implemented without undue delay. In addition to text-to-988, individuals who are deaf, hard of hearing, or have a speech disability may contact the 988 Lifeline through 988 Videophone by dialing 988 with a videophone number. Expanding the scope of our rules to cover DVC may delay implementation of this capability by imposing additional burdens on the Lifeline Administrator and wireless providers as they continue to collaborate on georouting solutions for text-to-988, as well as non-nationwide providers continuing to work to implement georouting solutions for 988 calls. In order to avoid any resulting delays in the adoption of georouting solutions for voice calls and texts to 988, we decline at this time to expand the scope of this proceeding to include DVC.

49. *911–988 Interoperability.* We received comments from BRETSA urging us to consider issues pertaining to the interoperability between the 988 Lifeline and 911 services. For example, BRETSA argues that integrating 911 and the 988 Lifeline's systems may be necessary to support the transfer of both emergency and non-emergency call and text messages. As discussed above, we decline at this time to extend the scope of our requirements to georouting solutions that leverage text-to-911-based infrastructure and TCCs as intermediaries for routing purposes. While we recognize the importance of effectively connecting individuals to both 911 and 988, we find that proposals specifically concerning 911–988 interoperability fall outside the scope of this proceeding and therefore we decline to address them further here.

50. *Cost Recovery.* We decline to adopt RWA's proposal that we establish ''a funding mechanism that could at least partly subsidize the efforts of small rural non-nationwide CMRS providers.'' RWA estimates that georouting solutions for 988 calls and text messages could increase monthly subscriber costs for small rural non-nationwide CMRS providers by $4.00 to $5.00 and asserts that one of its members reported receiving an estimate of $2,000 to $2,500 per month for implementation costs. RWA also asserts that Universal Service Fund recipients ''must keep their pricing comparable'' to nationwide providers, and argues that passing implementation costs onto customers will cause competitive harm to small rural non-nationwide providers. The Commission did not propose any cost recovery mechanisms in the *988 Georouting Second Further Notice* or the *988 Georouting Third Further Notice.* Moreover, as explained below, we find that the benefits of the text-to-988 georouting requirements we adopt today outweigh the costs to covered text providers. To reduce any costs and burdens on non-nationwide providers, we provide non-nationwide covered text providers 36 months to comply with our requirements, as specifically requested by RWA. Additionally, we expect that our flexible, technology-neutral approach will minimize costs and burdens on non-nationwide providers, and we encourage them to collaborate with our federal partners at SAMHSA to identify georouting solutions best suited for their networks.

F. Legal Authority

51. Consistent with our tentative conclusion in the *988 Georouting Third Further Notice,* we find that Title III of the Act and the 21st Century Communications and Video Accessibility Act of 2010 (CVAA) provide authority to adopt the rules we promulgate today. We note that no commenter questioned this analysis.

As the United States Supreme Court has long recognized, Title III grants the Commission a ''comprehensive mandate'' regarding regulation of spectrum usage, and courts have routinely found that Title III provides the Commission with ''broad authority to manage spectrum . . . in the public interest.'' We find that requiring CMRS providers to implement georouting for 988 text messages will likely accrue significant public interest benefits by connecting text users with more localized public safety and counseling resources that could save lives. Therefore, we conclude that Title III provides sufficient authority for the text-to-988 georouting rules we adopt today with respect to CMRS providers.

52. We also find that the CVAA provides authority to require interconnected text providers to implement georouting for 988 text messages. The CVAA grants us authority to adopt ''other regulations . . . as are necessary to achieve reliable, interoperable communication that ensures access by individuals with disabilities to an internet protocol-enabled emergency network, where achievable and technically feasible.'' The Commission previously concluded in the *Text-to-988 Second Report and Order* that the 988 Lifeline constitutes an ''emergency network'' under the CVAA, and that text-to-988 provides access to emergency services for individuals with disabilities, including those with hearing or speech disabilities. We find that georouting for 988 text messages will further improve access to the Lifeline for people with disabilities. As the Accessibility Organizations argue, text-to-988 georouting will ''advance access to emergency services for people who are deaf, hard of hearing, and speech-disabled.'' As explained above, the record demonstrates that implementing the text-to-988 georouting requirements adopted in this *Fourth Report and Order* will be both achievable and technically feasible for covered text providers. We therefore conclude that the CVAA provides additional authority for the rules we adopt today, and the record reflects agreement with our analysis.

G. Benefits and Costs

53. We find that the benefits of text-to-988 georouting are far in excess of expected implementation costs. We estimate that the suicide mortality reduction benefits alone exceed the industry-wide implementation costs of one solution identified in the record by a factor of three. This estimate does not include the additional benefits of reduced hospitalizations and emergency room visits, and improved quality-of-life from the impact of our rules on a reduction in suicide attempts, nor the unquantifiable benefits of sparing families and communities from the

trauma of losing their loved ones. Below we discuss the expected benefits and costs of our rules.

54. *Benefits.* In the *988 Georouting Third Further Notice,* we estimated that text-to-988 might generate a modest mortality-risk reduction of 0.28 youth suicides annually, for which Americans would collectively be willing to pay $3.5 million annually and a total of $16.5 million over five years. The highly text-reliant youth population was chosen to illustrate a lower-bound estimate of text-to-988 georouting benefits, which are likely to increase substantially when mortality reductions for other demographic groups who may also text to 988 are considered. Upon review of the record and the full set of available data, we revise our estimated annual benefits from $3.5 million to $4.75 million. Because 988 was in effect for the entirety of calendar year 2023, we base our revised mortality-reduction benefits estimate on the full year of available suicide data. We update two assumptions for our benefits estimate. First, we reduce our estimate of the fraction of youth 17-and-under who might text instead of call 988 from 50% to 33%. Second, we increase the estimate of youth suicide victims to 1,604 based on the 2023 full-year data. Using the 14% misrouting rate, these assumptions imply that a total of 75 (=1,604 × 0.14 × 33%) youth suicides among those 17-and-under were vulnerable to misrouting. Approximately 3%, or 2.25 (=.03 × 1,604 × 0.14 × 33%), of the youth who are vulnerable to misrouting could have benefited from a locally tailored intervention, which the comment record indicates are often either only available or more quickly available to those in distress when summoned by a local crisis counselor. In short, local interventions amount to time savings. Assuming proper georouting resulted in a 17% reduction in mortality attributable to a one-minute time savings from a faster-arriving, more effective emergency intervention, we estimate that superior local, emergency interventions could have reduced total suicide mortality by 0.38 (=0.17 × 0.03 × 1,604 × 0.14 × 33%) each year. While we do not attempt to place a value on human life, we note that the amount consumers are willing to pay to reduce mortality risk is approximately $12.5 million, using a methodology developed by the U.S. Department of Transportation (DOT) that we have relied on in past orders. We estimate the annual mortality risk reduction for which society would be collectively willing to pay is $4.75 million (=0.38 × $12.5 million). This revision reflects both a downward adjustment based on record evidence indicating a lower likelihood of texts to 988 from youth under 17, and an upward adjustment resulting from the use of a complete year of youth suicide mortality data. Our prior estimate was based on partial 2022 data and therefore underestimated the full-year annual benefits.

55. CPAC offers two comments on the FCC's methodology for estimating the benefits of text-to-988 georouting. First, CPAC raises the possibility of benefits overestimation by cautioning that ''SAMHSA reporting reveals that less than 2% of 988 Lifeline contacts require emergency intervention or connection to emergency services. Contrary to the FCC's assumption, [CPAC argues] SAMSHA data indicates that only a very small fraction of calls made to 988 are likely to result in suicide attempts.'' We disagree with CPAC's characterization of our estimation. Contrary to its assertion, our analysis does not begin with the pool of youths entertaining suicidal thoughts, known as suicidal ideation, then fail to reduce that pool correctly to the 2% needing emergency intervention. Rather, we begin with the substantially smaller set of actual youth suicides—individuals who, by definition, would have required emergency intervention and are therefore properly included in SAMSHA's 2%—to derive our estimated reduction in suicide mortality. Accordingly, we reject CPAC's assertion that our approach overestimates benefits.

56. Second, CPAC correctly states that SMS text messaging accounts for only 17% of all 988 exchanges. However, that fact alone does not preclude youth under 17 from relying heavily on text-to-988 traffic volume. Indeed, the AFSP-cited 2022 study found that ''over [three-quarters] of texts to the Crisis Text Line in one 12-month period were initiated by individuals under the age of 25.'' Moreover, data from Los Angeles County's local 988 call center show that youth under 25 make up 31% of all 988 contacts and 60% of all 988 text message contacts. Using Bayes' Theorem, we estimate that the probability of a young person contacting the 988 Lifeline through text rather than call is between 33 and 41 percent. P(text | Age<25) = (P(Age<25 | text) * P(text))/ P(Age<25) = (60%*17%)/31% or (75%*17%)/31% = 33% or 41%, depending on which statistic for P(Age<25 | text) is used. Consequently, taking CPAC's argument into consideration, we adjust downward our previous estimate of the likelihood of a person under 17 contacting the 988 Lifeline through text from 50% to 33% so as to be conservative with our estimation of benefits. While our 33% estimate is based on available data for youth under 25 rather than youth under 17, we believe this approach is conservative as it is likely that youth under 17 rely even more heavily on text messaging.

57. In another comment regarding our estimation methodology, which partly rests on the Crisis Text Line's claim that 3% of 988 contacts require a local emergency intervention, the Crisis Text Line clarifies that it is not aware ''of evidence to support the assumption that georouting for [text-to-988] would result in faster emergency service responses to suicidal contacts, or a decreased number of completed suicides'' or ''empirical evidence that connecting a texter with a counselor in their local area would be more likely to save their lives (or save more lives) than connecting them with counselors outside their area with access to their local resources and/or national resources.'' Other commenters, however, proffer evidence as to the mortality-reducing benefits of local interventions. Los Angeles County, the country's most populous county with nearly 10 million people, succinctly captures the life-threatening risks of not accessing local interventions: ''[f]irst, residents connected to an out-of-area call center may speak with an agent unfamiliar with local resources, such as Psychiatric [Urgent Care Centers'] clinic appointments. Second, even if the agent is familiar with the County's [specially trained] [Field Intervention Team] program [which could be deployed to the caller's location], the referral and response would be delayed since out-of-area call centers do not have a direct referral process. Third, the potential misrouting of calls can be damaging to our residents' confidence in 988.'' NAMI polling found that ''52% of individuals are more likely to contact 988 in a crisis if they are connected to a crisis counselor in their state/local area.'' We therefore confirm our previous assessment that local georouting not only enhances public trust in 988, making those in distress more likely to call, but also increases the effectiveness of interventions.

58. Text-to-988 confers other quantifiable benefits for which we previously elected not to estimate a monetary value in the *988 Georouting Third Further Notice.* The largest is the savings in medical, lost-work, and lost-quality-of-life costs of suicide attempts. In 2023, the 82,787 hospitalizations and 63,604 emergency department visits necessitated by acts of self-harm committed by youth 17-and-under cost

society a combined total of $7.95 billion in medical expenses, value of lost work, and diminished quality of life. Although we cannot attribute a precise reduction in suicide attempts to text-to-988 georouting, even a modest one-in-one-thousand reduction in suicide attempts would yield annual, societal cost savings of $7.95 million attributable to text-to-988 georouting, which sums to a net present value of $36.4 million over five years.

59. Finally, no discussion of the benefits of suicide reduction would be complete without mentioning the vast, unquantifiable benefit of sparing victims' families, friends, and communities the emotional devastation of losing their youngest members to suicide. Losing youth deprives communities of the future: In calendar year 2023 alone, the 1,604 suicides among youth 17-and-under resulted in a cumulative loss of 79,884 years of life expectancy prior to the age of 65, typically the most productive years for work, childbearing, and social engagement—years whose absence is profoundly felt by their surviving families, friends, and communities. Studies and data suggest that the years prior to age 45 are the most fruitful in many ways. Between 2021 and 2023, peak average fertility for American women occurred between the ages of 20 and 39. For men, mean paternal age is 30.9 years. The literature on productivity suggests that work productivity peaks between ages 35 and 44. Psychologists tell us that social networks, one barometer of social engagement, plateau between the mid-20s and early 30s and continually decrease throughout adulthood and old age.

60. *Costs.* In the absence of conclusive cost data, the *988 Georouting Third Further Notice* sought to resolve competing claims about the cost and difficulty of implementing georouting solutions for text-to-988. RWA responded that 988 georouting solutions, including calls and texts, could cost RWA member carriers $4–$5 per subscriber per month. The support for that cost estimate is one RWA member, which reports receiving an estimate of $2,000–$2,500 per month to implement 988 georouting. RWA's cost anecdote raises several issues. First, RWA commingles both voice-to-988 and text-to-988 georouting, obscuring the individual cost of each georouting capability. Accurately assessing the costs of each routing capability would require a disentangling of costs. Second, RWA's cost estimate may not represent RWA's typical member. The RWA member in question would have had only 500 subscribers for the 988 georouting solution to average $4–$5 per subscriber per month, placing this RWA member in RWA's smallest membership-size tier. Larger carriers would enjoy the average-cost-reducing benefits of scale. Finally, RWA's cost estimate fails to demonstrate a prohibitive cost burden for wireless carriers overall, as certain vendors have indicated that a large share of the costs would be fixed implementation costs for facilities-based CMRS providers with a low marginal cost of georouting an individual text. Number Resource

61. Utilization/Forecast data indicate that there are 57 facilities-based wireless carriers in the United States. Focusing on facilities-based wireless carriers that would incur the costs of any network upgrades provides a reasonable annual implementation cost estimate of one available solution for the entire wireless industry of $1.71 million (=$2,500×57×12). Even doubling this industry-wide estimate for a single solution would still result in implementation costs well below the expected benefits of our rules. In addition, the compliance deadlines of 18 months for nationwide providers and 36 months for non-nationwide providers following the effective date of this *Fourth Report and Order* will allow providers to manage implementation costs.

62. Providers are currently developing viable text-to-988 georouting solutions. For example, CX360 states that it ''is already collaborating with the Lifeline Administrator, wireless carriers and other 988 stakeholders to develop and identify an appropriate text-to-988 georouting solution.'' Many of these collaborations are voluntary. Several commenters urge the Commission to refrain from prescribing the specific text-to-988 georouting solution or the timing of its adoption. Permitting flexibility makes the adoption of cost-effective text-to-988 solutions more likely. Without prescribing any single text-to-988 georouting solution, we find no evidence in the record to suggest that the costs associated with implementing text-to-988 georouting solutions are likely to be prohibitive. Indeed, the industry-wide text-to-988 implementation costs of one solution identified in the record are far below the estimated benefits.

II. Final Regulatory Flexibility Analysis

63. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Federal Communications Commission (Commission) incorporated an Initial Regulatory Flexibility Analysis (IRFA) in the *Implementation of the National Suicide Hotline Improvement Act of 2018 Third Further Notice of Proposed Rulemaking* (*988 Georouting Third Further Notice*), released in October 2024. The Commission sought written public comment on the proposals in the *988 Georouting Third Further Notice,* including comment on the IFRA. The comments received are addressed below. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA and it (or summaries thereof) will be published in the **Federal Register**.

A. Need for, and Objectives of, the Rules

64. In the *Fourth Report and Order,* we require covered text providers to develop and implement georouting solutions for 988 text messages. Based on our review of the record, we find that requiring providers to implement a georouting solution for 988 text messages is essential to improving access to the Lifeline's critical mental health crisis and suicide prevention services. The record overwhelming supports the conclusion that georouting for 988 text messages will help connect individuals with more geographically appropriate crisis centers that may have a better understanding of available local resources and unique community stressors. Additionally, as several commenters emphasize, achieving routing parity with voice calls will help to minimize inconsistencies in service quality that may discourage individuals from seeking help, further increasing trust in the 988 Lifeline.

65. In the *Fourth Report and Order,* we adopt a two-part requirement designed to enhance the Lifeline's ability to connect text users to geographically appropriate crisis centers, while safeguarding the critical privacy interests of individuals seeking life-saving assistance. To enable routing of covered 988 text messages by the Lifeline Administrator to the appropriate crisis center based on the geographic area where the handset is located at the time the text message is initiated, we require small and other covered text providers to: (1) develop the capability to transmit georouting data in a format that is compatible with the Lifeline's system; and (2) provide such georouting data for 988 text messages, when available, to the Lifeline Administrator. In adopting these rules, we support voluntary efforts to identify and develop industry-based georouting solutions for 988 text messages by providing a flexible, technology-neutral framework for our requirements. In order to facilitate ongoing efforts to develop 988 text georouting capabilities, while providing

flexibility for smaller providers, we adopt an implementation time frame of 18 months for nationwide providers, and 36 months for non-nationwide providers.

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

66. Comments regarding the impact of the rules on small entities were filed by the Rural Wireless Association (RWA). RWA expressed concerns that the Commission's proposed mandate to georoute 988 text messages would disproportionately increase costs for small rural non-nationwide Commercial Mobile Radio Service (CMRS) providers and advocated for the Commission to allow non-nationwide providers to implement georouting voluntarily. RWA further suggested that, should the Commission decide to require providers to implement georouting for 988 text messages, the Commission should: ''(1) provide small rural non-nationwide CMRS providers at least 36 months to comply with such mandate; and (2) allocate funds to subsidize small rural non-nationwide CMRS providers' efforts to comply with the mandate.'' The *Fourth Report and Order* addresses RWA's comments by adopting a technology-neutral framework and providing non-nationwide providers with 36 months to comply with the georouting requirements, as specifically requested by RWA. As discussed in section F below, the Commission declines to adopt RWA's proposals to allow non-nationwide carriers to implement georouting on a voluntary basis or to subsidize efforts for small covered text providers to comply.

C. Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration

67. Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA), and provide a detailed statement of any change made to the proposed rules as a result of those comments. The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

D. Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

68. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the rules adopted herein. The RFA generally defines the term ''small entity'' as having the same meaning as under the Small Business Act. In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act.'' A ''small business concern'' is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

69. *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.

70. *Wired Telecommunications Carriers.* The U.S. Census Bureau defines this industry as establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry. Wired Telecommunications Carriers are also referred to as wireline carriers or fixed local service providers.

71. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2024 Universal Service Monitoring Report, in 2023 there were 4,682 providers that reported they were engaged in the provision of fixed local services. Of these providers, the Commission estimates that 4,276 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

72. *Local Exchange Carriers (LECs).* Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to local exchange services. Providers of these services include both incumbent and competitive local exchange service providers. Wired Telecommunications Carriers is the closest industry with an SBA small business size standard. Wired Telecommunications Carriers are also referred to as wireline carriers or fixed local service providers. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, in 2023 there were 4,904 providers that reported they were fixed local exchange service providers. Of these providers, the Commission estimates that 4,493 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

73. *Incumbent Local Exchange Carriers (Incumbent LECs).* Neither the Commission nor the SBA have developed a small business size standard specifically for incumbent local exchange carriers. Wired Telecommunications Carriers is the closest industry with an SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies

firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms in this industry that operated for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2024 Universal Service Monitoring Report, in 2023 there were 1,175 providers that reported they were incumbent local exchange service providers. Of these providers, the Commission estimates that 917 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, the Commission estimates that the majority of incumbent local exchange carriers can be considered small entities.

74. *Competitive Local Exchange Carriers (CLECs).* Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to local exchange services. Providers of these services include several types of competitive local exchange service providers. Wired Telecommunications Carriers is the closest industry with a SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2024 Universal Service Monitoring Report, in 2023 there were 3,729 providers that reported they were competitive local service providers. Of these providers, the Commission estimates that 3,576 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

75. *Interexchange Carriers (IXCs).* Neither the Commission nor the SBA have developed a small business size standard specifically for Interexchange Carriers. Wired Telecommunications Carriers is the closest industry with a SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 127 providers that reported they were engaged in the provision of interexchange services. Of these providers, the Commission estimates that 109 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, the Commission estimates that the majority of providers in this industry can be considered small entities.

76. *Local Resellers.* Neither the Commission nor the SBA have developed a small business size standard specifically for Local Resellers. Telecommunications Resellers is the closest industry with a SBA small business size standard. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. Mobile virtual network operators (MVNOs) are included in this industry. The SBA small business size standard for Telecommunications Resellers classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that 1,386 firms in this industry provided resale services for the entire year. Of that number, 1,375 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2024 Universal Service Monitoring Report, in 2023 there were 222 providers that reported they were engaged in the provision of local resale services. Of these providers, the Commission estimates that 217providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

77. *Toll Resellers.* Neither the Commission nor the SBA have developed a small business size standard specifically for Toll Resellers. Telecommunications Resellers is the closest industry with a SBA small business size standard. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. Mobile virtual network operators (MVNOs) are included in this industry. The SBA small business size standard for Telecommunications Resellers classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that 1,386 firms in this industry provided resale services for the entire year. Of that number, 1,375 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2024 Universal Service Monitoring Report, in 2023 there were 411 providers that reported they were engaged in the provision of toll services. Of these providers, the Commission estimates that 398 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

78. *Other Toll Carriers.* Neither the Commission nor the SBA has developed a definition for small businesses specifically applicable to Other Toll Carriers. This category includes toll carriers that do not fall within the categories of interexchange carriers, operator service providers, prepaid calling card providers, satellite service carriers, or toll resellers. Wired Telecommunications Carriers is the closest industry with a SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms in this industry that operated for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2024 Universal Service Monitoring Report, in 2023 there were 74 providers that reported they were engaged in the provision of other toll services. Of these providers, the Commission estimates that 71 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

79. *Prepaid Calling Card Providers.* Neither the Commission nor the SBA has developed a small business size standard specifically for prepaid calling card providers. Telecommunications Resellers is the closest industry with a SBA small business size standard. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except

satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. Mobile virtual network operators (MVNOs) are included in this industry. The SBA small business size standard for Telecommunications Resellers classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that 1,386 firms in this industry provided resale services for the entire year. Of that number, 1,375 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2024 Universal Service Monitoring Report, in 2023 there were 47 providers that reported they were engaged in the provision of prepaid card services. Of these providers, the Commission estimates that 47 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

80. *Wireless Telecommunications Carriers (except Satellite).* This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular services, paging services, wireless internet access, and wireless video services. The SBA size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms in this industry that operated for the entire year. Of that number, 2,837 firms employed fewer than 250 employees. Additionally, based on Commission data in the 2024 Universal Service Monitoring Report, in 2023 there were 585 providers that reported they were engaged in the provision of wireless services. Of these providers, the Commission estimates that 498 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

81. *Cable and Other Subscription Programming.* The U.S. Census Bureau defines this industry as establishments primarily engaged in operating studios and facilities for the broadcasting of programs on a subscription or fee basis. The broadcast programming is typically narrowcast in nature (*e.g.,* limited format, such as news, sports, education, or youth-oriented). These establishments produce programming in their own facilities or acquire programming from external sources. The programming material is usually delivered to a third party, such as cable systems or direct-to-home satellite systems, for transmission to viewers. The SBA small business size standard for this industry classifies firms with annual receipts less than $47 million as small. Based on U.S. Census Bureau data for 2017, 378 firms operated in this industry during that year. Of that number, 149 firms operated with revenue of less than $25 million a year and 44 firms operated with revenue of $25 million or more. Based on this data, the Commission estimates that a majority of firms in this industry are small.

82. *Cable Companies and Systems (Rate Regulation).* The Commission has developed its own small business size standard for the purpose of cable rate regulation. Under the Commission's rules, a ''small cable company'' is one serving 400,000 or fewer subscribers nationwide. Based on industry data, there are about 420 cable companies in the U.S. Of these, only seven have more than 400,000 subscribers. In addition, under the Commission's rules, a ''small system'' is a cable system serving 15,000 or fewer subscribers. Based on industry data, there are about 4,139 cable systems (headends) in the U.S. Of these, about 639 have more than 15,000 subscribers. Accordingly, the Commission estimates that the majority of cable companies and cable systems are small.

83. *Cable System Operators (Telecom Act Standard).* The Communications Act of 1934, as amended, contains a size standard for a ''small cable operator,'' which is ''a cable operator that, directly or through an affiliate, serves in the aggregate fewer than one percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000.'' For purposes of the Telecom Act Standard, the Commission determined that a cable system operator that serves fewer than 498,000 subscribers, either directly or through affiliates, will meet the definition of a small cable operator. Based on industry data, only six cable system operators have more than 498,000 subscribers. Accordingly, the Commission estimates that the majority of cable system operators are small under this size standard. We note however, that the Commission neither requests nor collects information on whether cable system operators are affiliated with entities whose gross annual revenues exceed $250 million. Therefore, we are unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

84. *All Other Telecommunications.* This industry is comprised of establishments primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems. Providers of internet services (*e.g.* dial-up ISPs) or Voice over internet Protocol (VoIP) services, via client-supplied telecommunications connections are also included in this industry. The SBA small business size standard for this industry classifies firms with annual receipts of $40 million or less as small. U.S. Census Bureau data for 2017 show that there were 1,079 firms in this industry that operated for the entire year. Of those firms, 1,039 had revenue of less than $25 million. Based on this data, the Commission estimates that the majority of ''All Other Telecommunications'' firms can be considered small.

85. *Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing.* This industry comprises establishments primarily engaged in manufacturing radio and television broadcast and wireless communications equipment. Examples of products made by these establishments are: transmitting and receiving antennas, cable television equipment, GPS equipment, pagers, cellular phones, mobile communications equipment, and radio and television studio and broadcasting equipment. The SBA small business size standard for this industry classifies businesses having 1,250 employees or less as small. U.S. Census Bureau data for 2017 show that there were 656 firms in this industry that operated for the entire year. Of this number, 624 firms had fewer than 250 employees. Thus, under the SBA size standard, the majority of firms in this industry can be considered small.

86. *Semiconductor and Related Device Manufacturing.* This industry comprises establishments primarily engaged in manufacturing semiconductors and related solid state devices. Examples of products made by these establishments are integrated circuits, memory chips, microprocessors, diodes, transistors, solar cells and other optoelectronic

devices. The SBA small business size standard for this industry classifies entities having 1,250 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 729 firms in this industry that operated for the entire year. Of this total, 673 firms operated with fewer than 250 employees. Thus under the SBA size standard, the majority of firms in this industry can be considered small.

87. *Software Publishers.* This industry comprises establishments primarily engaged in computer software publishing or publishing and reproduction. Establishments in this industry carry out operations necessary for producing and distributing computer software, such as designing, providing documentation, assisting in installation, and providing support services to software purchasers. These establishments may design, develop, and publish, or publish only. The SBA small business size standard for this industry classifies businesses having annual receipts of $47 million or less as small. U.S. Census Bureau data for 2017 indicate that 7,842 firms in this industry operated for the entire year. Of this number 7,226 firms had revenue of less than $25 million. Based on this data, we conclude that a majority of firms in this industry are small.

88. *Internet Service Providers (Non-Broadband).* Internet access service providers using client-supplied telecommunications connections (*e.g.,* dial-up ISPs) as well as VoIP service providers using client-supplied telecommunications connections fall in the industry classification of All Other Telecommunications. The SBA small business size standard for this industry classifies firms with annual receipts of $40 million or less as small. For this industry, U.S. Census Bureau data for 2017 show that there were 1,079 firms in this industry that operated for the entire year. Of those firms, 1,039 had revenue of less than $25 million. Consequently, under the SBA size standard a majority of firms in this industry can be considered small.

89. *Wired Broadband Internet Access Service Providers (Wired ISPs).* Providers of wired broadband internet access service include various types of providers except dial-up internet access providers. Wireline service that terminates at an end user location or mobile device and enables the end user to receive information from and/or send information to the internet at information transfer rates exceeding 200 kilobits per second (kbps) in at least one direction is classified as a broadband connection under the Commission's rules. Wired broadband internet services fall in the Wired Telecommunications Carriers industry. The SBA small business size standard for this industry classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees.

90. Additionally, according to Commission data on internet access services as of June 30, 2024, nationwide there were approximately 2,204 providers of connections over 200 kbps in at least one direction using various wireline technologies. The Commission does not collect data on the number of employees for providers of these services, therefore, at this time we are not able to estimate the number of providers that would qualify as small under the SBA's small business size standard. However, in light of the general data on fixed technology service providers in the Commission's *2024 Communications Marketplace Report,* we believe that the majority of wireline internet access service providers can be considered small entities.

91. *Wireless Broadband Internet Access Service Providers (Wireless ISPs or WISPs).* Providers of wireless broadband internet access service include fixed and mobile wireless providers. The Commission defines a WISP as ''[a] company that provides end-users with wireless access to the internet[.]'' Wireless service that terminates at an end user location or mobile device and enables the end user to receive information from and/or send information to the internet at information transfer rates exceeding 200 kilobits per second (kbps) in at least one direction is classified as a broadband connection under the Commission's rules. Neither the SBA nor the Commission have developed a size standard specifically applicable to Wireless Broadband Internet Access Service Providers. The closest applicable industry with an SBA small business size standard is Wireless Telecommunications Carriers (except Satellite). The SBA size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms in this industry that operated for the entire year. Of that number, 2,837 firms employed fewer than 250 employees.

92. Additionally, according to Commission data on internet access services as of June 30, 2024, nationwide there were approximately 1,157 fixed wireless and 52 mobile wireless providers of connections over 200 kbps in at least one direction. The Commission does not collect data on the number of employees for providers of these services, therefore, we are not able to estimate the number of providers that would qualify as small. However, based on data in the Commission's *2024 Communications Marketplace Report* on the small number of large mobile wireless nationwide and regional facilities-based providers, the dozens of small regional facilities-based providers and the number of wireless mobile virtual network providers in general, as well as on terrestrial fixed wireless broadband providers in general, we believe that the majority of wireless internet access service providers can be considered small entities.

93. *All Other Information Services.* This industry comprises establishments primarily engaged in providing other information services (except news syndicates, libraries, archives, internet publishing and broadcasting, and Web search portals). The SBA small business size standard for this industry classifies firms with annual receipts of $47 million or less as small. U.S. Census Bureau data for 2017 show that there were 704 firms in this industry that operated for the entire year. Of those firms, 556 had revenue of less than $25 million. Consequently, we estimate that the majority of firms in this industry are small entities.

E. Description of Economic Impact and Projected Reporting, Recordkeeping and Other Compliance Requirements for Small Entities

94. The RFA directs agencies to describe the economic impact of the adopted rules on small entities, as well as projected reporting, recordkeeping and other compliance requirements, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record.

95. *The Fourth Report and Order* adopts rules that require small and other covered 988 text providers to implement georouting solutions for 988 text messages sent in Short Message Service (SMS) format. Specifically, the *Fourth Report and Order* requires providers to develop the capability to transmit georouting data in a format that is compatible with the Lifeline system and to provide such georouting data for 988 text messages, when available, to the Lifeline Administrator. Small and other providers must provide georouting data with 988 messages sufficient to allow routing of the 988 text message by the Lifeline Administrator to the appropriate crisis center based on the

geographic area where the handset is located at the time the 988 text message is sent. The *Fourth Report and Order* adopts a definition of georouting data consistent with that used in the *Third Report and Order,* and requires wireless providers to aggregate location data generated from cell-based location technology to a level that will not identify the location of the cell site or base station receiving the 988 text message or otherwise identify the precise location of the handset.

96. In the *Third Further Notice,* the Commission sought comment on the costs and benefits of deploying georouting solutions for text-to-988. We found issues with the cost estimates for small carriers provided by RWA because the data is based on a single carrier and commingles voice-to-988 and text-to-988 georouting. Nonetheless, in the *Fourth Report and Order* we acknowledge the operational limitations of small providers and the added cost georouting may impose, and sought to minimize compliance burdens where practicable. The *Fourth Report and Order* therefore, adopts technology-neutral rules that allow providers the flexibility to leverage georouting solutions identified by the Lifeline Administrator and industry partners. Additionally, the *Fourth Report and Order* adopts an extended time frame for non-nationwide providers, which includes smaller entities, to allow for more time to identify and implement georouting solutions for text-to-988. Non-nationwide covered text providers will have 36 months from the effective date of the order to implement georouting solutions, while nationwide covered text providers must comply within 18 months. The Commission finds that the estimated mortality-reducing public safety benefits resulting from the requirements adopted in the *Fourth Report and Order* far outweigh the anticipated implementation costs.

F. Discussion of Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

97. The RFA requires an agency to provide, ''a description of the steps the agency has taken to minimize the significant economic impact on small entities . . . including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected.''

98. The *Fourth Report and Order* considers comments that argue georouting solutions disproportionately impact small rural non-nationwide providers. Specifically, RWA argues that any mandate to require georouting for 988 text messages will have a disproportionately negative impact on small rural non-nationwide providers and therefore proposes several solutions which include: (1) voluntary implementation requirements, (2) cost mitigation, and (3) an implementation time frame of 36 months. The Commission acknowledges that small rural non-nationwide providers face operational and financial limitations. Therefore, we adopt rules that are designed to give covered providers, which include small providers, the flexibility to determine the best georouting solution to comply with these rules based on the needs of the provider's network.

99. The Commission concludes that a wholly voluntary implementation of georouting solutions undercuts the Commission's objective to deploy the benefits of georouting for 988 text messages in a timely manner and therefore declines to rely on voluntary implementation for small entities. The record strongly demonstrates that georouting 988 text message will provide significant benefits to individuals with disabilities, disproportionately impacted populations, and rural communities. Therefore, given the clear public interest benefits, we find that deployment and implementation of georouting solutions for 988 text messages should not be optional.

100. Some commenters propose that 988 text messages be sent in other formats and with precise location information. We consider but decline to adopt proposals that would require georouting for Multimedia Message Service (MMS) in favor of enabling the 988 Lifeline to leverage current SMS technology while developing solutions that could adapt to other messaging protocols in the future. The Commission also considers but declines to require that precise location information be transmitted with 988 text messages, and finds that aggregating location data at county-level or wire center boundaries will better protect users' privacy. Likewise, we decline to adopt proposals that would bypass the Lifeline's routing platform or apply the text-to-988 georouting to the Lifeline's specialized service lines because the record reflects that individual crisis centers have varied capability in their ability to provide specialized services.

101. Further, the Commission declines to adopt RWA's proposed cost recovery provisions that seek to mitigate implementation costs of georouting 988 text messages. We expect that our flexible, technology-neutral approach will minimize costs and burdens on non-nationwide providers, and we encourage them to collaborate with our federal partners at SAMHSA to identify georouting solutions best suited for their networks. After consideration we additionally decline to adopt a number of additional proposals that would require specific privacy and cybersecurity requirements and informed consent mechanisms because they would have the negative effect of discouraging users from contacting the 988 Lifeline. We also decline to expand these rules to Direct Video Calling (DVC) because doing so may result in implementation delays for georouting solutions, and users who are who are deaf, hard of hearing, or with a speech disability will benefit from having access to local resources using text-to-988. In adopting these rules, we support voluntary efforts to identify and develop industry-based georouting solutions for 988 text messages by providing a flexible, technology-neutral framework for our requirements.

102. To provide small rural non-nationwide providers with added flexibility, the Commission adopts an implementation timeline of 36 months for non-nationwide providers, as proposed by RWA. This exceeds the six-month timeline originally proposed in the *988 Georouting Third Further Notice* and is twice as long as the 18-month timeline for nationwide providers. We anticipate the longer implementation timeline will enable small providers sufficient time to absorb capital and maintenance costs that are required to develop and implement georouting solutions for 988 text messages.

G. Report to Congress

103. The Commission will send a copy of the *Fourth Report and Order,* including this Final Regulatory Flexibility Analysis, in a report to Congress pursuant to the Congressional Review Act. In addition, the Commission will send a copy of the *Fourth Report and Order,* including this Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the SBA and will publish a copy of the *Fourth Report and Order,* and this Final Regulatory Flexibility Analysis (or summaries thereof) in the **Federal Register**.

III. Procedural Matters

104. *Paperwork Reduction Act.* This document does not contain new or substantively modified information collections subject to the Paperwork

Reduction Act of 1995 (PRA), 44 U.S.C. 3501–3521. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, 44 U.S.C. 3506(c)(4).

105. *Congressional Review Act.* The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs that this rule is ''non-major'' under the Congressional Review Act, 5 U.S.C. 804(2). The Commission will send a copy of this *Fourth Report and Order* to Congress and the Government Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A).

IV. Ordering Clauses

106. Accordingly, *it is ordered* that, pursuant to sections 1, 2, 4, 301, 303, 307, 309(a), 316, 332 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154, 301, 303, 307, 309(a), 316, 332, and section 106 of the Twenty-First Century Communications and Video Accessibility Act of 2010, Public Law 111–260, 47 U.S.C. 615c, this *Fourth Report and Order is adopted*.

107. *It is further ordered* that part 52 of the Commission's rules *is amended* as set forth in Appendix A, and such rule amendment will become effective 30 days after publication in the **Federal Register**.

108. *It is further ordered* that the Commission's Office of the Secretary *shall send* a copy of this *Fourth Report and Order,* including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

109. *It is further ordered* that the Office of the Managing Director, Performance and Program Management, *shall send* a copy of this *Fourth Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 52

Communications common carriers, Telecommunications, Telephone.

Federal Communications Commission.

Marlene Dortch,

Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 52 as follows:

PART 52—NUMBERING

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

Authority: 47 U.S.C. 151, 152, 153, 154, 155, 201–205, 207–209, 218, 225–227, 251–252, 271, 303, 332, unless otherwise noted.

■ 2. Amend § 52.201 by revising paragraph (b) to read as follows:

§ 52.201 Texting to the National Suicide Prevention and Mental Health Crisis Hotline.

* * * * *

(b) *Access to SMS networks for 988 text messages.* To the extent that Commercial Mobile Radio Service (CMRS) providers offer Short Message Service (SMS), they shall allow access by any other covered text provider to the capabilities necessary for transmission of 988 text messages originating on such other covered text providers' application services.

* * * * *

■ 3. Add § 52.203 to read as follows:

§ 52.203 Georouting of Text Messages to the National Suicide Prevention and Mental Health Crisis Hotline.

(a) *Georouting.* All covered text providers must:

(1) Have the capability to provide georouting data for covered 988 text messages to the Lifeline Administrator in a format that is compatible with the Lifeline's routing platform, to allow routing of the 988 text message by the Lifeline Administrator to the appropriate crisis center based on the geographic area where the handset is located at the time the 988 text is initiated.

(2) Provide georouting data, when available, for covered 988 text messages to the Lifeline Administrator sufficient to allow routing of the 988 text message by the Lifeline Administrator to the appropriate crisis center based on the geographic area where the handset is located at the time the 988 text message is initiated.

(b) *Definitions.* For the purposes of this section:

(1) *Covered 988 text message* has the same definition as found in § 52.201;

(2) *Covered text provider* has the same definition as found in § 52.201;

(3) *Georouting data* means location data generated from cell-based location technology that is aggregated to a level that will not identify the location of the cell site or base station receiving the 988 text message or otherwise identify the precise location of the handset.

(4) *Lifeline Administrator* has the same definition as found in § 52.202;

(5) *Nationwide CMRS provider* has the same definition as found in § 52.202; and

(6) *Non-nationwide CMRS provider* has the same definition as found in § 52.202.

(c) *Compliance.* (1) Covered text providers that are nationwide CMRS providers shall provide georouting data for 988 text messages in accordance with paragraph (a) of this section by 18 months after October 16, 2025.

(2) All covered text providers, including non-nationwide CMRS providers, shall provide georouting data for 988 text messages in accordance with paragraph (a) of this section by 36 months after October 16, 2025.

[FR Doc. 2025–17895 Filed 9–15–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket No. 17–59; FCC 25–15; FR ID 313272]

Advanced Methods To Target and Eliminate Unlawful Robocalls

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective dates.

SUMMARY: In this document, the Federal Communications Commission (Commission) announces the effective date of the rules adopted in the Eighth Report and Order. Specifically, the Commission adopted rules to require all domestic voice service providers to block based on a reasonable do-not-originate list.

DATES: The effective date for the addition of 47 CFR 64.1200(o), published March 24, 2025, at 90 FR 13416 is effective December 15, 2025.

FOR FURTHER INFORMATION CONTACT: John B. Adams of the Consumer and Governmental Affairs Bureau at (202) 418–2854 or *JohnB.Adams@fcc.gov*. For information regarding the PRA information collection requirements contained in the PRA, contact Cathy Williams, Office of Managing Director, at (202) 418–2918, or *Cathy.Williams@fcc.gov*.

SUPPLEMENTARY INFORMATION: This document announces that the Office of Management and Budget (OMB) approved the information collection requirements in 47 CFR 64.1200(o) on August 5, 2025. The OMB control number that the information collection was approved under is 3060–1306. In the Eighth Report and Order, the Commission concluded that the appropriate timeframe for

implementation of these new rules is ninety days following publication in the **Federal Register** of notice that OMB has completed any required review of the adopted rules. The Commission publishes this document as an announcement of the effect date of these rules.

The full text of document FCC 25–15 is available online at *https://docs.fcc.gov/public/attachments/FCC-25-15A1_Rcd.pdf.* To request this document in accessible formats for people with disabilities (*e.g.,* Braille, large print, electronic files, audio format) or to request reasonable accommodations (*e.g.,* accessible format documents, sign language interpreters, CART), send an email to *fcc504@fcc.gov* or call the FCC's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice).

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2025–17898 Filed 9–15–25; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 140722613–4908–02]

RTID 0648–XF043

Coastal Migratory Pelagic Resources of the Gulf and Atlantic Region; Commercial Closure for Atlantic Spanish Mackerel in the Northern Zone

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements an accountability measure (AM) for the commercial harvest of Spanish mackerel in the northern zone of the Atlantic exclusive economic zone (EEZ). NMFS projects that landings will soon reach the revised commercial quota for Spanish mackerel in the northern zone of the Atlantic EEZ for the 2025–2026 fishing year. According to regulations for Spanish mackerel in the Atlantic, NMFS closes the northern zone for commercial harvest to protect this fishery resource.

DATES: This temporary rule is effective from September 20, 2025, through February 28, 2026.

FOR FURTHER INFORMATION CONTACT: Mary Vara, NMFS Southeast Regional Office, telephone: 727–824–5305, or email: *mary.vara@noaa.gov.*

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish in the Atlantic includes king mackerel, Spanish mackerel, and cobia on the east coast of Florida, and is managed under the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf and Atlantic Region (FMP). The FMP was prepared by the Gulf and South Atlantic Fishery Management Councils and NMFS, was approved by the Secretary of Commerce, and is implemented by NMFS through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). All weights described for Spanish mackerel in the Atlantic EEZ apply as either round or gutted weight.

Atlantic Spanish mackerel are divided into northern and southern zones for management purposes. The northern zone for Spanish mackerel extends in the Atlantic EEZ from New York through North Carolina. The northern boundary of the northern zone extends from an intersection point off New York, Connecticut, and Rhode Island at 41°18′16.249″ N latitude and 71°54′28.477″ W longitude, and proceeds southeast to 37°22′32.75″ N latitude and the intersection point with the outward boundary of the EEZ. The southern boundary of the northern zone extends from the North Carolina and South Carolina state border along a line in a direction of 135°34′55″ from true north beginning at 33°51′07.9″ N latitude and 78°32′32.6″ W longitude to the intersection point with the outward boundary of the EEZ (50 CFR 622.369(b)(2)). See figure 2 of appendix G to part 622—Spanish Mackerel for an illustration of the management zones.

The commercial annual catch limit (ACL; equal to the commercial quota) for the Atlantic migratory group of Spanish mackerel (Atlantic Spanish mackerel) is 3.33 million pounds (lb) or 1.51 million kilograms (kg) (50 CFR 622.384(c)(2)). The commercial quota for Atlantic Spanish mackerel in the northern zone is 662,670 lb (300,582 kg) and is 2,667,330 lb (1,209,881 kg) in the southern zone for the 2025–2026 fishing year, which is March 1, 2025, through February 28, 2026 (50 CFR 622.384(c)(2)(i) and (ii)).

Regulations at 50 CFR 622.384(c)(2)(iii) allow for quota transfers between the northern and southern zones with the approval from the Regional Administrator (RA) of the NMFS Southeast Region. North Carolina or Florida, in consultation with the other states in the respective zones, may request approval from the RA to transfer part or all of a respective zone's annual commercial quota to the other zone. For the purposes of quota closures as described in 50 CFR 622.8, the receiving zone's quota will be the original quota plus any transferred amount, for that fishing year only. Landings associated with any transferred quota will be included in the total landings for Atlantic Spanish mackerel, which will be evaluated relative to the total ACL.

In a letter to NMFS dated July 22, 2025, the State of Florida requested the transfer of 250,000 lb (113,398 kg) of Atlantic Spanish mackerel commercial quota from the southern zone to the northern zone to allow the commercial quota for both zones in the current fishing year to be fully harvested. NMFS approved the transfer of commercial quota, and therefore, the revised northern zone commercial quota for Spanish mackerel is 912,670 lb (413,980 kg) and the revised southern zone commercial quota is 2,417,330 lb (1,096,482 kg) for the 2025–2026 fishing year.

Regulations at 50 CFR 622.388(d)(1)(i) require NMFS to close the commercial sector for Atlantic Spanish mackerel in the northern zone when landings reach or are projected to reach the commercial quota for that zone. NMFS projects that landings of Atlantic Spanish mackerel from the northern zone will reach the revised commercial quota of 912,670 lb (413,980 kg) on September 20, 2025. Accordingly, the commercial sector for Atlantic Spanish mackerel in the northern zone is closed effective on September 20, 2025, and continues through February 28, 2026, the end of the current fishing year.

During the commercial closure, a person on a vessel that has been issued a valid Federal commercial permit to harvest Atlantic Spanish mackerel may continue to retain this species in the northern zone under the recreational bag and possession limits specified in 50 CFR 622.382(a)(1)(iii) and (2)(i), if recreational harvest of Atlantic Spanish mackerel in the northern zone has not been closed (50 CFR 622.384(e)(1)).

Also during the commercial closure, Atlantic Spanish mackerel from the northern zone, including those fish harvested under the recreational bag and possession limits, may not be purchased or sold. This prohibition does not apply to Atlantic Spanish mackerel from the northern zone that were harvested, landed ashore, and sold prior to the closure and were held in cold storage by a dealer or processor (50 CFR 622.384(e)(2)).

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 622.388(d)(1)(i), 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 are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule implementing the commercial quota and AM has already been subject to notice and public comment, and all that remains is to notify the public of the closure. Such procedures are also contrary to the public interest because of the need to immediately implement the closure to protect the resource of Atlantic Spanish mackerel, because the capacity of the fishing fleet allows for rapid harvest of the commercial quota. Prior notice and opportunity for public comment would require time and could result in additional harvest that exceeds the established commercial quota.

For the same reasons, there is good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: September 9, 2025.

Kelly Denit,

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

[FR Doc. 2025–17870 Filed 9–12–25; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 241203–0308; RTID 0648–XF197]

Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer From Massachusetts to North Carolina

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

ACTION: Temporary rule; quota transfer.

SUMMARY: NMFS announces that the Commonwealth of Massachusetts is transferring a portion of their 2025 commercial bluefish quota to the State of North Carolina. This quota adjustment is necessary to comply with the Atlantic Bluefish Fishery Management Plan (FMP) quota transfer provisions. This announcement informs the public of the revised 2025 commercial bluefish quotas for Massachusetts and North Carolina.

DATES: Effective September 15, 2025 through December 31, 2025.

FOR FURTHER INFORMATION CONTACT: Matthew Rigdon, Fishery Management Specialist, (978) 281–9336.

SUPPLEMENTARY INFORMATION: Regulations governing the Atlantic bluefish fishery are found in 50 CFR 648.160 through 648.167. These regulations require annual specification of a commercial quota that is apportioned among the coastal states from Maine through Florida. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.162, and the final 2025 allocations were published on December 10, 2024 (89 FR 99138).

The final rule implementing amendment 1 to the FMP, as published in the **Federal Register** on July 26, 2000 (65 FR 45844), provided a mechanism for transferring bluefish commercial quota from one state to another. Two or more states, under mutual agreement and with the concurrence of the NMFS Greater Atlantic Regional Administrator, can request approval to transfer or combine bluefish commercial quota under § 648.162(e). The Regional Administrator is required to consider three criteria in the evaluation of requests for quota transfers or combinations: (1) the transfers would not preclude the overall annual quota from being fully harvested; (2) the transfers address an unforeseen variation or contingency in the fishery; and (3) the transfers are consistent with the objectives of the FMP and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Regional Administrator has determined these criteria have been met for the transfers approved in this notification.

Massachusetts is transferring 100,000 pounds (lb) (45,359 kilograms (kg)) to North Carolina through mutual agreement of the states. This transfer was requested to ensure North Carolina would not exceed its 2025 state quota. The revised bluefish quotas for 2025 are: Massachusetts, 162,663 lb (73,783 kg) and North Carolina, 1,072,012 lb (486,256 kg).

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 648.162(e)(1)(i) through (iii), which was issued pursuant to section 304(b), and is exempted from review under Executive Order 12866.

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

Kelly Denit,

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

[FR Doc. 2025–17862 Filed 9–15–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 241203–0308; RTID 0648–XF177]

Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer From North Carolina to New York

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

ACTION: Temporary rule; quota transfer.

SUMMARY: NMFS announces that the State of North Carolina is transferring a portion of its 2025 commercial summer flounder quota to the State of New York. This adjustment to the 2025 fishing year quota is necessary to comply with the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) quota transfer provisions. This announcement informs the public of the revised 2025 commercial quotas for North Carolina and New York.

DATES: Effective September 15, 2025, through December 31, 2025.

FOR FURTHER INFORMATION CONTACT: Matthew Rigdon, Fishery Management Specialist, (978) 281–9336.

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are found in 50 CFR 648.100 through 648.111. These regulations require annual specification of a commercial quota that is apportioned among the coastal states from Maine through North Carolina. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.102, and the final 2025 allocations were published on December 10, 2024 (89 FR 99138).

The final rule implementing Amendment 5 to the FMP, as published in the **Federal Register** on December 17, 1993 (58 FR 65936), provided a mechanism for transferring summer

flounder commercial quota from one state to another. Two or more states, under mutual agreement and with the concurrence of the NMFS Greater Atlantic Regional Administrator, can transfer or combine summer flounder commercial quota under § 648.102(c)(2). The Regional Administrator is required to consider three criteria in the evaluation of requests for quota transfers or combinations: (1) the transfers or combinations would not preclude the overall annual quota from being fully harvested; (2) the transfers address an unforeseen variation or contingency in the fishery; and (3) the transfers are consistent with the objectives of the FMP and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Regional Administrator has determined these three criteria have been met for the transfer approved in this notification.

North Carolina is transferring 50,000 pounds (lb; 22,680 kilograms (kg)) of summer flounder to New York through a mutual agreement between the states. This transfer was requested to ensure New York would not exceed its 2025 quota. The revised summer flounder quotas for 2025 are: North Carolina, 2,358,106 lb (1,069,619 kg); and New York, 722,157 lb (327,565 kg).

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 648.102(c)(2)(i) through (iv), which was issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempted from review under Executive Order 12866.

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

Dated: September 12, 2025.

Kelly Denit,

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

[FR Doc. 2025–17903 Filed 9–15–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 250910–0150; RTID 0648–XE809]

Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications; 2025–2026 Annual Specifications and Management Measures for Pacific Sardine

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

ACTION: Final rule.

SUMMARY: NMFS is implementing annual harvest specifications and management measures for the northern subpopulation of Pacific sardine (hereafter, Pacific sardine), for the fishing year from July 1, 2025, through June 30, 2026. This rule prohibits most directed commercial fishing for Pacific sardine off the coasts of Washington, Oregon, and California. Pacific sardine harvest is allowed for use only as live bait, in minor directed fisheries, as incidental catch in other fisheries, or as authorized under exempted fishing permits. The incidental harvest of Pacific sardine will be limited to 20 percent by weight of all fish per trip when caught with other stocks managed under the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP), or up to 2 metric tons (mt) per trip when caught with non-coastal pelagic species stocks. The harvest specifications for 2025–2026 include an overfishing limit (OFL) of 4,645 mt, an acceptable biological catch (ABC) of 3,957, an annual catch limit (ACL) of 2,200 mt, and an annual catch target (ACT) of 2,100 mt. This final rule is intended to conserve, manage, and rebuild the Pacific sardine stock off the coasts of Washington, Oregon, and California.

DATES: Effective September 16, 2025.

FOR FURTHER INFORMATION CONTACT: Katie Davis, West Coast Region, NMFS, (323) 372–2126, *Katie.Davis@noaa.gov.*

SUPPLEMENTARY INFORMATION: NMFS manages the Pacific sardine fishery in the U.S. exclusive economic zone (EEZ) off the Pacific coast (*i.e.,* off the U.S. West Coast states of California, Oregon, and Washington) in accordance with the CPS FMP. The CPS FMP and its implementing regulations require NMFS to set annual reference points and management measures for the Pacific sardine fishery based on the annual specification framework and control rules in the FMP. These control rules include the harvest guideline (HG) control rule, which, in conjunction with the OFL and ABC control rules in the FMP, are used to set required reference points, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (MSA) (16 U.S.C. 1801 *et seq.*). The ACL for Pacific sardine is set according to the framework established in the Pacific sardine rebuilding plan, approved on May 29, 2025, as amendment 23 to the CPS FMP (90 FR 23461). Additionally, the CPS FMP requires additional management measures, intended to restrict harvest, for the Pacific sardine fishery, such as incidental catch restrictions.

NMFS publishes annual specifications in the **Federal Register** to establish these annual reference points (*e.g.,* the OFL, ABC, and ACL) and management measures for each Pacific sardine fishing year. NMFS published proposed specifications and management measures on June 26, 2025 (90 FR 27273). The proposed rule for this action included additional background on the specifications and details of how they were derived and the basis for which the Pacific Fishery Management Council (Council) recommended them to NMFS for potential approval. Those details are not repeated here. For additional information on this action, please refer to the proposed rule. This final rule adopts, without changes, the annual reference points and management measures as proposed for the 2025–2026 fishing year.

Final Reference Points and Management Measures

Based on the 2025 stock assessment for Pacific sardine, the associated estimated age 1+ biomass of 30,158 mt, the control rule formulas in the FMP, and the Pacific sardine rebuilding plan (90 FR 23461, June 3, 2025), NMFS is implementing, as proposed, an OFL of 4,645 mt, an ABC of 3,957 mt, an ACL of 2,200 mt, and an ACT of 2,100 mt.

The CPS FMP includes a prohibition of the primary directed fishery when the biomass is at or below 150,000 mt. The Pacific sardine primary directed fishery is therefore closed, and Pacific sardine catch during the 2025–2026 fishing season is prohibited unless it is harvested as part of the live bait or minor directed fisheries, as incidental catch in other fisheries, or as part of exempted fishing permit (EFP) activities.

The 2025–2026 fishing year specifications can be found in table 1, and management measures are listed after table 1.

TABLE 1—HARVEST SPECIFICATIONS FOR THE 2025–2026 SARDINE FISHING YEAR, IN METRIC TONS (mt)

Biomass estimate	OFL	ABC	HG	ACL	ACT
30,158	4,645	3,957	0	2,200	2,100

The following are the additional management measures and in-season accountability measures for the 2025–2026 Pacific sardine fishing year:

(1) An incidental per-landing limit of 20 percent (by weight) of Pacific sardine applies to other CPS primary directed fisheries (*e.g.,* Pacific mackerel);

(2) If the ACT of 2,100 mt is attained, then a per-trip limit of 1 mt of Pacific sardine applies to all CPS fisheries (*i.e.,* (1) will no longer apply); and

(3) An incidental per-landing allowance of 2 mt of Pacific sardine applies to non-CPS fisheries until the ACL is reached.

In addition to the management measures and in-season accountability measures listed in the previous paragraphs, Pacific sardine catch in the minor directed fishery remains limited to 1 mt per trip per day, and 1 trip per day by any vessel, per regulations at 50 CFR 660.511(d)(2).

All sources of catch, including any EFP set-asides, the live bait fishery, and other minimal sources of harvest, such as incidental catch in CPS and non-CPS fisheries and minor directed fishing, will be accounted for against the ACT and ACL. Any Pacific sardine harvested between July 1, 2025, and the effective date of this final rule will count toward the 2025–2026 ACT and ACL.

At the April 2025 Council meeting, the Council recommended apportioning 520 mt of the ACL for an EFP proposal to support stock assessments for Pacific sardine. NMFS will publish a notice of receipt of application in the **Federal Register** and request public comment. After the comment period closes, NMFS will determine the issuance of the EFP.

The NMFS West Coast Regional Administrator will publish a notice in the **Federal Register** to announce when catch reaches the incidental limits, as well as any changes to allowable incidental catch percentages or trip limits. Additionally, to ensure that the regulated community is informed of any closure, NMFS will make announcements through other means available, including emails to fishermen, processors, and state fishery management agencies.

Comments and Responses

On June 26, 2025, NMFS published a proposed rule for this action and solicited public comments through July 11, 2025 (90 FR 27273). NMFS received two public comment letters relevant to this action, one from the non-governmental conservation organization Oceana and one from a private citizen. After considering the public comments, NMFS made no changes from the proposed rule. Both comment letters included multiple comments, some of which are beyond the scope of this action. NMFS summarizes and responds to those comments below.

Comment 1: Oceana states that the E_{MSY} used to set the ABC is too high given the low sardine productivity and biomass indicated in the stock assessment, resulting in an ABC that fails to prevent overfishing, rebuild the stock, or adequately constrain U.S. fishery catches and is inconsistent with the best available science on sardine productivity. Oceana states that the Council's Scientific and Statistical Committee (SSC) has repeatedly raised concerns with the E_{MSY} parameter. Oceana also cites a court order in *Oceana, Inc.* v. *Raimondo,* quoting the court's conclusion about the scientific record presented to the court in that matter. Oceana states that NMFS has not made any attempt to correct or update its E_{MSY} formula since 2014, and states that NMFS' updated ''correlation analysis'' reduced the correlation, but NMFS did not provide the SSC with any alternatives, leaving the SSC little choice but to approve the ''status quo approach to E_{MSY}.'' Oceana requested that NMFS immediately develop and evaluate a range of alternatives for calculating E_{MSY} that do not rely on the CalCOFI index, specifically including alternatives that base E_{MSY} on direct measures of recent productivity reported in stock assessments.

Response: NMFS has determined that the OFL and ABC implemented through this action will prevent overfishing and are supported by the best scientific information available. E_{MSY} is a parameter in the OFL and ABC harvest control rules. As described in the proposed rule for these harvest specifications, the SSC has recommended in past years that the analysis and assumptions surrounding a CalCOFI-based E_{MSY} be revisited. To help inform the SSC's recommendation for this year's reference points, NMFS conducted a correlation analysis of the CalCOFI-based temperature with sardine productivity (recruits-per-spawner) for the years 1983–2023; an update from the last analysis in 2013 that examined data from 1984–2008. The SSC's CPS subcommittee reviewed the analysis in February 2025 and reported that ''the analysis demonstrates there is still valid statistical evidence for a relationship between CalCOFI [sea surface temperature] and recruits-per-spawner.'' At the April 2025 Council meeting, the full SSC reviewed the analysis and concluded that it ''provides the first of many steps toward potentially updating E_{MSY} for Pacific sardine, but does not compel a change at this time.'' The SSC recommended the 2025–2026 OFL and ABC be calculated using the ''status quo approach to E_{MSY},'' which uses the CalCOFI temperature index.

NMFS has determined that there is no need to calculate a new E_{MSY} at this time, and that the CalCOFI-based E_{MSY} does not present any risk of overfishing. Additionally, NMFS notes that there is no defined metric for a ''high'' or ''low'' E_{MSY}, and Oceana has not provided one. It has been previously suggested that one approach to set a precautionary proxy fishing mortality rate for small pelagic fish such as Pacific sardine is to use a value that equates to one half of the species' natural mortality rate.[1] Based on the estimates of natural mortality from the 2025 Pacific sardine stock assessment, this formula would produce an E_{MSY} in the range of 0.25–0.30. By contrast, the E_{MSY} utilized to calculate the OFL implemented through this action is only 0.1771. For these reasons, NMFS has determined that the reference points recommended by the Council are based on the best scientific information available and, therefore, NMFS has determined to implement them through this action.

[1] Pikitch, E. *et al.* 2012. Little Fish, Big Impact: Managing a Crucial Link in Ocean Food Webs. Lenfest Ocean Program. Washington, DC. 108 pp.

Comment 2: Oceana requests that NMFS set an ACL no greater than 5 percent of the age 1+ biomass. In addition, Oceana requests that NMFS adopt an incidental catch allowance for other CPS fisheries of no greater than 10 percent of each landing.

Response: As noted in the proposed rule, the Council recommended a 2,200-mt ACL consistent with their November 2024 recommendation for the revised rebuilding plan, which NMFS approved as amendment 23 to the CPS FMP on May 29, 2025 (90 FR 23461). Under amendment 23, when biomass is below 50,000 mt—as it is this year—the ACL is restricted to 2,200 mt or the calculated ABC, whichever is less. In approving amendment 23, NMFS determined that this approach meets the goals set out by the MSA and its National Standards to rebuild the stock, and Oceana has not provided evidence to support the need for a departure from this approach.

Oceana has also provided no evidence on which to base an incidental limit of 10 percent. The CPS FMP dictates that if the estimated biomass is below 50,000 mt, then the incidental harvest rate is restricted to 20 percent landing by weight. The 2025 estimated biomass is 30,158 mt; therefore, 20 percent is in line with the allowances of the CPS FMP. Additionally, during the 2018–2019 fishing year, the last year that the stock's biomass was more than 50,000 mt, the incidental harvest allowance was 40 percent, and the incidental fishery harvested 272 mt. The following year, the incidental harvest allowance was restricted to 20 percent, and the incidental fishery harvested 249 mt. Increasing the incidental harvest allowance does not necessarily change the amount of Pacific sardine catch, but allows more flexibility for vessels to reduce unwanted discards when the catch ratio of sardine to other CPS is greater than 20 percent.

Comment 3: A private citizen states that proposed rule notes that while no tribal set-aside was requested this year, there is no process for a tribe to petition mid-season if unforeseen cultural or subsistence needs arise. The citizen urges NMFS to include language allowing federally recognized tribes to petition by a specified date—or upon demonstrated need—and to commit to evaluating and reallocating up to a defined percentage of the remaining ACT/ACL to meet tribal requirements.

Response: Amendment 9 to the CPS FMP established, among other things, a framework by which Indian fishing rights are implemented according to treaties between the United States and the tribes. Treaties between the United States and numerous Pacific Northwest Indian tribes reserve to these tribes the right of taking fish at usual and accustomed grounds and stations (''U&A grounds'') in common with all citizens of the United States. The resulting Pacific Coast Treaty Indian Rights were developed for the four tribes recognized as having U&A grounds in the marine areas managed by the CPS FMP, and are codified in coastal pelagic fisheries regulations at 50 CFR 660.518, and changes to those regulations—including developing a process for tribes to request a mid-season set-aside—are beyond the scope of this rulemaking.

Comment 4: A private citizen stated that NMFS should codify a clear allocation hierarchy for all non-directed uses of sardine (live-bait, tribal, minor-directed, CPS incidental, and non-CPS incidental) and publish real-time, sector-specific catch tallies so all users can track remaining allocations. The citizen states that the rule does not establish which sector has priority when the pool is nearly exhausted, and that this ambiguity could allow incidental catch by one sector to preempt critical live-bait or tribal needs later in the season.

Response: The primary directed fishery for Pacific sardine has been closed since the 2015–2016 fishing year, as the biomass remains below the 150,000 mt CUTOFF value in the CPS FMP and the remaining fisheries—incidental, live bait, and minor directed—are authorized by the CPS FMP for minimal harvest while the primary directed fishery is closed and the stock is in a rebuilding status. Developing an allocation hierarchy for these fisheries, as recommended by the commenter, is not within the scope of this rulemaking. In addition, during the development of amendment 23 to the CPS FMP (the revised Pacific sardine rebuilding plan), NMFS analyzed historical landings of sardines by the incidental, live bait, and minor directed fisheries to determine an ACL that would allow these fisheries the flexibility to continue minimal harvest while also allowing the stock to rebuild. NMFS, in coordination with the West Coast states and communication with the Council, monitors these landings to ensure that they are not exceeded. Participants in these fisheries are represented in Council meetings where aggregated landings data in relation to the ACL are publicly available; however, these data are aggregated in such a way to protect sensitive business and other identifying information per confidentiality provisions under the MSA, and therefore may not be provided to the public on a finer scale.

Comment 5: A private citizen stated that the 15-day comment window is far too short for stakeholders to review and respond to a complex package. Small-boat operators, tribal co-managers, and coastal communities often lack in-house legal or scientific resources and deserve a full 30 days to provide meaningful feedback. Extending the comment period to at least 30 days will ensure all affected parties can engage fully and help NMFS finalize a more robust and defensible rule.

Response: As stated in the proposed rule, the establishment of the annual reference points for Pacific sardine is considered a routine action because they are calculated annually based on the framework control rules in the CPS FMP. Annual harvest specifications and management measures for Pacific sardine are based on an annual stock assessment, which is usually finalized in early spring and reviewed by the Council and its advisory bodies during the Council's regularly-scheduled meeting in April. NMFS received the recommendations from the Council that form the basis for this rule following the Council's April 2025 meeting. The Council provided an opportunity for public comment at that meeting, as it does every year before adopting the recommended harvest specifications and management measures for the proceeding fishing year. The Council's advisory bodies, which provided recommendations that were adopted by the Council for both the Pacific sardine rebuilding plan and these harvest specifications, comprise the affected stakeholders and representatives thereof.

Classification

Pursuant to section 304(b)(1)(A) of the MSA, the NMFS Assistant Administrator has determined that this final rule is consistent with the CPS FMP, other provisions of the MSA, and other applicable law.

This final rule is exempt from review under Executive Order 12866. This final rule is not an Executive Order 14192 regulatory action.

NMFS finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in the date of effectiveness of these final harvest specifications for the 2025–2026 Pacific sardine fishing season. In accordance with the FMP, this rule was recommended by the Council at its meeting in April 2025. The contents of this rule are based on the best scientific information available on the population status of Pacific sardine, which became available at that April 2025 meeting. Making these final specifications effective immediately is

necessary for the conservation and management of the Pacific sardine resource because last year's restrictions on harvest ended on June 30, 2025. The FMP requires a prohibition on primary directed fishing for Pacific sardine for the 2025–2026 fishing year because the sardine biomass has dropped below the CUTOFF. The purpose of the CUTOFF in the FMP, and for prohibiting a primary directed fishery when the biomass drops below this level, is to protect the stock when biomass is low and provide a buffer of spawning stock that is protected from fishing and can contribute to rebuilding the stock. Without effective specifications, there is no prohibition on primary directed fishing, no regulations on catch, and a significant amount of sardine could theoretically be caught in a short period.

Delaying the effective date of this rule is contrary to the public interest because it would jeopardize the sustainability of the Pacific sardine stock and affected minor fisheries. Furthermore, most affected fishermen have already been operating under a prohibition of the primary directed fishery for years, and are aware that the Council recommended that primary directed commercial fishing be prohibited again for the 2025–2026 fishing year, and are fully prepared to comply with the prohibition.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities for the purposes of the Regulatory Flexibility Act. The factual basis for the certification was published in the proposed rule (90 FR 27273, June 26, 2025) and is not repeated here. As a result, a final regulatory flexibility analysis was not required and none was prepared.

A Tribal summary impact statement under section (5)(b)(2)(B) and section (5)(c)(2)(B) of E.O. 13175 was not required for this final rule because this action does not impose substantial direct compliance costs on Indian Tribal Governments and this action does not preempt Tribal law. A Tribal summary impact statement has therefore not been prepared.

This action does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act. There are no relevant Federal rules that may duplicate, overlap, or conflict with the proposed action.

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

Dated: September 10, 2025.

Samuel D. Rauch III,

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

[FR Doc. 2025–17848 Filed 9–15–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 250312–0037; RTID 0648–XF004]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western 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 ocean perch in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2025 total allowable catch of Pacific ocean perch in the Western Regulatory Area of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), September 12, 2025, through 2400 hours, A.l.t., December 31, 2025.

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

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

The 2025 total allowable catch (TAC) of Pacific ocean perch in the Western Regulatory Area of the GOA is 1,753 metric tons (mt) as established by the final 2025 and 2026 harvest specifications for groundfish of the GOA (90 FR 12468, March 18, 2025).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator) has determined that the 2025 TAC of Pacific ocean perch in the Western Regulatory Area of the GOA will be or has been reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 1,623 mt, and is setting aside the remaining 130 mt as incidental catch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will be or has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific ocean perch in the Western Regulatory Area of the GOA to prevent exceeding the Pacific ocean perch TAC in the Western Regulatory Area of the GOA.

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

Classification

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

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion, and would delay the closure of directed fishing of Pacific ocean perch in the Western Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data on catch of Pacific ocean perch in the Western Regulatory Area of the GOA only became available as of September 11, 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: September 12, 2025.

Kelly Denit,

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

[FR Doc. 2025–17867 Filed 9–12–25; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 90, No. 177
Tuesday, September 16, 2025

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–2547; Project Identifier MCAI–2025–00242–T]

RIN 2120–AA64

Airworthiness Directives; Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. This proposed AD was prompted by a report that, during a quality check in production, it was found that some of the tie rods supporting the overhead stowage compartments in the passenger cabin did not have enough thread engagement of the turnbuckle into the tie rod. This proposed AD would require an inspection for proper thread engagement of the tie rods and, if necessary, adjustment of the tie rod engagement. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by October 31, 2025.

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

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

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–2547; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Transport Canada material identified in this proposed AD, contact Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email *TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca.* You may find this material on the Transport Canada website at *tc.canada.ca/en/aviation.* It is also available at *regulations.gov* under Docket No. FAA–2025–2547.
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

FOR FURTHER INFORMATION CONTACT: Camille Seay, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 817–222–5149; email: *camille.l.seay@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under the **ADDRESSES** section. Include ''Docket No. FAA–2025–2547; Project Identifier MCAI–2025–00242–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *regulations.gov*, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Camille Seay, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 817–222–5149; email: *camille.l.seay@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

Transport Canada, which is the aviation authority for Canada, has issued Transport Canada AD CF–2025–11, dated March 3, 2025 (Transport Canada AD CF–2025–11) (also referred to as the MCAI), to correct an unsafe condition for certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. The MCAI states that during a quality check in production, it was found that some of the tie rods supporting the overhead stowage compartments in the passenger cabin did not have enough thread engagement of the turnbuckle into the tie rod. Further investigation of this deficiency determined that all overhead stowage compartments in the passenger cabin have the potential to be affected by this deficiency. The affected tie rods support the overhead stowage

compartments during an emergency landing and if the tie rods become disengaged, the overhead stowage compartments have the potential of impacting occupants of the passenger cabin, resulting in serious injuries and possibly impeding passenger and crew egress during emergency evacuation.

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

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–2547.

Material Incorporated by Reference Under 1 CFR Part 51

Transport Canada AD CF–2025–11 specifies procedures for inspecting for proper thread engagement of the affected tie rods, and if the thread engagement is inadequate, adjustment of the tie rod engagement. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

These products have been approved by the civil aviation authority of another country and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, that authority has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in Transport Canada AD CF–2025–11 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate Transport Canada AD CF–2025–11 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with Transport Canada AD CF–2025–11 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Material required by Transport Canada AD CF–2025–11 for compliance will be available at *regulations.gov* under Docket No. FAA–2025–2547 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 80 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
12 work-hours × $85 per hour = $1,020	None	$1,020	$81,600

The FAA estimates the following costs to do any necessary on-condition action that would be required based on the results of any required actions. The FAA has no way of determining the number of aircraft that might need this on-condition action:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
1 work-hour × $85 per hour = $85	None	$85

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.): Docket No. FAA–2025–2547; Project Identifier MCAI–2025–00242–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by October 31, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Canada Limited Partnership (Type Certificate previously held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Model BD–500–1A10 and BD–500–1A11 airplanes, certificated in any category, as identified in Transport Canada AD CF–2025–11, dated March 3, 2025 (Transport Canada AD CF–2025–11).

(d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/Furnishings.

(e) Unsafe Condition

This AD was prompted by a report that, during a quality check in production, it was found that some of the tie rods supporting the overhead stowage compartments in the passenger cabin did not have enough thread engagement of the turnbuckle into the tie rod. The FAA is issuing this AD to address affected tie rods that could disengage during an emergency landing. The unsafe condition, if not addressed, could result in the overhead stowage compartments impacting occupants of the passenger cabin, resulting in serious injuries and possibly impeding passenger and crew egress during emergency evacuation.

(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, Transport Canada AD CF–2025–11.

(h) Exceptions to Transport Canada AD CF–2025–11

(1) Where Transport Canada AD CF–2025–11 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where Transport Canada AD CF–2025–11 specifies a compliance time of 48 months for all actions, this AD requires doing all applicable tie rod engagement adjustments before further flight after the inspection.

(i) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, AIR–520, Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the 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 Transport Canada; or Airbus Canada Limited Partnership's Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraph (i)(2) of this AD, if any material contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(j) Additional Information

For more information about this AD, contact Camille Seay, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 817–222–5149; email: *camille.l.seay@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) Transport Canada AD CF–2025–11, dated March 3, 2025.

(ii) [Reserved]

(3) For Transport Canada material identified in this AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email *TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca.* You may find this material on the Transport Canada website at *tc.canada.ca/en/aviation.*

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

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

Issued on September 12, 2025.

Peter A. White,

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

[FR Doc. 2025–17889 Filed 9–15–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2025–0563]

RIN 1625–AA08

Special Local Regulation; Ohio River, Cincinnati, OH

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a temporary special local regulation on the Ohio River between mile marker (MM) 466 to 475, and on the Licking River between MM 0.0 to 0.3. This action is necessary to provide for the safety of life on these navigable waters near Cincinnati, OH during America's River Roots event from October 8, 2025, through October 13, 2025. This proposed rulemaking would prohibit persons and vessels from being in the regulated area unless authorized by the Captain of the Sector Ohio Valley or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before September 22, 2025.

ADDRESSES: You may submit comments identified by docket number USCG–2025–0563 using the Federal Decision-Making Portal 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 Petty Officer Jean Jimenez Sosa at Marine Safety Detachment Cincinnati, U.S. Coast Guard; telephone 513–921–9033, email *MSDCincinnati@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

An organization notified the Coast Guard that it will be conducting a marine event from 6 a.m. on October 8, 2025, through 3 a.m. on October 13, 2025. The marine event is a national celebration of the culture of America's river cities. The event will include boat races, parades, cruises and fireworks on the Ohio River from MM 466 to MM 475, mid-channel near Cincinnati, OH. Non-participating vessels will be able to transit the area when the river is reopened after each race, parade, cruise and fireworks display.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters within MM 466 to MM 475 of the Ohio River and MM 0.0 to 0.3 of the Licking River before, during, and after the scheduled event. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70041.

III. Discussion of Proposed Rule

The COTP is proposing to establish a special local regulation from 6 a.m. on October 8, 2025, through 3 a.m. on October 13, 2025. The special local regulation would cover all navigable waters within MM 466 to MM 475 of the Ohio River and MM 0.0 to 0.3 of the Licking River. No vessel shall anchor, block, loiter in, or impede the through transit of participants or official patrol vessels in the regulated area during effective dates and times, unless cleared for such entry by or through an official patrol vessel. The COTP will provide advanced notice of the specific dates and times during which these regulations will be enforced within the regulated area. The 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 regulated area may be small entities, for the reasons stated below, this proposed rule would not have a significant economic impact on any vessel owner or operator. Vessel traffic would be able to safely transit trough the regulated area which would impact a small, designated area of the Ohio River only for the duration of each race, parade, cruise and fireworks launch. The vessel traffic in the area is normally low especially during evening hours. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone. 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.

B. 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).

C. 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.

D. 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.

E. 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 involves a special local regulation lasting 5 days that would prohibit entry into MM 466 to MM 475 of the Ohio River and MM 0.0 to 0.3 of the Licking River for the duration of each race, parade, cruise and fireworks. Normally such actions are categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Memorandum for the Record 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 Document Management System at *https://www.regulations.gov.* To do so, go to *https://www.regulations.gov,* type USCG–2025–0563 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 100

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 46 U.S.C. 70041; 33 CFR 1.05–1.

■ 2. Add § 100.T899–0563 to read as follows:

§ 100.T899–0563 Special Local Regulation; Ohio River, Cincinnati, OH.

(a) *Regulated area.* The regulations in this section apply to the following area: All navigable waters of the Ohio River extending from mile marker 466 to 475 and mile marker 0.0 to 0.3 of the Licking River in Cincinnati, OH.

(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 Captain of the Port Sector Ohio Valley (COTP) in the enforcement of the regulations in this section.

Participant means all persons and vessels registered with the event sponsor as participants in the event.

(c) *Regulations.* (1) All non-participants are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area described in paragraph (a) of this section unless authorized by the Captain of the Port Sector Ohio Valley or their designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative on VFH–FM radio channel 16 or phone at 1–800–253–7465. Those in the regulated area must transit at no wake speed and comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(3) When hailed and/or signaled by an official patrol vessel, a spectator shall come to an immediate stop. Vessels shall comply with all directions given; failure to do so may result in citation.

(4) The Patrol Commander is empowered to forbid and control the movement of all vessels in the regulated area. The Patrol Commander may terminate the event at any time it is deemed necessary for the protection of life and/or property and can be reached on VHF–FM Channel 16 by using the call sign ''PATCOM''.

(d) *Enforcement period.* This temporary special local regulation is effective from 6 a.m. on October 8, 2025, through 3 a.m. on October 13, 2025. It will only be enforced during periods when America's River Roots events are occurring in the regulated area described above. The events include fireworks displays, boat parades, boat races, and other activities. The COTP will provide advanced notice of specific enforcement dates and times through broadcast notice to mariners and by on-scene designated representatives.

R. L. Preston,

Captain, U.S. Coast Guard, Captain of the Port Sector Ohio Valley.

[FR Doc. 2025–17892 Filed 9–15–25; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 98

[EPA–HQ–OAR–2025–0186; FRL–12720–01–OAR]

RIN 2060–AW76

Reconsideration of the Greenhouse Gas Reporting Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is proposing to amend the Greenhouse Gas Reporting Program (GHGRP) to remove program obligations for most source categories, including the distribution segment of the petroleum and natural gas systems source category (subpart W—Petroleum and Natural Gas Systems), and suspend program obligations for the remaining subpart W segments until reporting year 2034.

DATES:

Comments. Comments must be received on or before November 3, 2025. Comments on the information collection provisions submitted to the Office of

Management and Budget (OMB) under the Paperwork Reduction Act (PRA) are best assured of consideration by OMB if OMB receives a copy of your comments on or before October 16, 2025.

Public hearing. The EPA will conduct a virtual public hearing on October 1, 2025. See **SUPPLEMENTARY INFORMATION** for information on registering for the virtual public hearing.

ADDRESSES: You may send comments, identified by Docket Id. No. EPA–HQ–OAR–2025–0186, by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov/* (our preferred method). Follow the online instructions for submitting comments.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Office of Air and Radiation Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- *Hand Delivery or Courier:* EPA Docket Center, William Jefferson Clinton West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operations are 8:30 a.m. to 4:30 p.m., Monday–Friday (except Federal Holidays).

Instructions: All submissions received must include the Docket Id. No. for this proposed rule. Comments received may be posted without change to *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.

The virtual hearing will be held using an online meeting platform, and the EPA will provide information on its website (*www.epa.gov/ghgreporting*) regarding how to register and access the hearing. Refer to the **SUPPLEMENTARY INFORMATION** section for additional information.

FOR FURTHER INFORMATION CONTACT: Jennifer Bohman, Greenhouse Gas Reporting Branch, Climate Change Division, Office of Atmospheric Protection (MC–6207A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 343–9548; email address: *GHGReporting@epa.gov.*

SUPPLEMENTARY INFORMATION:

Written comments. Submit your comments, identified by Docket Id. No. EPA–HQ–OAR–2025–0186, at *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. The EPA may publish any comment received to its public docket. Do not submit to the EPA's docket at *www.regulations.gov* any information you consider to be confidential business information (CBI), proprietary business information (PBI), or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). Please visit *www.epa.gov/dockets/commenting-epa-dockets* for additional submission methods; the full EPA public comment policy; information about CBI, PBI, or multimedia submissions; and general guidance on making effective comments.

Participation in virtual public hearing. The virtual public hearing will be held on October 1, 2025. The hearing will convene at 8:00 a.m. Eastern Time (ET) and will conclude at 6:00 p.m. ET. The EPA may close the hearing 15 minutes after the last pre-registered speaker has testified if there are no additional speakers. The EPA will provide further information about the hearing on its website at: *www.epa.gov/ghgreporting.*

The EPA will begin pre-registering speakers for the hearing no later than October 1, 2025. To register to speak at the virtual hearing, please use the online registration form available at *www.epa.gov/ghgreporting* or contact us by email at *GHGReporting@epa.gov.* The last day to pre-register to speak at the hearing will be September 29, 2025. On September 30, 2025, the EPA will post a general agenda that will list pre-registered speakers in approximate order at: *www.epa.gov/ghgreporting.*

The 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.

Each commenter will have 4 minutes to provide oral testimony. The EPA encourages commenters to provide the EPA with a copy of their oral testimony electronically (via email) by emailing it to *GHGReporting@epa.gov.* The EPA also recommends submitting the text of your oral testimony as written comments to the rulemaking docket.

The 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 testimony and supporting information presented at the public hearing.

Please note that any updates made to any aspect of the hearing will be posted online at *www.epa.gov/ghgreporting.* While the EPA expects the hearing to go forward as set forth above, please monitor our website or contact us by email at *GHGReporting@epa.gov* to determine if there are any updates. The EPA does not intend to publish a document in the **Federal Register** announcing updates.

If you require the services of an interpreter or special accommodation such as audio description, please pre-register for the hearing with the public hearing team and describe your needs by September 23, 2025. The EPA may not be able to arrange accommodations without advanced notice.

Regulated entities. This is a proposed regulation. If finalized, these proposed revisions would affect entities that submit annual greenhouse gas (GHG) reports pursuant to the GHGRP (40 CFR part 98). Entities that would be affected by this action are owners or operators of facilities that are direct emitters or suppliers of GHGs or that sequester carbon dioxide (CO_2) gas underground. Regulated categories and entities include, but are not limited to, those listed in Table 1 of this preamble:

TABLE 1—EXAMPLES OF AFFECTED ENTITIES BY CATEGORY

Category	North American Industry Classification System (NAICS)	Examples of facilities that may be subject to 40 CFR part 98:
General Stationary Fuel Combustion Sources		Facilities operating boilers, process heaters, incinerators, turbines, and internal combustion engines.
	211	Extractors of crude petroleum and natural gas.

TABLE 1—EXAMPLES OF AFFECTED ENTITIES BY CATEGORY—Continued

Category	North American Industry Classification System (NAICS)	Examples of facilities that may be subject to 40 CFR part 98:
	321	Manufacturers of lumber and wood products.
	322	Pulp and paper mills.
	325	Chemical manufacturers.
	324	Petroleum refineries, and manufacturers of coal products.
	316, 326, 339	Manufacturers of rubber and miscellaneous plastic products.
	331	Steel works, blast furnaces.
	332	Electroplating, plating, polishing, anodizing, and coloring.
	336	Manufacturers of motor vehicle parts and accessories.
	221	Electric, gas, and sanitary services.
	622	Health services.
	611	Educational services.
Electric Power Generation	2211	Generation facilities that produce electric energy.
Adipic Acid Production	325199	All other basic organic chemical manufacturing: Adipic acid manufacturing.
Aluminum Production	331313	Primary aluminum production facilities.
Ammonia Manufacturing	325311	Anhydrous ammonia manufacturing facilities.
Calcium Carbide Production	325180	Other basic inorganic chemical manufacturing: calcium carbide manufacturing.
Carbon Dioxide Enhanced Oil Recovery Projects	211120	Oil and gas extraction projects using carbon dioxide enhanced oil recovery.
Caprolactam, Glyoxal, and Glyoxylic Acid Production	325199	All other basic organic chemical manufacturing.
Cement Production	327310	Cement manufacturing.
Ceramics Manufacturing	327110	Pottery, ceramics, and plumbing fixture manufacturing.
	327120	Clay building material and refractories manufacturing.
Coke Calcining	299901	Coke; coke, petroleum; coke, calcined petroleum.
Electronics Manufacturing	334111	Microcomputers manufacturing facilities.
	334413	Semiconductor, photovoltaic (PV) (solid-state) device manufacturing facilities.
	334419	Liquid crystal display (LCD) unit screens manufacturing facilities; Micro-electro-mechanical systems (MEMS) manufacturing facilities.
Electrical Equipment Manufacture or Refurbishment	33531	Power transmission and distribution switchgear and specialty transformers manufacturing facilities.
Electricity generation units that report through 40 CFR part 75	221112	Electric power generation, fossil fuel (*e.g.,* coal, oil, gas).
Electrical Equipment Use	221121	Electric bulk power transmission and control facilities.
Electrical transmission and distribution equipment manufacture or refurbishment.	33361	Engine, Turbine, and Power Transmission Equipment Manufacturing.
Ferroalloy Production	331110	Ferroalloys manufacturing.
Fluorinated Greenhouse Gas Production	325120	Industrial gases manufacturing facilities.
Geologic Sequestration	NA	CO_2 geologic sequestration sites.
Glass Production	327211	Flat glass manufacturing facilities.
	327213	Glass container manufacturing facilities.
	327212	Other pressed and blown glass and glassware manufacturing facilities.
Hydrochlorofluorocarbon (HCFC)-22 Production	325120	Industrial gas manufacturing: HCFC gases manufacturing.
Hydrofluorocarbon (HFC)-23 destruction processes that are not collocated with a HCFC–22 production facility and that destroy more than 2.14 metric tons of HFC–23 per year.	325120	Industrial gas manufacturing: HFC gases manufacturing.
Hydrogen Production	325120	Hydrogen manufacturing facilities.
Industrial Waste Landfill	562212	Solid waste landfill.
Industrial Wastewater Treatment	221310	Water treatment plants.
Injection of Carbon Dioxide	211	Oil and gas extraction.
Iron and Steel Production	333110	Integrated iron and steel mills, steel companies, sinter plants, blast furnaces, basic oxygen process furnace (BOPF) shops.
Lead Production	331	Primary metal manufacturing.
Lime Manufacturing	327410	Lime production.
Magnesium Production	331410	Nonferrous metal (except aluminum) smelting and refining: Magnesium refining, primary.
Nitric Acid Production	325311	Nitrogenous fertilizer manufacturing: Nitric acid manufacturing.
Petroleum and Natural Gas Systems	486210	Pipeline transportation of natural gas.
	221210	Natural gas distribution facilities.
	211120	Crude petroleum extraction.
	211130	Natural gas extraction.
Petrochemical Production	324110	Petrochemicals made in petroleum refineries.
Petroleum Refineries	324110	Petroleum refineries.
Phosphoric Acid Production	325312	Phosphatic fertilizer manufacturing.
Pulp and Paper Manufacturing	322110	Pulp mills.
	322120	Paper mills.
	322130	Paperboard mills.
Miscellaneous Uses of Carbonate	Facilities included elsewhere.	
Municipal Solid Waste Landfills	562212	Solid waste landfills.
	221320	Sewage treatment facilities.
Silicon Carbide Production	327910	Silicon carbide abrasives manufacturing.
Soda Ash Production	325180	Other basic inorganic chemical manufacturing: Soda ash manufacturing.
Suppliers of Carbon Dioxide	325120	Industrial gas manufacturing facilities.
Suppliers of Industrial Greenhouse Gases	325120	Industrial greenhouse gas manufacturing facilities.
Suppliers of Coal-based Liquid Fuels	211130	Coal liquefaction at mine sites.

TABLE 1—EXAMPLES OF AFFECTED ENTITIES BY CATEGORY—Continued

Category	North American Industry Classification System (NAICS)	Examples of facilities that may be subject to 40 CFR part 98:
	221210	Natural gas distribution facilities.
Suppliers of Natural Gas and Natural Gas Liquids	211112	Natural gas liquid extraction facilities.
Suppliers of Petroleum Products	324110	Petroleum refineries.
Titanium Dioxide Production	325180	Other basic inorganic chemical manufacturing: Titanium dioxide manufacturing.
Underground Coal Mines	212115	Underground coal mining.
Zinc Production	331410	Nonferrous metal (except aluminum) smelting and refining: Zinc refining, primary.
Importers and Exporters of Pre-charged Equipment and Closed-Cell Foams.	423730	Air-conditioning equipment (except room units) merchant wholesalers.
	333415	Air-conditioning equipment (except motor vehicle) manufacturing.
	423620	Air-conditioners, room, merchant wholesalers.
	449210	Electronics and Appliance retailers.
	326150	Polyurethane foam products manufacturing.
	335313	Circuit breakers, power, manufacturing.
	423610	Circuit breakers and related equipment merchant wholesalers.

Table 1 of this preamble is not intended to be exhaustive but rather provides a guide for readers regarding entities likely affected by this proposed action. This table lists the types of entities that the EPA is now aware could potentially be affected by this action. Other types of entities than those listed in the table could also be subject to reporting requirements. Many entities that are affected by 40 CFR part 98 have GHG emissions from multiple source categories listed in Table 1 of this preamble. If you have questions regarding the applicability of this action to a particular facility, consult the **FOR FURTHER INFORMATION CONTACT** section.

Acronyms and Abbreviations. The following acronyms and abbreviations are used in this document.

BAMM best available monitoring methods
CAA Clean Air Act
CBI confidential business information
CEMS continuous emissions monitoring systems
CFR Code of Federal Regulations
CH_4 methane
CO_2 carbon dioxide
e-GGRT electronic Greenhouse Gas Reporting Tool
EPA U.S. Environmental Protection Agency
ET Eastern time
E.O. Executive Order
FR Federal Register
GHG greenhouse gas
GHGRP Greenhouse Gas Reporting Program
HCFC hydrochlorofluorocarbon
HFC hydrofluorocarbon
ICR information collection request
IRC Internal Revenue Code
IRS Internal Revenue Service
LCD liquid crystal display
LNG liquified natural gas
MECS Manufacturing Energy Consumption Survey
MEMS micro-electro-mechanical systems
MSW municipal solid waste
mmBTU million British thermal units
$MTCO_2e$ metric tons of CO_2 equivalent
MSW municipal solid waste
N_2O nitrous oxide
NAICS North American Industry Classification System
NSPS new source performance standards
NWRA National Waste and Recycling Association
OAR Office of Air and Radiation
OMB Office of Management and Budget
PBI proprietary business information
PV photovoltaic
RFA Regulatory Flexibility Act
SF_6 sulfur hexafluoride
U.S. United States
UMRA Unfunded Mandates Reform Act of 1995

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I. Background

A. How is this preamble organized?

Section I of this preamble contains background information on the origins and evolution of the GHGRP as well as the drivers for the EPA's reconsideration of this program. This section also discusses the EPA's legal authority under the Clean Air Act (CAA) to promulgate amendments to the program. Section II of this preamble describes the EPA's reconsideration of the GHGRP and the proposed amendments, including the specific revisions that the EPA is proposing for the general provisions of the program to implement the proposed amendments. Section III of this preamble describes the potential impacts of the proposed amendments. Finally, section IV of this preamble describes the statutory and executive order requirements applicable to this action.

B. Executive Summary

President Trump signed Executive Order (E.O.) 14154 titled, ''Unleashing American Energy,'' on January 20, 2025, and E.O. 14192 titled, ''Unleashing Prosperity Through Deregulation,'' on January 31, 2025. In response to these E.O.s, the EPA is reconsidering significant elements of the GHGRP. In this action, the EPA is proposing to eliminate GHG reporting requirements for all source categories under 40 CFR part 98 (hereafter referred to as ''Part 98'') except for Petroleum and Natural Gas Systems (subpart W of Part 98). In addition, the EPA is proposing to suspend subpart W reporting requirements until January 1, 2034, and remove reporting requirements for the Natural Gas Distribution industry

segment, consistent with CAA section 136, as revised in Public Law 119–21.[1] If this rule is finalized as proposed, there would be no reporting obligations under subpart W for reporting years prior to 2034; beginning January 1, 2034, all subpart W segments, except Natural Gas Distribution, would again be subject to program requirements. For the last 15 years, the EPA has collected data from GHGRP sources under CAA section 114 authority (42 U.S.C. 7414). CAA section 114, which provides the EPA with the authority to collect information, limits the authority of the EPA Administrator or authorized representative related to the following purposes: (A) developing or assisting: (1) implementation plans under CAA section 110 or section 111(d); (2) any standard of performance under CAA section 111; (3) any emission standard under CAA section 112; or (4) any regulation under CAA section 129; (B) determining whether a person is in violation of any standard or requirement of a plan; and (C) carrying out any provision (other than Title II with respect to a manufacturer of new motor vehicles or engines) of the CAA. For many of these sources, the EPA has provided no clear intention to use the information collected for that industry under the CAA, unlike all other information collection requests issued by the EPA under the CAA. To note, throughout the years, the EPA relied on other resources not appropriated specifically for that purpose to promulgate multiple additional rules [2] related to the GHGRP. In 2022, CAA section 136 (42 U.S.C. 7436) established the Methane Emissions Reduction Program and required the EPA to impose and collect a waste emissions charge beginning with calendar year 2024 emission data from facilities in all segments of the petroleum and natural gas systems sector reported under subpart W except from the Natural Gas Distribution industry segment. On July 4, 2025, Congress amended CAA section 136(g) to amend the period under which a waste emissions charge is imposed and collected to begin with emissions reported for calendar year 2034 and later. Following the EPA's evaluation of the program, the EPA has determined that there is no statutory requirement to collect GHG emissions information for sectors other than the subpart W segments subject to the waste emissions charge (all of the subpart W segments except distribution, starting in 2034). In addition, the EPA has determined that the program imposes significant cost on the regulated community and eliminating the collection of these data would minimize the burdens of reporting and recordkeeping, consistent with the Paperwork Reduction Act.[3] Therefore, the EPA is proposing to remove all GHG reporting requirements for non-subpart W sectors and the Natural Gas Distribution industry segment of subpart W and to suspend all GHG reporting requirements until reporting year (RY) 2034 for the remaining subpart W segments. Thus, most companies would not need to submit reports in the future, and subpart W facilities would not need to submit reports for reporting years again until RY2034. This proposal does not prevent private companies from continuing to collect information on GHGs independently. Additionally, any other Federal, state or local agencies or Tribes that may rely on the publicly available GHGRP data [4] could utilize other more efficient and potentially more accurate methods for collecting the necessary information that are utilized throughout other parts of the Federal government (*e.g.,* voluntary consensus standards).

The EPA is proposing to make limited revisions to the subpart W regulations in this action, primarily to ensure consistency with the recent amendment to CAA section 136. Specifically, the EPA is proposing to suspend the subpart W reporting requirements until RY2034. Although reporting for subpart W is specifically required under CAA section 136, reporting is not needed for the Natural Gas Distribution industry segment of subpart W and reporting is not needed for the remaining subpart W industry segments until 2034. The EPA intends to issue a proposal addressing petitions for reconsideration of subpart W in a separate action.

C. Background on This Proposed Rule

The Fiscal Year (FY) 2008 Consolidated Appropriations Act authorized funding for and directed the EPA to ''develop and publish a . . . [rule] to require mandatory reporting of GHG emissions above appropriate thresholds in all sectors of the economy of the United States.'' Consolidated Appropriations Act, 2008, Public Law 110–161, 121 Stat 1844, 2128 (2008).[5] In response to this direction, the EPA issued the Mandatary Reporting of Greenhouse Gases Rule (74 FR 56260; October 30, 2009, hereafter referred to as ''2009 Final Rule'') one month after the end of Fiscal Year 2009. While the FY 2008 Consolidated Appropriations Act provided funding, the EPA cited its authority to develop the 2009 Final Rule under the authority provided to the Agency by CAA section 114. The 2009 Final Rule required reporting of GHG emissions by certain facilities (generally facilities emitting at least 25,000 metric tons of carbon dioxide equivalent ($MTCO_2e$)) from across all sectors of the economy, including fossil fuel suppliers, industrial greenhouse gas suppliers, and direct greenhouse gas emitters. The EPA subsequently published numerous revisions to the GHGRP, eventually expanding the program to forty-seven source categories, for many of which the Agency has never clearly intended to develop regulations for that industry.[6] [7] In 2022, Congress amended the CAA by adding section 136, ''Methane Emissions and Waste Reduction Incentive Program for Petroleum and Natural Gas Systems.'' Among other things, CAA section 136(c)–(g) required

[1] See *https://www.govinfo.gov/app/details/BILLS-119hr1eh.*

[2] See: 75 FR 39736 (July 12, 2010); 75 FR 57669 (September 22, 2010); 75 FR 66434 (October 28, 2010); 75 FR 74458 (November 30, 2010); 75 FR 74774 (December 1, 2010); 75 FR 75060 (December 1, 2010); 75 FR 79092 (December 17, 2010); 75 FR 81338 (December 27, 2010); 76 FR 14812 (March 18, 2011); 76 FR 22825 (April 25, 2011); 76 FR 30782 (May 26, 2011); 76 FR 36339 (June 22, 2011); 76 FR 53057 (August 25, 2011); 76 FR 59533 (September 27, 2011); 76 FR 59542 (September 27, 2011); 76 FR 73866 (November 29, 2011); 76 FR 80554 (December 23, 2011); 77 FR 10373 (February 22, 2012); 77 FR 48072 (August 13, 2012); 77 FR 51477 (August 24, 2012); 78 FR 25392 (May 1, 2013); 78 FR 68162 (November 13, 2013); 78 FR 71904 (November 29, 2013); 79 FR 63750 (October 24, 2014); 79 FR 70352 (November 25, 2014); 79 FR 73750 (December 11, 2014); 80 FR 64262 (October 22, 2015); 81 FR 86490 (November 30, 2016); 81 FR 89188 (December 9, 2016); 89 FR 31802 (April 25, 2024).

[3] *See, e.g.,* PRA implementing regulations at 5 CFR 1320.1.

[4] See *https://ghgdata.epa.gov.*

[5] Direction was included the following year in the Omnibus Appropriations Act of 2009 that ''Of the funds provided in the Environmental Programs and Management Account, not less than $6,500,000 shall be used for activities to develop and publish a final rule not later than June 26, 2009, and to begin implementation, to require mandatory reporting of greenhouse gas emissions above appropriate thresholds in all sectors of the economy of the United States, as required by Public Law 110–161.'' Public Law 111–8.

[6] See 75 FR 39736 (July 12, 2010), 75 FR 74458 (November 30, 2010), 75 FR 74774 (December 1, 2010), 75 FR 75060 (December 1, 2010) and 89 FR 31802 (April 25, 2024).

[7] Although the 2009 Final Rule established Manure Management (subpart JJ of Part 98) as a source category, the EPA has never collected information from this source category. Congress has included direction in appropriations that specified that appropriated funds could not be used for this purpose. For example, the 2024 Consolidated Appropriations Act stated that ''notwithstanding any other provision of law, none of the funds made available in this or any other Act may be used to implement any provision in a rule, if that provision requires mandatory reporting of greenhouse gas emissions from manure management systems.'' *www.congress.gov/bill/118th-congress/house-bill/4366/text.*

the EPA to impose and collect a waste emissions charge on methane emissions that exceeded specified thresholds from applicable facilities that reported more than 25,000 $MTCO_2e$ of greenhouse gases under subpart W (Petroleum and Natural Gas Systems). Applicable facilities, as defined in CAA section 136(d), include facilities in the following segments: Offshore petroleum and natural gas production; Onshore petroleum and natural gas production; Onshore natural gas processing; Onshore natural gas transmission compression; Underground natural gas storage; Liquified Natural Gas (LNG) storage; LNG import and export equipment; and Onshore petroleum and natural gas gathering and boosting. Notably, Congress excluded the Natural Gas Distribution segment from the waste emissions charge. CAA section 136(h) further required the EPA to revise the petroleum and natural gas systems (subpart W) source category of the GHGRP to ensure the reporting and calculation of charges is based on empirical data and reflects total methane emissions and waste emissions from covered facilities. The EPA subsequently issued a ''Greenhouse Gas Reporting Rule: Revisions and Confidentiality Determinations for Petroleum and Natural Gas Systems'' rule that amended subpart W to address potential gaps in reporting of emissions data and to add new emissions calculation methodologies or improve existing emissions calculation methodologies to ensure the reporting under subpart W is based on empirical data and reflects total methane emissions from applicable facilities, consistent with the directives of CAA section 136(h) (89 FR 42062; May 14, 2024, hereafter referred to as ''May 2024 Final Rule'').[8] On July 4, 2025, Congress amended CAA section 136(g) to amend the period under which a waste emissions charge is imposed and collected, to begin with emissions reported for calendar year 2034 and later.

The GHGRP applies to certain industrial facilities that emit GHGs (primarily facilities emitting at least 25,000 $MTCO_2e$), upstream suppliers of fossil fuels and industrial GHGs (such as CO_2 and HFCs), and industries that capture and sequester CO_2 as a means of reducing CO_2 emissions. Approximately 8,200 facilities, suppliers, and CO_2 injection sites submit data each year. In the most recent Information Collection Request (ICR), the EPA conservatively estimated that the annual burden of this effort on the regulated community to be $303 million annually,[9] including the estimated burden on the oil and natural gas sector.

D. Legal Authority

The EPA is proposing to remove regulatory obligations going forward for all non-subpart W sectors and the Natural Gas Distribution industry segment of subpart W (Petroleum and Natural Gas Systems), and to suspend reporting for the remainder of subpart W until RY2034. These regulatory obligations were previously imposed under CAA section 114, which forms the basis of the GHGRP for most industry segments except subpart W starting in RY2034 under CAA section 136.[10] The authority for this proposed action is CAA section 114 and the Agency's implied authority to reconsider prior actions taken under a grant of statutory authority.[11] CAA section 114(a)(1) authorizes the Administrator to require emissions sources, persons subject to the CAA, or persons whom the Administrator believes may have necessary information to monitor and report emissions and provide such other information the Administrator requests for the purposes of carrying out any provision of the CAA; however, there are limits to this authority.

The Agency ''may'' require the information ''[f]or the purpose'' of (i) developing an enumerated set of implementation plans, standards, and regulations; (ii) determining whether any person is in violation of such plans and standards; or (iii) carrying out any provision of the CAA other than a provision of Title II.[12] Relatedly, the entities targeted by the reporting requirement must, in the belief of the Administrator, ''have information necessary for the purposes set forth in this subsection.'' [13]

Regarding subpart W, CAA section 136 (c)–(g) required the EPA to impose and collect a waste emissions charge on methane emissions that exceeded specified thresholds from applicable facilities that reported more than 25,000 $MTCO_2e$ of greenhouse gases under subpart W. CAA section 136(h) further required the EPA to revise the petroleum and natural gas systems (subpart W) source category of the GHGRP to ensure the reporting and calculation of charges is based on empirical data and reflects total methane emissions and waste emissions from covered facilities. The May 2024 Final Rule amended subpart W to address CAA section 136 obligations, including addressing potential gaps in reporting of emissions data and to add new emissions calculation methodologies or improve existing emissions calculation methodologies consistent with the directives of CAA section 136(h). On July 4, 2025, Congress amended CAA section 136(g) to amend the period under which a waste emissions charge is imposed and collected to begin with emissions reported for calendar year 2034 and later.

The EPA proposes to conclude that the EPA does not have the authority to collect GHGRP data under CAA section 114(a)(1) for those sectors not subject to CAA section 136, including the Natural Gas Distribution segment of subpart W, because the reporting requirements do not serve an underlying statutory purpose. The EPA also proposes to conclude that the EPA does not have the authority to collect GHGRP data under CAA section 114(a)(1) or CAA section 136 for those subpart W sectors subject to CAA section 136 until RY2034, as reporting under subpart W is not statutorily required under CAA section 136 until RY2034. The EPA notes that CAA section 114(a)(1) authorizes the collection of information ''on a one-time, periodic or continuous basis,'' but believes that the statute is best read to require a closer nexus between continuous reporting obligations and an underlying statutory purpose, particularly given the Agency's obligation to take the cost of information collection and reporting into account when taking action.[14] The EPA also acknowledges that this interpretation represents a change from prior GHGRP rulemakings. Nevertheless, we believe that this interpretation is most consistent with the text of the statute

[8] *Greenhouse Gas Reporting Rule: Revisions and Confidentiality Determinations for Petroleum and Natural Gas Systems.* 40 CFR part 98; [EPA–HQ–OAR–2023–0234; FRL–10246–02–OAR]; RIN 2060–AV83.

[9] U.S. EPA ICR Greenhouse Gas Reporting Program Renewal *www.regulations.gov/document/EPA-HQ-OAR-2022-0883-0020.* The EPA estimated additional costs to regulated entities in the final rule ''Revisions and Confidentiality Determinations for Data Elements Under the Greenhouse Gas Reporting Rule'' (89 FR 31802; April 25, 2024) and ''Greenhouse Gas Reporting Rule: Revisions and Confidentiality Determinations for the Petroleum and Natural Gas Systems'' (89 FR 42062; May 14, 2024).

[10] The EPA intends to further address GHGRP subpart W in a future rulemaking.

[11] *See Clean Air Council* v. *Pruitt,* 862 F.3d 1, 8 (D.C. Cir. 2017) (''Agencies obviously have broad discretion to reconsider a regulation at any time.''); *see also FDA* v. *Wages & White Lion Invs., LLC,* 145 S. Ct. 898 (2025); *FCC* v. *Fox TV Stations, Inc.,* 556 U.S. 502 (2009); *Motor Vehicle Mfrs. Ass'n* v. *State Farm Mut. Auto. Ins. Co.,* 463 U.S. 29 (1983).

[12] CAA section 114(a).

[13] CAA section 114(a)(1).

[14] *Michigan* v. *EPA,* 576 US 743 (2015).

and supported by the Agency's experience with the GHGRP since 2011. The EPA seeks comment on this interpretation, including on any legitimate reliance on the Agency's prior interpretation of CAA section 114 and the GHGRP reporting obligations that resulted therefrom.

In the alternative, the EPA proposes to rescind the aspects of the GHGRP that rely on CAA section 114 on the basis that this authority is discretionary, and the Administrator no longer believes the information is necessary to carry out the provisions of the CAA, including relevant rulemaking and enforcement functions. It has been over 15 years since the EPA originally promulgated the GHGRP information collection requirements, and since 2011 it has not used most of the information collected to carry out other provisions under the CAA. For example, for many of these industries the information is neither necessary for developing the regulations enumerated in CAA section 114(a) nor necessary for identifying violations of relevant implementation plans or standards. Experience has shown that even if the EPA has previously utilized GHGRP data, the EPA could instead collect such information from other sources, including particularized CAA section 114 information collection requests and information submitted by states, Tribes, and local governments during the CAA section 110 implementation plan review process and collaborative enforcement efforts. The EPA's assessment is that we would have ample information possible from these other sources to carry out our statutory obligations. The EPA is aware that there are some stakeholders who have opted to rely on certain information collected through the aspects of the GHGRP that rely on CAA section 114 (see section II.A of this preamble). The EPA considered whether it would be appropriate and lawful to retain subparts of the GHGRP from which the EPA or other Federal agencies have previously utilized GHGRP data, but believes that such use has either been for purposes other than those enumerated in CAA section 114(a) (and, thus, these uses do not serve an underlying statutory purpose under the CAA) or appropriately could be addressed through collection from other sources. The EPA seeks comment on this alternative proposal to rescind the GHGRP (except for nine of the ten segments in subpart W, which we are proposing to suspend until RY2034 consistent with CAA section 136), as an exercise in discretion, including on any legitimate reliance interest that bears on the statutory purposes for which CAA section 114(a) authorizes the Agency to impose information collection and reporting obligations.

II. Proposed Amendments to 40 CFR Part 98

A. Proposed Amendments and Rationale

In accordance with the purposes of CAA section 114 and the Paperwork Reduction Act, the EPA is proposing to remove the requirements of 40 CFR part 98 for all source categories under Part 98 other than petroleum and natural gas systems and is also proposing to remove the Natural Gas Distribution industry segment from the petroleum and natural gas systems source category (subpart W—Petroleum and Natural Gas Systems). For the remaining subpart W provisions and the subpart W-related requirements of the general provisions, in accordance with the purposes of CAA sections 114 and 136 and the Paperwork Reduction Act, the EPA is also proposing to modify the years of applicability for reporting under subpart W to suspend reporting after RY2024 until RY2034.

The proposed changes would revise the general provisions to modify the applicability of the rule to remove the data collection, monitoring, recordkeeping, and reporting requirements for all existing direct emitter, supplier, and carbon sequestration source categories after RY2024, with the exception of the petroleum and natural gas source category. The proposed amendments would otherwise remove and reserve the subpart-specific applicability, definitions, thresholds, calculation methodologies, monitoring and quality assurance requirements, missing data procedures, and recordkeeping and reporting requirements for all specified direct emitter, supplier source, and carbon sequestration categories. The result of these proposed changes would be that reporting under the GHGRP would cease following RY2024, except for most subpart W sources, which would not resume reporting until RY2034. Details on the proposed revisions and subpart-specific considerations are discussed in section II.B of this document.

The EPA is proposing these revisions to Part 98 following its review of the utility of collecting GHG emissions data within the context of the CAA. As discussed in section I.C of this preamble, the Agency established the GHGRP under CAA section 114 authority and consistent with appropriations by Congress under the FY2008 Consolidated Appropriations Act to establish a rule requiring mandatory reporting of GHG emissions above appropriate thresholds ''in all sectors of the economy of the United States.'' To the extent that the Administrator believes that there is a future need for an emissions regulation that requires additional information from regulated stakeholders, the EPA can issue a new information collect request (ICR) using its CAA section 114 authority as it does for every other emissions issue within the CAA. Likewise, to the extent that the Administrator believes additional information is required to identify potential violations of the CAA and its implementing regulations, the EPA can utilize existing sources of information or issue a targeted CAA section 114 ICR.

The FY 2008 Consolidated Appropriations Act provided funds for activities to develop and publish draft and final rules, by identified dates, to require mandatory reporting of GHG emissions above appropriate thresholds in all sectors of the economy of the United States, but it did not require continuous information collection. The 2009 Omnibus Appropriations Act similarly provided only for such activities in connection with a final rule to be issued by June 26, 2009, and to begin implementation.[15] Further, in the 2009 Final Rule, the EPA explained that it relied on the authority provided under CAA section 114, not the Appropriations Act, for the implementation of the rule.[16]

As explained in section I.D of this preamble, CAA section 114(a)(1) authorizes the EPA to, among other things, require certain persons on ''a one-time, periodic, or continuous basis'' to keep records, make reports, undertake monitoring, sample emissions, or provide such other information that the Administrator believes is necessary in carrying out specified provisions of the CAA. The EPA proposes to conclude that CAA section 114 does not authorize the GHGRP as presently constituted or, in the alternative, to exercise its discretion to rescind the GHGRP, (except for most of subpart W, for which the EPA would suspend reporting until RY2034 consistent with CAA section 136), because the Administrator no

[15] Omnibus Appropriations Act, 2009; Public Law 111–8, March 11, 2009.

[16] See, *e.g.,* 74 FR 56286 (October 30, 2009): ''EPA is issuing this rule under the authority of the CAA, and indeed EPA could have issued this rule absent the direct instruction from Congress. . . Thus, we do not agree that the appropriations language limit[s] EPA's ability to collect the information under this rule, either in duration or scope of the information requested.''

longer believes the information collected under the rule is necessary to implementing relevant provisions of the CAA.

Over the life of the GHGRP, the EPA developed a reporting framework to evaluate the scope of U.S. GHG emissions, upstream supply, and sequestration and capture. This framework was developed in response to the FY 2008 Congressional provisions to collect data on GHGs from ''both upstream production and downstream sources'' [17] and ''in all sectors of the economy'' in order to collect a national data set that would be sufficiently comprehensive for use in analyzing a range of GHG policies and programs under the CAA. In the development of the 2009 Final Rule, the EPA sought to balance the emissions coverage and data needs that were required for a robust data set for policy analysis with the number of reporters (and the associated burden of reporting).

In this action, the EPA reviewed the source categories for which reporting is required under the GHGRP and considered whether ongoing data collection may continue to be useful to meet the Agency's statutory obligations (*e.g.,* for development of standards for similar source categories under the regulations enumerated in CAA section 114(a)). With limited exceptions, to date, the EPA has not proceeded with developing emissions standards that would apply to the majority of source categories reporting to the GHGRP. For example, GHGRP data from the petroleum and natural gas, municipal solid waste landfill, and carbon capture and sequestration source categories were previously analyzed to inform the development of new source performance standards (NSPS) and emission guidelines (EG) under CAA section 111 for oil and natural gas facilities (81 FR 35824; June 3, 2016), municipal solid waste landfills (81 FR 59332; August 29, 2016), and fossil-fuel fired electricity generating units (89 FR 39798; May 9, 2024); however, the EPA has not implemented standards for most additional source categories covered by the GHGRP. The EPA is not planning to develop such regulations at this time. Additionally, the information collected under the GHGRP is also not necessary nor helpful to develop such regulations or to inform development of new source performance standards under CAA section 111, given the EPA's authority to collect such information on a more targeted and relevant basis through particularized CAA section 114 ICRs and other sources of information. In other words, if GHG data are needed to inform these regulations in the future, the EPA would be able to collect more targeted and more relevant information through particularized CAA section 114 ICRs. For these reasons, the EPA has determined from its review that the information collected under the GHGRP is not necessary to carry out the relevant provisions of the CAA. The EPA is not intending to use further continuous annual collection of reported data from numerous source categories, as such continuous collection is unnecessary to inform the EPA's knowledge of these industry sectors, emissions, or trends at this time.

Additionally, throughout the years, the EPA relied on other resources not appropriated specifically for that purpose to promulgate multiple additional rules related to the GHGRP. On April 25, 2024, the EPA promulgated a rule adding greenhouse gas monitoring and reporting for five new source categories: coke calcining; ceramics manufacturing; calcium carbide production; caprolactam, glyoxal, and glyoxylic acid production; and facilities conducting geologic sequestration of carbon dioxide with enhanced oil recovery (89 FR 31802, hereafter referred to as ''April 2024 Final Rule''), without any clear plan.[18] These source categories, which were required to begin collecting data January 1, 2025, for reports for RY2025, would have provided data from less than 50 facilities in total, and we anticipate based on estimates devised from already available information that the emissions from these facilities would be a relatively small contribution to total U.S. emissions and would not significantly change our understanding of overall U.S. GHG emissions and supply. Hence, following our consideration of removing reporting obligations for similarly sized source categories (and pursuant to our review under E.O. 14154), we propose to remove data collection requirements for these entities.

In the development of this action, the EPA considered whether to retain reporting for any source categories, as well as opportunities for reducing the burden of reporting for any retained source categories (*e.g.,* reducing the frequency of reporting, removing or streamlining specific data requirements, or removing small emission sources). The EPA also considered the alternative of transitioning the GHGRP from mandatory to voluntary reporting. Under this scenario, facilities that have made the investment in the monitoring systems required to collect the data under the existing program could elect to continue to gather and report this emissions information to satisfy internal requirements, such as corporate sustainability goals. A voluntary GHGRP would maintain flexibility for sources that opt to gather and report this information while providing a national GHG emissions framework. This approach could allow for a national data set to inform policy and program development while significantly lowering the burden on regulated entities. However, a voluntary reporting program could also result in submittal of incomplete or piecemeal reports, and the verification and accuracy of the data submitted would be limited. For the reasons described in this section, the EPA ultimately determined that maintaining continuous or intermittent reporting under any of these source categories, including voluntary reporting, is inconsistent with CAA section 114 or appropriately could be addressed through collection from other sources. Additionally, collection of data for nine of ten industry segments under subpart W is also not necessary to meet the requirements of CAA section 136 until reporting year 2034. The EPA also acknowledges that the data collected and published by the GHGRP is used for non-CAA statutory reasons by various state, Tribal, local, Federal, and nongovernmental entities (including industry and the public) to track, inform, and evaluate policy regarding potential reductions of GHG emissions and for other purposes. For example, the data collected under the GHGRP is used to inform the phase down of HFC production and consumption under the American Innovation and Manufacturing (AIM) Act, and the EPA understands that several states use the emissions estimation, reporting methodologies, and data from the GHGRP to develop or supplement state-level GHG emissions inventory programs. However, for gases regulated under the AIM Act, this information, if needed, could be collected as part of any program directly related to the AIM Act or for the purposes of states, collected under state authorities to support state programs. Through the GHGRP, the EPA has also published monitoring, review, and verification plans and geologic sequestration data

[17] From the accompanying joint explanatory statement to the FY 2008 Appropriations Act: ''The Agency is further directed to include in its rule reporting of emissions resulting from upstream production and downstream sources, to the extent that the Administrator deems it appropriate.''

[18] *Revisions and Confidentiality Determinations for Data Elements Under the Greenhouse Gas Reporting Rule.* 40 CFR parts 9 and 98 [EPA–HQ–OAR–2019–0424; FRL–7230–01–OAR] RIN 2060–AU35.

for facilities engaged in the sequestration of CO_2 for underground storage. The Treasury Department and the Internal Revenue Service (IRS) make reference to these plans and associated annual data in regulations under section 45Q of the Internal Revenue Code (IRC), the credit for carbon oxide sequestration, and the related Treasury Decision.[19] The Treasury Department and the IRS also refer to the subpart W regulation in the preamble of the final regulations under section 45V of the IRC, the credit for clean hydrogen production.[20] The EPA considers the use of GHGRP data for such purposes an additional benefit for these entities that is not required to carry out the Agency's functions under the CAA, and believes that information could be provided in different, more efficient, ways. Because these purposes are not the basis for our authority to collect the data under CAA section 114 (*i.e.,* these purposes are not relevant to the EPA's carrying out CAA provisions), these purposes are not an adequate statutory basis for continuing to require collection and reporting of the data. In addition, the EPA anticipates that some stakeholders would need to make administrative revisions to their programs to accommodate the proposed removals from Part 98. For example, the Treasury Department and the IRS have issued regulations for purposes of the prevailing wage and apprenticeship requirement of the energy credit of section 48 of the IRC which point to the values found in Table C–1 to subpart C of Part 98.[21] Removal of the GHGRP would affect such references, and in this example case, we anticipate that the Treasury Department and the IRS may need to revise the regulation given that Table C–1 is proposed to be removed. The EPA expects that such amendments could allow for different options for stakeholders to potentially qualify for tax credits, and believes that, regardless, this use of GHGRP reporting data is not a purpose that triggers our authority under CAA section 114.

In addition, there are surveys conducted by other parts of the U.S. government that can inform GHG emissions data in the absence of GHGRP data collection. For example, the Manufacturing Energy Consumption Survey (MECS) is a national sample survey that collects information on the stock of U.S. manufacturing establishment and their energy consumption and expenditures. MECS is currently conducted on a quadrennial basis. Fuel consumption is an important input in the calculation of a facility's greenhouse gas emissions for many facilities. Although the MECS does not provide the same level of detail nor does it include all of the sources of emissions currently captured by the GHGRP, in keeping with the directives of E.O. 14154 and E.O. 14192, the Agency can no longer justify the cost of collecting data for all source categories at this time. The GHGRP requires mandatory reporting from over 8,200 facilities, suppliers, and CO_2 injection sites. The total cost of reporting is estimated to be $303 million per year. Subpart W reporting accounts for $256 million of the annual costs, of which the Natural Gas Distribution industry segment represents $3 million per year. Therefore, suspending all reporting until 2034 would save $303 million per year from 2025–2033. Requiring reporting for only subpart W (minus distribution) starting in 2034 would save approximately $50 million per year in 2034 and future years. These cost savings estimates are based on data collection and reporting costs documented in current ICRs covering the GHGRP, as further explained in section III. Continued data collection across all sectors does not provide additional benefits with respect to our statutory obligations relative to these costs. The EPA seeks comment on the costs of GHGRP reporting to industry stakeholders and on whether such costs are commensurate to any relevant benefits.

In sum, the EPA believes it has more than satisfied the Congressional direction provided under the FY 2008 Consolidated Appropriations Act and FY 2009 Omnibus Act and that it is appropriate at this time to discontinue the collection of information from all sources that do not have a statutory requirement to collect GHG emissions. As discussed previously in this section and section I.D of this preamble, the EPA proposes to conclude that CAA section 114 does not support imposing collection requirements for this information or, at minimum, that the Agency should no longer exercise its discretion to utilize our CAA section 114 authority in this manner.

We note that the data collected for nine of ten industry segments under subpart W of Part 98 will be necessary to meet the requirements of CAA section 136 beginning with RY2034. The proposed revisions to Part 98 do not include any proposed actions with respect to facilities in the petroleum and natural gas systems source category or obligations under the general provisions of the program relevant to subpart W facilities, except the following: (1) revisions to the date of applicability of this rule, if finalized, to resume with reporting year 2034 and (2) revisions to remove reporting obligations for the Natural Gas Distribution industry segment. The EPA previously promulgated revisions to subpart W in the May 2024 Final Rule to meet the requirement of CAA section 136(h). The EPA received three administrative petitions on the May 2024 Final Rule and intends to reconsider aspects of that final rule, including evaluating changes to subparts W and C of Part 98, in a separate notice and comment rulemaking that would apply to RY2034 and later, if this rule is finalized as proposed. Details regarding the provisions of subparts C and W are discussed in section II.B of this document.

B. Additional Source-Specific Considerations of the Proposed Amendments

1. Subpart A—General Provisions

For the reasons explained in section II.A of this preamble, the EPA is proposing several changes to subpart A of Part 98 (General Provisions) that limit the applicability of the Part 98 reporting rule to the 2034 reporting year (*i.e.,* annual GHG reports covering calendar year 2034 activities due to the EPA on or before March 31, 2035) and future reporting years and to limit the applicability for those years to facilities in the petroleum and natural gas systems source category (subpart W of Part 98—Petroleum and Natural Gas Systems).This would not apply to the Natural Gas Distribution industry segment because, as noted in section II.A and described in detail in section II.B.3 of this document, in this action the EPA is proposing to remove GHGRP requirements for this segment. These proposed changes are intended to eliminate the general provisions of subpart A of Part 98 for all sources for which the EPA is proposing to remove reporting obligations (*i.e.,* other than subpart W) and to remove reporting obligations for all subparts for reporting years 2025 through reporting year 2033. The EPA is proposing to revise paragraph 40 CFR 98.2(a)(2), which includes applicability conditions and requirements for facilities listed in Table A–4 to subpart A of Part 98, to remove any reference to inclusion of miscellaneous use of carbonate (under subpart U of Part 98) and stationary fuel combustion (under subpart C of Part 98)

[19] See T.D. 9944 (January 15, 2021), available at: *www.federalregister.gov/documents/2021/01/15/2021-00302/credit-for-carbon-oxide-sequestration.*

[20] T.D. 10023 (January 10, 2025), available at: *https://www.federalregister.gov/documents/2025/01/10/2024-31513/credit-for-production-of-clean-hydrogen-and-energy-credit.*

[21] Treasury Reg. § 1.48–13(e)(7).

in the facility's annual report. We are proposing these revisions to paragraph 40 CFR 98.2(a)(2) as reporting under the subpart C and subpart U source categories would no longer be required for RY2025 and the future years. The EPA is proposing to revise Table A–4 to subpart A of Part 98 that provides a list of source categories that are applicable to the rule under 40 CFR 98.2(a)(2). Our proposed revisions to Table A–4 to subpart A would remove all source categories on the list with the exception of petroleum and natural gas systems (subpart W of Part 98) and revise the years of applicability to reporting year 2034 and future years. The source categories currently listed in this table that we are proposing to remove would no longer be required to report GHG data beyond the 2024 reporting year. For subpart W facilities, facilities would no longer be required to report GHG data for reporting years 2025 through 2033.

The EPA is proposing to remove and reserve Table A–3 to subpart A of Part 98 that provides a list of source categories that are applicable to the rule under 40 CFR 98.2(a)(1). The source categories currently listed in this table would no longer be required to report GHG data beyond the 2024 reporting year. We are also proposing to remove and reserve paragraph 40 CFR 98.2(a)(1) that includes applicability conditions that would no longer apply with the removal of Table A–3 to subpart A of Part 98.

The EPA is proposing to remove and reserve 40 CFR 98.2(a)(3) which provides applicability conditions for facilities that only contain general stationary fuel combustion sources. These applicability conditions apply to facilities that operate stationary fuel combustion sources (30 mmBTU/hour or greater and 25,000 $MTCO_2e$ or more per year in combined emissions) and are not otherwise covered under any reporting methodology or subpart of the rule.

The EPA is proposing to remove and reserve 40 CFR 98.2(a)(4) that provides applicability conditions for supplier categories and refers to Table A–5 of subpart A of Part 98, which we are also proposing to remove and reserve. The EPA is proposing to remove and reserve paragraphs 40 CFR 98.2(b)(2) and 98.2(b)(3) that refer to subparts C and U of Part 98 respectively, both of which we are proposing to remove and reserve. The EPA is proposing to remove and reserve paragraphs 98.2(d) through 98.2(g) that include threshold calculations that would no longer be relevant with the proposed removal of multiple facility and supplier source categories. The EPA is also proposing to remove and revise language in 40 CFR 98.2(i) that refers to facility and supplier source categories that would no longer be subject to this proposed rule. The EPA is proposing to remove and reserve Table A–5 to subpart A of Part 98 that provides a list of supplier categories that are applicable to the rule under 40 CFR 98.2(a)(4). The supplier categories currently listed in this table would no longer be required to report GHG data beyond the 2024 reporting year. In addition, we are proposing to remove and reserve 40 CFR 98.2(i)(4) that extends the off-ramping provisions of 40 CFR 98.2(i) to supplier categories. This language would no longer be required as supplier categories would no longer be subject to the rule. Similarly, the EPA is proposing to revise sections 40 CFR 98.1 through 98.6 to remove references to the term ''suppliers'' as suppliers source categories would no longer be included under this proposal. For example, we are proposing to adjust the definitions of ''North American Industry Classification System (NAICS) code(s)'' and ''United States parent company(s)'' to remove the references to ''suppliers.'' Similarly, the EPA is proposing to remove a number of definitions under 40 CFR 98.6 that refer to terms used in facility and supplier source categories that we are proposing to reserve and would no longer be subject to the rule.

The EPA is also proposing to remove references to the Natural Gas Distribution industry segment in 40 CFR 98.4(n), the paragraph in subpart A that describes the alternative provisions for changes in owners and operators for industry segments with a unique definition of facility as defined in 40 CFR 98.238.

The EPA is also proposing that sources no longer required to report for RY2025 and future years through these proposed changes to Tables A–3 through A–5 to subpart A would no longer be subject to any requirements in subpart A, including the recordkeeping schedule under 40 CFR 98.3(g). The EPA is also proposing that facilities in the petroleum and natural gas systems sector required to report for RY2024 and earlier would not be subject to any requirements in subpart A, including the recordkeeping schedule under 40 CFR 98.3(g) from the effective date of the final rule for this proposal, if finalized, until they are again subject to reporting in 2034. Therefore, no facilities would be expected to resubmit or amend their reports for the 3- or 5-year periods following the original submissions for RY2024 and earlier if this rule is finalized as proposed. Under 40 CFR 98.3(h), regulated entities are required to submit amended reports if they discover a substantive error. As the regulated entities would no longer have this obligation (or for petroleum and natural gas systems would not have this obligation until RY2034 and later) under the proposed revisions going forward, the EPA would not maintain the electronic functionality to support these resubmissions and would similarly not expect to receive hard copy resubmissions.

The EPA is proposing to revise 40 CFR 98.3(b) to add a new paragraph that would extend the reporting deadline for RY2025 reports for GHGRP reporters. As described in section II.C of this preamble, the EPA expects that the amendments in this preamble would be effective sixty days after publication. The EPA expects that there would not be enough time between the signature of the final amendments and March 31, 2026, the RY2025 reporting deadline. Therefore, the EPA is proposing to revise 40 CFR 98.3(b) to add a new paragraph that would extend the reporting deadline for RY2025 to June 10, 2026, for these amendments to be effective for RY2025.

In addition to the amendments proposed above, the EPA is also proposing to remove outdated language in subpart A of Part 98 that is no longer needed and that may cause confusion in the future. The EPA is proposing to remove 40 CFR 98.3(b)(1), which clarified the 2011 reporting year schedule for certain sources and is no longer needed. Similarly, the EPA is proposing to remove all provisions under 40 CFR 98.3(d) and 98.3(j), which were special provisions for best available monitoring methods (BAMM) and abbreviated emissions reporting that only applied to the 2010 through 2013 reporting years and are no longer needed. Finally, the EPA is proposing to remove numerous definitions from 40 CFR 98.6. These terms are only used in source categories that the EPA is proposing to remove, and so these terms would no longer need to be defined.

2. Subpart C—General Stationary Fuel Combustion Sources

Subpart C is a subpart that contains stationary fuel combustion source emissions. The emissions reported under subpart C include CO_2, methane (CH_4), and nitrous oxide (N_2O). Stationary fuel combustion sources include, but are not limited to, boilers, combustion turbines, engines, incinerators, and process heaters. Subpart C excludes flares (unless otherwise required by provisions of another subpart of Part 98 to use methodologies in subpart C), portable equipment (as defined in 40 CFR 98.6),

emergency generators and emergency equipment (as defined in 40 CFR 98.6), agricultural irrigation pumps, and combustion of hazardous waste (except for co-fired fuels). Specific pilot lights and hazardous waste combustors are also not required to report (see 40 CFR 98.30(c) and 40 CFR 98.30(d) for more detail).

Prior to 2010, owners and operators of certain facilities in the petroleum and natural gas industry reported emissions from a broad range of stationary fuel combustion sources under subpart C. When the EPA established subpart W, three industry segments (*i.e.,* Onshore production, Onshore gathering and boosting, Natural Gas Distribution) started reporting emissions from stationary and portable fuel combustion equipment (portable includes equipment such as well drilling and completion equipment, workover equipment, and skid-mounted compressors) under subpart W. Fugitive, vented, and combustion emissions from portable equipment were included in the threshold determination and reporting requirements for subpart W (for certain subpart W segments) in the November 2010 final rule due to the unique nature of the petroleum and natural gas industry. Portable combustion emissions are a large contributor to GHG emissions to those subsectors: emissions from portable combustion equipment (as described above) accounted for over 45 percent of total emissions from onshore petroleum and natural gas production.

All other applicable industry segments (Offshore petroleum and natural gas production, Onshore natural gas processing, Onshore natural gas transmission compression, Underground natural gas storage, LNG storage, and LNG import and export equipment) report emissions from only stationary fuel combustion sources under subpart C. For example, for petroleum and natural gas facilities that report under subpart C, emissions from combustion turbines or emissions routed to combustion devices from W processes, *e.g.,* emissions routed from storage tanks to process heaters, would get reported under subpart C. Combustion emissions are a substantial portion (approximately two thirds) of oil and gas sector emissions.

If this rule is finalized as proposed, a large fraction of subpart W facilities that report under subpart C (67 percent of reporters in these segments that are currently above 25,000 $MTCO_2e$) would likely fall below the 25,000 metric ton CO_2e threshold for subpart W and would eventually discontinue reporting under the program.

For the reasons explained in section II.A of this preamble, the EPA is proposing to fully remove the requirements for direct emitters to annually report combustion-related GHG emissions under subpart C of Part 98. Alternatively, the EPA is considering and taking comment on a modification to the requirements of subpart C that would limit the applicability of subpart C to subpart W (Petroleum and Natural Gas Systems) facilities over the same reporting years that would be applicable to subpart W facilities (*i.e.,* suspended until RY2034 and future years). This would not apply to the Natural Gas Distribution industry segment because, as described in section II.B.3 of this preamble, in this action the EPA is proposing to remove GHGRP requirements for this segment.

In the May 2024 Final Rule, the EPA finalized revisions to ensure that emissions reporting under subpart W is based on empirical data and to allow owners and operators to submit appropriate empirical data to demonstrate the extent to which a charge is owed in future implementation of CAA section 136, as directed by CAA section 136(h). The May 2024 Final Rule also finalized the addition of emission sources to ensure that subpart W reflects total methane emissions from the applicable facilities and finalized revisions to improve data verification and transparency. The EPA received petitions on the May 2024 Final Rule on several issues, including a request to move combustion emissions reporting for some industry segments from subpart W to subpart C. The EPA sent a response to the subpart W petitions for reconsideration on March 26, 2025, in which the EPA stated that it intends to issue a **Federal Register** notice initiating a rulemaking process, including public notice and comment, that includes this issue. A separate notice of proposed rulemaking is forthcoming, in which we intend to address the question of where combustion emissions should be reported for oil and gas facilities. We note that the industry segments that report emissions from stationary or portable fuel combustion equipment under subpart W calculate emissions according to 40 CFR 98.233(z), which cross-references subpart C for some calculation methodologies. The EPA intends to address any cross-referencing issues as part of that future separate proposed rulemaking on subpart W.

3. Subpart W—Petroleum and Natural Gas Systems

Subpart W covers facilities in ten industry segments of the petroleum and natural gas industry: Onshore petroleum and natural gas production; Offshore petroleum and natural gas production; Onshore natural gas processing; Onshore natural gas transmission compression; Onshore petroleum and natural gas gathering and boosting; Onshore natural gas transmission pipelines; Underground natural gas storage; LNG storage; LNG Import and Export Equipment; and Natural Gas Distribution.

In the May 2024 Final Rule, the EPA finalized revisions to ensure that emissions reporting under subpart W is based on empirical data and to allow owners and operators to submit appropriate empirical data to demonstrate the extent to which a charge is owed in future implementation of CAA section 136, as directed by CAA section 136(h). The May 2024 Final Rule also finalized the addition of emission sources to ensure that subpart W reflects total methane emissions from the applicable facilities, as directed by CAA section 136(h), and finalized revisions to improve data verification and transparency. In 2022, CAA section 136 established the Methane Emissions Reduction Program and requires the EPA to impose and collect a waste emissions charge beginning with calendar year 2024 emission data from the petroleum and natural gas systems sector reported under subpart W. On July 4, 2025, Congress amended CAA section 136(g) to amend the period under which a waste emissions charge is imposed and collected to begin with emissions reported for calendar year 2034 and later. As noted above, this amendment removes statutory requirements for all subpart W industry segments (except the Natural Gas Distribution industry segment, which is not subject to CAA section 136) until 2034.

Additionally, in this action, the EPA is proposing to remove GHGRP requirements for the Natural Gas Distribution industry segment within subpart W, which are not required or necessary under CAA section 136. Specifically, the EPA is proposing several amendments to remove the Natural Gas Distribution industry segment from subpart W. These proposed amendments include removing the Natural Gas Distribution industry segment definition in 40 CFR 98.230(a)(8), the Natural Gas Distribution industry segment-specific reporting threshold in 40 CFR 98.231(a)(2), the list of emission sources for which natural gas distribution facilities currently calculate and report emissions in 40 CFR 98.232(i), and the definition of ''facility with respect to

natural gas distribution for purposes of reporting under this subpart and for the corresponding subpart A requirements'' in 40 CFR 98.238. The EPA is also proposing to remove references to the Natural Gas Distribution industry segment as necessary from the calculation method requirements in 40 CFR 98.233 and the reporting requirements in 40 CFR 98.236 for the emission sources listed in 40 CFR 98.232(i), including equipment leaks, stationary fuel combustion sources, other large release events, blowdown vent stacks, natural gas pneumatic device venting, and crankcase vents. The EPA is also proposing to remove references to the Natural Gas Distribution industry segment and emission factors specific to that industry segment in Tables W–1, W–5, and W–6 to Part 98.[22]

For the reasons explained in section II.A of this preamble, in this action, the EPA is also proposing to suspend the requirements for petroleum and natural gas facilities to report under subpart W, as described in section II.B.1 of this preamble. However, the EPA is aware that the data for the petroleum and natural gas systems source category are used by different governmental organizations in support of their regulatory programs. For example, the Treasury Department and the IRS also refer to the subpart W regulation in the preamble of the final regulations under section 45V of the IRC, the credit for clean hydrogen production (90 FR 2224, January 10, 2025). Although the EPA acknowledges this use of data reported under subpart W, that purpose and such use of GHGRP data does not fall under the purposes of the CAA section 114 (*i.e.,* are not relevant to the EPA's carrying out of CAA provisions) as discussed in section II.A of this preamble. Therefore, the EPA is requesting comment on the proposed suspension of reporting under subpart W until reporting year 2034.

4. Subpart HH—Municipal Solid Waste Landfills

In the April 2024 Final Rule, the EPA finalized revisions to subpart HH (Municipal Solid Waste Landfills) of Part 98 that lowered landfill gas collection efficiencies by 10-percentage points for all reporting municipal solid waste (MSW) landfills with a gas collection system, regardless of whether the landfill conducted surface emissions monitoring. The final action was based on comments received in response to the May 2023 proposed rule (88 FR 32852; May 22, 2023) and review of recent emissions measurement studies for landfills with gas collection systems.

The EPA received an administrative petition for reconsideration from the National Waste and Recycling Association (NWRA) on June 24, 2024, regarding the EPA's determination to reduce landfill default collection efficiency values. NWRA requested that the EPA reconsider the finalized revision to the collection efficiency values based on their argument that the public was not ''afforded adequate notice of EPA's ultimate decision to reduce existing collection efficiencies for all landfills, irrespective of whether a landfill was conducting [surface emissions monitoring]'' therefore claiming that the final determination is not a ''logical outgrowth'' of the original proposal. NWRA also stated the final lower collection efficiency values will overestimate emissions across the sector and requested the EPA to reconsider the final values. On August 8, 2024, EPA responded to NWRA granting reconsideration on this issue. NWRA's petition for reconsideration and the EPA's response are available in the docket for this rulemaking (Docket Id. No. EPA–HQ–OAR–2025–0186).

The EPA is proposing to remove the reporting requirements of subpart HH for the reasons explained in section II.A of this preamble. However, the EPA is also seeking comment on the collection efficiency default value in order to respond to and meet any obligations of the petition for reconsideration. Specifically, we are seeking comment on whether the collection efficiency values used in subpart HH for all subject landfills with a gas collection system should be reverted back to the values originally used prior to the April 2024 Final Rule (*i.e.,* 60 percent for areas with daily cover, 75 percent for areas with intermediate cover, and 95 percent for areas with final cover), if the collection efficiency values finalized in the April 2024 Final Rule should be maintained (*i.e.,* 50 percent for daily cover, 65 percent for intermediate cover, and 85 percent for final cover), or if the collection efficiency values should be revised further based on current published literature and available data, available in the docket for this rulemaking (Docket Id. No. EPA–HQ–OAR–2025–0186), should the EPA not finalize the proposed change to eliminate all reporting under subpart HH.

5. Subparts PP—Suppliers of Carbon Dioxide, RR—Geologic Sequestration of Carbon Dioxide, UU—Injection of Carbon Dioxide, and VV—Geologic Sequestration of Carbon Dioxide With Enhanced Oil Recovery Using ISO 27916

The GHGRP contains four subparts directly related to carbon capture and sequestration (CCS). These include subpart PP (Suppliers of Carbon Dioxide), subpart RR (Geologic Sequestration of Carbon Dioxide), subpart UU (Injection of Carbon Dioxide), and subpart VV (Geologic Sequestration of Carbon Dioxide with Enhanced Oil Recovery Using ISO 27916). For the reasons explained in section II.A of this preamble, the EPA is proposing to fully remove the requirements for reporters under these subparts.

Subpart PP (Suppliers of Carbon Dioxide) covers facilities that capture and/or produce CO_2 from production wells for the purpose of supplying CO_2 for commercial applications or underground injection. It also covers importers and exporters of bulk CO_2. Subpart RR (Geologic Sequestration of Carbon Dioxide) covers any well or group of wells that inject a CO_2 stream for long-term containment in subsurface geologic formations. Facilities that inject carbon dioxide for enhanced oil recovery are required to report data under either subpart UU or subpart VV or can opt to report under subpart RR instead of subpart UU or VV by submitting a subpart RR monitoring, reporting, and verification plan for EPA approval. Subpart UU (Injection of Carbon Dioxide) covers any well or group of wells that inject a CO_2 stream into the subsurface. This includes any wells used to enhance oil and gas recovery, unless those wells are a part of a facility that has opted to report data under subpart RR. Subpart VV, finalized in the April 2024 Final Rule, applies to facilities that use the International Standards Organization (ISO) standard designated as CSA Group (CSA)/American National Standards Institute (ANSI) ISO 27916:2019, Carbon Dioxide Capture, Transportation and Geological Storage—Carbon Dioxide Storage Using Enhanced Oil Recovery (CO_2-EOR) as a means of quantifying geologic sequestration. Subpart VV does not apply to EOR facilities that have opted to report under subpart RR.

[22] The EPA is also proposing to revise the formatting of the first three sets of emission factors in Table W–1 to show the industry segments for which those emission factors apply as a list separated by commas rather than a bulleted list. This proposed amendment would improve the clarity of the table for reporters in the affected industry segments.

The EPA is aware that the data for certain source categories are used by different governmental organizations in support of their regulatory programs. For example, as noted previously, the Treasury Department and the IRS have issued regulations that provide guidance regarding taxpayer credit for carbon oxide sequestration under section 45Q of the Internal Revenue Code.[23] These regulations, and related preamble discussion in the Treasury Decision, refer to requirements under the GHGRP.[24] The Treasury Department and the IRS have also requested comment on whether data reported under subpart PP of Part 98 (Suppliers of Carbon Dioxide) could be used to substantiate carbon capture amounts.[25] Although the EPA acknowledges this use of the GHGRP, that purpose and such use of GHGRP efforts does not fall under the purposes of the CAA that authorize ICRs under CAA section 114 (*i.e.,* are not relevant to the EPA's carrying out of CAA provisions) as discussed in section II.A of this preamble. Therefore, the EPA is requesting comment on the proposed removal of all source categories related to carbon capture and sequestration, including subpart PP (Suppliers of Carbon Dioxide), subpart RR (Geologic Sequestration of Carbon Dioxide), subpart UU (Injection of Carbon Dioxide), and subpart VV (Geologic Sequestration of Carbon Dioxide with Enhanced Oil Recovery Using ISO 27916).

C. Schedule

The EPA is proposing that these amendments, if finalized, would become effective within sixty days of publication in the **Federal Register**. Because the proposed amendments would remove the reporting obligations for most reporters following RY2024 (with the exception of owners and operators of petroleum and natural gas facilities subject to subpart W (Petroleum and Natural Gas Systems), which would resume reporting obligations in RY2034 for all segments except Natural Gas Distribution), reporters would cease reporting GHG data under Part 98 within sixty days of publication of the final rule in the **Federal Register**. The EPA is also proposing to remove the electronic capabilities to receive any reporting information until needed for 2034 reporting for the remainder of subpart W. Petroleum and natural gas systems facilities under subpart W (excluding Natural Gas Distribution) would be required to submit their next subpart W report (for RY2034) by March 31, 2035, and annually thereafter in accordance with 40 CFR 98.3(b).

III. Impacts of the Proposed Amendments

In this action, the EPA is proposing to remove GHG reporting requirements for most source categories under 40 CFR part 98 and suspend reporting requirements for most segments of petroleum and natural gas systems (subpart W of Part 98—Petroleum and Natural Gas Systems) until RY2034 (starting January 1, 2034), consistent with CAA section 136. The EPA is proposing to remove GHG reporting requirements for the Natural Gas Distribution segment of subpart W.

To estimate impacts of this rule, the EPA quantified direct cost savings from reduced labor, operations and maintenance (O&M), and capital costs required to comply with measurement and reporting requirements of the GHGRP.[26] Because this is a reporting rule and there are no requirements to reduce emissions, there are no expected emission changes or monetized changes in benefits from emissions. Other potential impacts of this rule relate to the potential relevance of the reported data to policy making, transparency, and market efficiency. This rule may also have indirect impacts on other Federal, state or local agencies, Tribes, or nongovernmental entities (including industry and the public) that may rely on the GHGRP data for non-CAA statutory reasons. Examples of such uses include informing the phase down of HFC production and consumption under the AIM Act, implementation of 45Q and 45V credits, and use in state-level GHG inventory programs (see section II of this preamble). Although the magnitude of these impacts or the response by non-EPA parties to adapt to these changes is too uncertain to quantify, the EPA invites comment or data that could be used to inform analysis for the final rule.

Compared to the current reporting requirements, the EPA estimates cost savings for reporters to the GHGRP resulting from this rule at $303 million per year. The portion of these annual cost savings associated with the petroleum and natural gas industry (subpart W) is approximately $256 million per year, while the cost savings associated with other industries is $46.9 million per year. The estimated cost savings were derived from multiple sources, including the most recent programmatic ICR renewal, incorporation of incremental burden from the 2024 GHGRP Final Rule and the 2024 Subpart W Rule, and subsequent adjustments for inflation. The labor cost estimates have been updated to reflect 2024 labor rates and updated projections of reporters based on RY2023 facilities. The EPA did not re-analyze labor, capital, or O&M costs of existing program requirements, but relied on past estimates. Table 2 of this preamble demonstrates the annual cost savings resulting from this rule over the next 9 years.

TABLE 2—ANNUAL COST SAVINGS OF THE GHGRP FOR REPORTING YEAR 2025–2033

[2024$/year][27]

Cost type	Pre-2024 GHGRP costs[1]	2024 GHGRP rule incremental costs[2]	2024 Subpart W rule incremental costs[3]	Total of three original ICRs	Total adjusted costs[4]
Labor Costs	$61.9 million	$2.7 million	$169.4 million	$234.0 million	$247.7 million.
Capital Costs	$0	$0	$0	$0	$0.
O&M Costs	$33.3 million	$2.7 million	$14.1 million	$50.1 million	$55.0 million.
Total Costs	$95.2 million	$5.4 million	$183.6 million	$284.1 million	$302.7 million.

[1] *Proposed Information Collection Request; Comment Request; Information Collection Request for the Greenhouse Gas Reporting Program.* FRL–10918–01–OAR.

[2] Revisions and Confidentiality Determinations for Data Elements Under the Greenhouse Gas Reporting Rule. 40 CFR parts 9 and 98; [EPA–HQ–OAR–2019–0424; FRL–7230–01–OAR]; RIN 2060–AU35.

[23] Treasury Reg. § 1.45Q–1 through –5.

[24] T.D. 9944 (January 15, 2021), available at: *www.federalregister.gov/documents/2021/01/15/2021-00302/credit-for-carbon-oxide-sequestration.*

[25] Notice 2022–57, 2022–47 I.R.B. 482, available at *www.irs.gov/pub/irs-drop/n-22-57.pdf.*

[26] For more information on how the EPA estimated the impacts of this proposal, see the document ''Impacts of Reconsideration of the Greenhouse Gas Reporting Program'' in the docket for this rulemaking (Docket Id. No. EPA–HQ–OAR–2025–0186).

[27] These values are calculated using a 3 percent consumption discount rate.

[3] Greenhouse Gas Reporting Rule: Revisions and Confidentiality Determinations for Petroleum and Natural Gas Systems. 40 CFR part 98; [EPA–HQ–OAR–2023–0234; FRL–10246–02–OAR]; RIN 2060–AV83.
[4] Total costs were adjusted for 2024 labor rates and updated projections of reporters.

The proposed revisions in this rulemaking would delay requirements that apply to the petroleum and natural gas systems source category of the Greenhouse Gas Reporting Rule, as well as eliminate all requirements that apply to all other categories. The EPA anticipates that the proposed revisions would significantly decrease costs for reporters. To the extent consideration of costs is relevant to the EPA's proposal for meeting its obligation under the CAA, these anticipated cost savings are reasonable.

As discussed in section IV of this preamble, the EPA is proposing to implement these changes beginning for RY2025. While reporting to subpart W would be delayed for all industry segments (except Natural Gas Distribution, which would be removed), all associated data collection costs would be reintroduced beginning in 2034. Because of the delay of reporting to subpart W until 2034, reporters may incur capital costs in 2034 to re-establish data collection and reporting systems. The impacts estimates here do not include estimates of this potential capital cost because they rely on existing cost estimates and estimates of potential startup costs are not available. For this reason, cost savings in 2034 may be overestimated. The annual cost savings and total net present value of cost savings for these amendments are shown in Table 3 of this preamble, which fall between $2.0 billion and $2.4 billion in cost reductions from the GHGRP. To accurately reflect the present value of these savings, a 3 percent and 7 percent discount rate was applied over the 10-year analysis period.

TABLE 3—TOTAL DISCOUNTED COST SAVINGS FOR THE PROPOSED RULE, 2025–2034

[2024$/year]

Year	Annual cost savings	3 Percent discount rate	7 Percent discount rate
2025	$302.7 million	$293.9 million	$282.9 million.
2026	$302.7 million	$285.3 million	$264.4 million.
2027	$302.7 million	$277.0 million	$247.1 million.
2028	$302.7 million	$268.9 million	$230.9 million.
2029	$302.7 million	$261.1 million	$215.8 million.
2030	$302.7 million	$253.5 million	$201.7 million.
2031	$302.7 million	$246.1 million	$188.5 million.
2032	$302.7 million	$238.9 million	$176.2 million.
2033	$302.7 million	$232.0 million	$164.6 million.
2034	$49.7 million	$37.0 million	$25.3 million.
Total Present Value		$2.4 billion	$2.0 billion.

Table 4 of this preamble summarizes impacts for this rule. Net present value (NPV) and equivalent annualized value (EAV) are presented using discount rates of 3 percent and 7 percent, and using 2024 labor rates. EAV values over the analysis period of 2025 to 2034 are somewhat lower than the annual impacts in 2025 to 2033 because in 2034 reporting would resume under subpart W, excepting the Natural Gas Distribution industry segment.

TABLE 4—TOTAL PROJECTED COST SAVINGS AND NET BENEFITS FOR THE PROPOSED RULE, 2025–2034

[Million 2024$/year]

	3 Percent discount rate		7 Percent discount rate	
	PV	EAV	PV	EAV
Total Cost Savings	$2,400	$281	$2,000	$284
Net Cost Savings	2,400	281	2,000	284
Non-Monetized Impacts	Indirect impacts on other Federal, state or local agencies, Tribes, or non-governmental entities that rely on the GHGRP data for non-CAA statutory reasons.			

IV. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *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 an economically significant regulatory action that was submitted to the Office of Management and Budget (OMB) for review. Any changes made in response to E.O. 12866 review have been documented in the docket for this rulemaking (Docket Id. No. EPA–HQ–OAR–2025–0186). The EPA prepared an analysis of the potential cost savings associated with this action. This analysis is described in section III of this preamble.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is expected to be an Executive Order 14192 deregulatory action. Details on the estimated cost

savings of this proposed rule can be found in the EPA's analysis of the impacts on this proposed action (see section III of this preamble).

C. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. The information collection activities in this action have been submitted for approval to OMB under the PRA. The ICR document that the EPA prepared has been assigned EPA ICR number 7815.01 and OMB control number 2060–NEW. You can find a copy of the ICR in the docket for this rulemaking (Docket Id. No. EPA–HQ–OAR–2025–0186) and it is briefly summarized here. The information collection requirements are not enforceable until OMB approves them. Once finalized and approved, this ICR will consolidate reporting requirements from EPA ICR number 2300.20 (OMB control number 2060–0629), ICR number 2773.02 (OMB control number 2060–0748) and ICR number 2774.02 (OMB control number 2060–0751), and thus those ICRs would be discontinued. The EPA is not proposing to add any new reporting requirements to the GHGRP in this action. Instead, the EPA is proposing to remove existing reporting requirements, and so the Agency anticipates that this proposed action would relieve information collection burden. As described further in section III of this preamble, the EPA estimates cost savings from these changes at $303 million per year. The total estimated burden and cost for reporting and recordkeeping due to these amendments are presented here.

Respondents/affected entities: Owners and operators of facilities that must report their GHG emissions and other data to the EPA to comply with 40 CFR part 98.

Respondent's obligation to respond: The result of these proposed changes would be no obligation to respond with mandatory reporting under the GHGRP ceasing following RY2024, except for most petroleum and natural gas sources, that would not be required to report for reporting years 2025 through 2033.

Estimated number of respondents: 0.

Frequency of response: The proposed reconsideration would remove annual reporting requirements for the majority of GHGRP sectors and the Natural Gas Distribution industry segment, and would suspend annual reporting for the remaining petroleum and natural gas industry segments from RY2025 to RY2034.

Total estimated burden: 0 hours per year, by the three years covered by this information collection.

Total estimated costs: $0 per year.

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9. Submit your comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested revisions to the respondent burden to the EPA using the docket identified at the beginning of this rule (Docket Id. No. EPA–HQ–OAR–2025–0186). The EPA will respond to any ICR-related comments in the final rule. You may also send your ICR-related comments to OMB's Office of Information and Regulatory Affairs using the interface at *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. OMB must receive comments no later than October 16, 2025.

D. Regulatory Flexibility Act (RFA)

I certify that this proposed action would 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 proposed rule is any significant adverse economic impact on small entities and that the Agency is certifying that this proposed rule would not have a significant economic impact on a substantial number of small entities because the proposed relieves regulatory burden on the small entities subject to the rule. There are over 5,000 entities reporting across the sectors (including Natural Gas Distribution under subpart W–Petroleum and Natural Gas Systems) where the EPA is proposing to permanently remove requirements and approximately 2,800 entities reporting under subpart W (excluding Natural Gas Distribution) where the EPA is proposing to suspend reporting until 2034, consistent with CAA section 136. The EPA anticipates that some of these would be small entities. For example, the EPA's analysis in past rules has found that small entities were likely subject to the requirements of the GHGRP for sources such as municipal solid waste landfills (subpart HH of Part 98) (78 FR 71904, November 29, 2013) or general stationary fuel combustion (subpart C of Part 98) (81 FR 89188, December 9, 2016). Removing requirements as described in this proposal would relieve burden for all regulated entities, including small entities. We have therefore concluded that this action would relieve regulatory burden for all directly regulated small entities.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action imposes no enforceable duty on any state, local, or Tribal governments. Requirements for the private sector do not exceed $100 million in any one year (adjusted annually for inflation) or more (in 1995 dollars).

F. Executive Order 13132: Federalism

This proposed rule does not have federalism implications. It would 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. The EPA believes, however, that this proposed rule may be of significant interest to state governments. The EPA is aware that approximately 20 states implement state-level greenhouse gas reporting that, in some cases, incorporate 40 CFR part 98 by reference and/or rely on data collected by and exported from EPA's electronic Greenhouse Gas Reporting Tool (e-GGRT) or other GHGRP-related EPA electronic resources. Significant alteration or removal of these resources may impact the abilities of states to implement their respective clean air programs and regulations. The EPA believes these impacts could be mitigated through the adjustment and/or de-coupling of relevant state regulations from the EPA's and/or the development of EPA-independent state tools to address any state-specific greenhouse gas data collection needs.

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

This action has Tribal implications. However, it would neither impose substantial direct compliance costs on federally recognized Tribal governments, nor preempt Tribal law. In 2023, there were 144 facilities that reported to the GHGRP that were located on Tribal lands. In addition, there are 9 facilities that reported under the GHGRP where Tribal governments were listed as either the owner, operator, or parent company for the facility. Consistent with the EPA Policy on Consultation and Coordination with Indian Tribes, the EPA will engage in

consultation with Tribal officials during the development of 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. 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 That Significantly Affect Energy Supply, Distribution, or Use

This action is not a ''significant energy action'' because it is not likely to have a significant adverse effect on the supply, distribution or use of energy. As this action removes requirements from regulated entities in the coming years, the EPA anticipates that the proposed action would reduce the reporting burden on regulated industrial facilities that contribute to the nation's energy supply, distribution, or use.

J. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

K. Determination Under CAA Section 307(d)

Pursuant to CAA section 307(d)(1)(V), the Administrator determines that this action is subject to the provisions of CAA section 307(d). Section 307(d)(1)(V) of the CAA provides that the provisions of CAA section 307(d) apply to ''such other actions as the Administrator may determine.''

List of Subjects

40 CFR Part 98

Environmental protection, Administrative practice and procedure, Greenhouse gases, Reporting and recordkeeping requirements.

Lee Zeldin,

Administrator.

For the reasons set forth in the preamble, the Environmental Protection Agency proposes to amend title 40, chapter I, of the Code of Federal Regulations as follows:

PART 98—MANDATORY GREENHOUSE GAS REPORTING

■ 1. The authority citation for part 98 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart A—General Provision

■ 2. Amend § 98.1 by revising paragraphs (a) and (b) to read as follows:

§ 98.1 Purpose and scope.

(a) This part establishes mandatory greenhouse gas (GHG) reporting requirements for owners and operators of certain facilities that directly emit GHGs.

(b) Owners and operators of facilities that are subject to this part must follow the requirements of this subpart and all applicable subparts of this part. If a conflict exists between a provision in subpart A and any other applicable subpart, the requirements of the applicable subpart shall take precedence.

* * * * *

■ 3. Amend § 98.2 by:
■ a. Revising paragraphs (a) introductory text and (a)(2).
■ b. Removing and reserving paragraphs (a)(1), (a)(3), (a)(4), (b)(2), (b)(3), (d), (e), (f), and (g).
■ c. Revising paragraphs (h), (i) introductory text, (i)(3), (i)(5), and (i)(6).
■ d. Removing and reserving paragraph (i)(4).

The revisions read as follows:

§ 98.2 Who must report?

(a) The GHG reporting requirements and related monitoring, recordkeeping, and reporting requirements of this part apply to the owners and operators of any facility that is located in the United States or under or attached to the Outer Continental Shelf (as defined in 43 U.S.C. 1331) and that meets the requirements of either paragraph (a)(1), (a)(2), or (a)(3) of this section; that meets the requirements of paragraph (a)(4) of this section:

(1) [Reserved]

(2) A facility that contains any source category that is listed in table A–4 to this subpart and that emits 25,000 metric tons CO_2e or more per year in combined emissions from all applicable source categories that are listed in table A–4 to this subpart. For these facilities, the annual GHG report must cover all applicable source categories listed in table A–4 to this subpart.

* * * * *

(h) An owner or operator of a facility that does not meet the applicability requirements of paragraph (a) of this section is not subject to this rule. Such owner or operator would become subject to the rule and reporting requirements, if a facility exceeds the applicability requirements of paragraph (a) of this section at a later time pursuant to § 98.3(b)(3). Thus, the owner or operator should reevaluate the applicability to this part (including the revising of any relevant emissions calculations or other calculations) whenever there is any change that could cause a facility to meet the applicability requirements of paragraph (a) of this section. Such changes include but are not limited to process modifications, increases in operating hours, increases in production, changes in fuel or raw material use, addition of equipment, and facility expansion.

(i) Except as provided in this paragraph, once a facility is subject to the requirements of this part, the owner or operator must continue for each year thereafter to comply with all requirements of this part, including the requirement to submit annual GHG reports, even if the facility does not meet the applicability requirements in paragraph (a) of this section in a future year.

* * * * *

(3) If the operations of a facility are changed such that all applicable processes and operations subject to paragraphs (a)(1) through (4) of this section cease to operate, then the owner or operator may discontinue complying with this part for the reporting years following the year in which cessation of such operations occurs, provided that the owner or operator submits a notification to the Administrator that announces the cessation of reporting and certifies to the closure of all applicable processes and operations no later than March 31 of the year following such changes. If one or more processes or operations subject to paragraphs (a)(1) through (4) of this section at a facility cease to operate, but not all applicable processes or operations cease to operate, then the owner or operator is exempt from reporting for any such processes or operations in the reporting years following the reporting year in which cessation of the process or operation occurs, provided that the owner or operator submits a notification to the Administrator that announces the cessation of reporting for the process or operation no later than March 31 following the first reporting year in which the process or operation has ceased for an entire reporting year. Cessation of operations in the context of underground coal mines includes, but is not limited to, abandoning and sealing

the facility. This paragraph (i)(3) does not apply to seasonal or other temporary cessation of operations. This paragraph (i)(3) does not apply when there is a change in the owner or operator for facilities in industry segments with a unique definition of facility as defined in § 98.238 of the petroleum and natural gas systems source category (subpart W of this part), unless the changes result in permanent cessation of all applicable processes and operations. The owner or operator must resume reporting for any future calendar year during which any of the GHG-emitting processes or operations resume operation.

(4) [Reserved]

(5) If the operations of a facility are changed such that a process or operation no longer meets the ''Definition of Source Category'' as specified in an applicable subpart, then the owner or operator may discontinue complying with any such subpart for the reporting years following the year in which change occurs, provided that the owner or operator submits a notification to the Administrator that announces the cessation of reporting for the process or operation no later than March 31 following the first reporting year in which such changes persist for an entire reporting year. The owner or operator must resume complying with this part for the process or operation starting in any future calendar year during which the process or operation meets the ''Definition of Source Category'' as specified in an applicable subpart.

(6) If an entire facility is merged into another facility that is already reporting GHG data under this part, then the owner or operator may discontinue complying with this part for the facility, provided that the owner or operator submits a notification to the Administrator that announces the discontinuation of reporting and the e-GGRT identification number of the reconstituted facility no later than March 31 of the year following such changes.

* * * * *

■ 4. Amend § 98.3 by:

■ a. Revising the introductory text and paragraphs (b) introductory text, (b)(2) and (b)(3).

■ b. Removing and reserving paragraph (b)(1).

■ c. Adding paragraph (b)(6).

■ d. Revising paragraph (c)(1) and revising and republishing paragraph (c)(4).

■ e. Removing and reserving paragraph (c)(5).

■ f. Revising paragraphs (c)(10) and (c)(11).

■ g. Removing and reserving paragraphs (c)(12) and (d).

■ h. Revising paragraphs (h) introductory text, (i) introductory text, and (i)(1)(ii).

■ i. Removing and reserving paragraph (j).

■ j. Revising and republishing paragraph (k).

■ k. Revising paragraph (l) introductory text.

The revisions and addition to read as follows:

§ 98.3 What are the general monitoring, reporting, recordkeeping and verification requirements of this part?

The owner or operator of a facility that is subject to the requirements of this part must submit GHG reports to the Administrator, as specified in this section.

* * * * *

(b) Schedule. The annual GHG report for reporting year 2010 must be submitted no later than September 30, 2011. The annual report for reporting years 2011 and beyond must be submitted no later than March 31 of each calendar year for GHG emissions in the previous calendar year, except as provided in paragraphs (b)(5) and (b)(6) of this section.

(1) [Reserved]

(2) For a new facility that begins operation on or after January 1, 2010, and becomes subject to the rule in the year that it becomes operational, report emissions starting the first operating month and ending on December 31 of that year. Each subsequent annual report must cover emissions for the calendar year, beginning on January 1 and ending on December 31.

(3) For any facility that becomes subject to this rule because of a physical or operational change that is made after January 1, 2010, report emissions for the first calendar year in which the change occurs, beginning with the first month of the change and ending on December 31 of that year. For a facility that becomes subject to this rule solely because of an increase in hours of operation or level of production, the first month of the change is the month in which the increased hours of operation or level of production, if maintained for the remainder of the year, would cause the facility to exceed the applicable threshold. Each subsequent annual report must cover emissions for the calendar year, beginning on January 1 and ending on December 31.

* * * * *

(6) The annual GHG report for reporting year 2025 must be submitted no later than June 10, 2026.

(c) * * *

(1) Facility name, and physical street address of the facility, including the city, State, and zip code. If the facility does not have a physical street address, then the facility must provide the latitude and longitude representing the geographic centroid or center point of facility operations in decimal degree format. This must be provided in a comma-delimited ''latitude, longitude'' coordinate pair reported in decimal degrees to at least four digits to the right of the decimal point.

* * * * *

(4) For facilities, except as otherwise provided in paragraph (c)(12) of this section, report annual emissions of CO_2, CH_4, N_2O, each fluorinated GHG (as defined in § 98.6), and each fluorinated heat transfer fluid (as defined in § 98.98) as follows.

(i) Annual emissions (excluding biogenic CO_2) aggregated for all GHG from all applicable source categories, expressed in metric tons of CO_2e calculated using equation A–1 of this subpart. For electronics manufacturing (as defined in § 98.90), starting in reporting year 2012 the CO_2e calculation must include each fluorinated heat transfer fluid (as defined in § 98.98) whether or not it is also a fluorinated GHG.

(ii) Annual emissions of biogenic CO_2 aggregated for all applicable source categories, expressed in metric tons.

(iii) Annual emissions from each applicable source category, expressed in metric tons of each applicable GHG listed in paragraphs (c)(4)(iii)(A) through (F) of this section.

(A) Biogenic CO_2.

(B) CO_2 (excluding biogenic CO_2).

(C) CH_4.

(D) N_2O.

(E) [Reserved]

(F) [Reserved]

(G) [Reserved]

(iv) Except as provided in paragraph (c)(4)(vii) of this section, emissions and other data for individual units, processes, activities, and operations as specified in the ''Data reporting requirements'' section of each applicable subpart of this part.

(v) Indicate (yes or no) whether reported emissions include emissions from a cogeneration unit located at the facility.

(vi) [Reserved]

(vii) [Reserved]

(viii) Applicable source categories means all of the source categories listed in table A–4 to this subpart present at the facility.

* * * * *

(10) NAICS code(s) that apply to the facility.

(i) Primary NAICS code. Report the NAICS code that most accurately describes the facility's primary product/activity/service. The primary product/activity/service is the principal source of revenue for the facility. A facility that has two distinct products/activities/services providing comparable revenue may report a second primary NAICS code.

(ii) Additional NAICS code(s). Report all additional NAICS codes that describe all product(s)/activity(s)/service(s) at the facility that are not related to the principal source of revenue.

(11) Legal name(s) and physical address(es) of the highest-level United States parent company(s) of the owners (or operators) of the facility and the percentage of ownership interest for each listed parent company as of December 31 of the year for which data are being reported according to the following instructions:

(i) If the facility is entirely owned by a single United States company that is not owned by another company, provide that company's legal name and physical address as the United States parent company and report 100 percent ownership.

(ii) If the facility is entirely owned by a single United States company that is, itself, owned by another company (*e.g.,* it is a division or subsidiary of a higher-level company), provide the legal name and physical address of the highest-level company in the ownership hierarchy as the United States parent company and report 100 percent ownership.

(iii) If the facility is owned by more than one United States company (*e.g.,* company A owns 40 percent, company B owns 35 percent, and company C owns 25 percent), provide the legal names and physical addresses of all the highest-level companies with an ownership interest as the United States parent companies, and report the percent ownership of each company.

(iv) If the facility is owned by a joint venture or a cooperative, the joint venture or cooperative is its own United States parent company. Provide the legal name and physical address of the joint venture or cooperative as the United States parent company, and report 100 percent ownership by the joint venture or cooperative.

(v) If the facility is entirely owned by a foreign company, provide the legal name and physical address of the foreign company's highest-level company based in the United States as the United States parent company, and report 100 percent ownership.

(vi) If the facility is partially owned by a foreign company and partially owned by one or more U.S. companies, provide the legal name and physical address of the foreign company's highest-level company based in the United States, along with the legal names and physical addresses of the other U.S. parent companies, and report the percent ownership of each of these companies.

(vii) If the facility is a federally owned facility, report ''U.S. Government'' and do not report physical address or percent ownership.

(viii) The facility must refer to the reporting instructions of the electronic GHG reporting tool regarding standardized conventions for the naming of a parent company.

* * * * *

(h) Annual GHG report revisions. This paragraph applies to the reporting years for which the owner or operator is required to maintain records for a facility according to the time periods specified in paragraph (g) of this section.

* * * * *

(i) Calibration accuracy requirements. The owner or operator of a facility that is subject to the requirements of this part must meet the applicable flow meter calibration and accuracy requirements of this paragraph (i). The accuracy specifications in this paragraph (i) do not apply where either the use of company records (as defined in § 98.6) or the use of ''best available information'' is specified in an applicable subpart of this part to quantify fuel usage and/or other parameters. Further, the provisions of this paragraph (i) do not apply to stationary fuel combustion units that use the methodologies in part 75 of this chapter to calculate CO_2 mass emissions.

(1) * * *

(ii) For facilities that become subject to this part after April 1, 2010, all flow meters and other measurement devices (if any) that are required by the relevant subpart(s) of this part to provide data for the GHG emissions calculations shall be installed no later than the date on which data collection is required to begin using the measurement device, and the initial calibration(s) required by this paragraph (i) (if any) shall be performed no later than that date.

* * * * *

(k) Revised global warming potentials and special provisions for reporting year 2013 and subsequent reporting years. This paragraph (k) applies to owners or operators of facilities that first become subject to any subpart of part 98 solely due to an amendment to table A–1 to this subpart.

(1) A facility that first becomes subject to part 98 due to a change in the GWP for one or more compounds in table A–1 to this subpart, Global Warming Potentials, is not required to submit an annual GHG report for the reporting year during which the change in GWPs is published in the **Federal Register** as a final rulemaking.

(2) A facility that was already subject to one or more subparts of part 98 but becomes subject to one or more additional subparts due to a change in the GWP for one or more compounds in table A–1 to this subpart, is not required to include those subparts to which the facility is subject only due to the change in the GWP in the annual GHG report submitted for the reporting year during which the change in GWPs is published in the **Federal Register** as a final rulemaking.

(3) Starting on January 1 of the year after the year during which the change in GWPs is published in the **Federal Register** as a final rulemaking, facilities identified in paragraph (k)(1) or (2) of this section must start monitoring and collecting GHG data in compliance with the applicable subparts of part 98 to which the facility is subject due to the change in the GWP for the annual greenhouse gas report for that reporting year, which is due by March 31 of the following calendar year.

(4) A change in the GWP for one or more compounds includes the addition to table A–1 to this subpart of either a chemical-specific or a default GWP that applies to a compound to which no chemical-specific GWP in table A–1 to this subpart previously applied.

(l) Special provision for best available monitoring methods in 2014 and subsequent years. This paragraph (l) applies to owners or operators of facilities that first become subject to any subpart of part 98 due to an amendment to table A–1 to this subpart, Global Warming Potentials.

* * * * *

■ 5. Amend § 98.4 by:

■ a. Revising and republishing paragraphs (a), (b), (c), (d), (e), (f), (g), (h), and (i).

■ b. Revising paragraphs (k), (m)(2)(iv), (m)(2)(v)(A), (n) introductory text, (n)(1), (n)(2), (n)(3)(i), and (n)(3)(ii).

The revisions read as follows:

§ 98.4 Authorization and responsibilities of the designated representative.

(a) *General.* Except as provided under paragraph (f) of this section, each facility that is subject to this part, shall have one and only one designated representative, who shall be responsible for certifying, signing, and submitting GHG emissions reports and any other

submissions for such facility respectively to the Administrator under this part. If the facility is required under any other part of title 40 of the Code of Federal Regulations to submit to the Administrator any other emission report that is subject to any requirement in 40 CFR part 75, the same individual shall be the designated representative responsible for certifying, signing, and submitting the GHG emissions reports and all such other emissions reports under this part.

(b) *Authorization of a designated representative.* The designated representative of the facility shall be an individual selected by an agreement binding on the owners and operators of such facility and shall act in accordance with the certification statement in paragraph (i)(4)(iv) of this section.

(c) *Responsibility of the designated representative.* Upon receipt by the Administrator of a complete certificate of representation under this section for a facility, the designated representative identified in such certificate of representation shall represent and, by his or her representations, actions, inactions, or submissions, legally bind each owner and operator of such facility in all matters pertaining to this part, notwithstanding any agreement between the designated representative and such owners and operators. The owners and operators shall be bound by any decision or order issued to the designated representative by the Administrator or a court.

(d) *Timing.* No GHG emissions report or other submissions under this part for a facility will be accepted until the Administrator has received a complete certificate of representation under this section for a designated representative of the facility. Such certificate of representation shall be submitted at least 60 days before the deadline for submission of the facility's initial emission report under this part.

(e) *Certification of the GHG emissions report.* Each GHG emission report and any other submission under this part for a facility shall be certified, signed, and submitted by the designated representative or any alternate designated representative of the facility in accordance with this section and § 3.10 of this chapter.

(1) Each such submission shall include the following certification statement signed by the designated representative or any alternate designated representative: ''I am authorized to make this submission on behalf of the owners and operators of the facility, as applicable, for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.''

(2) The Administrator will accept a GHG emission report or other submission for a facility under this part only if the submission is certified, signed, and submitted in accordance with this section.

(f) *Alternate designated representative.* A certificate of representation under this section for a facility may designate one alternate designated representative, who shall be an individual selected by an agreement binding on the owners and operators, and may act on behalf of the designated representative, of such facility. The agreement by which the alternate designated representative is selected shall include a procedure for authorizing the alternate designated representative to act in lieu of the designated representative.

(1) Upon receipt by the Administrator of a complete certificate of representation under this section for a facility identifying an alternate designated representative.

(i) The alternate designated representative may act on behalf of the designated representative for such facility.

(ii) Any representation, action, inaction, or submission by the alternate designated representative shall be deemed to be a representation, action, inaction, or submission by the designated representative.

(2) Except in this section, whenever the term ''designated representative'' is used in this part, the term shall be construed to include the designated representative or any alternate designated representative.

(g) *Changing a designated representative or alternate designated representative.* The designated representative or alternate designated representative identified in a complete certificate of representation under this section for a facility received by the Administrator may be changed at any time upon receipt by the Administrator of another later signed, complete certificate of representation under this section for the facility. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous designated representative or the previous alternate designated representative of the facility before the time and date when the Administrator receives such later signed certificate of representation shall be binding on the new designated representative and the owners and operators of the facility.

(h) *Changes in owners and operators.* Except as provided in paragraph (n) of this section, in the event an owner or operator of the facility is not included in the list of owners and operators in the certificate of representation under this section for the facility, such owner or operator shall be deemed to be subject to and bound by the certificate of representation, the representations, actions, inactions, and submissions of the designated representative and any alternate designated representative of the facility, as if the owner or operator were included in such list. Within 90 days after any change in the owners and operators of the facility (including the addition of a new owner or operator), the designated representative or any alternate designated representative shall submit a certificate of representation that is complete under this section except that such list shall be amended to reflect the change. If the designated representative or alternate designated representative determines at any time that an owner or operator of the facility is not included in such list and such exclusion is not the result of a change in the owners and operators, the designated representative or any alternate designated representative shall submit, within 90 days of making such determination, a certificate of representation that is complete under this section except that such list shall be amended to include such owner or operator.

(i) *Certificate of representation.* A certificate of representation shall be complete if it includes the following elements in a format prescribed by the Administrator in accordance with this section:

(1) Identification of the facility for which the certificate of representation is submitted.

(2) The name, organization name (company affiliation-employer), address, email address (if any), telephone number, and facsimile transmission number (if any) of the designated representative and any alternate designated representative.

(3) A list of the owners and operators of the facility identified in paragraph (i)(1) of this section, provided that, if the list includes the operators of the facility and the owners with control of the

facility, the failure to include any other owners shall not make the certificate of representation incomplete.

(4) The following certification statements by the designated representative and any alternate designated representative:

(i) ''I certify that I was selected as the designated representative or alternate designated representative, as applicable, by an agreement binding on the owners and operators of the facility, as applicable.''

(ii) ''I certify that I have all the necessary authority to carry out my duties and responsibilities under 40 CFR part 98 on behalf of the owners and operators of the facility, as applicable, and that each such owner and operator shall be fully bound by my representations, actions, inactions, or submissions.''

(iii) ''I certify that the owners and operators of the facility, as applicable, shall be bound by any order issued to me by the Administrator or a court regarding the facility.''

(iv) ''If there are multiple owners and operators of the facility, as applicable, I certify that I have given a written notice of my selection as the 'designated representative' or 'alternate designated representative', as applicable, and of the agreement by which I was selected to each owner and operator of the facility.''

(5) The signature of the designated representative and any alternate designated representative and the dates signed.

(6) A list of the subparts that the owners and operators anticipate will be included in the annual GHG report. The list of potentially applicable subparts is required only for an initial certificate of representation that is submitted after January 1, 2018 (*i.e.,* for a facility that previously was not registered under this part). The list of potentially applicable subparts does not need to be revised with revisions to the COR or if the actual applicable subparts change.

* * * * *

(k) *Binding nature of the certificate of representation.* Once a complete certificate of representation under this section for a facility has been received, the Administrator will rely on the certificate of representation unless and until a later signed, complete certificate of representation under this section for the facility is received by the Administrator.

* * * * *

(m) * * *

(2) * * *

(iv) For each type of electronic submission listed in accordance with paragraph (m)(2)(iii) of this section, the facility for which the electronic submission may be made.

(v) * * *

(A) ''I agree that any electronic submission to the Administrator that is by an agent identified in this notice of delegation and of a type listed, and for a facility designated, for such agent in this notice of delegation and that is made when I am a designated representative or alternate designated representative, as applicable, and before this notice of delegation is superseded by another notice of delegation under § 98.4(m)(3) shall be deemed to be an electronic submission certified, signed, and submitted by me.''

* * * * *

(n) *Alternative provisions for changes in owners and operators for industry segments with a unique definition of facility as defined in § 98.238.* When there is a change to the owner or operator of a facility required to report under the onshore petroleum and natural gas production, onshore petroleum and natural gas gathering and boosting, or onshore natural gas transmission pipeline industry segments of subpart W of this part, or a change to the owner or operator for some emission sources from the facility in one of these industry segments, the provisions specified in paragraphs (n)(1) through (4) of this section apply for the respective type of change in owner or operator.

(1) If the entire facility is acquired by an owner or operator that does not already have a reporting facility in the same industry segment and basin (for onshore petroleum and natural gas production or onshore petroleum and natural gas gathering and boosting), then within 90 days after the change in the owner or operator, the designated representative or any alternate designated representative shall submit a certificate of representation that is complete under this section. If the new owner or operator already had emission sources specified in § 98.232(c), (j), or (m), as applicable, prior to the acquisition in the same basin (for onshore petroleum and natural gas production or onshore petroleum and natural gas gathering and boosting) as the acquired facility but had not previously met the applicability requirements in §§ 98.2(a) and 98.231, then per the applicable definition of facility in § 98.238, the previously owned applicable emission sources must be included in the acquired facility. The new owner or operator and the new designated representative shall be responsible for submitting the annual report for the facility for the entire reporting year beginning with the reporting year in which the acquisition occurred.

(2) If the entire facility is acquired by an owner or operator that already has a reporting facility in the same industry segment and basin (for onshore petroleum and natural gas production or onshore petroleum and natural gas gathering and boosting), the new owner or operator shall merge the acquired facility with their existing facility for purposes of the annual GHG report. The owner or operator shall also follow the provisions of § 98.2(i)(6) to notify EPA that the acquired facility will discontinue reporting and shall provide the e-GGRT identification number of the merged, or reconstituted, facility. The owner or operator of the merged facility shall be responsible for submitting the annual report for the merged facility for the entire reporting year beginning with the reporting year in which the acquisition occurred.

(3) * * *

(i) If the purchasing owner or operator that acquires only some of the emission sources from the existing facility does not already have a reporting facility in the same industry segment and basin (for onshore petroleum and natural gas production or onshore petroleum and natural gas gathering and boosting), the purchasing owner or operator shall begin reporting as a new facility. The new facility must include the acquired emission sources specified in § 98.232(c), (j), or (m), as applicable, and any emission sources the purchasing owner or operator already owned in the same industry segment and basin (for onshore petroleum and natural gas production or onshore petroleum and natural gas gathering and boosting). The designated representative for the new facility must be selected by the purchasing owner or operator according to the schedule and procedure specified in paragraphs (b) through (d) of this section. The purchasing owner or operator shall be responsible for submitting the annual report for the new facility for the entire reporting year beginning with the reporting year in which the acquisition occurred. The purchasing owner or operator shall continue to report under subpart W of this part for the new facility unless and until that facility meets one of the criteria in § 98.2(i).

(ii) If the purchasing owner or operator that acquires only some of the emission sources from the existing facility already has a reporting facility in the same industry segment and basin (for onshore petroleum and natural gas production or onshore petroleum and natural gas gathering and boosting), then

per the applicable definition of facility in § 98.238, the purchasing owner or operator must add the acquired emission sources specified in § 98.232(c), (j), or (m), as applicable, to their existing facility for purposes of reporting under subpart W. The purchasing owner or operator shall be responsible for submitting the annual report for the entire facility, including the acquired emission sources, for the entire reporting year beginning with the reporting year in which the acquisition occurred.

* * * * *

■ 6. Amend § 98.5 by revising paragraph (a).

§ 98.5 How is the report submitted?

(a) Each GHG report and certificate of representation for a facility must be submitted electronically in accordance with the requirements of § 98.4 and in a format specified by the Administrator.

* * * * *

■ 7. Amend § 98.6 by:

■ a. Removing the definitions for ''Acid Rain Program'', ''Agricultural by-products'', ''Air-injected flare'', ''Alkali bypass'', ''Anaerobic digester'', ''Anaerobic lagoon'', ''Anode effect'', ''Anode Effect Minutes per Cell Day (24 Hours)'', ''Asphalt'', ''Aviation Gasoline'', ''B0'', ''Basic oxygen furnace'', ''Blast furnace'', ''Bulk'', ''By-product coke oven battery'', ''Calcination'', ''Carbon dioxide production well'', ''Carbon dioxide production well facility'', ''Carbon dioxide stream'', ''Carbon share'', ''Carbonate'', ''Carbonate-based mineral'', ''Carbonate-based mineral mass fraction'', ''Carbonate-based raw material'', ''Catalytic cracking unit'', ''CBOB Summer (conventional blendstock for oxygenate blending)'', ''CBOB Winter (conventional blendstock for oxygenate blending)'', ''Cement kiln dust'', ''Chemical recovery combustion unit'', ''Chemical recovery furnace'', ''Chloride process'', ''Coal'', ''COD'', ''Cogeneration unit'', ''Coke burn-off'', ''Cokemaking'', ''Commercial applications'', ''Container glass'', ''Continuous glass melting furnace'', ''Conventional Summer'', ''Conventional Winter'', ''Cyclic'', ''Daily spread'', ''Decarburization vessel'', ''Deep bedding systems'', ''Degasification system'', ''Degradable organic carbon (DOC)'', ''Delayed coking unit'', ''Destruction'', ''Destruction device'', ''DIPE (diisopropyl ether, (CH3)2CHOCH(CH3)2)'', ''Direct liquefaction'', ''Direct reduction furnace'', ''Dry lot'', ''Electric arc furnace (EAF)'', ''Electric arc furnace steelmaking'', ''Electrothermic furnace'', ''Experimental furnace'', ''Exporter'', ''Feed'', ''Flat glass'', ''Furnace slag'', ''Glass melting furnace'', ''Glass'', ''Kiln'', ''Landfill'', ''Landfill gas'', ''Liberated'', ''Lime'', ''Makeup chemicals'', ''Manure composting'', ''Methane correction factor'', ''Midgrade gasoline'', ''Municipal solid waste landfill or MSW landfill'', ''Municipal solid waste or MSW'', ''Municipal wastewater treatment plant'', ''Nitric acid production line'', and ''Nitrogen excreted''.

■ b. Revising the definitions of ''North American Industry Classification System (NAICS) code(s)'', ''Operator'', and ''Owner''.

■ c. Removing the definitions of ''Pasture/Range/Paddock'', ''Petrochemical'', ''Petrochemical feedstocks'', ''Petroleum coke'', ''Pit storage below animal confinement (deep pits)'', ''Poultry manure with litter'', ''Poultry manure without litter'', ''Premium grade gasoline'', ''Pushing'', ''Raw mill'', ''RBOB-Summer'', ''RBOB-Winter'', ''Regular grade gasoline'', ''Rotary lime kiln'', ''SF_6'', ''Silicon carbide'', ''Spent liquor solids'', ''Spent pulping liquor'', ''Sulfur recovery plant'', ''Supplier'', ''Taconite iron ore processing'', ''TAME'', ''Transform'', ''Transhipment'', and ''Trona''.

■ d. Revising the definition of ''United States parent company(s)''.

■ e. Removing the definitions of ''Ventilation hole'', ''Ventilation system'', ''Volatile solids'', ''Wood residuals'', ''Wool fiberglass'', ''Working capacity'', and ''Zinc smelters''.

The revisions read as follows:

§ 98.6 Definitions.

* * * * *

North American Industry Classification System (NAICS) code(s) means the six-digit code(s) that represents the product(s)/activity(s)/service(s) at a facility as listed in the **Federal Register** and defined in ''North American Industrial Classification System Manual 2007,'' available from the U.S. Department of Commerce, National Technical Information Service, Alexandria, VA 22312, phone (703) 605–6000 or (800) 553–6847. *http://www.census.gov/eos/www/naics/.*

* * * * *

Operator means any person who operates or supervises a facility.

* * * * *

Owner means any person who has legal or equitable title to, has a leasehold interest in, or control of a facility, except a person whose legal or equitable title to or leasehold interest in the facility arises solely because the person is a limited partner in a partnership that has legal or equitable title to, has a leasehold interest in, or control of the facility shall not be considered an ''owner'' of the facility.

* * * * *

United States parent company(s) means the highest-level United States company(s) with an ownership interest in the facility as of December 31 of the year for which data are being reported.

* * * * *

■ 8. Remove and reserve table A–3 to Subpart A of Part 98.

■ 9. Amend table A–4 to Subpart A of Part 98 to read as follows:

TABLE A–4 TO SUBPART A OF PART 98—SOURCE CATEGORY LIST[a] FOR § 98.2(a)(2)

Source Categories[a] Applicable in Reporting Year 2034 and Future Years.
Petroleum and Natural Gas Systems (subpart W).

[a] Source categories are defined in each applicable subpart.

■ 10. Remove and reserve table A–5 to Subpart A of Part 98.

Subpart C—[Removed and Reserved]

■ 11. Remove and reserve subpart C, consisting of §§ 98.30 through 98.38 and tables C–1 and C–2 to subpart C of Part 98.

Subpart D—[Removed and Reserved]

■ 12. Remove and reserve subpart D, consisting of §§ 98.40 through 98.48.

Subpart E—[Removed and Reserved]

■ 13. Remove and reserve subpart E, consisting of §§ 98.50 through 98.58.

Subpart F—[Removed and Reserved]

■ 14. Remove and reserve subpart F, consisting of §§ 98.60 through 98.68 and tables F–1 and F–2 to subpart F of Part 98.

Subpart G—[Removed and Reserved]

■ 15. Remove and reserve subpart G, consisting of §§ 98.70 through 98.78.

Subpart H—[Removed and Reserved]

■ 16. Remove and reserve subpart H, consisting of §§ 98.80 through 98.88.

Subpart I—[Removed and Reserved]

■ 17. Remove and reserve subpart I, consisting of §§ 98.90 through 98.98, tables I–1 through I–21 to Subpart I of Part 98, and Appendix A to subpart I of Part 98.

Subpart K—[Removed and Reserved]

■ 18. Remove and reserve subpart K, consisting of §§ 98.110 through 98.118 and table K–1 to subpart K of Part 98.

Subpart L—[Removed and Reserved]

■ 19. Remove and reserve subpart L, consisting of §§ 98.120 through 98.128, table L–1 to Part 98, and Appendix A to subpart L of Part 98.

Subpart N—[Removed and Reserved]

■ 20. Remove and reserve subpart N, consisting of §§ 98.140 through 98.148 and table N–1 to subpart N of Part 98.

Subpart O—[Removed and Reserved]

■ 21. Remove and reserve subpart O, consisting of §§ 98.150 through 98.158 and table O–1 to subpart O of Part 98.

Subpart P—[Removed and Reserved]

■ 22. Remove and reserve subpart P, consisting of §§ 98.160 through 98.168.

Subpart Q—[Removed and Reserved]

■ 23. Remove and reserve subpart Q, consisting of §§ 98.170 through 98.178.

Subpart R—[Removed and Reserved]

■ 24. Remove and reserve subpart R, consisting of §§ 98.180 through 98.188.

Subpart S—[Removed and Reserved]

■ 25. Remove and reserve subpart S, consisting of §§ 98.190 through 98.198 and table S–1 to subpart S of Part 98.

Subpart T—[Removed and Reserved]

■ 26. Remove and reserve subpart T, consisting of §§ 98.200 through 98.208.

Subpart U—[Removed and Reserved]

■ 27. Remove and reserve subpart U, consisting of §§ 98.210 through 98.218 and table U–1 to subpart U of Part 98.

Subpart V—[Removed and Reserved]

■ 28. Remove and reserve subpart V, consisting of §§ 98.220 through 98.228.

Subpart W—Petroleum and Natural Gas Systems

■ 29. Amend § 98.230 by removing and reserving paragraph (a)(8).
■ 30. Amend § 98.231 by removing and reserving paragraph (a)(2).
■ 31. Amend § 98.232 by removing and reserving paragraphs (i) and (k).
■ 32. Amend § 98.233 by:
■ a. Revising paragraphs (a)(2)(ii) introductory text, (a)(2)(ix) introductory text, (a)(4) introductory text, (i) introductory text, (i)(1), (i)(2)(i), and (i)(2)(iv)(B);
■ b. Removing and reserving paragraphs (q)(1)(ii), (q)(1)(vii)(G), and (q)(1)(viii);
■ c. Revising paragraph (q)(2);
■ d. Removing and reserving paragraphs (q)(2)(x) and (q)(2)(xi);
■ e. Removing paragraph (q)(3)(viii);
■ f. Revising paragraph (r);
■ g. Removing and reserving paragraph (r)(6);
■ h. Revising paragraph (u)(2) introductory text;
■ i. Removing paragraph (u)(2)(vii); and
■ j. Revising paragraph (z)(5).
■ The revisions and additions read as follows:

§ 98.233 Calculating GHG emissions.

(a) * * *

(2) * * *

(ii) For facilities in the onshore natural gas processing, onshore natural gas transmission compression, or underground natural gas storage industry segments electing to use this Calculation Method 2, you must measure all natural gas pneumatic devices vented directly to the atmosphere at your facility each year or, if your facility has 26 or more pneumatic devices, over multiple years, not to exceed the number of years as specified in paragraphs (a)(2)(ii)(A) through (D) of this section. If you elect to measure your pneumatic devices over multiple years, you must measure approximately the same number of devices each year. You must measure and calculate emissions for natural gas pneumatic devices at your facility according to the provisions in paragraphs (a)(2)(iii) through (ix), as applicable.

* * * * *

(ix) For facilities in the onshore natural gas processing, onshore natural gas transmission compression, or underground natural gas storage industry segments, if you chose to conduct natural gas pneumatic device measurements over multiple years, ''n,'' according to paragraph (a)(2)(ii) of this section, then you must calculate the emissions from all pneumatic devices at your facility as specified in paragraph (a)(2)(ix)(A) through (E) of this section.

* * * * *

(4) *Calculation Method 4.* For well-pads in the onshore petroleum and natural gas production industry segment, gathering and boosting sites in the onshore petroleum and natural gas gathering and boosting industry segments, or for facilities in the onshore natural gas processing, onshore natural gas transmission compression, or underground natural gas storage industry segments, you may elect to calculate CH_4 and CO_2 emissions from your natural gas pneumatic devices that are vented directly to the atmosphere at your site using the methods specified in paragraphs (a)(4)(i) and (ii) of this section except those that are measured according to paragraphs (a)(1) through (3) of this section. You must exclude the counts of devices measured according to paragraph (a)(1) of this section from the counts of devices to be monitored or for which emissions are calculated according to the requirements in this paragraph (a)(4). You may not use this Calculation Method 4 for those devices for which you elected to measure emissions according to paragraph (a)(1), (2), or (3) of this section.

* * * * *

(i) *Blowdown vent stacks.* Calculate CO_2 and CH_4 blowdown vent stack emissions from the depressurization of equipment to reduce system pressure for planned or emergency shutdowns resulting from human intervention or to take equipment out of service for maintenance as specified in either paragraph (i)(2) or (3) of this section. You may use the method in paragraph (i)(2) of this section for some blowdown vent stacks at your facility and the method in paragraph (i)(3) of this section for other blowdown vent stacks at your facility. Blowdowns of equipment with a unique physical volume of less than 50 cubic feet as determined in paragraph (i)(1) of this section are not subject to the requirements in paragraphs (i)(2) through (4) of this section. The requirements in this paragraph (i) do not apply to blowdown vent stack emissions from depressurizing to a flare, over-pressure relief, operating pressure control venting, blowdown of non-GHG gases, and desiccant dehydrator blowdown venting before reloading. If emissions from blowdown vent stacks are routed to a flare, you must calculate CH_4, CO_2, and N_2O annual emissions as specified in paragraph (n) of this section and report emissions from the flare as specified in § 98.236(n).

(1) *Method for calculating unique physical volumes.* You must calculate each unique physical volume (including pipelines, compressor case or cylinders, manifolds, suction bottles, discharge bottles, and vessels) between isolation valves, in cubic feet, by using engineering estimates based on best available data.

* * * * *

(2) * * *

(i) Calculate the total annual natural gas emissions from each unique physical volume that is blown down

using either equation W–14A or W–14B to this section.

$$E_{s,n} = N * \left(V \left(\frac{(459.67 + T_s) P_a}{(459.67 + T_a) P_s Z_a} \right) - V * C \right) \quad \text{(Eq. W-14A)}$$

Where:

$E_{s,n}$ = Annual natural gas emissions at standard conditions from each unique physical volume that is blown down, in cubic feet.

N = Number of occurrences of blowdowns for each unique physical volume in the calendar year.

V = Unique physical volume, in cubic feet, as calculated in paragraph (i)(1) of this section.

C = Purge factor is 1 if the unique physical volume is not purged, or 0 if the unique physical volume is purged using non-GHG gases.

T_s = Temperature at standard conditions (60 °F).

T_a = Temperature at actual conditions in the unique physical volume (°F). For emergency blowdowns at onshore petroleum and natural gas production, onshore petroleum and natural gas gathering and boosting facilities, and onshore natural gas transmission pipeline facilities, engineering estimates based on best available information may be used to determine the temperature.

P_s = Absolute pressure at standard conditions (14.7 psia).

P_a = Absolute pressure at actual conditions in the unique physical volume (psia). For emergency blowdowns at onshore petroleum and natural gas production, onshore petroleum and natural gas gathering and boosting facilities, and onshore natural gas transmission pipeline facilities, engineering estimates based on best available information may be used to determine the pressure.

Z_a = Compressibility factor at actual conditions for natural gas. You may use either a default compressibility factor of 1, or a site-specific compressibility factor based on actual temperature and pressure conditions.

$$E_{s,n} = \sum_{p=1}^{N} \left[V_p \left(\frac{(459.67 + T_s)(P_{a,b,p} - P_{a,e,p})}{(459.67 + T_{a,p}) P_s Z_a} \right) \right] \quad \text{(Eq. W-14B)}$$

Where:

$E_{s,n}$ = Annual natural gas emissions at standard conditions from each unique physical volume that is blown down, in cubic feet.

p = Individual occurrence of blowdown for the same unique physical volume.

N = Number of occurrences of blowdowns for each unique physical volume in the calendar year.

V_p = Unique physical volume, in cubic feet, for each blowdown ''p.''

T_s = Temperature at standard conditions (60 °F).

$T_{a,p}$ = Temperature at actual conditions in the unique physical volume (°F) for each blowdown ''p''. For emergency blowdowns at onshore petroleum and natural gas production, onshore petroleum and natural gas gathering and boosting facilities, and onshore natural gas transmission pipeline facilities, engineering estimates based on best available information may be used to determine the temperature.

P_s = Absolute pressure at standard conditions (14.7 psia).

$P_{a,b,p}$ = Absolute pressure at actual conditions in the unique physical volume (psia) at the beginning of the blowdown ''p''. For emergency blowdowns at onshore petroleum and natural gas production, onshore petroleum and natural gas gathering and boosting facilities, and onshore natural gas transmission pipeline facilities, engineering estimates based on best available information may be used to determine the pressure at the beginning of the blowdown.

$P_{a,e,p}$ = Absolute pressure at actual conditions in the unique physical volume (psia) at the end of the blowdown ''p''; 0 if blowdown volume is purged using non-GHG gases. For emergency blowdowns at onshore petroleum and natural gas production, onshore petroleum and natural gas gathering and boosting facilities, and onshore natural gas transmission pipeline facilities, engineering estimates based on best available information may be used to determine the pressure at the end of the blowdown.

Z_a = Compressibility at actual conditions for natural gas. You may use either a default compressibility factor of 1, or a site-specific compressibility factor based on actual temperature and pressure conditions.

* * * * *

(iv) * * *

(B) For the onshore natural gas transmission pipeline industry segment, pipeline segments or event types must be grouped into the following eight categories: Pipeline integrity work (*e.g.,* the preparation work of modifying facilities, ongoing assessments, maintenance or mitigation), traditional operations or pipeline maintenance, equipment replacement or repair (*e.g.,* valves), pipe abandonment, new construction or modification of pipelines including commissioning and change of service, operational precaution during activities (*e.g.* excavation near pipelines), emergency shutdowns including pipeline incidents as defined in 49 CFR 191.3, and all other pipeline segments with a physical volume greater than or equal to 50 cubic feet. If a blowdown event resulted in emissions from multiple categories and the emissions cannot be apportioned to the different categories, then categorize the blowdown event in the category that represented the largest portion of the emissions for the blowdown event.

* * * * *

(q) * * *

(2) *Calculation Method 1: Leaker emission factor calculation methodology.* If you elect not to measure leaks according to Calculation Method 2 as specified in paragraph (q)(3) of this section, you must use this Calculation Method 1 for all components included in a complete leak survey. For industry segments listed in § 98.230(a)(2) through (10), if equipment leaks are detected during surveys required or elected for components listed in paragraphs (q)(1)(i) through (vi) of this section, then you must calculate equipment leak emissions per component type per reporting facility, well-pad site, or gathering and boosting site, as applicable, using equation W–30 to this section and the requirements specified in paragraphs (q)(2)(i) through (x) and (xii) of this section.

$$E_{s,p,i} = GHG_i \times EF_{sp} \times \sum_{z=1}^{x_p} T_{p,z} \times k \qquad \text{(Eq. W-30)}$$

Where:

$E_{s,p,i}$ = Annual total volumetric emissions of GHGi from specific component type ''p'' (in accordance with paragraphs (q)(1)(i) through (vi) of this section) in standard (''s'') cubic feet, as specified in paragraphs (q)(2)(ii) through (x) and (xii) of this section.

x_p = Total number of specific component type ''p'' detected as leaking in any leak survey during the year. A component found leaking in two or more surveys during the year is counted as one leaking component.

$EF_{s,p}$ = Leaker emission factor as specified in paragraphs (q)(2)(iii) through (x) and (xii) of this section.

k = Factor to adjust for undetected leaks by respective leak detection method, where k equals 1.25 for the methods in § 98.234(a)(1), (3) and (5); k equals 1.55 for the method in § 98.234(a)(2)(i); and k equals 1.27 for the method in § 98.234(a)(2)(ii).

GHG_i = For onshore petroleum and natural gas production facilities and onshore petroleum and natural gas gathering and boosting facilities, concentration of GHG_i, CH_4 or CO_2, in produced natural gas as defined in paragraph (u)(2) of this section; for onshore natural gas processing facilities, concentration of GHG_i, CH_4 or CO_2, in the total hydrocarbon of the feed natural gas; for onshore natural gas transmission compression and underground natural gas storage, GHG_i equals 0.975 for CH_4 and 1.1×10^{-2} for CO_2 or concentration of GHG_i, CH_4 or CO_2, in the total hydrocarbon of the feed natural gas; for LNG storage and LNG import and export equipment, GHG_i equals 1 for CH_4 and 0 for CO_2; and for onshore natural gas transmission pipeline, GHG_i equals 1 for CH_4 and 1.1×10^{-2} for CO_2.

$T_{p,z}$ = The total time the surveyed component ''z,'' component type ''p,'' was assumed to be leaking and operational, in hours. If one leak detection survey is conducted in the calendar year, assume the component was leaking for the entire calendar year. If multiple leak detection surveys are conducted in the calendar year, assume a component found leaking in the first survey was leaking since the beginning of the year until the date of the survey; assume a component found leaking in the last survey of the year was leaking from the preceding survey through the end of the year; assume a component found leaking in a survey between the first and last surveys of the year was leaking since the preceding survey until the date of the survey; and sum times for all leaking periods. For each leaking component, account for time the component was not operational (*i.e.,* not operating under pressure) using an engineering estimate based on best available data.

* * * * *

(r) *Equipment leaks by population count.* This paragraph (r) applies to emissions sources listed in § 98.232(c)(21)(ii), (f)(7), (g)(5), (h)(6), (j)(10)(ii), (m)(3)(i), and (m)(4)(i) if you are not required to comply with paragraph (q) of this section and if you do not elect to comply with paragraph (q) of this section for these components in lieu of this paragraph (r). This paragraph (r) also applies to emission sources listed in § 98.232(j)(11) and (m)(5). To be subject to the requirements of this paragraph (r), the listed emissions sources also must contact streams with gas content greater than 10 percent CH_4 plus CO_2 by weight. Emissions sources that contact streams with gas content less than or equal to 10 percent CH_4 plus CO_2 by weight are exempt from the requirements of this paragraph (r) and do not need to be reported. Tubing systems equal to or less than one half inch diameter are exempt from the requirements of this paragraph (r) and do not need to be reported. Equipment leak components in vacuum service are exempt from the survey and emission estimation requirements of this paragraph (r) and only the count of these equipment must be reported. You must calculate emissions from all emission sources listed in this paragraph (r) using equation W–32A to this section.

$$E_{s,e,i} = Count_e * EF_{s,e} * GHG_i * T_e \qquad \text{(Eq. W-32A)}$$

Where:

$E_{s,e,i}$ = Annual volumetric emissions of GHG_i from the emission source type in standard cubic feet. The emission source type may be a major equipment (*e.g.,* wellhead, separator), component (*e.g.,* connector, open-ended line), gathering pipeline, transmission company interconnect metering-regulating station, farm tap and/or direct sale metering-regulating station, or transmission pipeline.

$Count_e$ = Total number of the emission source type at the facility. Onshore petroleum and natural gas production facilities and onshore petroleum and natural gas gathering and boosting facilities must count each major equipment piece listed in table W–1 to this subpart. Onshore petroleum and natural gas gathering and boosting facilities must also count the miles of gathering pipelines by material type (protected steel, unprotected steel, plastic, or cast iron). Underground natural gas storage facilities must count each component listed in table W–3 to this subpart. LNG storage facilities must count the number of vapor recovery compressors. LNG import and export facilities must count the number of vapor recovery compressors. Onshore natural gas transmission pipeline facilities must count the following, as listed in table W–5 to this subpart: (1) Miles of transmission pipelines by material type; (2) number of transmission company interconnect metering-regulating stations; and (3) number of farm tap and/or direct sale metering-regulating stations.

$EF_{s,e}$ = Population emission factor for the specific emission source type, as specified in paragraphs (r)(2) through (7) of this section.

GHG_i = For onshore petroleum and natural gas production facilities and onshore petroleum and natural gas gathering and boosting facilities, concentration of GHG_i, CH_4 or CO_2, in produced natural gas as defined in paragraph (u)(2) of this section; for onshore natural gas transmission compression and underground natural gas storage, GHG_i equals 0.975 for CH_4 and 1.1×10^{-2} for CO_2 or concentration of GHGi, CH_4 or CO_2, in the total hydrocarbon of the feed natural gas; for LNG storage and LNG import and export equipment, GHG_i equals 1 for CH_4 and 0 for CO_2; and for onshore natural gas transmission pipeline, GHG_i equals 1 for CH_4 and 1.1×10^{-2} CO_2.

T_e = Average estimated time that each emission source type associated with the equipment leak emission was operational in the calendar year, in hours, using engineering estimate based on best available data.

* * * * *

(u) * * *

(2) For equation W–35 to this section, the mole fraction, M_i, shall be the annual average mole fraction for each sub-basin category or facility, as specified in paragraphs (u)(2)(i) through (vi) of this section.

* * * * *

(z) * * *

(5) Emissions from fuel combusted in stationary or portable equipment at onshore petroleum and natural gas production facilities and at onshore petroleum and natural gas gathering and boosting facilities that are calculated according to the procedures in either paragraph (z)(1)(ii) or (z)(2)(ii) of this section must be reported according to the requirements specified in § 98.236(z) rather than the reporting requirements specified in subpart C of this part.

* * * * *

■ 33. Amend § 98.236 by:

■ a. Removing and reserving paragraph (a)(8);

■ b. Revising paragraphs (b)(4)(ii) introductory text, (i)(1) introductory text, (i)(1)(ii), and (q) introductory text;

■ c. Removing and reserving paragraph (q)(1)(iii);

■ d. Revising paragraph (q)(1)(iv) introductory text and the first sentence of paragraph (q)(2) introductory text;

■ e. Removing paragraph (q)(3);

■ f. Removing and reserving paragraph (r)(2); and

■ g. Revising paragraph (z) introductory text.

The revisions and additions read as follows:

§ 98.236 Data reporting requirements.

* * * * *

(b) * * *

(4) * * *

(ii) For onshore natural gas processing facilities, onshore natural gas transmission compression facilities, and underground natural gas storage facilities:

* * * * *

(i) * * *

(1) *Report by equipment or event type.* If you calculated emissions from blowdown vent stacks by the seven categories listed in § 98.233(i)(2)(iv)(A) for onshore petroleum and natural gas production, onshore natural gas processing, onshore natural gas transmission compression, underground natural gas storage, LNG storage, LNG import and export equipment, or onshore petroleum and natural gas gathering and boosting industry segments, then you must report the information specified in paragraphs (i)(1)(i) through (v) of this section, as applicable. If a blowdown event resulted in emissions from multiple equipment or event types, and the emissions cannot be apportioned to the different equipment or event types, then you may report the information in paragraphs (i)(1)(ii) through (v) of this section for the equipment or event type that represented the largest portion of the emissions for the blowdown event. For the onshore petroleum and natural gas production and onshore petroleum and natural gas gathering and boosting industry segments, if a blowdown event is not directly associated with a specific well-pad site or gathering and boosting site (*e.g.,* a mid-field pipeline blowdown) or could be associated with multiple well-pad or gathering and boosting sites, then you may report the information in paragraphs (i)(1)(i) through (v) of this section for either the nearest well-pad site or gathering and boosting site upstream from the blowdown event or the well-pad site or gathering and boosting site that represented the largest portion of the emissions for the blowdown event, as appropriate. If you calculated emissions from blowdown vent stacks by the eight categories listed in § 98.233(i)(2)(iv)(B) for the onshore natural gas transmission pipeline industry segment, then you must report the information specified in paragraphs (i)(1)(ii) through (v) of this section, as applicable. If a blowdown event resulted in emissions from multiple equipment or event types, and the emissions cannot be apportioned to the different equipment or event types, then you may report the information in paragraphs (i)(1)(ii) through (v) of this section for the equipment or event type that represented the largest portion of the emissions for the blowdown event.

* * * * *

(ii) *Equipment or event type.* For the onshore petroleum and natural gas production, onshore natural gas processing, onshore natural gas transmission compression, underground natural gas storage, LNG storage, LNG import and export equipment, or onshore petroleum and natural gas gathering and boosting industry segments, use the seven categories listed in § 98.233(i)(2)(iv)(A). For the onshore natural gas transmission pipeline industry segment, use the eight categories listed in § 98.233(i)(2)(iv)(B).

* * * * *

(q) *Equipment leak surveys.* For any components subject to or complying with the requirements of § 98.233(q), you must report the information specified in paragraphs (q)(1) and (2) of this section. You must report the information specified in paragraphs (q)(1) and (2) of this section, as applicable, for each well-pad site (for onshore production), gathering and boosting site (for onshore petroleum and natural gas gathering and boosting), or facility (for all other applicable industry segments).

* * * * *

(1) * * *

(iv) Except for onshore natural gas transmission pipeline facilities, indicate whether any of the leak detection surveys used in calculating emissions per § 98.233(q)(2) were conducted for compliance with any of the standards in paragraphs (q)(1)(iv)(A) through (E) of this section. Report the indication per well-pad site, gathering and boosting site, or facility, not per component type, as applicable.

* * * * *

(2) You must indicate whether your facility contains any of the component types subject to or complying with § 98.233(q) that are listed in § 98.232(c)(21), (d)(7), (e)(7) or (8), (f)(5) through (8), (g)(4), (g)(6) or (7), (h)(5), (h)(7) or (8), (j)(10), (m)(3)(ii) or (m)(4)(ii) for your facility's industry segment.

* * * * *

(z) *Combustion equipment.* If your facility is required by § 98.232(c)(22) or (j)(12) to report emissions from combustion equipment, then you must indicate whether your facility has any combustion units subject to reporting according to paragraph (a)(1)(xx) or (a)(9)(xiii) of this section. If your facility contains any combustion units subject to reporting according to paragraph (a)(1)(xx) or (a)(9)(xiii) of this section, then you must report the information specified in paragraphs (z)(1) and (2) of this section, as applicable. You must report the information specified in paragraphs (z)(1) and (2) of this section, as applicable, for each well-pad site (for onshore petroleum and natural gas production) or gathering and boosting site (for onshore petroleum and natural gas gathering and boosting).

■ 34. Amend § 98.238 by:

■ a. Removing the definitions ''Facility with respect to natural gas distribution for purposes of reporting under this subpart and for the corresponding subpart A requirements'' and ''Meter/regulator run'';

■ b. Revising the definition ''Routed to combustion''; and

■ c. Removing the definition ''Transmission distribution (T–D) transfer station''.

The revisions read as follows:

§ 98.238 Definitions.

* * * * *

Routed to combustion means, for onshore petroleum and natural gas production facilities and onshore petroleum and natural gas gathering and boosting facilities, that emissions are routed to stationary or portable fuel combustion equipment specified in § 98.232(c)(22) or (j)(12), as applicable.

* * * * *

■ 35. Revising table W–1 to subpart W of Part 98 to read as follows:

TABLE W–1 TO SUBPART W OF PART 98—DEFAULT WHOLE GAS POPULATION EMISSION FACTORS

Industry segment	Source type/component	Emission factor (scf whole gas/hour/unit)
Population Emission Factors—Pneumatic Device Vents and Pneumatic Pumps, Gas Service [1]		
Onshore petroleum and natural gas production, Onshore petroleum and natural gas gathering and boosting.	Continuous Low Bleed Pneumatic Device Vents [2]	6.8
	Continuous High Bleed Pneumatic Device Vents [2]	21
	Intermittent Bleed Pneumatic Device Vents [2]	8.8
	Pneumatic Pumps [3]	13.3
Onshore natural gas processing, Onshore natural gas transmission compression, Underground natural gas storage.	Continuous Low Bleed Pneumatic Device Vents [2]	6.8
	Continuous High Bleed Pneumatic Device Vents [2]	30
	Intermittent Bleed Pneumatic Device Vents [2]	2.3
Population Emission Factors—Major Equipment, Gas Service [1]		
Onshore petroleum and natural gas production, Onshore petroleum and natural gas gathering and boosting.	Wellhead	8.87
	Separator	9.65
	Meters/Piping	7.04
	Compressor	13.8
	Dehydrator	8.09
	Heater	5.22
	Storage Vessel	1.83
Population Emission Factors—Major Equipment, Crude Service		
Onshore petroleum and natural gas production	Wellhead	4.13
	Separator	4.77
	Meters/Piping	12.4
	Compressor	13.8
	Dehydrator	8.09
	Heater	3.2
	Storage Vessel	1.91
Population Emission Factors—Gathering Pipelines, by Material Type [4]		
Onshore petroleum and natural gas gathering and boosting.	Protected Steel	0.93
	Unprotected Steel	8.2
	Plastic Composite	0.28
	Cast Iron	8.4

[1] For multi-phase flow that includes gas, use the gas service emission factors.
[2] Emission factor is in units of ''scf whole gas/hour/device.''
[3] Emission factor is in units of ''scf whole gas/hour/pump.''
[4] Emission factors are in units of ''scf whole gas/hour/mile of pipeline.''

■ 36. Revising table W–5 to subpart W of Part 98 to read as follows:

TABLE W–5 TO SUBPART W OF PART 98—DEFAULT METHANE POPULATION EMISSION FACTORS

Industry segment	Source type/component	Emission factor (scf methane/hour/component)
Population Emission Factors—LNG Storage Compressor, Gas Service		
LNG storage, LNG import and export equipment	Vapor Recovery Compressor [1]	4.17
Population Emission Factors—Interconnect, Direct Sale, or Farm Tap Stations [2 3]		
Onshore natural gas transmission pipeline	Transmission Company Interconnect M&R Station	166
	Direct Sale or Farm Tap Station	1.3
Population Emission Factors—Transmission Pipelines, Gas Service [4]		
Onshore natural gas transmission pipeline	Unprotected Steel	0.74
	Protected Steel	0.041
	Plastic	0.061
	Cast Iron	27

[1] Emission Factor is in units of ''scf methane/hour/compressor.''

[2] Excluding customer meters.
[3] Emission Factor is in units of "scf methane/hour/station."
[4] Emission Factor is in units of "scf methane/hour/mile."

■ 37. Revising table W–6 to subpart W of Part 98 to read as follows:

TABLE W–6 TO SUBPART W OF PART 98—DEFAULT METHANE LEAKER EMISSION FACTORS

Equipment components	Emission factor (scf methane/hour/component)		
	If you survey using Method 21 as specified in § 98.234(a)(2)(i)	If you survey using Method 21 as specified in § 98.234(a)(2)(ii)	If you survey using any of the methods in § 98.234(a)(1), (3), or (5)
Leaker Emission Factors—LNG Storage and LNG Import and Export Equipment—Storage Components and Terminals Components, LNG Service			
Valve	1.19	0.23	1.94
Pump Seal	4.00	0.73	6.54
Connector	0.34	0.11	0.56
Other[1]	1.77	0.99	2.9
Leaker Emission Factors—LNG Storage and LNG Import and Export Equipment—Storage Components and Terminals Components, Gas Service			
Valve[2]	14.84	9.51	24.2
Connector	5.59	3.58	9.13
Open-Ended Line	17.27	11.07	28.2
Pressure Relief Valve	39.66	25.42	64.8
Meter and Instrument	19.33	12.39	31.6
Other[3]	4.1	2.63	6.70

[1] "Other" equipment type for components in LNG service should be applied for any equipment type other than connectors, pumps, or valves.
[2] Valves include control valves, block valves and regulator valves.
[3] "Other" equipment type for components in gas service should be applied for any equipment type other than valves, connectors, flanges, open-ended lines, pressure relief valves, and meters and instruments, as specified in § 98.232(g)(6) and (7) and § 98.232(h)(7) and (8).

Subpart X—[Removed and Reserved]

■ 38. Remove and reserve subpart X, consisting of §§ 98.240 through 98.248.

Subpart Y—[Removed and Reserved]

■ 39. Remove and reserve subpart Y, consisting of §§ 98.250 through 98.258.

Subpart Z—[Removed and Reserved]

■ 40. Remove and reserve subpart Z, consisting of §§ 98.260 through 98.268 and table Z–1 to subpart Z of Part 98.

Subpart AA—[Removed and Reserved]

■ 41. Remove and reserve subpart AA, consisting of §§ 98.270 through 98.278 and tables AA–1 and AA–2 to subpart AA of Part 98.

Subpart BB—[Removed and Reserved]

■ 42. Remove and reserve subpart BB, consisting of §§ 98.280 through 98.288.

Subpart CC—[Removed and Reserved]

■ 43. Remove and reserve subpart CC consisting of §§ 98.290 through 98.298.

Subpart DD—[Removed and Reserved]

■ 44. Remove and reserve subpart DD, consisting of §§ 98.300 through 98.308.

Subpart EE—[Removed and Reserved]

■ 45. Remove and reserve subpart EE, consisting of §§ 98.310 through 98.318.

Subpart FF—[Removed and Reserved]

■ 46. Remove and reserve subpart FF, consisting of §§ 98.320 through 98.328.

Subpart GG—[Removed and Reserved]

■ 47. Remove and reserve subpart GG, consisting of §§ 98.330 through 98.338.

Subpart HH—[Removed and Reserved]

■ 48. Remove and reserve subpart HH, consisting of §§ 98.340 through 98.348 and tables HH–1 through HH–4 to subpart HH of Part 98.

Subpart II—[Removed and Reserved]

■ 49. Remove and reserve subpart II, consisting of §§ 98.350 through 98.358 and tables II–1 and II–2 to subpart II of Part 98.

Subpart JJ—[Removed and Reserved]

■ 50. Remove and reserve subpart JJ, consisting of §§ 98.360 through 98.368 and tables JJ–1 through JJ–7 to subpart JJ of Part 98.

Subpart LL—[Removed and Reserved]

■ 51. Remove and reserve subpart LL, consisting of §§ 98.380 through 98.388.

Subpart MM—[Removed and Reserved]

■ 52. Remove and reserve subpart MM, consisting of §§ 98.390 through 98.398 and tables MM–1 and MM–2 to subpart MM of Part 98.

Subpart NN—[Removed and Reserved]

■ 53. Remove and reserve subpart NN, consisting of §§ 98.400 through 98.408 and tables NN–1 and NN–2 to subpart NN of Part 98.

Subpart OO—[Removed and Reserved]

■ 54. Remove and reserve subpart OO, consisting of §§ 98.410 through 98.418.

Subpart PP—[Removed and Reserved]

■ 55. Remove and reserve subpart PP, consisting of §§ 98.420 through 98.428.

Subpart QQ—[Removed and Reserved]

■ 56. Remove and reserve subpart QQ, consisting of §§ 98.430 through 98.438.

Subpart RR—[Removed and Reserved]

■ 57. Remove and reserve subpart RR, consisting of §§ 98.440 through 98.449.

Subpart SS—[Removed and Reserved]

■ 58. Remove and reserve subpart SS, consisting of §§ 98.450 through 98.458.

Subpart TT—[Removed and Reserved]

■ 59. Remove and reserve subpart TT, consisting of §§ 98.460 through 98.468 and table TT–1 to subpart TT of Part 98.

Subpart UU—[Removed and Reserved]

■ 60. Remove and reserve subpart UU, consisting of §§ 98.470 through 98.478.

Subpart VV—[Removed and Reserved]

■ 61. Remove and reserve subpart VV, consisting of §§ 98.480 through 98.489.

Subpart WW—[Removed and Reserved]

■ 62. Remove and reserve subpart WW, consisting of §§ 98.490 through 98.498.

Subpart XX—[Removed and Reserved]

■ 63. Remove and reserve subpart XX, consisting of §§ 98.500 through 98.508.

Subpart YY—[Removed and Reserved]

■ 64. Remove and reserve subpart YY, consisting of §§ 98.510 through 98.518 and table YY–1 to subpart YY of Part 98.

Subpart ZZ—[Removed and Reserved]

■ 65. Remove and reserve subpart ZZ, consisting of §§ 98.520 through 98.528 and table ZZ–1 to subpart ZZ of Part 98.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 250908–0149]

RIN 0648–BN55

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Framework Adjustment 18 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement Framework Adjustment 18 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan. This framework would modify exemptions to the minimum mesh size requirements in the commercial summer flounder fishery. The purpose of this action is to increase flexibility for the commercial fishing industry.

DATES: Comments must be received by October 16, 2025.

ADDRESSES: A plain language summary of this proposed rule is available at *https://www.regulations.gov/docket/NOAA-NMFS-2025-0026.* You may submit comments on this document, identified by NOAA–NMFS–2025–0026, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Visit *https://www.regulations.gov* and type NOAA–NMFS–2025–0026 in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *https://www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Copies of the draft Framework Adjustment 18 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan, including the Environmental Assessment and the Regulatory Impact Review (EA/RIR) prepared in support of this action are available from Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 North State Street, Dover, DE 19901. The supporting documents are also accessible via the internet at: *https://www.mafmc.org/actions/summer-flounder-commercial-mesh-exemptions.*

FOR FURTHER INFORMATION CONTACT: Laura Deighan, Fishery Policy Analyst, (978) 281–9184, or *laura.deighan@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission (Commission) cooperatively develop management measures for the summer flounder, scup, and black sea bass fisheries in state and Federal waters. Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and Administrative Procedure Act, NMFS reviews and, after taking public comment, approves appropriate fishery management actions that apply in Federal waters.

The Council submitted draft Framework Adjustment 18 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) (Summer Flounder Commercial Mesh Exemption Framework Action) to NMFS for consideration of approval. The Summer Flounder Commercial Mesh Exemption Framework Action proposes changes to the two exemptions from the minimum mesh size requirements in the commercial summer flounder fishery. The goal of this framework is to modernize the exemptions to be consistent with current gear use and fishing practices, providing the industry with better access to the exemptions and greater flexibility. The proposed changes are consistent with the primary original objective of the minimum mesh size exemptions, which was to reduce summer flounder discards in other fisheries without increasing the catch of smaller summer flounder.

The implementing regulations for the FMP are found at 50 CFR part 648 subpart G. Pursuant to Magnuson-Stevens Act section 303(b)(4), the summer flounder regulations at § 648.108(a) specify the minimum allowable mesh size when using an otter trawl in the commercial summer flounder fishery. To protect smaller summer flounder, summer flounder permit holders may retain no more than 100 pounds (lb; 45 kilograms (kg)) of summer flounder from May to October and 200 lb (91 kg) from November to April when using otter trawls with mesh below the minimum size. The regulations at § 648.108(b) provide two exemptions from the minimum mesh size requirements: (1) The Small-Mesh Exemption Program (SMEP), which provides exemptions within a defined geographical area from November through April for vessels holding a Letter of Authorization (LOA); and (2) the flynet exemption, which allows exemptions for vessels using a specific net configuration. These two

exemptions were originally implemented in 1993 to allow summer flounder permit holders to retain some bycatch of summer flounder while operating in other small-mesh fisheries.

The original SMEP was implemented based on data indicating that catch of smaller summer flounder was low in the SMEP area during the winter months. Under the SMEP, summer flounder permit holders may obtain an LOA that allows them to land more than 200 lb (91 kg) of summer flounder when fishing with mesh smaller than the minimum size east of 72°30′ W longitude between November 1 and April 30. Vessels must hold the LOA for a minimum of 7 days and may not fish west of 72°30′ W longitude while the LOA is active. The regulations authorize the Regional Administrator to terminate the SMEP for the remainder of a season if observer data indicate SMEP participants are discarding more than an average of 10 percent of their entire summer flounder catch per trip (by weight).

The flynet exemption allows vessels to retain more than the incidental limits of summer flounder when using a two-seam otter trawl flynet with: (1) Large mesh in the wings that measures 8 inches (20 centimeters (cm)) to 64 inches (163 cm), (2) a first body section (belly) of the net with 35 or more meshes that are at least 8 inches (20 cm), and (3) mesh that decreases in size throughout the body of the net to 2 inches (5 cm) or smaller towards the terminus of the net. The flynet definition was based on nets being used primarily to target bluefish and sciaenids between September and April from North Carolina to Cape Henlopen, Delaware. State data indicated summer flounder comprised only 1 to 3 percent of the total flynet trip catch, supporting the exemption.

The regulations at § 648.110 authorize the Council to recommend actions to adjust management measures, including gear restrictions and gear requirements, to meet or be consistent with the goals and objectives of the FMP through a framework action. Under the rulemaking authority of Magnuson-Stevens Act sections 303(c) and 304(b), this action proposes three modifications to the existing summer flounder minimum mesh size exemptions: (1) expand the geographical area of the SMEP, (2) revise the annual evaluation process for the SMEP, and (3) revise the definition of a flynet within the summer flounder regulations. These changes were recommended by the Council, and adopted by the Commission, in October 2024. Under the Secretarial rulemaking authority of Magnuson-Stevens Act section 305(d), which authorizes NMFS to promulgate regulations necessary to carry out an FMP, this action also proposes three administrative changes related to the minimum mesh size exemptions: (1) allow for a minimum LOA period of less than 7 days to provide added flexibility to the industry, (2) implement the use of a flynet vessel trip reporting (VTR) code for ease of tracking fishing activity under the flynet exemption, and (3) revise the criterion used to evaluate termination of the flynet exemption to align with the original FMP amendment and the original objective of the action. These administrative changes support the implementation of the proposed framework, alleviate an administrative constraint that is no longer necessary, and correct an error in the regulations. While these changes were not part of the framework action, the Council expressed support for NMFS to make them.

Proposed Measures

SMEP: Area Expansion

This action proposes moving the western boundary of the SMEP area approximately 5 miles (8 kilometers (km)) west for the portion of the area south of Long Island Sound. The use of bottom-tending gear is prohibited in the Frank R. Lautenberg Deep-Sea Coral Protection Area, and this action would not modify the portion of the SMEP south of that area nor allow SMEP trips in the Coral Protection Area. The proposed western boundary would follow the existing boundary at 72°30′ W longitude from the southern coast of Connecticut to Long Island, New York. South of Long Island, it would follow 72°37′ W longitude south until it intersects with the northeast corner of the current scup Southern Gear Restricted Area (GRA) at 39°20′ N latitude and 72°37′ W longitude. It would then follow the eastern border of the scup Southern GRA to 37° N latitude, which would form the southern boundary of the SMEP until it intersects with the current SMEP boundary at 72°30′ W longitude. It would then follow that longitude south to the boundary of the U.S. Exclusive Economic Zone (EEZ).

The proposed revision would add approximately 4,943 km² (1,441 nm²) of accessible waters to the SMEP area after excluding the deep-sea coral zone where bottom-tending gear is prohibited. Members of the industry requested this change to provide greater flexibility to those fishing in multiple fisheries. They noted that the SMEP has reduced summer flounder regulatory discards and is critical for the economic stability of their businesses. The proposed expansion of the SMEP area is intended to allow for greater retention of summer flounder in areas where summer flounder permit holders are currently participating in other fisheries using mesh below the summer flounder minimum mesh size. The proposed change is not expected to pose a risk to the health of the summer flounder stock because (1) overall summer flounder landings are constrained by annual catch limits, (2) the summer flounder regulations prohibit the retention of undersized summer flounder, and (3) the regulations allow for the SMEP to be temporarily terminated if data indicate that SMEP participants are discarding summer flounder above a specified threshold.

SMEP: Discard Threshold Evaluation

This action proposes an update to the annual review criteria for the SMEP. The current regulations authorize the Regional Administrator to terminate the SMEP for the remainder of the season when a threshold of an average of 10 percent of summer flounder catch is discarded per SMEP trip (by weight). This action would increase the discard threshold to an average of 25 percent of the summer flounder catch per SMEP trip (by weight). This change is based on improved data quality and availability. Current data indicate a similar level of summer flounder discards per trip, regardless of SMEP participation, in the trawl fishery from November to April (*i.e.,* the SMEP season). On average, 24 percent of summer flounder catch is discarded per trip for both LOA and non-LOA trips during this period, and 25 percent for all trips year-round. Increasing the evaluation threshold to 25 percent is not expected to result in significant increases in summer flounder discards and would ensure that termination of the SMEP is considered when SMEP discards increase beyond what is considered normal relative to the summer flounder fishery as a whole.

This action also proposes that, when the discard threshold is reached, the Monitoring Committee would lead or review an analysis of SMEP discards before the Regional Administrator decides whether to temporarily revoke the SMEP. Implementing a Monitoring Committee-led review of SMEP discards would allow the Regional Administrator to consider other relevant information before deciding whether to temporarily revoke the SMEP. These changes are intended to prevent premature SMEP closures and unnecessary economic harm to permit holders who rely on the SMEP.

This action also proposes changes to the timing of the SMEP revocation, authorizing the Regional Administrator to terminate the exemption for the remainder of the current SMEP season or the following SMEP season. The current regulations allow the Regional Administrator to terminate the SMEP for only the remainder of the current season. This action would add an option to terminate the SMEP for the following SMEP season based on the lag in data availability and the timeline required to undertake an in-depth review of SMEP discards.

SMEP: LOA 7-Day Minimum

This action proposes a revision to the requirement that SMEP participants hold an SMEP LOA for a minimum of 7 days. The 7-day minimum was implemented due to the administrative burden of processing paper-based LOA applications and withdrawal requests. Regional NMFS staff are currently working on the development of paperless LOAs and their integration into the region's electronic permitting system. The updated system would automatically validate qualification criteria and issue LOAs for those with simple criteria, such as the SMEP LOA, eliminating the need for the 7-day minimum.

The SMEP regulations prevent permit holders from fishing outside of the SMEP area while holding a SMEP LOA, including with gear that complies with the summer flounder minimum mesh requirements. The 7-day minimum participation period limits the industry's ability to adjust its behavior based on real-time fishing conditions. This action proposes updating the SMEP participation period to allow for a minimum period of up to, but not more than, 7 days, as specified by the Regional Administrator. This administrative change would allow for the minimum participation period to be reduced when technology that enables faster LOA processing becomes available.

Flynet Exemption: Flynet Definition

This action proposes removing the number of seams and the maximum mesh size from the flynet definition within the summer flounder regulations (§ 648.108(b)(2)). The proposed changes are based on industry feedback that the current definition does not reflect modern net configurations and that similar nets that align with the original objective of the flynet exemption are used throughout the region. The updated definition would be ''an otter trawl with: (1) Large mesh in the wings that measures 8 inches (20 cm) or greater; (2) a first body (belly) section that has at least 280 inches (711 cm) of mesh behind the sweep where the mesh size is at least 8 inches (20 cm); and (3) mesh that decreases in size throughout the body of the net toward the codend.'' These nets do not typically catch high amounts of summer flounder because the large mesh at the openings allows flatfish to escape. As with the proposed SMEP alterations, this proposed change is not expected to pose a risk to the health of the summer flounder stock, given the summer flounder annual catch limits, summer flounder minimum size requirements, and the Regional Administrator's authority to rescind the flynet exemption for the remainder of the year when a specific threshold is reached.

Flynet Exemption: Termination Evaluation

This action proposes a revision to the evaluation criterion used to determine whether the termination of the flynet exemption may be warranted. In Amendment 2 to the FMP, the Council recommended that the Regional Administrator consider terminating the flynet exemption when the annual average summer flounder catch exceeds 1 percent of the total catch in the flynet fishery. However, the regulations provide a criterion of summer flounder discards greater than 1 percent of summer flounder catch in the flynet fishery. The record for that amendment does not indicate that NMFS rejected the Council's recommendation nor does it provide a rationale for such a change. Rather, the difference between the FMP and regulations likely results from an administrative error. This action proposes updating the regulations to align with the original FMP amendment. The original criterion is more consistent with the objective of the flynet exemption, which was implemented because summer flounder catch is low in flynet gear.

Flynet Exemption: Vessel Trip Reporting

Currently, evaluation of the flynet exemption relies on the vessel operator self-reporting the net type during observed trips. Given the limited number of observed trips and the variation in net terminology throughout the region, accurate identification of flynet trips has been challenging. This action proposes the implementation of a flynet gear code to identify trips taken under the flynet exemption more accurately through VTRs. This change would support improved monitoring of the flynet exemption, which will result in improved decision making regarding termination of, or any future modifications to, the exemption.

Classification

Pursuant to sections 304(b)(1)(A), 304(c), and 305(d) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the Summer Flounder, Scup, and Black Sea Bass FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment. NMFS is issuing this rule pursuant to sections 304(b)(1)(A) and 305(d) of the Magnuson-Stevens Act, which provide specific authority for implementing this action. Section 304(b) of the Magnuson-Stevens Act authorizes NMFS to review and, if warranted, approve and implement rules and regulations deemed necessary by the Council. Pursuant to section 305(d) of the Magnuson-Stevens Act, this action is necessary to carry out the Summer Flounder, Scup, and Black Sea Bass FMP because the administrative changes proposed under this authority support implementation of the Council's proposed changes, alleviate an administrative constraint that is no longer necessary, and correct an error in the regulations.

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

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

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The entities (*i.e.,* the small and large businesses) that may be affected by this action include fishing operations with Federal moratorium (commercial) permits for summer flounder. Vessels may hold multiple fishing permits, and some entities own multiple vessels and/or permits. According to the Northeast Fisheries Science Center commercial ownership database, 719 vessels held Federal summer flounder moratorium permits in 2023. Ownership data collected from permit holders indicate that 416 unique business entities held at least one summer flounder permit. Of these, 363 were classified as commercial fishing businesses, with 355 (*i.e.,* 98 percent) of them classified as small businesses and 8 (*i.e.,* 2 percent) classified as large businesses. On average, summer flounder accounted for

$54,751 of the $1.42 million average total revenue (*i.e.,* 4 percent) for the small businesses. It accounted for an average of $292,749 of the $19.1 million average total revenue (*i.e.,* 1.5 percent) for the large businesses.

The expansion of the geographical area of the SMEP is intended to allow summer flounder permit holders using small mesh in other fisheries to retain summer flounder that they would otherwise be required to discard. Vessels operating in the expanded area would be expected to retain an additional 5,000 lb (2.27 mt) to 15,000 lb (6.8 mt) of legal-sized summer flounder annually, which would result in approximately $12,500 to $37,500 of additional revenue per year across participating vessels. The proposed changes to the SMEP evaluation and termination criteria are intended to prevent a premature closure and unnecessary economic harm to permit holders who rely on the SMEP, which is expected to have an unquantifiable, slight positive economic impact on summer flounder permit holders. The proposed changes to the definition of a flynet would allow summer flounder permit holders using small mesh in other fisheries to retain summer flounder that they would otherwise be required to discard. Vessels do not report detailed gear configuration information for every trip, and it is not possible to identify the number of vessels or trips taken with gear that would meet the revised flynet definition. However, the proposed changes are expected to allow a small increase in summer flounder landings for a small number of vessels, resulting in a small increase in revenue. The other changes proposed in the action are administrative.

The modifications to the summer flounder commercial minimum mesh exemptions proposed in this rule are expected to result in negligible to moderate positive socioeconomic impacts for commercial fishery participants because they would allow for additional flexibility for fishing vessels to retain incidental catch of summer flounder while targeting other species. Therefore, this action would be expected to increase revenues. In sum, if finalized as proposed, this action would not have a significant economic impact on a substantial number of small entities. As a result, an initial regulatory flexibility analysis is not required, and none has been prepared.

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

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: September 8, 2025.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 648 as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.4, revise paragraph (a)(3)(iii) to read as follows:

§ 648.4 Vessel permits.

(a) * * *

(3) * * *

(iii) *Exemption permits.* Owners of summer flounder vessels seeking an exemption from the minimum mesh requirement under the provisions of § 648.108(b)(1) must request a letter of authorization (LOA) from the Regional Administrator. Vessels must be enrolled in the exemption program for a minimum period, specified by the Regional Administrator, of up to 7 days. The Regional Administrator may impose temporary additional procedural requirements by publishing a notification in the **Federal Register**. If a summer flounder charter or party requirement of this part differs from a summer flounder charter or party management measure required by a state, any vessel owners or operators fishing under the terms of a summer flounder charter/party vessel permit in the EEZ for summer flounder must comply with the more restrictive requirement while fishing in state waters, unless otherwise authorized under § 648.107.

* * * * *

■ 3. In § 648.14, revise paragraphs (n)(2)(iii)(B) and (C) to read as follows:

§ 648.14 Prohibitions.

* * * * *

(n) * * *

(2) * * *

(iii) * * *

(B) Fish with or possess nets or netting that are modified, obstructed, or constricted, if fishing with an exempted net described in § 648.108, unless the nets or netting are stowed in accordance with § 648.108(e).

(C) Fish outside of the area specified in § 648.108(b)(1)(i) if exempted from the minimum mesh requirement specified in § 648.108 by a summer flounder Small-Mesh Exemption Program letter of authorization.

* * * * *

■ 4. In § 648.102, revise paragraph (a)(5) to read as follows:

§ 648.102 Summer flounder specifications.

(a) * * *

(5) Adjustments to the exempted area boundary and season specified in § 648.108(b)(1), based on data reviewed by the Summer Flounder Monitoring Committee during the specification process, to prevent discarding of more than an average of 25 percent of the summer flounder catch per trip, by weight, from all SMEP trips.

* * * * *

■ 5. In § 648.106, revise paragraph (d) to read as follows:

§ 648.106 Summer flounder possession restrictions.

* * * * *

(d) *Commercially permitted vessel possession limits.* Owners and operators of otter trawl vessels issued a permit under § 648.4(a)(3) that fish with or possess nets or pieces of net on board that do not meet the minimum mesh requirements and that are not stowed in accordance with § 648.108(e), may not retain 100 lb (45.4 kg) or more of summer flounder from May 1 through October 31, or 200 lb (90.7 kg) or more of summer flounder from November 1 through April 30, unless the vessel is fishing under an exemption, as specified in § 648.108(b). Summer flounder on board these vessels must be stored so as to be readily available for inspection in standard 100-lb (45.3-kg) totes or fish boxes having a liquid capacity of 18.2 gal (70 L), or a volume of not more than 4,320 in^3 (2.5 ft^3 or 70.79 cm^3).

■ 6. In § 648.108, revise paragraph (b) to read as follows:

§ 648.108 Summer flounder gear restrictions.

* * * * *

(b) *Exemptions.* Unless otherwise restricted by this part, the minimum mesh-size requirements specified in paragraph (a)(1) of this section do not apply to: (1) A vessel issued a summer flounder moratorium permit that meets the requirements of paragraph (b)(1)(ii) of this section, fishing from November 1 through April 30 in the Small-Mesh Exemption Area, as defined in paragraph (b)(1)(i) of this section. (i) *Small-Mesh Exemption Area.* The Small-Mesh Exemption Area is the area east or north, as appropriate, of a line that follows 72°30′ W from the coast of Connecticut south to 40°50.24′ N

latitude and then follows straight lines connecting the following points in the order stated until it intersects with the outer boundary of the U.S. EEZ (copies of a map depicting the area are available upon request from the Regional Administrator):

TABLE 1 TO PARAGRAPH (b)(1)(i)

Point	Latitude	Longitude
SMEA1	40°50.24′ N	72°30′ W
SMEA2	40°48.04′ N	72°37′ W
SMEA3	39°20′ N	72°37′ W
SMEA4	39°4.38′ N	72°47.22′ W
SMEA5	38°28.65′ N	73°29.37′ W
SMEA6	38°29.72′ N	73°30.65′ W
SMEA7	38°26.32′ N	73°33.44′ W
SMEA8	38°13.15′ N	73°49.77′ W
SMEA9	38°13.74′ N	73°50.73′ W
SMEA10	38°11.98′ N	73°52.65′ W
SMEA11	37°29.53′ N	74°29.95′ W
SMEA12	37°29.43′ N	74°30.29′ W
SMEA13	37°6.97′ N	74°40.8′ W
SMEA14	37°5.83′ N	74°45.57′ W
SMEA15	37°4.43′ N	74°41.03′ W
SMEA16	37°3.5′ N	74°40.39′ W
SMEA17	37° N	74°43′ W
SMEA18	37° N	72°30′ W
SMEA19	[a]	72°30′ W

[a] U.S. EEZ longitude, approximately 33°1.30′ N.

(ii) *Requirements.*

(A) A vessel fishing in the Summer Flounder Small-Mesh Exemption Area under this exemption must have on board a valid LOA issued by the Regional Administrator.

(B) The vessel must be enrolled in the exemption program for a minimum period, specified by the Regional Administrator, of up to 7 days.

(C) The vessel may not fish for any species outside of the Small-Mesh Exemption Area, as described in paragraph (b)(1)(i) of this section, during the time the LOA is effective. Vessels may resume fishing outside the Small-Mesh Exemption Area once the LOA has expired. Vessels may withdraw from the SMEP before the LOA expiration date in accordance with the terms outlined in the LOA. Vessels participating in the Small-Mesh Exemption Program in accordance with this section and § 648.4(a)(3)(iii) may transit the area west or south of the Small-Mesh Exemption Area if the vessel's fishing gear is stowed in a manner prescribed under § 648.108(e), so that it is not ''available for immediate use'' outside the exemption area.

(iii) *Evaluation and Termination.* If data indicate that vessels fishing under the Small-Mesh Exemption Program are discarding more than an average of 25 percent, by weight, of their entire catch of summer flounder per Small-Mesh Exemption Program trip, the Monitoring Committee shall coordinate or conduct a review of the exemption program. The review shall be completed no later than the next series of specifications setting or review meetings and presented to the ASMFC Summer Flounder, Scup and Black Sea Bass Management Board and MAFMC. After considering the Monitoring Committee's review and the recommendations of the Board and Council, the Regional Administrator may terminate the exemption for the remainder of the season or for the following exemption season. If the Regional Administrator makes such a determination, he/she shall publish notification of the termination in the **Federal Register**, in compliance with the requirements of the Administrative Procedure Act.

(2) A vessel fishing with an otter trawl fly net with the following configuration is exempt from the summer flounder minimum mesh size requirements, provided the vessel documents use of a flynet on its Vessel Trip Report (VTR) and has no other nets or netting with mesh smaller than 5.5 inches (14.0 cm) on board:

(i) *Configuration.*

(A) The net has large mesh in the wings that measures 8 inches (20.3 cm) or greater.

(B) The first body section (belly) of the net has at least 280 inches (711.2 cm) of mesh behind the sweep where the mesh size is at least 8 inches (20.3 cm).

(C) The mesh decreases in size throughout the body of the net toward the codend.

(ii) *Evaluation and Termination.* The Regional Administrator may terminate this exemption if he/she determines, after a review of relevant data, that the annual average summer flounder catch exceeds 1 percent of the annual average total catch from all vessels fishing under the exemption. If the Regional Administrator makes such a determination, he/she shall publish notification in the **Federal Register**, in compliance with the requirements of the Administrative Procedure Act, terminating the exemption for the remainder of the calendar year.

* * * * *

[FR Doc. 2025–17831 Filed 9–15–25; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 90, No. 177
Tuesday, September 16, 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Freedom of Information Act ''Still Interested'' Inquiry

AGENCY: U.S. Agency for International Development (USAID).

ACTION: Notice of USAID Freedom of Information Act (FOIA) ''Still Interested'' Inquiry.

SUMMARY: The Freedom of Information Act (5 U.S.C. 552) provides that agencies shall make records available to the public, subject to certain exemptions. In line with the Department of Justice (DOJ) Office of Information Policy (OIP) guidance, agencies may confirm whether requesters are ''still interested'' in pending FOIA requests before continuing processing, particularly when circumstances have changed significantly. USAID is issuing this notice to inquire about requestors still interested in having USAID process their FOIA requests. Utilizing this procedure will help USAID increase efficiency, appropriately allocate resources, and reduce backlog relating to its FOIA processing. This notice applies to requesters who submitted FOIA requests prior to January 20, 2025.

DATES: All responses to this notice will be accepted on or before October 31, 2025.

ADDRESSES: All responses to this notice must be submitted by email at *foia@usaid.gov.*

FOR FURTHER INFORMATION CONTACT: Christopher Colbow, FOIA Public Liaison, 571–228–5866; *foia@usaid.gov.*

SUPPLEMENTARY INFORMATION: Due to the ongoing reorganization of USAID operations in 2025, including the transition of certain foreign assistance functions to the Department of State and a reduction-in-force of nearly all USAID personnel, the Agency is facing a significant backlog in open FOIA requests. Most subject matter experts and record custodians are no longer available, which will particularly limit USAID's ability to locate, review, and release records for prior year requests in a timely manner.

To ensure that USAID's FOIA resources are directed toward matters of current relevance and ongoing public interest, and to promote overall efficiency in managing government resources, USAID is issuing this notice to inquire about continued interest in FOIA requests that were submitted prior to January 20, 2025.

If you wish to proceed with your FOIA request submitted before January 20, 2025:

Email: foia@usaid.gov.

Subject line: Still Interested [FOIA request tracking number].

Include in the body of the email:

- Your full name;
- Your FOIA request tracking number (if available);
- The date your request was submitted; and
- A brief confirmation you wish to continue.

Please note that the foregoing applies to FOIA requests submitted to another agency, which were transferred to USAID and provided with a USAID FOIA request tracking number.

USAID will use email addresses on file for requesters with open FOIA cases submitted prior to January 20, 2025, to inform them of this notice.

The email correspondence must include the specific USAID FOIA request tracking number(s) (*e.g.,* F–XXXX–25) and a request that USAID continue processing the request(s).

Responses must be received within 45 calendar days of this notice. If no response is received, the request will be administratively closed, and no action is required if a requester wishes to close an inquiry. This does not prevent you from submitting a new FOIA request in the future.

This action is consistent with DOJ OIP guidance on the appropriate use of ''still interested'' inquiries to manage FOIA backlogs and allocate resources efficiently. By confirming interest, requesters help ensure that USAID can devote its resources to requests most likely to be processed successfully and to matters of greatest current public relevance.

This notice only applies to active USAID FOIA requests and does not apply to any FOIA requests currently under appeal or subject to active litigation with USAID. Finally, this notice does not alter any of USAID's existing FOIA regulations.

USAID is committed to providing information to the public in accessible formats in accordance with Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794d). If you require assistance to respond to this notice, please contact *foia@usaid.gov.*

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

Signing Authority

This document was approved on September 11, 2025, by Kenneth Jackson, as the Performing the Duties of Deputy Administrator for Management and Resources, USAID. The document with the original signature and date is maintained by USAID. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned USAID Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of USAID. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Christopher Colbow,

FOIA Public Liaison.

[FR Doc. 2025–17820 Filed 9–15–25; 8:45 am]

BILLING CODE 6116–01–P

DEPARTMENT OF AGRICULTURE

Farm Service Agency

[Docket ID FSA–2025–0070]

Agricultural Disaster Assistance Programs

AGENCY: Farm Service Agency, U.S. Department of Agriculture (USDA).

ACTION: Notice; removal of unconstitutional preferences based on race and sex in response to court ruling.

SUMMARY: The Farm Service Agency (FSA) is issuing this notice to announce that it will no longer employ the race- and sex-based ''socially disadvantaged'' designation to provide increased benefits based on race and sex set forth in the Notices of Funds Availability (NOFAs) for the following programs: the Emergency Relief Program (ERP) Phase

1, the Emergency Livestock Relief Program (ELRP) Phase 1 and Phase 2, ERP 2022 Track 1 and Track 2, and ELRP 2022.

FOR FURTHER INFORMATION CONTACT: Kathy Sayers; telephone: (202) 720–6870; email: *Kathy.Sayers@usda.gov.* Individuals with disabilities who require alternative means for communication should contact the USDA Target Center at (202) 720–2600 (voice and text telephone (TTY mode)) or dial 711 for Telecommunications Relay Service (both voice and text telephone users can initiate this call from any telephone).

SUPPLEMENTARY INFORMATION:

Background

As set forth in the final rule published on July 10, 2025 (Removal of Unconstitutional Preferences Based on Race and Sex in Response to Court Ruling, 90 FR 30555), USDA ''has independently determined that it will no longer employ the race- and sex-based ''socially disadvantaged'' designation to provide increased benefits based on race and sex in the programs at issue in this regulation.'' The USDA has faced a long history of litigation stemming from allegations of discrimination in the administration of its farm loan and benefit programs. However, over the past several decades, USDA has undertaken substantial efforts to address past problems, culminating in comprehensive settlements, institutional reforms, and compensatory frameworks. These actions collectively support the conclusion that past discrimination has been sufficiently addressed and that race- and sex-based remedies are not necessary or legally justified.

In *Strickland* v. *USDA* (Case No. 2:24–CV–60–Z), white farmers challenged USDA disaster and pandemic relief programs that targeted socially disadvantaged groups. The plaintiffs argued that the use of race and sex as criteria violated the Equal Protection Clause. Emphasizing an emerging judicial scrutiny of remedial race-based classifications, particularly considering Supreme Court precedent clarifying constitutional limits on affirmative action, the Court, on June 7, 2024, preliminarily enjoined the challenged relief programs that included race- and sex-based preferences. *Strickland* v. *United States Dep't of Agric.,* 736 F. Supp. 3d 469 (N.D. Tex. 2024).

As provided in the Defendant's Statement in the Response to the Court's January 27, 2025 Order, ''the Department of Justice has determined that the [USDA] programs at issue in this case are unconstitutional to the extent they include preferences based on race and sex. USDA has independently determined that it will no longer employ the race- and sex-based 'socially disadvantaged' designation to provide increased benefits based on race and sex in the programs at issue in this case.'' On May 15, 2025, the United States District Court for the Northern District of Texas, Amarillo Division, granted the parties' request for voluntary remand in *Strickland.* The court further ordered USDA to finalize its reconsideration of the programs challenged in that case for its use of the race- and sex-based ''socially disadvantaged'' designation on or before September 30, 2025.

In alignment with the *Strickland* Court's June 7, 2024, decision and recent federal directives,[1] the USDA's final rule of July 10, 2025, amended the regulations of multiple USDA programs as a result of USDA's conclusion that the use of discretionary policy choices, made under the rubric of the statutory authorities for the programs identified in the rule, is inconsistent with constitutional principles and the administration's policy objectives (90 FR 30556). The rule amended the regulations of the Coronavirus Food Assistance Program (CFAP) 2, the Pandemic Assistance Revenue Program (PARP), and the Emergency Relief Program (ERP) Phase 2 to remove the use of the race- and sex-based ''socially disadvantaged'' designation when determining benefits under those programs.[2]

Consistent with the actions taken in the final rule, FSA is issuing this notice to announce changes to the provisions of ERP Phase 1, ELRP Phase 1 and Phase 2, ERP 2022 Track 1 and Track 2, and ELRP 2022, which were each announced and administered through a Notice of Funds Availability (NOFA) rather than through a rule and regulation. The application periods for these programs have closed and payments have been issued except in limited circumstances, such as when a payment has been delayed due to errors, omissions, and appeals. As a result of the revisions made by this notice, any remaining payments that are issued will not use the ''socially disadvantaged farmer or rancher'' designation to provide increased benefits. The revisions to each of these programs are described below.

[1] See Executive Order 14148, ''Initial Recissions of Harmful Executive Orders and Actions'' (90 FR 8237), and Executive Order 14173, ''Ending Illegal Discrimination and Restoring Merit-Based Opportunity'' (90 FR 8633).

[2] See 7 CFR 9.203 for CFAP 2, § 9.306 for PARP, and § 760.1905 for ERP Phase 2.

ERP Phase 1

ERP Phase 1 was announced in a NOFA published on May 18, 2022 (87 FR 30164), as revised and clarified by a notice published on August 18, 2022 (87 FR 50828). For any remaining payments, a producer who is a beginning farmer or rancher, limited resource farmer or rancher, or veteran farmer or rancher will still receive an increase to their ERP Phase 1 payment that is equal to 15 percent of the amount calculated as described in the first through fourth paragraphs under ''Payment Calculation'' in the NOFA of May 18, 2022 (87 FR 30168–30169). Other producers will not receive an increase of 15 percent of the calculated amount.

ELRP Phase 1

ELRP Phase 1 was announced in a NOFA published on April 4, 2022 (87 FR 19465), as revised and clarified by a notice published on August 18, 2022 (87 FR 50828). For any remaining payments, the ELRP Phase 1 payment percentage will be 90 percent for a beginning farmer or rancher, limited resource farmer or rancher, or veteran farmer or rancher, and 75 percent for all other producers.

ELRP Phase 2

ELRP Phase 2 was announced in a NOFA published on September 27, 2023 (88 FR 66366). As provided in that NOFA, the ELRP Phase 2 payment was equal to the eligible livestock producer's gross ELRP Phase 1 payment multiplied by 20 percent. As described above, any remaining ELRP Phase 1 payments will not use the ''socially disadvantaged'' designation when calculating the payment amount. As a result, any ELRP Phase 2 payments that result from such Phase 1 payments will not be increased based on the ''socially disadvantaged'' designation.

If an ELRP Phase 1 payment was issued prior to USDA's termination of the use of the ''socially disadvantaged'' designation but the Phase 2 payment was delayed, any remaining Phase 2 payments will be based on the amount that would have been issued for ELRP Phase 1 according to the revision above (that is, the amount calculated using an ELRP Phase 1 payment percentage of 90 percent for a beginning farmer or rancher, limited resource farmer or rancher, or veteran farmer or rancher, and 75 percent for all other producers).

ERP 2022

ERP 2022 Track 1 and Track 2 were announced in a NOFA published on

October 31, 2023 (88 FR 74404). On August 23, 2024, FSA published a notice announcing the actions FSA was taking to comply with the preliminary injunction in *Strickland* related to payment calculations for ERP 2022 (89 FR 68125). That notice stated, ''If the preliminary injunction is lifted, with available funds, FSA will make or update payments to affected and eligible socially disadvantaged producers consistent with the terms of the [NOFA].'' As explained above, FSA is amending the provisions of the NOFA because USDA will no longer employ the race- and sex-based ''socially disadvantaged'' designation to provide increased benefits based on race and sex. Accordingly, FSA will not make or update any ERP 2022 payments based on the ''socially disadvantaged'' designation. Any remaining ERP 2022 payments will be subject to the following revisions.

As provided by the initial NOFA, ERP Track 1 payments for insured crops and trees are calculated by determining a producer's loss consistent with the approved Risk Management Agency (RMA) loss procedures for the type of coverage purchased by the producer, but using the ERP factor to determine the liability. The result is adjusted by subtracting the gross Federal crop insurance indemnity. FSA then applies progressive factoring by payment range as described in the NOFA and calculates the sum of the results for all payment ranges (88 FR 74410). For any remaining Track 1 payments for insured losses, FSA will add the producer's share of the Federal crop insurance administrative fee and premium to that calculated amount for a beginning farmer or rancher, limited resource farmer or rancher, or veteran farmer or rancher. For all other producers, the share of the administrative fee and premium will not be added to the calculated amount for insured losses. FSA will continue to apply a final payment factor of 75 percent to all payments.

For crops with coverage under the Noninsured Crop Disaster Assistance Program (NAP), ERP Track 1 payments are calculated by determining a producer's loss consistent with FSA's NAP calculation, but using the ERP factor in place of the crop's coverage level to determine the guarantee. This calculated amount is then adjusted by subtracting the gross NAP payment, without progressive factoring (88 FR 74411). For any remaining Track 1 payments for NAP-covered losses, FSA will add the producer's share of the NAP service fee and premium to the result of that calculation for a beginning farmer or rancher, limited resource farmer or rancher, or veteran farmer or rancher. For all other producers, the share of the service fee and premium will not be added to the calculated amount for NAP-covered crops. FSA will continue to apply a final payment factor of 75 percent to all payments.

For any remaining Track 2 payments, for a beginning farmer or rancher, limited resource farmer or rancher, or veteran farmer or rancher, the calculated Track 2 payment, prior to application of the final payment factor, will be equal to the lesser of: (1) the sum of the results for each payment range described in the second paragraph under ''Track 2 Payment Calculation,'' multiplied by a factor of 115 percent; or (2) the amount calculated by Steps 1 through 3 of the first paragraph under ''Track 2 Payment Calculation'' (88 FR 74414). For all other eligible producers, the sum of the results for each payment range described in the second paragraph under ''Track 2 Payment Calculation'' will be the calculated Track 2 payment prior to application of the final payment factor.

ELRP 2022

ELRP 2022 was announced in a NOFA published on September 27, 2023 (88 FR 66361). On October 30, 2024, FSA published a notice in the **Federal Register** announcing a second round of payments for ELRP 2022 participants that were subject to a modified payment calculation in compliance with the preliminary injunction in *Strickland* (89 FR 86310). That notice stated, ''If the preliminary injunction is lifted, with available funds, FSA will make or update payments to affected and eligible socially disadvantaged producers consistent with the terms of the [NOFA].'' As set forth above, FSA is amending the provisions of the NOFA because USDA will no longer employ the race- and sex-based ''socially disadvantaged'' designation to provide increased benefits based on race and sex. Accordingly, FSA will not make or update any ELRP 2022 payments based on the ''socially disadvantaged'' designation.

For any remaining ELRP 2022 payments, the payment will be equal to the eligible livestock producer's gross 2022 LFP calculated payment multiplied by the applicable ELRP 2022 payment percentage of 90 percent for a beginning farmer or rancher, limited resource farmer or rancher, or veteran farmer or rancher or 75 percent for all other producers, multiplied by a 25 percent factor for an initial payment or 7.25 percent factor for a second-round payment.

William Beam,

Administrator, Farm Service Agency.

[FR Doc. 2025–17861 Filed 9–15–25; 8:45 am]

BILLING CODE 3411–E2–P

CENTRAL INTELLIGENCE AGENCY

Privacy Act of 1974; System of Records

AGENCY: Central Intelligence Agency.

ACTION: Notice of New and Modified Systems of Records.

SUMMARY: Pursuant to the Privacy Act of 1974, as amended, and Office of Management and Budget (OMB) Circular No. A–108, notice is hereby given that the Central Intelligence Agency (''CIA'' or ''the Agency'') is submitting to the **Federal Register** one (1) new System of Records Notice (SORN), CIA–45 Resolution Office Records, and two (2) modified SORNs, CIA–19, Agency Human Resource Records, and the renamed CIA–36, Alumni Relations Records.

DATES: In accordance with 5 U.S.C. 552a(e)(4) and (11), this notice is effective upon publication, subject to a 30-day period in which to comment on the routine uses, described below. Please submit any comments by October 16, 2025.

ADDRESSES: Comments may be submitted by the following methods: By mail to Mark J. Mouser, Privacy and Civil Liberties Officer, Central Intelligence Agency, Washington, DC 20505, by telephone at (571) 280–2700, or by email to *FedRegLiaison@uce.cia.gov.* Please include ''NOTICE OF NEW AND MODIFIED CIA SORNS'' in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Mark J. Mouser, Privacy and Civil Liberties Officer, Central Intelligence Agency, Washington, DC 20505, (571) 280–2700.

SUPPLEMENTARY INFORMATION: CIA is publishing a total of three (3) SORNs. Of this total, CIA has modified two (2) existing SORNs and created one (1) new SORN.

CIA–45, Resolution Office Records

CIA proposes a new System of Record Notice, CIA–45 Resolution Office Records, to cover records maintained by the Agency's Resolution Office to assess, inquire into, and efficiently manage allegations of grievances, harassment inquiries, and other workplace conflicts.

CIA created the Resolution Office to centralize handling and documentation

of workplace complaints that previously would have been handled by human resources, first line management, grievance personnel, anti-harassment personnel, or ombudsman personnel. Previously, workplace complaints not specifically handled by offices such as the Office of Inspector General or Office of Equal Employment Opportunity were handled on an ad hoc basis in the unit where the issue occurred. The Resolution Office will now provide an enterprise service with the responsibility to respond to, investigate, and resolve all complaints not otherwise being addressed by other CIA processes, including issues of harassment, sexual harassment, workplace conflicts, and general grievances relating to a potential process or policy violation.

CIA–19, Agency Human Resources Records

CIA proposes to modify CIA–19, Agency Human Resources Records, last published in the **Federal Register** at 87 FR 73198, 73215 (November 28, 2022), pursuant to Executive Order 14151, Ending Radical and Wasteful Government DEI Programs and Preferencing, 90 FR 8339 (January 29, 2025). Specifically, CIA is modifying the ''Purpose(s) of the System'' paragraph in CIA–19 to reflect that authorized CIA personnel will not use CIA records covered by CIA–19 for the purpose of compiling statistical reports on ''diversity and inclusion'' demographics for CIA management.

CIA–36, Alumni Relations Records

CIA proposes to modify the previously titled CIA–36, Alumni Communications Records, last published in the **Federal Register** at 87 FR 73198, 73228 (November 28, 2022). CIA is revising CIA–36 to reflect the broader scope and mission of the new Office of Alumni Relations. CIA envisions a robust program maintaining alumni relationships with: (1) former staff employees; and (2) former personnel employed by the Agency in a noncareer status through a contract when services are required to meet operational or support requirements that cannot be met by other Agency resources (''former term-limited contract employees''). This alumni program will provide a network for communication between alumni and CIA on events, recruitment, and fulfilling reporting or other mission requirements.

To fulfill this priority, CIA established the Office of Alumni Relations (OAR) to serve as the principal conduit between the CIA and its alumni. OAR's programs and support functions are designed, among other functions, to centralize information the CIA maintains on its alumni, maintain consistent communication and engagement with eligible alumni, ensure alumni are aware of applicable post-employment restrictions as well as reporting and other lifelong security and counterintelligence obligations.

As a result of CIA establishing OAR, and its expanded responsibilities, CIA is making significant changes to CIA–36 Alumni Communications Records. Specifically, the SORN has been modified to reflect the broader scope and mission of the Office of Alumni Relations and the title of the SORN changed to reflect these roles.

Nothing in the new or modified SORNs changes the Central Intelligence Agency's authorities regarding the collection and maintenance of information about citizens and lawful permanent residents of the United States, nor do the changes impact any individual's rights to access or to amend their records pursuant to the Privacy Act.

In accordance with 5 U.S.C. 552a(r), the Agency has provided a report to OMB and Congress on the new and modified SORNs.

Dated: September 12, 2025.

Mark J. Mouser,

Privacy and Civil Liberties Officer, Central Intelligence Agency.

CIA–19

SYSTEM NAME AND NUMBER:

Agency Human Resource Records (CIA–19).

SECURITY CLASSIFICATION:

The classification of records in this system can range from UNCLASSIFIED to TOP SECRET.

SYSTEM LOCATION:

Central Intelligence Agency, Washington, DC 20505.

SYSTEM MANAGER(S):

Director, Office of Personnel Resources, Central Intelligence Agency, Washington, DC 20505.

* * * * *

PURPOSE(S) OF THE SYSTEM:

[Revise ''Purpose(s) of the System'' paragraph as follows:]

Records in this system are used by authorized personnel to: ensure process integrity; provide a data source for statistical and pattern analysis to support resource planning and business analytics; enable the CIA and the Director of the CIA to carry out their lawful and authorized responsibilities; serve as the primary human resources management system for the CIA; maintain a comprehensive and continuing record of an individual's service, status, skills, and personnel history; perform centralized personnel functions such as employment, separation of employment, payroll, position and personnel staffing, and general employee transactions; administer systems dependent on personnel data such as insurance, medical and health care, and authorized retirement and retirement savings; compute salary, attendance, leave, benefits and entitlements for payroll and its dependent systems including insurance, medical and health care, and authorized retirement and retirement savings systems; maintain applicant and employee biographic and demographic data; compile statistical reports for CIA management on workforce strength, distribution and utilization of staffing, average grades and salaries, demographics, projected retirements, profiles of CIA skills and qualifications, comparative rates on promotions, separations, new employees, and reasons for separations; provide information and statistics for heads of Career Services to assist in administering career development and evaluation programs, including promotion rates and headroom, performance appraisal report ratings, qualifications, changes in their Career Services; assess staffing patterns, grade and salary data for office heads required for staffing and budget projections; provide information and statistics for components responsible for administering recruitment, hospitalization, insurance, and authorized retirement and retirement savings programs; report statistical data calls regarding workforce questions, and provide records of employee transactions to responsible CIA officials and to the employees themselves.

* * * * *

HISTORY:

[Revise ''HISTORY'' paragraph as follows:]

70 FR 42417, July 22, 2005; revised 87 FR 73198, November 28, 2022.

* * * * *

CIA–36

SYSTEM NAME AND NUMBER:

Alumni Relations Records (CIA–36).

SECURITY CLASSIFICATION:

The classification of records in this system can range from UNCLASSIFIED to TOP SECRET.

SYSTEM LOCATION:

Central Intelligence Agency, Washington, DC 20505.

SYSTEM MANAGER(S):

Director, Office of Alumni Relations (OAR), Central Intelligence Agency, Washington, DC 20505.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The National Security Act of 1947, as amended, 50 U.S.C. 3036 *et seq.;* the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C. 3501 *et seq.;* Executive Order 12333, as amended, 73 FR 45325.

PURPOSE(S) OF THE SYSTEM:

Records in this system are used by authorized personnel to: ensure process integrity; enable the CIA and the Director of the CIA to carry out their lawful and authorized responsibilities; verify previous CIA employment; facilitate engagement between the CIA and former CIA career and former term-limited contract employees; build and maintain relationships between CIA and former career and former term-limited contract employees; advance talent acquisition and management practices; conduct trend analyses related to retention and attrition; document former CIA career and former term-limited contract employees' fulfillment of post-Agency employment obligations and service; comply with CIA reporting requirements related to its former career and former term-limited contract employees; and manage interactions between former CIA career and former term-limited contract employees and other CIA offices and components.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former CIA career and former term-limited contract employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographic data, including full name and contact information; communication and engagement preferences and history; service record from period(s) of CIA employment; professional service records prior to and following period(s) of CIA employment; and records related to any applicable post-Agency employment obligations and service.

RECORD SOURCE CATEGORIES:

Former CIA career and former term-limited contract employees; other CIA systems of record; and relevant publicly available information outlets.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), this information is set forth in the ''Statement of General Routine Uses for the Central Intelligence Agency,'' set out at 87 FR 73198 (November 28, 2022), which is incorporated herein by reference.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper and other hard-copy records are stored in secured areas within the CIA or in CIA-controlled facilities. Electronic records are stored in secure file-servers located within CIA-controlled facilities or in CIA-contracted facilities subject to CIA supervision.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records in this system may be retrieved by name, chart number, social security number, CIA employee number, or other unique personal identifier by automated or hand search based on extant indices and automated capabilities utilized in the normal course of business. Under applicable law and regulations, all searches of this system of records will be performed in CIA offices by CIA personnel.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

All records are maintained and disposed of in accordance with applicable Records Control Schedules issued or approved by the National Archives and Records Administration.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records are maintained in secure, restricted areas and are accessed only by personnel who have a need for the records in the performance of their official duties and have been authorized for such access. Electronic authorization and authentication access controls are required to protect against unauthorized access, use, and disclosure.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed as indicated in the notification procedures section below. Regulations for access to individual records or for appealing an initial determination by CIA concerning the access to records are published in the Code of Federal Regulations (32 CFR 1901.11–.45).

CONTESTING RECORD PROCEDURES:

Requests from individuals to correct or amend records should be addressed as indicated in the notification procedures section below. CIA's regulations regarding requests for amendments to, or disputing the contents of, individual records or for appealing an initial determination by CIA concerning these matters are published in the Code of Federal Regulations (32 CFR 1901.21–.32, 32 CFR 1901.42).

NOTIFICATION PROCEDURES:

Individuals seeking to learn if this system of records contains information about them should direct their inquiries to: Information and Privacy Coordinator, Central Intelligence Agency, Washington, DC 20505. Identification requirements are specified in the CIA rules published in the Code of Federal Regulations (32 CFR 1901.12–.14). Individuals must comply with these rules in order for their request to be processed.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Certain records contained within this system of records may be exempted from certain provisions of the Privacy Act, 5 U.S.C. 552a, pursuant to 5 U.S.C. 552a(d)(5), (j)(1), and (k).

HISTORY:

70 FR 42417 (July 22, 2005), revised 87 FR 73198 (November 28, 2022).

CIA–45

SYSTEM NAME AND NUMBER:

Resolution Office Records (CIA–45).

SECURITY CLASSIFICATION:

The classification of records in this system can range from UNCLASSIFIED to TOP SECRET.

SYSTEM LOCATION:

Central Intelligence Agency, Washington, DC 20505.

SYSTEM MANAGER(S):

Director, Resolution Office, Central Intelligence Agency, Washington, DC 20505.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The National Security Act of 1947, as amended, 50 U.S.C. 3036 *et seq.;* the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C. 3501 *et seq.;* Equal Employment Opportunity Commission (EEOC) Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors, No. 915.002 (18 June 1999); EEOC Management Directive 715 (MD–715) (1 October 2003).

PURPOSE(S) OF THE SYSTEM:

Records in this system are used by authorized personnel to ensure process

integrity; enable the CIA and the Director of the CIA to carry out their lawful and authorized responsibilities; process allegations and inquiries of harassment, grievances, and other workplace conflicts; track and document guidance, assessments, inquiries, and management implementation of recommended disciplinary action; track and document any other responsibilities and functions assigned to the Resolution Office directed by the Director of the CIA or designee; monitor and analyze data related to allegations of harassment, grievances, and workplace conflicts to identify trends, patterns, and areas for improvement; and facilitate reports to CIA leadership, other stakeholders, and oversight bodies.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former CIA staff and contract employees, independent contractors, industrial contractor personnel, and military and civilian personnel detailed to the CIA, applicants for employment with CIA, and any other individual authorized to work or be present on CIA premises, including its rented or leased facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents, information, and materials relating to the assessment, inquiry, and management implementation of any recommended disciplinary action, including: data collected by Resolution Office (RO) officers that relate to the alleged harassment, grievance, or workplace conflict under review; interviews and statements from claimants, alleged offenders, witnesses, or other individuals, as appropriate; other documents or statistical evidence considered pertinent to the case which assists the CIA or RO in making a decision; case management and tracking data; and any other authorized data collected to support RO complaints and inquiries.

RECORD SOURCE CATEGORIES:

Information may be provided by or derived from: individuals covered by this System of Record Notice; including claimants, witnesses, alleged offenders, CIA management, and CIA personnel whose duties include supporting RO's mission; other systems covered by other CIA System of Record Notices; or individuals with information relevant to an RO inquiry or allegation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), this information is set forth in the ''Statement of General Routine Uses for the Central Intelligence Agency,'' set out at 87 FR 73198 (November 28, 2022, which is incorporated herein by reference.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper and other hard-copy records are stored in secured areas within the CIA or in CIA-controlled facilities. Electronic records are stored in secure file-servers located within CIA-controlled facilities or in CIA-contracted facilities subject to CIA supervision.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records in this system may be retrieved by name, case number, CIA employee number, or other unique personal identifier by automated or hand search based on extant indices and automated capabilities utilized in the normal course of business. Under applicable law and regulations, all searches of this system of records will be performed in CIA offices by CIA personnel.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

All records are maintained and disposed of in accordance with applicable Records Control Schedules issued or approved by the National Archives and Records Administration.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records are maintained in secure, restricted areas and are accessed only by personnel who have a need for the records in the performance of their official duties and have been authorized for such access. Electronic authorization and authentication access controls are required to prevent against unauthorized access, use, and disclosure.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed as indicated in the notification procedures section below. Regulations for access to individual records or for appealing an initial determination by CIA concerning the access to records are published in the Code of Federal Regulations (32 CFR 1901.11–.45).

CONTESTING RECORD PROCEDURES:

Requests from individuals to correct or amend records should be addressed as indicated in the notification procedures section below. CIA's regulations regarding requests for amendments to, or disputing the contents of, individual records or for appealing an initial determination by CIA concerning these matters are published in the Code of Federal Regulations (32 CFR 1901.21–.32, 32 CFR 1901.42).

NOTIFICATION PROCEDURES:

Individuals seeking to learn if this system of records contains information about them should direct their inquiries to: Information and Privacy Coordinator, Central Intelligence Agency, Washington, DC 20505. Identification requirements are specified in the CIA rules published in the Code of Federal Regulations (32 CFR 1901.12–.14). Individuals must comply with these rules in order for their request to be processed.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Certain records contained within this system of records may be exempted from certain provisions of the Privacy Act, 5 U.S.C. 552a, pursuant to 5 U.S.C. 552a(d)(5), (j)(1), and (k).

HISTORY:

None.

[FR Doc. 2025–17869 Filed 9–15–25; 8:45 am]

BILLING CODE 6310–02–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Puerto Rico Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a meeting of the Puerto Rico Advisory Committee to the Commission will convene by virtual web conference. The purpose is to continue discussion on their project on the civil rights impacts of the Insular Cases in Puerto Rico.

DATES: Wednesday, October 22, 2025, at 3:30 p.m. Atlantic Time/Eastern Time.

ADDRESSES: Meeting will be held via Zoom.

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN__HYy8ZEkQGqv7cVUfb2PMw.

Join by Phone (Audio Only): 1–833 435 1820 USA Toll Free; Meeting ID: 160 185 5483 #.

FOR FURTHER INFORMATION CONTACT: Email Victoria Moreno, Designated Federal Officer at *vmoreno@usccr.gov,* or by phone at 434–515–0204.

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

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Victoria Moreno at *vmoreno@usccr.gov.* Persons who desire additional information may contact the Regional Programs Coordination Unit at 1–312–353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Puerto Rico Advisory Committee link. Committee documents can also be found at the following file sharing website: *https://usccr.box.com/s/fukc86iegef918ivu53td5rc6uyxpl8e.* Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Coordination Unit at *ebohor@usccr.gov.*

Agenda

The final agenda will be accessible at the following link: *https://usccr.app.box.com/folder/250366873290?s=8tu4af6vyr9vdhawe8qk4ifeona2o5jl.*

Dated: September 11, 2025.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2025–17825 Filed 9–15–25; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–200]

Methylene Diphenyl Diisocyanate From the People's Republic of China: Preliminary Affirmative Determination of Sales at Less-Than-Fair-Value, Postponement of Final Determination, and Extension of Provisional Measures

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that methylene diphenyl diisocyanate (MDI) from the People's Republic of China (China) is being, or is likely to be, sold in the United States at less-than-fair-value (LTFV). The period of investigation (POI) is July 1, 2024, through December 31, 2024. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable September 16, 2025.

FOR FURTHER INFORMATION CONTACT: Kayden Jenson or Christopher Maciuba, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0967 or (202) 482–0413, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 773(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on March 11, 2025.[1] On July 14, 2025, Commerce postponed the deadline to issue the preliminary determination of this investigation until September 10, 2025.[2]

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Investigation

The product covered by this investigation is MDI from China. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the *Preamble* to Commerce's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[5] No interested party commented on the scope of the investigation as it appeared in the *Initiation Notice.* Therefore, Commerce is not preliminarily modifying the scope language as it appeared in the *Initiation Notice. See* the scope in Appendix I to this notice.

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. In addition, pursuant to sections 776(a) and (b) of the Act, Commerce preliminarily has relied upon facts otherwise available, with adverse inferences, for the China-wide entity. For the non-examined separate rate companies, Commerce has preliminarily relied on the simple average of the dumping margins alleged in the Petition.[6] For a full description of the methodology underlying Commerce's preliminary determination, *see* the Preliminary Decision Memorandum.

Separate Rates

We preliminarily granted a separate rate to certain respondents that we did

[1] *See Methylene Diphenyl Diisocyanate from the People's Republic of China: Initiation of Less-Than-Fair-Value Investigation,* 90 FR 11710 (March 11, 2025) (*Initiation Notice*).

[2] *See Methylene Diphenyl Diisocyanate from the People's Republic of China: Postponement of Preliminary Determination in the Less-Than-Fair-Value Investigation,* 90 FR 31163 (July 14, 2025).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Methylene Diphenyl Diisocyanate from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

[5] *See Initiation Notice.*

[6] *Id.,* and accompanying Initiation Checklist at ''Estimated Margins.''

not select for individual examination.[7] In calculating the rate for non-individually examined separate rate respondents in a non-market economy LTFV investigation, Commerce normally looks to section 735(c)(5)(A) of the Act, which pertains to the calculation of the all-others rate in a market economy LTFV investigation, for guidance. Pursuant to section 735(c)(5)(A) of the Act, normally this rate shall be an amount equal to the weighted-average of the estimated weighted-average dumping margins established for those companies individually examined, excluding zero and *de minimis* dumping margins, and any dumping margins based entirely under section 776 of the Act. The statute further provides that, where all margins are zero, *de minimis,* or based entirely on facts available, Commerce may use ''any reasonable method'' for assigning the rate to non-selected respondents.[8]

In cases where no weighted-average dumping margins other than zero, *de minimis,* or determined wholly under section 776 of the Act have been established for individually examined entities, in accordance with section 735(c)(5)(B) of the Act, Commerce typically calculates a simple average of the dumping margins alleged in the petition and applies the result to all other separate rate entities not individually examined.[9] The simple average of the dumping margins alleged in the Petition in this investigation is 376.12 percent.[10] *See* the table below in the ''Preliminary Determination'' section of this notice.

Combination Rates

In the *Initiation Notice,* Commerce stated that it would calculate producer/exporter combination rates for the respondents that are eligible for a separate rate in this investigation.[11] Policy Bulletin 05.1 describes this practice.[12]

Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

Producer	Exporter	Estimated weighted-average dumping margins (percent)
Covestro Polymers (China) Co., Ltd	Covestro Polymers (China) Co., Ltd	376.12
Wanhua Chemical Group Co., Ltd	Shandong Mingko Co., Ltd	376.12
China-wide Entity		*511.75

*This rate is based on facts available with adverse inferences.

Suspension of Liquidation and Cash Deposit Requirements

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**, as discussed below. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the weighted average amount by which normal value exceeds U.S. price, as indicated in the chart above as follows: (1) for the producer/exporter combinations listed in the table above, the cash deposit rate is equal to the estimated weighted-average dumping margin listed for that combination in the table; (2) for all combinations of Chinese producers/exporters of merchandise under consideration that have not established eligibility for their own separate rates, the cash deposit rate will be equal to the estimated weighted-average dumping margin established for the China-wide entity; and (3) for all third-country exporters of merchandise under consideration not listed in the table above, the cash deposit rate is the cash deposit rate applicable to the Chinese producer/exporter combination (or the China-wide entity) that supplied that third-country exporter.

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with a preliminary determination within five days of its public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). However, because Commerce preliminarily relied upon information from the Petition in its preliminary determination, there are no calculations to disclose.

Verification

Because the mandatory respondent in this investigation is not eligible for a separate rate, Commerce does not intend to conduct verification.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than 30 days after the date of publication of this preliminary determination in the **Federal Register**. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the date for filing case briefs.[13] Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[14]

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total,

[7] *See* Preliminary Decision Memorandum for additional details.

[8] *See* section 735(c)(5)(B) of the Act.

[9] *See, e.g., Certain Pea Protein from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances, Postponement of Final Determination, and Extension of Provisional Measures,* 89 FR 10038 (February 13, 2024), unchanged in *Certain Pea Protein from the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Critical Circumstances Determination,* 89 FR 55559 (July 5, 2024).

[10] *See* Petition SQR at Exhibit II–S16.

[11] *See Initiation Notice,* 90 FR at 11714.

[12] *See* Enforcement and Compliance's Policy Bulletin No. 05.1, regarding ''Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations involving Non-Market Economy Countries,'' (April 5, 2005) (Policy Bulletin 05.1), available on Commerce's website at *https://enforcement.trade.gov/policy/bull05-1.pdf.*

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

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

including footnotes. In this investigation, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[15] Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[16]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants and whether any participant is a foreign national; and (3) a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm the date, time, and location of the hearing two days before the scheduled date.

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Pursuant to 19 CFR 351.210(e)(2), Commerce requires that requests by respondents for postponement of a final antidumping duty determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On August 28, 2025, Wanhua Singapore and Wanhua Ningbo requested that Commerce postpone the final determination and that the provisional measures be extended to a period not to exceed six months, respectively.[17] Pursuant to section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) the preliminary determination is affirmative; (2) the requesting exporters account for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination no later than 135 days after the date of publication of this preliminary determination.

U.S. International Trade Commission (ITC) Notification

In accordance with section 733(f) of the Act, Commerce will notify the ITC of its preliminary determination of sales at LTFV. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of the subject merchandise are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections 773(f) and 777(i)(1) of the Act, and 19 CFR 351.205(e).

Dated: September 10, 2025.

Christopher Abbott,

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

Appendix I

Scope of the Investigation

The merchandise subject to this investigation is methylene diphenyl diisocyanate (MDI), which is an aromatic polyisocyanate material whose composition includes two or more isocyanate groups (*i.e.,* functional group containing a nitrogen atom, a carbon atom, and an oxygen atom bonded together (-NCO)) attached to one or more benzene rings (*i.e.,* flat, symmetrical molecule made up of six carbon atoms arranged in a hexagonal ring and has the chemical formula C_6H_6) that are joined by methylene bridges (*i.e.,* a carbon atom bound to two hydrogen atoms ($-CH_2-$) and connected by single bonds to two other distinct atoms in the rest of the molecule). MDI is commonly called Polymeric, Monomeric, or Modified MDI and may also be referred to under other names, including Methylene bisphenyl isocyanate, 4,4′-Diphenylmethane diisocyanate, Methylene di-p-phenylene ester of isocyanic acid, Methylene bis(4-phenyl isocyanate), and polymethylene polyphenylene isocyanate. MDI is normally associated with Chemical Abstracts Service (CAS) registry numbers 9016–87–9, 101–68–8, 5873–54–1, 2536–05–2, 1689576–89–3, 25686–28–6, 26447–40–5, and 39310–05–9, but several others are also used.

MDI ranges in physical form from low viscosity liquids to solids. MDI is covered by the scope of this investigation irrespective of whether it has gone through a distillation process and regardless of acid content, reactivity, functionality, freeze stability, physical form, viscosity, grade, purity, molecular weight, or packaging.

MDI may contain additives, such as catalysts, solvents, plasticizers, antioxidants, fire retardants, colorants, pigments, diluents, thickeners, fillers, softeners, toughening agents. The scope does not include mixtures of MDI with other materials, when the combined MDI component comprises less than 40 percent of the total weight of the mixture.

MDI may be partially reacted with itself, polyol, or polyamines, and retain MDI component that has not fully chemically reacted so as to convert it into a different product no longer containing isocyanate groups. These products are known as homopolymer, uretonimine MDI, carbodiimide MDI, or prepolymers. The scope does not include partially reacted MDI when its NCO content is less than 10 weight percentage.

For MDI that enter as part of a system with separately packaged resin consisting mostly of a chemical compound that has an OH reactive group, including polyol, only the MDI portion of the system is included in the scope. The scope does not include any separately packaged polyol that would not fall within the scope if entered on its own.

The scope includes merchandise matching the above description that has been processed in a third country, including by commingling, diluting, introducing or removing additives, or performing any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the subject country.

The scope also includes MDI that is commingled or blended with MDI from sources not subject to this investigation. Only the subject component of such commingled products is covered by the scope of this investigation.

This merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 2929.10.8010 and 3909.31.0000. Subject merchandise may also be entered under subheadings 3824.99.2600, 3909.50.1000, 3909.50.2000, 3909.50.5000, 3824.99.2900,

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

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

[17] *See* Wanhua Singapore and Wanhua Ningbo's Letter, ''Wanhua's Request to Postpone the Final Determination,'' dated August 28, 2025.

3506.91.5000, 3911.90.4500, 3921.13.5000, and 3920.99.5000. The HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Investigation
IV. Affiliation and Single Entity Treatment
V. Discussion of the Methodology
VI. Recommendation

[FR Doc. 2025–17904 Filed 9–15–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Utah State University et. al; Application(s) for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be postmarked on or before October 6, 2025. Address written comments to Statutory Import Programs Staff, Room 40005, U.S. Department of Commerce, Washington, DC 20230. Please also email a copy of those comments to *Eva.Kim@trade.gov.*

Docket Number: 25–028. Applicant: Utah State University, 4415 Old Main Hill, Logan, Utah 84322. Instrument: Energy Dispersive spectroscopy (EDS) and electron backscatter diffraction (EBSD) system. Manufacturer: Oxford Instruments America, Inc., United Kingdom. Intended Use: The instrument is intended to identify the chemical composition and atomic arrangments of materials such as biological cells and tissues, 3D printed metals, geological samples, metal-organic frameworks, components in medical devices, and semiconductors and optical devices. Justification for Duty-Free Entry: According to the applicant, there are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: May 12, 2025.

Docket Number: 25–036. Applicant: Purdue University, 2550 Northwestern Avenue, West Lafayette, Indiana 47906. Instrument: Electron Probe Microanalyzer (EPMA) Manufacturer: Jeol USA Inc, Japan. Intended Use: The instrument is intended to be used to study the chemical composition of geologic and synthetic materials. Justification for Duty-Free Entry:According to the applicant, there are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: June 3, 2025.

Docket Number: 25–037. Applicant: University of Illinois Chicago, 845 West Taylor Street, Chicago, Illinois 60607. Instrument: JEM–Z200MF: Monochromated-MARS NEOARM and EM–Z072152MONO: Field Emission Gun W/Monochromator. Manufacturer: Jeol Ltd. Japan. Intended Use: The instrument is intended to be used to study magnetic, superconducting, quantum, biological and 2–D materials, where the presence of a magnetic field otherwise affects their structural, optical, electronic or transport properties. Justification for Duty-Free Entry: According to the applicant, there are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: June 3, 2025.

Docket Number: 25–038. Applicant: Northwestern University, 633 Clark Street, Evanston, Illinois 60208. Instrument: X-Ray Photoelectron Spectroscopy (XPS) Lab System Package. Manufacturer: Scienta Omicron, Germany. Intended Use: The instrument is intended to be used to study chemical functionalization of borophene. Justification for Duty-Free Entry: According to the applicant, there are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: June 5, 2025.

Docket Number: 25–040. Applicant: Stevens Institute of Technology, Castle Point on Hudson, Hoboken, New Jersey 07030. Instrument: EasySpec SHG Second Harmonic Generation Microspectroscopy Testing System. Manufacturer: Metatest Corporation, China. Intended Use:The instrument is intended to be used to study crystal lattice direction in 2D materials. Justification for Duty-Free Entry: According to the applicant, there are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: June 10, 2025.

Docket Number: 25–041. Applicant: Hampton University, 100 E Queen Street, Hampton, Virginia 23668. Instrument: JEM–2100PLUS—Transmission Electron Microscope and JB–29510VET Vacuum Evaporator. Manufacturer: JEOL Ltd., Japan. Intended Use:The instrument is intended to be used to advance understanding and development of semiconductors, nanostructured, opto-electronic and biomaterials. Justification for Duty-Free Entry:According to the applicant, there are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: June 17, 2025.

Docket Number: 25–042. Applicant: University of Texas at Austin, 2515 Speedway, Austin, Texas 78712. Instrument: Dilution Refrigerator with Superconducting Magnets and Cold-Insertable Probes. Manufacturer: Leiden Cryogenics B.V., Netherlands. Intended Use: The instrument is intended to be used to study topological quantum physics in two-dimensional semiconductors such as graphene and transition-metal dichalcogenides. Justification for Duty-Free Entry: According to the applicant, there are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: June 3, 2025.

Docket Number: 25–043. Applicant: University of Texas at Austin, 2515 Speedway, Austin, Texas 78712. Instrument: Low-temperature nanopositioners, scanners and controllers for high-vacuum environment. Manufacturer: Attocube Systems AG, Germany. Intended Use: The instrument is intended to be used to study topological quantum physics and strongly correlated electron physics in two-dimensional semiconductors such as graphene and transition-metal dichalcogenides. Justification for Duty-Free Entry: According to the applicant, there are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: June 18, 2025.

Docket Number: 25–044. Applicant: Cornell University, 142 Sciences Drive, Ithaca, New York 14853. Instrument: Optical Elements. Manufacturer: FOCtek Photonics Inc., China. Intended Use: The instrument is intended to be used to study the efficiency of quantum algorithms using trapped ion systems and utilizing trapped ion systems as precision probes for search of new physics. Justification for Duty-Free Entry: According to the applicant, there are no instruments of the same general category manufactured in the United States. Application accepted by

Commissioner of Customs: June 17, 2025.

Docket Number: 25–045. Applicant: UChicago Argonne LLC, 9700 S Cass Avenue, Lemon, Illinois 60439. Instrument: CITIUS 280k Camera System. Manufacturer: KAI Scientific Limited, Japan. Intended Use: The instrument is intended to be used to study advanced materials and nanostructures, biological and soft matter systems and dynamic phenomena that are typical of modern Advanced Photon Source (APS) experiments. Justification for Duty-Free Entry: According to the applicant, there are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: June 9, 2025.

Docket Number: 25–047. Applicant: UChicago Argonne LLC, 9700 S Cass Avenue, Lemon, Illinois 60439. Instrument: NAP–XPS System in Backfilling Configuration. Manufacturer: Specs TII Inc., Germany. Intended Use: The instrument is intended to be used to further the understanding of different materials and material properties (chemical state, defects and electronic structures) and their changes under different environments. Justification for Duty-Free Entry: According to the applicant, there are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: June 11, 2025.

Docket Number: 25–048. Applicant: Bartelle Memorial Institute 902 Battelle Blvd., Richland, Washington 99354. Instrument: Betatron System—cyclic particle accelerator for electrons. Manufacturer: JME Advanced Inspection Systems, United Kingdom. Intended Use: The instrument is intended to be used to for both imaging and radiation effects testing in a variety of materials ranging from standard construction like materials (concrete and metals) to electronics. The instrument will also be used to test radiological detection instruments and commercial items (Cameras, robots) to determine how well they will work for radiological uses. Justification for Duty-Free Entry: According to the applicant, there are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: June 5, 2025.

Docket Number: 25–049. Applicant: Stanford University, 348 Via Pueblo Rd., Stanford, California 94305. Instrument: Polarization maintaining, large mode-area hollow-core photonic crystal fiber. Manufacturer: NKT Photonics, Denmark. Intended Use: The instrument is intended to conduct experiments involving multimode optical cavities coupled to degenerate quantum gases of Dysprosium and will be used to study various classes of many-body Hamiltonians by exploiting Dysprosium's large magnetic dipole moment, stable and abundant fermionic and bosonic isotopes, large tensor polarizability, and the degenerate cavity's unique photon-mediated interactions. Justification for Duty-Free Entry: According to the applicant, there are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: June 3, 2025.

Dated: September 12, 2025.

Tyler J. O'Daniel,

Acting Director, Subsidies Enforcement Office, Enforcement and Compliance.

[FR Doc. 2025–17902 Filed 9–15–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–834]

Certain Carbon and Alloy Steel Cut-to-Length Plate From Italy: Final Results and Final Partial Rescission of Antidumping Duty Administrative Review; 2023–2024

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that producers/exporters of certain carbon and alloy steel cut-to-length plate (CTL Plate) from Italy made sales of subject merchandise at less than normal value during the period of review (POR), May 1, 2023, through April 30, 2024.

DATES: Applicable September 16, 2025.

FOR FURTHER INFORMATION CONTACT: Carter Sherwin, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4260.

SUPPLEMENTARY INFORMATION:

Background

On May 15, 2025, Commerce published the *Preliminary Results* in the **Federal Register**.[1] We invited interested parties to comment on the *Preliminary Results*.[2] On July 23, 2025, Commerce published a Post-Preliminary Analysis that made changes to the differential pricing analysis method used in the *Preliminary Results*.[3] We invited interested parties to comment on the Post-Preliminary Analysis.[4] For a complete description of the events that occurred since the *Preliminary Results* and Post-Preliminary Results, *see* the Issues and Decision Memorandum.[5] A full discussion of the issues raised by parties for these final results are discussed in the Issues and Decision Memorandum.[6] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Order[7]

The products covered by the *Order* are CTL Plate from Italy. A complete description of the scope of the *Order* is contained in the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in case and rebuttal briefs by interested parties in this administrative review are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached to this notice as an Appendix to this notice.

Changes Since the Preliminary Results and Post-Preliminary Analysis

Based on a review of the record and comments received from interested parties regarding the *Preliminary Results* and Post-Preliminary Analysis,

[1] *See Certain Carbon and Alloy Steel Cut-to-Length Plate from Italy: Preliminary Results and Intent to Rescind, in part, of the Antidumping Duty Administrative Review; 2023–2024,* 90 FR 20622 (May 15, 2025) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *See Preliminary Results.*

[3] *See* Memorandum, ''Post-Preliminary Analysis,'' dated July 23, 2025 (Post-Preliminary Analysis).

[4] *See* Memorandum, ''Briefing Schedule for Post-Preliminary Results,'' dated July 29, 2025.

[5] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review of Certain Carbon and Alloy Steel Cut-To-Length Plate from Italy; 2023–2024,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[6] *Id.*

[7] *See Certain Carbon and Alloy Steel Cut-To-Length Plate from Austria, Belgium, France, the Federal Republic of Germany, Italy, Japan, the Republic of Korea, and Taiwan: Amended Final Affirmative Antidumping Determinations for France, the Federal Republic of Germany, the Republic of Korea, and Taiwan, and Antidumping Duty Orders,* 82 FR 24096, 24098 (May 25, 2017) (*Order*).

we made certain changes to the weighted-average dumping margin calculations for the mandatory respondents, NLMK Verona S.p.A (NVR) and Metinvest Trametal SpA (MTS) for the final results of review. For a discussion of these changes, *see* the Issues and Decision Memorandum.

Final Rescission of Review, in Part

Pursuant to 19 CFR 351.213(d)(3), it is Commerce's practice to rescind an administrative review of an AD order when there are no reviewable entries of subject merchandise during the POR for which liquidation is suspended.[8] Normally, upon completion of an administrative review, the suspended entries are liquidated at the AD assessment rate calculated for the review period.[9] Therefore, for an administrative review to be conducted, there must be a reviewable, suspended entry that Commerce can instruct U.S. Customs and Border Protection (CBP) to liquidate at the AD assessment rate calculated for the review period.[10]

On May 15, 2025, we issued our intent to rescind, in part, this administrative review for the following two companies: (1) F.A.R. Fonderie Acciaerie S.p.A; and (2) Officine Tecnosider.[11] The POR entry totals reflected in the Attachment of the CBP Data Memorandum reflected no POR entries of subject merchandise from these companies.[12] We invited parties to comment, and we received no comments. Accordingly, in the absence of suspended entries of subject merchandise during the POR, we are hereby rescinding this administrative review for these two companies, in accordance with 19 CFR 351.213(d)(3).

Final Results of Administrative Review

As a result of this review, we determine the following weighted-average dumping margins exist for the period May 1, 2023, through April 30, 2024:

Producer/exporter	Weighted-average dumping margin (percent)
NLMK Verona S.p.A	7.91
Metinvest Trametal SpA; Ferriera Valsider S.p.A[13]	5.51

Disclosure

Commerce intends to disclose the calculations performed in connection with these final results of review to interested parties within five days after public announcement of the final results or, if there is no public announcement, within five days of the date of publication of the notice of final results in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(1), Commerce has determined, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

Pursuant to 19 CFR 351.212(b)(1), we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for each importer's examined sales and the total entered value of those sales. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific assessment rate is *de minimis* (*i.e.,* less than 0.5 percent), we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For entries of subject merchandise during the POR produced by NVR and MTS for which it did not know that its merchandise was destined for the United States, we will instruct CBP to liquidate such entries at the all-others rate established in the less-than-fair-value (LTFV) investigation of 6.08 percent *ad valorem,*[14] if there is no rate for the intermediate company(ies) involved in the transaction.

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

Cash Deposit Requirements

Upon publication of this notice in the **Federal Register**, the following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2) of the Act: (1) the cash deposit rate for the company subject to this review will be equal to the weighted-average dumping margin established in these finals results of the review; (2) for merchandise exported by producers or exporters not covered in this review but covered in a prior completed segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published in the completed segment for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the LTFV investigation, but the producer has been covered in a prior completed segment of this proceeding, then the cash deposit rate will be the rate established in the completed segment for the most recent period for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 6.08 percent, the all-others rate established in the LTFV investigation for this proceeding.[15] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Order

This notice serves as the only reminder to parties subject to an

[8] *See, e.g., Dioctyl Terephthalate from the Republic of Korea: Rescission of Antidumping Administrative Review; 2021–2022,* 88 FR 24758 (April 24, 2023); *see also Certain Carbon and Alloy Steel Cut-to-Length Plate from the Federal Republic of Germany: Recission of Antidumping Administrative Review; 2020–2021,* 88 FR 4154 (January 24, 2023).

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

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

[11] *See Preliminary Results,* 90 FR at 20622, and accompanying PDM.

[12] *See* Memorandum, ''Release of Customs and Border Protection Data,'' dated July 25, 2024.

[13] In the *Preliminary Results,* Commerce preliminarily determined that Metinvest Trametal S.p.A and Ferriera Valsider S.p.A are a single entity. *See Preliminary Results* PDM at 8; *see also* Memorandum, ''Preliminary Affiliation and Collapsing Memorandum for Metinvest Trametal S.p.A.,'' dated May 8, 2025. No parties commented on this determination; thus, we continue to treat these companies as a single entity for the purposes of these final results.

[14] *See Order.*

[15] *Id.*

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

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.221(b)(5).

Dated: September 12, 2025.

Christopher Abbott,

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

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Changes Since the *Preliminary Results*
V. Discussion of the Issues
Comment 1: Which Total Cost of Manufacturing Field Should be Used for NVR
Comment 2: Whether to Utilize Cohen's *D* Test and Whether to Apply Zeroing to All Sales Comparisons
Comment 3: Whether to Base MTS' Margin on Adverse Facts Available
Comment 4: Whether to Grant MTS' Commissions Paid to Affiliated Parties
Comment 5: Whether Commerce's ''Differential Pricing Test'' Should Continue to Be Used for the Final Results
VI. Recommendation

[FR Doc. 2025–17906 Filed 9–15–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–853, C–201–854]

Standard Steel Welded Wire Mesh From Mexico: Preliminary Affirmative Determination of Circumvention of the Antidumping Duty and Countervailing Duty Orders

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that imports of certain low carbon steel (LCS) wire that are produced in Mexico and assembled or completed into standard steel welded wire mesh (welded wire mesh) in the United States are circumventing the antidumping duty (AD) and countervailing duty (CVD) orders on welded wire mesh from Mexico. As a result, all imports of certain LCS wire from Mexico imported by Deacero S.A.P.I. de C.V. (Deacero) will be subject to suspension of liquidation on or after April 2, 2024, and all other imports of certain LCS wire from Mexico will be subject to suspension of liquidation on or after the date of publication of this notice in the **Federal Register**. Commerce is also imposing a certification requirement. We invite interested parties to comment on this preliminary determination.

DATES: Applicable September 16, 2025.

FOR FURTHER INFORMATION CONTACT: Kayden Jenson, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0967.

SUPPLEMENTARY INFORMATION:

Background

On August 9, 2021, and April 12, 2021, respectively, Commerce published in the **Federal Register** the AD and CVD orders on U.S. imports of welded wire mesh from Mexico.[1] On January 14, 2025, pursuant to section 781(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.226(d)(1), Commerce initiated a country-wide circumvention inquiry to determine whether imports of LCS wire from Mexico that are assembled or completed into welded wire mesh in the United States are circumventing the *Orders* and, accordingly, should be covered by the scope of the *Orders.*[2] On February 21, 2025, Commerce selected Impulsora del Alambre S.A. de C.V. (Impulsora) and Deacero S.A.P.I. de CV (Deacero), Mexican producers of LCS wire, as the mandatory respondents in this circumvention inquiry.[3]

For a complete description of the events that followed the initiation of this circumvention inquiry, *see* the Preliminary Decision Memorandum.[4] The topics included in the Preliminary Decision Memorandum are identified in Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Orders

The merchandise covered by these *Orders* is welded wire mesh. For a full description of the scope of the *Orders, see* the Preliminary Decision Memorandum.

Merchandise Subject to the Circumvention Inquiry

This circumvention inquiry covers certain LCS wire produced in Mexico and further processed and completed in the United States into welded wire mesh from Mexico.

Methodology

Commerce made this preliminary circumvention determination in accordance with section 781(a) of the Act and 19 CFR 351.226. For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

Preliminary Circumvention Determination

We preliminarily determine that welded wire mesh, assembled or completed in the United States using Mexican-origin LCS wire produced by Deacero, is circumventing the *Orders.* We also preliminarily determine that Mexican-origin LCS wire produced by Impulsora is not assembled or completed into welded wire mesh in the United States, and therefore, is not circumventing the *Orders.*

As detailed in the Preliminary Decision Memorandum, we also preliminarily determine that U.S. imports of inquiry merchandise exported from Mexico are circumventing the *Orders* on a country-wide basis. As a result, we preliminarily

[1] *See Standard Steel Welded Wire Mesh from Mexico: Antidumping Duty Order,* 86 FR 43525 (August 9, 2021) (*AD Order*); *see also Standard Steel Welded Wire Mesh from Mexico: Countervailing Duty Order,* 86 FR 18940 (April 12, 2021) (*CVD Order*) (collectively, *Orders*).

[2] *See Standard Steel Welded Wire Mesh from Mexico: Initiation of Circumvention Inquiry on the Antidumping and Countervailing Duty Orders,* 90 FR 3173 (January 14, 2025) (*Initiation Notice*).

[3] *See* Memorandum, ''Circumvention Inquiry of the Antidumping and Countervailing Duty Orders on Standard Steel Welded Wire Mesh from Mexico: Respondent Selection,'' dated February 21, 2025.

[4] *See* Memorandum, ''Preliminary Decision Memorandum for the Circumvention Inquiry of the Antidumping and Countervailing Duty Orders on Standard Steel Welded Wire Mesh from Mexico,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

determine that this merchandise is covered by the *Orders.*

See the ''Suspension of Liquidation and Cash Deposits'' section below for details regarding suspension of liquidation and cash deposit requirements. *See* the ''Certification'' and ''Certification Requirements'' sections below for details regarding the use of certifications.

Suspension of Liquidation and Cash Deposits

Based on the preliminary affirmative country-wide determination of circumvention, in accordance with 19 CFR 351.226(l)(2), we will direct U.S. Customs and Border Protection (CBP) to suspend liquidation and require a cash deposit of estimated duties on unliquidated entries of LCS wire that are produced in Mexico and assembled or completed into welded wire mesh in the United States, that were entered, or withdrawn from warehouse, for consumption by Deacero or its affiliates on or after April 22, 2024, the date of publication of the preliminary affirmative circumvention determination in the circumvention inquiry of pre-stressed concrete steel wire strand from Mexico,[5] pursuant to 19 CFR 351.226(l)(3)(iii)(A). For all other companies, we will direct CBP to suspend liquidation and require a cash deposit of estimated duties on unliquidated entries of LCS wire that are produced in Mexico and assembled or completed into welded wire mesh in the United States, that were entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**.[6]

Entries for which the importer has met the certification and documentation requirements described below and in Appendix II of this notice will not be subject to suspension of liquidation, or the cash deposit requirements described above. In accordance with 19 CFR 351.228(b), where the certification and documentation requirements are not met for an entry, Commerce intends to instruct CBP to suspend the entry and collect cash deposits at the rates applicable to the AD and CVD orders on welded wire mesh from Mexico, and may instruct CBP to assess antidumping or countervailing duties at the applicable rate.

For producers and/or exporters of the LCS wire that have a company-specific cash deposit rate under the *Orders,* the cash deposit rate will be the company-specific rate. Otherwise, Commerce will instruct CBP to require cash deposits equal to the AD all-others rate (*i.e.,* 22.01 percent) [7] and the CVD all-others rate (*i.e.,* 1.03 percent).[8]

These suspension of liquidation requirements will remain in effect until further notice.

Certifications

In order to administer the preliminary affirmative country-wide and company-specific determinations of circumvention, Commerce has established importer certifications. These certifications will permit importers to establish that specific entries of LCS wire from Mexico are not subject to suspension of liquidation or the collection of cash deposits pursuant to this preliminary country-wide affirmative determination of circumvention because the merchandise will not be further processed into welded wire mesh covered by the *Orders* (*see* Appendix II to this notice).

Importers that claim that an entry of LCS wire is not subject to suspension of liquidation or the collection of cash deposits based on the end-use of such merchandise must complete the applicable certification and meet the certification requirements described below, as well as the requirements identified in the certification.

Certification Requirements

Importers are required to complete and maintain the applicable importer certification and retain all supporting documentation for the certification. With the exception of the entries described below, the importer certification must be completed, signed, and dated by the time the entry summary is filed for the relevant entry. Shipments entered, or withdrawn from warehouse, for consumption by Deacero on or after April 2, 2024 (*i.e.,* the date of publication of the preliminary affirmative determination of circumvention by Deacero for pre-stressed concrete steel wire strand from Mexico) must comply with the importer certification requirements described below. For all other shipments, the importer certification requirements are effective for all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. While Commerce will normally begin suspension of liquidation on or after the date of the publication of the notice of initiation of the circumvention inquiry pursuant to 19 CFR 351.226(l)(2)(ii), in this instance, given that Commerce's affirmative determination rests on the behavior of one party (Deacero) and that the action of the other party subject to individual examination under this inquiry (Impulsora) demonstrates no attempt at circumvention, Commerce is beginning the suspension of liquidation and the certification requirement for all other parties at a later date (*i.e.,* the publication of this notice in the **Federal Register**). In this regard, Commerce notes that Deacero and Impulsora together account for nearly all shipments of low-carbon steel wire to the United States from Mexico (more than 95 percent).[9]

With the exception of entries described below, the importer, or the importer's agent, must submit the importer's certification, the steel mill certificate for the imported product, and the commercial invoice for the imported product to CBP at the time of entry summary by uploading these documents into the document imaging system (DIS) in the Automated Commercial Environment (ACE). Consistent with CBP's procedures, importers shall identify certified entries by using importers' additional declaration (record 54) AD/CVD Certification Designation (type code 06) when filing an entry summary.[10] Where the importer uses a broker to facilitate the entry process, it should obtain the entry summary number from the broker. Agents of the importer, such as brokers, however, are not permitted to certify on behalf of the importer.

Additionally, the claims made in the certifications and any supporting documentation are subject to verification by Commerce and/or CBP. Importers are required to maintain the certifications and supporting documentation until the later of: (1) the date that is five years after the latest entry date of the entries covered by the

[5] *See Prestressed Concrete Steel Wire Strand from Mexico: Preliminary Affirmative Determination of Circumvention of the Antidumping Duty Order,* 89 FR 22668 (April 2, 2024), unchanged in *Prestressed Concrete Steel Wire Strand from Mexico: Final Affirmative Determination of Circumvention of the Antidumping Duty Order,* 89 FR 79252 (September 27, 2024).

[6] *See Initiation Notice,* 90 FR at 3173.

[7] *See AD Order,* 86 FR at 43526.

[8] *See CVD Order,* 86 FR at 18940.

[9] Pursuant to 19 CFR 351.226(m), Commerce has the discretion to consider the ''appropriate remedy'' for an affirmative determination in circumvention inquiry, including for a country-wide determination.

[10] *See* CBP Cargo Systems Messaging Service Bulletin 59384253, ''CATAIR Entry Summary Create/Update and Error Dictionary Have Been Updated—AD/CVD CERT,'' dated February 12, 2024; *see also Announcing an Importer's Additional Declaration in the Automated Commercial Environment Specific to Antidumping/Countervailing Duty Certifications,* 89 FR 7372 (February 2, 2024).

certification; or (2) the date that is three years after the conclusion of any litigation in United States courts regarding such entries.

For all shipments of LCS wire from Mexico that were entered, or withdrawn from warehouse, for consumption by Deacero during the period April 2, 2024 (*i.e.,* the date of publication of the preliminary affirmative determination of circumvention by Deacero for pre-stressed concrete steel wire strand from Mexico), through September 26, 2025, where the entry has not been liquidated (and entries for which liquidation has not become final), and for consumption by all other companies during the period beginning on the date of publication of this notice in the **Federal Register**, through September 26, 2025, where the entry has not been liquidated (and entries for which liquidation has not become final), the relevant certification should be completed and signed as soon as practicable, but not later than October 27, 2025. For such entries, importers have the option to complete a blanket certification covering multiple entries, individual certifications for each entry, or a combination thereof. The importer certification, commercial invoice, and steel mill certificate should be uploaded to the DIS in ACE as soon as practicable, but not later than October 27, 2025. For such entries, importers have the option to complete a blanket certification covering multiple entries, individual certifications for each entry, or a combination thereof.

For unliquidated entries (and entries for which liquidation has not become final) of LCS wire that were declared as non-AD/CVD type entries (*e.g.,* type 01) and entered, or withdrawn from warehouse, for consumption in the United States during the period beginning on the date of publication of this notice in the **Federal Register**, through September 26, 2025, for which none of the above certifications may be made, importers must file a Post Summary Correction with CBP, in accordance with CBP's regulations, regarding conversion of such entries from non-AD/CVD type entries to AD/CVD type entries (*e.g.,* type 01 to type 03) as soon as practicable, but not later than September 26, 2025. The importer should pay cash deposits on those entries consistent with the regulations governing post summary corrections that require payment of additional duties.

If it is determined that an importer has not met the certification and/or related documentation requirements for certain entries, Commerce intends to instruct CBP to suspend, pursuant to this preliminary country-wide affirmative determination of circumvention and the *Orders,*[11] all unliquidated entries for which these requirements were not met and to require the importer to post applicable AD/CVD cash deposits equal to the rates noted above.

Interested parties may comment in their case briefs on these certification requirements, and on the certification language contained in Appendix II to this notice.

Verification

As provided in 19 CFR 351.307, Commerce may verify relevant factual information prior to making a final determination. At this time, Commerce does not intend to conduct a verification with respect to this circumvention inquiry.

Public Comment

Case briefs or other written comments should be submitted to the Assistant Secretary for Enforcement and Compliance no later than 14 days after the date of publication of this notice.[12] Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline for case briefs.[13] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in these circumvention inquiries must submit: (1) a statement of the issue; and (2) a table of authorities. Case and rebuttal briefs should be filed using ACCESS.

As provided in 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this circumvention inquiry, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[14] Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this circumvention inquiry. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[15]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice in the **Federal Register**. Requests should contain: (1) the requesting party's name, address, and telephone number; (2) the number of individuals from the requesting party that will attend the hearing and whether any of those individuals is a foreign national; and (3) a list of the issues that the party intends to discuss at the hearing. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date of the hearing.

U.S. International Trade Commission (ITC) Notification

Commerce, consistent with section 781(e) of the Act, will notify the ITC of this preliminary circumvention determination to include the merchandise subject to this circumvention inquiry within the *Orders.* Pursuant to section 781(e) of the Act, the ITC may request consultations concerning Commerce's proposed inclusion of the inquiry merchandise. If, after consultations, the ITC believes that a significant injury issue is presented by the proposed inclusion, it will have 60 days from the date of notification by Commerce to provide written advice.

Notification to Interested Parties

This determination is issued and published in accordance with section 781(a) of the Act and 19 CFR 351.226(g)(1).

Dated: September 11, 2025.

Christopher Abbott,

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

Appendix I

Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background

[11] *See Orders.*

[12] *See* 19 CFR 351.226(f)(4).

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

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

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

III. Scope of the *Orders*
IV. Merchandise Subject to the Circumvention Inquiry
V. Period of Inquiry
VI. Statutory and Regulatory Framework
VII. Statutory Analysis
VIII. Summary of Statutory Analysis
IX. Country-Wide Affirmation Determination of Circumvention and Certification Requirements
X. Recommendation

Appendix II

Importer Certification

If importing round wire that is iron or nonalloy steel, smooth or deformed, not plated, galvanized or coated, whether or not polished, containing by weight less than 0.25 percent of carbon, with a diameter of 1.5mm or more, not heat-treated, with a tensile strength equal to or greater than 70,000psi (49kg/mm2) please complete the following:

I hereby certify that:

A. My name is {IMPORTING COMPANY OFFICIAL'S NAME} and I am an official of {NAME OF IMPORTING COMPANY}, located at {ADDRESS OF IMPORTING COMPANY}.

B. I have direct personal knowledge of the facts regarding the importation into the Customs territory of the United States of subject low-carbon steel (LCS) wire produced in Mexico that entered under the entry summary number(s), identified below, and which is covered by this certification. ''Direct personal knowledge'' refers to the facts the certifying party is expected to have in its own records. For example, the importer should have direct personal knowledge of the exporter's and/or seller's identity and location.

C. If the importer is acting on behalf of the first U.S. customer, include the following sentence as paragraph C of this certification:

The imported subject-LCS wire covered by this certification was imported by {NAME OF IMPORTING COMPANY} on behalf of {NAME OF U.S. CUSTOMER}, located at {ADDRESS OF U.S. CUSTOMER}.

If the importer is not acting on behalf of the first U.S. customer, include the following sentence as paragraph C of this certification:

{NAME OF IMPORTING COMPANY} is not acting on behalf of the first U.S. customer.

D. The imported LCS wire covered by this certification was shipped to {NAME OF PARTY IN THE UNITED STATES TO WHOM THE MERCHANDISE WAS FIRST SHIPPED}, located at {U.S. ADDRESS TO WHICH MERCHANDISE WAS SHIPPED}.

E. Select the appropriate statement below:

a. I have personal knowledge of the facts regarding the end-use of the imported products covered by this certification because my company is the end-user of the imported product covered by this certification and I certify that the imported subject-LCS wire will not be used to produce standard steel welded wire mesh . ''Personal knowledge'' includes facts obtained from another party, (*e.g.,* correspondence received by the importer from the end-user of the imported products regarding the end-use of the imported subject-LCS wire.

b. I have personal knowledge of the facts regarding the end-use of the imported product because while my company is not the end-user of the imported product covered by this certification, I certify that I have contacted the customer or end-user of the imported product and confirmed that it will not use this product to produce standard steel welded wire mesh. The customer or end-user of the imported product is {COMPANY NAME} located at {ADDRESS}. ''Personal knowledge'' includes facts obtained from another party (*e.g.,* correspondence received by the importer from the end-user of the product).

F. The imported subject-LCS wire covered by this certification will not be further processed into standard steel welded wire mesh (welded wire mesh) in the United States. (NOTE: For certifications related to entries produced and/or exported by Deacero S.A.P.I. de CV that were made between April 2, 2024, through September 26, 2025, the importer should replace ''will not be further processed'' with ''were not further processed'' in the certification, as necessary). For certifications related to entries produced and/or exported by any company other than Deacero S.A.P.I. de CV between the date of publication of this notice in the **Federal Register**, through September 26, 2025, the importer should replace ''will not be further processed'' with ''were not further processed'' in the certification, as necessary).

G. This certification applies to the following entries (repeat this block as many times as necessary):

Entry Summary #:
Entry Summary Line Item #:
Foreign Seller: Foreign Seller's Address:
Foreign Seller's Invoice #:
Foreign Seller's Invoice Line Item #:
Producer:
Producer's Address:

H. I understand that {NAME OF IMPORTING COMPANY} is required to maintain a copy of this certification and sufficient documentation supporting this certification (*i.e.,* documents maintained in the normal course of business, or documents obtained by the certifying party, for example, mill certificates, product specification sheets, invoices, etc.) until the later of: (1) the date that is five years after the latest entry date of the entries covered by the certification; or (2) the date that is three years after the conclusion of any litigation in United States courts regarding such entries.

I. I understand that {IMPORTING COMPANY}is required to submit a copy of the importer certifications, the commercial invoice, and the steel mill certificate at the time of entry summary by uploading these documents into the Document Imaging System in the Automated Commercial Environment, and to provide U.S. Customs and Border Protection (CBP) and/or the U.S. Department of Commerce (Commerce) with the importer certification, the commercial invoice, the steel mill certificate, and any supporting documentation provided to the importer by the exporter or the importer's customer, upon request of either agency. Consistent with CBP's procedures, importers shall identify certified entries by using importers' additional declaration (record 54) AD/CVD Certification Designation (type code 06) when filing entry summary.

J. I understand that the claims made herein, and the substantiating documentation, are subject to verification by CBP and/or Commerce.

K. I understand that failure to maintain the required certifications and supporting documentation, or failure to substantiate the claims made herein, or not allowing CBP and/or Commerce to verify the claims made herein, may result in a de facto determination that all entries to which this certification applies are entries of merchandise that is covered by the scope of the antidumping duty order and countervailing duty order on standard steel welded wire mesh from Mexico. I understand that such a finding will result in:

(i) suspension of liquidation of all unliquidated entries (and entries for which liquidation has not become final) for which these requirements were not met;

(ii) the importer being required to post the antidumping duty cash deposits determined by Commerce; and

(iii) the importer no longer being allowed to participate in the certification process.

L. I understand that agents of the importer, such as brokers, are not permitted to make this certification. Where a broker or other party was used to facilitate the entry process, {NAME OF IMPORTING COMPANY} obtained the entry summary number and date of entry summary from that party.

M. This certification was completed and signed on, or prior to, the date of the entry summary if the entry date is after September 26, 2025. If the entry date is on or before September 26, 2025, this certification was completed and signed by no later than October 27, 2025.

N. I am aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make materially false statements to the U.S. government.

Signature
{NAME OF COMPANY OFFICIAL}
{TITLE OF COMPANY OFFICIAL}
{DATE}

[FR Doc. 2025–17905 Filed 9–15–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[Docket No. 250912–0154; RTID 0625–XC057]

Implementing Certain Tariff-Related Elements of the United States-Japan Agreement

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice.

SUMMARY: On July 23, 2025, the President announced a framework agreement between the United States and Japan (the Agreement), which lays

the foundation for a new era of U.S.-Japan trade relations grounded in principles of reciprocity and our shared national interests. On September 4, 2025, the President issued Executive Order 14345, Implementing the United States-Japan Agreement, finding that specified tariff actions are consistent with the national interests of the United States and are necessary and appropriate to address the national emergency declared in Executive Order 14257, as amended, and to reduce or eliminate the threats to national security found in certain proclamations issued under Section 232 of the Trade Expansion Act of 1962. Executive Order 14345 also directed and authorized the Secretary of Commerce (Secretary) to publish in the **Federal Register** changes to the Harmonized Tariff Schedule of the United States (HTSUS) with respect to general tariffs on Japanese goods (in consultation with the United States Trade Representative, the Secretary of Homeland Security acting through the Commissioner of U.S. Customs and Border Protection (CBP), and the Chair of the United States International Trade Commission (ITC)); products of Japan that fall under the World Trade Organization Agreement on Trade in Civil Aircraft, except for unmanned aircraft (in consultation with the Chair of the ITC and the Commissioner of CBP); and products of Japan subject to duties under Proclamation 10908 of March 26, 2025 (Adjusting Imports of Automobiles and Automobile Parts Into the United States) (in consultation with the Chair of the ITC and the Commissioner of CBP). This notice amends the HTSUS to implement these provisions of the Agreement.

DATES: The changes in the Harmonized Tariff Schedule of the United States are effective September 16, 2025 except as otherwise provided for in this notice.

FOR FURTHER INFORMATION CONTACT: Emily Davis, Director for Public Affairs, International Trade Administration, U.S. Department of Commerce, 202–482–3809, *Emily.Davis@trade.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On July 23, 2025, the President announced an Agreement between the United States and Japan (the Agreement), which lays the foundation for a new era of U.S.-Japan trade relations grounded in principles of reciprocity and our shared national interests (*https://www.whitehouse.gov/fact-sheets/2025/07/fact-sheet-president-donald-j-trump-secures-unprecedented-u-s-japan-strategic-trade-and-investment-agreement/*). On September 4, 2025, the President signed Executive Order 14345, which states that the Agreement establishes a tariff framework that levels the playing field for American producers and accounts for American national security needs. 90 FR 43535 (Sept. 9, 2025). The Agreement will reduce the U.S. trade deficit, boost the economy of the United States, and address the consequences of the U.S. trade deficit, including by strengthening the manufacturing and defense industrial base of the United States. In addition to raising billions in revenue, this new tariff framework under the Agreement, combined with expanded U.S. exports and investment-driven production, will help reduce the trade deficit with Japan and restore greater balance to the overall U.S. trade position.

Under the Agreement, the United States will apply a baseline 15 percent *ad valorem* tariff on nearly all Japanese imports entering the United States, alongside separate sector-specific treatment for automobiles and automobile parts; aerospace products; generic pharmaceuticals; and natural resources that are not naturally available or produced in the United States.

In Executive Order 14345, the President found that the Agreement is necessary and appropriate to address the national emergency declared in Executive Order 14257 of April 2, 2025, Regulating Imports with a Reciprocal Tariff to Rectify Trade Practices That Contribute to Large and Persistent Trade Deficits, as amended, and to reduce or eliminate the threats to national security found in Proclamation 9704 of March 8, 2018, Adjusting Imports of Aluminum Into the United States, as amended; Proclamation 9705 of March 8, 2018, Adjusting Imports of Steel Into the United States, as amended; Proclamation 9888 of May 17, 2019, Adjusting Imports of Automobiles and Automobile Parts Into the United States, as amended; and Proclamation 10962 of July 30, 2025, Adjusting Imports of Copper Into the United States.

Executive Order 14345 directed the Secretary of Commerce (Secretary), in consultation with the United States Trade Representative; the Secretary of Homeland Security, acting through the Commissioner of CBP; and the Chair of the ITC, to determine whether modifications to the HTSUS are necessary or appropriate to effectuate the order and authorized him to make modifications through notice in the **Federal Register**. That order requires changes to the additional *ad valorem* rate of duty applicable to products of Japan, which are to be determined by a product's current *ad valorem* (or *ad valorem* equivalent) rate of duty under column 1 of the HTSUS (Column 1 Duty Rate). For a product of Japan with a Column 1 Duty Rate that is less than 15 percent, the sum of its Column 1 Duty Rate and the additional *ad valorem* rate of duty is 15 percent. For a product of Japan with a Column 1 Duty Rate that is at least 15 percent, the additional rate of duty pursuant to Executive Order 14345 is zero. Per Executive Order 14345, treatment of specific or compound duty rates is identical to the treatment provided to products of the European Union, as outlined in Executive Order 14326 of July 31, 2025, Further Modifying the Reciprocal Tariff Rates. The duties, which are set forth in Annex 1(a) to this notice, apply in lieu of the additional *ad valorem* duties previously imposed on products of Japan under Executive Order 14257, as amended. These modifications apply to products of Japan entered for consumption or withdrawn from warehouse for consumption on or after 12:01 a.m. eastern daylight time on August 7, 2025.

Executive Order 14345 also directed the Secretary, in consultation with the Chair of the ITC and the Commissioner of CBP, to publish a notice in the **Federal Register** modifying the HTSUS so that tariffs applied under Executive Order 14257, as amended; Proclamation 9704, as amended; Proclamation 9705, as amended; and Proclamation 10962 do not apply to products of Japan that fall under the World Trade Organization Agreement on Trade in Civil Aircraft, except for unmanned aircraft. These modifications are set forth in Annex 1(b) to this notice and are effective for goods entered for consumption, or withdrawn from warehouse for consumption, on or after September 16, 2025.

Finally, Executive Order 14345 directed the Secretary, in consultation with the Chair of the ITC and the Commissioner of CBP, to publish a notice in the **Federal Register** amending the HTSUS to allow for the additional *ad valorem* rate of duty applicable to an automobile or automobile part that is a product of Japan and subject to duties under Proclamation 10908 to be determined by the product's Column 1 Duty Rate. For a product of Japan with a Column 1 Duty Rate that is less than 15 percent, the sum of its Column 1 Duty Rate and the additional automobile or automobile part Proclamation 10908 *ad valorem* rate of duty are 15 percent. For a product of Japan with a Column 1 Duty Rate that is at least 15 percent, the additional automobile or automobile part Proclamation 10908 *ad valorem* rate of duty imposed is zero. These modifications are set forth in Annex 1(c)

to this notice and are effective for goods entered for consumption, or withdrawn from warehouse for consumption, on or after September 16, 2025.

Dated: September 12, 2025.

William Kimmitt,

Under Secretary for International Trade, United States Department of Commerce.

Annex I

a. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern time on August 7, 2025, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified as follows:

1. Heading 9903.02.30 is hereby terminated.

2. U.S. note 2(v)(xv) to subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified by inserting the following in lieu thereof:

''As provided in headings 9903.02.19, 9903.02.20, 9903.02.72, and 9903.02.73, for any good of the European Union or Japan subject to a specific or compound rate of duty under column 1—General, the ad valorem equivalent rate of duty of such good shall be determined by dividing the amount of duty payable under column 1—General by the customs value of the good. For example, if a good were subject to a specific duty of 50 cents per kilogram, and one kilogram of the good were entered with a customs value of $10, then the ad valorem equivalent rate of duty would be obtained by dividing 50 cents by $10, yielding 5 percent.''

3. New headings 9903.02.72 and 9903.02.73 are inserted in numerical sequence, with the material in the new heading inserted in the columns of the HTSUS labeled ''Heading/Subheading'', ''Article Description'', ''Rates of Duty 1—General'', ''Rates of Duty 1—Special'' and ''Rates of Duty 2'', respectively:

Heading/ subheading	Article description	Rates of duty		
		1		2
		General	Special	
''9903.02.72	Except for goods loaded onto a vessel at the port of loading and in transit on the final mode of transit before 12:01 a.m. eastern daylight time on August 7, 2025, and entered for consumption or withdrawn from warehouse for consumption before 12:01 a.m. eastern daylight time on October 5, 2025, except for products described in headings 9903.01.30–9903.01.33, and except as provided for in headings 9903.01.34, 9903.02.01, and 9903.96.02, articles the product of Japan, with an ad valorem (or ad valorem equivalent) rate of duty under column 1 equal to or greater than 15 percent, as provided for in subdivision (v) of U.S. note 2 to this subchapter.	The duty provided in the applicable subheading.	The duty provided in the applicable subheading.	No change.
9903.02.73	Except for goods loaded onto a vessel at the port of loading and in transit on the final mode of transit before 12:01 a.m. eastern daylight time on August 7, 2025, and entered for consumption or withdrawn from warehouse for consumption before 12:01 a.m. eastern daylight time on October 5, 2025, except for products described in headings 9903.01.30–9903.01.33, and except as provided for in headings 9903.01.34, 9903.02.01, and 9903.96.02, articles the product of Japan, with an ad valorem (or ad valorem equivalent) rate of duty under column 1 less than 15 percent, as provided for in subdivision (v) of U.S. note 2 to this subchapter.	15%	15%	No change''.

b. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern time on September 16, 2025, subchapter III of chapter 99 of the HTSUS is modified as follows:

1. U.S. note 35 is modified by adding in the following subdivision (b):

''As provided in heading 9903.96.02, the additional duties imposed by heading 9903.02.72, 9903.02.73 9903.78.01, 9903.81.87, 9903.81.88, 9903.81.89, 9903.81.90, 9903.81.91, 9903.81.93, 9903.85.02, 9903.85.04, 9903.85.07, and 9903.85.08, shall not apply to articles of civil aircraft (all aircraft other than military aircraft and unmanned aircraft); their engines, parts, and components; their other parts, components, and subassemblies; and ground flight simulators and their parts and components of Japan, that otherwise meet the criteria of General Note 6 of HTSUS, and classifiable in the following provisions of the HTSUS, but regardless of whether a product is entered under a provision for which the rate of duty ''Free (C)'' appears in the ''Special'' subcolumn: 3917.21.00, 3917.22.00; 3917.23.00; 3917.29.00; 3917.31.00; 3917.33.00; 3917.39.00; 3917.40.00; 3926.90.45; 3926.90.94; 3926.90.96; 3926.90.99; 4008.29.20; 4009.12.00; 4009.22.00; 4009.32.00; 4009.42.00; 4011.30.00; 4012.13.00; 4012.20.10; 4016.10.00; 4016.93.50; 4016.99.35; 4016.99.60; 4017.00.00; 4504.90.00; 4823.90.10; 4823.90.20; 4823.90.31; 4823.90.40; 4823.90.50; 4823.90.60; 4823.90.67; 4823.90.70; 4823.90.80; 4823.90.86; 6812.80.90; 6812.99.10; 6812.99.20; 6812.99.90; 6813.20.00; 6813.81.00; 6813.89.00; 7007.21.11; 7304.31.30; 7304.31.60; 7304.39.00; 7304.41.30; 7304.41.60; 7304.49.00; 7304.51.10; 7304.51.50; 7304.59.10; 7304.59.20; 7304.59.60; 7304.59.80; 7304.90.10; 7304.90.30; 7304.90.50; 7304.90.70; 7306.30.10; 7306.30.30; 7306.30.50; 7306.40.10; 7306.40.50; 7306.50.10; 7306.50.30; 7306.50.50; 7306.61.10; 7306.61.30; 7306.61.50; 7306.61.70; 7306.69.10; 7306.69.30; 7306.69.50; 7306.69.70; 7312.10.05; 7312.10.10; 7312.10.20; 7312.10.30; 7312.10.50; 7312.10.60; 7312.10.70; 7312.10.80; 7312.10.90; 7312.90.00; 7322.90.00; 7324.10.00; 7324.90.00; 7326.20.00; 7413.00.90; 7608.10.00; 7608.20.00; 8108.90.60; 8302.10.60; 8302.10.90; 8302.20.00; 8302.42.30; 8302.42.60; 8302.49.40; 8302.49.60; 8302.49.80; 8302.60.30; 8307.10.30; 8307.90.30; 8407.10.00; 8408.90.90; 8409.10.00; 8411.11.40; 8411.11.80; 8411.12.40; 8411.12.80; 8411.21.40; 8411.21.80; 8411.22.40; 8411.22.80; 8411.81.40; 8411.82.40; 8411.91.10; 8411.91.90; 8411.99.10; 8411.99.90; 8412.10.00; 8412.21.00; 8412.29.40; 8412.29.80; 8412.31.00; 8412.39.00; 8412.80.10; 8412.80.90; 8412.90.90; 8413.19.00; 8413.20.00; 8413.30.10; 8413.30.90; 8413.50.00; 8413.60.00; 8413.70.10; 8413.70.20; 8413.81.00; 8413.91.10; 8413.91.20; 8413.91.90; 8414.10.00; 8414.20.00; 8414.30.40; 8414.30.80; 8414.51.30; 8414.51.90; 8414.59.30; 8414.59.65; 8414.80.05; 8414.80.16; 8414.80.20; 8414.80.90; 8414.90.10; 8414.90.30; 8414.90.41; 8414.90.91; 8415.10.60; 8415.10.90; 8415.81.01; 8415.82.01; 8415.83.00; 8415.90.40; 8415.90.80; 8418.10.00; 8418.30.00; 8418.40.00; 8418.61.01; 8418.69.01; 8419.50.10; 8419.50.50; 8419.81.50; 8419.81.90; 8419.90.10; 8419.90.20; 8419.90.30; 8419.90.50; 8419.90.85; 8421.19.00; 8421.21.00; 8421.23.00; 8421.29.00; 8421.31.00; 8421.32.00; 8421.39.01; 8424.10.00; 8425.11.00; 8425.19.00;

8425.31.01; 8425.39.01; 8425.42.00; 8425.49.00; 8426.99.00; 8428.10.00; 8428.20.00; 8428.33.00; 8428.39.00; 8428.90.03; 8443.31.00; 8443.32.10; 8443.32.50; 8471.41.01; 8471.49.00; 8471.50.01; 8471.60.10; 8471.60.20; 8471.60.70; 8471.60.80; 8471.60.90; 8471.70.10; 8471.70.20; 8471.70.30; 8471.70.40; 8471.70.50; 8471.70.60; 8471.70.90; 8479.89.10; 8479.89.20; 8479.89.65; 8479.89.70; 8479.89.95; 8479.90.41; 8479.90.45; 8479.90.55; 8479.90.65; 8479.90.75; 8479.90.85; 8479.90.95; 8483.10.10; 8483.10.30; 8483.10.50; 8483.30.40; 8483.30.80; 8483.40.10; 8483.40.30; 8483.40.50; 8483.40.70; 8483.40.80; 8483.40.90; 8483.50.40; 8483.50.60; 8483.50.90; 8483.60.40; 8483.60.80; 8483.90.10; 8483.90.20; 8483.90.30; 8483.90.50; 8483.90.80; 8484.10.00; 8484.90.00; 8501.20.50; 8501.20.60; 8501.31.50; 8501.31.60; 8501.31.81; 8501.32.20; 8501.32.55; 8501.32.61; 8501.33.20; 8501.33.30; 8501.33.61; 8501.34.61; 8501.40.50; 8501.40.60; 8501.51.50; 8501.51.60; 8501.52.40; 8501.52.80; 8501.53.40; 8501.53.60; 8501.61.01; 8501.62.01; 8501.63.01; 8501.71.00; 8501.72.10; 8501.72.20; 8501.72.30; 8501.72.90; 8501.80.10; 8501.80.20; 8501.80.30; 8502.11.00; 8502.12.00; 8502.13.00; 8502.20.00; 8502.31.00; 8502.39.00; 8502.40.00; 8504.10.00; 8504.31.20; 8504.31.40; 8504.31.60; 8504.32.00; 8504.33.00; 8504.40.40; 8504.40.60; 8504.40.70; 8504.40.85; 8504.40.95; 8504.50.40; 8504.50.80; 8507.10.00; 8507.20.80; 8507.30.80; 8507.50.00; 8507.60.00; 8507.80.82; 8507.90.40; 8507.90.80; 8511.10.00; 8511.20.00; 8511.30.00; 8511.40.00; 8511.50.00; 8511.80.20; 8511.80.40; 8511.80.60; 8514.20.40; 8516.80.40; 8516.80.80; 8517.13.00; 8517.14.00; 8517.61.00; 8517.62.00; 8517.69.00; 8517.71.00; 8518.10.40; 8518.10.80; 8518.21.00; 8518.22.00; 8518.29.40; 8518.29.80; 8518.30.10; 8518.30.20; 8518.40.10; 8518.40.20; 8518.50.00; 8519.81.10; 8519.81.20; 8519.81.25; 8519.81.30; 8519.81.41; 8519.89.10; 8519.89.20; 8519.89.30; 8521.10.30; 8521.10.60; 8521.10.90; 8522.90.25; 8522.90.36; 8522.90.45; 8522.90.58; 8522.90.65; 8522.90.80; 8526.10.00; 8526.91.00; 8526.92.10; 8526.92.50; 8528.42.00; 8528.52.00; 8528.62.00; 8529.10.21; 8529.10.40; 8529.10.91; 8529.90.04; 8529.90.05; 8529.90.06; 8529.90.09; 8529.90.13; 8529.90.16; 8529.90.19; 8529.90.21; 8529.90.24; 8529.90.29; 8529.90.33; 8529.90.36; 8529.90.39; 8529.90.43; 8529.90.46; 8529.90.49; 8529.90.55; 8529.90.63; 8529.90.68; 8529.90.73; 8529.90.77; 8529.90.78; 8529.90.81; 8529.90.83; 8529.90.87; 8529.90.88; 8529.90.89; 8529.90.93; 8529.90.95; 8529.90.97; 8529.90.98; 8531.10.00; 8531.20.00; 8531.80.15; 8531.80.90; 8536.70.00; 8539.10.00; 8539.51.00; 8543.70.42; 8543.70.45; 8543.70.60; 8543.70.80; 8543.70.91; 8543.70.95; 8543.90.12; 8543.90.15; 8543.90.35; 8543.90.65; 8543.90.68; 8543.90.85; 8543.90.88; 8544.30.00; 8801.00.00; 8802.11.01; 8802.12.01; 8802.20.01; 8802.30.01; 8802.40.01; 8805.29.00; 8807.10.00; 8807.20.00; 8807.30.00; 8807.90.90; 9001.90.40; 9001.90.50; 9001.90.60; 9001.90.80; 9001.90.90; 9002.90.20; 9002.90.40; 9002.90.70; 9002.90.85; 9002.90.95; 9014.10.10; 9014.10.60; 9014.10.70; 9014.10.90; 9014.20.20; 9014.20.40; 9014.20.60; 9014.20.80; 9014.90.10; 9014.90.20; 9014.90.40; 9014.90.60; 9020.00.40; 9020.00.60; 9025.11.20; 9025.11.40; 9025.19.40; 9025.19.80; 9025.80.10; 9025.80.15; 9025.80.20; 9025.80.35; 9025.80.40; 9025.80.50; 9025.90.06; 9026.10.20; 9026.10.40; 9026.10.60; 9026.20.40; 9026.20.80; 9026.80.20; 9026.80.40; 9026.80.60; 9026.90.20; 9026.90.40; 9026.90.60; 9029.10.80; 9029.20.40; 9029.90.80; 9030.10.00; 9030.20.05; 9030.20.10; 9030.31.00; 9030.32.00; 9030.33.34; 9030.33.38; 9030.39.01; 9030.40.00; 9030.84.00; 9030.89.01; 9030.90.25; 9030.90.46; 9030.90.66; 9030.90.68; 9030.90.84; 9030.90.89; 9031.80.40; 9031.80.80; 9031.90.21; 9031.90.45; 9031.90.54; 9031.90.59; 9031.90.70; 9031.90.91; 9032.10.00; 9032.20.00; 9032.81.00; 9032.89.20; 9032.89.40; 9032.89.60; 9032.90.21; 9032.90.41; 9032.90.61; 9033.00.90; 9104.00.05; 9104.00.10; 9104.00.20; 9104.00.25; 9104.00.30; 9104.00.40; 9104.00.45; 9104.00.50; 9104.00.60; 9109.10.50; 9109.10.60; 9109.90.20; 9401.10.40; 9401.10.80; 9403.20.00; 9403.70.40; 9403.70.80; 9405.11.40; 9405.11.60; 9405.11.80; 9405.19.40; 9405.19.60; 9405.19.80; 9405.61.20; 9405.61.40; 9405.61.60; 9405.69.20; 9405.69.40; 9405.69.60; 9405.92.00; 9405.99.20; 9405.99.40; 9620.00.50; 9620.00.60; 9802.00.40; 9802.00.50; 9802.00.60; 9802.00.80; 9818.00.05; 9818.00.07''

2. U.S. note 2(v) is modified by deleting ''and 9903.02.01–9903.02.71'' in each place that it appears and inserting ''9903.02.01–9903.02.73'' in lieu thereof.

3. U.S. note 2(v)(i) is modified by:

i. Deleting ''Except as provided in headings 9903.01.26–9903.01.33, in heading 9903.01.34, in heading 9903.96.01,'' and inserting ''Except as provided in headings 9903.01.26–9903.01.33, in heading 9903.01.34, in heading 9903.96.01 and 9903.96.02'' in lieu thereof; and

ii. Deleting the last sentence in the first paragraph and inserting ''Products that are eligible for special tariff treatment under general note 3(c)(i) to the tariff schedule, or that are eligible for temporary duty exemptions or reductions under subchapter II to chapter 99, shall be subject to the additional ad valorem rate of duty imposed by these headings except as provided in 9903.96.01 and 9903.96.02 with respect to the Agreement on Trade and Civil Aircraft.''

4. U.S note 16(i) is modified by inserting ''Except as provided in heading 9903.96.02'' to the beginning of the first sentence.

5. U.S. note 16(k) is modified by to inserting ''Except as provided in heading 9903.96.02'' to the beginning of the first sentence.

6. U.S. note 19(f) is modified by inserting ''Except as provided in heading 9903.96.02'' to the beginning of the first sentence.

7. U.S. note 19(h) is modified by inserting ''Except as provided in heading 9903.96.02'' to the beginning of the first sentence.

8. U.S. note 36(a) is modified by inserting ''Except as provided in headings 9903.94.40–9903.94.43, and 9903.96.02'' to the beginning of the first sentence.

9. New heading 9903.96.02 is inserted in numerical order, with the material in the new heading inserted in the columns of the HTSUS labeled ''Heading/Subheading'', ''Article Description'', ''Rates of Duty 1—General'', ''Rates of Duty 1—Special'' and ''Rates of Duty 2'', respectively:

Heading/ subheading	Article description	Rates of duty		
		1		2
		General	Special	
''9903.96.02	Articles of civil aircraft (all aircraft other than military aircraft); their engines, parts, and components; their other parts, components, and subassemblies; and ground flight simulators and their parts and components of Japan, excluding unmanned aircraft, classified in the subheadings enumerated in subdivision (b) of U.S. note 35 to this subchapter.	The duty provided in the applicable subheading.	The duty provided in the applicable subheading.	No change.

c. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern time on September 16, 2025, subchapter III of chapter 99 of the HTSUS is modified as follows:

1. U.S. note 33 is modified by adding the following subdivision (k):

''(k) Except as provided for in headings 9903.94.02 and 9903.94.04, headings 9903.94.40, 9903.94.41 sets forth the ordinary customs duty treatment for certain passenger

vehicles and light trucks classifiable in the provisions of the HTSUS enumerated in subdivision (b) of this Note that are products of Japan.

Any passenger vehicle or light truck, except those eligible for admission under ''domestic status'' as defined in 19 CFR 146.43, that is subject to the duty imposed by this subdivision and that is admitted into a United States foreign trade zone on or after 12:01 a.m. eastern standard time on September 16, 2025, must be admitted as ''privileged foreign status'' as defined in 19 CFR 146.41, and will be subject upon entry for consumption to any ad valorem rates of duty related to the classification under this HTSUS subheading.

Goods for which entry is claimed under a provision of chapter 98 and which are subject to the additional duties prescribed herein shall be eligible for and subject to the terms of such provision and applicable U.S. Customs and Border Protection (''CBP'') regulations, except that duties under subheading 9802.00.60 shall be assessed based upon the full value of the imported article. No claim for entry or for any duty exemption or reduction shall be allowed for the passenger vehicles and light trucks provided for in this subdivision (k) of this note under a provision of chapter 99 that may set forth a lower rate of duty or provide duty-free treatment, taking into account information supplied by CBP, but any additional duty prescribed in any provision of this subchapter or subchapter IV of chapter 99 shall be imposed in addition to the duty in headings 9903.94.40 and 9903.94.41. All antidumping, countervailing, or other duties and charges applicable to such goods shall continue to be imposed in addition to the duty in headings 9903.94.40 and 9903.94.41. Entries of passenger vehicles and light trucks described in this subdivision (k) shall not be subject to: (1) the additional duties imposed on entries of semi-finished copper products and copper-intensive derivative products under heading 9903.78.01; (2) the additional duties imposed on entries of products of aluminum under heading 9903.85.02 and 9903.85.12; (3) the additional duties imposed on entries of derivative aluminum products under headings 9903.85.04, 9903.85.07, 9903.85.08, 9903.85.13, 9903.85.14, and 9903.85.15; (4) the additional duties imposed on entries of iron or steel products under headings 9903.81.87, 9903.81.88, 9903.81.94 and 9903.81.95; (5) the additional duties imposed on entries of derivative iron or steel products under headings 9903.81.89, 9903.81.90, 9903.81.91, 9903.81.93, 9903.81.96, 9903.81.97, 9903.81.98 and 9903.81.99.

2. U.S. note 33 is modified by adding the following subdivision (l):

''(l) Except as provided for in headings 9903.94.06, headings 9903.94.42, 9903.94.43 sets forth the ordinary customs duty treatment for certain parts of passenger vehicles and light trucks classifiable in the provisions of the HTSUS enumerated in subdivision (g) of this Note that are products of Japan.

Any automotive part, except those eligible for admission under ''domestic status'' as defined in 19 CFR 146.43, that is subject to the duty imposed by this subdivision and that is admitted into a United States foreign trade zone on or after 12:01 a.m. eastern standard time on September 16, 2025, must be admitted as ''privileged foreign status'' as defined in 19 CFR 146.41, and will be subject upon entry for consumption to any ad valorem rates of duty related to the classification under this HTSUS subheading.

Goods for which entry is claimed under a provision of chapter 98 and which are subject to the additional duties prescribed herein shall be eligible for and subject to the terms of such provision and applicable U.S. Customs and Border Protection (''CBP'') regulations, except that duties under subheading 9802.00.60 shall be assessed based upon the full value of the imported article. No claim for entry or for any duty exemption or reduction shall be allowed for the automotive parts provided for in this subdivision (l) of this note under a provision of chapter 99 that may set forth a lower rate of duty or provide duty-free treatment, taking into account information supplied by CBP, but any additional duty prescribed in any provision of this subchapter or subchapter IV of chapter 99 shall be imposed in addition to the duty in headings 9903.94.42 and 9903.94.43. All antidumping, countervailing, or other duties and charges applicable to such goods shall continue to be imposed in addition to the duty in headings 9903.94.42 and 9903.94.43. Entries of automotive parts described in this subdivision (l) shall not be subject to: (1) the additional duties imposed on entries of semi-finished copper products and copper-intensive derivative products under heading 9903.78.01; (2) the additional duties imposed on entries of products of aluminum under heading 9903.85.02 and 9903.85.12; (3) the additional duties imposed on entries of derivative aluminum products under headings 9903.85.04, 9903.85.07, 9903.85.08, 9903.85.13, 9903.85.14, and 9903.85.15; (4) the additional duties imposed on entries of iron or steel products under headings 9903.81.87, 9903.81.88, 9903.81.94 and 9903.81.95; (5) the additional duties imposed on entries of derivative iron or steel products under headings 9903.81.89, 9903.81.90, 9903.81.91, 9903.81.93, 9903.81.96, 9903.81.97, 9903.81.98 and 9903.81.99.

3. U.S. note 33 is modified by adding the following subdivision (m):

''As provided in headings 9903.94.40–9903.94.43, for any good of Japan subject to a specific or compound rate of duty under column 1—General, the ad valorem equivalent rate of duty of such good shall be determined by dividing the amount of duty payable under column 1—General by the customs value of the good. For example, if a good were subject to a specific duty of 50 cents per kilogram, and one kilogram of the good were entered with a customs value of $10, then the ad valorem equivalent rate of duty would be obtained by dividing 50 cents by $10, yielding 5 percent.''

4. U.S. note 33(a) is modified by:

i. Deleting ''Except as provided for in headings 9903.94.02, 9903.94.03, 9903.94.04, and 9903.94.31'' and inserting ''Except as provided for in headings 9903.94.02, 9903.94.03, 9903.94.04, 9903.94.31, 9903.94.40, and 9903.94.41,'' in lieu thereof.

ii. Deleting ''Except as provided in heading 9903.94.31, no claim for entry'', and inserting ''Except as provided in headings 9903.94.31, 9903.94.40 and 9903.94.41, no claim for entry'' in lieu thereof.

5. U.S. note 33(b) is modified by inserting ''9903.94.40, 9903.94.41'' after ''9903.94.04,''.

6. U.S. note 33(f) is modified by:

i. Deleting ''Except as provided for in heading 9903.94.06 and 9903.94.32,'' and replacing with ''Except as provided for in heading 9903.94.06, 9903.94.32, 9903.94.42 and 9903.94.43,'' in lieu thereof.

ii. Deleting ''Except as provided in heading 9903.94.32, no claim for entry'' and inserting ''Except as provided in headings 9903.94.32, 9903.94.42 and 9903.94.43, no claim for entry'' in lieu thereof.

7. U.S. note 33(g) is modified by inserting '', 9903.94.42, and 9903.94.43'' after ''9903.94.05''.

8. Heading 9903.94.01 is modified by deleting the article description and inserting ''Except for 9903.94.02, 9903.94.03, 9903.94.04, 9903.94.31, 9903.94.40 and 9903.94.41, effective with respect to entries on or after April 3, 2025, passenger vehicles (sedans, sport utility vehicles, crossover utility vehicles, minivans, and cargo vans) and light trucks, as specified in note 33 to this subchapter, as provided for in subdivision (b) of U.S. note 33 to this subchapter''

9. Heading 9903.94.05 is modified by deleting the article description and inserting ''Except for 9903.94.06, 9903.94.32, 9903.94.42 and 9903.94.43, effective with respect to entries on or after May 3, 2025, automobile parts, as provided for in subdivision (g) of U.S. note 33 to this subchapter''

10. New headings 9903.94.40, 9903.94.41, 9903.94.42 and 9903.94.43 are inserted in numerical sequence, with the material in the new heading inserted in the columns of the HTSUS labeled ''Heading/Subheading'', ''Article Description'', ''Rates of Duty 1—General'', ''Rates of Duty 1—Special'' and ''Rates of Duty 2'', respectively:

Heading/ subheading	Article description	Rates of duty		
		1		2
		General	Special	
"9903.94.40	Passenger vehicles and light trucks that are products of Japan as provided for in subdivision (k) of U.S. note 33 to this subchapter, with an ad valorem (or ad valorem equivalent) rate of duty under column 1 equal to or greater than 15 percent as provided for in subdivision (m) of U.S. note 33 to this subchapter.	The duty provided in the applicable subheading.	The duty provided in the applicable subheading.	No change.
9903.94.41	Passenger vehicles and light trucks that are products of Japan provided for in subdivision (k) of U.S. note 33 to this subchapter, with an ad valorem (or ad valorem equivalent) rate of duty under column 1 less than 15 percent as provided for in subdivision (m) of U.S. note 33 to this subchapter.	15%	15%	No change.
9903.94.42	Parts of passenger vehicles and light trucks that are products of Japan as provided for subdivision (l) of U.S. note 33 to this subchapter, with an ad valorem (or ad valorem equivalent) rate of duty under column 1 equal to or greater than 15 percent as provided for in subdivision (m) of U.S. note 33 to this subchapter.	The duty provided in the applicable subheading.	The duty provided in the applicable subheading.	No change.
9903.94.43	Parts of passenger vehicles and light trucks that are products of Japan as provided for in subdivision (l) of U.S. note 33 to this subchapter, with an ad valorem (or ad valorem equivalent) rate of duty under column 1 less than 15 percent as provided for in subdivision (m) of U.S. note 33 to this subchapter.	15%	15%	No change."

[FR Doc. 2025–17908 Filed 9–15–25; 8:45 am]
BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Lawrence Berkeley National Laboratory et al.; Notice of Decision on Application for Duty-Free Entry of Scientific Instruments

This is a decision pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301). On August 15, 2025, the Department of Commerce published a notice in the **Federal Register** requesting public comment on whether instruments of equivalent scientific value, for the purposes for which the instruments identified in the docket(s) below are intended to be used, are being manufactured in the United States. *See Application(s) for Duty-Free Entry of Scientific Instruments,* 90 FR 39377, August 15, 2025. We received no public comments.

Comments: None received. Decision: Approved. We know of no instrument of equivalent scientific value to the foreign instrument described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order.

Docket Number: 25–024. Applicant: Lawrence Berkeley National Laboratory, One Cyclotron Road, Berkeley, CA 94720. Instrument: Helium Liquefaction Plant. Manufacturer: Air Liquide Advanced Technologies, France. Intended Use: The instrument is intended to enhance the testing capabilities for high-current, large-stored-energy superconducting magnets through reliable, efficient, and high-capacity cryogenic support.

Docket Number: 25–025. Applicant: Stanford University, 450 Jane Stanford Way, Stanford, CA 94305. Instrument: Ultrafast Electron Diffraction (UED) with Radiofrequency Compression. Manufacturer: e-Ray Scientific, Canada. Intended Use: The instrument is intended to study how various materials such as magnets, metals, and insulators change their structure after being hit by short laser pulses, exploring interactions among electrons and atoms within these materials, and observing their rapid responses in detail.

Docket Number: 25–026. Applicant: Stanford University, 450 Jane Stanford Way, Stanford, CA 94305. Instrument: Coherent Astrella Laser Amplifier System. Manufacturer: Coherent, United Kingdom. Intended Use: The instrument is intended to investigate how a wide range of crystalline solids, including metals, magnets, and insulators respond to the illumination of intense light pulses.

Docket Number: 25–027. Applicant: Trustees of Indiana University, 107 S Indiana Ave., Bloomington, IN 47405. Instrument: High-Precision Multi-Channel Voltage Supply. Manufacturer: ISEG HV, Germany. Intended Use: The instrument is intended to study an array of trapped atomic ions which must be confined using precision voltages applied to electrodes of the ion trap and to construct a state-of-the-art quantum simulation device.

Docket Number: 25–030. Applicant: California Institute of Technology, 1200 E California Blvd., Pasadena, CA 91125. Instrument: Intra-cavity doubled, low noise, high-power narrow linewidth VECSEL laser at 460.862 nm wavelength and 1.5W power. Manufacturer: Vexlum Ltd., Finland. Intended Use: The instrument is intended to use ytterbium and strontium atoms trapped in optical tweezer arrays to realize a programmable optical clock platform which will be used to study how quantum-enhancement metrology can be realized through large-scale entangled states.

Docket Number: 25–031. Applicant: Trustees of Purdue University, 2550 Northwestern Ave., Suite 1100, West Lafayette, IN 47906. Instrument: Unitree Humanoid Robot. Manufacturer: HangZhou YuShu Technology Co., Ltd., China. Intended Use: The instrument is intended to develop and deploy task-oriented generative AI modules to enable advanced, fine-grained and precise motion control, and real-time reasoning in multi-humanoid robot systems; develop a generative AI-powered real-time collaborative and communication framework for multi-human multi-humanoid robot interaction; and design a scalable and adaptive human-robot interface to effectively support both human-in-the-loop and human-on-the-loop decision making.

Docket Number: 25–033. Applicant: University of South Florida, 4202 E Fowler Ave., Tampa, FL 33620. Instrument: Miniature Two Photon Microscope. Manufacturer: Nanjing Transcend Vivoscope Bio-Technology

Co., Ltd., China. Intended Use: The instrument is intended to record fluorescent signals in specific populations of neuronal or non-neuronal cells in mice brains and to develop the principles regarding how these brain cells encode and/or regulate behaviors of mice.

Docket Number: 25–035. Applicant: UChicago Argonne LLC, 9700 South Cass Avenue, Lemont, Illinois 60439. Instrument: Detector Manipulation System. Manufacturer: JJ X-Ray A/S, Denmark. Intended Use: The instrument is intended to be used to accurately position detectors over a large motion range with high stability. The system will be used for operations at the Advanced Photon Source (APS), a third-generation synchrotron light source that produces very bright and concentrated x-ray beams used for imaging in material science and biomedical applications. The instrument will further the understanding of different materials and material properties, and aid in the development of new materials.

Dated: September 12, 2025.

Tyler O'Daniel,

Acting Director, Subsidies Enforcement Office, Enforcement and Compliance.

[FR Doc. 2025–17901 Filed 9–15–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF198]

Pacific 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 Pacific Fishery Management Council's (Pacific Council) Groundfish Subcommittee of the Scientific and Statistical Committee (SSC) will hold a meeting to review additional analyses of 2025 groundfish stock assessments and other requests from the September 2025 Pacific Council meeting. This meeting is open to the public.

DATES: The meeting will be held Tuesday, October 14, 2025 from 1 p.m. (Pacific Daylight Time) until business for the day has been completed, and will continue through Friday, October 17, 2025 from 9 a.m. until 5 p.m. or when business for the day has been completed.

ADDRESSES: The SSC Groundfish Subcommittee meeting will be held at the Watertown Hotel, 4242 Roosevelt Way NE, Seattle, Washington 98105; telephone (206) 826–4242.

The meeting is being conducted in person with a web broadcast that provides the opportunity for remote listening and public comment. Specific meeting information, materials, and instructions for how to connect to the meeting remotely will be provided in the meeting announcement on the Pacific Council's website (see *www.pcouncil.org*). In the event an outage occurs, or technical issues arise that impact the experience of remote attendees, we will attempt to resolve them but ultimately, we cannot guarantee that they will be resolved satisfactorily. Please contact Kris Kleinschmidt (*kris.kleinschmidt@pcouncil.org*) or (503) 820–2412 for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, Oregon 97220.

FOR FURTHER INFORMATION CONTACT: Marlene A. Bellman, Staff Officer, Pacific Council; telephone: (503) 820–2414, email: *marlene.bellman@pcouncil.org.*

SUPPLEMENTARY INFORMATION: The SSC Groundfish Subcommittee will review any further analyses for 2025 groundfish stock assessments as requested by the Pacific Council at their September 2025 meeting. The Groundfish Subcommittee will prepare their recommendations for SSC and Pacific Council consideration at their November 2025 meetings.

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

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Kris Kleinschmidt (*kris.kleinschmidt@pcouncil.org;* (503) 820–2412) at least 10 days prior to the meeting date.

Dated: September 12, 2025.

Becky J. Curtis,

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

[FR Doc. 2025–17907 Filed 9–15–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF182]

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of virtual meeting. Meetings of the North Pacific Fishery Management Council and its advisory committees.

SUMMARY: The North Pacific Fishery Management Council (Council) and its advisory committees will meet on September 29, 2025, through Friday, October 3, 2025, then resume on Monday, October 6, 2025, through Thursday, October 9, 2025.

DATES: The Council's Scientific and Statistical Committee (SSC) and the Council's Advisory Panel (AP) will begin at 8 a.m. on Monday, September 29, 2025, and continue through Thursday, October 2, 2025. The Council will begin at 8 a.m. on Thursday, October 2, 2025, to Friday, October 3, 2025, then resume on Monday, October 6, 2025, through Thursday, October 9, 2025. All listed times are Alaska Time.

ADDRESSES: The meetings will be a virtual conference. Join the meetings online through the links at *https://www.npfmc.org/upcoming-council-meetings.*

Council address: North Pacific Fishery Management Council, 1007 W 3rd Ave., Anchorage, AK 99501–2252; telephone: (907) 271–2809. Instructions for attending the meeting via video conference are given under the connection information below.

FOR FURTHER INFORMATION CONTACT: Diana Evans, Council staff; email: *devans@npfmc.org,* telephone: (907) 271–2809. For technical support, please contact our Council administrative staff, email: *support@npfmc.org.*

SUPPLEMENTARY INFORMATION:

Agenda

Monday, September 29, 2025, Through Thursday, October 2, 2025

The SSC agenda will include the following issues:

(1) Bering Sea Aleutian Island (BSAI) Crab Specifications—Review Ecosystem Status Report (ESR) and Stock Assessment and Fishery Evaluation (SAFE) Report, and Recommend Acceptable Biological Catch (ABC) and Overfishing Level (OFL) for crab stocks;

(2) Groundfish Harvest Specifications—Review Reports and Recommend Proposed ABC and OFL for groundfish stocks.

The agenda is subject to change, and the latest version will be posted at *https://meetings.npfmc.org/Meeting/Details/3096* prior to the meeting, along with meeting materials.

In addition to providing ongoing scientific advice for fishery management decisions, the SSC functions as the Council's primary peer review panel for scientific information, as described by the Magnuson-Stevens Act section 302(g)(1)(e), and the National Standard 2 guidelines (78 FR 43066). The peer-review process is also deemed to satisfy the requirements of the Information Quality Act, including the Office of Management and Budget Peer Review Bulletin guidelines.

Monday, September 29, 2025, Through Thursday, October 2, 2025

The Advisory Panel agenda will include the following issues:

(1) Maximum Retainable Amount (MRA) Adjustments—Review Final Action Analysis;

(2) Observer 2026 Annual Development Plan—Review Report, Committee Reports;

(3) Bering Sea Aleutian Island (BSAI) Crab Specifications—Review Stock Assessment and Fishery Evaluation (SAFE) Report, and Recommend Acceptable Biological Catch (ABC) and Overfishing Level (OFL) for crab stocks;

(4) Crab C-Shares—Initial Review Analysis;

(5) Groundfish Harvest Specifications—Review Reports and Recommend Proposed ABC, OFL, and Total Allowable Catch (TAC) for Groundfish Stocks; Review Proposal for Subarea Apportionments; Review Blackspotted/Rougheye (BSRE) Accountability Measures Discussion Paper;

(6) Economic Data Reports Removal—Initial Review/Final Action Analysis;

(7) Individual Fishing Quota (IFQ)/Community Quota Entity (CQE) Transfer, Beneficiary changes—Review Discussion Paper;

(8) Essential Fish Habitat 5-year Review Workplan—Review Report;

(9) Programmatic Evaluation—Discuss Next Steps;

(10) Staff Tasking.

Thursday, October 2, 2025, to Friday, October 3, 2025, To Resume on Monday, October 6, 2025, Through Thursday, October 9, 2025

The Council agenda will include the following issues. The Council may take appropriate action on any of the issues identified.

(1) B Reports (Executive Director including Council response to E.O. 14276 Restoring American Seafood Competitiveness, NMFS Management, NOAA General Counsel (GC), Alaska Fishery Science Center (AFSC), Alaska Department of Fish and Game (ADF&G), United States Coast Guard (USCG), United States Fish and Wildlife Service (USFWS), Advisory Panel, SSC report);

(2) MRA Adjustments—Review Final Action Analysis;

(3) Observer 2026 Annual Development Plan—Review Report, Committee Reports;

(4) Bering Sea Aleutian Island (BSAI) Crab Specifications—Review Stock Assessment and Fishery Evaluation (SAFE) Report, and Recommend Acceptable Biological Catch (ABC) and Overfishing Level (OFL) for crab stocks;

(5) Crab C-Shares—Initial Review Analysis;

(6) Groundfish Harvest Specifications—Review Reports and Recommend Proposed ABC, OFL, and Total Allowable Catch (TAC) for Groundfish Stocks; Review Proposal for Subarea Apportionments; Review Blackspotted/Rougheye (BSRE) Accountability Measures Discussion Paper;

(7) Economic Data Reports Removal—Initial Review/Final Action Analysis;

(8) BSAI Pacific Cod Pot Gear Limited Access Privilege Program (LAPP)—Review Discussion Paper;

(9) IFQ/CQE Transfer, Beneficiary changes—Review Discussion Paper;

(10) Essential Fish Habitat 5-year Review Workplan—Review Report;

(11) Programmatic evaluation—Discuss Next Steps;

(12) Staff Tasking.

Connection Information

You can attend the meeting online using a computer, tablet, or smart phone; or by phone only. Connection information will be posted online at: *https://www.npfmc.org/upcoming-council-meetings.* For technical support, please contact our administrative staff, email: *support@npfmc.org,*

Public Comment

Public comment letters will be accepted and should be submitted electronically through the links at *https://www.npfmc.org/upcoming-council-meetings.* The Council strongly encourages written public comment for this meeting, to avoid any potential for technical difficulties to compromise oral testimony. The written comment period is open from September 5, 2025, to September 26, 2025, and closes at 12 p.m., Alaska Time on Friday, September 26, 2025.

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

Dated: September 12, 2025.

Becky J. Curtis,

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

[FR Doc. 2025–17873 Filed 9–15–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF184]

Management Track Assessment for Acadian Redfish, White Hake, Georges Bank Winter Flounder, Cape Cod/Gulf of Maine Yellowtail Flounder, and Southern New England/Mid-Atlantic Yellowtail Flounder; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: NMFS will convene the Management Track Assessment Peer Review Meeting for the purpose of reviewing Acadian redfish, white hake, Georges Bank winter flounder, Cape Cod/Gulf of Maine yellowtail flounder, and Southern New England/Mid-Atlantic yellowtail flounder stocks. The Management Track Assessment Peer Review is a formal scientific peer-review process for evaluating and presenting stock assessment results to managers for fish stocks in the offshore U.S. waters of the northwest Atlantic. Assessments are prepared by the lead stock assessment scientist and reviewed by an independent panel of stock assessment experts. The public is invited to attend the presentations and discussions between the review panel and the scientists who have participated in the stock assessment process.

DATES: The public portion of the Management Track Assessment Peer Review Meeting will be held from September 15, 2025–September 18, 2025. The public portion of the meeting will conclude on September 18, 2025 at 12 p.m. Eastern Standard Time. Please see **SUPPLEMENTARY INFORMATION** for the daily meeting agenda.

ADDRESSES: The meeting will be held in Room 104 and Room 105 of the Candle House at the Marine Biological Laboratory, 127 Water St., Woods Hole, MA 02543 and virtually using this Google Meet link: *https://meet.google.com/ucu-vwrf-veq*.

FOR FURTHER INFORMATION CONTACT: Brian Hooper, 508–258–9580; *brian.hooper@noaa.gov*.

SUPPLEMENTARY INFORMATION: For further information, please visit the NEFSC website at https://www.fisheries.noaa.gov/new-england-mid-atlantic/population-assessments/fishery-stock-assessments-new-england-and-mid-atlantic. For additional information about management track assessment peer review, please visit the NEFSC web page at https://www.fisheries.noaa.gov/new-england-mid-atlantic/population-assessments/management-track-stock-assessments.

Daily Meeting Agenda—Research Track Peer Review Meeting

The agenda is subject to change; all times are approximate and may be changed at the discretion of the Peer Review Chair.

Time	Stock	Subject	Presenter
Monday, September 15, 2025			
9 a.m		Welcome/Logistics Conduct of Meeting	Brian Hooper; Kristan Blackhart; Edward Camp, Chair.
9:15 a.m	White Hake	Terms of Reference (TOR) Review & Panel Questions.	Charles Adams; Panel.
11:15 a.m		Break.	
11:30 a.m	White Hake	Public Comment	Panel.
11:45 a.m	White Hake	Panel Deliberations	Panel.
12:30 p.m	White Hake	Panel Conclusions/Recommendations and Final Stock Wrap Up.	Panel.
1 p.m		Lunch.	
2 p.m		Overview of the Woods Hole Assessment Model (WHAM).	Jonathan Deroba.
3 p.m	Georges Bank Yellowtail Flounder	TOR Review & Panel Questions	Alex Hansell; Panel.
4 p.m	Georges Bank Yellowtail Flounder	Public Comment	Public.
4:15 p.m		Break.	
4:30 p.m	Georges Bank Yellowtail Flounder	Panel Deliberations	Panel.
4:45 p.m	Georges Bank Yellowtail Flounder	Panel Conclusions/Recommendations and Final Stock Wrap Up.	Panel.
5 p.m		Adjourn.	
Tuesday, September 16, 2025			
9 a.m		Welcome/Logistics	Brian Hooper; Edward Camp, Chair.
9:05 a.m	Acadian Redfish	TOR Review & Panel Questions	Brian Linton; Panel.
10:45 a.m		Break.	
11 a.m	Acadian Redfish	TOR Review & Panel Questions, continued.	Brian Linton; Panel.
12:30 p.m		Lunch.	
1:30 p.m	Acadian Redfish	TOR Review & Panel Questions, continued.	Brian Linton; Panel.
2:45 p.m	Acadian Redfish	Public Comment	Public.
3 p.m		Break.	
3:15 p.m	Acadian Redfish	Panel Deliberations	Panel.
4:15 p.m	Acadian Redfish	Panel Conclusions/Recommendations and Final Stock Wrap Up.	Panel.
5 p.m		Adjourn.	
Wednesday, September 17, 2025			
9 a.m		Welcome/Logistics	Brian Hooper; Edward Camp, Chair.
9:05 a.m	Georges Bank Winter Flounder	TOR Review & Panel Questions	Alex Hansell; Panel.
10:45 a.m		Break.	
11 a.m	Georges Bank Winter Flounder	TOR Review & Panel Questions, continued.	Alex Hansell; Panel.
12:30 p.m		Lunch.	
1:30 p.m	Georges Bank Winter Flounder	Public Comment	Public.
1:45 p.m	Georges Bank Winter Flounder	Panel Deliberations	Panel.
2:45 p.m	Georges Bank Winter Flounder	Panel Conclusions/Recommendations and Final Stock Wrap Up.	Panel.
3 p.m		Break.	
3:15 p.m		Closed panel writing session.	
5 p.m		Adjourn.	
Thursday, September 18, 2025			
9 a.m		Welcome/Logistics	Brian Hooper; Edward Camp, Chair.
9:05 a.m	Southern New England-Mid Atlantic Yellowtail Flounder.	TOR Review & Panel Questions	Cameron Hodgdon; Panel.
9:30 a.m	Southern New England-Mid Atlantic Yellowtail Flounder.	Public Comment	Public.

Time	Stock	Subject	Presenter
9:40 a.m	Southern New England-Mid Atlantic Yellowtail Flounder.	Panel Deliberations	Panel.
9:55 a.m	Southern New England-Mid Atlantic Yellowtail Flounder.	Panel Conclusions/Recommendations and Final Stock Wrap Up.	Panel.
10:05 p.m	Cape Cod/Gulf of Maine Yellowtail Flounder.	TOR Review & Panel Questions, continued.	Larry Alade; Panel.
10:30 a.m	Cape Cod/Gulf of Maine Yellowtail Flounder.	Public Comment	Public.
10:40 a.m	Cape Cod/Gulf of Maine Yellowtail Flounder.	Panel Deliberations	Panel.
10:55 p.m	Cape Cod/Gulf of Maine Yellowtail Flounder.	Panel Conclusions/Recommendations and Final Stock Wrap Up.	Panel.
11:05 p.m	All stocks	Final Meeting Wrap Up, if needed	Panel.
12 p.m		Lunch.	
1 p.m		Closed panel writing session	Panel.
3 p.m		Adjourn.	

Special Accommodations This meeting is physically accessible to people with disabilities. Special requests should be directed to Brian Hooper, via the email provided in the **ADDRESSES** section.

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

Dated: September 12, 2025.

Kelly Denit,

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

[FR Doc. 2025–17900 Filed 9–15–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF210]

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

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

ACTION: Notice of Southeast Data, Assessment and Review 100 Post-Data Workshop Webinar for Gulf Gray Triggerfish.

SUMMARY: The Southeast Data, Assessment and Review (SEDAR) 100 assessment process of Gulf gray triggerfish will consist of a Data Workshop, and a series of assessment webinars, and a Review Workshop. See **SUPPLEMENTARY INFORMATION.**

DATES: The SEDAR 100 Post-Data Workshop Webinar will be held September 30, 2025, from 1 p.m. until 3 p.m. Eastern Time.

ADDRESSES:

Meeting address: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT)** to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

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

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

SUPPLEMENTARY INFORMATION: The Gulf, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with the National Marine Fisheries Service and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the SEDAR process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop, (2) a series of assessment webinars, and (3) A Review Workshop. The product of the Data Workshop is a report that compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The assessment webinars produce a report that describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The product of the Review Workshop is an Assessment Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species (HMS) Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion during the Pre-Data Workshop scoping webinar are as follows: Participants will discuss any outstanding data issues remining from the August 2025 Data Workshop.

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

Special Accomodations

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

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

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

Dated: September 12, 2025.

Becky J. Curtis,

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

[FR Doc. 2025–17891 Filed 9–15–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF059]

Marine Mammals; File No. 29017

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Alaska Department of Fish and Game, P.O. Box 25526, Juneau, AK 99802, (Responsible Party: Lori Quakenbush, Ph.D.), has applied in due form for a permit to conduct research on seven whale species.

DATES: Written comments must be received on or before October 16, 2025.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the ''Features'' box on the Applications and Permits for Protected Species home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 29017 from the list of available applications. These documents are also available upon written request via email to *NMFS.Pr1Comments@noaa.gov.*

Written comments on this application should be submitted via email to *NMFS.Pr1Comments@noaa.gov.* Please include File No. 29017 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to *NMFS.Pr1Comments@noaa.gov.* The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Amy Hapeman or Sara Young, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The applicant proposes to conduct research on whales in the Bering, Chukchi, and Beaufort Seas (U.S. and international waters) adjacent to Alaska. Target species include: beluga (*Delphinapterus leucas*), endangered bowhead (*Balaena mysticetus*), endangered fin (*Balaenoptera physalus*), endangered gray (*Eschrichtius robustus*), threatened and endangered humpback (*Megaptera novaeangliae*), killer (*Orcinus orca*), and minke (*Balaenoptera acutorostrata*) whales. Research topics would include movements, habitat use, individual and stock identification, population abundance, health, hormone analysis, and behavior relative to environmental conditions and human-caused disturbances. Researchers would conduct vessel and drone surveys of whales for remote tagging (dart/barb, deep implant, or suction-cup); biopsy sampling; sloughed skin collection; photography; photo-identification; and observations. Biological samples collected on the high seas or in foreign waters would be imported into the United States. The applicant also requests to conduct aerial surveys and net captures for measurements, photography, biological sampling, and tagging (invasive and/or suction-cup) of four beluga whale stocks. Threatened bearded (*Erignathus barbatus,* Beringia distinct population segment), harbor (*Phoca vitulina*), threatened ringed (*Pusa hispida,* Arctic stock), and spotted (*Phoca largha*) seals and beluga whales may be unintentionally harassed, and some seal species may be unintentionally captured during research activities. Up to six unintentional beluga mortalities could occur during captures over the duration of the permit. See the application for numbers of animals requested by species, life stages, and procedures. The applicant also requests to collect, import, export, and/or receive parts of the above cetacean species and unidentified cetaceans for scientific research. The permit is requested for 10 years.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: September 11, 2025.

Shannon Bettridge,

Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2025–17824 Filed 9–15–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF211]

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

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

ACTION: Notice of Southeast Data, Assessment and Review 99 Data Topical Working Group Webinar I for gulf migratory king mackerel.

SUMMARY: The Southeast Data, Assessment and Review (SEDAR) 99 assessment process for Gulf migratory king mackerel will consist of a series of data and assessment webinars. See **SUPPLEMENTARY INFORMATION.**

DATES: The SEDAR 99 Data Topical Working Group Webinar I will be held September 23, 2025, from 1 p.m. until 3 p.m., Eastern Time.

ADDRESSES:

Meeting address: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

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

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

SUPPLEMENTARY INFORMATION: The Gulf, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NMFS and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the SEDAR process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop, (2) a series of assessment webinars, and (3) A Review Workshop. The product of the Data Workshop is a report that compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The assessment webinars produce a report that describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and

monitoring needs. The product of the Review Workshop is an Assessment Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf, South Atlantic, and Caribbean Fishery Management Councils and NMFS Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion during the Data Topical Working Group Webinar I are as follows: Participants will review data sets and modelling approaches.

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

Special Accommodations

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

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

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

Dated: September 12, 2025.

Becky J. Curtis,

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

[FR Doc. 2025–17874 Filed 9–15–25; 8:45 am]

BILLING CODE 3510–22–P

U.S. INTERNATIONAL DEVELOPMENT FINANCE CORPORATION

Privacy Act of 1974; System of Records

AGENCY: U.S. International Development Finance Corporation (DFC).

ACTION: Notice of a modified system of records.

SUMMARY: The U.S. International Development Finance Corporation (DFC) proposes modifications to its systems of records for DFC/01, DFC/02 and DFC/03 under the Privacy Act of 1974. The modifications include: Updating the contact information for the current Chief Information Officer and adding a new routine use allowing disclosure to the Department of the Treasury when reviewing payment and award eligibility through the Do Not Pay Working System to identify, prevent, or recoup improper payments, in compliance with M–25–32 and E.O. 14249.

DATES: Submit comments on or before October 16, 2025. The new routine use will be effective October 16, 2025 unless modified in response to public comment.

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

Mail: Willie Williams, Chief Information Officer, Office of the Chief Information Officer, U.S. International Development Finance Corporation, 1100 New York Avenue NW, Washington, DC 20527.

Email: fedreg@dfc.gov.

All submissions should include the system name and number (DFC/01, DFC/02 and DFC/03).

Please note that all written comments received in response to this notice will be considered public records.

FOR FURTHER INFORMATION CONTACT: Willie Williams, Chief Information Officer, (202) 336–8404.

SUPPLEMENTARY INFORMATION: DFC last published its comprehensive SORN update on 85 FR 43210 (July 16, 2020), which incorporated systems transferred under the BUILD Act of 2018. This proposed modification:

1. Updates the CIO contact information (previously Mark Rein) to Willie Williams.

2. Adds a new routine use for the Do Not Pay Working System consistent with M–25–32 Appendix I. The addition of this routine use ensures DFC's compliance with statutory requirements under the Payment Integrity Information Act of 2019 and E.O. 14249, enhancing the Agency's ability to prevent improper payments while protecting privacy.

SYSTEM NAME AND NUMBER:

DFC/01—Oracle E-Business Suite (EBS).

DFC/02—Salesforce Customer Relationship Management System (''Insight'').

DFC/03—Payroll, Time and Attendance, Retirement, and Leave Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

U.S. International Development Finance Corporation, 1100 New York Avenue NW, Washington, DC 20527.

For DFC/01: Data is hosted within secure Oracle EBS environments operated in accordance with Federal security standards.

For DFC/02: The system is located in an Enterprise Government Cloud Service environment. The system is hosted at secured Salesforce General Services Administration (GSA) data centers (NA–21) in Washington, DC, and Chicago, IL; one site acts as the active host and the other serves as the disaster recovery location operating under near-real-time replication protocol.

For DFC/03: Records are maintained in secured facility storage and electronic systems with NIST-compliant controls.

SYSTEM MANAGER(S):

Chief Information Officer: Willie Williams, U.S. International Development Finance Corporation, 1100 New York Avenue NW, Washington, DC 20527; Phone: (202) 336–8404.

DFC/01—Oracle E-Business Suite (EBS).

Chief Information Officer: Willie Williams, U.S. International Development Finance Corporation, 1100 New York Avenue NW, Washington, DC 20527; Phone: (202) 336–8404.

Business System Owner: Managing Director, Financial Management Division.

Technical System Owner: Business Information Systems Director.

DFC/02—Salesforce Customer Relationship Management System (''Insight'').

Business System Owner: Managing Director for Finance Program Systems and Procedures, U.S. International Development Finance Corporation, 1100 New York Avenue NW, Washington, DC 20527; Phone: (202) 336–8400.

Technical System Owner: Business Information Systems Director, U.S. International Development Finance Corporation, 1100 New York Avenue NW, Washington, DC 20527; Phone: (202) 336–8400.

DFC/03—Payroll, Time and Attendance, Retirement, and Leave Records.

Business System Owner: Vice President and Chief Administrative Officer, U.S. International Development Finance Corporation, 1100 New York Avenue NW, Washington, DC 20527; Phone: (202) 336–8400.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

DFC/01: Federal Acquisition Regulation (FAR) 52.232–25; Chief Financial Officers Act of 1990, Pub. L. 101–576; Federal Financial Management Improvement Act of 1996, Pub. L. 104–208; Office of Management and Budget (OMB) Circular A–123, Management's Responsibility for Internal Control; and the Better Utilization of Investments Leading to Development (BUILD) Act of 2018, 22 U.S.C. § 9601 et seq.

DFC/02: Better Utilization of Investments Leading to Development (BUILD) Act of 2018, 22 U.S.C. § 9601 et seq.; and 44 U.S.C. § 3101 et seq., Records Management by Agency Heads.

DFC/03: General authority for agency records management is provided by 5 U.S.C. 301, Departmental Regulations, and 44 U.S.C. 3101, Records Management by Agency Heads.

PURPOSE(S) OF THE SYSTEM:

DFC/01: To operate as the agency's official financial management system of record, used for administrative business accounting, obligation and expenditure tracking, disbursement and collection processing, working capital budget execution, and other financial management activities necessary to support DFC's programs and statutory mission.

DFC/02: To manage the full lifecycle of DFC project and client relationship information from intake through closeout, including tracking and administration of project data, client contact information, and the status (but not results) of Know Your Customer (KYC) due diligence. Data are also used for evaluating and improving DFC's products and programs, and to support related business processes such as payment commitments and reporting.

DFC/03: To maintain and administer records related to DFC employees' pay, work hours, leave, and retirement in order to carry out the agency's human resources and payroll functions in accordance with applicable Federal laws, regulations, and policies. This includes supporting payroll processing, tracking time and attendance, managing leave balances, and administering retirement benefits for current and former employees, contractors, and other covered personnel.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Includes current and former employees, contractors, PSCs, applicants, award recipients, vendors, and foreign and domestic individuals engaged in business with the Agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Refer to 85 FR 43210 for full details. Includes PII such as names, contact info, SSNs/TINs, financial account data, building access records, security clearance data, and emergency contact information.

RECORD SOURCE CATEGORIES:

Data is collected directly from individuals, from federal systems such as *SAM.gov*, and from internal operational systems including Salesforce ''Insight'' and Oracle EBS.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b), the following routine use is added to both DFC/01, DFC/02 and DFC/03:

New Routine Use (M–25–32):

To the U.S. Department of the Treasury when disclosure of the information is relevant to review payment and award eligibility through the Do Not Pay Working System for the purposes of identifying, preventing, or recouping improper payments to an applicant for, or recipient of, Federal funds, including funds disbursed by a state (meaning a state of the United States, the District of Columbia, a territory or possession of the United States, or a federally recognized Indian tribe) in a state-administered, federally funded program.

Existing routine uses published in 85 FR 43210 remain in effect for each system.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper and electronic formats; secured cabinets; encrypted databases.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

By name, ID, or other personal identifiers.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Per NARA GRS schedules; electronic data destroyed via degaussing/erasure, paper via shredding.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Controlled access, NIST-based IT security standards, password authentication, encryption, logging, and staff training on records and privacy requirements.

RECORD ACCESS PROCEDURES:

Requests under the Privacy Act should be submitted to the System Manager per 22 CFR 707.21–707.23.

CONTESTING RECORD PROCEDURES:

Requests under the Privacy Act should be submitted to the System Manager per 22 CFR 707.21–707.23.

NOTIFICATION PROCEDURES:

Requests under the Privacy Act should be submitted to the System Manager per 22 CFR 707.21–707.23.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

85 FR 43210 (July 16, 2020).

Key Compliance Notes:

OMB Circular A–108 formatting and section requirements are met.

Compliance steps outlined in M–25–32 Section 3(d)(i)–(iii) have been followed: system identification, applicability determination, and inclusion of standardized routine use language.

This notice will be published in the **Federal Register** at least 30 days before the effective date, as required by 5 U.S.C. 552a(e)(11) and OMB Circular A–108 § 6(k).

Lisa Wischkaemper,

Administrative Counsel, Office of the General Counsel.

[FR Doc. 2025–17853 Filed 9–15–25; 8:45 am]

BILLING CODE 3210–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2025–OS–0045]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Intelligence and Security (OUSD(I&S)), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by October 16, 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: Reginald Lucas, (571) 372–7574, *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Investigative Interview Survey; OMB Control Number 0705–0004.

Type of Request: Revision.

Number of Respondents: 35,300.

Responses per Respondent: 1.

Annual Responses: 35,300.

Average Burden per Response: 6 minutes.

Annual Burden Hours: 3,530.

Needs and Uses: The information collected on the Investigative Interview Survey (IIS) form is used to evaluate the investigative procedure exhibited by the investigator, the investigator's professionalism, and the information discussed and reported by Federal or Federal contract investigator. Completion of the IIS is voluntary. No personally identifiable information (PII) is collected in the IIS, however, there may be some instances when a respondent reports PII despite that survey instructions reflect not to provide PII. The IIS is mailed by Defense Counterintelligence Security Agency (DCSA), to a random sampling of record and personal sources who were contacted during the background investigation process by investigators performing fieldwork. The IIS is used as a quality control instrument designed to ensure the accuracy and integrity of the investigative product. In addition to the preformatted response options, DCSA invites the recipients to respond with any other relevant comments or suggestions. Results from the IIS are disseminated internally within the agency.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

DOD Clearance Officer: Mr. Reginald Lucas.

Dated: September 11, 2025.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2025–17829 Filed 9–15–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2024–HQ–0012]

Submission for OMB Review; Comment Request

AGENCY: Department of the Navy, Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received October 16, 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: Reginald Lucas, (571) 372–7574, *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Marine Corps Installations Pacific School Visit Program Application; MCIPAC–MCBB Form 5726/1; OMB Control Number 0712–SVPA.

Type of Request: New.

Number of Respondents: 15.

Responses per Respondent: 1.

Annual Responses: 15.

Average Burden per Response: 1 hour.

Annual Burden Hours: 15.

Needs and Uses: Information collection via the MCIPAC–MCBB Form 5726/1, ''School Visit Program Application,'' is necessary to allow local Japanese students to request to visit Marine Corps Bases in Okinawa. The information will be used as part of the school visit program to tailor the specific needs of students when visiting U.S. bases. The form is prepared by the MCIPAC–MCBB, G–7 School Visit Program Manager and filled out by the requesting school's staff facilitators.

The MCIPAC–MCBB G–7 facilitates a school visit program for Host Nation Japanese school students. The program is designed to allow school age children an opportunity to experience American culture and familiarize themselves with the mission of the U.S. Military. School administrators contact the G–7 to start the application process. Administrators are sent the PDF School Visit Program Application form via email and may complete it electronically or print it out to fill in the required information. Most respondents complete the form electronically and return it via email. In all other cases, the form is hand-delivered to the G–7 office. The successful effect of the information collection is the facilitation of a school visit that is tailored to the needs and desires of the school administrators and students.

Affected Public: Business or other for-profit; individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

DOD Clearance Officer: Mr. Reginald Lucas.

Dated: September 11, 2025.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2025–17830 Filed 9–15–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF ENERGY

Assistance to Foreign Atomic Energy Activities Secretarial Determination

AGENCY: National Nuclear Security Administration (NNSA), Department of Energy (DOE).

ACTION: Notice.

SUMMARY: On September 4, 2025, the Secretary of Energy (Secretary) issued a Determination adding the Philippines and Singapore to the generally authorized destinations list for exports of controlled nuclear technology and assistance under DOE's regulation on *Assistance to Foreign Atomic Energy Activities* at 10 CFR part 810. Accordingly, DOE is publishing this Determination.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Goorevich, Assistant Deputy Administrator, Office of Nonproliferation and Arms Control (NPAC), National Nuclear Security Administration, Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, telephone (202) 586–6836, *richard.goorevich@nnsa.doe.gov;* Mr. Stephen Markus, Office of the General Counsel, GC–74, Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, telephone (240) 243–3387, *stephen.markus@hq.doe.gov;* or Mr. Zachary Stern, Office of the General Counsel, National Nuclear Security Administration, Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, telephone (202) 586–8627, *zachary.stern@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION: On September 4, 2025, the Secretary issued a determination adding the Philippines and Singapore to the generally authorized destinations list for exports of controlled nuclear technology and assistance under DOE's regulation on

Assistance to Foreign Atomic Energy Activities at 10 Code of Federal Regulations (CFR) part 810 (part 810). The text of the Determination is reprinted below. Section 57 b.(2) of the *Atomic Energy Act of 1954* (AEA), as amended (42 U.S.C. 2077(b)(2)), enables peaceful nuclear trade by helping to assure that nuclear technologies exported from the United States will not be used for non-peaceful purposes.

Part 810 implements section 57 b.(2) of the AEA, pursuant to which the Secretary has granted a general authorization for certain categories of activities, which the Secretary has found to be non-inimical to the interest of the United States—including assistance or transfers of certain controlled technology to the ''generally authorized destinations'' listed in appendix A to part 810.

Signing Authority

This document of the Department of Energy was signed on September 12, 2025, by Richard Goorevich, Assistant Deputy Administrator, Office of Nonproliferation and Arms Control, National Nuclear Security Administration, 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 September 12, 2025.

Treena V. Garrett,

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

APPENDIX

Set forth below is the full text of the Secretarial Determination:

Determination and Authorization Pursuant to Section 57 b.(2) of the Atomic Energy Act of 1954, as Amended, Regarding Exports of Nuclear Technology and Assistance to the Philippines and Singapore

Having considered the recommendation of the Department of Energy's National Nuclear Security Administration (DOE/NNSA), the U.S. Department of State's concurrence, and the consultations with the U.S. Departments of Defense and Commerce and the U.S. Nuclear Regulatory Commission, I have determined pursuant to section 57 b.(2) of the *Atomic Energy Act of 1954,* as amended, that a general authorization under DOE's regulations at 10 CFR Part 810 (Part 810) for exports of Part 810-controlled nuclear technology and assistance to the Philippines and Singapore will not be inimical to the interest of the United States, provided that no sensitive nuclear technology or activities described in 10 CFR 810.7, *Activities Requiring Specific Authorization,* are involved.

Whether a destination is determined to be generally or specifically authorized depends on several factors, including the existence of a peaceful nuclear cooperation agreement (123 agreement) with the United States. The *Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of the Philippines Concerning Peaceful Uses of Nuclear Energy* was signed in San Francisco, California, on November 16, 2023, and entered into force on July 2, 2024. The *Agreement for Cooperation between the Government of the United States of America and the Government of the Republic of Singapore Concerning Peaceful Uses of Nuclear Energy* was signed in Singapore on July 31, 2024, and entered into force on December 12, 2024. As such, and in consideration of the relevant factors, I have determined that general authorization status for the Philippines and Singapore to cover exports of Part 810-controlled nuclear technology and assistance under 10 CFR 810.6(a), *Generally Authorized Activities,* meets the non-inimicality standard.

I therefore grant the Philippines and Singapore status as generally authorized destinations under 10 CFR 810.6(a).

Accordingly, as of the date on which this Determination is issued, all currently issued specific authorizations pursuant to 10 CFR 810.7(a) for exports of Part 810-controlled nuclear technology and assistance to the Philippines and Singapore are eligible for the general authorization under 10 CFR 810.6(a), subject to the reporting requirements described in 10 CFR 810.12(e), *Reports.* Initial reporting in accordance with 10 CFR 810.12(e) may also serve to satisfy reporting requirements under 10 CFR 810.12(b) if specified accordingly. Activities subject to 10 CFR 810.7(b)–(c) continue to require specific authorization and separate reporting.

[FR Doc. 2025–17866 Filed 9–15–25; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD25–8–000]

Reliability Technical Conference; Supplemental Notice of Reliability Technical Conference

As announced in the May 14, 2025, notice in this proceeding, the Federal Energy Regulatory Commission (Commission) will convene its annual Commissioner-led Reliability Technical Conference in the above-referenced proceeding on Tuesday, October 21, 2025, to discuss policy issues related to the reliability and security of the Bulk-Power System. The conference will be held in-person at the Commission's headquarters at 888 First Street NE, Washington, DC 20426 in the Kevin J. McIntyre Commission Meeting Room.

Please note that this conference will now take place from approximately 9:30 a.m. to 12:30 p.m. Eastern time.[1]

Supplemental notices will be issued prior to the conference with further details regarding the agenda. Information on this technical conference will also be posted on the Calendar of Events on the Commission's website, *www.ferc.gov,* prior to the event. The Commission provides technical support for the free webcasts. Please call 202–502–8680 or email *customer@ferc.gov* if you have any questions.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–208–8659 (TTY) or send a fax to 202–208–2106 with the required accommodations.

For more information about this conference, please contact Lodie White at *Lodie.White@ferc.gov* or (202) 502–8453.

Dated: September 10, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–17807 Filed 9–15–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP25–525–000]

TTC Connector, LLC; Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed TTC Connector Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental document that will discuss the environmental impacts of the TTC Connector Project involving construction and operation of facilities by TTC Connector, LLC (TTC) in Colorado and Wharton Counties, Texas.

[1] As announced in a concurrently issued notice, Commission staff will convene a Technical Conference on Wildfire Risk Mitigation from approximately 1:30 p.m. to 4:30 p.m. Eastern time. *See* Notice of Technical Conference, Docket No. AD25–16–000 (issued September 10, 2025).

The Commission will use this environmental document in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies regarding the project. As part of the National Environmental Policy Act (NEPA) review process, the Commission takes into account concerns the public may have about proposals and the environmental impacts that could result from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. This gathering of public input is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the environmental document on the important environmental issues. Additional information about the Commission's NEPA process is described below in the *NEPA Process and Environmental Document* section of this notice.

By this notice, the Commission requests public comments on the scope of issues to address in the environmental document. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 p.m. Eastern Time on October 10, 2025. Comments may be submitted in written form. Further details on how to submit comments are provided in the Public Participation section of this notice.

Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the environmental document. Commission staff will consider all written comments during the preparation of the environmental document.

If you submitted comments on this project to the Commission before the opening of this docket on July 21, 2025 you will need to file those comments in Docket No. CP25–525–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement. However, if the Commission approves the project, the Natural Gas Act conveys the right of eminent domain to the company. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with state law. The Commission does not subsequently grant, exercise, or oversee the exercise of that eminent domain authority. The courts have exclusive authority to handle eminent domain cases; the Commission has no jurisdiction over these matters.

TTC provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' which addresses typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. This fact sheet along with other landowner topics of interest are available for viewing on the FERC website (*www.ferc.gov*) under the Natural Gas, Landowner Topics link.

Public Participation

There are three methods you can use to submit your comments to the Commission. Please carefully follow these instructions so that your comments are properly recorded. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.*

(1) You can file your comments electronically using the eComment feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. Using eComment is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. 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; a comment on a particular project is considered a ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP25–525–000 on your letter. 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.

Additionally, the Commission offers a free service called eSubscription which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Summary of the Proposed Project

TTC proposes to construct and operate approximately 25 miles of 20-inch-diameter steel pipeline, connecting existing and proposed facilities in Colorado and Wharton Counties, Texas. The proposed project is known as the TTC Connector Project, and would provide 300,000 dekatherms (Dth) a day of firm capacity from Enbridge Inc.'s Tres Palacios Gas Storage (Tres Palacios) to interconnects with Energy Transfer Partners, LP's Trunkline Pipeline, Gulf South Pipeline Company's Coastal Bend Header Interconnect Station, and at a downstream point on Tres Palacios' system.

The TTC Connector Project would consist of the following facilities:

- Tres Palacios Receipt Interconnect Point (connecting to an existing flanged valve), located within TTC Connector Compressor Station;
- TTC Connector Compressor Station, located immediately downstream of the existing Tres Palacios Receipt

Interconnect Point. The compression facility would be comprised of two compressor units, each having a name-plate horsepower (hp) of 5,500 hp;

- Tres Palacios Delivery Interconnect Station, located immediately downstream of the TTC Connector's Compressor Station and within the fenced limits of the Compressor Station;
- one mainline valve assembly, located at approximately milepost (MP) 13.1 on the pipeline;
- Trunkline Delivery Interconnect Station, located at approximately MP 23.8 on the pipeline; and
- Coastal Bend Header Delivery Interconnect Station, located at approximately MP 24.8 on the pipeline.

The general location of the project facilities is shown in appendix 1.[1]

Land Requirements for Construction

Construction of the proposed facilities would disturb about 167 acres of land for the aboveground facilities and the pipeline. Following construction, TTC would maintain about 90 acres for permanent operation of the project's facilities; the remaining acreage would be restored and revert to former uses.

NEPA Process and the Environmental Document

Any environmental document issued by the Commission will discuss impacts that could occur as a result of the construction and operation of the proposed project under the relevant general resource areas:

- geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- land use;
- air quality and noise; and
- reliability and safety.

Commission staff will also evaluate reasonable alternatives to the proposed project or portions of the project and make recommendations on how to lessen or avoid impacts on the various resource areas. Your comments will help Commission staff identify and focus on the issues that might have an effect on the human environment and potentially eliminate others from further study and discussion in the environmental document.

Following this scoping period, Commission staff will determine whether to prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). The EA or the EIS will present Commission staff's independent analysis of the issues. If Commission staff prepares an EA, a *Notice of Schedule for the Preparation of an Environmental Assessment* will be issued. The EA may be issued for an allotted public comment period. The Commission would consider timely comments on the EA before making its decision regarding the proposed project. If Commission staff prepares an EIS, a *Notice of Intent to Prepare an EIS/ Notice of Schedule* will be issued, which will open up an additional comment period. Staff will then prepare a draft EIS which will be issued for public comment. Commission staff will consider all timely comments received during the comment period on the draft EIS and revise the document, as necessary, before issuing a final EIS. Any EA or draft and final EIS will be available in electronic format in the public record through eLibrary [2] and the Commission's natural gas environmental documents web page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*). If eSubscribed, you will receive instant email notification when the environmental document is issued.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate in the preparation of the environmental document.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the *Public Participation* section of this notice.

Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the applicable State Historic Preservation Office(s), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[4] The environmental document for this project will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project and includes a mailing address with their comments. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please complete one of the following steps:

(1) Send an email to *GasProjectAddressChange@ferc.gov* stating your request. You must include the docket number CP25–525–000 in your request. If you are requesting a change to your address, please be sure to include your name and the correct address. If you are requesting to delete your address from the mailing list, please include your name and address as it appeared on this notice. This email address is unable to accept comments.

OR

(2) Return the attached ''Mailing List Update Form'' (appendix 2).

Additional Information

Additional information about the project is 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. Click on the eLibrary link, click on ''General Search'' and enter the docket number in the ''Docket Number'' field. Be sure you have selected an appropriate date range. For assistance,

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary.'' For instructions on connecting to eLibrary, refer to the last page of this notice. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll free, (886) 208–3676 or TTY (202) 502–8659.

[2] For instructions on connecting to eLibrary, refer to the last page of this notice.

[3] Cooperating agency responsibilities are addressed in Section 107(a)(3) of NEPA (42 U.S.C. 4336(a)(3)).

[4] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions or site visits will be posted on the Commission's calendar located at *https://www.ferc.gov/news-events/events* along with other related information.

Dated: September 10, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–17805 Filed 9–15–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting Notice

The following notice of meeting is published pursuant to section 3(a) of the government in the Sunshine Act (Pub. L. 94–409), 5 U.S.C.552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

TIME AND DATE: September 18, 2025, 10:00 a.m.

PLACE: Room 2C, 888 First Street NE, Washington, DC 20426. Open to the public.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

* *Note*—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Debbie-Anne A. Reese, Secretary, Telephone (202) 502–8400.

For a recorded message listing items Stricken from or added to the meeting, call (202) 502–8627.

This is a list of matters to be considered by the Commission. It does not include a listing of all documents relevant to the items on the agenda. All public documents, however, may be viewed online at the Commission's website at *https://elibrary.ferc.gov/eLibrary/search* using the eLibrary link.

1128TH—MEETING

[Open; September 18, 2025; 10:00 a.m.]

Item No.	Docket No.	Company
	Administrative	
A–1	AD25–1–000	Agency Administrative Matters.
A–2	AD25–2–000	Customer Matters, Reliability, Security and Market Operations.
	Electric	
E–1	RM25–8–000	Critical Infrastructure Protection Reliability Standard CIP–003–11—Cyber Security—Security Management Controls.
E–2	RM24–8–000	Virtualization Reliability Standards.
E–3	RD25–7–000	North American Electric Reliability Corporation.
E–4	RM24–4–000	Supply Chain Risk Management Reliability Standards Revisions.
	RM20–19–000	Equipment and Services Produced or Provided by Certain Entities Identified as Risks to National Security.
E–5	ER25–1812–000	New York Independent System Operator, Inc.
E–6	ER22–1697–003	Southwest Power Pool, Inc.
E–7	ER16–1341–003	Southwest Power Pool, Inc.
E–8	ER24–98–002	PJM Interconnection, L.L.C.
E–9	ER20–2054–000	ISO New England Inc., Central Maine Power Company, The Connecticut Light and Power Company, Fitchburg Gas and Electric Light Company, Green Mountain Power Corporation, New England Power Company, New Hampshire Transmission, LLC, NSTAR Electric Company, Public Service Company of New Hampshire, The United Illuminating Company, Unitil Energy Systems, Inc., Vermont Electric Cooperative, Inc., Vermont Transco LLC and Versant Power.
E–10	EL25–89–000	Duke Energy Carolinas, LLC, Duke Energy Progress, LLC and Duke Energy Indiana, LLC.
	Hydro	
H–1	P–13272–008	Alutiiq Tribe of Old Harbor and Alaska Village Electric Cooperative, Inc.
H–2	P–14890–006	Southeast Oklahoma Power Corporation.
H–3	P–349–250	Alabama Power Company.

A free webcast of this event is available through the Commission's website. Anyone with internet access who desires to view this event can do so by navigating to *www.ferc.gov*'s Calendar of Events and locating this event in the Calendar. The Federal Energy Regulatory Commission provides technical support for the free webcasts. Please call (202) 502–8680 or email *customer@ferc.gov* if you have any questions.

Immediately following the conclusion of the Commission Meeting, a press briefing will be held in the Commission Meeting Room. Members of the public may view this briefing in the designated overflow room. This statement is intended to notify the public that the press briefings that follow Commission meetings may now be viewed remotely at Commission headquarters but will not be telecast.

Issued: September 11, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–17863 Filed 9–12–25; 4:15 pm]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD25–16–000]

Wildfire Risk Mitigation Technical Conference; Notice of Wildfire Risk Mitigation Technical Conference

Take notice that Federal Energy Regulatory Commission (Commission) staff will convene a Technical Conference to discuss cost-effective best practices to reduce the risk of wildfire ignition from the Bulk-Power System in response to Executive Order 14,308 [1] on Tuesday, October 21, 2025, from approximately 1:30 p.m.–4:30 p.m. Eastern time after the Relaibility Technical Conference.[2] The conference will be held in-person at the Commission's headquarters at 888 First Street NE, Washington, DC 20426 in the Kevin J. McIntyre Commission Meeting Room. The meeting will be open to the public for listening and observing and will be on the record. There is no fee for attendance and registration is not required. The public may also attend via Webcast. This conference will also be transcribed. Transcripts will be available for a fee from Ace Reporting, 202–347–3700.

A supplemental notice will be issued prior to the conference with further details regarding the agenda. Information on this technical conference will also be posted on the Calendar of Events on the Commission's website, *www.ferc.gov,* prior to the event. The Commission provides technical support for the free webcasts. Please call 202–502–8680 or email *customer@ferc.gov* if you have any questions.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–208–8659 (TTY) or send a fax to 202–208–2106 with the required accommodations.

For more information about this conference, please contact Lodie White at *Lodie.White@ferc.gov* or (202) 502–8453.

Dated: September 10, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–17808 Filed 9–15–25; 8:45 am]

BILLING CODE 6717–01–P

[1] *See* Exec. Order No. 14,308 (Empowering Commonsense Wildfire Prevention and Response), 90 FR 26175 (June 12, 2025).

[2] *See* Notice of Technical Conference, Docket No. AD25–8–000 (issued May 14, 2025).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IS21–747–003; Docket No. IS21–747–002; Docket No. IS21–747–000; Docket No. IS23–92–000]

Phillips 66 Pipeline LLC; Notice of Amendment of Settlement Agreement

Take notice that on September 3, 2025, Phillips 66 Pipeline LLC filed an Amendment of Settlement (Settlement Amendment) pursuant to Rule 602 of the Commission's Rules of Practice and Procedure, 18 CFR 385.602 (2025) and a Motion for Shortened Comment Period. The Settlement Amendment seeks to modify the settlement agreement approved by the Commission on August 28, 2024 in Docket Nos. IS21–747–002, IS21–747–000, and IS23–92–000.

Notice is hereby given that initial comments on the Settlement Amendment are due on September 17, 2025, and reply comments are due on September 22, 2025.

Dated: September 10, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–17804 Filed 9–15–25; 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 exempt wholesale generator filings:

Docket Numbers: EG25–521–000.
Applicants: Red Egret LLC.
Description: Red Egret LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 9/11/25.
Accession Number: 20250911–5074.
Comment Date: 5 p.m. ET 10/2/25.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER25–3409–000.
Applicants: DesertLink, LLC.
Description: 205(d) Rate Filing: Desertlink-Gridliance West TIA Agreement Filing to be effective 8/11/2025.
Filed Date: 9/10/25.
Accession Number: 20250910–5120.
Comment Date: 5 p.m. ET 10/1/25.
Docket Numbers: ER25–3410–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 205(d) Rate Filing: 2025–09–11_SA 4547 Ameren MO-Ameren MO GIA (R1057) to be effective 8/27/2025.
Filed Date: 9/11/25.
Accession Number: 20250911–5019.
Comment Date: 5 p.m. ET 10/2/25.
Docket Numbers: ER25–3411–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 205(d) Rate Filing: 2025–09–11_SA 4548 Ameren MO-Ameren MO GIA (R1058) to be effective 8/27/2025.
Filed Date: 9/11/25.
Accession Number: 20250911–5022.
Comment Date: 5 p.m. ET 10/2/25.
Docket Numbers: ER25–3412–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 205(d) Rate Filing: 2025–09–11_SA 4554 NIPSCO-Merrillville Solar GIA (S1044) to be effective 8/27/2025.
Filed Date: 9/11/25.
Accession Number: 20250911–5029.
Comment Date: 5 p.m. ET 10/2/25.
Docket Numbers: ER25–3413–000.
Applicants: PJM Interconnection, L.L.C.
Description: 205(d) Rate Filing: Revisions to RAA Regarding Dual Fuel ELCC Classes to be effective 11/11/2025.
Filed Date: 9/11/25.
Accession Number: 20250911–5095.
Comment Date: 5 p.m. ET 10/2/25.
Docket Numbers: ER25–3414–000.
Applicants: National Grid Generation LLC.
Description: 205(d) Rate Filing: Annual Reset of Pension and OPEB Expenses to be effective 1/1/2025.
Filed Date: 9/11/25.
Accession Number: 20250911–5097.
Comment Date: 5 p.m. ET 10/2/25.
Docket Numbers: ER25–3415–000.
Applicants: Transource Missouri, LLC.
Description: 205(d) Rate Filing: TMO-Evergy Missouri West (Mullin Creek 1) Preliminary Development Agreement to be effective 8/12/2025.
Filed Date: 9/11/25.
Accession Number: 20250911–5102.
Comment Date: 5 p.m. ET 10/2/25.
Docket Numbers: ER25–3416–000.
Applicants: Transource Missouri, LLC.
Description: 205(d) Rate Filing: TMO-Evergy Metro (Mullin Creek 2) Preliminary Development Agreement to be effective 8/15/2025.
Filed Date: 9/11/25.
Accession Number: 20250911–5110.
Comment Date: 5 p.m. ET 10/2/25.
Docket Numbers: ER25–3417–000.
Applicants: WS-Sarish LLC.

Description: Initial Rate Filing: Baseline MBR Tariff to be effective 9/12/2025.

Filed Date: 9/11/25.

Accession Number: 20250911–5113.

Comment Date: 5 p.m. ET 10/2/25.

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: September 11, 2025

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–17864 Filed 9–15–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Southeastern Power Administration

Notice of Interim Approval of Rate Schedules for Cumberland System of Projects

AGENCY: Southeastern Power Administration, DOE.

ACTION: Notice of interim approval.

SUMMARY: The Administrator for the Southeastern Power Administration (Southeastern) has confirmed and approved, on an interim basis, rate schedules CBR–1–K, CSI–1–K, CEK–1–K, CM–1–K, CC–1–L, CK–1–K, CTV–1–K, CTVI–1–D, and Replacement-3. These rate schedules are applicable to Southeastern power sold to existing preference customers in Alabama, Georgia, Illinois, Kentucky, Mississippi, North Carolina, Tennessee, and Virginia. The rate schedules are approved on an interim basis through September 30, 2030, and are subject to confirmation and approval by the Federal Energy Regulatory Commission (FERC) on a final basis.

DATES: Approval of rates on an interim basis is effective on October 1, 2025.

FOR FURTHER INFORMATION CONTACT: Carter B. Edge, Assistant Administrator for Finance and Marketing, Southeastern Power Administration, Department of Energy, 1166 Athens Tech Road, Elberton, Georgia 30635–6711, (706) 213–3800; Email: *Carter.Edge@sepa.doe.gov.*

SUPPLEMENTARY INFORMATION: FERC, by Order issued November 5, 2020, in Docket No. EF20–6–000 (Accession No.: 20201105–3018), confirmed and approved Wholesale Power Rate Schedules CBR–1–J, CSI–1–J, CEK–1–J, CM–1–J, CC–1–K, CK–1–J, CTV–1–J, CTVI–1–C and Replacement-3 for the period October 1, 2020, through September 30, 2025. This order replaces these rate schedules on an interim basis, subject to final approval by FERC.

Department of Energy

Administrator, Southeastern Power Administration

In the Matter of: Southeastern Power Administration, Cumberland System Power Rates, Rate Order No. SEPA–68

Order Confirming and Approving Power Rates on an Interim Basis

Rate Order No. SEPA–68 and associated rate schedules are applicable to Southeastern Power Administration (Southeastern) power sold to existing preference customers in Alabama, Georgia, Illinois, Kentucky, Mississippi, North Carolina, Tennessee, and Virginia. The rate schedules are approved on an interim basis, effective October 1, 2025, through September 30, 2030, and are subject to confirmation and approval by the Federal Energy Regulatory Commission (FERC) on a final basis.

Background

Power from the Cumberland System is presently sold under Wholesale Power Rate Schedules CBR–1–J, CSI–1–J, CEK–1–J, CM–1–J, CC–1–K, CK–1–J, CTV–1–J, CTVI–1–C and Replacement-3. These rate schedules were approved by the FERC in docket number EF20–6–000 on November 5, 2020, for a period ending September 30, 2025 (Accession No.: 20201105–3018).

Public Notice and Comment

Notice of a proposed rate adjustment was published in the **Federal Register** May 15, 2025 (90 FR 20668). Southeastern proposed an increase to existing rate schedules and continuation of the annual true-up adjustment for the sale of power from the Cumberland System effective October 1, 2025, through September 30, 2030. The notice advised interested parties of a public information and comment forum to be held in Elberton, Georgia, and also virtually by Microsoft Teams, on June 17, 2025. Written comments were accepted through August 13, 2025.

The rate schedules recover cost from capacity, energy, and additional energy. The revenue requirement proposed at the forum was $81,750,000 per year. The rates proposed were as follows:

Cumberland System Rates

Original Marketing Policy

Inside TVA Preference Customers

Capacity and Base Energy: $4.484 per kW/Month.

Additional Energy: 17.088 mills per kWh.

Transmission: Pass-through.

Outside TVA Preference Customers (Excluding Customers Served Through Duke Energy Progress or East Kentucky Power Cooperative)

Capacity and Base Energy: $4.484 per kW/Month.

Additional Energy: 17.088 mills per kWh.

Transmission: Monthly TVA Transmission Charge divided by 545,000.

Customers Served Through Duke Energy Progress

Capacity and Base Energy: $5.076 per kW/Month.

TVA Transmission: TVA rate at border as computed above, adjusted for DEP delivery.

East Kentucky Power Cooperative

Capacity: $2.348 per kW/Month.

Energy: 17.088 mills per kWh.

Transmission: Monthly TVA Transmission Charge divided by 545,000.

The proposed rate schedules continue adjustments annually on April 1 of each year, based on transfers of specific power investment to plant-in-service for the preceding fiscal year, to the base demand charge and base additional energy charge. The annual adjustment will be, for each increase of $1,000,000 to specific power plant-in-service, an increase of $0.003 per kilowatt per month added to the base capacity rate and an increase of 0.013 mills per kilowatt-hour added to the base additional energy rate. Southeastern will give written notice to the customers of the amount of the true-up by February 1 of each year.

Public Comments

Southeastern received oral comments from one participant as part of the public information and comment forum on June 17, 2025. Southeastern received written comments mirroring the oral comments provided in the public information and comment forum from the same representing organization as the forum participant.

The comments are summarized below. Southeastern's responses are provided.

Comment 1: In our review of the supplemental rate materials that SEPA has provided, and as discussed below, we believe the Administrator has exercised his authority under the Flood Control Act of 1944 to keep rates as low as possible consistent with sound business principles, but further action should be taken. Notably, we observe that in certain instances, hydropower customers are being asked to assume cost responsibility for flood control expenses which should be assigned fully to flood control for reimbursement.

Response to Comment 1: Southeastern's Administrator agrees that protecting hydropower customers from bearing costs unrelated to hydropower is a priority, and other such costs should be properly attributed to the relevant purposes of the projects. Southeastern realizes there are flood control or flood risk management costs applied to the hydropower portion of the joint share. Southeastern's Administrator has the responsibility to determine which costs are appropriate and is obligated to prudently follow sound business principles in recovering costs associated with generating hydropower, including the amortization of capital Federal investment and appropriate joint costs allocated to power. Southeastern is continuing to monitor the Corps' charging practices and coordination efforts to ensure charging practices result in appropriate cost allocation.

Comment 2: The revised repayment materials provided by SEPA indicate that power customers of the Cumberland System of Projects will be paying for accumulated deficits over the course of the next five years, which raises concerns about the prior rate and whether SEPA waited too long to publish a revised rate. . .. While the SeFPC recognizes that the proposed rate must recover all accumulated deficits, the Customers have concerns that SEPA did not propose the rate increase in the prior fiscal year. Specifically, the SeFPC believes that SEPA should have recognized the significant increase in incremental investment in the prior fiscal year and proposed a rate increase in 2024. This action would have avoided the accumulated deficit and associated interest charge which must be recovered in the proposed rate.

Response to Comment 2: Annual power repayment studies are conducted to ensure current rates are adequate. Annual studies use the Corps' and Southeastern's Fiscal Year end combined financial statements. Yearly, the unamortized investment was below the allowable investment indicating the cost recovery criteria was being met. In the Fiscal Year 2023 annual repayment study no capitalized deficits were incurred, and a cumulative surplus was observed. In the Fiscal Year 2024 annual repayment study, upon entering data from the Corps' and Southeastern's Fiscal Year 2024 combined financials, the study revealed the Fiscal Year 2024 operating expenses and interest exceeded revenues, resulting in a $9M capitalized deficit. The increase in incremental investment for Fiscal Year 2024 was from actuals reported in the Corps' Fiscal Year 2024 financial statements. Southeastern received the Corps' Fiscal Year 2025 five-year projections and used them in the annual repayment study's cost recovery period to test the adequacy of current rates. The current rates were determined to be inadequate to recover projected annual costs, interest, and repayment of capitalized Federal investment prompting the need for revised rates.

Comment 3: The SeFPC believes that the costs of all spillway repairs should be eliminated from the rate. In supplemental materials provided to the organization after the forum convened on June 17th, we have observed that certain spillway capital costs have been included in the proposed rate while others have been excluded. Given that spillways support flood control or flood risk management, all costs assessed to hydropower for spillway repairs and rehabilitation should be assigned to flood control or flood risk management and excluded for recovery in the rates charged to hydropower.

Response to Comment 3: Southeastern's Administrator agrees not all spillway repairs should be assigned to hydropower and inappropriate costs should be eliminated from rates. The proposed rates exclude expenditures related to the spillway gate refurbishment at Center Hill and Wolf Creek projects. The projected cost of $54.4M at the Center Hill project and $83.8M at the Wolf Creek project over the five-year cost evaluation period were excluded from the proposed rates. These work items are funded by Public Law 117–43: Extending Govt Funding and Delivering Emergency Assistance Act 2022 supplemental appropriations. They do not carry the express intent of Congress to be reimbursable and decisions on which work items to be funded were made after the appropriation was made. The Administrator determined (because similar work at other dams without joint cost recovery mechanism is being performed at full Federal cost to the ''Flood Damage Reduction Riverine'' business program) these projected costs are not appropriate to assign joint responsibility. Decisions regarding which prudent additions to Federal investment should be recovered through power revenues will be made on a case-by-case basis. Other capitalized expenditures for spillway gates in the projections are considered ongoing maintenance and repair of original equipment/investment. Southeastern deems the remaining capitalized expenditures for spillway gates are appropriate, at this time, to include in the proposed rates. Southeastern continues coordination efforts to work with the Corps to ensure charging practices result in appropriate cost allocation, including prudent additions to the Federal investment.

Comment 4: An evaluation should be performed for costs associated with workman's compensation and retirement benefits for U.S. Army Corps of Engineers (''Corps'') personnel. Here, appropriate due diligence is in order to determine whether all such costs are related to personnel who solely support hydropower and no other Corps functions.

Response to Comment 4: Southeastern confirmed with the Corps their Worker's Compensation and Retirement Benefit costs are related to hydropower personnel supporting hydropower functions. Southeastern is currently evaluating the Corps' unaudited, revised multi-purpose pension and post-retirement benefit reports from prior years that have recently been provided to Southeastern. Southeastern is conducting a thorough assessment of the potential rate impacts resulting from the revised pension and post-retirement benefit expense amounts.

Southeastern received the Fiscal Year 2018 through Fiscal Year 2024 revised Multi-Purpose Pension and Post-Retirement Benefit reports from the Corps on August 7, 2025. The revised reports are currently unaudited. However, Southeastern has confidence that revised pension and post-retirement benefit projections are appropriate and conducted a revised repayment study to reflect the updated expense projections using the corrected unaudited amount

reported for Fiscal Year 2024. Southeastern reduced the rates from what was proposed based on the resulting lower annual revenue requirement.

Discussion

System Repayment

An updated revised repayment study reflecting corrected pension and post-retirement benefit expense projections, using initial proposed rates, indicated an over-recovery of revenue. The amended revised repayment study indicates an approximate 8.56% reduction in the annual revenue requirement compared to the originally proposed annual revenue requirement. An amended revised annual revenue requirement of $74,750,000 will meet cost recovery and repayment criteria.

The amended revised rates are as follows:

Cumberland System Rates

Original Marketing Policy

Inside TVA Preference Customers

Capacity and Base Energy: $4.078 per kW/Month.
Additional Energy: 15.541 mills per kWh.
Transmission: Pass-through.

Outside TVA Preference Customers (Excluding Customers Served Through Duke Energy Progress or East Kentucky Power Cooperative)

Capacity and Base Energy: $4.078 per kW/Month.
Additional Energy: 15.541 mills per kWh.
Transmission: Monthly TVA Transmission Charge divided by 545,000.

Customers Served Through Duke Energy Progress

Capacity and Base Energy: $4.617 per kW/Month.
TVA Transmission: TVA rate at border as computed above, adjusted for DEP delivery.

East Kentucky Power Cooperative

Capacity: $2.135 per kW/Month.
Energy: 15.541 mills per kWh.
Transmission: Monthly TVA Transmission Charge divided by 545,000.

An examination of Southeastern's amended revised power repayment study, for the Cumberland System shows that with the amended revised rates, all system power costs are paid within the appropriate repayment period and meet the cost recovery criteria required by existing law and DOE Order RA 6120.2. The Administrator, Southeastern Power Administration, has certified that the rates are consistent with applicable law and that they are the lowest possible rates to customers consistent with sound business principles.

Legal Authority

By Delegation Order No. S1–DEL–RATES–2016, effective November 19, 2016, the Secretary of Energy delegated: (1) the authority to develop power and transmission rates to Southeastern's Administrator; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm, approve, and place into effect on a final basis, or to remand or disapprove such rates, to FERC. By Delegation Order No. S1–DEL–S3–2024, effective August 30, 2024, the Secretary of Energy also delegated the authority to confirm, approve, and place such rates into effect on an interim basis to the Under Secretary for Infrastructure. By Redelegation Order No. S3–DEL–SEPA–2023, effective April 10, 2023, the Under Secretary for Infrastructure redelegated the authority to confirm, approve, and place such rates into effect on an interim basis to the Administrator, Southeastern Power Administration.

Environmental Compliance

Southeastern has determined that this action fits within the following categorical exclusion listed in appendix B of 10 CFR part 1021 and Appendix B of DOE's NEPA implementing procedures published on June 30, 2025: B4.3, Electric power marketing rate changes. Categorically excluded projects and activities do not require preparation of either an environmental impact statement or an environmental assessment. A copy of the categorical exclusion determination is available on Southeastern's website at *https://bit.ly/CumberlandCategoricalExclusion.*

Determination Under Executive Order 12866

Southeastern has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

Availability of Information

Information regarding these rates, including studies, and other supporting materials, is available for public review in the offices of Southeastern Power Administration, 1166 Athens Tech Road, Elberton, Georgia 30635–6711.

Order

In view of the foregoing and pursuant to the authority redelegated to me by the Under Secretary for Infrastructure, I hereby confirm and approve on an interim basis, effective October 1, 2025, attached Wholesale Power Rate Schedules CBR–1–K, CSI–1–K, CEK–1–K, CM–1–K, CC–1–L, CK–1–K, CTV–1–K, CTVI–1–D, and Replacement-3. The rate schedules shall remain in effect on an interim basis through September 30, 2030, unless such period is extended or until FERC confirms and approves them or substitute rate schedules on a final basis.

Signing Authority

This document of the Department of Energy was signed on September 11, 2025, by Virgil G. Hobbs III, Administrator for Southeastern Power Administration, 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 September 12, 2025.

Treena V. Garrett,

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

Wholesale Power Rate Schedule CBR–1–K

Availability: This rate schedule shall be available to Big Rivers Electric Corporation and the City of Henderson, Kentucky (hereinafter called the Customer).

Applicability: This rate schedule shall be applicable to electric capacity and energy available from the Dale Hollow, Center Hill, Wolf Creek, Cheatham, Old Hickory, Barkley, J. Percy Priest, and Cordell Hull Projects (all of such projects being hereinafter called collectively the ''Cumberland Projects'') and sold in wholesale quantities.

Character of Service: The electric capacity and energy supplied hereunder will be three-phase alternating current at a nominal frequency of 60 hertz. The power shall be delivered at nominal voltages of 13,800 volts and 161,000 volts to the transmission system of Big Rivers Electric Corporation.

Points of Delivery: Capacity and energy delivered to the Customer will be delivered at points of interconnection of the Customer at the Barkley Project Switchyard, at a delivery point in the vicinity of the Paradise steam plant and at such other points of delivery as may hereafter be agreed upon by the

Government and Tennessee Valley Authority (TVA).

Billing Month: The billing month for power sold under this schedule shall end at 2,400 hours CDT or CST, whichever is currently effective, on the last day of each calendar month.

Conditions of Service: The Customer shall at its own expense provide, install, and maintain on its side of each delivery point the equipment necessary to protect and control its own system. In so doing, the installation, adjustment, and setting of all such control and protective equipment at or near the point of delivery shall be coordinated with that which is installed by and at the expense of TVA on its side of the delivery point.

Monthly Rate: The initial monthly base rate for capacity and energy sold under this rate schedule shall be:

Initial Base Demand Charge (includes 1,500 hours of energy annually): $4.078 per kilowatt/month of total contract demand.

Initial Base Energy Charge: None.

Initial Base Additional Energy Charge: 15.541 mills per kilowatt-hour.

True-up Adjustment: The base demand charge and base additional energy charge will be subject to annual adjustment on April 1 of each year based on transfers to specific power plant-in-service. The adjustment is for each increase of $1,000,000 to specific power plant-in-service, an increase of $0.003 per kilowatt per month added to the base Capacity rate and an increase of 0.013 mills per kilowatt-hour added to the additional energy rate.

Southeastern will give written notice to the Customer of the amount of the true-up by February 1 of each year.

Transmission Charge: Monthly TVA Transmission Charge divided by 545,000.

Energy to be Furnished by the Government: The Government shall make available each contract year to the Customer from the Projects through the Customer's interconnections with TVA and the Customer will schedule and accept an allocation of 1,500 kilowatt-hours of energy delivered at the TVA border for each kilowatt of contract demand. A contract year is defined as the 12 months beginning July 1 and ending at midnight June 30 of the following calendar year. The energy made available for a contract year shall be scheduled monthly, such that the maximum amount scheduled in any month shall not exceed 240 hours per kilowatt of the Customer's contract demand and the minimum amount scheduled in any month shall not be less than 60 hours per kilowatt of the customer's contract demand. The Customer may request and the Government may approve energy scheduled for a month greater than 240 hours per kilowatt of the Customer's contract demand; provided, that the combined schedule of all Southeastern customers outside TVA and served by TVA does not exceed 240 hours per kilowatt of the total contract demands of these customers.

Service Interruption: When delivery of capacity is interrupted or reduced due to conditions on the Administrator's system beyond his control, the Administrator will continue to make available the portion of his declaration of energy that can be generated with the capacity available.

For such interruption or reduction due to conditions on the Administrator's system which have not been arranged for and agreed to in advance, the demand charge for capacity made available will be reduced as to the kilowatts of such capacity which have been interrupted or reduced in accordance with the following formula:

$$\left(\begin{array}{c}\textit{Number of kilowatts unavailable}\\ \textit{for at least 12 hours in any calendar day}\end{array}\right) \times \left(\frac{\textit{Monthly Capacity Charge}}{\textit{Number of Days in Billing Month}}\right)$$

Wholesale Power Rate Schedule CSI–1–K

Availability: This rate schedule shall be available to Southern Illinois Power Cooperative (hereinafter the Customer).

Applicability: This rate schedule shall be applicable to electric capacity and energy available from the Dale Hollow, Center Hill, Wolf Creek, Cheatham, Old Hickory, Barkley, J. Percy Priest, and Cordell Hull Projects (all of such projects being hereinafter called collectively the ''Cumberland Projects'') and sold in wholesale quantities.

Character of Service: The electric capacity and energy supplied hereunder will be three-phase alternating current at a nominal frequency of 60 hertz. The power shall be delivered at nominal voltages of 13,800 volts and 161,000 volts to the transmission system of Big Rivers Electric Corporation.

Points of Delivery: Capacity and energy delivered to the Customer will be delivered at points of interconnection of the Customer at the Barkley Project Switchyard, at a delivery point in the vicinity of the Paradise steam plant and at such other points of delivery as may hereafter be agreed upon by the Government and Tennessee Valley Authority (TVA).

Billing Month: The billing month for power sold under this schedule shall end at 2,400 hours CDT or CST, whichever is currently effective, on the last day of each calendar month.

Monthly Rate: The initial monthly base rate for capacity and energy sold under this rate schedule shall be:

Initial Base Demand Charge (includes 1,500 hours of energy annually): $4.078 per kilowatt/month of total contract demand.

Initial Base Energy Charge: None.

Initial Base Additional Energy Charge: 15.541 mills per kilowatt-hour.

True-up Adjustment: The base demand charge and base additional energy charge will be subject to annual adjustment on April 1 of each year based on transfers to specific power plant-in-service. The adjustment is for each increase of $1,000,000 to specific power plant-in-service, an increase of $0.003 per kilowatt per month added to the base Capacity rate and an increase of 0.013 mills per kilowatt-hour added to the additional energy rate.

Southeastern will give written notice to the Customer of the amount of the true-up by February 1 of each year.

Transmission Charge: Monthly TVA Transmission Charge divided by 545,000.

Energy to be Furnished by the Government: The Government shall make available each contract year to the Customer from the Projects through the Customer's interconnections with TVA and the Customer will schedule and accept an allocation of 1,500 kilowatt-hours of energy delivered at the TVA border for each kilowatt of contract demand. A contract year is defined as the 12 months beginning July 1 and ending at midnight June 30 of the following calendar year. The energy made available for a contract year shall be scheduled monthly, such that the maximum amount scheduled in any month shall not exceed 240 hours per kilowatt of the Customer's contract demand and the minimum amount

scheduled in any month shall not be less than 60 hours per kilowatt of the customer's contract demand. The Customer may request and the Government may approve energy scheduled for a month greater than 240 hours per kilowatt of the Customer's contract demand; provided, that the combined schedule of all Southeastern customers outside TVA and served by TVA does not exceed 240 hours per kilowatt of the total contract demands of these customers.

Service Interruption: When delivery of capacity is interrupted or reduced due to conditions on the Administrator's system beyond his control, the Administrator will continue to make available the portion of his declaration of energy that can be generated with the capacity available.

For such interruption or reduction due to conditions on the Administrator's system which have not been arranged for and agreed to in advance, the demand charge for capacity made available will be reduced as to the kilowatts of such capacity which have been interrupted or reduced in accordance with the following formula:

$$\left(\begin{array}{c}\textit{Number of kilowatts unavailable}\\ \textit{for at least 12 hours in any calendar day}\end{array}\right) \times \left(\frac{\textit{Monthly Capacity Charge}}{\textit{Number of Days in Billing Month}}\right)$$

Wholesale Power Rate Schedule CEK–1–K

Availability: This rate schedule shall be available to East Kentucky Power Cooperative (hereinafter called the Customer).

Applicability: This rate schedule shall be applicable to electric capacity and energy available from the Dale Hollow, Center Hill, Wolf Creek, Cheatham, Old Hickory, Barkley, J. Percy Priest, and Cordell Hull Projects (all of such projects being hereinafter called collectively the ''Cumberland Projects'') and power available from the Laurel Project and sold in wholesale quantities.

Character of Service: The electric capacity and energy supplied hereunder will be three-phase alternating current at a nominal frequency of 60 hertz. The power shall be delivered at nominal voltages of 161,000 volts to the transmission systems of the Customer.

Points of Delivery: The points of delivery will be the 161,000 volt bus of the Wolf Creek Power Plant and the 161,000 volt bus of the Laurel Project. Other points of delivery may be as agreed upon.

Billing Month: The billing month for power sold under this schedule shall end at 2,400 hours CDT or CST, whichever is currently effective, on the last day of each calendar month.

Conditions of Service: The Customer shall at its own expense provide, install, and maintain on its side of each delivery point the equipment necessary to protect and control its own system. In so doing, the installation, adjustment, and setting of all such control and protective equipment at or near the point of delivery shall be coordinated with that which is installed by and at the expense of the Tennessee Valley Authority (TVA) on its side of the delivery point.

Monthly Rate: The initial monthly base rate for capacity and energy sold under this rate schedule shall be:

Initial Base Demand charge: $2.135 per kilowatt/month of total contract demand.

Initial Base Energy Charge: 15.541 mills per kilowatt-hour.

True-up Adjustment: The base demand charge and base energy charge will be subject to annual adjustment on April 1 of each year based on transfers to specific power plant-in-service. The adjustment is for each increase of $1,000,000 to specific power plant-in-service an increase of $0.003 per kilowatt per month added to the base Capacity rate and an increase of 0.013 mills per kilowatt-hour added to the energy rate.

Southeastern will give written notice to the Customer of the amount of the true-up by February 1 of each year.

Transmission Charge: Monthly TVA Transmission Charge divided by 545,000.

Energy to be Furnished by the Government: The Government shall make available each contract year to the Customer from the Projects through the Customer's interconnections with TVA and the Customer will schedule and accept an allocation of 1,500 kilowatt-hours of energy delivered at the TVA border for each kilowatt of contract demand plus 369 kilowatt-hours of energy delivered for each kilowatt of contract demand to supplement energy available at the Laurel Project. A contract year is defined as the 12 months beginning July 1 and ending at midnight June 30 of the following calendar year. The energy made available for a contract year shall be scheduled monthly such that the maximum amount scheduled in any month shall not exceed 240 hours per kilowatt of the Customer's contract demand and the minimum amount scheduled in any month shall not be less than 60 hours per kilowatt of the Customer's contract demand. The Customer may request and the Government may approve energy scheduled for a month greater than 240 hours per kilowatt of the customer's contract demand; provided, that the combined schedule of all Southeastern customers outside TVA and served by TVA does not exceed 240 hours per kilowatt of the total contract demands of these customers.

Service Interruption: When delivery of capacity is interrupted or reduced due to conditions on the Administrator's system beyond his control, the Administrator will continue to make available the portion of his declaration of energy that can be generated with the capacity available.

For such interruption or reduction due to conditions on the Administrator's system which have not been arranged for and agreed to in advance, the demand charge for capacity made available will be reduced as to the kilowatts of such capacity which have been interrupted or reduced in accordance with the following formula:

$$\left(\begin{array}{c}\textit{Number of kilowatts unavailable}\\ \textit{for at least 12 hours in any calendar day}\end{array}\right) \times \left(\frac{\textit{Monthly Capacity Charge}}{\textit{Number of Days in Billing Month}}\right)$$

Wholesale Power Rate Schedule CM–1–K

Availability: This rate schedule shall be available to Cooperative Energy (formerly the South Mississippi Electric Power Association), Municipal Energy Agency of Mississippi, and Mississippi Delta Energy Agency (hereinafter called the Customers).

Applicability: This rate schedule shall be applicable to electric capacity and energy available from the Dale Hollow, Center Hill, Wolf Creek, Cheatham, Old Hickory, Barkley, J. Percy Priest, and Cordell Hull Projects (all of such projects being hereinafter called collectively the ''Cumberland Projects'') and sold in wholesale quantities.

Character of Service: The electric capacity and energy supplied hereunder will be three-phase alternating current at a nominal frequency of 60 hertz. The power shall be delivered at nominal voltages of 161,000 volts to the transmission systems of Mississippi Power and Light.

Points of Delivery: The points of delivery will be at interconnection points of the Tennessee Valley Authority (TVA) system and the Mississippi Power and Light system. Other points of delivery may be as agreed upon.

Billing Month: The billing month for power sold under this schedule shall end at 2,400 hours CDT or CST, whichever is currently effective on the last day of each calendar month.

Monthly Rate: The initial monthly base rate for capacity and energy sold under this rate schedule shall be:

Initial Base Demand charge (includes 1,500 hours of energy annually): $4.078 per kilowatt/month of total contract demand.

Initial Base Energy Charge: None.

Initial Base Additional Energy Charge: 15.541 mills per kilowatt-hour.

True-up Adjustment: The base demand charge and base additional energy charge will be subject to annual adjustment on April 1 of each year based on transfers to specific power plant-in-service. The adjustment is for each increase of $1,000,000 to specific power plant-in-service, an increase of $0.003 per kilowatt per month added to the base Capacity rate and an increase of 0.013 mills per kilowatt-hour added to the additional energy rate.

Southeastern will give written notice to the Customers of the amount of the true-up by February 1 of each year.

Transmission Charge: Monthly TVA Transmission Charge divided by 545,000.

Energy to be Furnished by the Government: The Government shall make available each contract year to the Customer from the Projects through the Customer's interconnections with TVA and the Customer will schedule and accept an allocation of 1,500 kilowatt-hours of energy delivered at the TVA border for each kilowatt of contract demand. A contract year is defined as the 12 months beginning July 1 and ending at midnight June 30 of the following calendar year. The energy made available for a contract year shall be scheduled monthly such that the maximum amount scheduled in any month shall not exceed 240 hours per kilowatt of the Customer's contract demand and the minimum amount scheduled in any month shall not be less than 60 hours per kilowatt of the Customer's contract demand. The Customer may request and the Government may approve energy scheduled for a month greater than 240 hours per kilowatt of the Customer's contract demand; provided, that the combined schedule of all Southeastern customers outside TVA and served by TVA does not exceed 240 hours per kilowatt of the total contract demands of these customers.

In the event that any portion of the capacity allocated to the Customers is not initially delivered to the Customers as of the beginning of a full contract year, the 1,500 kilowatt hours shall be reduced 1/12 for each month of that year prior to initial delivery of such capacity.

Service Interruption: When delivery of capacity is interrupted or reduced due to conditions on the Administrator's system beyond his control, the Administrator will continue to make available the portion of his declaration of energy that can be generated with the capacity available.

For such interruption or reduction due to conditions on the Administrator's system which have not been arranged for and agreed to in advance, the demand charge for capacity made available will be reduced as to the kilowatts of such capacity which have been interrupted or reduced in accordance with the following formula:

$$\left(\begin{array}{c}\textit{Number of kilowatts unavailable}\\ \textit{for at least 12 hours in any calendar day}\end{array}\right) \times \left(\frac{\textit{Monthly Capacity Charge}}{\textit{Number of Days in Billing Month}}\right)$$

Wholesale Power Rate Schedule CC–1–L

Availability: This rate schedule shall be available to public bodies and cooperatives served through the facilities of Duke Energy Progress (formerly known as Carolina Power & Light Company), Western Division (hereinafter called the Customers).

Applicability: This rate schedule shall be applicable to electric capacity and energy available from the Dale Hollow, Center Hill, Wolf Creek, Cheatham, Old Hickory, Barkley, J. Percy Priest, and Cordell Hull Projects (all of such projects being hereinafter called collectively the ''Cumberland Projects'') and sold in wholesale quantities.

Character of Service: The electric capacity and energy supplied hereunder will be three-phase alternating current at a nominal frequency of 60 hertz. The power shall be delivered at nominal voltages of 161,000 volts to the transmission system of Duke Energy Progress, Western Division.

Points of Delivery: The points of delivery will be at interconnecting points of the Tennessee Valley Authority (TVA) system and the Duke Energy Progress, Western Division system. Other points of delivery may be as agreed upon.

Billing Month: The billing month for power sold under this schedule shall end at 2,400 hours CDT or CST, whichever is currently effective, on the last day of each calendar month.

Monthly Rate: The initial monthly base rate for capacity and energy sold under this rate schedule shall be:

Initial Base Demand charge (includes 1,500 hours of energy annually at the TVA Border): $4.617 per kilowatt/month of total contract demand.

Initial Base Energy Charge: None.

Initial Base Additional Energy Charge: 15.541 mills per kilowatt-hour.

True-up Adjustment: The base demand charge and base additional energy charge will be subject to annual adjustment on April 1 of each year based on transfers to specific power plant-in-service. The adjustment is for each increase of $1,000,000 to specific

power plant-in-service, an increase of $0.003 per kilowatt per month added to the base Capacity rate and an increase of 0.013 mills per kilowatt-hour added to the additional energy rate.

Southeastern will give written notice to the Customers of the amount of the true-up by February 1 of each year.

Transmission Charge: Monthly TVA Transmission Charge divided by 545,000, and adjusted for Duke Energy Progress delivery. The adjustment under the current contract is 12,000/10,600.

Energy to be Furnished by the Government: The Government will sell to the Customers and the Customers will purchase from the Government energy each billing month equivalent to a percentage specified by contract of the energy made available to Duke Energy Progress (less applicable losses). The Customer's contract demand and accompanying energy allocation will be divided pro rata among its individual delivery points served from the Duke Energy Progress, Western Division transmission system.

Wholesale Power Rate Schedule CK–1–K

Availability: This rate schedule shall be available to public bodies served through the facilities of Kentucky Utilities Company, (hereinafter called the Customers).

Applicability: This rate schedule shall be applicable to electric capacity and energy available from the Dale Hollow, Center Hill, Wolf Creek, Cheatham, Old Hickory, Barkley, J. Percy Priest, and Cordell Hull Projects (all of such projects being hereinafter called collectively the ''Cumberland Projects'') and sold in wholesale quantities.

Character of Service: The electric capacity and energy supplied hereunder will be three-phase alternating current at a nominal frequency of 60 hertz. The power shall be delivered at nominal voltages of 161,000 volts to the transmission systems of Kentucky Utilities Company.

Points of Delivery: The points of delivery will be at interconnecting points between the Tennessee Valley Authority (TVA) system and the Kentucky Utilities Company system. Other points of delivery may be as agreed upon.

Billing Month: The billing month for power sold under this schedule shall end at 2,400 hours CDT or CST, whichever is currently effective on the last day of each calendar month.

Monthly Rate: The initial monthly base rate for capacity and energy sold under this rate schedule shall be:

Initial Base Demand charge (includes 1,500 hours of energy annually): $4.078 per kilowatt/month of total contract demand.

Initial Base Energy Charge: None.

Initial Base Additional Energy Charge: 15.541 mills per kilowatt-hour.

True-up Adjustment: The base demand charge and base additional energy charge will be subject to annual adjustment on April 1 of each year based on transfers to specific power plant-in-service. The adjustment is for each increase of $1,000,000 to specific power plant-in-service, an increase of $0.003 per kilowatt per month added to the base Capacity rate and an increase of 0.013 mills per kilowatt-hour added to the additional energy rate.

Southeastern will give written notice to the Customers of the amount of the true-up by February 1 of each year.

Transmission Charge: Monthly TVA Transmission Charge divided by 545,000.

Energy to be Furnished by the Government: The Government shall make available each contract year to the Customer from the Projects and the Customer will accept an allocation of 1,500 kilowatt-hours of energy for each kilowatt of contract demand. A contract year is defined as the 12 months beginning July 1 and ending at midnight June 30 of the following calendar year. The energy made available for a contract year shall be scheduled monthly such that the maximum amount scheduled in any month shall not exceed 240 hours per kilowatt of the Customer's contract demand and the minimum amount scheduled in any month shall not be less than 60 hours per kilowatt of the Customer's contract demand. The Customers may request and the Government may approve energy scheduled for a month greater than 240 hours per kilowatt of the Customer's contract demand; provided, that the combined schedule of all Southeastern customers outside TVA and served by TVA does not exceed 240 hours per kilowatt of the total contract demands of these customers.

In the event that any portion of the capacity allocated to the Customers is not initially delivered to the Customers as of the beginning of a full contract year, the 1,500 kilowatt hours shall be reduced 1/12 for each month of that year prior to initial delivery of such capacity.

For billing purposes, each kilowatt of capacity will include 1,500 kilowatt-hours of energy per year. Customers will pay for additional energy at the additional energy rate.

Wholesale Power Rate Schedule CTV–1–K

Availability: This rate schedule shall be available to the Tennessee Valley Authority (hereinafter called TVA) on behalf of members of the Tennessee Valley Public Power Association (hereinafter called TVPPA).

Applicability: This rate schedule shall be applicable to electric capacity and energy generated at the Dale Hollow, Center Hill, Wolf Creek, Old Hickory, Cheatham, Barkley, J. Percy Priest, and Cordell Hull Projects (all of such projects being hereafter called collectively the ''Cumberland Projects'') and the Laurel Project sold under agreement between the Department of Energy and TVA.

Character of Service: The electric capacity and energy supplied hereunder will be three-phase alternating current at a frequency of approximately 60 hertz at the outgoing terminals of the Cumberland Projects' switchyards.

Billing Month: The billing month for capacity and energy sold under this schedule shall end at 2,400 hours CDT or CST, whichever is currently effective, on the last day of each calendar month.

Contract Year: For purposes of this rate schedule, a contract year shall be as in Section 13.1 of the Southeastern Power Administration—Tennessee Valley Authority Contract.

Power Factor: TVA shall take capacity and energy from the Department of Energy at such power factor as will best serve TVA's system from time to time; provided, that TVA shall not impose a power factor of less than .85 lagging on the Department of Energy's facilities which requires operation contrary to good operating practice or results in overload or impairment of such facilities.

Monthly Rate: The initial monthly base rate for capacity and energy sold under this rate schedule shall be:

Initial Base Demand charge (includes 1,500 hours of energy annually): $4.078 per kilowatt/month of total contract demand.

Initial Base Energy Charge: None.

Initial Base Additional Energy Charge: 15.541 mills per kilowatt-hour.

True-up Adjustment: The base demand charge and base additional energy charge will be subject to annual adjustment on April 1 of each year based on transfers to specific power plant-in-service. The adjustment is for each increase of $1,000,000 to specific power plant-in-service, an increase of $0.003 per kilowatt per month added to the base Capacity rate and an increase of 0.013 mills per kilowatt-hour added to the additional energy rate.

Southeastern will give written notice to the TVA and TVPPA of the amount of the true-up by February 1 of each year.

Energy to be Made Available: The Department of Energy shall determine the energy that is available from the projects for declaration in the billing month.

$$\left(\begin{array}{c}\text{Number of kilowatts unavailable}\\ \text{for at least 12 hours in any calendar day}\end{array}\right) \times \left(\frac{\text{Monthly Capacity Charge}}{\text{Number of Days in Billing Month}}\right) \times \left(\frac{\text{Contract Demand}}{\text{880,000 Kilowatts}}\right)$$

To meet the energy requirements of the Department of Energy's customers outside the TVA area (hereinafter called Outside Customers), 768,000 megawatt-hours of net energy shall be available annually (including 36,900 megawatt-hours of annual net energy to supplement energy available at Laurel Project). The energy requirement of the Outside Customers shall be available annually, divided monthly such that the maximum available in any month shall not exceed 240 hours per kilowatt of total Outside Customers contract demand, and the minimum amount available in any month shall not be less than 60 hours per kilowatt of total Outside Customers demand.

In the event that any portion of the capacity allocated to Outside Customers is not initially delivered to the Outside Customers as of the beginning of a full contract year (July through June), the 1,500 hours, plus any such additional energy required as discussed above, shall be reduced 1/12 for each month of that year prior to initial delivery of such capacity.

The energy scheduled by TVA for use within the TVA System in any billing month shall be the total energy delivered to TVA less (1) an adjustment for fast or slow meters, if any, (2) an adjustment for Barkley-Kentucky Canal of 15,000 megawatt-hours of energy each month which is delivered to TVA under the agreement from the Cumberland Projects without charge to TVA, (3) the energy scheduled by the Department of Energy in said month for the Outside Customers plus losses of two percent [2%], and (4) station service energy furnished by TVA.

Each kilowatt of capacity will include 1,500 kilowatt-hours of energy per year, which is defined as base energy. Energy received in excess of 1,500 kilowatt-hours per kilowatt will be subject to an additional energy charge identified in the monthly rates section of this rate schedule.

Service Interruption: When delivery of capacity to TVA is interrupted or reduced due to conditions on the Department of Energy's system that are beyond its control, the Department of Energy will continue to make available the portion of its declaration of energy that can be generated with the capacity available.

For such interruption or reduction (exclusive of any restrictions provided in the agreement) due to conditions on the Department of Energy's system which have not been arranged for and agreed to in advance, the demand charge for scheduled capacity made available to TVA will be reduced as to the kilowatts of such scheduled capacity which have been so interrupted or reduced for each day in accordance with the following formula:

Wholesale Power Rate Schedule CTVI–1–D

Availability: This rate schedule shall be available to customers (hereinafter called the Customer) who are or were formerly in the Tennessee Valley Authority (hereinafter called TVA) service area.

Applicability: This rate schedule shall be applicable to electric capacity and energy generated at the Dale Hollow, Center Hill, Wolf Creek, Old Hickory, Cheatham, Barkley, J. Percy Priest, and Cordell Hull Projects (all of such projects being hereafter called collectively the ''Cumberland Projects'') and the Laurel Project sold under agreement between the Department of Energy and the Customer.

Character of Service: The electric capacity and energy supplied hereunder will be three-phase alternating current at a frequency of approximately 60 hertz at the outgoing terminals of the Cumberland Projects' switchyards.

Billing Month: The billing month for capacity and energy sold under this schedule shall end at 2,400 hours CDT or CST, whichever is currently effective, on the last day of each calendar month.

Contract Year: For purposes of this rate schedule, a contract year shall be as in Section 13.1 of the Southeastern Power Administration—Tennessee Valley Authority Contract.

Monthly Rate: The initial monthly base rate for capacity and energy sold under this rate schedule shall be:

Initial Base Demand charge (includes 1,500 hours of energy annually): $4.078 per kilowatt/month of total contract demand.

Initial Base Energy Charge: None.

Initial Base Additional Energy Charge: 15.541 mills per kilowatt-hour.

True-up Adjustment: The base demand charge and base additional energy charge will be subject to annual adjustment on April 1 of each year based on transfers to specific power plant-in-service. The adjustment is for each increase of $1,000,000 to specific power plant-in-service, an increase of $0.003 per kilowatt per month added to the base Capacity rate and an increase of 0.013 mills per kilowatt-hour added to the additional energy rate.

Southeastern will give written notice to the Customer of the amount of the true-up by February 1 of each year.

Transmission Charge: The initial charge for transmission and Ancillary Services will be the Customer's ratable share of the charges for transmission, distribution, and ancillary services paid by the Government. The charges for transmission and ancillary services are governed by and subject to refund based upon the determination in proceedings before FERC or other overseeing entity involving the TVA's and other transmission provider's Open Access Transmission Tariff (OATT).

Proceedings before FERC or other overseeing entity involving the OATT or the Distribution charge may result in the separation of charges currently included in the transmission rate. In this event, the Government may charge the Customer for any and all separate transmission, ancillary services, and distribution charges paid by the Government in behalf of the Customer. These charges could be recovered through a capacity charge or an energy charge, as determined by the Government.

$$\left(\begin{array}{c}\text{Number of kilowatts unavailable}\\ \text{for at least 12 hours in any calendar day}\end{array}\right) \times \left(\frac{\text{Monthly Capacity Charge}}{\text{Number of Days in Billing Month}}\right) \times \left(\frac{\text{Contract Demand}}{\text{880,000 Kilowatts}}\right)$$

Energy to be Made Available: The energy will be scheduled by TVA and the Customer will receive their ratable share, in accordance with the Government-Customer Contract. Energy shall be accounted for, in accordance with agreements with TVA.

The Customer will receive a ratable share of their capacity, in accordance with the Government-Customer Contract.

Service Interruption: When delivery of capacity to TVA is interrupted or reduced due to conditions on the Department of Energy's system that are beyond its control, the Department of Energy will continue to make available the portion of its declaration of energy that can be generated with the capacity available. The customer will receive a ratable share of this capacity.

For such interruption or reduction (exclusive of any restrictions provided in the agreement) due to conditions on the Department of Energy's system which have not been arranged for and agreed to in advance, the demand charge for scheduled capacity made available to the Customer will be reduced as to the kilowatts of such scheduled capacity which have been so interrupted or reduced for each day in accordance with the following formula:

Wholesale Rate Schedule Replacement-3

Availability: This rate schedule shall be available to public bodies and cooperatives (any one of whom is hereinafter called the Customer) in Alabama, Georgia, Illinois, Kentucky, North Carolina, Mississippi, Tennessee and Virginia to whom power is provided pursuant to contracts between the Government and the customer from the Dale Hollow, Center Hill, Wolf Creek, Cheatham, Old Hickory, Barkley, J. Percy Priest, Cordell Hull, and Laurel Projects (all of such projects being hereinafter called collectively the ''Cumberland Projects'').

Applicability: This rate schedule shall be applicable to the sale of wholesale energy purchased to meet contract minimum energy sold under appropriate contracts between the Government and the Customer.

Character of Service: The energy supplied hereunder will be delivered at the delivery points provided for under appropriate contracts between the Government and the Customer.

Monthly Charge: The rate for replacement energy will be a formulary capacity charge based on the monthly cost to the Government to purchase replacement energy necessary to support capacity in the Cumberland System divided by the capacity available from the Cumberland System, which is 950,000 kilowatts in the published power marketing policy. The capacity rate will be adjusted for any capacity retained by the Customer's transmission facilitator.

Conditions of Service: The customer shall at its own expense provide, install, and maintain on its side of each delivery point the equipment necessary to protect and control its own system.

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DEPARTMENT OF ENERGY

Southeastern Power Administration

Notice of Interim Approval of Rate Schedules for Kerr-Philpott System of Projects

AGENCY: Southeastern Power Administration, DOE.

ACTION: Notice of interim approval.

SUMMARY: The Administrator for the Southeastern Power Administration (Southeastern) has confirmed and approved, on an interim basis, rate schedules VA–1–E, VA–2–E, VA–3–E, VA–4–E, DEP–1–E, DEP–2–E, DEP–3–E, DEP–4–E, AP–1–E, AP–2–E, AP–3–E, AP–4–E, NC–1–E, and Replacement-2–D. These rate schedules are applicable to Southeastern power sold to existing preference customers in North Carolina and Virginia. The rate schedules are approved on an interim basis through September 30, 2030, and are subject to confirmation and approval by the Federal Energy Regulatory Commission (FERC) on a final basis.

DATES: Approval of rates on an interim basis is effective on October 1, 2025.

FOR FURTHER INFORMATION CONTACT: Carter B. Edge, Assistant Administrator for Finance and Marketing, Southeastern Power Administration, Department of Energy, 1166 Athens Tech Road, Elberton, Georgia 30635–6711, (706) 213–3800; Email: *Carter.Edge@sepa.doe.gov.*

SUPPLEMENTARY INFORMATION: FERC, by Order issued December 11, 2020, in Docket No. EF20–5–000 (Accession No.: 20201211–3017), confirmed and approved Wholesale Power Rate Schedules VA–1–D, VA–2–D, VA–3–D, VA–4–D, DEP–1–D, DEP–2–D, DEP–3–D, DEP–4–D, AP–1–D, AP–2–D, AP–3–D, AP–4–D, NC–1–D, and Replacement-2–C for the period October 1, 2020, through September 30, 2025. This order replaces these rate schedules on an interim basis, subject to final approval by FERC.

Department of Energy

Administrator, Southeastern Power Administration

In the Matter of: Southeastern Power Administration, Kerr-Philpott System Power Rates, Rate Order No. SEPA–67

Order Confirming and Approving Power Rates on an Interim Basis

Rate Order No. SEPA–67 and associated rate schedules are applicable to Southeastern Power Administration (Southeastern) power sold to existing preference customers in North Carolina and Virginia. The rate schedules are approved on an interim basis, effective October 1, 2025, through September 30, 2030, and are subject to confirmation and approval by the Federal Energy Regulatory Commission (FERC) on a final basis.

Background

Power from the Kerr-Philpott System is presently sold under Wholesale Power Rate Schedules VA–1–D, VA–2–D, VA–3–D, VA–4–D, DEP–1–D, DEP–2–D, DEP–3–D, DEP–4–D, AP–1–D, AP–2–D, AP–3–D, AP–4–D, NC–1–D, and Replacement-2–C. These rate schedules were approved by the FERC in Docket No. EF20–5–000 on December 11, 2020, for a period ending September 30, 2025 (Accession No.: 20201211–3017).

Public Notice and Comment

Notice of a proposed rate adjustment and an adjustment to the annual true-up mechanism was published in the **Federal Register** May 15, 2025 (90 FR 20669). Southeastern proposed an increase to existing rate schedules and updating the annual true-up mechanism to keep the true-up rates, during over-recovery periods, from being reduced below the initial base capacity and energy rate set in rate filings, for the sale of power from the Kerr-Philpott System effective October 1, 2025, through September 30, 2030. The notice advised interested parties of a public information and comment forum to be

held in Elberton, Georgia, and virtually by Microsoft Teams, on June 17, 2025. Written comments were accepted through August 13, 2025. The revenue requirement proposed at the forum was $43,000,000 per year. The initial base rates proposed were $5.95 per kilowatt per month for capacity and 22.75 mills per kilowatt-hour for energy. The rates are based on a repayment study estimating the Kerr-Philpott System will produce the following net revenue available for repayment (rounded to the nearest $10,000):

Fiscal year	Estimated annual net revenue available for repayment	Cumulative net revenue available for repayment
2025	$1,840,000	$1,840,000
2026	170,000	2,010,000
2027	3,530,000	5,540,000
2028	3,840,000	9,380,000
2029	3,930,000	13,310,000
2030	3,440,000	16,750,000
2031	3,600,000	20,350,000
2032	3,720,000	24,070,000
2033	3,860,000	27,930,000
2034	4,020,000	31,950,000

The proposed rate schedules continue adjustments annually on April 1 of each year, based on the variance of the actual cumulative net revenue available for repayment from the planned cumulative net revenue available for repayment and include the updated mechanism for over-recovery periods. The annual adjustment will be, for every $100,000 under-recovery of the planned cumulative net revenue available for repayment, Southeastern will increase the base capacity charge by $0.02 per kilowatt per month, up to a maximum of $0.75 per kilowatt per month, and increase the base energy charge by 0.10 mills per kilowatt-hour, up to a maximum of 3.0 mills per kilowatt per hour, to be implemented April 1 of the next fiscal year. For every $100,000 over-recovery of the planned cumulative net revenue available for repayment, Southeastern will reduce the current base capacity charge by $0.02 per kilowatt per month, up to a maximum of $0.75 per kilowatt per month but not below the initial base capacity charge set in the rate filing, and reduce the current base energy charge by 0.10 mills per kilowatt-hour, up to a maximum of 3.0 mills per kilowatt-hour but not below the initial base energy charge set in the rate filing, to be implemented April 1 of the next fiscal year. Southeastern will give written notice to the customers of the amount of the true-up to the capacity and energy rates by February 1 of the next fiscal year.

Public Comments

Southeastern received oral comments from one participant as part of the public information and comment forum on June 17, 2025. Southeastern received written comments mirroring the oral comments provided in the public information and comment forum from the same representing organization as the forum participant.

The comments are summarized below. Southeastern's responses are provided.

Comment 1: The SeFPC has concerns that the proposed rate increase has not implemented appropriate rate reductions which would otherwise be proper pursuant to the Administrator's authority under Section 5 of the Flood Control Act of 1944. In particular, we believe that SEPA has not reduced proposed costs related to dam safety repairs.

Response to Comment 1: Southeastern's Administrator agrees protecting hydropower customers from bearing costs unrelated to hydropower is a priority, and other such costs should be properly attributed to the relevant purposes of the projects. Southeastern retains authority to ensure rates for power will be the lowest possible rates consistent with sound business principles within the meaning of Section 5 of the Flood Control Act of 1944. While SEPA's Administrator has the responsibility to determine which costs are appropriate, the Administrator is obligated to prudently follow sound business principles in recovering costs associated with generating hydropower, including the amortization of capital Federal investment allocated to power. Southeastern will continue coordination efforts to work with the US Army Corps of Engineers (Corps) to ensure appropriate charging practices.

Comment 2: In the proposed rate increase, supporting materials indicate SEPA will recover $2,050,000 for capitalized expense related to the switchgear building. This is a direct expense for hydropower which was funded through the customer funding program supported by SeFPC members. However, the replacement of the switchgear building is a direct result of the landslide or seismic change at the Philpott project. As such the recovery of the expense should be limited as prescribed by the Dam Safety Act.

Response to Comment 2: Southeastern's Administrator agrees Section 1203 of WRDA 1986 (33 U.S.C. 467n(a)) provides special cost-sharing for modification of dams and related facilities constructed or operated by the Corps, the cause of which results from new hydrologic or seismic data or changes in state-of-the-art design or construction criteria deemed necessary for safety purposes. However, the capitalized expense of the switchgear building, funded through the customer funding program, is appropriate to include in the proposed rates. The expense of the new switchgear building is appropriate as a direct replacement of an existing asset, without upgrades or changes to building function or seismic requirements, ensuring continuity of service rather than enhancement. Replacement of the switchgear building and damaged equipment is not due to a design or construction deficiency but instead due to an external force (*i.e.,* landslide). As a self-insured entity, the Federal government assumes direct financial responsibility for incidents of this nature.

Comment 3: Similarly, as the proposed rate models recovery of the Philpott rewind at a cost of $28,825,400, certain of those costs should be reduced because the Corps estimate for the entire rewind includes costs caused by the landslide. Specifically, the Corps has stated to the Customers that delays caused by the landslide have led to cost increases. As such, the total cost of the Philpott rewind should be decreased in light of the cost impacts solely related to the landslide. Moreover, because the Corps has informed the Customers' representatives that the project will not be completed until 2027 using appropriated dollars, further modeling may be needed to ensure that the customers taking service under the proposed rate are repaying the investment on the project no sooner than when the project becomes commercially operable. In this context, we anticipate that the rate starts to collect interest associated with the capital expenditure for the rewind starting in 2026. Given that the Corps has predicted that the project will be completed in the fall of 2027, the proposed rate over collects for both capital and interest.

Response to Comment 3: Southeastern's Administrator agrees Section 1203 of WRDA 1986 (33 U.S.C. 467n(a)) provides special cost-sharing for modification of dams and related facilities constructed or operated by the Corps, the cause of which results from new hydrologic or seismic data or changes in state-of-the-art design or construction criteria deemed necessary for safety purposes. However, the cost of the Philpott rewind, including interest, is an appropriate cost to include in the proposed rates. The delays and cost impacts are not due to new hydrologic or seismic data or changes in state-of-

the-art design or construction criteria deemed necessary for safety purposes but rather an external force (*i.e.,* landslide). 18 CFR 300.12(b) specifies what must be included in the revenue recovery study. The placed-in-service date of Fiscal Year 2026 was based on best available projection data provided to Southeastern by the Corps at the time the revised study was conducted. The payable to U.S. Treasury in each of the generating projects is to be repaid to the U.S. Treasury within the service lives of the assets, not to exceed 50 years from the time the facility is placed in service. There is no requirement for repayment of a specific amount on an annual basis. Interest during construction costs are held by the Corps in Construction in Progress until the asset is transferred to Plant in Service (PIS). At that time, the applicable portion of the interest, together with the other costs representing the completed asset, will be transferred to the appropriate PIS accounts and will be picked up by Southeastern as a capitalized addition or replacement. Interest on Investment begins accruing when the investment is recognized for repayment and is an annual expense.

Comment 4: As noted by counsel at the public forum, we have concerns regarding the inclusion of costs related to water supply which are modeled for inclusion in the rate. All water supply operations under the Water Supply Act of 1958 are assigned an appropriate share of operations and maintenance costs. Asking hydropower customers to assume a portion of water supply costs over collects costs which by law should otherwise be directly assigned to the water supply beneficiaries. As such, SEPA should exclude such costs from the proposed rate.

Response to Comment 4: Southeastern's Administrator agrees protecting hydropower customers from bearing costs unrelated to hydropower is a priority. The water supply expenses for Kerr and Philpott are considered to be joint costs by the Corps and therefore, Southeastern picked up the joint percentage in O&M for power.

In 2018, the Corps financial statements were restated to align with the final cost allocation studies regarding O&M expenses. After the restatement, water supply revenue began being reported on the income statement of John H. Kerr project's financial statements under ''Water Supply'', with no credit to power. Southeastern, like other PMAs, is tasked with repaying the power investment, including interest, through revenues generated through the sale of power. The water supply revenue is combined with power revenues to repay the power investment. Southeastern records the water supply revenue as ''other operating revenue'' when developing the consolidated financial statement because this revenue is associated with a re-allocation of storage from hydropower. Southeastern will continue coordination efforts to work with the Corps to ensure appropriate charging practices.

Discussion

System Repayment

Subsequent to the Public Information and Comment Forum held on June 17, 2025. A formula error within the study was noticed omitting a capitalized deficit from Fiscal Year 2025's end of year remaining investment. The formula error was corrected and the rates proposed during the forum remained unaffected. However, the formula correction did affect the planned cumulative net revenue available for repayment located in the rate schedules and used in the annual adjustment computation.

Additionally, Southeastern received Fiscal Year 2018 through Fiscal Year 2024 revised Multi-Purpose Pension and Post-Retirement Benefit reports from the Corps on August 12, 2025. The revised reports are currently unaudited. However, Southeastern has confidence the revised pension and post-retirement benefit projections are appropriate and conducted an updated revised repayment study reflecting corrected pension and post-retirement benefit expense projections. Using initial proposed rates, the revenue recovery study indicated an over-recovery of revenue. The amended revised repayment study indicated an approximate 2.33% reduction in the annual revenue requirement compared to the originally proposed annual revenue requirement that could be achieved. An amended revised annual revenue requirement of $42,000,000 will meet cost recovery and repayment criteria. The amended revised initial base rates are $5.71 per kilowatt per month for capacity and 21.83 mills per kilowatt-hour for energy. The rates are based on a repayment study estimating the Kerr-Philpott System will produce the following net revenue available for repayment (rounded to the nearest $10,000):

Fiscal year	Estimated annual net revenue available for repayment	Cumulative net revenue available for repayment
2025	$360,000	$360,000
2026	630,000	990,000
2027	4,000,000	4,990,000
2028	4,310,000	9,300,000
2029	4,460,000	13,760,000
2030	3,970,000	17,730,000
2031	4,150,000	21,880,000
2032	4,280,000	26,160,000
2033	4,430,000	30,590,000
2034	4,610,000	35,200,000

An examination of Southeastern's amended revised power repayment study, for the Kerr-Philpott System shows with the amended revised initial base rates, all system power costs are paid within the appropriate repayment period and meet the cost recovery criteria required by existing law and DOE Order RA 6120.2. The Administrator, Southeastern Power Administration, has certified the rates are consistent with applicable law and they are the lowest possible rates to customers consistent with sound business principles.

Legal Authority

By Delegation Order No. S1–DEL–RATES–2016, effective November 19, 2016, the Secretary of Energy delegated: (1) the authority to develop power and transmission rates to Southeastern's Administrator; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm, approve, and place into effect on a final basis, or to remand or disapprove such rates, to FERC. By Delegation Order No. S1–DEL–S3–2024, effective August 30, 2024, the Secretary of Energy also delegated the authority to confirm, approve, and place such rates into effect on an interim basis to the Under Secretary for Infrastructure. By Redelegation Order No. S3–DEL–SEPA–2023, effective April 10, 2023, the Under Secretary for Infrastructure redelegated the authority to confirm, approve, and place such rates into effect on an interim basis to the Administrator, Southeastern Power Administration.

Environmental Compliance

Southeastern has determined that this action fits within the following categorical exclusion listed in appendix B of 10 CFR part 1021 and Appendix B of DOE's NEPA implementing procedures published on June 30, 2025: B4.3, Electric power marketing rate changes. Categorically excluded projects and activities do not require preparation of either an environmental impact statement or an environmental assessment. A copy of the categorical exclusion determination is available on

Southeastern's website at *https://bit.ly/KerrPhilpottCategoricalExclusion.*

Determination Under Executive Order 12866

Southeastern has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

Availability of Information

Information regarding these rates, including studies, and other supporting materials, is available for public review in the offices of Southeastern Power Administration, 1166 Athens Tech Road, Elberton, Georgia 30635–6711.

Order

In view of the foregoing and pursuant to the authority redelegated to me by the Under Secretary for Infrastructure, I hereby confirm and approve on an interim basis, effective October 1, 2025, attached Wholesale Power Rate Schedules VA–1–E, VA–2–E, VA–3–E, VA–4–E, DEP–1–E, DEP–2–E, DEP–3–E, DEP–4–E, AP–1–E, AP–2–E, AP–3–E, AP–4–E, NC–1–E, and Replacement-2–D. The rate schedules shall remain in effect on an interim basis through September 30, 2030, unless such period is extended or until FERC confirms and approves them or substitute rate schedules on a final basis.

Signing Authority

This document of the Department of Energy was signed on September 11, 2025, by Virgil G. Hobbs III, Administrator for Southeastern Power Administration, 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 September 12, 2025.

Treena V. Garrett,

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

Wholesale Power Rate Schedule VA–1–E

Availability: This rate schedule shall be available to public bodies and cooperatives (any one of whom is hereinafter called the Customer) in Virginia and North Carolina to whom power may be transmitted and scheduled pursuant to contracts between the Government, Virginia Electric and Power Company (hereinafter called the Company), the Company's Transmission Operator, currently PJM Interconnection LLC (hereinafter called PJM), and the Customer. This rate schedule is applicable to customers receiving power from the Government on an arrangement where the Company schedules the power and provides the Customer a credit on their bill for Government power. Nothing in this rate schedule shall preclude modifications to the aforementioned contracts to allow an eligible customer to elect service under another rate schedule.

Applicability: This rate schedule shall be applicable to the sale at wholesale of power and accompanying energy generated at the John H. Kerr and Philpott Projects and sold under appropriate contracts between the Government and the Customer.

Character of Service: The electric capacity and energy supplied hereunder will be delivered at the delivery points of the Customer on the Company's transmission and distribution system.

Monthly Rate: The initial base monthly rate for capacity, energy, and generation services provided under this rate schedule for the period specified shall be:

Initial Base Capacity Charge: $5.71 per kilowatt of total contract demand per month.

Initial Base Energy Charge: 21.83 mills per kilowatt-hour.

The rates are based on a repayment study that projects that the Kerr-Philpott System will produce the following net revenue available for repayment by fiscal year and cumulative net revenue available for repayment by fiscal year:

Fiscal year	Estimated annual net revenue available for repayment	Cumulative net revenue available for repayment
2025	$360,000	$360,000
2026	630,000	990,000
2027	4,000,000	4,990,000
2028	4,310,000	9,300,000
2029	4,460,000	13,760,000
2030	3,970,000	17,730,000
2031	4,150,000	21,880,000
2032	4,280,000	26,160,000
2033	4,430,000	30,590,000
2034	4,610,000	35,200,000

The rates include a true-up of the capacity and energy rates based on the variance of the actual cumulative net revenue available for repayment from the planned cumulative net revenue available for repayment in the table above. For every $100,000 under-recovery of the planned cumulative net revenue available for repayment, Southeastern will increase the base capacity charge by $0.02 per kilowatt per month, up to a maximum of $0.75 per kilowatt per month, and increase the base energy charge by 0.10 mills per kilowatt-hour, up to a maximum of 3.0 mills per kilowatt per hour, to be implemented April 1 of the next fiscal year. For every $100,000 over-recovery of the planned cumulative net revenue available for repayment, Southeastern will reduce the current base capacity charge by $0.02 per kilowatt per month, up to a maximum of $0.75 per kilowatt per month but not below the initial base capacity charge set in the rate filing, and reduce the current base energy charge by 0.10 mills per kilowatt-hour, up to a maximum of 3.0 mills per kilowatt-hour but not below the initial base energy charge set in the rate filing, to be implemented April 1 of the next fiscal year. Southeastern will give written notice to the customers of the amount of the true-up to the capacity and energy rates by February 1 of the next fiscal year.

Additional rates for transmission and any ancillary services provided under this rate schedule shall be the rates charged Southeastern Power Administration by the Company or PJM. Future adjustments to these rates will become effective upon acceptance for filing by the Federal Energy Regulatory Commission (FERC) of the Company's rate.

Transmission: $7.53 per kilowatt of total contract demand per month estimated as of March 2025, is presented for illustrative purposes.

Ancillary Services: 8.24 mills per kilowatt-hour of energy estimated as of March 2025, is presented for illustrative purposes.

The initial charge for transmission and Ancillary Services will be the Customer's ratable share of the charges for transmission, distribution, and ancillary services paid by the Government. The charges for transmission and ancillary services are governed by and subject to refund based upon the determination in proceedings before FERC involving the Company's or PJM's Open Access Transmission Tariff (OATT).

Proceedings before FERC involving the OATT or the Distribution charge may result in the separation of charges currently included in the transmission rate. In this event, the Government may charge the Customer for any and all separate transmission, ancillary services, and distribution charges paid by the Government in behalf of the

Customer. These charges could be recovered through a capacity charge or an energy charge, as determined by the Government.

Tandem Transmission Charge: $3.33 per kilowatt of total contract demand per month, as an estimated cost as of March 2025.

The tandem transmission charge will recover the cost of transmitting power from a project to the border of another transmitting system. This rate will be a formulary rate based on the cost to the Government for transmission of power from the Philpott project to the border of the Virginia Electric and Power Company System and the cost to the Government for transmission of power from the John H. Kerr Project to the border of the Duke Energy Progress System. These charges could be recovered through a capacity charge or an energy charge, as determined by the Government.

Transmission and Ancillary Services: The charges for transmission and ancillary services shall be governed by and subject to refund based upon the determination in the proceeding involving the Company's or PJM's OATT.

Capacity Performance Non-Performance Charge: Requirements of the PJM capacity performance market may lead to non-performance charges to Southeastern. These non-performance charges, if incurred, will be allocated to the capacity delivered in PJM (currently 120,100 kilowatts) in the month incurred.

Contract Demand: The contract demand is the amount of capacity in kilowatts stated in the contract which the Government is obligated to supply and the Customer is entitled to receive.

Energy to be Furnished by the Government: The Government will sell to the Customer and the Customer will purchase from the Government energy each billing month equivalent to a percentage specified by contract of the energy made available to the Company (less applicable losses). The Customer's contract demand and accompanying energy will be allocated proportionately to its individual delivery points served from the Company's system. The applicable energy loss factor for transmission is specified in the OATT.

These losses shall be effective until modified by FERC, pursuant to application by the Company or PJM under Section 205 of the Federal Power Act or Southeastern Power Administration under Section 206 of the Federal Power Act or otherwise.

Billing Month: The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Wholesale Power Rate Schedule VA–2–E

Availability: This rate schedule shall be available to public bodies and cooperatives (any one of whom is hereinafter called the Customer) in Virginia and North Carolina to whom power may be transmitted pursuant to contracts between the Government, Virginia Electric and Power Company (hereinafter called the Company), the Company's Transmission Operator, currently PJM Interconnection LLC (hereinafter called PJM), and the Customer. The Customer has chosen to self-schedule and does not receive Government power under an arrangement where the Company schedules the power and provides a credit on the Customer's bill for Government power. The Customer is responsible for providing a scheduling arrangement with the Government. The Government is responsible for arranging transmission with the Company and PJM. Nothing in this rate schedule shall preclude modifications to the aforementioned contracts to allow an eligible customer to elect service under another rate schedule.

Applicability: This rate schedule shall be applicable to the sale at wholesale of power and accompanying energy generated at the John H. Kerr and Philpott Projects and sold under appropriate contracts between the Government and the Customer.

Character of Service: The electric capacity and energy supplied hereunder will be delivered at the delivery points of the Customer on the Company's transmission and distribution system.

Monthly Rate: The initial base monthly rate for capacity, energy, and generation services provided under this rate schedule for the period specified shall be:

Initial Base Capacity Charge: $5.71 per kilowatt of total contract demand per month.

Initial Base Energy Charge: 21.83 mills per kilowatt-hour.

The rates are based on a repayment study that projects that the Kerr-Philpott System will produce the following net revenue available for repayment by fiscal year and cumulative net revenue available for repayment by fiscal year:

Fiscal year	Estimated annual net revenue available for repayment	Cumulative net revenue available for repayment
2025	$360,000	$360,000
2026	630,000	990,000
2027	4,000,000	4,990,000
2028	4,310,000	9,300,000
2029	4,460,000	13,760,000
2030	3,970,000	17,730,000
2031	4,150,000	21,880,000
2032	4,280,000	26,160,000
2033	4,430,000	30,590,000
2034	4,610,000	35,200,000

The rates include a true-up of the capacity and energy rates based on the variance of the actual cumulative net revenue available for repayment from the planned cumulative net revenue available for repayment in the table above. For every $100,000 under-recovery of the planned cumulative net revenue available for repayment, Southeastern will increase the base capacity charge by $0.02 per kilowatt per month, up to a maximum of $0.75 per kilowatt per month, and increase the base energy charge by 0.10 mills per kilowatt-hour, up to a maximum of 3.0 mills per kilowatt per hour, to be implemented April 1 of the next fiscal year. For every $100,000 over-recovery of the planned cumulative net revenue available for repayment, Southeastern will reduce the current base capacity charge by $0.02 per kilowatt per month, up to a maximum of $0.75 per kilowatt per month but not below the initial base capacity charge set in the rate filing, and reduce the current base energy charge by 0.10 mills per kilowatt-hour, up to a maximum of 3.0 mills per kilowatt-hour but not below the initial base energy charge set in the rate filing, to be implemented April 1 of the next fiscal year. Southeastern will give written notice to the customers of the amount of the true-up to the capacity and energy rates by February 1 of the next fiscal year.

Additional rates for transmission and any ancillary services provided under this rate schedule shall be the rates charged Southeastern Power Administration by the Company or PJM. Future adjustments to these rates will become effective upon acceptance for filing by the Federal Energy Regulatory Commission (FERC) of the Company's rate.

Transmission: $7.53 per kilowatt of total contract demand per month estimated as of March 2025, is presented for illustrative purposes.

Ancillary Services: 8.24 mills per kilowatt-hour of energy estimated as of March 2025, is presented for illustrative purposes.

The initial charge for transmission and ancillary services will be the Customer's ratable share of the charges for transmission, distribution, and ancillary services paid by the

Government. The charges for transmission and ancillary services are governed by and subject to refund based upon the determination in proceedings before FERC involving the Company's or PJM's Open Access Transmission Tariff (OATT).

Proceedings before FERC involving the OATT or the distribution charge may result in the separation of charges currently included in the transmission rate. In this event, the Government may charge the Customer for any and all separate transmission, ancillary services, and distribution charges paid by the Government in behalf of the Customer. These charges could be recovered through a capacity charge or an energy charge, as determined by the Government.

Tandem Transmission Charge: $3.33 per kilowatt of total contract demand per month, as an estimated cost as of March 2025.

The tandem transmission charge will recover the cost of transmitting power from a project to the border of another transmitting system. This rate will be a formulary rate based on the cost to the Government for transmission of power from the Philpott project to the border of the Virginia Electric and Power Company System and the cost to the Government for transmission of power from the John H. Kerr Project to the border of the Duke Energy Progress System. These charges could be recovered through a capacity charge or an energy charge, as determined by the Government.

Transmission and Ancillary Services: The charges for transmission and ancillary services shall be governed by and subject to refund based upon the determination in the proceeding involving the Company's or PJM's OATT.

Capacity Performance Non-Performance Charge: Requirements of the PJM capacity performance market may lead to non-performance charges to Southeastern. These non-performance charges, if incurred, will be allocated to the capacity delivered in PJM (currently 120,100 kilowatts) in the month incurred.

Contract Demand: The contract demand is the amount of capacity in kilowatts stated in the contract which the Government is obligated to supply and the Customer is entitled to receive.

Energy to be Furnished by the Government: The Government will sell to the Customer and the Customer will purchase from the Government energy each billing month equivalent to a percentage specified by contract of the energy made available to the Company (less applicable losses). The Customer's contract demand and accompanying energy will be allocated proportionately to its individual delivery points served from the Company's system. The applicable energy loss factor for transmission is specified in the OATT.

These losses shall be effective until modified by FERC, pursuant to application by the Company or PJM under Section 205 of the Federal Power Act or Southeastern Power Administration under Section 206 of the Federal Power Act or otherwise.

Billing Month: The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Wholesale Power Rate Schedule VA–3–E

Availability: This rate schedule shall be available to public bodies and cooperatives (any one of whom is hereinafter called the Customer) in Virginia and North Carolina to whom power may be scheduled pursuant to contracts between the Government, Virginia Electric and Power Company (hereinafter called the Company), the Company's Transmission Operator, currently PJM Interconnection LLC (hereinafter called PJM), and the Customer. The Government is responsible for providing the scheduling. The Customer is responsible for providing a transmission arrangement. Nothing in this rate schedule shall preclude modifications to the aforementioned contracts to allow an eligible customer to elect service under another rate schedule.

Applicability: This rate schedule shall be applicable to the sale at wholesale of power and accompanying energy generated at the John H. Kerr and Philpott Projects (hereinafter called the Projects) and sold under appropriate contracts between the Government and the Customer.

Character of Service: The electric capacity and energy supplied hereunder will be delivered at the Projects.

Monthly Rate: The initial base monthly rate for capacity, energy, and generation services provided under this rate schedule for the period specified shall be:

Initial Base Capacity Charge: $5.71 per kilowatt of total contract demand per month.

Initial Base Energy Charge: 21.83 mills per kilowatt-hour.

The rates are based on a repayment study that projects that the Kerr-Philpott System will produce the following net revenue available for repayment by fiscal year and cumulative net revenue available for repayment by fiscal year:

Fiscal year	Estimated annual net revenue available for repayment	Cumulative net revenue available for repayment
2025	$360,000	$360,000
2026	630,000	990,000
2027	4,000,000	4,990,000
2028	4,310,000	9,300,000
2029	4,460,000	13,760,000
2030	3,970,000	17,730,000
2031	4,150,000	21,880,000
2032	4,280,000	26,160,000
2033	4,430,000	30,590,000
2034	4,610,000	35,200,000

The rates include a true-up of the capacity and energy rates based on the variance of the actual cumulative net revenue available for repayment from the planned cumulative net revenue available for repayment in the table above. For every $100,000 under-recovery of the planned cumulative net revenue available for repayment, Southeastern will increase the base capacity charge by $0.02 per kilowatt per month, up to a maximum of $0.75 per kilowatt per month, and increase the base energy charge by 0.10 mills per kilowatt-hour, up to a maximum of 3.0 mills per kilowatt per hour, to be implemented April 1 of the next fiscal year. For every $100,000 over-recovery of the planned cumulative net revenue available for repayment, Southeastern will reduce the current base capacity charge by $0.02 per kilowatt per month, up to a maximum of $0.75 per kilowatt per month but not below the initial base capacity charge set in the rate filing, and reduce the current base energy charge by 0.10 mills per kilowatt-hour, up to a maximum of 3.0 mills per kilowatt-hour but not below the initial base energy charge set in the rate filing, to be implemented April 1 of the next fiscal year. Southeastern will give written notice to the customers of the amount of the true-up to the capacity and energy rates by February 1 of the next fiscal year.

Additional rates for Transmission and Ancillary Services provided under this rate schedule shall be the rates charged Southeastern Power Administration by the Company or PJM. Future adjustments to these rates will become effective upon acceptance for filing by the Federal Energy Regulatory Commission (FERC) of the Company's rate.

Ancillary Services: 8.24 mills per kilowatt-hour of energy estimated as of March 2025, is presented for illustrative purposes.

The initial charge for transmission and Ancillary Services will be the Customer's ratable share of the charges for transmission, distribution, and ancillary services paid by the Government. The charges for

transmission and ancillary services are governed by and subject to refund based upon the determination in proceedings before FERC involving the Company's or PJM's Open Access Transmission Tariff (OATT).

Proceedings before FERC involving the OATT or the Distribution charge may result in the separation of charges currently included in the transmission rate. In this event, the Government may charge the Customer for any and all separate transmission, ancillary services, and distribution charges paid by the Government in behalf of the Customer. These charges could be recovered through a capacity charge or an energy charge, as determined by the Government.

Tandem Transmission Charge: $3.33 per kilowatt of total contract demand per month, as an estimated cost as of March 2025.

The tandem transmission charge will recover the cost of transmitting power from a project to the border of another transmitting system. This rate will be a formulary rate based on the cost to the Government for transmission of power from the Philpott project to the border of the Virginia Electric and Power Company System and the cost to the Government for transmission of power from the John H. Kerr Project to the border of the Duke Energy Progress System. These charges could be recovered through a capacity charge or an energy charge, as determined by the Government.

Transmission and Ancillary Services: The charges for transmission and ancillary services shall be governed by and subject to refund based upon the determination in the proceeding involving the Company's or PJM's OATT.

Capacity Performance Non-Performance Charge: Requirements of the PJM capacity performance market may lead to non-performance charges to Southeastern. These non-performance charges, if incurred, will be allocated to the capacity delivered in PJM (currently 120,100 kilowatts) in the month incurred.

Contract Demand: The contract demand is the amount of capacity in kilowatts stated in the contract which the Government is obligated to supply and the Customer is entitled to receive.

Energy to be Furnished by the Government: The Government will sell to the Customer and the Customer will purchase from the Government energy each billing month equivalent to a percentage specified by contract of the energy made available to the Company (less applicable losses). The Customer's contract demand and accompanying energy will be allocated proportionately to its individual delivery points served from the Company's system. The applicable energy loss factor for transmission is specified in the OATT.

These losses shall be effective until modified by the Federal Energy Regulatory Commission, pursuant to application by the Company or PJM under Section 205 of the Federal Power Act or Southeastern Power Administration under Section 206 of the Federal Power Act or otherwise.

Billing Month: The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Wholesale Power Rate Schedule VA–4–E

Availability: This rate schedule shall be available to public bodies and cooperatives (any one of whom is hereinafter called the Customer) in Virginia and North Carolina served through the transmission facilities of Virginia Electric and Power Company (hereinafter called the Company) and PJM Interconnection LLC (hereinafter called PJM). The Customer has chosen to self-schedule and does not receive Government power under an arrangement where the Company schedules the power and provides a credit on the Customer's bill for Government power. The Customer is responsible for providing a scheduling arrangement with the Government and for providing a transmission arrangement. Nothing in this rate schedule shall preclude modifications to the aforementioned contracts to allow an eligible customer to elect service under another rate schedule.

Applicability: This rate schedule shall be applicable to the sale at wholesale of power and accompanying energy generated at the John H. Kerr and Philpott Projects (hereinafter called the Projects) and sold under appropriate contracts between the Government and the Customer.

Character of Service: The electric capacity and energy supplied hereunder will be delivered at the Projects.

Monthly Rate: The initial base monthly rate for capacity, energy, and generation services provided under this rate schedule for the period specified shall be:

Initial Base Capacity Charge: $5.71 per kilowatt of total contract demand per month.

Initial Base Energy Charge: 21.83 mills per kilowatt-hour.

The rates are based on a repayment study that projects that the Kerr-Philpott System will produce the following net revenue available for repayment by fiscal year and cumulative net revenue available for repayment by fiscal year:

Fiscal year	Estimated annual net revenue available for repayment	Cumulative net revenue available for repayment
2025	$360,000	$360,000
2026	630,000	990,000
2027	4,000,000	4,990,000
2028	4,310,000	9,300,000
2029	4,460,000	13,760,000
2030	3,970,000	17,730,000
2031	4,150,000	21,880,000
2032	4,280,000	26,160,000
2033	4,430,000	30,590,000
2034	4,610,000	35,200,000

The rates include a true-up of the capacity and energy rates based on the variance of the actual cumulative net revenue available for repayment from the planned cumulative net revenue available for repayment in the table above. For every $100,000 under-recovery of the planned cumulative net revenue available for repayment, Southeastern will increase the base capacity charge by $0.02 per kilowatt per month, up to a maximum of $0.75 per kilowatt per month, and increase the base energy charge by 0.10 mills per kilowatt-hour, up to a maximum of 3.0 mills per kilowatt per hour, to be implemented April 1 of the next fiscal year. For every $100,000 over-recovery of the planned cumulative net revenue available for repayment, Southeastern will reduce the current base capacity charge by $0.02 per kilowatt per month, up to a maximum of $0.75 per kilowatt per month but not below the initial base capacity charge set in the rate filing, and reduce the current base energy charge by 0.10 mills per kilowatt-hour, up to a maximum of 3.0 mills per kilowatt-hour but not below the initial base energy charge set in the rate filing, to be implemented April 1 of the next fiscal year. Southeastern will give written notice to the customers of the amount of the true-up to the capacity and energy rates by February 1 of the next fiscal year.

Additional rates for transmission and ancillary services provided under this rate schedule shall be the rates charged Southeastern Power Administration by the Company or PJM. Future adjustments to these rates will become effective upon acceptance for filing by the Federal Energy Regulatory Commission (FERC) of the Company's rate.

Ancillary Services: 8.24 mills per kilowatt-hour of energy estimated as of March 2025, is presented for illustrative purposes.

The initial charge for transmission and Ancillary Services will be the Customer's ratable share of the charges

for transmission, distribution, and ancillary services paid by the Government. The charges for transmission and ancillary services are governed by and subject to refund based upon the determination in proceedings before FERC involving the Company's or PJM's Open Access Transmission Tariff (OATT).

Proceedings before FERC involving the OATT or the Distribution charge may result in the separation of charges currently included in the transmission rate. In this event, the Government may charge the Customer for any and all separate transmission, ancillary services, and distribution charges paid by the Government in behalf of the Customer. These charges could be recovered through a capacity charge or an energy charge, as determined by the Government.

Tandem Transmission Charge: $3.33 per kilowatt of total contract demand per month, as an estimated cost as of March 2025.

The tandem transmission charge will recover the cost of transmitting power from a project to the border of another transmitting system. This rate will be a formulary rate based on the cost to the Government for transmission of power from the Philpott project to the border of the Virginia Electric and Power Company System and the cost to the Government for transmission of power from the John H. Kerr Project to the border of the Duke Energy Progress System. These charges could be recovered through a capacity charge or an energy charge, as determined by the Government.

Transmission and Ancillary Services: The charges for transmission and ancillary services shall be governed by and subject to refund based upon the determination in the proceeding involving the Company's or PJM's OATT.

Capacity Performance Non-Performance Charge: Requirements of the PJM capacity performance market may lead to non-performance charges to Southeastern. These non-performance charges, if incurred, will be allocated to the capacity delivered in PJM (currently 120,100 kilowatts) in the month incurred.

Contract Demand: The contract demand is the amount of capacity in kilowatts stated in the contract which the Government is obligated to supply and the Customer is entitled to receive.

Energy to be Furnished by the Government: The Government will sell to the Customer and the Customer will purchase from the Government energy each billing month equivalent to a percentage specified by contract of the energy made available to the Company (less applicable losses). The Customer's contract demand and accompanying energy will be allocated proportionately to its individual delivery points served from the Company's system. The applicable energy loss factor for transmission is specified in the OATT.

These losses shall be effective until modified by FERC, pursuant to application by the Company or PJM under Section 205 of the Federal Power Act or Southeastern Power Administration under Section 206 of the Federal Power Act or otherwise.

Billing Month: The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Wholesale Power Rate Schedule DEP–1–E

Availability: This rate schedule shall be available to public bodies and cooperatives (any one of whom is hereinafter called the Customer) in North Carolina and South Carolina to whom power may be transmitted and scheduled pursuant to contracts between the Government and Duke Energy Progress (formerly known as Carolina Power & Light Company and hereinafter called the Company) and the Customer. This rate schedule is applicable to customers receiving power from the Government on an arrangement where the Company schedules the power and provides the Customer a credit on their bill for Government power. Nothing in this rate schedule shall preclude modifications to the aforementioned contracts to allow an eligible customer to elect service under another rate schedule.

Applicability: This rate schedule shall be applicable to the sale at wholesale of power and accompanying energy generated at the John H. Kerr and Philpott Projects and sold under appropriate contracts between the Government and the Customer.

Character of Service: The electric capacity and energy supplied hereunder will be delivered at the delivery points of the Customer on the Company's transmission and distribution system.

Monthly Rate: The initial base monthly rate for capacity, energy, and generation services provided under this rate schedule for the period specified shall be:

Initial Base Capacity Charge: $5.71 per kilowatt of total contract demand per month.

Initial Base Energy Charge: 21.83 mills per kilowatt-hour.

The rates are based on a repayment study that projects that the Kerr-Philpott System will produce the following net revenue available for repayment by fiscal year and cumulative net revenue available for repayment by fiscal year:

Fiscal year	Estimated annual net revenue available for repayment	Cumulative net revenue available for repayment
2025	$360,000	$360,000
2026	630,000	990,000
2027	4,000,000	4,990,000
2028	4,310,000	9,300,000
2029	4,460,000	13,760,000
2030	3,970,000	17,730,000
2031	4,150,000	21,880,000
2032	4,280,000	26,160,000
2033	4,430,000	30,590,000
2034	4,610,000	35,200,000

The rates include a true-up of the capacity and energy rates based on the variance of the actual cumulative net revenue available for repayment from the planned cumulative net revenue available for repayment in the table above. For every $100,000 under-recovery of the planned cumulative net revenue available for repayment, Southeastern will increase the base capacity charge by $0.02 per kilowatt per month, up to a maximum of $0.75 per kilowatt per month, and increase the base energy charge by 0.10 mills per kilowatt-hour, up to a maximum of 3.0 mills per kilowatt per hour, to be implemented April 1 of the next fiscal year. For every $100,000 over-recovery of the planned cumulative net revenue available for repayment, Southeastern will reduce the current base capacity charge by $0.02 per kilowatt per month, up to a maximum of $0.75 per kilowatt per month but not below the initial base capacity charge set in the rate filing, and reduce the current base energy charge by 0.10 mills per kilowatt-hour, up to a maximum of 3.0 mills per kilowatt-hour but not below the initial base energy charge set in the rate filing, to be implemented April 1 of the next fiscal year. Southeastern will give written notice to the customers of the amount of the true-up to the capacity and energy rates by February 1 of the next fiscal year.

Additional rates for transmission and ancillary services provided under this rate schedule shall be the rates charged Southeastern Power Administration by the Company. Future adjustments to these rates will become effective upon acceptance for filing by the Federal Energy Regulatory Commission (FERC) of the Company's rate.

Transmission: $2.3955 per kilowatt of total contract demand per month as of March 2025, is presented for illustrative purposes.

The initial transmission charge will be the Customer's ratable share of the transmission and distribution charges

paid by the Government. The rate is subject to periodic adjustment and will be computed in accordance with the terms of the Government-Company contract.

Proceedings before FERC involving the Company's Open Access Transmission Tariff (OATT) or the distribution charge may result in the separation of charges currently included in the transmission rate. In this event, the Government may charge the Customer for any and all separate transmission and distribution charges paid by the Government in behalf of the Customer. These charges could be recovered through a capacity charge or an energy charge, as determined by the Government.

Tandem Transmission Charge: $3.33 per kilowatt of total contract demand per month, as an estimated cost as of March 2025.

The tandem transmission charge will recover the cost of transmitting power from a project to the border of another transmitting system. This rate will be a formulary rate based on the cost to the Government for transmission of power from the Philpott project to the border of the Virginia Electric and Power Company System and the cost to the Government for transmission of power from the John H. Kerr Project to the border of the Duke Energy Progress System. These charges could be recovered through a capacity charge or an energy charge, as determined by the Government.

Transmission and Ancillary Services: The charges for transmission and ancillary services shall be governed by and subject to refund based upon the determination in the proceeding involving the Company's or PJM's OATT.

Contract Demand: The contract demand is the amount of capacity in kilowatts stated in the contract which the Government is obligated to supply and the Customer is entitled to receive.

Energy to be Furnished by the Government: The Government will sell to the Customer and the Customer will purchase from the Government energy each billing month equivalent to a percentage specified by contract of the energy made available to the Company (less applicable losses). The Customer's contract demand and accompanying energy will be allocated proportionately to its individual delivery points served from the Company's system. The applicable energy loss factor for transmission, in accordance with the Government-Company contract, is six (6) per cent. This loss factor will be governed by the terms of the Government-Company contract.

Billing Month: The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Wholesale Power Rate Schedule DEP–2–E

Availability: This rate schedule shall be available to public bodies and cooperatives (any one of whom is hereinafter called the Customer) in North Carolina and South Carolina to whom power may be transmitted pursuant to contracts between the Government and Duke Energy Progress (formerly known as Carolina Power & Light Company and hereinafter called the Company) and the Customer. The Customer has chosen to self-schedule and does not receive Government power under an arrangement where the Company schedules the power and provides a credit on the Customer's bill for Government power. The Customer is responsible for providing a scheduling arrangement with the Government. The Government is responsible for arranging transmission with the Company. Nothing in this rate schedule shall preclude modifications to the aforementioned contracts to allow an eligible customer to elect service under another rate schedule.

Applicability: This rate schedule shall be applicable to the sale at wholesale of power and accompanying energy generated at the John H. Kerr and Philpott Projects and sold under appropriate contracts between the Government and the Customer.

Character of Service: The electric capacity and energy supplied hereunder will be delivered at the delivery points of the Customer on the Company's transmission and distribution system.

Monthly Rate: The initial base monthly rate for capacity, energy, and generation services provided under this rate schedule for the period specified shall be:

Initial Base Capacity Charge: $5.71 per kilowatt of total contract demand per month.

Initial Base Energy Charge: 21.83 mills per kilowatt-hour.

The rates are based on a repayment study that projects that the Kerr-Philpott System will produce the following net revenue available for repayment by fiscal year and cumulative net revenue available for repayment by fiscal year:

Fiscal year	Estimated annual net revenue available for repayment	Cumulative net revenue available for repayment
2025	$360,000	$360,000
2026	630,000	990,000
2027	4,000,000	4,990,000
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2029	4,460,000	13,760,000
2030	3,970,000	17,730,000
2031	4,150,000	21,880,000
2032	4,280,000	26,160,000
2033	4,430,000	30,590,000
2034	4,610,000	35,200,000

The rates include a true-up of the capacity and energy rates based on the variance of the actual cumulative net revenue available for repayment from the planned cumulative net revenue available for repayment in the table above. For every $100,000 under-recovery of the planned cumulative net revenue available for repayment, Southeastern will increase the base capacity charge by $0.02 per kilowatt per month, up to a maximum of $0.75 per kilowatt per month, and increase the base energy charge by 0.10 mills per kilowatt-hour, up to a maximum of 3.0 mills per kilowatt per hour, to be implemented April 1 of the next fiscal year. For every $100,000 over-recovery of the planned cumulative net revenue available for repayment, Southeastern will reduce the current base capacity charge by $0.02 per kilowatt per month, up to a maximum of $0.75 per kilowatt per month but not below the initial base capacity charge set in the rate filing, and reduce the current base energy charge by 0.10 mills per kilowatt-hour, up to a maximum of 3.0 mills per kilowatt-hour but not below the initial base energy charge set in the rate filing, to be implemented April 1 of the next fiscal year. Southeastern will give written notice to the customers of the amount of the true-up to the capacity and energy rates by February 1 of the next fiscal year.

Additional rates for transmission and ancillary services provided under this rate schedule shall be the rates charged Southeastern Power Administration by the company. Future adjustments to these rates will become effective upon acceptance for filing by the Federal Energy Regulatory Commission (FERC) of the Company's rate.

Transmission: $2.3955 per kilowatt of total contract demand per month as of March 2025, is presented for illustrative purposes.

The initial transmission charge will be the Customer's ratable share of the transmission and distribution charges paid by the Government. The rate is subject to periodic adjustment and will be computed in accordance with the terms of the Government-Company contract.

Proceedings before FERC involving the Company's Open Access

Transmission Tariff (OATT) or the distribution charge may result in the separation of charges currently included in the transmission rate. In this event, the Government may charge the Customer for any and all separate transmission and distribution charges paid by the Government in behalf of the Customer. These charges could be recovered through a capacity charge or an energy charge, as determined by the Government.

Tandem Transmission Charge: $3.33 per kilowatt of total contract demand per month, as an estimated cost as of March 2025.

The tandem transmission charge will recover the cost of transmitting power from a project to the border of another transmitting system. This rate will be a formulary rate based on the cost to the Government for transmission of power from the Philpott project to the border of the Virginia Electric and Power Company System and the cost to the Government for transmission of power from the John H. Kerr Project to the border of the Duke Energy Progress System. These charges could be recovered through a capacity charge or an energy charge, as determined by the Government.

Transmission and Ancillary Services: The charges for transmission and ancillary services shall be governed by and subject to refund based upon the determination in the proceeding involving the Company's or PJM's OATT.

Contract Demand: The contract demand is the amount of capacity in kilowatts stated in the contract which the Government is obligated to supply and the Customer is entitled to receive.

Energy to be Furnished by the Government: The Government will sell to the Customer and the Customer will purchase from the Government energy each billing month equivalent to a percentage specified by contract of the energy made available to the Company (less applicable losses). The Customer's contract demand and accompanying energy will be allocated proportionately to its individual delivery points served from the Company's system. The applicable energy loss factor for transmission, in accordance with the Government-Company contract, is six (6) per cent. This loss factor will be governed by the terms of the Government-Company contract.

Billing Month: The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Wholesale Power Rate Schedule DEP–3–E

Availability: This rate schedule shall be available to public bodies and cooperatives (any one of whom is hereinafter called the Customer) in North Carolina and South Carolina to whom power may be scheduled pursuant to contracts between the Government and Duke Energy Progress (formerly known as Carolina Power & Light Company and hereinafter called the Company) and the Customer. The Government is responsible for providing the scheduling. The Customer is responsible for providing a transmission arrangement. Nothing in this rate schedule shall preclude modifications to the aforementioned contracts to allow an eligible customer to elect service under another rate schedule.

Applicability: This rate schedule shall be applicable to the sale at wholesale of power and accompanying energy generated at the John H. Kerr and Philpott Projects (hereinafter called the Projects) and sold under appropriate contracts between the Government and the Customer.

Character of Service: The electric capacity and energy supplied hereunder will be delivered at the Projects.

Monthly Rate: The initial base monthly rate for capacity, energy, and generation services provided under this rate schedule for the period specified shall be:

Initial Base Capacity Charge: $5.71 per kilowatt of total contract demand per month.

Initial Base Energy Charge: 21.83 mills per kilowatt-hour.

The rates are based on a repayment study that projects that the Kerr-Philpott System will produce the following net revenue available for repayment by fiscal year and cumulative net revenue available for repayment by fiscal year:

Fiscal year	Estimated annual net revenue available for repayment	Cumulative net revenue available for repayment
2025	$360,000	$360,000
2026	630,000	990,000
2027	4,000,000	4,990,000
2028	4,310,000	9,300,000
2029	4,460,000	13,760,000
2030	3,970,000	17,730,000
2031	4,150,000	21,880,000
2032	4,280,000	26,160,000
2033	4,430,000	30,590,000
2034	4,610,000	35,200,000

The rates include a true-up of the capacity and energy rates based on the variance of the actual cumulative net revenue available for repayment from the planned cumulative net revenue available for repayment in the table above. For every $100,000 under-recovery of the planned cumulative net revenue available for repayment, Southeastern will increase the base capacity charge by $0.02 per kilowatt per month, up to a maximum of $0.75 per kilowatt per month, and increase the base energy charge by 0.10 mills per kilowatt-hour, up to a maximum of 3.0 mills per kilowatt per hour, to be implemented April 1 of the next fiscal year. For every $100,000 over-recovery of the planned cumulative net revenue available for repayment, Southeastern will reduce the current base capacity charge by $0.02 per kilowatt per month, up to a maximum of $0.75 per kilowatt per month but not below the initial base capacity charge set in the rate filing, and reduce the current base energy charge by 0.10 mills per kilowatt-hour, up to a maximum of 3.0 mills per kilowatt-hour but not below the initial base energy charge set in the rate filing, to be implemented April 1 of the next fiscal year. Southeastern will give written notice to the customers of the amount of the true-up to the capacity and energy rates by February 1 of the next fiscal year.

Additional rates for transmission and ancillary services provided under this rate schedule shall be the rates charged Southeastern Power Administration by the Company. Future adjustments to these rates will become effective upon acceptance for filing by the Federal Energy Regulatory Commission (FERC) of the Company's rate.

Proceedings before FERC involving the Company's Open Access Transmission Tariff (OATT) or the distribution charge may result in the separation of charges currently included in the transmission rate. In this event, the Government may charge the Customer for any and all separate transmission and distribution charges paid by the Government on behalf of the Customer.

Tandem Transmission Charge: $3.33 per kilowatt of total contract demand per month, as an estimated cost as of March 2025.

The tandem transmission charge will recover the cost of transmitting power from a project to the border of another transmitting system. This rate will be a formulary rate based on the cost to the Government for transmission of power from the Philpott project to the border of the Virginia Electric and Power Company System and the cost to the Government for transmission of power from the John H. Kerr Project to the border of the Duke Energy Progress System. These charges could be recovered through a capacity charge or an energy charge, as determined by the Government.

Transmission and Ancillary Services: The charges for transmission and ancillary services shall be governed by and subject to refund based upon the determination in the proceeding involving the Company's or PJM's OATT.

Contract Demand: The contract demand is the amount of capacity in kilowatts stated in the contract which the Government is obligated to supply and the Customer is entitled to receive.

Energy to be Furnished by the Government: The Government will sell to the Customer and the Customer will purchase from the Government energy each billing month equivalent to a percentage specified by contract of the energy made available to the Company (less applicable losses). The Customer's contract demand and accompanying energy will be allocated proportionately to its individual delivery points served from the Company's system. The applicable energy loss factor for transmission, in accordance with the Government-Company contract, is six (6) per cent. This loss factor will be governed by the terms of the Government-Company contract.

Billing Month: The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Wholesale Power Rate Schedule DEP–4–E

Availability: This rate schedule shall be available to public bodies and cooperatives (any one of whom is hereinafter called the Customer) in North Carolina and South Carolina served through the transmission facilities of Duke Energy Progress (formerly known as Carolina Power & Light Company and hereinafter called the Company). The Customer has chosen to self-schedule and does not receive Government power under an arrangement where the Company schedules the power and provides a credit on the Customer's bill for Government power. The Customer is responsible for providing a scheduling arrangement with the Government and for providing a transmission arrangement. Nothing in this rate schedule shall preclude modifications to the aforementioned contracts to allow an eligible customer to elect service under another rate schedule.

Applicability: This rate schedule shall be applicable to the sale at wholesale of power and accompanying energy generated at the John H. Kerr and Philpott Projects (hereinafter called the Projects) and sold under appropriate contracts between the Government and the Customer.

Character of Service: The electric capacity and energy supplied hereunder will be delivered at the Projects.

Monthly Rate: The initial base monthly rate for capacity, energy, and generation services provided under this rate schedule for the period specified shall be:

Initial Base Capacity Charge: $5.71 per kilowatt of total contract demand per month.

Initial Base Energy Charge: 21.83 mills per kilowatt-hour.

The rates are based on a repayment study that projects that the Kerr-Philpott System will produce the following net revenue available for repayment by fiscal year and cumulative net revenue available for repayment by fiscal year:

Fiscal year	Estimated annual net revenue available for repayment	Cumulative net revenue available for repayment
2025	$360,000	$360,000
2026	630,000	990,000
2027	4,000,000	4,990,000
2028	4,310,000	9,300,000
2029	4,460,000	13,760,000
2030	3,970,000	17,730,000
2031	4,150,000	21,880,000
2032	4,280,000	26,160,000
2033	4,430,000	30,590,000
2034	4,610,000	35,200,000

The rates include a true-up of the capacity and energy rates based on the variance of the actual cumulative net revenue available for repayment from the planned cumulative net revenue available for repayment in the table above. For every $100,000 under-recovery of the planned cumulative net revenue available for repayment, Southeastern will increase the base capacity charge by $0.02 per kilowatt per month, up to a maximum of $0.75 per kilowatt per month, and increase the base energy charge by 0.10 mills per kilowatt-hour, up to a maximum of 3.0 mills per kilowatt per hour, to be implemented April 1 of the next fiscal year. For every $100,000 over-recovery of the planned cumulative net revenue available for repayment, Southeastern will reduce the current base capacity charge by $0.02 per kilowatt per month, up to a maximum of $0.75 per kilowatt per month but not below the initial base capacity charge set in the rate filing, and reduce the current base energy charge by 0.10 mills per kilowatt-hour, up to a maximum of 3.0 mills per kilowatt-hour but not below the initial base energy charge set in the rate filing, to be implemented April 1 of the next fiscal year. Southeastern will give written notice to the customers of the amount of the true-up to the capacity and energy rates by February 1 of the next fiscal year.

Additional rates for transmission and ancillary services provided under this rate schedule shall be the rates charged Southeastern Power Administration by the Company. Future adjustments to these rates will become effective upon acceptance for filing by the Federal Energy Regulatory Commission (FERC) of the Company's rate.

$3.33 per kilowatt of total contract demand per month, as an estimated cost as of March 2025.

The tandem transmission charge will recover the cost of transmitting power from a project to the border of another transmitting system. This rate will be a formulary rate based on the cost to the Government for transmission of power from the Philpott project to the border of the Virginia Electric and Power Company System and the cost to the Government for transmission of power from the John H. Kerr Project to the border of the Duke Energy Progress System. These charges could be recovered through a capacity charge or an energy charge, as determined by the Government.

Transmission and Ancillary Services: The charges for transmission and ancillary services shall be governed by and subject to refund based upon the determination in the proceeding involving the Company's or PJM's OATT.

Contract Demand: The contract demand is the amount of capacity in kilowatts stated in the contract which the Government is obligated to supply and the Customer is entitled to receive.

Energy to be Furnished by the Government: The Government will sell to the Customer and the Customer will purchase from the Government energy each billing month equivalent to a percentage specified by contract of the energy made available to the Company (less applicable losses). The Customer's contract demand and accompanying energy will be allocated proportionately to its individual delivery points served from the Company's system. The applicable energy loss factor for transmission, in accordance with the Government-Company contract, is six (6) per cent. This loss factor will be governed by the terms of the Government-Company contract.

Billing Month: The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Wholesale Power Rate Schedule AP–1–E

Availability: This rate schedule shall be available to public bodies and cooperatives (any one of whom is hereinafter called the Customer) in

Virginia to whom power may be transmitted and scheduled pursuant to contracts between the Government, American Electric Power Service Corporation (hereinafter called the Company), the Company's Transmission Operator, currently PJM Interconnection LLC (hereinafter called PJM), and the Customer. This rate schedule is applicable to customers receiving power from the Government on an arrangement where the Company schedules the power and provides the Customer a credit on their bill for Government power. Nothing in this rate schedule shall preclude modifications to the aforementioned contracts to allow an eligible customer to elect service under another rate schedule.

Applicability: This rate schedule shall be applicable to the sale at wholesale of power and accompanying energy generated at the John H. Kerr and Philpott Projects and sold under appropriate contracts between the Government and the Customer.

Character of Service: The electric capacity and energy supplied hereunder will be delivered at the delivery points of the Customer on the Company's transmission and distribution system.

Monthly Rate: The initial base monthly rate for capacity, energy, and generation services provided under this rate schedule for the period specified shall be:

Initial Base Capacity Charge: $5.71 per kilowatt of total contract demand per month.

Initial Base Energy Charge: 21.83 mills per kilowatt-hour.

The rates are based on a repayment study that projects that the Kerr-Philpott System will produce the following net revenue available for repayment by fiscal year and cumulative net revenue available for repayment by fiscal year:

Fiscal year	Estimated annual net revenue available for repayment	Cumulative net revenue available for repayment
2025	$360,000	$360,000
2026	630,000	990,000
2027	4,000,000	4,990,000
2028	4,310,000	9,300,000
2029	4,460,000	13,760,000
2030	3,970,000	17,730,000
2031	4,150,000	21,880,000
2032	4,280,000	26,160,000
2033	4,430,000	30,590,000
2034	4,610,000	35,200,000

The rates include a true-up of the capacity and energy rates based on the variance of the actual cumulative net revenue available for repayment from the planned cumulative net revenue available for repayment in the table above. For every $100,000 under-recovery of the planned cumulative net revenue available for repayment, Southeastern will increase the base capacity charge by $0.02 per kilowatt per month, up to a maximum of $0.75 per kilowatt per month, and increase the base energy charge by 0.10 mills per kilowatt-hour, up to a maximum of 3.0 mills per kilowatt per hour, to be implemented April 1 of the next fiscal year. For every $100,000 over-recovery of the planned cumulative net revenue available for repayment, Southeastern will reduce the current base capacity charge by $0.02 per kilowatt per month, up to a maximum of $0.75 per kilowatt per month but not below the initial base capacity charge set in the rate filing, and reduce the current base energy charge by 0.10 mills per kilowatt-hour, up to a maximum of 3.0 mills per kilowatt-hour but not below the initial base energy charge set in the rate filing, to be implemented April 1 of the next fiscal year. Southeastern will give written notice to the customers of the amount of the true-up to the capacity and energy rates by February 1 of the next fiscal year.

Additional rates for transmission and ancillary services provided under this rate schedule shall be the rates charged Southeastern Power Administration by the Company. Future adjustments to these rates will become effective upon acceptance for filing by the Federal Energy Regulatory Commission (FERC) of the Company's rate.

Transmission: $7.53 per kilowatt of total contract demand per month estimated as of March 2025, is presented for illustrative purposes.

Ancillary Services: 8.24 mills per kilowatt-hour of energy estimated as of March 2025, is presented for illustrative purposes.

The initial charge for transmission and Ancillary Services will be the Customer's ratable share of the charges for transmission, distribution, and ancillary services paid by the Government. The charges for transmission and ancillary services are governed by and subject to refund based upon the determination in proceedings before FERC involving the Company's or PJM's Open Access Transmission Tariff (OATT).

Proceedings before FERC involving the OATT or the Distribution charge may result in the separation of charges currently included in the transmission rate. In this event, the Government may charge the Customer for any and all separate transmission, ancillary services, and distribution charges paid by the Government in behalf of the Customer. These charges could be recovered through a capacity charge or an energy charge, as determined by the Government.

Tandem Transmission Charge: $3.33 per kilowatt of total contract demand per month, as an estimated cost as of March 2025.

The tandem transmission charge will recover the cost of transmitting power from a project to the border of another transmitting system. This rate will be a formulary rate based on the cost to the Government for transmission of power from the Philpott project to the border of the Virginia Electric and Power Company System and the cost to the Government for transmission of power from the John H. Kerr Project to the border of the Duke Energy Progress System. These charges could be recovered through a capacity charge or an energy charge, as determined by the Government.

Transmission and Ancillary Services: The charges for transmission and ancillary services shall be governed by and subject to refund based upon the determination in the proceeding involving the Company's or PJM's OATT.

Capacity Performance Non-Performance Charge: Requirements of the PJM capacity performance market may lead to non-performance charges to Southeastern. These non-performance charges, if incurred, will be allocated to the capacity delivered in PJM (currently 120,100 kilowatts) in the month incurred.

Contract Demand: The contract demand is the amount of capacity in kilowatts stated in the contract which the Government is obligated to supply and the Customer is entitled to receive.

Energy to be Furnished by the Government: The Government will sell to the Customer and the Customer will purchase from the Government energy each billing month equivalent to a percentage specified by contract of the energy made available to the Company (less applicable losses). The Customer's contract demand and accompanying energy will be allocated proportionately to its individual delivery points served from the Company's system. The applicable energy loss factor for transmission is specified in the OATT.

These losses shall be effective until modified by the Federal Energy Regulatory Commission, pursuant to application by the Company or PJM under Section 205 of the Federal Power Act or Southeastern Power Administration under Section 206 of the Federal Power Act or otherwise.

Billing Month: The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Wholesale Power Rate Schedule AP–2–E

Availability: This rate schedule shall be available to public bodies and cooperatives (any one of whom is hereinafter called the Customer) in Virginia to whom power may be transmitted pursuant to contracts between the Government, American Electric Power Service Corporation (hereinafter called the Company), the Company's Transmission Operator, currently PJM Interconnection LLC (hereinafter called PJM), and the Customer. The Customer has chosen to self-schedule and does not receive Government power under an arrangement where the Company schedules the power and provides a credit on the Customer's bill for Government power. The Customer is responsible for providing a scheduling arrangement with the Government. The Government is responsible for arranging transmission with the Company. Nothing in this rate schedule shall preclude modifications to the aforementioned contracts to allow an eligible customer to elect service under another rate schedule.

Applicability: This rate schedule shall be applicable to the sale at wholesale of power and accompanying energy generated at the John H. Kerr and Philpott Projects and sold under appropriate contracts between the Government and the Customer.

Character of Service: The electric capacity and energy supplied hereunder will be delivered at the delivery points of the Customer on the Company's transmission and distribution system.

Monthly Rate: The initial base monthly rate for capacity, energy, and generation services provided under this rate schedule for the period specified shall be:

Initial Base Capacity Charge: $5.71 per kilowatt of total contract demand per month.

Initial Base Energy Charge: 21.83 mills per kilowatt-hour.

The rates are based on a repayment study that projects that the Kerr-Philpott System will produce the following net revenue available for repayment by fiscal year and cumulative net revenue available for repayment by fiscal year:

Fiscal year	Estimated annual net revenue available for repayment	Cumulative net revenue available for repayment
2025	$360,000	$360,000
2026	630,000	990,000
2027	4,000,000	4,990,000
2028	4,310,000	9,300,000
2029	4,460,000	13,760,000
2030	3,970,000	17,730,000
2031	4,150,000	21,880,000
2032	4,280,000	26,160,000
2033	4,430,000	30,590,000
2034	4,610,000	35,200,000

The rates include a true-up of the capacity and energy rates based on the variance of the actual cumulative net revenue available for repayment from the planned cumulative net revenue available for repayment in the table above. For every $100,000 under-recovery of the planned cumulative net revenue available for repayment, Southeastern will increase the base capacity charge by $0.02 per kilowatt per month, up to a maximum of $0.75 per kilowatt per month, and increase the base energy charge by 0.10 mills per kilowatt-hour, up to a maximum of 3.0 mills per kilowatt per hour, to be implemented April 1 of the next fiscal year. For every $100,000 over-recovery of the planned cumulative net revenue available for repayment, Southeastern will reduce the current base capacity charge by $0.02 per kilowatt per month, up to a maximum of $0.75 per kilowatt per month but not below the initial base capacity charge set in the rate filing, and reduce the current base energy charge by 0.10 mills per kilowatt-hour, up to a maximum of 3.0 mills per kilowatt-hour but not below the initial base energy charge set in the rate filing, to be implemented April 1 of the next fiscal year. Southeastern will give written notice to the customers of the amount of the true-up to the capacity and energy rates by February 1 of the next fiscal year.

Additional rates for transmission and ancillary services provided under this rate schedule shall be the rates charged Southeastern Power Administration by the Company. Future adjustments to these rates will become effective upon acceptance for filing by the Federal Energy Regulatory Commission (FERC) of the Company's rate.

Transmission: $7.53 per kilowatt of total contract demand per month estimated as of March 2025, is presented for illustrative purposes.

Ancillary Services: 8.24 mills per kilowatt-hour of energy estimated as of March 2025, is presented for illustrative purposes.

The initial charge for transmission and Ancillary Services will be the Customer's ratable share of the charges for transmission, distribution, and ancillary services paid by the Government. The charges for transmission and ancillary services are governed by and subject to refund based upon the determination in proceedings before FERC involving the Company's or PJM's Open Access Transmission Tariff (OATT).

Proceedings before FERC involving the OATT or the Distribution charge may result in the separation of charges currently included in the transmission rate. In this event, the Government may charge the Customer for any and all separate transmission, ancillary services, and distribution charges paid by the Government in behalf of the Customer. These charges could be recovered through a capacity charge or an energy charge, as determined by the Government.

Tandem Transmission Charge: $3.33 per kilowatt of total contract demand per month, as an estimated cost as of March 2025.

The tandem transmission charge will recover the cost of transmitting power from a project to the border of another transmitting system. This rate will be a formulary rate based on the cost to the Government for transmission of power from the Philpott project to the border of the Virginia Electric and Power Company System and the cost to the Government for transmission of power from the John H. Kerr Project to the border of the Duke Energy Progress System. These charges could be recovered through a capacity charge or an energy charge, as determined by the Government.

Transmission and Ancillary Services: The charges for transmission and ancillary services shall be governed by and subject to refund based upon the determination in the proceeding involving the Company's or PJM's OATT.

Capacity Performance Non-Performance Charge: Requirements of the PJM capacity performance market may lead to non-performance charges to Southeastern. These non-performance charges, if incurred, will be allocated to the capacity delivered in PJM (currently 120,100 kilowatts) in the month incurred.

Contract Demand: The contract demand is the amount of capacity in kilowatts stated in the contract which the Government is obligated to supply and the Customer is entitled to receive.

Energy to be Furnished by the Government: The Government will sell to the Customer and the Customer will purchase from the Government energy each billing month equivalent to a percentage specified by contract of the energy made available to the Company (less applicable losses). The Customer's contract demand and accompanying energy will be allocated proportionately to its individual delivery points served

from the Company's system. The applicable energy loss factor for transmission is specified in the OATT.

These losses shall be effective until modified by the Federal Energy Regulatory Commission, pursuant to application by American Electric Power Service Corporation under Section 205 of the Federal Power Act or Southeastern Power Administration under Section 206 of the Federal Power Act or otherwise.

Billing Month: The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Wholesale Power Rate Schedule AP–3–E

Availability: This rate schedule shall be available to public bodies and cooperatives (any one of whom is hereinafter called the Customer) in Virginia to whom power may be scheduled pursuant to contracts between the Government, American Electric Power Service Corporation (hereinafter called the Company), PJM Interconnection LLC (hereinafter called PJM), and the Customer. The Government is responsible for providing the scheduling. The Customer is responsible for providing a transmission arrangement. Nothing in this rate schedule shall preclude modifications to the aforementioned contracts to allow an eligible customer to elect service under another rate schedule.

Applicability: This rate schedule shall be applicable to the sale at wholesale of power and accompanying energy generated at the John H. Kerr and Philpott Projects (hereinafter called the Projects) and sold under appropriate contracts between the Government and the Customer.

Character of Service: The electric capacity and energy supplied hereunder will be delivered at the Projects.

Monthly Rate: The initial base monthly rate for capacity, energy, and generation services provided under this rate schedule for the period specified shall be:

Initial Base Capacity Charge: $5.71 per kilowatt of total contract demand per month.

Initial Base Energy Charge: 21.83 mills per kilowatt-hour.

The rates are based on a repayment study that projects that the Kerr-Philpott System will produce the following net revenue available for repayment by fiscal year and cumulative net revenue available for repayment by fiscal year:

Fiscal year	Estimated annual net revenue available for repayment	Cumulative net revenue available for repayment
2025	$360,000	$360,000
2026	630,000	990,000
2027	4,000,000	4,990,000
2028	4,310,000	9,300,000
2029	4,460,000	13,760,000
2030	3,970,000	17,730,000
2031	4,150,000	21,880,000
2032	4,280,000	26,160,000
2033	4,430,000	30,590,000
2034	4,610,000	35,200,000

The rates include a true-up of the capacity and energy rates based on the variance of the actual cumulative net revenue available for repayment from the planned cumulative net revenue available for repayment in the table above. For every $100,000 under-recovery of the planned cumulative net revenue available for repayment, Southeastern will increase the base capacity charge by $0.02 per kilowatt per month, up to a maximum of $0.75 per kilowatt per month, and increase the base energy charge by 0.10 mills per kilowatt-hour, up to a maximum of 3.0 mills per kilowatt per hour, to be implemented April 1 of the next fiscal year. For every $100,000 over-recovery of the planned cumulative net revenue available for repayment, Southeastern will reduce the current base capacity charge by $0.02 per kilowatt per month, up to a maximum of $0.75 per kilowatt per month but not below the initial base capacity charge set in the rate filing, and reduce the current base energy charge by 0.10 mills per kilowatt-hour, up to a maximum of 3.0 mills per kilowatt-hour but not below the initial base energy charge set in the rate filing, to be implemented April 1 of the next fiscal year. Southeastern will give written notice to the customers of the amount of the true-up to the capacity and energy rates by February 1 of the next fiscal year.

Additional rates for transmission and ancillary services provided under this rate schedule shall be the rates charged Southeastern Power Administration by the Company. Future adjustments to these rates will become effective upon acceptance for filing by the Federal Energy Regulatory Commission (FERC) of the Company's rate.

Ancillary Services: 8.24 mills per kilowatt-hour of energy estimated as of March 2025, is presented for illustrative purposes.

The initial charge for transmission and Ancillary Services will be the Customer's ratable share of the charges for transmission, distribution, and ancillary services paid by the Government. The charges for transmission and ancillary services are governed by and subject to refund based upon the determination in proceedings before FERC involving the Company's or PJM's Open Access Transmission Tariff (OATT).

Proceedings before FERC involving the OATT or the Distribution charge may result in the separation of charges currently included in the transmission rate. In this event, the Government may charge the Customer for any and all separate transmission, ancillary services, and distribution charges paid by the Government in behalf of the Customer. These charges could be recovered through a capacity charge or an energy charge, as determined by the Government.

Tandem Transmission Charge: $3.33 per kilowatt of total contract demand per month, as an estimated cost as of March 2025.

The tandem transmission charge will recover the cost of transmitting power from a project to the border of another transmitting system. This rate will be a formulary rate based on the cost to the Government for transmission of power from the Philpott project to the border of the Virginia Electric and Power Company System and the cost to the Government for transmission of power from the John H. Kerr Project to the border of the Duke Energy Progress System. These charges could be recovered through a capacity charge or an energy charge, as determined by the Government.

Transmission and Ancillary Services: The charges for transmission and ancillary services shall be governed by and subject to refund based upon the determination in the proceeding involving the Company's or PJM's OATT.

Capacity Performance Non-Performance Charge: Requirements of the PJM capacity performance market may lead to non-performance charges to Southeastern. These non-performance charges, if incurred, will be allocated to the capacity delivered in PJM (currently 120,100 kilowatts) in the month incurred.

Contract Demand: The contract demand is the amount of capacity in kilowatts stated in the contract which the Government is obligated to supply and the Customer is entitled to receive.

Energy to be Furnished by the Government: The Government will sell to the Customer and the Customer will purchase from the Government energy each billing month equivalent to a percentage specified by contract of the energy made available to the Company (less applicable losses). The Customer's contract demand and accompanying energy will be allocated proportionately

to its individual delivery points served from the Company's system. The applicable energy loss factor for transmission is specified in the OATT.

These losses shall be effective until modified by FERC, pursuant to application by the Company or PJM under Section 205 of the Federal Power Act or Southeastern Power Administration under Section 206 of the Federal Power Act or otherwise.

Billing Month: The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Wholesale Power Rate Schedule AP–4–E

Availability: This rate schedule shall be available to public bodies and cooperatives (any one of whom is hereinafter called the Customer) in Virginia served through the facilities of American Electric Power Service Corporation (hereinafter called the Company) and PJM Interconnection LLC (hereinafter called PJM). The Customer has chosen to self-schedule and does not receive Government power under an arrangement where the Company schedules the power and provides a credit on the Customer's bill for Government power. The Customer is responsible for providing a scheduling arrangement with the Government and for providing a transmission arrangement. Nothing in this rate schedule shall preclude modifications to the aforementioned contracts to allow an eligible customer to elect service under another rate schedule.

Applicability: This rate schedule shall be applicable to the sale at wholesale of power and accompanying energy generated at the John H. Kerr and Philpott Projects (hereinafter called the Projects) and sold under appropriate contracts between the Government and the Customer.

Character of Service: The electric capacity and energy supplied hereunder will be delivered at the Projects.

Monthly Rate: The initial base monthly rate for capacity, energy, and generation services provided under this rate schedule for the period specified shall be:

Initial Base Capacity Charge: $5.71 per kilowatt of total contract demand per month.

Initial Base Energy Charge: 21.83 mills per kilowatt-hour.

The rates are based on a repayment study that projects that the Kerr-Philpott System will produce the following net revenue available for repayment by fiscal year and cumulative net revenue available for repayment by fiscal year:

Fiscal year	Estimated annual net revenue available for repayment	Cumulative net revenue available for repayment
2025	$360,000	$360,000
2026	630,000	990,000
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2029	4,460,000	13,760,000
2030	3,970,000	17,730,000
2031	4,150,000	21,880,000
2032	4,280,000	26,160,000
2033	4,430,000	30,590,000
2034	4,610,000	35,200,000

The rates include a true-up of the capacity and energy rates based on the variance of the actual cumulative net revenue available for repayment from the planned cumulative net revenue available for repayment in the table above. For every $100,000 under-recovery of the planned cumulative net revenue available for repayment, Southeastern will increase the base capacity charge by $0.02 per kilowatt per month, up to a maximum of $0.75 per kilowatt per month, and increase the base energy charge by 0.10 mills per kilowatt-hour, up to a maximum of 3.0 mills per kilowatt per hour, to be implemented April 1 of the next fiscal year. For every $100,000 over-recovery of the planned cumulative net revenue available for repayment, Southeastern will reduce the current base capacity charge by $0.02 per kilowatt per month, up to a maximum of $0.75 per kilowatt per month but not below the initial base capacity charge set in the rate filing, and reduce the current base energy charge by 0.10 mills per kilowatt-hour, up to a maximum of 3.0 mills per kilowatt-hour but not below the initial base energy charge set in the rate filing, to be implemented April 1 of the next fiscal year. Southeastern will give written notice to the customers of the amount of the true-up to the capacity and energy rates by February 1 of the next fiscal year.

Additional rates for Transmission and Ancillary Services provided under this rate schedule shall be the rates charged Southeastern Power Administration by the Company. Future adjustments to these rates will become effective upon acceptance for filing by the Federal Energy Regulatory Commission (FERC) of the Company's rate.

Ancillary Services: 8.24 mills per kilowatt-hour of energy estimated as of March 2025, is presented for illustrative purposes.

The initial charge for transmission and Ancillary Services will be the Customer's ratable share of the charges for transmission, distribution, and ancillary services paid by the Government. The charges for transmission and ancillary services are governed by and subject to refund based upon the determination in proceedings before FERC involving the Company's or PJM's Open Access Transmission Tariff (OATT).

Proceedings before FERC involving the OATT or the Distribution charge may result in the separation of charges currently included in the transmission rate. In this event, the Government may charge the Customer for any and all separate transmission, ancillary services, and distribution charges paid by the Government in behalf of the Customer. These charges could be recovered through a capacity charge or an energy charge, as determined by the Government.

Tandem Transmission Charge: $3.33 per kilowatt of total contract demand per month, as an estimated cost as of March 2025.

The tandem transmission charge will recover the cost of transmitting power from a project to the border of another transmitting system. This rate will be a formulary rate based on the cost to the Government for transmission of power from the Philpott project to the border of the Virginia Electric and Power Company System and the cost to the Government for transmission of power from the John H. Kerr Project to the border of the Duke Energy Progress System. These charges could be recovered through a capacity charge or an energy charge, as determined by the Government.

Transmission and Ancillary Services: The charges for transmission and ancillary services shall be governed by and subject to refund based upon the determination in the proceeding involving the Company's or PJM's OATT.

Capacity Performance Non-Performance Charge: Requirements of the PJM capacity performance market may lead to non-performance charges to Southeastern. These non-performance charges, if incurred, will be allocated to the capacity delivered in PJM (currently 120,100 kilowatts) in the month incurred.

Contract Demand: The contract demand is the amount of capacity in kilowatts stated in the contract which the Government is obligated to supply and the Customer is entitled to receive.

Energy to be Furnished by the Government: The Government will sell to the Customer and the Customer will purchase from the Government energy each billing month equivalent to a percentage specified by contract of the energy made available to the Company (less applicable losses). The Customer's contract demand and accompanying energy will be allocated proportionately

to its individual delivery points served from the Company's system. The applicable energy loss factor for transmission is specified in the OATT.

These losses shall be effective until modified by the Federal Energy Regulatory Commission, pursuant to application by the Company or PJM under Section 205 of the Federal Power Act or Southeastern Power Administration under Section 206 of the Federal Power Act or otherwise.

Billing Month: The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Wholesale Power Rate Schedule NC–1–E

Availability: This rate schedule shall be available to public bodies and cooperatives (any one of whom is hereinafter called the Customer) in Virginia and North Carolina to whom power may be transmitted pursuant to a contract between the Government and Virginia Electric and Power Company (hereinafter called the Virginia Power) and PJM Interconnection LLC (hereinafter called PJM), scheduled pursuant to a contract between the Government and Duke Energy Progress (formerly known as Carolina Power & Light and hereinafter called DEP), and billed pursuant to contracts between the Government and the Customer. Nothing in this rate schedule shall preclude modifications to the aforementioned contracts to allow an eligible customer to elect service under another rate schedule.

Applicability: This rate schedule shall be applicable to the sale at wholesale of power and accompanying energy generated at the John H. Kerr and Philpott Projects and sold under appropriate contracts between the Government and the Customer.

Character of Service: The electric capacity and energy supplied hereunder will be delivered at the delivery points of the Customer on the Virginia Power's transmission and distribution system.

Monthly Rate: The initial base monthly rate for capacity, energy, and generation services provided under this rate schedule for the period specified shall be:

Initial Base Capacity Charge: $5.71 per kilowatt of total contract demand per month.

Initial Base Energy Charge: 21.83 mills per kilowatt-hour.

The rates are based on a repayment study that projects that the Kerr-Philpott System will produce the following net revenue available for repayment by fiscal year and cumulative net revenue available for repayment by fiscal year:

Fiscal year	Estimated annual net revenue available for repayment	Cumulative net revenue available for repayment
2025	$360,000	$360,000
2026	630,000	990,000
2027	4,000,000	4,990,000
2028	4,310,000	9,300,000
2029	4,460,000	13,760,000
2030	3,970,000	17,730,000
2031	4,150,000	21,880,000
2032	4,280,000	26,160,000
2033	4,430,000	30,590,000
2034	4,610,000	35,200,000

The rates include a true-up of the capacity and energy rates based on the variance of the actual cumulative net revenue available for repayment from the planned cumulative net revenue available for repayment in the table above. For every $100,000 under-recovery of the planned cumulative net revenue available for repayment, Southeastern will increase the base capacity charge by $0.02 per kilowatt per month, up to a maximum of $0.75 per kilowatt per month, and increase the base energy charge by 0.10 mills per kilowatt-hour, up to a maximum of 3.0 mills per kilowatt per hour, to be implemented April 1 of the next fiscal year. For every $100,000 over-recovery of the planned cumulative net revenue available for repayment, Southeastern will reduce the current base capacity charge by $0.02 per kilowatt per month, up to a maximum of $0.75 per kilowatt per month but not below the initial base capacity charge set in the rate filing, and reduce the current base energy charge by 0.10 mills per kilowatt-hour, up to a maximum of 3.0 mills per kilowatt-hour but not below the initial base energy charge set in the rate filing, to be implemented April 1 of the next fiscal year. Southeastern will give written notice to the customers of the amount of the true-up to the capacity and energy rates by February 1 of the next fiscal year.

Additional rates for transmission and ancillary services provided under this rate schedule shall be the rates charged Southeastern Power Administration by the Virginia Power and DEP. Future adjustments to these rates will become effective upon acceptance for filing by the Federal Energy Regulatory Commission (FERC) of Virginia Power's or DEP's rate.

Transmission: $7.53 per kilowatt of total contract demand per month estimated as of March 2025, is presented for illustrative purposes.

Ancillary Services: 8.24 mills per kilowatt-hour of energy estimated as of March 2025, is presented for illustrative purposes.

The initial charge for transmission and Ancillary Services will be the Customer's ratable share of the charges for transmission, distribution, and ancillary services paid by the Government. The charges for transmission and ancillary services are governed by and subject to refund based upon the determination in proceedings before FERC involving the Company's or PJM's Open Access Transmission Tariff (OATT).

Proceedings before FERC involving the OATT or the Distribution charge may result in the separation of charges currently included in the transmission rate. In this event, the Government may charge the Customer for any and all separate transmission, ancillary services, and distribution charges paid by the Government in behalf of the Customer. These charges could be recovered through a capacity charge or an energy charge, as determined by the Government.

Tandem Transmission Charge: $3.33 per kilowatt of total contract demand per month, as an estimated cost as of March 2025.

The tandem transmission charge will recover the cost of transmitting power from a project to the border of another transmitting system. This rate will be a formulary rate based on the cost to the Government for transmission of power from the Philpott project to the border of the Virginia Electric and Power Company System and the cost to the Government for transmission of power from the John H. Kerr Project to the border of the Duke Energy Progress System. These charges could be recovered through a capacity charge or an energy charge, as determined by the Government.

Transmission and Ancillary Services: The charges for transmission and ancillary services shall be governed by and subject to refund based upon the determination in the proceeding involving the Virginian Power or PJM's OATT.

Transmission, System Control, Reactive, and Regulation Services: The charges for transmission and ancillary services shall be governed by and subject to refund based upon the determination in the proceeding involving Virginia Power's, DEP's, or PJM's OATT.

Contract Demand: The contract demand is the amount of capacity in kilowatts stated in the contract which the Government is obligated to supply and the Customer is entitled to receive.

Energy to be Furnished by the Government: The Government will sell to the Customer and the Customer will purchase from the Government energy each billing month equivalent to a percentage specified by contract of the

energy made available to Virginia Power (less applicable losses). The Customer's contract demand and accompanying energy will be allocated proportionately to its individual delivery points served from the Virginia Power's system. The applicable energy loss factor for transmission is specified in the OATT.

These losses shall be effective until modified by FERC, pursuant to application by the Company or PJM under Section 205 of the Federal Power Act or Southeastern Power Administration under Section 206 of the Federal Power Act or otherwise.

Billing Month: The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Wholesale Power Rate Schedule Replacement–2–D

Availability: This rate schedule shall be available to public bodies and cooperatives (any one of whom is hereinafter called the Customer) in North Carolina and Virginia to whom power is provided pursuant to contracts between the Government and the customer from the John H. Kerr and Philpott Projects (or Kerr-Philpott System).

Applicability: This rate schedule shall be applicable to the sale of wholesale energy purchased to meet contract minimum energy and sold under appropriate contracts between the Government and the Customer.

Character of Service: The energy supplied hereunder will be delivered at the delivery points provided for under appropriate contracts between the Government and the Customer.

Monthly Charge: The customer will pay its ratable share of Southeastern's monthly cost for replacement energy. The ratable share will be the cost allocation factor for the customer listed in the table below times Southeastern's monthly cost for replacement energy purchased for the Kerr-Philpott System, rounded to the nearest $0.01.

Contract No. 89–00–1501–	Customer	Capacity allocation	Average energy	Cost allocation factor (%)
1230	Albemarle EMC	2,593	7,265,195	1.5607720
1221	B–A–R–C EC	3,740	10,478,931	2.2511750
853	Brunswick EMC	3,515	11,224,831	2.4114160
854	Carteret-Craven EMC	2,679	8,555,141	1.8378900
869	Carteret-Craven EMC (Harkers Island)	56	44,980	0.0096630
855	Central EMC	1,239	3,956,633	0.8499980
1220	Central Virginia EC	7,956	22,291,834	4.7889250
1203	City of Bedford	1,200	938,157	0.2015430
1204	City of Danville	5,600	4,378,067	0.9405340
895	City of Elizabeth City	2,073	1,665,112	0.3577140
1215	City of Franklin	1,003	782,530	0.1681100
878	City of Kinston	1,466	1,177,546	0.2529710
880	City of Laurinburg	415	333,343	0.0716120
881	City of Lumberton	895	718,898	0.1544400
1205	City of Martinsville	1,600	1,250,876	0.2687240
882	City of New Bern	1,204	967,098	0.2077600
1206	City of Radford	1,300	1,016,229	0.2183150
885	City of Rocky Mount	2,538	2,038,617	0.4379530
1208	City of Salem	2,200	1,719,771	0.3694560
892	City of Washington	2,703	2,171,151	0.4664250
889	City of Wilson	2,950	2,369,550	0.5090470
1222	Community EC	4,230	11,851,841	2.5461150
1211	Craig-Botetourt EC	1,692	4,740,626	1.0184220
1231	Edgecombe-Martin County EMC	4,155	11,641,687	2.5009680
875	Fayetteville Public Works Commission	5,431	4,362,383	0.9371650
856	Four County EMC	4,198	13,405,929	2.8799780
891	Greenville Utilities Commission	7,534	6,051,592	1.3000550
857	Halifax EMC	585	1,868,144	0.4013310
1232	Halifax EMC	2,021	5,662,529	1.2164730
1216	Harrisonburg Electric Commission	2,691	2,099,488	0.4510300
858	Jones-Onslow EMC	5,184	16,554,630	3.5564090
859	Lumbee River EMC	3,729	11,908,221	2.5582270
1223	Mecklenburg EMC	11,344	31,784,224	6.8281630
1224	Northern Neck EC	3,944	11,050,509	2.3739660
1225	Northern Virginia EC	3,268	9,157,238	1.9672370
860	Pee Dee EMC	2,968	9,478,037	2.0361540
861	Piedmont EMC	1,086	3,467,757	0.7449740
862	Pitt & Greene EMC	1,580	5,045,586	1.0839370
1226	Prince George EC	2,530	7,088,689	1.5228540
863	Randolph EMC	3,608	11,521,818	2.4752170
1227	Rappahannock EC	22,427	62,837,164	13.4992270
1233	Roanoke EMC	5,528	15,488,635	3.3274030
1228	Shenandoah Valley EMC	9,938	27,844,819	5.9818650
864	South River EMC	6,119	19,540,468	4.1978530
1229	Southside EC	14,575	40,837,012	8.7729610
865	Tideland EMC	680	2,171,517	0.4665040
1234	Tideland EMC	2,418	6,774,859	1.4554340
870	Town of Apex	145	116,470	0.0250210
871	Town of Ayden	208	167,074	0.0358920
893	Town of Belhaven	182	146,189	0.0314060
872	Town of Benson	120	96,388	0.0207070
1212	Town of Blackstone	389	303,494	0.0651990

Contract No. 89–00–1501–	Customer	Capacity allocation	Average energy	Cost allocation factor (%)
873	Town of Clayton	161	129,321	0.0277820
1213	Town of Culpepper	391	305,054	0.0655340
894	Town of Edenton	775	622,509	0.1337330
1214	Town of Elkton	171	133,412	0.0286610
1218	Town of Enfield	259	202,085	0.0434140
874	Town of Farmville	237	190,368	0.0408960
876	Town of Fremont	60	48,194	0.0103540
896	Town of Hamilton	40	32,129	0.0069020
897	Town of Hertford	203	163,057	0.0350290
898	Town of Hobgood	46	36,949	0.0079380
877	Town of Hookerton	30	24,097	0.0051770
879	Town of La Grange	93	74,701	0.0160480
868	Town of Louisburg	857	2,736,773	0.5879370
883	Town of Pikeville	40	32,129	0.0069020
884	Town of Red Springs	117	93,979	0.0201890
1207	Town of Richlands	500	390,899	0.0839760
899	Town of Robersonville	232	186,351	0.0400340
900	Town of Scotland Neck	304	244,184	0.0524580
886	Town of Selma	183	146,993	0.0315780
887	Town of Smithfield	378	303,624	0.0652270
901	Town of Tarboro	2,145	1,722,945	0.3701380
888	Town of Wake Forest	149	119,682	0.0257110
1217	Town of Wakefield	106	82,700	0.0177660
1219	Town of Windsor	331	258,243	0.0554780
866	Tri-County EMC	3,096	9,886,793	2.1239670
867	Wake EMC	2,164	6,910,536	1.4845810
Total		196,500	465,487,218	100.0000000

Energy to be Furnished by the Government: The Government will sell to the Customer and the Customer will purchase from the Government energy each billing month equivalent to a percentage specified by contract of the energy made available to the Facilitator (less any losses required by the Facilitator). The customer's contract demand and accompanying energy will be allocated proportionately to its individual delivery points served from the Facilitator's system.

Billing Month: The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

[FR Doc. 2025–17842 Filed 9–15–25; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0291; FR ID 312331]

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 17, 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 Number: 3060–0291.

Title: Section 90.477(a), (b)(2), (d)(2), and (d)(3), Interconnected Systems.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions and state, local or tribal government.

Number of Respondents: 773 respondents; 773 responses.

Estimated Time per Response: .25 hours–2 hours.

Frequency of Response: On occasion reporting requirement, recordkeeping requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 332(a).

Total Annual Burden: 246 hours.

Total Annual Cost: No cost.

Needs and Uses: The rule sections that govern interconnection of private land mobile radio service stations with

the public switched telephone network are as follows:

(a) 47 CFR 90.477(a), licensees of interconnected land stations must maintain as part of their station records a detailed description of how interconnection is accomplished.

(b) 47 CFR 90.477(b)(2), and (d)(2), at least one licensee participating in any cost sharing arrangement for telephone service must maintain cost sharing records, the costs must be distributed at least once a year, and a report of the distribution must be placed in the licensee's station records and made available to participants in the sharing arrangement and the Commission upon request.

(c) 47 CFR 90.477(d)(3), licensees in the Industrial/Business Pool and those licensees who establish eligibility pursuant to 47 CFR 90.20(a)(2), other than persons or organizations charged with specific fire protection activities, persons or organizations charged with specific forestry-conservation activities, or medical emergency systems in the 450–470 MHz band, and who seek to connect within 120 km (75 mi.) of 25 cities specified in § 90.477(d)(3), must obtain the consent of all co-channel licensees located both within 120 km (75 mi.) of the center of the city, and within 120 km (75 mi.) of the interconnected base station transmitter. Consensual agreements must specifically state the terms agreed upon and a statement must be submitted to the Commission indicating that all co-channel licensees have consented to the use of interconnection.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2025–17896 Filed 9–15–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID: 313458]

Technological Advisory Council; Re-Establishment

AGENCY: Federal Communications Commission.

ACTION: Notice of re-establishment of the Technological Advisory Council.

SUMMARY: The Federal Communications Commission (Commission) hereby announces that the Technological Advisory Council (hereinafter Council or TAC) will be reestablished for a two-year period pursuant to the Federal Advisory Committee Act (FACA), following consultation with the Committee Management Secretariat, General Services Administration.

ADDRESSES: Federal Communications Commission, 45 L St. NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Martin Doczkat, Designated Federal Officer, Federal Communications Commission, Office of Engineering and Technology, (202) 418–2435 or email: *TAC@fcc.gov.*

SUPPLEMENTARY INFORMATION: After consultation with the General Services Administration, the Commission intends to re-establish the charter, providing the Council with authorization to operate for a period of two years.

The purpose of the TAC is to provide technical advice to the Federal Communications Commission and to make recommendations on the issues and questions presented to it by the FCC. The TAC will focus on key issues affecting the development and deployment of emerging communications technologies to spur opportunities for innovation, competition, adoption, greater efficiencies, job creation, and other national priorities.

Advisory Committee

The Council will be organized under, and will operate in accordance with, the provisions of the FACA (5 U.S.C. Ch. 10). The Council will be solely advisory in nature. Consistent with FACA and its requirements, each meeting of the Council will be open to the public unless otherwise notified. A notice of each meeting will be published in the **Federal Register** at least fifteen (15) days in advance of the meeting. Records will be maintained of each meeting and made available for public inspection. All activities of the Council will be conducted in an open, transparent, and accessible manner. The Council shall terminate two (2) years from the filing date of its charter, or earlier upon the completion of its work as determined by the Chair of the FCC, unless its charter is renewed prior to the termination date.

During the Council's next term, it is anticipated that the Council will meet in Washington, DC, and/or virtually, at the discretion of the Commission, approximately four (4) times a year. The first meeting date and agenda topics will be described in a Public Notice issued and published in the **Federal Register** at least fifteen (15) days prior to the first meeting date.

In addition, as needed, subcommittees will be established to facilitate the Council's work between meetings of the full Council.

Federal Communications Commission.

Andrew Hendrickson,

Acting Chief, Office of Engineering and Technology.

[FR Doc. 2025–17854 Filed 9–15–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than October 1, 2025.

A. Federal Reserve Bank of St. Louis (Holly A. Rieser, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org:*

1. *The Combs Family Revocable Trust Dated March 12, 2015, Kendall L. Combs and Patricia A. Combs, as trustees, all of Hollister, Missouri;* to

retain voting shares of Branson Bancshares, Inc., and thereby indirectly retain voting shares of Branson Bank, both of Branson, Missouri.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2025–17868 Filed 9–15–25; 8:45 am]

BILLING CODE P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Notice of Board Meeting

DATES: September 25, 2025, at 10:00 a.m. ET.

ADDRESSES: Telephonic. Dial-in (listen only) information: Number: 1–202–599–1426, Code: 898 629 079#; or via web: *https://www.frtib.gov/.*

FOR FURTHER INFORMATION CONTACT: James Kaplan, Director, Office of External Affairs, (202) 864–7150.

SUPPLEMENTARY INFORMATION:

Board Meeting Agenda

Open Session

1. Approval of the August 26, 2025, Board Meeting Minutes
2. Investment Manager Annual Service Review
3. Monthly Reports
   (a) Participant Report
   (b) Investment Report
   (c) Legislative Report
4. Quarterly Reports
   (d) Vendor Risk Management

Closed Session

5. Information covered under 5 U.S.C. 552b(c)(9)(B) and (c)(10)

Authority: 5 U.S.C. 552b (e)(1).

Dated: September 12, 2025.

Dharmesh Vashee,

General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2025–17856 Filed 9–15–25; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2025–0454]

Meeting of the Advisory Committee on Immunization Practices; Amended Notice of Meeting

AGENCY: Centers for Disease Control and Prevention, Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, the Centers for Disease Control and Prevention (CDC) announces an amendment to the following meeting of the Advisory Committee on Immunization Practices (ACIP). The meeting is open to the public.

FOR FURTHER INFORMATION CONTACT: ACIP Secretariat, Advisory Committee on Immunization Practices, Centers for Disease Control and Prevention, 1600 Clifton Road NE, Mailstop H21–12, Atlanta, Georgia 30329–4027. Email: *ACIP@cdc.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given of a change in the meeting of the Advisory Committee on Immunization Practices (ACIP); September 18, 2025, from 10 a.m. to 5 p.m., EDT and September 19, 2025, from 8:30 a.m. to 3 p.m., EDT.

Notice of the virtual meeting was published in the **Federal Register** on August 29, 2025, Volume 90, Number 166, pages 42245–42246.

The meeting notice is being amended to update the dates, which should read as follows:

The meeting will be held on September 18, 2025, from 10 a.m. to 5:30 p.m., EDT and September 19, 2025, from 8:30 a.m. to 3 p.m., EDT.

The meeting notice is also being amended to remove Respiratory Syncytial Virus (RSV) vaccines in the Matters to be Considered, which should read as follows:

The agenda will include discussions on COVID–19 vaccines; Hepatitis B vaccine; and measles, mumps, rubella, varicella (MMRV) vaccine. The agenda will include updates on ACIP Workgroups. Recommendation votes may be scheduled for COVID–19 vaccines, Hepatitis B vaccine, and MMRV vaccine. Vaccines for Children (VFC) may be scheduled for COVID–19 vaccines, Hepatitis B vaccine, and MMRV vaccine. Agenda items are subject to change as priorities dictate. For more information on the meeting agenda, visit *https://www.cdc.gov/acip/meetings/index.html.*

The Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2025–17821 Filed 9–15–25; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for Office of Management and Budget Review; National Medical Support Notice Part A (Office of Management and Budget #: 0970–0222)

AGENCY: Office of Child Support Services, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Office of Child Support Services (OCSS), Administration for Children and Families (ACF) is requesting the Office of Management and Budget (OMB) to approve the National Medical Support Notice (NMSN) Part A, with minor changes, for an additional 3 years. The current OMB approval expires November 30, 2025. To allow states to program the changes to the proposed NMSN Part A, OCSS requests that the current NMSN Part A be extended 1 year.

DATES: *Comments due October 16, 2025.*

ADDRESSES: The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202509-0970-004.* You can also obtain copies of the proposed collection of information by emailing *infocollection@acf.hhs.gov.* Identify all emailed requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) requires all child support orders under title IV–D of the Social Security Act to provide medical support coverage. The Child Support Performance and Incentive Act of 1998 (CSPIA) requires compliance through the NMSN Part A. The NMSN Part A expedites requests for medical coverage between state child support agencies, employers, and health care administrators. OCSS maintains Part A of the NMSN. States populate it and send it to the parent's employer to complete. Then the employer's health

care administrator enrolls the children in the health care plan. OCSS provides the NMSN Part A Sample and Instructions for employers as a resource to review while completing the information collection. Minor deletions and changes have been made to the NMSN Part A, the instructions, and the sample language for clarification.

Respondents: States, employers, and health care administrators.

Annual Burden Estimates

The estimated time per response remains the same, but the estimated number of respondents and number of responses has been updated to reflect assumptions for the next three years. OCSS estimates it will take state child support agencies about a year to implement the revised form. Table 1 below shows burden hour estimates for respondents to continue to use the currently approved NMSN during an initial implementation period for the updated version. Table 2 shows the burden estimates for respondents once the new version of the NMSN is fully implemented in 2026.

TABLE 1—CURRENT FORM IN USE DURING IMPLEMENTATION THROUGH 2026

Information collection title	Total number of annual respondents	Annual number of responses per respondent	Average burden hours per response	Annual burden hours
NMSN—Part A—Notice to Withhold for Health Care Coverage—States	54	90,194	.17	827,891
NMSN—Part A—Notice to Withhold for Health Care Coverage—Employers	1,310,727	3.72	.17	828,904
State Medical Support Contacts and Program Requirement Matrix—States	54	1	1	54
NMSN—Part A—Notice to Withhold for Health Care Coverage e-NMSN record specification layout Electronic system to system—States	5	5,000	.01	250
NMSN—Part A—Notice to Withhold for Health Care Coverage e-NMSN record specification layout Electronic system to system—Employers	25	3.72	.01	1
Estimated Annual Burden				1,657,100

TABLE 2—REVISED FORM—ESTIMATED BURDEN AFTER 2026 IMPLEMENTATION

Information collection title	Total number of annual respondents	Annual number of responses per respondent	Average burden hours per response	Annual burden hours
NMSN—Part A—Notice to Withhold for Health Care Coverage—*States*	54	86,818	.17	796,989
NMSN—Part A—Notice to Withhold for Health Care Coverage—*Employers*	1,263,267	3.71	.17	796,742
NMSN—Part A—Notice to Withhold for Health Care Coverage e-NMSN record specification layout Electronic system to system—*States*	7	5,000	.01	350
NMSN—Part A—Notice to Withhold for Health Care Coverage e-NMSN record specification layout Electronic system to system—*Employers*	25	3.72	.01	1
Estimated Annual Burden				1,567,082

Authority: Section 466(a)(19) of the Social Security Act, 42 U.S.C. 666(a)(19); 45 U.S.C. 303.32 National Medical Notice; The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PWRORA) Pub. L. 104–193; Child Support Performance and Incentives Act of 1998 (CSPIA) Pub. L. 105–200, section 401(c); 609(a)(5)(C) of the Employee Retirement Income Security Act of 1974 (ERISA), Pub. L. 93–406.

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2025–17837 Filed 9–15–25; 8:45 am]

BILLING CODE 4184–41–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Health Center Program Performance Period Extensions

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice of 3-month extension for Bronx Community Health Network, Inc. (BCHN).

SUMMARY: To avoid a gap in services to its service area between the end of BCHN's current period of performance and the next Service Area Competition (SAC), BCHN will receive a 3-month Extension with Funds to extend the end date of its period of performance from January 31, 2026, to April 30, 2026. BCHN currently has a period of performance ending on January 31, 2026. Extending BCHN's total period of performance to April 30, 2026, will prevent interruption in access to critical primary health care services in the community currently served by BCHN. Since there will be no SAC competition released for health centers with a period of performance end date of January 31, 2026, this extension will also permit BCHN to apply to the SAC application cycle for health centers with a period of performance end date of April 30, 2026.

FOR FURTHER INFORMATION CONTACT: Erica Clift, Division Director, Office of Program and Policy Development, Bureau of Primary Care, HRSA, at *eclift@hrsa.gov* and 301–443–0741.

SUPPLEMENTARY INFORMATION:

Intended Recipient of the Award: BCHN, which serves the Bronx, New York service area. The Bronx is a community that is vulnerable to a lapse in access to comprehensive primary care services.

Amount of Award(s): 1 award for $2,377,440.

Project Period: February 1, 2022, to April 30, 2026.

Assistance Listing Number: 93.224.

Award Instrument: Grant—Non-competing Continuation.

Authority: Section 330 of the Public Health Service Act, as amended (42 U.S.C. 254b, as amended).

Justification: Providing BCHN a 3-month extension to April 30, 2026, is consistent with the Health Center Program's policy decision to change from 3-year project periods to 4-year project periods in a phased-in approach over the next 2 years and to align with the SAC cycle that begins in April 2026. Health centers currently receive a 3-year period of performance when they successfully compete and receive Health Center Program funding through an SAC. HRSA will begin to move health centers with a current 3-year period of performance to a 4-year period of performance through a phased approach starting in FY 2026 with periods of performance beginning on May 1, 2026, to:

- Reduce the burden on health centers by extending the timing for their operational site visits and their SAC application submission from every 3 years to every 4 years;
- Provide HRSA with increased operational flexibility and efficiency by distributing the review and processing of SACs, Program Analysis and Recommendations, and operational site visits more evenly across the 4-year funding cycles of health center competitive awards without sacrificing the integrity of compliance reviews and funding decisions for the Health Center Program; and
- Increase the continuity of patient access to comprehensive primary health care services by committing each health center to a longer time frame in each service area, while remaining aligned with current grants requirements and policies.

HRSA will provide BCHN with a 3-month extension with funds to ensure continuity of services between the current period of performance end date and when a new award is made for the service area.

Request for Recipient Response: This action extends the period of performance with funds to your Health Center Program (H80CS00626) award. BCHN's award with a current period of performance of February 1, 2022, through January 31, 2026, will be extended by 3 months to April 30, 2026. This extension will prevent interruptions in access to critical health care services in the community. To process this action, BCHN must respond to this request for information (RFI) within the specified timeframe by providing a SF–424A and Budget Narrative, as detailed below.

Activities/Requirements: Activities and work funded under this 3-month extension are within the scope of the current award. All of the terms and conditions of the current award apply to activities and work supported by this 3-month extension.

Required Submission Response: BCHN must submit the response to the RFI in HRSA's Electronic Handbook. If HRSA does not receive a response to the RFI by the deadline, or the response to the RFI is incomplete or non-responsive, there may be a delay or lapse in the issuance of funding. The response should not exceed 20 pages, single-spaced, and must include the following information.

1. SF–424A: Budget Information Form

Upload an SF–424A: BUDGET INFORMATION FORM attachment.

Section A: Budget Summary: Verify the pre-populated list of Health Center Program funding types:

- Community Health Center (CHC)
- Migratory and Seasonal Agricultural Workers (MSAW)
- Homeless Population (HP)
- Residents of Public Housing (RPH)

If the funding types are incorrect, make necessary adjustments. In the Federal column, provide the funding request for each Health Center Program funding type (CHC, MSAW, HP, RPH). The total federal funding requested across all Health Center Program funding types must align with the amount provided in the request from HRSA.

Note: This RFI submission may not be used to request changes to the total award, funding type(s), or Health Center Program funds allocation between funding types. Funding must be requested and will be awarded proportionately for all funding types as currently funded under the Health Center Program.

In the Non-Federal column, provide the total non-federal funding sources for each type of Health Center Program (CHC, MSAW, HP, RPH).

Section B: Object Class Categories: Provide the object class category breakdown (*i.e.,* line-item budget) for FY 2026 budgeted funds. Include federal funding in the first column and non-federal funding in the second column. Each line represents a distinct object class category that must be addressed in the Budget Narrative. Indirect costs may only be claimed with an approved indirect cost rate (see details in the Budget Narrative section below).

Section C: Non-Federal Resources: Provide a breakdown of non-federal funds by funding source (*e.g.,* state, local) for each type of Health Center Program funding (CHC, MSAW, HP, RPH). If you are a state agency, leave the State column blank and include state funding in the Applicant column.

Salary Rate Limitation

As required by the current appropriations act, ''[n]one of the funds appropriated in this title shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate over Executive Level II'' (see *https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/25Tables/exec/html/EX.aspx*). Effective January 2025, the salary rate limitation is $225,700. As required by law, salary rate limitations may apply in future years and will be updated.

2. Budget Narrative

Upload a Budget Narrative attachment for the budget period (February 1, 2025, to April 30, 2026) that explains the amounts requested for each line in Section B: Object Class Categories of the SF–424A Budget Information Form. The Budget Narrative must itemize both your federal request and non-federal resources.

The Budget Narrative must describe how each line-item will support achieving the project objectives. Refer to 45 CFR 75 (2 CFR 200) for information on allowable costs (see *https://www.ecfr.gov/current/title-45/subtitle-A/subchapter-A/part-75#part-75*). Include detailed calculations explaining how each line-item expense within each cost category is derived (*e.g.,* number of visits, cost per unit). Include a description for each item in the ''other'' category.

Include the following in the Budget Narrative:

Personnel Costs: Explain personnel costs and list each staff member who will be supported by Health Center Program funds, name (if possible), position title, percentage of full-time equivalency, and annual salary.

Reminder: An individual's base salary, per se, is NOT constrained by the statutory provision for a salary limitation. The rate limitation limits the amount that may be awarded and charged to the HRSA grant. Provide an individual's actual base salary if it exceeds the cap. Refer to the Sample Budget Narrative on the Budget Period Progress Report Technical Assistance web page (see *https://bphc.hrsa.gov/funding/funding-opportunities/budget-*

period-progress-report-bpr-noncompeting-continuation-ncc).

Fringe Benefits: List the components that make up the fringe benefit rate, for example, health insurance, taxes, unemployment insurance, life insurance, retirement plans, and tuition reimbursement. The fringe benefits should be directly proportional to the personnel costs allocated for the project.

Travel: List travel costs according to local and long-distance travel. For local travel, outline the mileage rate, number of miles, reason for travel, and staff members/consumers completing the travel. The budget should also reflect the travel expenses (*e.g.,* airfare, lodging, parking, per diem, etc.) for each person and the trip associated with participating in meetings and other proposed training or workshops. Name the traveler(s) if possible, describe the purpose of the travel, and provide the number of trips involved, the destinations, and the number of individuals for whom funds are requested.

Equipment: List equipment costs and justify the need for the equipment to carry out the program's goals. Extensive justification and a detailed status of current equipment must be provided when requesting funds to purchase items that meet the definition of equipment (a unit cost of $10,000 or more and a useful life of 1 or more years).

Supplies: List the items that will be used to implement the proposed project. Separate items into 3 categories: office supplies (*e.g.,* paper, pencils), medical supplies (*e.g.,* syringes, blood tubes, gloves), and educational supplies (*e.g.,* brochures, videos). Items must be listed separately. Equipment items such as laptops, tablets, and desktop computers are classified as a supply if the acquisition cost is under the $10,000 per unit cost threshold.

Contractual/Subawards/Consultant: Provide a clear justification, including how you estimated the costs and the specific contract/subaward deliverables. Attach a summary of contracts with the Budget Narrative. Make sure that your organization has an established and adequate procurement system with fully developed written procedures for awarding and monitoring all contracts/subawards. Recipients must notify potential subrecipients that entities receiving subawards must be registered in System for Award Management (SAM) and provide the recipient with their Unique Entity Identifier number (see 2 CFR part 25 in *https://www.ecfr.gov/current/title-2/subtitle-A/chapter-I/part-25*).

In your budget:

- For consultant services, list the total costs for all consultant services. Identify each consultant, the services they will perform, the total number of days, travel costs, and total estimated costs.
- For subawards to entities that will help carry out the work of the grant, describe how you monitor their work to ensure the funds are being properly used.
- *Note:* You should not provide line-item details on proposed contracts; rather, provide the basis for your cost estimate for the contract.

Per the Suspension and Debarment rules in the Uniform Administrative Requirements, as implemented by HRSA under 2 CFR 200.214, non-federal entities and contractors are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, and 2 CFR parts 180 and 376. These regulations restrict awards, subawards, and contracts with certain parties debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

Other: Include all costs that do not fit into any other category and provide an explanation for each cost in this category (*e.g.,* Electronic Health Record provider licenses, audit, legal counsel). In some cases, rent, utilities, and insurance fall under this category if they are not included in an approved indirect cost rate.

Indirect Costs: Indirect costs are costs you charge across more than one project that cannot be easily separated by project.

To charge indirect costs, you can select one of two methods:

Method 1—Approved rate. You currently have an indirect cost rate approved by your cognizant federal agency. If indirect costs are included in the budget, attach a copy of the indirect cost rate agreement in the Budget Narrative attachment.

Method 2—De minimis rate. Per 2 CFR 200.414(f) (see *https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-E/subject-group-ECFRd93f2a98b1f6455/section-200.414*), if you have never received a negotiated indirect cost rate, you may elect to charge a *de minimis* rate. If you choose this method, costs included in the indirect cost pool must not be charged as direct costs.

This rate is 15 percent of modified total direct costs (see 2 CFR 200.1 in *https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200#p-200.1(Modified%20Total%20Direct%20Cost%20(MTDC)*. You can use this rate indefinitely.

Submission Deadline: Submit the response to this request via HRSA's Electronic Handbook no later than 30 days from the receipt of the request.

System for Award Management (SAM): Recipients must continue to maintain active SAM registration with current information at all times that they have an active federal award, an active application, or an active plan under consideration by an agency (unless you are an individual or federal agency that is exempted from those requirements under 2 CFR 25.110(b) or (c), or you have an exception approved by the agency under 2 CFR 25.110(d)). For your SAM registration, you must submit a notarized letter appointing the authorized Entity Administrator.

Intergovernmental Review: This funding is subject to the provisions of Executive Order 12372, as implemented by 45 CFR part 100.

Review Criteria and Process: HRSA will conduct a review of the submitted response in accordance with HRSA guidelines. HRSA reserves the right to request clarification, a resubmission of the budget, narrative, and forms, or additional information if the submission is not fully responsive to any of the requirements or if ineligible activities are proposed. Following the review of all applicable information, HRSA reviews and awards management officials will determine if special conditions are required, and what level of funding is appropriate. Award decisions and funding levels are discretionary and are not subject to appeal. Continued funding depends on congressional appropriation of funds, satisfactory performance, and a decision that continued funding would be in the government's best interest.

As part of HRSA's required review of risk posed by applicants for this program, as described in 2 CFR 200.206 (see *https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-C/section-200.205*), HRSA will consider additional factors. These factors include, but are not limited to, past performance and the results of HRSA's assessment of the financial stability of your organization. HRSA reserves the right to conduct site visits and/or use the current compliance status to inform final funding decisions.

Award Notice: HRSA anticipates issuing the Notice of Award on or near January 31, 2026.

Thomas J. Engels,

Administrator.

[FR Doc. 2025–17857 Filed 9–15–25; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Health Center Program Performance Period Extensions

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice of 3-month extension for Trillum Health, Inc.

SUMMARY: Trillium Health, Inc. currently has a 1-year period of performance (January 1, 2025, through December 31, 2025). As a new awardee in the FY 2025 Service Area Competition (SAC), Trillium was only eligible for a 1-year period of performance. Therefore, Trillium must apply to continue serving the service area through the FY 2026 SAC competition. To avoid a gap in services to its service area from the end of its period of performance until FY 2026 SAC funding is awarded, Trillium will receive a 3-month Extension with Funds to extend the end date of its period of performance from December 31, 2025, to March 31, 2026. Since there will be no SAC competition released for health centers with a period of performance end date of December 31, 2025, this extension will also permit Trillium to compete in the SAC application cycle for health centers that includes awardees who have period of performance end dates of March 31, 2026.

FOR FURTHER INFORMATION CONTACT: Erica Clift, Division Director, Office of Program and Policy Development, Bureau of Primary Care, HRSA, at *eclift@hrsa.gov* and 301–443–0741.

SUPPLEMENTARY INFORMATION:

Intended Recipient of the Award: Trillium Health, Inc., which serves the Rochester, New York service area. Rochester is a community that is vulnerable to a lapse in access to comprehensive primary care services.

Amount of Award: 1 award for $760,000.

Project Period: January 1, 2025, to March 31, 2026.

Assistance Listing Number: 93.224.

Award Instrument: Grant—Non-competing Continuation.

Authority: Section 330 of the Public Health Service Act, as amended (42 U.S.C. 254b, as amended).

TABLE 1—RECIPIENTS AND AWARD AMOUNTS

Grant No.	Award recipient name	City, State	Award amount
H80CS54598	Trillum Health, Inc	Rochester, NY	$760,000

Justification: HRSA will provide Trillium Health, Inc. with a 3-month Extension with Funds to ensure continuity of services between their current project period end date and when a new award will be made for the service area.

Request for Recipient Response: This action extends the period of performance with funds to your Health Center Program (H80CS54598) award. Trillium Health, Inc.'s award with a current period of performance of January 1, 2025, through December 31, 2025, will be extended by 3 months to March 31, 2026. This extension will prevent interruptions in access to critical health care services in the community. To process this action, Trillium must respond to this request for information (RFI) within the specified timeframe by providing an SF–424A and Budget Narrative, as detailed below.

Activities/Requirements: Activities and work funded under this 3-month extension are within the scope of the current award. All of the terms and conditions of the current award apply to activities and work supported by this 3-month extension.

Required Submission Response: Trillium must submit the response to the RFI in HRSA's Electronic Handbook. If HRSA does not receive a response to the RFI by the deadline, or the response to the RFI is incomplete or non-responsive, there may be a delay or lapse in the issuance of funding. The response should not exceed 20 pages, single-spaced, and must include the following information.

1. SF–424A: Budget Information Form

Upload an SF–424A: BUDGET INFORMATION FORM attachment.

Section A: Budget Summary: Verify the pre-populated list of Health Center Program funding types:

- Community Health Center (CHC)
- Migratory and Seasonal Agricultural Workers (MSAW)
- Homeless Population (HP)
- Residents of Public Housing (RPH)

If the funding types are incorrect, make necessary adjustments. In the Federal column, provide the funding request for each Health Center Program funding type (CHC, MSAW, HP, RPH). The total federal funding requested across all Health Center Program funding types must align with the amount provided in the request from HRSA.

Note: This RFI submission may not be used to request changes to the total award, funding type(s), or Health Center Program funds allocation between funding types. Funding must be requested and will be awarded proportionately for all funding types as currently funded under the Health Center Program.

In the Non-Federal column, provide the total non-federal funding sources for each type of Health Center Program (CHC, MSAW, HP, RPH).

Section B: Object Class Categories: Provide the object class category breakdown (*i.e.,* line-item budget) for FY 2026 budgeted funds. Include federal funding in the first column and non-federal funding in the second column. Each line represents a distinct object class category that must be addressed in the Budget Narrative. Indirect costs may only be claimed with an approved indirect cost rate (see details in the Budget Narrative section below).

Section C: Non-Federal Resources: Provide a breakdown of non-federal funds by funding source (*e.g.,* state, local) for each type of Health Center Program funding (CHC, MSAW, HP, RPH). If you are a state agency, leave the State column blank and include state funding in the Applicant column.

Salary Rate Limitation

As required by the current appropriations act, ''[n]one of the funds appropriated in this title shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate over Executive Level II'' (see *https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/25Tables/exec/html/EX.aspx*). Effective January 2025, the salary rate limitation is $225,700. As required by law, salary rate limitations may apply in future years and will be updated.

2. Budget Narrative

Upload a Budget Narrative attachment for the budget period (January 1, 2025,

to March 31, 2026) that explains the amounts requested for each line in Section B: Object Class Categories of the SF–424A Budget Information Form. The budget narrative must itemize both your federal request and non-federal resources.

The Budget Narrative must describe how each line-item will support achieving the project objectives. Refer to 45 CFR 75 (2 CFR 200) for information on allowable costs (see *https://www.ecfr.gov/current/title-45/subtitle-A/subchapter-A/part-75#part-75*). Include detailed calculations explaining how each line-item expense within each cost category is derived (*e.g.,* number of visits, cost per unit). Include a description for each item in the ''other'' category.

Include the following in the Budget Narrative:

Personnel Costs: Explain personnel costs and list each staff member who will be supported by Health Center Program funds, name (if possible), position title, percentage of full-time equivalency, and annual salary.

Reminder: An individual's base salary, per se, is NOT constrained by the statutory provision for a salary limitation. The rate limitation limits the amount that may be awarded and charged to the HRSA grant. Provide an individual's actual base salary if it exceeds the cap. Refer to the Sample Budget Narrative on the Budget Period Progress Report Technical Assistance web page (see *https://bphc.hrsa.gov/funding/funding-opportunities/budget-period-progress-report-bpr-noncompeting-continuation-ncc*).

Fringe Benefits: List the components that make up the fringe benefit rate, for example, health insurance, taxes, unemployment insurance, life insurance, retirement plans, and tuition reimbursement. The fringe benefits should be directly proportional to the personnel costs allocated for the project.

Travel: List travel costs according to local and long-distance travel. For local travel, outline the mileage rate, number of miles, reason for travel, and staff members/consumers completing the travel. The budget should also reflect the travel expenses (*e.g.,* airfare, lodging, parking, per diem, etc.) for each person and the trip associated with participating in meetings and other proposed training or workshops. Name the traveler(s) if possible, describe the purpose of the travel, and provide the number of trips involved, the destinations, and the number of individuals for whom funds are requested.

Equipment: List equipment costs and justify the need for the equipment to carry out the program's goals. Extensive justification and a detailed status of current equipment must be provided when requesting funds to purchase items that meet the definition of equipment (a unit cost of $10,000 or more and a useful life of 1 or more years).

Supplies: List the items that will be used to implement the proposed project. Separate items into three categories: office supplies (*e.g.,* paper, pencils), medical supplies (*e.g.,* syringes, blood tubes, gloves), and educational supplies (*e.g.,* brochures, videos). Items must be listed separately. Equipment items such as laptops, tablets, and desktop computers are classified as a supply if the acquisition cost is under the $10,000 per unit cost threshold.

Contractual/Subawards/Consultant: Provide a clear justification, including how you estimated the costs and the specific contract/subaward deliverables. Attach a summary of contracts with the Budget Narrative. Make sure that your organization has an established and adequate procurement system with fully developed written procedures for awarding and monitoring all contracts/subawards. Recipients must notify potential subrecipients that entities receiving subawards must be registered in System for Award Management (SAM) and provide the recipient with their Unique Entity Identifier number (see 2 CFR part 25 in *https://www.ecfr.gov/current/title-2/subtitle-A/chapter-I/part-25*).

In your budget:

- For consultant services, list the total costs for all consultant services. Identify each consultant, the services they will perform, the total number of days, travel costs, and total estimated costs.
- For subawards to entities that will help carry out the work of the grant, describe how you monitor their work to ensure the funds are being properly used.
- *Note:* You should not provide line-item details on proposed contracts; rather, provide the basis for your cost estimate for the contract.

Per the Suspension and Debarment rules in the Uniform Administrative Requirements, as implemented by HRSA under 2 CFR 200.214, non-federal entities and contractors are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, and 2 CFR parts 180 and 376. These regulations restrict awards, subawards, and contracts with certain parties debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

Other: Include all costs that do not fit into any other category and provide an explanation for each cost in this category (*e.g.,* Electronic Health Record provider licenses, audit, legal counsel). In some cases, rent, utilities, and insurance fall under this category if they are not included in an approved indirect cost rate.

Indirect Costs: Indirect costs are costs you charge across more than one project that cannot be easily separated by project.

To charge indirect costs, you can select one of two methods:

Method 1—Approved rate. You currently have an indirect cost rate approved by your cognizant federal agency. If indirect costs are included in the budget, attach a copy of the indirect cost rate agreement in the Budget Narrative attachment.

Method 2—De minimis rate. Per 2 CFR 200.414(f) (see *https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-E/subject-group-ECFRd93f2a98b1f6455/section-200.414*), if you have never received a negotiated indirect cost rate, you may elect to charge a *de minimis* rate. If you choose this method, costs included in the indirect cost pool must not be charged as direct costs.

This rate is 15 percent of modified total direct costs (see 2 CFR 200.1 in *https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200#p-200.1(Modified%20Total%20Direct%20Cost%20(MTDC))*. You can use this rate indefinitely.

Submission Deadline: Submit the response to this request via HRSA's Electronic Handbook no later than 30 days from the receipt of the request.

System for Award Management (SAM): Recipients must continue to maintain active SAM registration with current information at all times that they have an active federal award, an active application, or an active plan under consideration by an agency (unless you are an individual or federal agency that is exempted from those requirements under 2 CFR 25.110(b) or (c), or you have an exception approved by the agency under 2 CFR 25.110(d)). For your SAM registration, you must submit a notarized letter appointing the authorized Entity Administrator.

Intergovernmental Review: This funding is subject to the provisions of Executive Order 12372, as implemented by 45 CFR part 100.

Review Criteria and Process: HRSA will conduct a review of the submitted response in accordance with HRSA guidelines. HRSA reserves the right to request clarification, a resubmission of the budget, narrative, and forms, or

additional information if the submission is not fully responsive to any of the requirements or if ineligible activities are proposed. Following the review of all applicable information, HRSA reviews and awards management officials will determine if special conditions are required, and what level of funding is appropriate. Award decisions and funding levels are discretionary and are not subject to appeal. Continued funding depends on congressional appropriation of funds, satisfactory performance, and a decision that continued funding would be in the government's best interest.

As part of HRSA's required review of risk posed by applicants for this program, as described in 2 CFR 200.206 (Federal Agency Review of Risk Posed by Applicants, see *https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-C/section-200.205*), HRSA will consider additional factors. These factors include, but are not limited to, past performance and the results of HRSA's assessment of the financial stability of your organization. HRSA reserves the right to conduct site visits and/or use the current compliance status to inform final funding decisions.

Award Notice: HRSA anticipates issuing the Notice of Award on or near January 31, 2026.

Thomas J. Engels,

Administrator.

[FR Doc. 2025–17858 Filed 9–15–25; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center For Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Lung Immunology and Infection Study Section.

Date: October 14–15, 2025.

Time: 9:00 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: Rupali Das, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–0023, *rupali.das@nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Neuroscience of Interoception and Chemosensation Study Section.

Date: October 16–17, 2025.

Time: 9:00 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: Myongsoo Matthew Oh, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1011F, Bethesda, MD 20892, (301) 435–1042, *ohmm@csr.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Macromolecular Structure and Function C Study Section.

Date: October 16–17, 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: Guillermo Andres Bermejo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827–5742, *bermejog@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Tackling Acquisition of Language in Kids (TALK).

Date: October 17, 2025.

Time: 2:00 p.m. to 4:00 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: Natalie S. Dailey, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827–4451, *daileyns@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Neuromodulation and Imaging of Neuronal Circuits.

Date: October 20–21, 2025.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Pablo Miguel Blazquez Gamez, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 435–1042, *pablo.blazquezgamez@nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Learning, Memory and Decision Neuroscience Study Section.

Date: October 21–22, 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: Roger Janz, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 402–8515, *janzr2@csr.nih.gov.*

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Skin and Connective Tissue Sciences Study Section.

Date: October 21–22, 2025.

Time: 9:30 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Robert Gersch, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 800K, Bethesda, MD 20817, (301) 867–5309, *robert.gersch@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Limited Competition Grants for the Clinical and Translational Science Awards (CTSA) Program.

Date: October 21–22, 2025.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Priya Srinivasan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (240) 276–6459, *priya.srinivasan@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; T32 Institutional Training Grant Review.

Date: October 21, 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: Kan Ma, Ph.D., Scientific Review Officer, Center for Scientific Review,

National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–451–4838, *mak2@mail.nih.gov.*

Name of Committee: Aging and Neurodegeneration Integrated Review Group; Chronic Dysfunction and Integrative Neurodegeneration Study Section.

Date: October 22–23, 2025.

Time: 9:00 a.m. to 8:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Bernard Rajeev Srambical Wilfred, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 435–1042, *bernard.srambicalwilfred@nih.gov.*

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Analytics and Statistics for Population Research Panel A Study Section.

Date: October 22–23, 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: Emily M. Kilroy, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Bethesda, MD 20892, (301) 594–0813, *kilroyem@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: September 11, 2025.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–17872 Filed 9–15–25; 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: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Chemical Biology and Probes Study Section.

Date: October 20–21, 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: Prema Chandrasekhar Iyer, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–1821, *prema.iyer@nih.gov.*

Name of Committee: Oncology 1—Basic Translational Integrated Review Group; Gene Regulation in Cancer Study Section.

Date: October 20–21, 2025.

Time: 9:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Manzoor A Zarger, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6208, MSC 7804, Bethesda, MD 20892, (301) 435–2477, *zargerma@csr.nih.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Brain Injury and Neurovascular Disorders Study Section.

Date: October 21–22, 2025.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Gek Ming Sia, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–3341, *gekming.sia@nih.gov.*

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group; Biobehavioral Mechanisms of Emotion, Stress and Health Study Section.

Date: October 21–22, 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: Brittany I. Mason-Mah, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1000A, Bethesda, MD 20892, (301) 594–3163, *masonmahbl@mail.nih.gov.*

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Healthcare and Health Disparities Study Section.

Date: October 23–24, 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: Tara Roshell Earl, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1007C, Bethesda, MD 20892, (301) 402–6857, *earltr@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Neuro Informatics, Computational and Data Analysis.

Date: October 23–24, 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: Aurea D. De Sousa, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, Bethesda, MD 20892, (301) 827–6829, *aurea.desousa@nih.gov.*

Name of Committee: Social and Community Influences on Health Integrated Review Group; Community Influences on Health Behavior Study Section.

Date: October 23–24, 2025.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Maria De Jesus Diaz Perez, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1000G, Bethesda, MD 20892, (301) 496–4227, *diazperezm2@csr.nih.gov.*

Name of Committee: Aging and Neurodegeneration Integrated Review Group; Cognitive Disorders and Brain Aging Study Section.

Date: October 23–24, 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: Simone Chebabo Weiner, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1011K, Bethesda, MD 20892, (301) 435–1042, *weinersc@csr.nih.gov.*

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Genetic Variation and Evolution Study Section.

Date: October 23–24, 2025.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Michael Patrick O'Connell, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 867–5309, *oconnellmp@mail.nih.gov.*

Name of Committee: Oncology 1—Basic Translational Integrated Review Group; Cancer Genetics Study Section.

Date: October 23–24, 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: Juraj Bies, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4158, MSC 7806, Bethesda, MD 20892, 301 435–1256, *biesj@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Career Development Awards for Clinical Neuroscience Professionals.

Date: October 24, 2025.

Time: 9:30 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Maurizio Grimaldi, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, (301) 594–2636, *maurizio.grimaldi@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: September 12, 2025.

Denise M. Santeufemio,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–17871 Filed 9–15–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[OMB Control Number 1651–0092]

Agency Information Collection Activities; Extension; Application for Withdrawal of Bonded Stores for Fishing Vessels and Certificate of Use

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 17, 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 1651–0092 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: Application for Withdrawal of Bonded Stores for Fishing Vessels and Certificate of Use.

OMB Number: 1651–0092.

Form Number: 5125.

Current Actions: Extension.

Type of Review: Extension (without change).

Affected Public: Businesses.

Abstract: CBP Form 5125, *Application for Withdrawal of Bonded Stores for Fishing Vessel and Certificate of Use,* is used to request the permission of the CBP port director for the withdrawal and lading of bonded merchandise (especially alcoholic beverages) for use on board fishing vessels involved in international trade. The applicant must certify on CBP Form 5125 that supplies on board were either consumed, or that all unused quantities remain on board and are adequately secured for use on the next voyage. CBP uses this form to collect information such as the name and identification number of the vessel, ports of departure and destination, and information about the crew members. The information collected on this form is authorized by 19 U.S.C. 1309 and 1317 and is provided for by 19 CFR 10.59(e) and 10.65. CBP Form 5125 is accessible at: *https://www.cbp.gov/newsroom/publications/forms?title_1=5125.*

Type of Information Collection: Form 5125.

Estimated Number of Respondents: 500.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 500.

Estimated Time per Response: 0.33 hours.

Estimated Total Annual Burden Hours: 165.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2025–17855 Filed 9–15–25; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–NEW]

Agency Information Collection Activities; New Collection: Generic Clearance for the Collection of Social Media Identifier(s) on Immigration Forms

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting 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. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until October 16, 2025.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2025–0003. All submissions received must include the OMB Control Number 1615–NEW in the body of the letter, the agency name and Docket ID USCIS–2025–0003.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, John R. Pfirrmann-Powell, Acting Deputy Chief, telephone number (240) 721–3000 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on March 5, 2025, at 90 FR 11324, allowing for a 60-day public comment period. USCIS received 1,186 comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2025–0003 in the search box. Comments must be submitted in English, or an English translation must be provided. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Background

Executive Order 14161, ''Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats,'' directs implementation of uniform vetting standards and necessitates the collection of all information necessary for a rigorous vetting and screening of all grounds of inadmissibility or bases for the denial of immigration-related benefits. *See* 90 FR 8451 (Jan. 20, 2025). Execution of the E.O. requires U.S. Citizenship and Immigration Services (USCIS) to collect social media identifier(s) data on immigration forms and/or within information collection systems. This data will be collected from certain populations of individuals on applications for immigration-related benefits and is necessary for the enhanced identity verification, vetting and national security screening, and inspection conducted by USCIS and required under the E.O.

This collection of information is necessary to comply with section 2 of the E.O. establishing enhanced screening and vetting standards and procedures enabling USCIS to assess an alien's eligibility to receive an immigration-related benefit from USCIS. This data collection also is used to help validate an applicant's identity and determine whether such grant of a benefit poses a security or public-safety threat to the United States.

Programs Affected, OMB Control Numbers

- OMB No. 1615–0052—Form N–400, Application for Naturalization
- OMB No. 1615–0013—Form I–131, Application for Travel Document
- OMB No. 1615–0017—Form I–192, Application for Advance Permission to Enter as a Nonimmigrant
- OMB No. 1615–0023—Form I–485, Application to Register Permanent Residence or Adjust Status
- OMB No. 1615–0067—Form I–589, Application for Asylum and for Withholding of Removal
- OMB No. 1615–0068—Form I–590, Registration for Classification as Refugee
- OMB No. 1615–0037—Form I–730, Refugee/Asylee Relative Petition
- OMB No. 1615–0038 –Form I–751, Petition to Remove Conditions on Residence

- OMB No. 1615–0045—Form I–829, Petition by Investor to Remove Conditions on Permanent Resident Status

Overview of This Information Collection

(1) *Type of Information Collection Request:* New Collection.

(2) *Title of the Form/Collection:* Generic Clearance for the Collection of Social Media Identifier(s) on Immigration Forms.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* GC–2025–0003; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. E.O. 14161, ''Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats,'' directs implementation of uniform vetting standards and necessitates collection of all information necessary for a rigorous vetting and screening of all grounds of inadmissibility or bases for the denial of immigration-related benefits. Execution of the E.O. requires USCIS to collect Social Media Identifier(s) on immigration forms and/or information collection systems. This data will be collected from certain populations of individuals on applications for immigration-related benefits and is necessary for the enhanced identity verification, vetting and national security screening and, inspection conducted by USCIS and required under the E.O.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

- The estimated total number of annual respondents for the information collection N–400 is 909,700 and the estimated hour burden per response is 0.67 hours.
- The estimated total number of annual respondents for the information collection I–131 is 1,006,844 and the estimated hour burden per response is 1.17 hours.
- The estimated total number of annual respondents for the information collection I–192 is 68,050 and the estimated hour burden per response is 0.67 hours.
- The estimated total number of annual respondents for the information collection I–485 is 1,060,585 and the estimated hour burden per response is 0.67 hours.
- The estimated total number of annual respondents for the information collection I–589 is 203,379 and the estimated hour burden per response is 0.67 hours.
- The estimated total number of annual respondents for the information collection I–590 is 53,100 and the estimated hour burden per response is 0.67 hours.
- The estimated total number of annual respondents for the information collection I–730 is 13,000 and the estimated hour burden per response is 0.67 hours.
- The estimated total number of annual respondents for the information collection I–751 is 153,000 and the estimated hour burden per response is 3.17 hours.
- The estimated total number of annual respondents for the information collection I–829 is 1,010 and the estimated hour burden per response is 0.67 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated total annual hour burden associated with this collection is 3,209,930 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $0. No additional costs to the public are anticipated due to this action. Any costs to the respondents associated with the specific form filed are captured in those approved collections.

Dated: September 11, 2025.

John R. Pfirrmann-Powell,

Acting Deputy Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2025–17816 Filed 9–15–25; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0143]

Agency Information Collection Activities; Reinstatement, With Change, of a Previously Approved Collection for Which Approval Has Expired: Public Charge Bond

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed revision of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until November 17, 2025.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0143 in the body of the letter, the agency name and Docket ID USCIS–2025–0173. Submit comments via the Federal eRulemaking Portal website at *https://www.regulations.gov* under e-Docket ID number USCIS–2025–0173.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, John R. Pfirrmann-Powell, Acting Deputy Chief, telephone number (240) 721–3000 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *https://www.uscis.gov,* or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions or additional information by visiting the Federal eRulemaking Portal site at: *https://www.regulations.gov* and entering USCIS–2025–0173 in the search box. Comments must be submitted in English, or an English translation must be provided. All submissions will be posted, without change, to the Federal eRulemaking Portal at *https://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public

viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *https://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Reinstatement, With Change, of a Previously Approved Collection for Which Approval Has Expired.

(2) *Title of the Form/Collection:* Public Charge Bond.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–945; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individual or households. USCIS uses Form I–945 to ensure that the conditions of the bond are fully articulated and met when USCIS accepts the public charge bond posting. Without the form, and given the complexity of the Federal and State laws governing bonds and surety bond submissions, USCIS would not be able to determine the sufficiency of the bond and USCIS or the U.S. Department of State would not be able to finalize the adjudication of the related immigration benefit requests (adjustment of status and immigrant visa applications).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–945 is 10 and the estimated hour burden per response is 0.92 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated total annual hour burden associated with this collection is 9.2 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $0.

Dated: September 12, 2025.

John R. Pfirrmann-Powell,

Acting Deputy Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2025–17846 Filed 9–15–25; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7092–N 34; OMB Control No.: 2510–0014]

30-Day Notice of Proposed Information Collection: Production of Material or Provision of Testimony by HUD in Response to Demands in Legal Proceedings Among Private Litigants

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 16, 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 March 26, 2025 at 90 FR 13773.

A. Overview of Information Collection

Title of Information Collection: Production of Material or Provision of Testimony by HUD in Response to Demands in Legal Proceedings Among Private Litigants.

OMB Approval Number: 2510–0014.

Type of Request: Reinstatement with change of a currently approved collection.

Form Number: None. Please see 24 CFR 15.203.

Description of the need for the information and proposed use: Section 15.203 of HUD's regulations in 24 CFR specify the manner in which demands for documents and testimony from the Department should be made. Providing the information specified in 24 CFR 15.203 allows the Department to more promptly identify documents and testimony which a requestor may be seeking and determine whether the Department will be able to produce such documents and testimony.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
§ 15.203	106.00	1.00	106.00	1.50	159.00	$47.96	$7,625.64

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. 2025–17836 Filed 9–15–25; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7092–N 35; OMB Control No.: 2510–0012]

30-Day Notice of Proposed Information Collection: Comment Request Notice of Application for Designation as a Single-Family Foreclosure Commissioner

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 16, 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 May 14, 2025 at 92 FR 20485.

A. Overview of Information Collection

Title of Information Collection: Notice of Application for Designation as a Single Family Foreclosure Commissioner.

OMB Approval Number: 2510–0012.

Type of Request: Extenstion of a currently approved collection.

Form Number: None.

Description of the need for the information and proposed use: Under the Single-Family Mortgage Foreclosure Act of 1994, HUD may exercise a nonjudicial Power of Sale of single family HUD-held mortgages and may appoint Foreclosure Commissioners to do this. HUD needs the Notice and resulting applications for compliance with the Act's requirements that commissioners be qualified. Most respondents will be attorneys, but anyone may apply.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Application for Foreclosure Commissioner ...	30	1	30	0.50	15	$25.00	$375.00
Total	.....	.....	30	0.50	15	.....	375.00

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. 2025–17835 Filed 9–15–25; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7092–N 26; OMB Control No.: 2506–0145]

30-Day Notice of Proposed Information Collection: Data Collection and Reporting for HUD's Homeless Assistance Programs—Annual Performance Report and System Performance Report

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 16, 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 P. Guido, Department 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 *Anna.P.Guido@hud.gov,* 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 October 15, 2024 at 89 FR 83035.

A. Overview of Information Collection

Title of Information Collection: Data Collection and Reporting for HUD's Homeless Assistance Programs—Annual Performance Report and System Performance Report.

OMB Approval Number: 2506–0145.

Type of Request: Reinstatement of a currently approved collection.

Form Number: N/A.

Description of the need for the information and proposed use: This request is for clearance of data collection and reporting to enable the U.S. Department of Housing and Urban Development (HUD) Office of Community Planning and Development (CPD) to continue to manage and assess the effectiveness of its homeless assistance projects on an annual basis. Per 24 CFR 578.103(e), HUD requires recipients and subrecipients that receive funding through the CoC Program (authorized by the McKinney-Vento Homeless Assistance Act, as amended) to prepare and submit annual project-level reports on performance and spending.

This request will also enable the HUD CPD Office to initiate a process to assess the effectiveness of local coordinated systems of homeless assistance. The McKinney-Vento Homeless Assistance Act, as amended, requires communities to measure their performance as a coordinated system, in addition to analyzing performance of specific projects and project types. Section 427 of the Act established a set of selection criteria for HUD to use in awarding CoC Program funding. These selection criteria require CoCs to report to HUD their system-level performance. The intent of these selection criteria are to encourage CoCs, in coordination with Emergency Solutions Grant (ESG) Program recipients and all other homeless assistance stakeholders in the community, to regularly measure their progress in meeting the needs of people experiencing homelessness in their community and to report this progress to HUD. This request is for HUD to collect system-level performance measure data from CoCs on an annual basis, as described in Appendix B of this document.

The project APR and system-level performance measures both rely on a primary data source in each CoC—a local Homeless Management Information System (HMIS). An HMIS is an electronic data collection system that stores project-level and person-level information about homeless persons who access a community's homeless service system. Over the past two decades, HUD has supported the development of local HMIS by funding their development and implementation, by providing technical assistance, and by developing national data standards that enable the collection of standardized information on the characteristics, service patterns and service needs of homeless persons within a jurisdiction and across jurisdictions. These standards are described in HUD's HMIS Data Standards.

In addition to a CoC's HMIS data, the system-level performance measures will also rely on data collected by CoCs as part of their Point-in-Time (PIT) count efforts. CoCs are required by HUD to complete a sheltered PIT count of all homeless persons who are sheltered in emergency shelter, transitional housing, and Safe Havens and a count of unsheltered persons on a single night in January at least once every other year. HUD incentivizes annual participation in the sheltered and unsheltered PIT count through its annual CoC Program Competition. HUD releases a Notice which outlines its data collection guidance for the PIT count and the Housing Inventory Count (HIC), which is an annual point-in-time inventory of projects within a CoC that provide beds and units dedicated to serve persons who are homeless. jurisdictions. These standards are described in HUD's HMIS Data Standards.

EXHIBIT A–1—ESTIMATED ANNUALIZED BURDEN HOURS AND COST FOR ANNUAL PERFORMANCE REPORTS

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Annual Performance Report (CoC Program)—Non-profit Recipients	3,550.00	1	3,550.00	4	14,200.00	$48.03	682,026.00
Quarterly Performance Report (YHDP)—Non-profit Recipients	200.00	4	800.00	5	4,000.00	48.03	192,120.00

EXHIBIT A–1—ESTIMATED ANNUALIZED BURDEN HOURS AND COST FOR ANNUAL PERFORMANCE REPORTS—Continued

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Annual Performance Report (YHDP)—Non-profit Recipients	200.00	1	200.00	5	1,000.00	48.03	48,030.00
Performance Report (Special CoC NOFO Grants that report quarterly)—Non-profit Recipients	110.00	4	440.00	4	1,760.00	48.03	84,532.80
Performance Report (Special CoC NOFO Grants that report annually)—Non-profit Recipients	28.00	1	28.00	4	112.00	48.03	5,379.36
Annual Performance Report (CoC Builds NOFO)—Non-profit Recipients	13.00	1	13.00	4	52.00	48.03	2,497.56
Annual Performance Report (CoC Program)—State and Local Recipients	3,550.00	1	3,550.00	4	14,200.00	48.03	682,026.00
Quarterly Performance Report (YHDP)—State and Local Recipients	200.00	4	800.00	5	4,000.00	48.03	192,120.00
Annual Performance Report (YHDP)—State and Local Recipients	200.00	1	200.00	5	1,000.00	48.03	48,030.00
Performance Report (Special CoC NOFO Grants that report quarterly)—State and Local Recipients	110.00	4	440.00	4	1,760.00	48.03	84,532.80
Performance Report (Special CoC NOFO Grants that report annually)—State and Local Recipients	28.00	1	28.00	4	112.00	48.03	5,379.36
Annual Performance Report (CoC Builds NOFO)—State and Local Recipients	12.00	1	12.00	4	48.00	48.03	2,305.44
Total	8,201.00		10,061.00		42,244.00		2,028,979.32

Hourly wage rates are based on the 2024 Occupational Employment and Wages published by the Department of Labor (8/21/2024).
The median hourly wage rates in Exhibit A–2 represent the average of ''Business Operations Specialists, All Other'' ($44.41/hr) and ''Database Administrators'' ($51.65), assuming an equal proportion of hours required to complete the Performance Report per occupational type.

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,

PRA Department Compliance Officer, Office of Policy Development and Research, Chief Data Officer.

[FR Doc. 2025–17834 Filed 9–15–25; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6534; NPS–WASO–NAGPRA–NPS0041088; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Tennessee Department of Environment and Conservation, Division of Archaeology, Nashville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC–DOA) has completed an inventory of human remains and associated funerary objects from unknown sites in Tennessee and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after October 16, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Phillip R. Hodge, Tennessee Department of Environment and Conservation, Division of Archaeology, 1216 Foster Avenue, Cole Building #3, Nashville, TN 37243, email *Phil.Hodge@tn.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the TDEC–DOA, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, 60 individuals have been identified. The one associated funerary object is one lot of artifacts.

Unknown Sites, TN

Human remains representing, at least, two individuals were donated to TDEC–DOA by the University of Georgia in 2025 with no record as to the original circumstances of collection.

Human remains representing, at least, three individuals, and one lot of artifacts are identified on storage boxes as being from the ''Yeatman Collection'' and were donated to TDEC–DOA by archaeology faculty from Sewanee, the University of the South.

Human remains representing, at least, 23 individuals were donated to TDEC–

DOA with no record as to the timing, donor, or original circumstances of collection.

Human remains representing, at least, one individual were donated to TDEC–DOA by the Mississippi Department of History and Archives for repatriation.

Human remains representing, at least, one individual were discovered in flea market in Virginia, with an alleged provenience of Tennessee. They were delivered anonymously to a member of Tennessee Commission on Indian Affairs, and then transferred to TDEC–DOA for repatriation.

Human remains representing, at least, one individual were donated to the Rocky Mount Historical Association and transferred to TDEC–DOA in 1999.

Human remains representing, at least, one individual were collected by private individuals and donated to TDEC–DOA in 2008.

Human remains representing, at least, two individuals were donated to TDEC–DOA by Wake Forest University for repatriation. The box containing the remains is labeled ''40M1.''

Human remains representing, at least, four individuals were donated to TDEC–DOA by the Scaritt Museum in 1992.

Human remains representing, at least, eight individuals were donated to TDEC–DOA by faculty from East Tennessee State University in 2023.

Human remains representing, at least, two individuals were donated to the TDEC–DOA by a private archaeological consultant in 2010.

Human remains representing, at least, four individuals were collected by private individuals and donated to TDEC–DOA in 2010.

Human remains representing, at least, eight individuals from the collection of the Tennessee State Museum were transferred to TDEC–DOA in 1995 (MNI=1) and 2021 (MNI=7).

No further information exists as to the geographic origins or circumstances of collection for any of the above-listed materials. There is no known exposure to hazardous substances or treatments.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The TCED–DOA has determined that:

- The human remains described in this notice represent the physical remains of, at least, 60 individuals of Native American ancestry.
- The one lot of objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians of Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after October 16, 2025. If competing requests for repatriation are received, the TDEC–DOA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The TDEC–DOA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: September 4, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–17880 Filed 9–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6530; NPS–WASO–NAGPRA–NPS0041083; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, Fish and Wildlife Service, Wheeler National Wildlife Refuge, Decatur, AL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior, Fish and Wildlife Service (USFWS), Wheeler National Wildlife Refuge (NWR), has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after October 16, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Haley Messer, U.S. Fish and Wildlife Service, Southeast Region, Archaeologist, 694 Beech Hill Lane, Hardeeville, SC 29927, email *haley_messer@fws.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the USFWS, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, three individuals have been identified. A total of 39 associated funerary objects have been identified.

The two individuals discovered in Limestone County, AL, (site 1LI47) were collected by the Limestone County Sheriff at an unknown date prior to 1999 from the Wheeler NWR. The individuals were deemed not modern based on age and condition. The first burial included remains of one adult with sex indeterminate. The second burial included remains of one adult male. A total of 18 associated funerary

objects were collected from 1LI47, and consist of 15 unidentified sandstone fragments, two chert flakes, and one shell. The site dates to the Late Archaic Period. No additional provenience information was located.

The one individual discovered in Morgan Country, AL, (site 1MG2) was collected by a staff member from the Wheeler NWR on December 2, 1985. The burial included one adult (35–50 years old) male. The individual was deemed not modern based on age and condition. A total of 21 associated funerary objects were collected from 1MG2 and consist of 18 faunal fragments (including white-tailed deer, turtle, bird, and unidentified mammal), one sand-tempered sherd, one chert biface, and one chert flake. The site dates to Late Archaic/Gulf Formational, Middle and Late Woodland Periods. No additional provenience information was located.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The USFWS has determined that:

- The human remains described in this notice represent the physical remains of three individuals of Native American ancestry.
- The 39 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Poarch Band of Creek Indians and The Chickasaw Nation.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after October 16, 2025. If competing requests for repatriation are received, the USFWS must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The USFWS is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

(Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.)

Dated: September 4, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–17875 Filed 9–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6527; NPS–WASO–NAGPRA–NPS0041080; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Kansas State Historical Society, Topeka, KS

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Kansas State Historical Society (KSHS) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after October 16, 2025.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Dr. Nicole Klarmann, Kansas State Historical Society, 6425 SW 6th Avenue, Topeka, KS 66615–1099, email *kshs.nagpra@ks.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the KSHS, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified from the Pawnee Village site and/or the Leary site (14BN1336) in Richardson County, NE (UBS 2001–03). No associated funerary objects are present. An amateur archeologist gave remains to KSHS in 1925 but was not certain about which site they came from. To our knowledge, no known hazardous substances were used to treat the human remains.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

The KSHS has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a connection between the human remains described in this notice and the Iowa Tribe of Kansas and Nebraska and the Pawnee Nation of Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after October 16, 2025. If competing requests for repatriation are received, the KSHS must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The KSHS is responsible for sending a copy of this notice to the Indian Tribes and Native

Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: September 4, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–17885 Filed 9–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6531; NPS–WASO–NAGPRA–NPS0041084; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Sonoma State University, Rohnert Park, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Sonoma State University intends to repatriate certain cultural items that meet the definition of unassociated funerary objects, sacred objects, and/or objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after October 16, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Elise-Alexandria Green, Sonoma State University, 1801 East Cotati Avenue, Rohnert Park, CA 94928, email *elise.green@sonoma.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Sonoma State University, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 12,078 lots of cultural items have been requested for repatriation. Of the cultural items being requested for repatriation 247 lots are being claimed as unassociated funerary items. The remaining 11,831 lots are being claimed as objects of cultural patrimony.

A total of 65 lots of unassociated funerary objects were removed from CA–SON–567H near Lake Sonoma in Sonoma County, California. There was no information found on how or why the collection was collected and came to Sonoma State University. The cultural items include faunal bone and shell. The cultural items have been housed at Sonoma State University since 1986 under Accession Number 86–01.

A total of one lot of unassociated funerary objects was removed from CA–SON–1163H near Lake Sonoma in Sonoma County, California. There was no information found on how or why the collection was collected and came to Sonoma State University. The cultural item is faunal bone. The cultural item has been housed at Sonoma State University since 1986 under Accession Number 86–01.

A total of nine lots of unassociated funerary objects were removed from CA–SON–1165H near Lake Sonoma in Sonoma County, California. There was no information found on how or why the collection was collected and came to Sonoma State University. The cultural items include faunal bone and shell. The cultural items have been housed at Sonoma State University since 1986 under Accession Number 86–01.

A total of two lots of objects of cultural patrimony were removed from CA–SON–1569 near Lake Sonoma in Cloverdale, Sonoma County California. The cultural items were removed from the site by the Sonoma State Academic Foundation during a mix-strategy archaeological field survey contracted by Sonoma County Planning Department. The purpose of this study was to identify and record precolonial and historic resources, make a preliminary evaluation of resource significance, assess potential impact to the resources as a result of development of the area, and formulate recommendations on how to reduce or eliminate impacts to the sites. The cultural items are a flaked stone tool and debitage. The cultural items have been housed at Sonoma State University since 1987 under Accession Number 87–01.

A total of 12,001 lots of cultural items are being requested for repatriation from sites CA–SON–1470, CA–SON–1471H and CA–SON–1475. The 11,829 lots of objects of cultural patrimony and 172 unassociated funerary objects were removed from CA–SON–1470, CA–SON–1471H, and CA–SON–1475 near Lake Sonoma in Cloverdale, Sonoma County California. These cultural items were removed from these sites during The Rockpile Road Upgrade Project which consisted of improving a segment of Rockpile Road to connect with Kelly Road. The Anthropological Studies Center (ASC) at Sonoma State University performed an initial intensive cultural resource survey in 1985 which identified archaeological and historic sites. The Army Corp of Engineers in collaboration with the California State Historic Preservation Officer concluded that some of the sites may be eligible for the National Register of Historic Places. Further excavations of CA–SON–1471H were performed by the ASC in 1986 and 1987 to evaluate if the site met the qualification of the National Register. The cultural items include debitage, groundstone tools, flaked stone tools, projectile points, historic material, faunal bone, seeds, and soil. The cultural items have been housed at Sonoma State University since 1985, 1986, and 1987 under Accession Numbers 85–01, 86–04, 86–05, and 87–09.

Based on records concerning the unassociated funerary objects and objects of cultural patrimony and the institution in which they were housed, there is no evidence of the cultural items being treated with hazardous substances.

Determinations

The Sonoma State University has determined that:

- The 247 unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- The 11,831 objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.

• There is a reasonable connection between the cultural items described in this notice and the Cloverdale Rancheria of Pomo Indians of California; Dry Creek Rancheria Band of Pomo Indians, California; and the Kashia Band of Pomo Indians of the Stewarts Point Rancheria, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after October 16, 2025. If competing requests for repatriation are received, the Sonoma State University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Sonoma State University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: September 4, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–17876 Filed 9–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6529; NPS–WASO–NAGPRA–NPS0041082; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Kansas State Historical Society, Topeka, KS

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Kansas State Historical Society (KSHS) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after October 16, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. Nicole Klarmann, Kansas State Historical Society, 6425 SW 6th Avenue, Topeka, KS 66615–1099, email *kshs.nagpra@ks.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the KSHS, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified from Brown County, KS (UBS 1990–14). The 44 associated funerary objects are a copper strip, comb, rings, a bracelet, a chain, beads, fabric, yarn, and limestone. Historic human remains were uncovered during roadwork.

Human remains representing, at least, one individual have been identified from Doniphan County, KS (UBS 1995–33). No associated funerary objects are present. Human remains were found in the collections of the Iowa and Sac and Fox Mission (Highland Mission). Provenience information states that they were found in the vicinity of the Highland Mission.

Human remains representing, at least, one individual have been identified from the Guthrie site (14DP347) in Doniphan County, KS (UBS 1997–20). The 12 associated funerary objects include flakes, a metal flake, stone and chips, and a cinder. The human remains and objects were uncovered while bulldozing a hilltop for housing.

Human remains representing, at least, one individual have been identified from site 14DP304 in Doniphan County, KS (UBS 2000–16). The two associated funerary objects include debitage. The human remains were found on or near a looted stone mound.

Human remains representing, at least, two individuals have been identified from either Kansas or Nebraska (UBS 2019–02, UBS 1993–07). No associated funerary objects are present. These remains are potentially from the Leary site (14BN1336), however, the exact provenience is uncertain.

To our knowledge, no known hazardous substances were used to treat any of the human remains and associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The KSHS has determined that:

• The human remains described in this notice represent the physical remains of six individuals of Native American ancestry.

• The 58 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.

• There is a connection between the human remains and associated funerary objects described in this notice and the Iowa Tribe of Kansas and Nebraska.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after October 16, 2025. If competing requests for repatriation are received, the KSHS must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The KSHS is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: September 4, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–17887 Filed 9–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6538; NPS–WASO–NAGPRA–NPS0041086; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Mercyhurst University, Erie, PA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Mercyhurst University has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after October 16, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Anne Marjenin, Mercyhurst University, 501 East 38th Street, Erie, PA 16546, email *nagpra@mercyhurst.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of Mercyhurst University, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, four individuals have been identified. The one associated funerary object is unmodified faunal remains (one tooth). The individuals were removed from a location, or from multiple locations near Milan, Ohio. Milan is in Erie County and Huron County. The individuals and associated funerary object were likely removed by Raymond C. Vietzen (1907–1995) between the 1940s and 1990s near Milan in Erie County, Ohio. Vietzen, an avocational archaeologist, collector, and author, established the Indian Ridge Museum in Elyria, Ohio, and the Archaeological Society of Ohio (formerly the Ohio Indian Relic Collectors Society). The Indian Ridge Museum, founded in the 1930s, served as Vietzen's laboratory and repository, and it remained in operation until the mid-1990s. After Vietzen's death, the facility fell into disrepair, and most of the items he had acquired and housed at the museum were sold. In 1998, the Ohio Historical Society (presently the Ohio History Connection) removed ancestral human remains and some of the remaining items from the facility and temporarily housed them at the Ohio Historical Society. In October of 2003, these remains were transferred from the Ohio Historical Society to Mercyhurst College (presently Mercyhurst University).

While there is no record regarding potentially hazardous substances having been used to treat the human remains, tape, unidentified adhesives, and an unidentified plaster or similar type of substance are present. It is unknown when the tape, adhesives, and other substance were applied. An unidentified adhesive was applied to the associated funerary object. It is unknown when the adhesive was applied.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary object described in this notice.

Determinations

Mercyhurst University has determined that:

- The human remains described in this notice represent the physical remains of four individuals of Native American ancestry.
- The one object described in this notice is reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary object described in this notice and the Absentee-Shawnee Tribe of Indians of Oklahoma; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Cayuga Nation; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana; Citizen Potawatomi Nation, Oklahoma; Delaware Nation, Oklahoma; Delaware Tribe of Indians; Eastern Shawnee Tribe of Oklahoma; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Kaw Nation, Oklahoma; Keweenaw Bay Indian Community, Michigan; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little River Band of Ottawa Indians, Michigan; Little Shell Tribe of Chippewa Indians of Montana; Little Traverse Bay Bands of Odawa Indians, Michigan; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Miami Tribe of Oklahoma; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan; Omaha Tribe of Nebraska; Oneida Indian Nation; Oneida Nation; Onondaga Nation; Ottawa Tribe of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; Prairie Band Potawatomi Nation; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Saginaw Chippewa Indian Tribe of Michigan; Saint Regis Mohawk Tribe; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Seneca Nation of Indians; Seneca-Cayuga Nation; Shawnee Tribe; Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; Tonawanda Band of Seneca; Turtle Mountain Band of Chippewa Indians of North Dakota; Tuscarora Nation; and the Wyandotte Nation.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after October 16, 2025. If competing requests for repatriation are received, Mercyhurst University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. Mercyhurst University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

(Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.)

Dated: September 4, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–17878 Filed 9–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6532; NPS–WASO–NAGPRA–NPS0041085; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Mercyhurst University, Erie, PA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Mercyhurst University has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after October 16, 2025.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Anne Marjenin, Mercyhurst University, 501 East 38th Street, Erie, PA 16546, email *nagpra@mercyhurst.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of Mercyhurst University, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, three individuals have been identified. No associated funerary objects are present. In 1957 and 1958, several members of the Firelands Chapter of the Archaeological Society of Ohio removed multiple individuals from the Herner Site in Huron County, Ohio. On an unknown date, individuals from the Herner Site were obtained by Raymond C. Vietzen (1907–1995). Vietzen, an avocational archaeologist, collector, and author, established the Indian Ridge Museum in Elyria, Ohio, and the Archaeological Society of Ohio (formerly the Ohio Indian Relic Collectors Society). The Indian Ridge Museum, founded in the 1930s, served as Vietzen's laboratory and repository, and it remained in operation until the mid-1990s. After Vietzen's death, the facility fell into disrepair, and most of the items he had acquired and housed at the museum were sold. In 1998, the Ohio Historical Society (presently the Ohio History Connection) removed ancestral human remains and some of the remaining items from the facility and temporarily housed them at the Ohio Historical Society. In October of 2003, these remains were transferred from the Ohio Historical Society to Mercyhurst College (presently Mercyhurst University).

While there is no record regarding potentially hazardous substances having been used to treat the human remains, an unidentified adhesive is present. It is unknown when the adhesive was applied. A residue, likely from tape, is also present on some of the human remains.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

Mercyhurst University has determined that:

- The human remains described in this notice represent the physical remains of three individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Absentee-Shawnee Tribe of Indians of Oklahoma; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Cayuga Nation; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana; Citizen Potawatomi Nation, Oklahoma; Delaware Tribe of Indians; Eastern Shawnee Tribe of Oklahoma; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Kaw Nation, Oklahoma; Keweenaw Bay Indian Community, Michigan; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little River Band of Ottawa Indians, Michigan; Little Shell Tribe of Chippewa Indians of Montana; Little Traverse Bay Bands of Odawa Indians, Michigan; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Miami Tribe of Oklahoma; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan; Omaha Tribe of Nebraska; Oneida Indian Nation; Oneida Nation; Onondaga Nation; Ottawa Tribe of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; Prairie Band Potawatomi Nation; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Saginaw Chippewa Indian Tribe of Michigan; Saint Regis Mohawk Tribe; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Seneca Nation of Indians; Seneca-Cayuga Nation; Shawnee Tribe; Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; Tonawanda Band of Seneca; Turtle Mountain Band of Chippewa Indians of North Dakota; Tuscarora Nation; and the Wyandotte Nation.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be

sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after October 16, 2025. If competing requests for repatriation are received, Mercyhurst University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. Mercyhurst University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

(Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.)

Dated: September 4, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–17877 Filed 9–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6536; NPS–WASO–NAGPRA–NPS0041089; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Tennessee Department of Environment and Conservation, Division of Archaeology, Nashville, TN, and Cobb Institute of Archaeology, Mississippi State University, Mississippi State, MS

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC–DOA) and the Mississippi State University (MSU), Cobb Institute of Archaeology, has completed an inventory of human remains and associated funerary objects from Hawkins County, TN and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after October 16, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Phillip R. Hodge, Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC–DOA), 1216 Foster Avenue, Cole Building #3, Nashville, TN 37243, email *Phil.Hodge@tn.gov,* and Tony Boudreaux, Mississippi State University (MSU), Cobb Institute of Archaeology, P.O. Box AR, Mississippi State, MS 39762, email *tboudreaux@anthro.msstate.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the TDEC–DOA and MSU, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, 17 individuals and 25 associated funerary objects have been identified. There is no known exposure to hazardous substances or treatments.

Site 40HW11, Hawkins County, TN

A large Mississippian period cemetery at 40HW11 was excavated by members of the Tennessee Archaeological Society between 1968 and 1972. Both ancestral remains and funerary objects entered the private collections of excavators.

Ancestral remains associated with this site include, at least, 17 individuals. The 25 associated funerary objects consist of four marine shell ear pins; two triangular stones; two bi-pointed bone awls; one serrated chert arrow point; one blank marine shell gorget; and one Citico style marine shell gorget; and 14 lots of artifacts including fauna, lithics, shell beads, mica, ceramic, and wood.

Human remains of 14 individuals entered TDEC–DOA care as follows: (a) Remains of at least five individuals were donated to TDEC–DOA in 1990 by the Sheriff of Brunswick County, NC after seizure from a private individual; (b) Remains of at least two individuals were donated to TDEC–DOA by a private individual in 1991; (c) Remains of at least one individual were donated to TDEC–DOA by East Tennessee State University in 2019; (d) Remains of at least six individuals and five lots of artifacts were donated to TDEC–DOA by East Tennessee State University in 2023; and (e) 19 associated funerary objects were donated to Bays Mountain Natural Area by private individuals in 1971 and transferred to TDEC–DOA in 2022.

Human remains of three individuals entered MSU care as follows: Remains of at least two individuals were donated by a private citizen of Columbus, Mississippi in 1999. Remains of at least one individual and one lot of associated funerary objects was transferred to MSU through an undocumented loan from East Tennessee State University.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The TDEC–DOA and MSU has determined that:

- The human remains described in this notice represent the physical remains of 17 individuals of Native American ancestry.
- The 25 associated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Cherokee Nation; Eastern Band of Cherokee Indians; The Muscogee (Creek) Nation; Thlopthlocco Tribal Town; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or

an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after October 16, 2025. If competing requests for repatriation are received, the TDEC–DOA and MSU must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The TDEC–DOA and MSU is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

(Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.)

Dated: September 4, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–17881 Filed 9–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6521; NPS–WASO–NAGPRA–NPS0041076; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, Norman, OK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Sam Noble Oklahoma Museum of Natural History, (SNOMNH) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after October 16, 2025.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Zachary Garrett, NAGPRA Program Coordinator, Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, 2401 Chautauqua Avenue, Norman, OK 73072–7029, email *zacgarrett@ou.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of SNOMNH, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, two individuals have been identified. The human remains consist of human hair included in two dolls.

One doll (NAM 09–06–102) was transferred from the University of Oklahoma Art Museum (now Fred Jones Jr. Museum of Art) to the Stovall Museum of Science and History (now SNOMNH) where it was accessioned in 1982. Records indicate the doll and the hair are Cheyenne or Arapaho, and cultural affiliation was confirmed through tribal consultation with the Cheyenne and Arapaho Tribes, Oklahoma.

One doll (NAM 09–06–257) was part of a collection of Cheyenne and Arapaho objects acquired by Mr. William H. Munger during his residence at Watonga, OK, as a merchant. Mr. Munger moved into Cheyenne and Arapaho country in 1892 and opened a store. Mr. Munger passed away in 1926, and in 1947 the collection was donated to SNOMNH by members of Mr. Munger's family.

In the past, hazardous substances were used to treat the Ethnology Collection at SNOMNH. The Ethnology Collection in part or whole was exposed to Paradichlorobenzene (PBD in textile storage-discontinued around or before 1981), Naphthalene (moth flake packets stored with textiles-discontinued around 1985), and Vapona (no-pest-strips (active ingredient: Dichlorvos DDVP) and pyrethrins, placed in cases with objects, discontinued around 1986). None of these products were ever in direct contact with objects. Any potential treatments of these objects by donors are unknown.

The building where the Ethnology collection was previously stored was subject to fumigation multiple times per year from 1983–1985, using Vapo-Mist 500, 5% Vapona Insecticide (active ingredient was dichlorovinyl dimethyl phosphate (DDVP), and also contained petroleum distillates and 1,1,1-trichloethane). Chemical remnants may have remained present in objects, as well as museum cabinets and other furniture used to store collections.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains described in this notice.

Determinations

SNOMNH has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Cheyenne and Arapaho Tribes, Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after October 16, 2025. If competing requests for repatriation are received, the SNOMNH must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. SNOMNH is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: September 4, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–17882 Filed 9–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6528; NPS–WASO–NAGPRA–NPS0041081; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Kansas State Historical Society, Topeka, KS

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Kansas State Historical Society (KSHS) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after October 16, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. Nicole Klarmann, Kansas State Historical Society, 6425 SW 6th Avenue, Topeka, KS 66615–1099, email *kshs.nagpra@ks.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the KSHS, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified from the Fanning site (14DP1) in Doniphan County, KS (UBS 2024–08). No associated funerary objects are present. A human tooth was found within a donation by the Nebraska Historical Society to KSHS.

Human remains representing, at least, one individual have been identified from the Brenner Mounds/Trowbridge site (14WY1) in Wyandotte County, KS (UBS 1991–80). The 4,665 associated funerary objects are chipped and ground stone tools, animal bone and bone tools, pottery sherds, fossils, fired clay, axes, knives, a pipe stem fragment, obsidian, points, drills, and glass shards. The human remains and associated funerary objects were removed from one of the three Brenner Mounds near the Trowbridge Village site.

To our knowledge, no known hazardous substances were used to treat any of the human remains or associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The KSHS has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- The 4,665 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Iowa Tribe of Kansas and Nebraska and Kaw Nation, Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after October 16, 2025. If competing requests for repatriation are received, the KSHS must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The KSHS is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: September 4, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–17886 Filed 9–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6526; NPS–WASO–NAGPRA–NPS0041079; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Florida, Florida Museum of Natural History, Gainesville, FL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Florida, Florida Museum of Natural History (FMNH) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after October 16, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Megan Fry, University of Florida, Florida Museum of Natural History, 1659 Museum Road, Gainesville, FL 32611, email *NagpraOffice@floridamuseum.ufl.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the FMNH, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Mayport Mound (8DU96) is south of the Mayport Naval Base, about one mile from the south bank of the St. Johns River. In 1963, Representative Charles E. Bennett suggested that an archaeological

investigation of the Mayport mound might provide evidence of contact between the Timucua and the French at Fort Caroline. Subsequent excavations, led by Rex L. Wilson (1965), uncovered 46 burials, most in poor condition. The artifacts recovered dated the mound to the Swift Creek period, with no evidence of French contact. Human remains representing, at least, 152 individuals have been identified (two subadult and 150 adults). The 5,508 associated funerary objects are 5,481 pottery sherds, shell beads, and lithic tools and faunal bone and 21 reconstructed Native American pottery vessels.

Cultural Affiliation

Based on the information available and the results of consultation cultural affiliation is reasonably identified by the geographical location of the human remains and associated funerary objects described in this notice.

Determinations

The FMNH has determined that:

- The human remains described in this notice represent the physical remains of 152 individuals of Native American ancestry.
- The 5,508 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Miccosukee Tribe of Indians; Seminole Tribe of Florida; and The Muscogee (Creek) Nation.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after October 16, 2025. If competing requests for repatriation are received, the FMNH must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The FMNH is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: September 4, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–17884 Filed 9–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6524; NPS–WASO–NAGPRA–NPS0041077; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, Bureau of Land Management, Arizona State Office, Phoenix, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of Interior, Bureau of Land Management, Arizona State Office (BLM), has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after October 16, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Raymond Suazo, Arizona State Director, BLM Arizona State Office, One North Central Avenue, Suite 800, Phoenix, AZ 85004–9412, email *blm_az_asoweb@blm.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the BLM and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing at least 20 individuals have been identified from two sites in Graham Country, Arizona. The 302 associated funerary objects include an apron, atlatl, bag, bag fragment, botanical material, cords, cord fragment, cradles, cradle fragment, cradle fragment cord, cradle fragment leather, gourd fragment, hammerstone, hematite, leather fragment, mano, net fragment, pipe, plant fiber artifact, plant fiber bag, plant material, plant material bundle, projectile point, rabbit skin pad, robe fragment, sandals, shell bead, shell pendant, sherds, textile fragment, unprocessed leaf fiber, and wood artifact.

AZ W:13:6 (ASM), sometimes called ''McEuen Cave'', is a rock shelter in southeastern Arizona. Human remains representing at least 19 individuals have been reasonably identified from AZ W:13:6 (ASM), The funerary objects include 269 objects. Radiocarbon dating from the early 1960s suggests the site was occupied multiple times beginning around 2200–2500 BP. The material culture indicates repeated use by both Late Archaic and Mogollon peoples. The site was first excavated in 1934 and 1935. Records indicate that during this period, several individuals associated with the excavation also purchased artifacts removed from the cave by local residents and incorporated them into the archaeological collections. These collections were initially curated at various repositories in Arizona, but several consolidation efforts have resulted in the bulk of the collections being housed at the Arizona State Museum.

AZ W:13:21 (ASM), sometimes called ''Day Mine Rock Shelter'', is also located in southeastern Arizona. Human remains representing at least one individual have been reasonably identified from the site. The 33 associated funerary objects include 32 sherds and one mano. Ceramics recovered during excavation suggest multiple occupations between A.D. 900 and A.D. 1500 by Late Archaic, Mogollon, and Salado peoples. Materials from AZ W:13:21 (ASM) were excavated in 1987 following extensive vandalism in 1984. The human remains from AZ W:13:21 (ASM) were loaned to the Human Identification Laboratory at the Arizona State Museum for osteological assessment on February 23, 1989, by the BLM. In 2002, the BLM registered the collection with the

Arizona State Museum for final curation.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The BLM has determined that:

- The human remains described in this notice represent the physical remains of 20 individuals of Native American ancestry.
- The 302 funerary objects, described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a reasonable connection between the human remains and associated funerary objects described in this notice and the Ak-Chin Indian Community; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; and the Tohono O'odham Nation of Arizona.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after October 16, 2025. If competing requests for repatriation are received, the BLM must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The BLM is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: September 4, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–17883 Filed 9–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6533; NPS–WASO–NAGPRA–NPS0041087; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Tennessee Department of Environment and Conservation Division of Archaeology, Nashville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC–DOA) intends to repatriate certain cultural items from unknown sites in Tennessee that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after October 16, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Phillip R. Hodge, Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC–DOA), 1216 Foster Avenue, Cole Building #3, Nashville, TN 37243, email *Phil.Hodge@tn.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the TDEC–DOA, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of six cultural items from unknown locations in Tennessee have been requested for repatriation.

Unknown Sites, TN

The six unassociated funerary objects are:

Four partial ceramic vessels. No information exists as to the circumstances of original collection or timing of this donation to TDEC–DOA.

One partial ceramic pipe bowl repaired using modern materials. This artifact was donated by a private collector to Bays Mountain Natural Area and Park in Kingsport, Tennessee around 1971 and transferred to TDEC–DOA in 2022.

One bison metacarpal bone. This artifact was part of the Tennessee State Museum collection and was transferred to TDEC–DOA in 2021. No additional information is available regarding the circumstances of recovery.

There is no known exposure to hazardous substances or treatments.

Determinations

The TDEC–DOA has determined that:

- The six cultural items described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a reasonable connection between the cultural items described in this notice and the Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or

a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after October 16, 2025. If competing requests for repatriation are received, the TDEC–DOA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The TDEC–DOA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

(Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.)

Dated: September 4, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–17879 Filed 9–15–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR040U2100, XXXR4081G3, RX.05940913.FY19310]

Glen Canyon Dam Adaptive Management Work Group Charter Renewal

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of charter renewal.

SUMMARY: Following consultation with the General Services Administration, notice is hereby given that the Secretary of the Interior (Secretary) is renewing the charter for the Glen Canyon Dam Adaptive Management Work Group. The purpose of the Adaptive Management Work Group is to provide advice and recommendations to the Secretary concerning the operation of Glen Canyon Dam and the exercise of other authorities pursuant to applicable Federal law.

FOR FURTHER INFORMATION CONTACT: William Stewart, Adaptive Management Group Chief, (385) 622–2179, *wstewart@usbr.gov.* Individuals who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: This notice is published in accordance with Section 9(a)(2) of the Federal Advisory Committee Act of 1972 (Pub. L. 92–463, as amended). The certification of renewal is published below.

Certification

I hereby certify that the charter renewal of the Glen Canyon Dam Adaptive Management Work Group is in the public interest in connection with the performance of duties imposed on the Department of the Interior.

Authority: 5 U.S.C. Ch. 10.

Doug Burgum,

Secretary of the Interior.

[FR Doc. 2025–17918 Filed 9–15–25; 8:45 am]

BILLING CODE 4332–90–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1400]

Certain Cameras, Camera Systems, and Accessories Used Therewith; Notice of Commission Determination To Review in Part a Final Initial Determination of Violation of Section 337; Schedule for Filing Written Submissions on Certain Issues Under Review and on Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review in part a final initial determination (''Final ID'') issued by the presiding administrative law judge (''ALJ'') finding a violation of section 337 of the Tariff Act of 1930. The Commission requests briefing from the parties on certain issues under review and from the parties, interested government agencies, and interested persons on remedy, the public interest, and bonding based on the schedule set forth below.

FOR FURTHER INFORMATION CONTACT: Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–5468. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted the above-captioned investigation on May 6, 2024, based on a complaint filed by GoPro, Inc. of San Mateo, California (''GoPro''). 89 FR 37242–43 (May 6, 2024). The complaint alleged a violation of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain cameras, camera systems, and accessories used therewith by reason of the infringement of claims 1–12 of U.S. Patent No. 10,015,413 (''the '413 patent''); claims 1–10 of U.S. Patent No. 10,529,052 (''the '052 patent''); claims 1–20 of U.S. Patent No. 10,574,894 (''the '894 patent''); claims 1–21 of U.S. Patent No. 10,958,840 (''the '840 patent''); claims 1–10 of U.S. Patent No. 11,336,832 (''the '832 patent''); and the claim of U.S. Design Patent No. D789,435 (''the D'435 patent''). *Id.* at 37243. The complaint further alleged that an industry in the United States exists. *Id.* The notice of investigation named as respondents Arashi Vision Inc. d/b/a Insta360 of Shenzhen, China, and Arashi Vision (U.S.) LLC d/b/a Insta360 of Irvine, California (collectively, ''Insta360''). *Id.* The Office of Unfair Import Investigations is not a party to the investigation. *Id.*

GoPro terminated the investigation based on partial withdrawals of the complaint with respect to claims 2–12 of the '413 patent; claims 3, 4, and 7–10 of the '052 patent; claims 2–4 and 6–20 of the '894 patent; claims 1–12 and 15–21 of the '840 patent; and claims 1–3, 5–7, 9, and 10 of the '832 patent. Order No. 9 (Sept. 30, 2024), *unreviewed by* Comm'n Notice (Oct. 25, 2024); Order No. 24 (Jan. 13, 2025), *unreviewed by* Comm'n Notice (Jan. 31, 2025). Accordingly, at the time of the Final ID, GoPro asserted infringement of the following claims: claim 1 of the '413 patent; claims 1, 2, 5, and 6 of the '052 patent; claims 1 and 5 of the '894 patent; claims 13 and 14 of the '840 patent; claims 4 and 8 of the '832 patent; and the single claim of the D'435 patent.

On December 13, 2024, the parties stipulated that the importation requirement was satisfied for all accused products. Importation Stipulation Between Complainant and Respondents (Dec. 13, 2024). On January 21, 2025, the Commission found that GoPro satisfied the economic prong

of the domestic industry requirement for all six asserted patents. Order No. 18 (Dec. 19, 2024), *unreviewed by* Comm'n Notice (Jan. 21, 2025). The ALJ held an evidentiary hearing from January 13 to 17, 2025.

On July 11, 2025, the ALJ issued the Final ID finding a violation of section 337 by Insta360 with respect to D'435 and no violation with respect to the five utility patents. Final ID at 274–75. Specifically, the Final ID found: (1) claims 1 and 5 of the '894 patent were not infringed, were not invalid, and were satisfied for the technical prong of the domestic industry requirement; (2) claims 13 and 14 of the '840 patent were not infringed, claim 13 was not invalid but claim 14 was invalid, and claims 13 and 14 were satisfied for the technical prong; (3) claims 4 and 8 of the '832 patent were infringed, were invalid, and were satisfied for the technical prong; (4) claims 1, 2, 5, and 6 of the '052 patent were infringed (for the wide-angle lens products only), were invalid, and were satisfied for the technical prong; (5) claim 1 of the '413 was not infringed, was invalid, and was satisfied for the technical prong; and (6) the claim of D'413 was infringed, was not invalid, and was satisfied for the technical prong. *Id.*

The ALJ also issued a recommended determination (''RD'') on remedy and bond. If the Commission were to find a violation, the ALJ recommends that the Commission issue a limited exclusion order against covered articles imported by or on behalf of the Insta360 respondents and a cease and desist order against the domestic respondent—Arashi Vision (U.S.) LLC d/b/a Insta360—based on an undisputed commercially significant inventory of accused products. RD at 275–77. The ALJ also recommends setting the bond at zero percent of the entered value of the covered articles because the price differential analysis shows that the domestic industry GoPro products cost less than the accused Insta360 products. *Id.* at 277–82.

On July 25, 2025, GoPro filed a petition for review of the Final ID's findings of no violation for all five utility patents, and a contingent petition for review on certain issues regarding the design patent. Also on July 25, 2025, Insta360 filed a petition for review of the Final ID's finding of violation of the design patent, and a contingent petition for review on certain issues regarding four of the utility patents. On August 4, 2025, GoPro and Insta360 opposed each other's petitions.

On July 15, 2025, the Commission requested comments from the public and interested government agencies regarding any public interest issues raised by the ALJ's RD. *See* 90 FR 31679 (Jul. 15, 2025). The Commission received comments from U.S. Representatives Kevin Mullin, John Moolenaar, and Raja Krishnamoorthi. The Commission also received comments from GoPro and Insta360 pursuant to Commission Rule 210.50(a)(4). 19 CFR 210.50(a)(4).

Having examined the record of this investigation, including the Final ID, the petitions for review, and the responses thereto, the Commission has determined to review the Final ID in part as to the '840 patent, '052 patent, and D'435 patent. Specifically, the Commission has determined to review the following issues: (1) the Final ID's findings relating to the limitation ''determine a smoothed trajectory of the housing based on a look-ahead of the trajectory and one or more of a weight-balance parameter, a low-light high-pass parameter, and/or a stickiness parameter'' (Element 1[g(i)]) of claim 1 and the additional limitations of claim 14 for the '840 patent; (2) the Final ID's findings relating to the limitation ''wherein the output images include the sub-frames remapped from the input lens distortion centered in the fields of view of the input images to the desired lens distortion centered in the reduced fields of view to transform the different lens distortion effects present in the sub-frames to the desired lens distortion such that portions of the scene depicted in the sub-frames appear to have been captured using the reduced fields of view'' (Element 1[g]) of the '052 patent; (3) the Final ID's findings regarding invalidity of the asserted claims of the '052 patent in view of Okubo U.S. Patent App. Pub. No. 2006/0017817; and (4) the Final ID's infringement findings for the D'435 patent. The Commission declines to review the remainder of the issues in the Final ID, including the findings of no violation for the '894, '832, and '413 patents. The Commission also notes that it will reconsider the domestic industry findings discussed in Order No. 18 (Dec. 19, 2024), *unreviewed by* Comm'n Notice (Jan. 21, 2025).

In connection with its review, the Commission is interested in responses to the following question. The parties are requested to brief their positions with reference to the applicable law, the existing evidentiary record, and the parties' submissions during the investigation.

1. Relying on the existing evidentiary record and the applicable law, please explain in detail whether the accused products infringe the D'435 patent. As a part of that explanation, please explain the legal significance of the accused products' pivoting rear screen and its ability to be in multiple positions. Please explain how your reply to this question relates to the arguments made before the ALJ.

In answering the above briefing question, the parties should specifically point to where in their arguments before the ALJ and in their petitions for review these issues were addressed and the corresponding record evidence discussed. In seeking briefing on these issues, the Commission will not excuse any party's noncompliance with Commission rules and the ALJ's procedural requirements, including requirements to present issues and arguments in submissions to the ALJ and/or in petitions for Commission review. Any such attempts will be regarded as waived. The parties are invited to brief only the discrete issues requested above. The parties are not to brief other issues on review, which are adequately presented in the parties' existing filings.

In connection with the final disposition of this investigation, the statute authorizes issuance of, *inter alia,* (1) an exclusion order that could result in the exclusion of the subject articles from entry into the United States; and/or (2) cease and desist orders that could result in the respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843, Comm'n Op. at 7–10 (Dec. 1994).

The statute requires the Commission to consider the effects of that remedy upon the public interest. The public interest factors the Commission will consider include the effect that an exclusion order and cease and desist orders would have on: (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the

aforementioned public interest factors in the context of this investigation.

Parties are also invited to address the following issues regarding Insta360's request for warranty and repair exemption, as appropriate:

(a) What is the rationale for providing an exemption, either under the Commission's broad remedial discretion or under the public interest factors? Please provide available factual evidence in support, including any not currently on the record.

(b) What are the warranty terms, if any, for the merchandise in question?

(c) Should the exemption apply only to merchandise under warranty, or to all needed service and repair?

(d) Should the exemption cover only parts for service/repair, or should it also allow complete replacement of merchandise?

(e) What should the temporal cutoff be for the exemption, *e.g.,* should the operative date be the issuance of the Commission's final determination or the end of the Presidential review period, and should it apply to merchandise sold prior to such date or imported prior to such date?

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve, disapprove, or take no position on the Commission's action. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: The Commission requests that the parties to the investigation file written submissions on the issues identified in this notice. Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy and bonding, which issued on July 10, 2025.

In its initial submission, Complainant is also requested to identify the remedy sought and to submit proposed remedial orders for the Commission's consideration. Complainant is further requested to provide the HTSUS subheadings under which the accused products are imported and to supply the identification information for all known importers of the products at issue in this investigation. All initial written submissions, from the parties and/or third parties/interested government agencies, and proposed remedial orders from the parties must be filed no later than close of business on September 25, 2025. All reply submissions must be filed no later than the close of business on October 2, 2025. Opening submissions from the parties are limited to 50 pages. Reply submissions from the parties are limited to 30 pages. All submission from third parties and/or interested government agencies are limited to 10 pages. No further submissions on any of these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above pursuant to 19 CFR 210.4(f). Submissions should refer to the investigation number (Inv. No. 337–TA–1400) in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf*). Persons with questions regarding filing should contact the Secretary, (202) 205–2000.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

The Commission vote for this determination took place on September 11, 2025.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: September 11, 2025.

Susan Orndoff,

Supervisory Attorney.

[FR Doc. 2025–17827 Filed 9–15–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1435]

Certain Electrolyte Containing Beverages and Labeling and Packaging Thereof (II); Notice of Request for Submissions on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that on September 10, 2025, the presiding administrative law judge (''ALJ'') issued an Initial Determination granting a motion for summary determination on violation of section 337. The ALJ also issued a Recommended Determination on remedy and bonding should a violation be found in the above-captioned investigation. The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation. This notice is soliciting comments from the public and interested government agencies only.

FOR FURTHER INFORMATION CONTACT: Edward S. Jou, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3316. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.*

Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930 provides that, if the Commission finds a violation, it shall exclude the articles concerned from the United States unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry. (19 U.S.C. 1337(d)(1)). A similar provision applies to cease and desist orders. (19 U.S.C. 1337(f)(1)).

The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation, specifically: a general exclusion order directed to certain electrolyte containing beverages and labeling and packaging thereof; a limited exclusion order directed to such products imported, sold for importation, and/or sold after importation by respondents Empacadora Torres Mora, S. de R.L. de C.V. of Monterrey, Mexico; Mabed Distribuciones, S.A. de C.V. of Matamoros, Mexico; Centro de Distribucion de Carbon Allende, S.A. de C.V. of Allende, Mexico; and Version Expotaciones, S.R.L. de C.V. of Tijuana, Mexico; and cease and desist orders directed to those respondents. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

The Commission is interested in further development of the record on the public interest in this investigation. Accordingly, members of the public and interested government agencies are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the ALJ's Recommended Determination on Remedy and Bonding issued in this investigation on September 10, 2025. Comments should address whether issuance of the recommended remedial orders in this investigation, should the Commission find a violation, would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the recommended remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third-party suppliers have the capacity to replace the volume of articles potentially subject to the recommended orders within a commercially reasonable time; and

(v) explain how the recommended orders would impact consumers in the United States.

Written submissions must be filed no later than by close of business on October 10, 2025.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above pursuant to 19 CFR 210.4(f). Submissions should refer to the investigation number (''Inv. No. 337–TA–1435'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing and must be served in accordance with Commission Rule 210.4(f)(7)(ii)(A) (19 CFR 210.4(f)(7)(ii)(A)). All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: September 11, 2025.

Susan D. Orndoff,

Supervisory Attorney.

[FR Doc. 2025–17806 Filed 9–15–25; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1597]

Importer of Controlled Substances Application: Catalent Greenville, Inc.

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Catalent Greenville, Inc. has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before October 16, 2025. Such persons may also file a written request for a hearing on the application on or before October 16, 2025.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for

lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on July 18, 2025, Catalent Greenville, Inc., 1240 Sugg Parkway, Greenville, North Carolina 27834–9006, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Lysergic acid diethylamide.	7315	I
3, 4-Methylendioxymethamphetamine.	7405	I

The company plans to import the listed controlled substances for dosage formulations development for research, clinical trial studies and analytical purposes. No other activities for these drug codes are authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Justin Wood,

Acting Deputy Assistant Administrator.

[FR Doc. 2025–17819 Filed 9–15–25; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0026]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Previously Approved Collection; Federal Firearms Licensee (FFL) Enrollment/National Instant Criminal Background Check System (NICS) E-Check Enrollment Form, Federal Firearms Licensee (FFL) Officer/Employee Acknowledgment of Responsibilities Under the NICS Form, Responsibilities of a Federal Firearms Licensee (FFL) Under the National Instant Criminal Background Check System (NICS) Form

AGENCY: Criminal Justice Information Services (CJIS) Division, Federal Bureau of Investigation (FBI), Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The CJIS Division, FBI, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until October 16, 2025.

FOR FURTHER INFORMATION CONTACT: The proposed information collection was previously published in the **Federal Register** on 07/24/2025, allowing a 60-day comment period. If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact: Jill Montgomery, FBI NICS Section, 1000 Custer Hollow Road, Clarksburg, WV 26306, or *jamontgomery@fbi.gov,* 304–709–1476.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and/or

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the information collection or the OMB Control Number 1110–0026. This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Justice, information collections currently under review by OMB.

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Abstract: The Brady Handgun Violence Prevention Act of 1993 required the United States Attorney General to establish a National Instant Criminal Background Check System (NICS) that any Federal Firearms Licensee (FFL) may contact, by telephone or other electronic means, for information to be supplied immediately on whether receipt of a firearm by a prospective purchaser would violate State or Federal law. Information pertaining to FFLs who may contact the NICS is collected to manage and control access to the NICS and to the NICS E-Check, to ensure appropriate resources are available to support the NICS, and to ensure the privacy and security of NICS information. For more information regarding the NICS, please visit *https://www.fbi.gov/services/cjis/nics.* The proposed 2025 revision to the form captures four new fields. The first two fields ask for the FFL's date of birth and mother's maiden name for security measures. An additional question is asked if an FFL operates in a point of contact (POC) state. If the FFL answers in the affirmative, the FFL is asked to

initial to acknowledge use of the FBI NICS for authorized purposes only so they may avail themselves of the additional resources for FFLs from POC states as they become available.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a previously approved collection.

2. *Title of the Form/Collection:* Federal Firearms Licensee (FFL) Enrollment/National Instant Criminal Background Check System (NICS) E-Check Enrollment Form, Federal Firearms Licensee (FFL) Officer/Employee Acknowledgment of Responsibilities under the NICS Form, Responsibilities of a Federal Firearms Licensee (FFL) under the National Instant Criminal Background Check System (NICS) Form.

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* 1110–0026, FBI.

4. *Affected public who will be asked or required to respond, as well as a brief abstract: Affected Public:* Any Federal Firearms Licensee (FFL) or Point of Contact (POC) State requesting access to conduct National Instant Criminal Background Check System (NICS) checks telephonically or by the internet through the NICS E-Check. The Brady Handgun Violence Prevention Act of 1993 required the United States Attorney General to establish a National Instant Criminal Background Check System (NICS) that any Federal Firearms Licensee (FFL) may contact, by telephone or other electronic means, for information to be supplied immediately on whether receipt of a firearm by a prospective purchaser would violate State or Federal law. Information pertaining to FFLs who may contact the NICS is collected to manage and control access to the NICS and to the NICS E-Check, to ensure appropriate resources are available to support the NICS, and to ensure the privacy and security of NICS information. For more information regarding the NICS, please visit *https://www.fbi.gov/services/cjis/nics.* The proposed 2025 revision to the form captures four new fields. The first two fields ask for the FFL's date of birth and mother's maiden name for security measures. An additional question is asked if an FFL operates in a point of contact (POC) state. If the FFL answers in the affirmative, the FFL is asked to initial to acknowledge use of the FBI NICS for authorized purposes only so they may avail themselves of the additional resources for FFLs from POC states as they become available.

5. *Obligation to Respond:* The obligation to respond is required in order to obtain/the ability to utilize the NICS system to conduct background checks.

6. *Total Estimated Number of Respondents:* 6,160.

7. *Estimated Time per Respondent:* 15 minutes.

8. *Frequency:* Once.

9. *Total Estimated Annual Time Burden:* 1,540 hours.

10. *Total Estimated Annual Other Costs Burden:* $0.

If additional information is required, contact: Darwin Arceo, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 4W–218 Washington, DC 20530.

Dated: September 11, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025–17790 Filed 9–15–25; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0006]

Agency Information Collection Activities; Proposed eCollection; eComments Requested; Extension of a Previously Approved Collection Title—Law Enforcement Officers Killed and Assaulted

AGENCY: Federal Bureau of Investigation (FBI), Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Criminal Justice Information Services (CJIS) Division, FBI, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until October 16, 2025.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact: Linda Shriver, Acting Unit Chief, Crime and Law Enforcement Statistics Unit, FBI, CJIS Division, Module D–2, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306; telephone: 304–625–4830; email: *llshriver@fbi.gov.*

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register** on 08/06/2025, allowing a 60-day comment period. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and/or

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website: *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the information collection or the OMB Control Number 1110–0006. This information collection request may be reviewed at *www.reginfo.gov.* Follow the instructions to view Department of Justice, information collections currently under review by OMB.

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements submitted to OMB for existing ICRs receive a month-to-month extension while they undergo review.

Abstract: Under Title 28, United States Code, Section 534, Acquisition, Preservation, and Exchange of Identification Records; Appointments of Officials, this collection requests Law Enforcement Officers Killed and Assaulted (LEOKA) data from federal,

state, county, city, tribal, and territorial law enforcement agencies in order for the FBI's Uniform Crime Reporting (UCR) Program to serve as the national clearinghouse for the collection and dissemination of crime data and to publish Law Enforcement Officers Killed and Assaulted statistics annually.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a previously approved collection.

2. *The Title of the Form/Collection:* Law Enforcement Officers Killed and Assaulted.

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* The form number is 1–705 and the sponsor is the CJIS Division, FBI, DOJ.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Federal, state, county, city, tribal, and territorial law enforcement agencies. Under Title 28, United States Code, Section 534, Acquisition, Preservation, and Exchange of Identification Records; Appointments of Officials, this collection requests Law Enforcement Officers Killed and Assaulted (LEOKA) data from federal, state, county, city, tribal, and territorial law enforcement agencies in order for the FBI's Uniform Crime Reporting (UCR) Program to serve as the national clearinghouse for the collection and dissemination of crime data and to publish Law Enforcement Officers Killed and Assaulted statistics annually.

5. *Obligation to Respond:* The obligation to respond is voluntary and at the discretion of the contributing agency.

6. *Total Estimated Number of Respondents:* In 2024, there were 19,328 active law enforcement agencies within the universe of potential respondents to the FBI's UCR Program. Agencies submitting data under the National Incident-Based Reporting System (NIBRS) totaled 14,601 and 2,074 submitted data via the Summary Reporting System (SRS). LEOKA data using Form 1–705 were submitted by 1,084 agencies and the estimated maximum number of responses was 13,008.

7. *Estimated Time per Respondent:* Form 1–705 requires an estimated 7 minutes to complete. This clearance is being maintained to allow agencies not yet having transitioned to NIBRS to submit LEOKA data. As SRS agencies continue to transition to NIBRS, the FBI's UCR Program expects the use of Form 1–705 to decline because the information will be submitted through NIBRS. The burden hour estimate is based on the 2024 submission volumes to achieve the highest possible burden estimate.

8. *Frequency:* Variable.

9. *Total Estimated Annual Time Burden:* There are approximately 1,517.6 annual burden hours associated with this information collection.

10. *Total Estimated Annual Other Costs Burden:* $0.

If additional information is required, contact: Darwin Arceo, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC 20530.

Dated: September 11, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025–17791 Filed 9–15–25; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Overpayment Recovery Questionnaire

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Office of Workers' Compensation Programs (OWCP)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before October 16, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Nicole Bouchet by telephone at 202–693–0213, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This information collection is necessary to determine whether or not the recovery of any Black Lung, Energy Employees Occupational Illness Compensation Program Act or Federal Employees' Compensation overpayment may be waived, compromised, terminated, or collected in full. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 19, 2025 (90 FR 21349).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OWCP.

Title of Collection: Overpayment Recovery Questionnaire.

OMB Control Number: 1240–0051.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 3,235.

Total Estimated Number of Responses: 3,235.

Total Estimated Annual Time Burden: 3,235 hours.

Total Estimated Annual Other Costs Burden: $769.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior PRA Analyst.

[FR Doc. 2025–17798 Filed 9–15–25; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Multiple Worksite Report and the Report of Federal Employment and Wages

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Bureau of Labor Statistics (BLS)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before October 16, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Nicole Bouchet by telephone at 202–693–0213, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: States use the Multiple Worksite Report to collect employment and wages data from non-Federal businesses engaged in multiple operations within a State and subject to State Unemployment Insurance laws. The Report of Federal Employment and Wages is designed for Federal establishments covered under the Unemployment Compensation for Federal Employees program. These data are used for sampling, benchmarking, and economic analysis. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on June 9, 2025 (90 FRN 24296).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

Agency: DOL–BLS.

Title of Collection: Multiple Worksite Report and the Report of Federal Employment and Wages.

OMB Control Number: 1220–0134.

Affected Public: Businesses or other for-profits; State, Local, or Tribal Governments; Federal Government.

Total Estimated Number of Respondents: 150,915.

Total Estimated Number of Responses: 603,660.

Total Estimated Annual Time Burden: 223,354 hours.

Total Estimated Annual Other Costs Burden: $0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2025–17797 Filed 9–15–25; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Census of Fatal Occupational Injuries

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Bureau of Labor Statistics (BLS)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before October 16, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Nicole Bouchet by telephone at 202–693–0213, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The Census of Fatal Occupational Injuries provides policymakers and the public with comprehensive, verifiable, and timely measures of fatal work injuries. Data are compiled from various sources including Federal, State, and local governments, the private sector and individuals and include information on how the incident occurred as well as various characteristics of the employers and the deceased worker. This information is used for surveillance of fatal work injuries and for developing prevention strategies. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on April 10, 2025 (90 FRN 15367).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

Agency: DOL–BLS.

Title of Collection: Census of Fatal Occupational Injuries.

OMB Control Number: 1220–0133.

Affected Public: Individuals or Households; Businesses or other for-profits; State, Local, or Tribal Governments; Farms; Federal Government.

Total Estimated Number of Respondents: 432.

Total Estimated Number of Responses: 16,072.

Total Estimated Annual Time Burden: 2,782 hours.

Total Estimated Annual Other Costs Burden: $0.

(Authority: 44 U.S.C. 3507(a)(1)(D).)

Nicole Bouchet,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2025–17796 Filed 9–15–25; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by Peabody Powder River Mining LLC.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before October 16, 2025.

ADDRESSES: You may submit comments identified by Docket No. MSHA–2025–0257 by any of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments for MSHA–2025–0257.
2. *Fax:* 202–693–9441.
3. *Email: petitioncomments@dol.gov.*
4. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Ave NW, Washington, DC 20210.

Attention: Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's desk. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above. Before visiting MSHA in person, call 202–693–9440 to make an appointment.

FOR FURTHER INFORMATION CONTACT: Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), *Petitionsformodification@dol.gov* (email), or 202–693–9441 (fax). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or
2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, sections 44.10 and 44.11 of 30 CFR establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2025–053–C.

Petitioner: Peabody Powder River Mining LLC, Caller Box 3035, Gillette, Wyoming 82716.

Mine: North Antelope Rochelle Mine, MSHA ID No. 48–01353, located in Campbell County, Wyoming.

Regulation Affected: 30 CFR 77.404(a), Machinery and equipment; operation and maintenance.

Modification Request: The petitioner is requesting a modification to 30 CFR 77.404(a) to permit alternative methods of compliance to permit the mine to maintain haul truck cab windows locked shut. Specifically, the petitioner seeks approval to securely lock or otherwise render inoperable the side windows of haul truck cabs, while maintaining all other manufacturer safety features, including functional air conditioning and dust-control systems and emergency egress options as originally designed.

The petitioner states that:

(a) Peabody seeks modification of 30 CFR 77.404(a) as it pertains to haul truck windows. That standard provides: Mobile and stationary machinery and equipment shall be maintained in safe operating condition and machinery or equipment in unsafe condition shall be removed from service immediately.

(b) The Mine Safety and Health Administration (MSHA) has communicated an interpretation of this provision to require that haul truck cab windows remain operable as manufactured. On July 18, 2025, the Gillette Field Office Supervisor informed the mine that the haul truck cab windows should open, without identifying a safety hazard, because that is how it came from the manufacturer, ignoring the fact that MSHA inspectors will cite the mine if they see a haul truck window open.

(c) Peabody requests a modification of 30 CFR 77.404(a) as applied to all haul trucks operated at the mine. Specifically, the petitioner seeks approval to securely lock or otherwise render inoperable the side windows of haul truck cabs, while maintaining all other manufacturer safety features, including functional air conditioning and dust-control systems and emergency egress options as originally designed.

(d) Haul trucks used at the mine are equipped with fully enclosed, filtered cabs with manufacturer-installed air conditioning and dust control systems. Cab windows are locked shut to eliminate exposure to airborne respirable dust, silica, and noise. The windows on these haul trucks are not designed or designated as emergency exits. Alternative manufacturer-designed egress routes remain fully available.

(e) All haul trucks are maintained under a strict preventive maintenance program to ensure that air conditioning and filtration systems remain in proper working order. Any unit with inoperative systems is immediately removed from service.

(f) Peabody believes that allowing the windows to open increases the risk of respirable dust and silica exposure, directly undermining MSHA's health and dust control standards. Dust entering the cab also reduces visibility, increases fatigue, and creates an unsafe operating environment.

(g) There would be no diminution of safety because cab windows are not emergency exits. Securing the windows closed does not impair escape or rescue in an emergency. Also, the cabs are climate-controlled, so heat stress or ventilation needs are fully addressed by the air conditioning and dust-control systems. In fact, an open window directly impedes the efficacy of the cabs' dust-control system.

(h) There would be an increase in safety because locking windows reduces operator exposure to dust, noise, and distractions, thereby improving health and operational safety. Application of the standard results in a diminution of safety.

(i) This alternative will provide at least an equal measure of protection as the original standard by ensuring operators work in a clean, climate-controlled, dust-free cab environment.

(j) The requested modification eliminates an identified hazard (exposure to airborne dust and silica) without affecting safe machine operation or emergency egress. Granting this petition will enhance safety and health for all equipment operators at the mine.

(k) The alternative method will at all times guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

The petitioner proposes the following alternative method:

(a) Maintain cab windows in a locked, closed position on all haul trucks.

(b) Ensure that the air conditioning and dust filtration systems are fully functional before placing any truck into service. Any haul truck with non-functional systems shall be removed from service until repaired.

(c) Conduct regular inspections and preventive maintenance on all sealed cab systems.

(d) The miners at North Antelope Rochelle Mine are not represented by a labor organization and the Petition has been posted on the mine bulletin board on July 29, 2025.

The petitioner asserts that the alternative method will guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Jessica D. Senk,

Acting Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2025–17800 Filed 9–15–25; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by Wolf Run Mining, LLC.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before October 16, 2025.

ADDRESSES: You may submit comments identified by Docket No. MSHA–2025–0192 by any of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments for MSHA–2025–0192.

2. *Email: petitioncomments@dol.gov.*

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Ave NW, Washington, DC 20210.

Individuals may inspect copies of the petition and comments during normal business hours at the address listed above. Before visiting MSHA in person, call 202–693–9440 to make an appointment.

FOR FURTHER INFORMATION CONTACT: Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances at 202–693–9440 (voice) or *Petitionsformodification@dol.gov* (email). [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, sections 44.10 and 44.11 of 30 CFR establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2025–051–C.

Petitioner: Wolf Run Mining, LLC, 21550 Barbour County Highway, Philippi, WV 26416.

Mine: Leer South Mine, MSHA ID No. 46–04168, located in Barbour County, West Virginia.

Regulation Affected: 30 CFR 75.507–1(a), Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements.

Modification Request: The petitioner requests a modification of 30 CFR 75.507–1(a) to allow the use of an alternative method of respirable dust protection. Specifically, the petitioner is requesting to use the 3M Versaflo TR–800 Intrinsically Safe Powered Air Purifying Respirator (PAPR) and the CleanSpace EX PAPR.

The petitioner states that:

(a) Currently Wolf Run Mining, LLC, uses the 3M Airstream helmet to provide additional protection for its miners against exposure to respirable coal mine dust. There are clear long-term health benefits from using such technology. One of the benefits of PAPRs is that they provide a constant flow of air inside the headtop or helmet. This constant airflow helps to provide both respiratory protection and comfort in hot working environments.

(b) 3M has elected to discontinue the Airstream helmet, replacing it with a Versaflo TR–800 Intrinsically Safe PAPR unit, which benefits from additional features and reduced weight. Because of its reduced weight, it provides significant ergonomic benefits.

(c) For more than 40 years the 3M Airstream Headgear-Mounted PAPR System has been used by many mine operators to help protect their workers. During those years there have been technological advancements in products and services for industrial applications. Recently 3M has indicated that they have been facing multiple key component supply disruptions for the Airstream product line that created issues with providing acceptable supply service levels. Because of those issues, 3M discontinued the Airstream in June 2020, and that discontinuation was global.

(d) 3M announced that February 2020 was the final time to place an order for systems and components and that June 2020 was the final date to purchase Airstream components.

(e) Currently there are no replacement 3M PAPRs that meet applicable MSHA standards for permissibility. Electronic equipment used in underground mines in potentially explosive atmospheres is required to be approved by MSHA in accordance with 30 CFR. 3M and other manufacturers do offer alternative products for many other environments and applications.

(f) Following the discontinuation, mines that currently use the Airstream do not have an MSHA-approved alternative PAPR to provide to miners.

(g) Application of the standard results in a diminution of safety at the mine.

(h) The 3M Versaflo TR–800 motor/blower and battery qualify as intrinsically safe in the U.S., Canada, and any other country accepting IECEx (International Electrotechnical Commission System for Certification to Standards Relating to Equipment for Use in Explosive Atmospheres) reports.

The 3M Versaflo TR–800 has a blower that is UL-certified with an intrinsically safe (IS) rating of Division 1: IS Class I, II, III; Division 1 (includes Division 2) Groups C, D, E, F, G; T4, under the most current standard (UL 60079, 6th Edition, 2013). It is ATEX-certified with an IS rating of ''ia.'' (ATEX refers to European directives for controlling explosive 2 atmospheres.) It is rated and marked with Ex ia I Ma, Ex ia IIB T4 Ga, Ex ia IIIC 135 °C Da, −20 °C ≤Ta ≤+55 °C, under the current standard (IEC 60079).

(i) Wolf Run Mining, LLC, also requests a modification to permit the use of the CleanSpace EX powered respirator under the same conditions as it proposes with respect to the 3M Versaflo TR–800. It too has been determined to be intrinsically safe.

(j) The 3M Versaflo TR–800 is not MSHA approved as permissible, and 3M is not pursuing approval.

(k) The CleanSpace EX Power Unit is not MSHA approved as permissible, and CleanSpace is not pursuing approval.

(l) The standards for approval of these respirators are an acceptable alternative to MSHA's standards and provide an equivalent level of protection.

(m) The alternative method will at all times guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

The petitioner proposes the following alternative method:

(a) Affected mine employees shall be trained in the proper use and maintenance of the 3M Versaflo TR–800 and the CleanSpace EX PAPRs in accordance with established manufacturer guidelines. This training shall alert the affected employee that neither the 3M Versaflo TR–800 nor the CleanSpace EX is approved under 30 CFR part 18 and shall be deenergized when 1.0 or more percent methane is detected. The training shall also include the proper method to deenergize these PAPRs. In addition to manufacturer guidelines, the petitioner shall require that mine employees be trained to inspect the units before use to determine if there is any damage to the units that would negatively impact intrinsic safety as well as all stipulations in the Proposed Decision and Order (PDO) granted by MSHA.

(b) The PAPRs, battery packs, and all associated wiring and connections shall be inspected before use to determine if there is any damage to the units that would negatively impact intrinsic safety. If any defects are found, the PAPR shall be removed from service.

(c) Wolf Run Mining, LLC, shall maintain a separate logbook for the 3M Versaflo TR–800 and CleanSpace EX PAPRs that shall be kept with the equipment, or in a location with other mine record books, and shall be made available to MSHA upon request. The equipment shall be examined at least weekly by a qualified person as defined in 30 CFR 75.512–1 and the examination results recorded in the logbook. Since float coal dust is removed by the air filter prior to reaching the motor, the PAPR user shall conduct regular examinations of the filter and perform periodic testing for proper operation of the ''high filter load alarm'' on the 3M Versaflo TR–800 and the ''blocked filter'' alarm on the CleanSpace EX PAPR. Examination entries may be expunged after one year.

(d) All 3M Versaflo TR–800 and CleanSpace EX PAPRs to be used in return air outby the last open crosscut shall be physically examined prior to initial use, and each unit shall be assigned a unique identification number. Each unit shall be examined by the person who will be operating the equipment prior to taking the equipment underground to ensure the equipment is being used according to the original equipment manufacturer's recommendations and maintained in a safe operating condition.

(1) The examination for the 3M Versaflo TR–800 shall include:

(i) Check the equipment for any physical damage and the integrity of the case;

(ii) Remove the battery and inspect for corrosion;

(iii) Inspect the contact points to ensure a secure connection to the battery;

(iv) Reinsert the battery and power up and shut down to ensure proper connections; and

(v) Check the battery compartment cover or battery attachment to ensure that it is securely fastened.

(2) For equipment utilizing lithium type cells, ensure that lithium cells and/or packs are not damaged or swelled in size.

(3) The CleanSpace EX does not have an accessible/removable battery. The battery and motor/blower assembly are both contained within the sealed power pack assembly and cannot be removed, reinserted, or fastened. The pre-use examination is limited to inspecting the equipment for indications of physical damage.

(e) Wolf Run Mining, LLC, shall ensure that all 3M Versaflo TR–800 and CleanSpace EX PAPRs are serviced according to the manufacturer's recommendations. Dates of service shall be recorded in the equipment's logbook and shall include a description of the work performed.

(f) The 3M Versaflo TR–800 and CleanSpace EX PAPRs that will be used in return air outby the last open crosscut, or in areas where methane may enter the air current, shall not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions of the PDO granted by MSHA.

(g) Prior to energizing the 3M Versaflo TR–800 or the CleanSpace EX in return air outby the last open crosscut, methane tests shall be made in accordance with 30 CFR 75.323(a).

(h) All hand-held methane detectors shall be MSHA-approved and maintained in permissible and proper operating condition as defined by 30 CFR 75.320. All methane detectors shall provide visual and audible warnings when methane is detected at or above 1.0 percent.

(i) A qualified person as defined in 30 CFR 75.151 shall continuously monitor for methane immediately before and during the use of the 3M Versaflo TR–800 or CleanSpace EX in return air outby the last open crosscut or in areas where methane may enter the air current.

(j) Neither the 3M Versaflo TR–800 nor the CleanSpace EX shall be used if methane is detected in concentrations at or above 1.0 percent. When 1.0 percent or more of methane is detected while the 3M Versaflo TR–800 or CleanSpace EX is being used, the equipment shall be de-energized immediately and the equipment withdrawn outby the last open crosscut.

(k) Wolf Run Mining, LLC, shall only use the 3M TR–830 Battery Pack, which meets lithium battery safety standard UL 1642 or IEC 62133 in the 3M Versaflo TR–800. The petitioner shall use only the CleanSpace EX Power Unit which meets lithium battery safety standard UL 1642 or IEC 62133 in the CleanSpace EX.

(l) The battery packs shall be ''changed out'' in intake air outby the last open crosscut. Before each shift when the 3M Versaflo TR–800 or CleanSpace EX is to be used, all batteries and power units for the equipment shall be charged sufficiently so that they are not expected to be replaced on that shift.

(m) The following maintenance and use conditions shall apply to equipment containing lithium-type batteries:

(1) Always correctly use and maintain the lithium-ion battery packs. Neither the 3M TR–830 Battery Pack nor the CleanSpace EX Power Unit may be disassembled or modified by anyone other than persons permitted by the manufacturer of the equipment.

(2) The 3M TR–830 Battery Pack shall only be charged in an area free of combustible material, readily monitored, and located on the surface of the mine. The 3M TR–830 Battery Pack is to be charged by either:

(i) 3M Battery Charger Kit TR–641N, which includes one 3M Charger Cradle TR–640 and one 3M Power Supply TR–941N, or

(ii) 3M 4-Station Battery Charger Kit TR–644N, which includes four 3M Charger Cradles TR–640 and one 3M 4-Station Battery Charger Base/Power Supply TR–944N.

(3) The CleanSpace EX Power Unit is to be charged only by the CleanSpace Battery Charger EX, Product Code PAF–0066.

(4) The batteries shall not be allowed to get wet. This does not preclude incidental exposure of sealed battery packs.

(5) The batteries shall not be used, charged, or stored in locations where the manufacturer's recommended temperature limits are exceeded. The batteries shall not be placed in direct sunlight or used or stored near a source of heat.

(n) Personnel engaged in the use of the 3M Versaflo TR–800 and CleanSpace EX PAPRs shall be properly trained to recognize the hazards and limitations associated with the use of the equipment in areas where methane could be present. Additionally, personnel shall be trained regarding proper procedures for donning Self-Contained Self Rescuers (SCSRs) during a mine emergency while wearing the 3M Versaflo TR–800 or CleanSpace EX. The mine operator shall submit proposed revisions to update the Mine Emergency Evacuation and Firefighting Program of Instruction under 30 CFR 75.1502 to address this issue.

(o) Within 60 days after the PDO granted by MSHA becomes final, Wolf Run Mining, LLC, shall submit proposed revisions for its approved 30 CFR part 48 training plans to the Mine Safety and Health Enforcement District Manager. These proposed revisions shall specify initial and refresher training regarding the terms and conditions stated in the PDO granted by MSHA. When training is conducted on the terms and conditions in the PDO granted by MSHA, an MSHA Certificate of Training (Form 5000–23) shall be completed. Comments shall be included on the Certificate of Training indicating that the training received was for use of the 3M Versaflo TR–800 or CleanSpace EX.

(p) All personnel who will be involved with or affected by the use of the 3M Versaflo TR–800 or CleanSpace EX shall receive training in accordance with 30 CFR 48.7 on the requirements of the PDO granted by MSHA within 60 days of the date the PDO granted by MSHA becomes final. Such training shall be completed before any 3M Versaflo TR–800 or CleanSpace EX can be used in return air outby the last open crosscut. The operator shall keep a record of such training and provide such record to MSHA upon request.

(q) Wolf Run Mining, LLC, shall provide annual retraining to all personnel who will be involved with or affected by the use of the 3M Versaflo TR–800 or CleanSpace EX in accordance with 30 CFR 48.8. The operator shall train new miners on the requirements of the PDO granted by MSHA in accordance with 30 CFR 48.5 and shall train experienced miners on the requirements of the PDO granted by MSHA in accordance with 30 CFR 48.6. The operator shall keep a record of such training and provide such record to MSHA upon request.

(r) Wolf Run Mining, LLC, shall post the PDO granted by MSHA in unobstructed locations on the bulletin boards and/or in other conspicuous places where notices to miners are ordinarily posted for a period of not less than 60 consecutive days.

(s) The miners at Leer South Mine are not represented by a labor organization and the petition has been posted on the mine bulletin board since July 18, 2025.

The petitioner asserts that the alternative method will guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Jessica D. Senk,

Acting Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2025–17802 Filed 9–15–25; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by Wolf Run Mining, LLC.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before October 16, 2025.

ADDRESSES: You may submit comments identified by Docket No. MSHA–2025–0191 by any of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments for MSHA–2025–0191.

2. *Email: petitioncomments@dol.gov.*

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Ave NW, Washington, DC 20210.

Individuals may inspect copies of the petition and comments during normal business hours at the address listed above. Before visiting MSHA in person, call 202–693–9440 to make an appointment.

FOR FURTHER INFORMATION CONTACT: Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances at 202–693–9440 (voice) or *Petitionsformodification@dol.gov* (email). [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, sections 44.10 and 44.11 of 30 CFR establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2025–050–C.

Petitioner: Wolf Run Mining, LLC, 21550 Barbour County Highway, Philippi, WV 26416.

Mine: Leer South Mine, MSHA ID No. 46–04168, located in Barbour County, West Virginia.

Regulation Affected: 30 CFR 75.500(d), Permissible electric equipment.

Modification Request: The petitioner requests a modification of 30 CFR 75.500(d) to allow the use of an alternative method of respirable dust protection. Specifically, the petitioner is requesting to use the 3M Versaflo TR–800 Intrinsically Safe Powered Air Purifying Respirator (PAPR) and the CleanSpace EX PAPR.

The petitioner states that:

(a) Currently Wolf Run Mining, LLC, uses the 3M Airstream helmet to provide additional protection for its miners against exposure to respirable coal mine dust. There are clear long-term health benefits from using such technology. One of the benefits of PAPRs is that they provide a constant flow of air inside the headtop or helmet. This constant airflow helps to provide both respiratory protection and comfort in hot working environments.

(b) 3M has elected to discontinue the Airstream helmet, replacing it with a Versaflo TR–800 Intrinsically Safe PAPR unit, which benefits from additional features and reduced weight. Because of its reduced weight, it provides significant ergonomic benefits.

(c) For more than 40 years the 3M Airstream Headgear-Mounted PAPR System has been used by many mine operators to help protect their workers. During those years there have been technological advancements in products and services for industrial applications. Recently 3M has indicated that they have been facing multiple key component supply disruptions for the Airstream product line that created issues with providing acceptable supply service levels. Because of those issues, 3M discontinued the Airstream in June 2020, and that discontinuation was global.

(d) 3M announced that February 2020 was the final time to place an order for systems and components and that June 2020 was the final date to purchase Airstream components.

(e) Currently there are no replacement 3M PAPRs that meet applicable MSHA standards for permissibility. Electronic equipment used in underground mines in potentially explosive atmospheres is required to be approved by MSHA in accordance with 30 CFR. 3M and other manufacturers do offer alternative products for many other environments and applications.

(f) Following the discontinuation, mines that currently use the Airstream do not have an MSHA-approved alternative PAPR to provide to miners.

(g) Application of the standard results in a diminution of safety at the mine.

(h) The 3M Versaflo TR–800 motor/blower and battery qualify as intrinsically safe in the U.S., Canada, and any other country accepting IECEx (International Electrotechnical Commission System for Certification to Standards Relating to Equipment for Use in Explosive Atmospheres) reports. The 3M Versaflo TR–800 has a blower that is UL-certified with an intrinsically safe (IS) rating of Division 1: IS Class I, II, III; Division 1 (includes Division 2) Groups C, D, E, F, G; T4, under the most current standard (UL 60079, 6th Edition, 2013). It is ATEX-certified with an IS rating of ''ia.'' (ATEX refers to European directives for controlling explosive 2 atmospheres.) It is rated and marked with Ex ia I Ma, Ex ia IIB T4 Ga, Ex ia IIIC 135 °C Da, –20 °C ≤Ta ≤+55 °C, under the current standard (IEC 60079).

(i) Wolf Run Mining, LLC, also requests a modification to permit the use of the CleanSpace EX powered respirator under the same conditions as it proposes with respect to the 3M Versaflo TR–800. It too has been determined to be intrinsically safe.

(j) The 3M Versaflo TR–800 is not MSHA approved as permissible, and 3M is not pursuing approval.

(k) The CleanSpace EX Power Unit is not MSHA approved as permissible, and CleanSpace is not pursuing approval.

(l) The standards for approval of these respirators are an acceptable alternative to MSHA's standards and provide an equivalent level of protection.

(m) The alternative method will at all times guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

The petitioner proposes the following alternative method:

(a) Affected mine employees shall be trained in the proper use and maintenance of the 3M Versaflo TR–800 and the CleanSpace EX PAPRs in accordance with established manufacturer guidelines. This training shall alert the affected employee that neither the 3M Versaflo TR–800 nor the CleanSpace EX is approved under 30 CFR part 18 and shall be deenergized when 1.0 or more percent methane is detected. The training shall also include the proper method to deenergize these PAPRs. In addition to manufacturer guidelines, the petitioner shall require that mine employees be trained to inspect the units before use to determine if there is any damage to the units that would negatively impact intrinsic safety as well as all stipulations in the Proposed Decision and Order (PDO) granted by MSHA.

(b) The PAPRs, battery packs, and all associated wiring and connections shall be inspected before use to determine if there is any damage to the units that would negatively impact intrinsic safety. If any defects are found, the PAPR shall be removed from service.

(c) Wolf Run Mining, LLC, shall maintain a separate logbook for the 3M Versaflo TR–800 and CleanSpace EX PAPRs that shall be kept with the equipment, or in a location with other mine record books, and shall be made available to MSHA upon request. The equipment shall be examined at least weekly by a qualified person as defined in 30 CFR 75.512–1 and the examination results recorded in the logbook. Since float coal dust is removed by the air filter prior to reaching the motor, the PAPR user shall conduct regular examinations of the filter and perform periodic testing for proper operation of the ''high filter load alarm'' on the 3M Versaflo TR–800 and the ''blocked filter'' alarm on the CleanSpace EX PAPR. Examination entries may be expunged after one year.

(d) All 3M Versaflo TR–800 and CleanSpace EX PAPRs to be used inby the last open crosscut shall be physically examined prior to initial use, and each unit shall be assigned a unique identification number. Each unit shall be examined by the person who will be operating the equipment prior to taking the equipment underground to ensure the equipment is being used according to the original equipment manufacturer's recommendations and maintained in a safe operating condition.

(1) The examination for the 3M Versaflo TR–800 shall include:

(i) Check the equipment for any physical damage and the integrity of the case;

(ii) Remove the battery and inspect for corrosion;

(iii) Inspect the contact points to ensure a secure connection to the battery;

(iv) Reinsert the battery and power up and shut down to ensure proper connections; and

(v) Check the battery compartment cover or battery attachment to ensure that it is securely fastened.

(2) For equipment utilizing lithium type cells, ensure that lithium cells and/or packs are not damaged or swelled in size.

(3) The CleanSpace EX does not have an accessible/removable battery. The battery and motor/blower assembly are both contained within the sealed power pack assembly and cannot be removed, reinserted, or fastened. The pre-use examination is limited to inspecting the equipment for indications of physical damage.

(e) Wolf Run Mining, LLC, shall ensure that all 3M Versaflo TR–800 and CleanSpace EX PAPRs are serviced

according to the manufacturer's recommendations. Dates of service shall be recorded in the equipment's logbook and shall include a description of the work performed.

(f) The 3M Versaflo TR–800 and CleanSpace EX PAPRs that will be used inby the last open crosscut, or in areas where methane may enter the air current, shall not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions of the PDO granted by MSHA.

(g) Prior to energizing the 3M Versaflo TR–800 or the CleanSpace EX inby the last open crosscut, methane tests shall be made in accordance with 30 CFR 75.323(a).

(h) All hand-held methane detectors shall be MSHA-approved and maintained in permissible and proper operating condition as defined by 30 CFR 75.320. All methane detectors shall provide visual and audible warnings when methane is detected at or above 1.0 percent.

(i) A qualified person as defined in 30 CFR 75.151 shall continuously monitor for methane immediately before and during the use of the 3M Versaflo TR–800 or CleanSpace EX inby the last open crosscut or in areas where methane may enter the air current.

(j) Neither the 3M Versaflo TR–800 nor the CleanSpace EX shall be used if methane is detected in concentrations at or above 1.0 percent. When 1.0 percent or more of methane is detected while the 3M Versaflo TR–800 or CleanSpace EX is being used, the equipment shall be de-energized immediately and the equipment withdrawn outby the last open crosscut.

(k) Wolf Run Mining, LLC, shall only use the 3M TR–830 Battery Pack, which meets lithium battery safety standard UL 1642 or IEC 62133 in the 3M Versaflo TR–800. The petitioner shall use only the CleanSpace EX Power Unit which meets lithium battery safety standard UL 1642 or IEC 62133 in the CleanSpace EX.

(l) The battery packs shall be ''changed out'' in intake air outby the last open crosscut. Before each shift when the 3M Versaflo TR–800 or CleanSpace EX is to be used, all batteries and power units for the equipment shall be charged sufficiently so that they are not expected to be replaced on that shift.

(m) The following maintenance and use conditions shall apply to equipment containing lithium-type batteries:

(1) Always correctly use and maintain the lithium-ion battery packs. Neither the 3M TR–830 Battery Pack nor the CleanSpace EX Power Unit may be disassembled or modified by anyone other than persons permitted by the manufacturer of the equipment.

(2) The 3M TR–830 Battery Pack shall only be charged in an area free of combustible material, readily monitored, and located on the surface of the mine. The 3M TR–830 Battery Pack is to be charged by either:

(i) 3M Battery Charger Kit TR–641N, which includes one 3M Charger Cradle TR–640 and one 3M Power Supply TR–941N, or

(ii) 3M 4-Station Battery Charger Kit TR–644N, which includes four 3M Charger Cradles TR–640 and one 3M 4-Station Battery Charger Base/Power Supply TR–944N.

(3) The CleanSpace EX Power Unit is to be charged only by the CleanSpace Battery Charger EX, Product Code PAF–0066.

(4) The batteries shall not be allowed to get wet. This does not preclude incidental exposure of sealed battery packs.

(5) The batteries shall not be used, charged, or stored in locations where the manufacturer's recommended temperature limits are exceeded. The batteries shall not be placed in direct sunlight or used or stored near a source of heat.

(n) Personnel engaged in the use of the 3M Versaflo TR–800 and CleanSpace EX PAPRs shall be properly trained to recognize the hazards and limitations associated with the use of the equipment in areas where methane could be present. Additionally, personnel shall be trained regarding proper procedures for donning Self-Contained Self Rescuers (SCSRs) during a mine emergency while wearing the 3M Versaflo TR–800 or CleanSpace EX. The mine operator shall submit proposed revisions to update the Mine Emergency Evacuation and Firefighting Program of Instruction under 30 CFR 75.1502 to address this issue.

(o) Within 60 days after the PDO granted by MSHA becomes final, Wolf Run Mining, LLC, shall submit proposed revisions for its approved 30 CFR part 48 training plans to the Mine Safety and Health Enforcement District Manager. These proposed revisions shall specify initial and refresher training regarding the terms and conditions stated in the PDO granted by MSHA. When training is conducted on the terms and conditions in the PDO granted by MSHA, an MSHA Certificate of Training (Form 5000–23) shall be completed. Comments shall be included on the Certificate of Training indicating that the training received was for use of the 3M Versaflo TR–800 or CleanSpace EX.

(p) All personnel who will be involved with or affected by the use of the 3M Versaflo TR–800 or CleanSpace EX shall receive training in accordance with 30 CFR 48.7 on the requirements of the PDO granted by MSHA within 60 days of the date the PDO granted by MSHA becomes final. Such training shall be completed before any 3M Versaflo TR–800 or CleanSpace EX can be used inby the last open crosscut. The operator shall keep a record of such training and provide such record to MSHA upon request.

(q) Wolf Run Mining, LLC, shall provide annual retraining to all personnel who will be involved with or affected by the use of the 3M Versaflo TR–800 or CleanSpace EX in accordance with 30 CFR 48.8. The operator shall train new miners on the requirements of the PDO granted by MSHA in accordance with 30 CFR 48.5 and shall train experienced miners on the requirements of the PDO granted by MSHA in accordance with 30 CFR 48.6. The operator shall keep a record of such training and provide such record to MSHA upon request.

(r) Wolf Run Mining, LLC, shall post the PDO granted by MSHA in unobstructed locations on the bulletin boards and/or in other conspicuous places where notices to miners are ordinarily posted for a period of not less than 60 consecutive days.

(s) The miners at Leer South Mine are not represented by a labor organization and the petition has been posted on the mine bulletin board since July 18, 2025.

The petitioner asserts that the alternative method will guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Jessica D. Senk,

Acting Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2025–17801 Filed 9–15–25; 8:45 am]

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health

Administration (MSHA) by Wolf Run Mining, LLC.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before October 16, 2025.

ADDRESSES: You may submit comments identified by Docket No. MSHA–2025–0193 by any of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments for MSHA–2025–0193.
2. *Email: petitioncomments@dol.gov.*
3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Ave NW, Washington, DC 20210.

Individuals may inspect copies of the petition and comments during normal business hours at the address listed above. Before visiting MSHA in person, call 202–693–9440 to make an appointment.

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SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or
2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, sections 44.10 and 44.11 of 30 CFR establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2025–052–C.

Petitioner: Wolf Run Mining, LLC, 21550 Barbour County Highway, Philippi, WV 26416.

Mine: Leer South Mine, MSHA ID No. 46–04168, located in Barbour County, West Virginia.

Regulation Affected: 30 CFR 75.1002(a), Installation of electric equipment and conductors; permissibility.

Modification Request: The petitioner requests a modification of 30 CFR 75.1002(a) to allow the use of an alternative method of respirable dust protection. Specifically, the petitioner is requesting to use the 3M Versaflo TR–800 Intrinsically Safe Powered Air Purifying Respirator

(PAPR) and the CleanSpace EX PAPR.

The petitioner states that:

(a) Currently Wolf Run Mining, LLC, uses the 3M Airstream helmet to provide additional protection for its miners against exposure to respirable coal mine dust. There are clear long-term health benefits from using such technology. One of the benefits of PAPRs is that they provide a constant flow of air inside the headtop or helmet. This constant airflow helps to provide both respiratory protection and comfort in hot working environments.

(b) 3M has elected to discontinue the Airstream helmet, replacing it with a Versaflo TR–800 Intrinsically Safe PAPR unit, which benefits from additional features and reduced weight. Because of its reduced weight, it provides significant ergonomic benefits.

(c) For more than 40 years the 3M Airstream Headgear-Mounted PAPR System has been used by many mine operators to help protect their workers. During those years there have been technological advancements in products and services for industrial applications. Recently 3M has indicated that they have been facing multiple key component supply disruptions for the Airstream product line that created issues with providing acceptable supply service levels. Because of those issues, 3M discontinued the Airstream in June 2020, and that discontinuation was global.

(d) 3M announced that February 2020 was the final time to place an order for systems and components and that June 2020 was the final date to purchase Airstream components.

(e) Currently there are no replacement 3M PAPRs that meet applicable MSHA standards for permissibility. Electronic equipment used in underground mines in potentially explosive atmospheres is required to be approved by MSHA in accordance with 30 CFR. 3M and other manufacturers do offer alternative products for many other environments and applications.

(f) Following the discontinuation, mines that currently use the Airstream do not have an MSHA-approved alternative PAPR to provide to miners.

(g) Application of the standard results in a diminution of safety at the mine.

(h) The 3M Versaflo TR–800 motor/blower and battery qualify as intrinsically safe in the U.S., Canada, and any other country accepting IECEx (International Electrotechnical Commission System for Certification to Standards Relating to Equipment for Use in Explosive Atmospheres) reports. The 3M Versaflo TR–800 has a blower that is UL-certified with an intrinsically safe (IS) rating of Division 1: IS Class I, II, III; Division 1 (includes Division 2) Groups C, D, E, F, G; T4, under the most current standard (UL 60079, 6th Edition, 2013). It is ATEX-certified with an IS rating of ''ia.'' (ATEX refers to European directives for controlling explosive 2 atmospheres.) It is rated and marked with Ex ia I Ma, Ex ia IIB T4 Ga, Ex ia IIIC 135 °C Da, –20 °C ≤ Ta ≤ +55 °C, under the current standard (IEC 60079).

(i) Wolf Run Mining, LLC, also requests a modification to permit the use of the CleanSpace EX powered respirator under the same conditions as it proposes with respect to the 3M Versaflo TR–800. It too has been determined to be intrinsically safe.

(j) The 3M Versaflo TR–800 is not MSHA approved as permissible, and 3M is not pursuing approval.

(k) The CleanSpace EX Power Unit is not MSHA approved as permissible, and CleanSpace is not pursuing approval.

(l) The standards for approval of these respirators are an acceptable alternative to MSHA's standards and provide an equivalent level of protection.

(m) The alternative method will at all times guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

The petitioner proposes the following alternative method:

(a) Affected mine employees shall be trained in the proper use and maintenance of the 3M Versaflo TR–800 and the CleanSpace EX PAPRs in accordance with established manufacturer guidelines. This training shall alert the affected employee that neither the 3M Versaflo TR–800 nor the CleanSpace EX is approved under 30 CFR part 18 and shall be deenergized when 1.0 or more percent methane is detected. The training shall also include the proper method to deenergize these PAPRs. In addition to manufacturer guidelines, the petitioner shall require that mine employees be trained to inspect the units before use to determine if there is any damage to the units that would negatively impact intrinsic safety as well as all stipulations in the Proposed Decision and Order (PDO) granted by MSHA.

(b) The PAPRs, battery packs, and all associated wiring and connections shall be inspected before use to determine if there is any damage to the units that would negatively impact intrinsic safety. If any defects are found, the PAPR shall be removed from service.

(c) Wolf Run Mining, LLC, shall maintain a separate logbook for the 3M Versaflo TR–800 and CleanSpace EX PAPRs that shall be kept with the equipment, or in a location with other mine record books, and shall be made available to MSHA upon request. The equipment shall be examined at least weekly by a qualified person as defined in 30 CFR 75.512–1 and the examination results recorded in the logbook. Since float coal dust is removed by the air filter prior to reaching the motor, the PAPR user shall conduct regular examinations of the filter and perform periodic testing for proper operation of the ''high filter load alarm'' on the 3M Versaflo TR–800 and the ''blocked filter'' alarm on the CleanSpace EX PAPR. Examination entries may be expunged after one year.

(d) All 3M Versaflo TR–800 and CleanSpace EX PAPRs to be used within 150 feet of pillar workings or longwall faces shall be physically examined prior to initial use, and each unit shall be assigned a unique identification number. Each unit shall be examined by the person who will be operating the equipment prior to taking the equipment underground to ensure the equipment is being used according to the original equipment manufacturer's recommendations and maintained in a safe operating condition.

(1) The examination for the 3M Versaflo TR–800 shall include:

(i) Check the equipment for any physical damage and the integrity of the case;

(ii) Remove the battery and inspect for corrosion;

(iii) Inspect the contact points to ensure a secure connection to the battery;

(iv) Reinsert the battery and power up and shut down to ensure proper connections; and

(v) Check the battery compartment cover or battery attachment to ensure that it is securely fastened.

(2) For equipment utilizing lithium type cells, ensure that lithium cells and/or packs are not damaged or swelled in size.

(3) The CleanSpace EX does not have an accessible/removable battery. The battery and motor/blower assembly are both contained within the sealed power pack assembly and cannot be removed, reinserted, or fastened. The pre-use examination is limited to inspecting the equipment for indications of physical damage.

(e) Wolf Run Mining, LLC, shall ensure that all 3M Versaflo TR–800 and CleanSpace EX PAPRs are serviced according to the manufacturer's recommendations. Dates of service shall be recorded in the equipment's logbook and shall include a description of the work performed.

(f) The 3M Versaflo TR–800 and CleanSpace EX PAPRs that will be used within 150 feet of pillar workings or on longwall faces, or in areas where methane may enter the air current, shall not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions of the PDO granted by MSHA.

(g) Prior to energizing the 3M Versaflo TR–800 or the CleanSpace EX within 150 feet of pillar workings or longwall faces, methane tests shall be made in accordance with 30 CFR 75.323(a).

(h) All hand-held methane detectors shall be MSHA-approved and maintained in permissible and proper operating condition as defined by 30 CFR 75.320. All methane detectors shall provide visual and audible warnings when methane is detected at or above 1.0 percent.

(i) A qualified person as defined in 30 CFR 75.151 shall continuously monitor for methane immediately before and during the use of the 3M Versaflo TR–800 or CleanSpace EX within 150 feet of pillar workings or on longwall faces or in areas where methane may enter the air current.

(j) Neither the 3M Versaflo TR–800 nor the CleanSpace EX shall be used if methane is detected in concentrations at or above 1.0 percent. When 1.0 percent or more of methane is detected while the 3M Versaflo TR–800 or CleanSpace EX is being used, the equipment shall be de-energized immediately and the equipment withdrawn outby the last open crosscut.

(k) Wolf Run Mining, LLC, shall only use the 3M TR–830 Battery Pack, which meets lithium battery safety standard UL 1642 or IEC 62133 in the 3M Versaflo TR–800. The petitioner shall use only the CleanSpace EX Power Unit which meets lithium battery safety standard UL 1642 or IEC 62133 in the CleanSpace EX.

(l) The battery packs shall be ''changed out'' in intake air outby the last open crosscut. Before each shift when the 3M Versaflo TR–800 or CleanSpace EX is to be used, all batteries and power units for the equipment shall be charged sufficiently so that they are not expected to be replaced on that shift.

(m) The following maintenance and use conditions shall apply to equipment containing lithium-type batteries:

(1) Always correctly use and maintain the lithium-ion battery packs. Neither the 3M TR–830 Battery Pack nor the CleanSpace EX Power Unit may be disassembled or modified by anyone other than persons permitted by the manufacturer of the equipment.

(2) The 3M TR–830 Battery Pack shall only be charged in an area free of combustible material, readily monitored, and located on the surface of the mine. The 3M TR–830 Battery Pack is to be charged by either:

(i) 3M Battery Charger Kit TR–641N, which includes one 3M Charger Cradle TR–640 and one 3M Power Supply TR–941N, or

(ii) 3M 4–Station Battery Charger Kit TR–644N, which includes four 3M Charger Cradles TR–640 and one 3M 4–Station Battery Charger Base/Power Supply TR–944N.

(3) The CleanSpace EX Power Unit is to be charged only by the CleanSpace Battery Charger EX, Product Code PAF–0066.

(4) The batteries shall not be allowed to get wet. This does not preclude incidental exposure of sealed battery packs.

(5) The batteries shall not be used, charged, or stored in locations where the manufacturer's recommended temperature limits are exceeded. The batteries shall not be placed in direct sunlight or used or stored near a source of heat.

(n) Personnel engaged in the use of the 3M Versaflo TR–800 and CleanSpace EX PAPRs shall be properly trained to recognize the hazards and limitations associated with the use of the equipment in areas where methane could be present. Additionally, personnel shall be trained regarding proper procedures for donning Self-Contained Self Rescuers (SCSRs) during a mine emergency while wearing the 3M Versaflo TR–800 or CleanSpace EX. The mine operator shall submit proposed revisions to update the Mine Emergency Evacuation and Firefighting Program of Instruction under 30 CFR 75.1502 to address this issue.

(o) Within 60 days after the PDO granted by MSHA becomes final, Wolf Run Mining, LLC, shall submit proposed revisions for its approved 30 CFR part 48 training plans to the Mine Safety and Health Enforcement District Manager. These proposed revisions shall specify initial and refresher training regarding the terms and conditions stated in the PDO granted by MSHA. When training is conducted on the terms and conditions in the PDO

granted by MSHA, an MSHA Certificate of Training (Form 5000–23) shall be completed. Comments shall be included on the Certificate of Training indicating that the training received was for use of the 3M Versaflo TR–800 or CleanSpace EX.

(p) All personnel who will be involved with or affected by the use of the 3M Versaflo TR–800 or CleanSpace EX shall receive training in accordance with 30 CFR 48.7 on the requirements of the PDO granted by MSHA within 60 days of the date the PDO granted by MSHA becomes final. Such training shall be completed before any 3M Versaflo TR–800 or CleanSpace EX can be used within 150 feet of pillar workings or on longwall faces. The operator shall keep a record of such training and provide such record to MSHA upon request.

(q) Wolf Run Mining, LLC, shall provide annual retraining to all personnel who will be involved with or affected by the use of the 3M Versaflo TR–800 or CleanSpace EX in accordance with 30 CFR 48.8. The operator shall train new miners on the requirements of the PDO granted by MSHA in accordance with 30 CFR 48.5 and shall train experienced miners on the requirements of the PDO granted by MSHA in accordance with 30 CFR 48.6. The operator shall keep a record of such training and provide such record to MSHA upon request.

(r) Wolf Run Mining, LLC, shall post the PDO granted by MSHA in unobstructed locations on the bulletin boards and/or in other conspicuous places where notices to miners are ordinarily posted for a period of not less than 60 consecutive days.

(s) The miners at Leer South Mine are not represented by a labor organization and the petition has been posted on the mine bulletin board since July 18, 2025.

The petitioner asserts that the alternative method will guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Jessica D. Senk,

Acting Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2025–17803 Filed 9–15–25; 8:45 am]

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by Knight Hawk Coal, LLC.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before October 16, 2025.

ADDRESSES: You may submit comments identified by Docket No. MSHA–2025–0092 by any of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments for MSHA–2025–0092.
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4. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Ave NW, Washington, DC 20210.

Attention: Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's desk. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above. Before visiting MSHA in person, call 202–693–9440 to make an appointment.

FOR FURTHER INFORMATION CONTACT: Jessica D. Senk, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), *Petitionsformodification@dol.gov* (email), or 202–693–9441 (fax). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, sections 44.10 and 44.11 of 30 CFR establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2025–049–C.

Petitioner: Knight Hawk Coal, LLC, 500 Cutler Trico Road, Percy, IL 62272.

Mine: Prairie Eagle Underground Mine, MSHA ID No. 11–03147, located in Perry County, IL.

Regulation Affected: 30 CFR 75.1909(b)(6), Nonpermissible diesel-powered equipment; design and performance requirements.

Modification Request: The petitioner is requesting a modification to 30 CFR 75.1909(b)(6) to allow an alternative method of compliance to permit the use of a Getman RDG–1504S Road Builder as it was originally designed, without front brakes.

The petitioner states that:

(a) Prairie Eagle Underground Mine seeks modification of 30 CFR 75.1909(b)(6) as it pertains to service brakes that act on each wheel of the vehicle and that are designed such that failure of any single component, except the brake actuation pedal or other similar actuation device, must not result in a complete loss of service braking capability.

(b) The alternative method will at all times guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

The petitioner proposes the following alternative method:

(a) The existing standard for self-propelled nonpermissible diesel-powered equipment does not address equipment with more than four wheels, specifically the Getman RDG–1504S Road Builder with six wheels. This machine has dual brake systems on the four rear wheels, and it is designed to prevent a loss of braking due to a single component failure.

(b) The speed of the machine shall be limited to 10 miles per hour by permanently blocking out any gear that would provide higher speed, or transmission and differential ratios that would limit the maximum speed to 10 miles per hour.

(c) The grader operators shall be trained to recognize appropriate speeds for different road conditions and slopes.

(d) The grader operators shall be trained to lower the grader blade to provide additional stopping capability.

(e) The petitioner proposes to transfer the RDG-l 504S Road Builder, serial number 6390, from the Viper Mine 11–02664 that is closing, to Knight Hawk Coal (''Prairie Eagle Underground Mine'').

(f) The road grader requested within this petition for the Prairie Eagle Underground Mine has been safely operated at Viper Mine for many years. Also, the same style road grader is utilized and approved by MSHA at Peabody Gateway Mine under docket No. M–2015–012–C. Underground mining conditions can be similar to that of the Gateway mine as the two operations are located in close proximity to each other and mine in the same Herrin #6 coal seam.

(g) The miners at Prairie Eagle Underground Mine are not represented by a labor organization and the petition has been posted at the mine on June 27, 2025.

The petitioner asserts that the alternative method will guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Jessica D. Senk,

Acting Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2025–17799 Filed 9–15–25; 8:45 am]

BILLING CODE 4520–43–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meetings

TIME AND DATE: 10 a.m., Thursday, September 18, 2025.

PLACE: Board Room, 7th Floor, Room 7B, 1775 Duke Street (All visitors must use Diagonal Road Entrance) Alexandria, VA 22314–3428.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Board Briefing, Share Insurance Fund Quarterly Report.

CONTACT PERSON FOR MORE INFORMATION: Melane Conyers-Ausbrooks, Secretary of the Board, Telephone: 703–518–6304.

Melane Conyers-Ausbrooks,

Secretary of the Board.

[FR Doc. 2025–17833 Filed 9–12–25; 11:15 am]

BILLING CODE 7535–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: RI 38–115, Representative Payee Survey

AGENCY: Office of Personnel Management.

ACTION: 30-Day notice and request for comments.

SUMMARY: Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on the reinstatement of an expired information collection request (ICR), Representative Payee Survey, RI 38–115.

DATES: Comments are encouraged and will be accepted until October 16, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *http://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection request by selecting ''Office of Personnel Management'' under ''Currently Under Review,'' then check ''Only Show ICR for Public Comment'' checkbox.

FOR FURTHER INFORMATION CONTACT: A copy of this information collection, with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW, Room 3316–BD, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to *RSPublicationsTeam@opm.gov.*

SUPPLEMENTARY INFORMATION: The Office of Personnel Management, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the public with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Agency assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Agency's information collection requirements and provide the requested data in the desired format. OPM is soliciting comments on the proposed information collection request (ICR) that is described below. The Agency is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Agency; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Agency enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Agency minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records. RI 38–115 is used to collect information about how the benefits paid to a representative payee have been used or conserved for the benefit of the incompetent annuitant.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Representative Payee Survey.

OMB Number: 3206–0208.

Frequency: Annually.

Affected Public: Individual or Households.

Number of Respondents: 11,000.

Estimated Time per Respondent: 20 minutes.

Total Burden Hours: 3,667.

U.S. Office of Personnel Management.

Alexys Stanley,

Federal Register Liaison.

[FR Doc. 2025–17828 Filed 9–15–25; 8:45 am]

BILLING CODE 6325–38–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2024–426; CP2024–517; K2025–79; MC2025–1682 and K2025–1672; MC2025–1683 and K2025–1673]

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 18, 2025.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *https://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction

II. Public Proceeding(s)
III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. *See* 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests. The comment due date discussed above does not apply to Section III proceedings (Docket Nos. MC2025–1682 and K2025–1672; MC2025–1683 and K2025–1673).

II. Public Proceeding(s)

1. *Docket No(s).:* CP2024–426; *Filing Title:* USPS Request Concerning Amendment Two to Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 153, with Materials Filed Under Seal; *Filing Acceptance Date:* September 10, 2025; *Filing Authority:* 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative:* Elsie Lee-Robbins; *Comments Due:* September 18, 2025.

2. *Docket No(s).:* CP2024–517; *Filing Title:* USPS Request Concerning Amendment One to Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 221, with Materials Filed Under Seal; *Filing Acceptance Date:* September 10, 2025; *Filing Authority:* 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative:* Evan Wise; *Comments Due:* September 18, 2025.

3. *Docket No(s).:* K2025–79; *Filing Title:* USPS Request Concerning Amendment One to Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 477, with Materials Filed Under Seal; *Filing Acceptance Date:* September 10, 2025; *Filing Authority:* 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative:* Maxine Bradley; *Comments Due:* September 18, 2025.

III. Summary Proceeding(s)

1. *Docket No(s).:* MC2025–1682 and K2025–1672; *Filing Title:* USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 851, and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 10, 2025; *Filing Authority:* 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

2. *Docket No(s).:* MC2025–1683 and K2025–1673; *Filing Title:* USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 852, and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 10, 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. 2025–17789 Filed 9–15–25; 8:45 am]

BILLING CODE 7710–FW–P

[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).

POSTAL REGULATORY COMMISSION

[Docket Nos. K2025–405; MC2025–1684 and K2025–1674; MC2025–1685 and K2025–1675]

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 19, 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.

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The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any,

can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. *See* 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests. The comment due date discussed above does not apply to Section III proceedings (Docket Nos. MC2025–1685 and K2025–1675).

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

II. Public Proceeding(s)

1. *Docket No(s).:* K2025–405; *Filing Title:* USPS Request Concerning Amendment One to Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 725, with Materials Filed Under Seal; *Filing Acceptance Date:* September 11, 2025; *Filing Authority:* 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative:* Kenneth Moeller; *Comments Due:* September 19, 2025.

2. *Docket No(s).:* MC2025–1684 and K2025–1674; *Filing Title:* USPS Request to Add Priority Mail Contract 927 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 11, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Maxine Bradley; *Comments Due:* September 19, 2025.

III. Summary Proceeding(s)

1. *Docket No(s).:* MC2025–1685 and K2025–1675; *Filing Title:* USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 853, and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 11, 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. 2025–17859 Filed 9–15–25; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

International Product Change—Removal of International Surface Air Lift

AGENCY: Postal Service.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of the filing of a request with the Postal Regulatory Commission to remove International Surface Air Lift (ISAL) and two types of negotiated service agreement products that include ISAL from the Competitive Product List and to make accompanying classification changes in the Mail Classification Schedule.

DATES: *Applicable date:* January 18, 2026.

FOR FURTHER INFORMATION CONTACT: Christopher C. Meyerson, 202–268–7820.

SUPPLEMENTARY INFORMATION: The United States Postal Service hereby gives notice that, pursuant to 39 U.S.C. 3642 and 39 CFR 3040.130 *et seq.,* as well as 39 U.S.C. 3632 and 39 CFR 3040.180 *et seq.,* on September 5, 2025, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Remove International Surface Air Lift (ISAL) and Two Types of Negotiated Service Agreement Products that Include ISAL from the Competitive Product List and to Make Accompanying Classification Changes* in the Mail Classification Schedule. Documents are available at *www.prc.gov,* Docket No. MC2025–1676.

Matthew W. Tievsky,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2025–17792 Filed 9–15–25; 8:45 am]

BILLING CODE 7710–12–P

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Notice of Request for Information; National Strategic Plan for Advanced Manufacturing

AGENCY: Office of Science and Technology Policy.

ACTION: Notice; extension of comment period.

SUMMARY: The Office of Science and Technology Policy published a document in the **Federal Register** on June 20, 2025, requesting input from all interested parties on the development of a National Strategic Plan for Advanced Manufacturing. This document extends the deadline for submission of responses.

DATES: OSTP is extending the deadline for responses to 11:59 p.m. ET on December 12, 2025.

FOR FURTHER INFORMATION CONTACT: Please email the Advanced Manufacturing National Program Office at *amnpo@nist.gov* or call Said Jahanmir at 301–975–0844.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 20, 2025, 90 FR 26335, OSTP requested input from all interested parties on the development of a National Strategic Plan for Advanced Manufacturing. Through this Request for Information (RFI), OSTP seeks input from the public regarding Federal programs and activities to advance United States manufacturing competitiveness, including advanced manufacturing research and development that will create jobs, grow the economy across multiple industrial sectors, strengthen national security, and improve healthcare. The public input provided in response to this RFI

will inform the development of the National Strategic Plan for Advanced Manufacturing. With this notice, the deadline for responses is extended to December 12, 2025.

Dated: September 12, 2025.

Stacy Murphy,

Deputy Chief Operations Officer/Security Officer.

[FR Doc. 2025–17840 Filed 9–15–25; 8:45 am]

BILLING CODE 3270–F1–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103947; File No. SR–IEX–2025–22]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify the IEX Fee Schedule Concerning Logical Order Entry Ports

September 11, 2025.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on September 4, 2025, the Investors Exchange LLC (''IEX'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Pursuant to the provisions of Section 19(b)(1) under the Act [4] and Rule 19b–4 thereunder,[5] the Exchange is filing with the Commission a proposed rule change to modify the IEX Fee Schedule (''Fee Schedule''), pursuant to IEX Rules 15.110(a) and (c), to increase fees for logical order entry ports (also referred to as ''Order Entry Ports'').[6]

Changes to the Fee Schedule pursuant to this proposal are effective upon filing,[7] and will be operative beginning on October 1, 2025.

The text of the proposed rule change is available at the Exchange's website at *https://www.iexexchange.io/resources/regulation/rule-filings* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

IEX is proposing to modify its Fee Schedule, pursuant to IEX Rules 15.110(a) and (c), to increase fees for logical order entry ports (also referred to as ''Order Entry Ports'') in excess of those provided free of charge from $250 per month to $450 per month, and reduce the number of Order Entry Ports offered free of charge from five to three. The Exchange has charged port fees since October 1, 2019.[8] As described more fully below, the proposed fee described herein for Order Entry Ports is comparable to, or lower than, fees charged by other equities exchanges with similar or lower market share to IEX for order entry ports at their primary data centers.

Similar to other equities exchanges, the Exchange offers FIX Order Entry Ports at IEX's primary data center, also known as ''sessions,'' for order entry and receipt of trade execution reports and order messages.[9] Members [10] can also choose to connect to the Exchange indirectly through a session maintained by a third-party Service Bureau.[11] Service Bureau sessions may provide access to one or multiple Members on a single session.[12] The number of sessions assigned to each port subscriber as of August 1, 2025 ranges from one to 311, depending on the scope and scale of the User's trading activity on the Exchange (either through a direct connection or through a Service Bureau) as determined by the User.[13] For example, by using multiple sessions, Members can segregate order flow from different internal desks, trading strategies, business lines, or customers. IEX does not impose any minimum or maximum requirements for how many Order Entry Ports a port subscriber can maintain, and it is not proposing to impose any minimum or maximum requirements.

Currently the Exchange charges a monthly fee of $250 per Order Entry Port and offers up to five ports per subscriber free of charge. The Exchange now proposes to amend the Fee Schedule to reduce the number of free ports per subscriber from five to three, and to increase the monthly port fee, which would apply to the fourth port and each port purchased thereafter, from $250 to $450. As the Exchange continues to invest in upgrading its technology, product features, and system infrastructure, IEX determined that the new level of port fees and reduction in the number of free ports, as described herein, is appropriate and comparable to other similarly situated exchanges. The Exchange is proposing to continue to provide Order Entry Ports at the Disaster Recovery Data Center and

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] 15 U.S.C. 78s(b)(1).

[5] 17 CFR 240.19b–4.

[6] Market participants use logical order entry ports to send order messages to, and receive responses from exchanges (*e.g.,* confirmations, fills, or errors). Logical order entry ports can use either the industry standard Financial Information eXchange (''FIX'') messaging protocol or binary protocols to transmit, receive, and process messages. IEX offers only FIX order entry ports and the fee comparisons discussed in the Statutory Basis section below are to FIX order entry ports offered by other exchanges.

[7] 15 U.S.C. 78s(b)(3)(A)(ii).

[8] *See* Securities Exchange Act Release No. 86626 (August 9, 2019), 84 FR 41793 (August 15, 2019) (SR–IEX–2019–07). In June 2024, the Exchange increased port fees in excess of five ports per subscriber from $100 to $250 per month; Securities Exchange Act Release No. 100085 (May 9, 2024), 89 FR 42528 (May 15, 2024) (SR–IEX–2024–08).

[9] Logical connectivity for order entry is provided via network switch and cabling infrastructure at the IEX Primary Data Center that delivers order and execution messages, as well as server infrastructure that runs software processes responsible for validating and formatting such messages for either internal or external consumption.

[10] *See* IEX Rule 1.160(s).

[11] Service Bureaus, which offer technology-based services to other companies for a fee, may access the Exchange's Order Entry Ports on behalf of one or more Members. *See* IEX Rule 11.130(d).

[12] Members and Service Bureaus are collectively referred to herein as ''port subscribers.''

[13] Users who connect to the Exchange's Order Entry Ports are either Members that connect directly to the Exchange, or Service Bureaus through which one or more Members connect to the Exchange. Because it is the Exchange's Members that send orders to the Exchange (either directly or through a Service Bureau), this rule filing focuses on the expected impact on Members. However, because IEX assigns Order Entry Ports to Users, which includes Service Bureaus that provide connectivity to Members, the impact of the proposed fee on Service Bureaus will be addressed whenever relevant. *See* IEX Rule 1.160(qq).

IEX Testing Facility,[14] as well as drop copy ports and market data ports, free of charge.[15]

As detailed below, the proposed fee is less than fees charged for comparable port connectivity by other equities exchanges with similar or lower market share to IEX, and identical to port fees charged by one exchange with lower market share. The Exchange proposes to implement the changes to the Fee Schedule pursuant to this proposal on October 1, 2025.

In general, the Exchange believes that exchanges, in setting fees of all types, should meet very high standards of transparency to demonstrate why each new fee or fee increase meets the Exchange Act requirements. The Exchange believes this high standard is especially important when an exchange imposes fees for market participants to access an exchange's marketplace.

The Exchange believes the proposed fee is reasonable when compared with the fees charged by other equities exchanges with similar or lower market share for FIX order entry ports at their primary data centers. More specifically, as described in the Statutory Basis section, the proposed port fee is lower than the port fees charged by other equities exchanges with similar or lower market share as IEX for comparable port connectivity and equal to the port fee charged by a single exchange that has lower market share than IEX.[16]

The Exchange plans to implement the proposed fee change on October 1, 2025, subject to effectiveness of this proposed rule change, in order to provide ample advance notice and allow impacted market participants time to prepare for the change. On July 1, 2025, the Exchange announced the planned implementation of the proposed port fees on October 1, 2025, subject to the filing and effectiveness of an SEC rule filing.[17]

2. Statutory Basis

IEX believes that the proposed fee is consistent with the provisions of Section 6 of the Act [18] in general and furthers the objectives of Section 6(b)(4) of the Act,[19] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities. In addition, the Exchange believes that the proposed fee is consistent with the purposes of Section 6(b)(5) [20] 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 regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to a free and open market and national market system, and, in general, to protect investors and the public interest, and particularly, is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

As discussed below, the proposed fee is within the range of or lower than fees charged by other exchanges with similar or lower market share for FIX order entry ports. IEX understands that these other exchanges provide FIX order entry ports with comparable functionality to IEX's FIX order entry ports. The fee comparison below does not include binary ports, which some exchanges offer in addition to FIX order entry ports. Binary ports, which IEX does not offer, differ from FIX order entry ports in that they use exchange-specific binary protocols and typically process messages at a faster rate than FIX order entry ports.

The Exchange believes that the proposed fee of $450 per month per Order Entry Port, with the first three Order Entry Ports offered free of charge, is reasonable because it is within the range of fees charged for comparable port connectivity by other equities exchanges with similar or lower market share, and in certain cases, less than fees charged for comparable port connectivity by some of the exchanges.[21] IEX's year-to-date market share as of August 1, 2025 was approximately 2.80%. Based on publicly available information as of August 1, 2025, the Exchange compared the proposed fee to the fees charged for comparable port connectivity by other equities exchanges with lower market share than IEX. As set forth in the table below, the proposed fee is lower than the fees charged for FIX order entry ports that provide comparable functionality to IEX's Logical Order Entry Ports by the equities markets of BYX Equities, EDGA Equities, Nasdaq BX, Inc. (''Nasdaq BX'') and NYSE Texas, Inc. (''NYSE Texas''). The Exchange notes that, with the exception of IEX and Long Term Stock Exchange, Inc. (''LTSE'') as described below, none of the equities exchanges referred to herein offer order entry ports free of charge. The Exchange currently offers up to five order entry ports free of charge and is proposing to offer up to three order entry ports free of charge. After taking into account that the free ports effectively reduces the fees for any port subscriber with more than three Order Entry Ports, the proposed fee is also lower than the net fees charged for order entry ports by the equities markets of MEMX, LLC (''MEMX'') and MIAX Pearl Equities (''MIAX Pearl Equities''). The proposed fee is equivalent to the port fees charged by LTSE. A more detailed discussion of the comparison follows.

Exchange	Market share (year-to-date as of August 1, 2025) (%)	FIX order entry port fees (per month)
BYX Equities	0.75	$550/port.[a]
EDGA Equities	0.68	$550/port.[b]
Nasdaq BX	0.26	$500/port.[c]
NYSE Texas	0.33	$455/port.[d]
MEMX Equities	2.26	$450/port.[e]
MIAX Pearl Equities	1.08	$450/port.[f]
IEX	2.80	$450/port (first three ports free) (proposed).

[14] Logical ports to connect to the Disaster Recovery or Test Facilities also would not count toward the three free Order Entry Port calculation.

[15] Confirmations of orders and execution reports are transmitted by the Exchange over the Order Entry Port that was used to enter the order. A ''drop copy'' contains redundant information that a Member chooses to have ''dropped'' to another destination (*e.g.,* to allow the Member's back office and/or compliance department, or another Member—typically the Member's clearing broker—to have immediate access to the information). Drop copies can only be sent via a drop copy port. Drop copy ports cannot be used to enter orders.

[16] For example, Cboe BYX Exchange, Inc. (''BYX Equities'') and Cboe EDGA Exchange, Inc. (''EDGA Equities''), with year-to-date market share as of August 1, 2025 of 0.75%, and 0.68%, respectively, each charge $550/month for FIX order entry ports and do not offer any free ports.

[17] *See* IEX Trading Alert #2025–015.

[18] 15 U.S.C. 78f(b).

[19] 15 U.S.C. 78f(b)(4).

[20] 15 U.S.C. 78f(b)(5).

[21] Exchange market share data noted in this rule filing represent the percent of executed share volume by the relevant exchange compared to market-wide executed share volume in NMS securities (*see* Rule 600(64) of Regulation NMS) based on NYSE TAQ (Trade and Quote) data.

Exchange	Market share (year-to-date as of August 1, 2025) (%)	FIX order entry port fees (per month)
LTSE Equities	0.05%	$450/port (first three ports free).[g]

[a] *See* BYX Equities Fee Schedule, Logical Port Fees section, available at *https://www.cboe.com/us/equities/membership/fee_schedule/byx/.*
[b] *See* EDGA Equities Fee Schedule, Logical Port Fees section, available at *https://www.cboe.com/us/equities/membership/fee_schedule/edga/.*
[c] *See* Nasdaq BX Fee Schedule, Order Entry Ports Fees section, available at *https://nasdaqtrader.com/Trader.aspx?id=bx_pricing#connectivity.*
[d] *See* NYSE Texas Fee Schedule, Section D.1. Connection Charges—Ports for order/quote entry, available at *https://www.nyse.com/publicdocs/nyse/markets/nyse-texas/NYSE_Texas_Fee_Schedule.pdf.*
[e] *See* MEMX Connectivity Fee Schedule, Application Sessions, available at *https://info.memxtrading.com/connectivity-fees/.*
[f] *See* MIAX Pearl Fee Schedule, Application Sessions, available at *https://www.miaxglobal.com/sites/default/files/fee_schedule-files/MIAX_Pearl_Equities_Fee_Schedule_08012025.pdf.*
[g] *See* LTSE Fee Schedule, Connectivity Fees, available at *https://cdn.prod.website-files.com/6462417e8db99f8baa06952c/689a0386b83866238ca8545f_LTSE%20Fee%20Schedule_August%2011%2C%202025%20(Date%20Update).pdf.*

BYX Equities and EDGA Equities. The proposed fee would be lower than the fees currently charged by BYX Equities and EDGA Equities for FIX order entry ports within the primary data centers of those exchanges, which provide functionality comparable to IEX's FIX Order Entry Ports. BYX Equities and EDGA Equities charge $550 per month for each logical port. The year-to-date market share of BYX Equities and EDGA Equities as of August 1, 2025 were 0.75% and 0.68%, respectively.

Nasdaq BX. The proposed fee would be lower than the fees currently charged by Nasdaq BX for FIX order entry ports, which provide functionality comparable to IEX's Order Entry Ports. Nasdaq BX charges $500 per month for each type of order entry port. Nasdaq BX's year-to-date market share as of August 1, 2025 was 0.26%.

NYSE Texas. The proposed fee would be lower than the fees currently charged by NYSE Texas for order/quote entry ports, which provide functionality comparable to IEX's Order Entry Ports. NYSE Texas charges $455 per month for each order/quote entry port. NYSE Texas's year-to-date market share as of August 1, 2025 was 0.33%.

MEMX Equities. After taking into account the free ports IEX offers, the proposed fee would be effectively lower than the fees currently charged by MEMX Equities for Order Entry Ports, which provide functionality comparable to IEX's Order Entry Ports. MEMX Equities charges $450 per month for each port and does not offer free ports. MEMX Equities' year-to-date market share as of August 1, 2025 was 2.26%.

MIAX Pearl Equities. After taking into account the free ports IEX offers, the proposed fee would be effectively lower than the fees currently charged by MIAX Pearl Equities for FIX order entry ports, which provide functionality comparable to IEX's Order Entry Ports. MIAX Pearl charges $450 per month for each port and does not offer free ports. MIAX Pearl's year-to-date market share as of August 1, 2025 was 1.08%.

LTSE Equities. The proposed fee would be equivalent to the fees currently charged by LTSE Equities for Logical Connectivity ports, which provide functionality comparable to IEX's FIX Order Entry Ports. LTSE Equities charges $450 per month for each port. LTSE offers up to three Logical Connectivity ports free of charge. LTSE Equities' year-to-date market share as of August 1, 2025 was 0.05%.

The Proposed Fee Is Equitably Allocated and Not Unfairly Discriminatory

The Exchange believes that its proposed fee for Order Entry Ports is reasonable, fair, equitable, and not unfairly discriminatory. The proposed fee will apply equally to all Members that are assigned Order Entry Ports (either directly or through a Service Bureau) and will minimize barriers to entry by continuing to provide all port subscribers with three free Order Entry Ports. Because the first three Order Entry Ports are free, a number of port subscribers will not be subject to any fee.[22] Approximately 6% of current port subscribers subscribe to four ports and approximately 14% subscribe to five ports. These subscribers currently pay no fees for their ports. Under the proposed fee and the reduction of free ports from five to three, these port subscribers would continue to receive their first three ports free of charge but would be newly subject to fees for their fourth and fifth ports, assuming they do not reduce the number of ports subscribed to. Based on the proposed fee, 6% of current subscribers would pay $450 per month for their fourth port and 14% would pay $900 per month for their fourth and fifth ports.

Even for port subscribers that choose to maintain more than three Order Entry Ports, including those who currently receive four or five ports free of charge, the Exchange believes that the monthly per port fee of $450 is low enough that it will not operate to restrain any port subscriber's ability to maintain the number of Order Entry Ports that it determines are consistent with its business objectives. The small number of Members projected to be subject to the highest fees will still pay considerably less than what similarly situated exchanges charge for comparable port connectivity. For example, the monthly cost per order entry port on BYX Equities, EDGA Equities, Nasdaq BX and NYSE Texas is $550, $500, and $455 respectively, and none of those markets offer free ports. The Exchange further notes that some of the exchanges listed in the table above, *e.g.,* NYSE Texas and Nasdaq BX, charge for other logical ports that the Exchange will continue to offer for free, such as those used for drop copies,[23] testing and disaster recovery purposes.[24]

Further, the number of assigned Order Entry Ports will continue to be based on decisions by each port subscriber, including the ability to reduce fees by discontinuing unused Order Entry Ports. The Exchange believes this demonstrates that the proposed fee is not unfairly discriminatory because port subscribers can select the number of ports to purchase that best suits their business objectives.

The Exchange believes that providing three free Order Entry Ports is fair and equitable, and not unfairly discriminatory because it will enable all Members and Service Bureaus to access IEX on those ports free of charge, thereby encouraging order flow and liquidity from a diverse set of market participants, facilitating price discovery

[22] Approximately 43% of the Exchange's current port subscribers subscribe to three or fewer Order Entry Ports and would continue to receive those ports free of charge.

[23] *See* NYSE Texas Fee Schedule, Section D, available at *https://www.nyse.com/publicdocs/nyse/markets/nyse-texas/NYSE_Texas_Fee_Schedule.pdf.*

[24] *See* Nasdaq BX Fee Schedule, available at *https://nasdaqtrader.com/Trader.aspx?id=bx_pricing#connectivity;* Nasdaq BX Rule Book, Equity Section 7.115.

and the interaction of orders. The Exchange believes that three Order Entry Ports is an appropriate number to provide for free because that is the number of ports currently maintained by approximately 43% of port subscribers, which is a meaningful number of IEX's overall port subscribers.

Further, as discussed in the Statutory Basis section, the proposed fee is lower than the fees charged for comparable connectivity ports by other exchanges with lower market share than IEX and equal to order entry port fees charged by one exchange with lower market share. Thus, the Exchange does not believe that the proposed relatively low fee would operate as a barrier to entry, or impose a significant cost burden, on smaller Members or Service Bureaus.

The Exchange further believes that the proposed fee is reasonable, fair and equitable, and non-discriminatory because it will apply to all port subscribers in the same manner and is not targeted at a specific type or category of market participant engaged in any particular trading strategy. Each Order Entry Port is identical, providing logical connectivity to the Exchange on identical terms. All Members (or Service Bureaus) will receive up to three free Order Entry Ports and pay the same $450 per Order Entry Port for each additional Order Entry Port.

Because the first three Order Entry Ports are free of charge, each entity necessarily will have a ''per unit'' rate of less than $450. While the proposed fee will result in a different effective ''per unit'' rate for different Members (or Service Bureaus) after factoring in the three free Order Entry Ports, the Exchange does not believe that this difference is material given the overall relatively low fee of $450 per port. Further, the fee is not connected to volume-based tiers. All Members will be subject to the same monthly per port fee, regardless of the volume of trading sent to or executed on IEX.

The proposed port fee also does not depend on any distinctions between Members, customers, broker-dealers, or any other entity. The Exchange will assess the port fee solely based on the number of Order Entry Ports an entity selects. Members (and their Service Bureaus) can determine how many Order Entry Ports they need to implement their trading strategies effectively. While entities that send relatively more inbound messages to the Exchange may select more Order Entry Ports, thereby resulting in higher fees, that distinction is a result of decisions made by each port subscriber rather than application of the fee by the Exchange.

Notwithstanding that port subscribers with the highest number of Order Entry Ports will pay a greater percentage of the total projected fees than is represented by their Order Entry Port usage, the Exchange does not believe that the proposed fee is unfairly discriminatory. It is not possible to fully synchronize IEX's objective to provide up to three free Order Entry Ports to all port subscribers, thereby minimizing barriers to entry and incentivizing liquidity on the Exchange, with an approach that exactly aligns the projected per port subscriber fee with each port subscriber's number of requested Order Entry Ports. As proposed, the Exchange will continue to provide a reasonable number of Order Entry Ports to each Member (or Service Bureau) without charge. Any variance between projected fees and Order Entry Port usage is a result of the variation among Members of the number of Order Entry Ports they alone determine are best suited for their individual business objectives and needs.

Finally, the Exchange believes that the proposed fee is consistent with Section 11A of the Exchange Act in that it is designed to facilitate the economically efficient execution of securities transactions, fair competition among brokers and dealers, exchange markets and markets other than exchange markets, and the practicability of brokers executing investors' orders in the best market. Specifically, the relatively low port fee and up to three free ports per subscriber will enable a broad range of Members to continue to connect to IEX, thereby facilitating the economically efficient execution of securities transactions on IEX, fair competition between and among such Members, and the practicability of Members that are brokers executing investors' orders on IEX when it is the best market.

The Exchange does not believe that logical connectivity fees are properly constrained by competitive market pressures. Nevertheless, the Exchange believes that an analysis of similar fees charged by competitor exchanges, as discussed below, also demonstrates that the proposed fee is equitable and not unfairly discriminatory. As discussed above and in the Purpose section, the Exchange believes the competing exchanges' port fees are useful examples of alternative approaches to providing and charging for logical connectivity. To that end, the Exchange believes the proposed fee is reasonable because the proposed fee is lower than fees charged for comparable logical order entry port access provided by other exchanges with lower market shares.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change with respect to Order Entry Port Fees will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act.

There is no regulatory requirement that any broker-dealer connect to and access any (or all of) the available equity exchanges. Market participants may choose to become a member of one or more (or no) equities exchanges based on the market participant's assessment of the business opportunity relative to the costs of the Exchange. In lieu of becoming a member at each exchange, a market participant may join one exchange and elect to have its orders routed in the event that a better price is available on an away market. Nothing in the Order Protection Rule [25] requires a broker-dealer to become a Member of—or establish connectivity to—the Exchange. All equities exchanges have rules in place to avoid trading through a better priced quotation on another exchange in violation of Order Protection Rule.[26]

The Exchange does not believe that the Exchange's proposed price increase will adversely impact any other exchange's ability to compete. Further, as detailed above, the proposed fee is identical to or lower than fees charged by other exchanges. In any event, competing equities exchanges are free to propose comparable fee structures subject to the SEC rule filing process. Accordingly, the Exchange does not believe its proposed fee change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange does not believe that the proposed increased port fee will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purpose of the Act because all Members (and/or their Service Bureaus) will be entitled to up to three free ports and subject to the same relatively low fee for additional ports. While different total fees would be assessed depending on the number of Order Entry Ports a Member (or Service Bureau) requests, these different fees are not based on the type of Member requesting the Order Entry Port(s) but on the number of such ports it requests, and each port subscriber alone decides the number of

[25] *See* 17 CFR 242.611.

[26] *See e.g.,* IEX Rule 11.230.

such ports to request. Further, providing three free Order Entry Ports is designed to avoid creating barriers to entry for smaller Members, thereby promoting intramarket competition. In addition, IEX believes that even Members subject to relatively higher fees for more Order Entry Ports will still be subject to a relatively low aggregate fee (and lower than several competing exchanges, as described above) and thus the proposed fee will not operate as a barrier to entry for such Members or impose a significant business cost burden on such Members relative to their levels of business activity.

The proposed fee does not favor certain categories of port subscribers in a manner that would impose an undue burden on competition. The Exchange does not believe that the proposed rule change would place certain port subscribers at the Exchange at a relative advantage or disadvantage compared to other port subscribers or affect the ability of such firms to compete.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) [27] of the Act.

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 under Section 19(b)(2)(B) [28] 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–IEX–2025–22 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–IEX–2025–22. 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–IEX–2025–22 and should be submitted on or before October 7, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–17812 Filed 9–15–25; 8:45 am]

BILLING CODE 8011–01–P

[27] 15 U.S.C. 78s(b)(3)(A)(ii).

[28] 15 U.S.C. 78s(b)(2)(B).

[29] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103946; File No. 4–698]

Joint Industry Plan; Notice of Designation of a Longer Period for Commission Action on a Proposed Amendment, as Modified by Amendment No. 1, to the National Market System Plan Governing the Consolidated Audit Trail Regarding the Customer and Account Information System

September 11, 2025.

I. Introduction

On March 7, 2025, the Consolidated Audit Trail, LLC (''CAT LLC''), on behalf of the following parties to the National Market System Plan Governing the Consolidated Audit Trail (the ''CAT NMS Plan'' or ''Plan''): [1] BOX Exchange LLC, Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., Cboe C2 Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Cboe Exchange, Inc., Financial Industry Regulatory Authority, Inc., Investors Exchange LLC, Long-Term Stock Exchange, Inc., MEMX, LLC, Miami International Securities Exchange LLC, MIAX Emerald, LLC, MIAX PEARL, LLC, MIAX Sapphire, LLC, Nasdaq BX, Inc., Nasdaq GEMX, LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, Nasdaq PHLX LLC, The NASDAQ Stock Market LLC, New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago, Inc., and NYSE National, Inc. (collectively, the ''Participants'') filed with the Securities and Exchange Commission (''Commission'') pursuant to Section 11A(a)(3) of the Securities Exchange Act of 1934 (''Exchange Act''),[2] and Rule 608 thereunder,[3] a proposed amendment to the CAT NMS Plan to reduce the amount of Customer [4] information in the CAT Customer and Account Information System (''CAIS'') (the ''Proposed Amendment'').[5] The Proposed Amendment was published for comment in the **Federal Register** on March 19, 2025 (''Notice'').[6]

On May 28, 2025, the Participants filed Amendment No. 1 to the Proposed Amendment (''Amendment No. 1'').[7] On June 17, 2025, the Commission noticed Amendment No. 1 for comment and instituted proceedings to determine whether to approve or disapprove the Proposed Amendment, as modified by

[1] In 2012, the Commission adopted Rule 613 of Regulation NMS, which required the Participants to jointly develop and submit to the Commission a national market system plan to create, implement, and maintain a consolidated audit trail (the ''CAT''). *See* Securities Exchange Act Release No. 67457 (July 18, 2012), 77 FR 45722 (Aug. 1, 2012); 17 CFR 242.613 (''Rule 613''). On November 15, 2016, the Commission approved the CAT NMS Plan. *See* Securities Exchange Act Release No. 79318, 81 FR 84696 (Nov. 23, 2016) (''CAT NMS Plan Approval Order''). The CAT NMS Plan is Exhibit A to the CAT NMS Plan Approval Order. *See* CAT NMS Plan Approval Order, at 84943–85034.

[2] 15 U.S.C. 78k–1(a)(3).

[3] 17 CFR 242.608.

[4] A ''Customer'' means ''the account holder(s) of the account at a registered broker-dealer originating the order; and any person from whom the broker-dealer is authorized to accept trading instructions for such account, if different from the account holder(s).'' *See* CAT NMS Plan, *supra* note 1, at Section 1.1.

[5] *See* Letter from Brandon Becker, CAT NMS Plan Operating Committee Chair, dated March 7, 2025.

[6] *See* Securities Exchange Act Release No. 102665 (Mar. 13, 2025), 90 FR 12845. Comments received in response to the Notice can be found on the Commission's website at *https://www.sec.gov/comments/4-698/4-698-f.htm.*

[7] *See* Letter from Brandon Becker, CAT NMS Plan Operating Committee Chair, dated May 28, 2025.

Amendment No. 1.[8] Rule 608(b)(2)(i) of Regulation NMS provides that such proceedings shall be concluded within 180 days of the date of the publication of notice of the plan or amendment and that the time for conclusion of such proceedings may be extended for up to 60 days (up to 240 days from the date of notice publication) if the Commission determines that a longer period is appropriate and publishes the reasons for such determination or the plan participants consent to a longer period.[9] The 180th day after publication of the Notice for the Proposed Amendment is September 15, 2025. The Commission is extending this 180-day period.

The Commission finds that it is appropriate to designate a longer period within which to conclude proceedings regarding the Proposed Amendment, as modified by Amendment No. 1, so that it has sufficient time to consider the Proposed Amendment, as modified by Amendment No. 1, and the comments received. Accordingly, pursuant to Rule 608(b)(2)(i) of Regulation NMS,[10] the Commission designates November 14, 2025, as the date by which the Commission shall conclude the proceedings to determine whether to approve or disapprove the Proposed Amendment, as modified by Amendment No. 1 (File No. 4–698).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–17811 Filed 9–15–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35746; 812–15874]

PennantPark Enhanced Income Fund and PennantPark Investment Advisers, LLC

September 11, 2025.

AGENCY: Securities and Exchange Commission (''Commission'' or ''SEC'').

ACTION: Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 18(a)(2), 18(c) and 18(i) of the Act, under sections 6(c) and 23(c) of the Act for an exemption from rule 23c–3 under the Act, and for an order pursuant to section 17(d) of the Act and rule 17d–1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain registered closed-end investment companies to issue multiple classes of shares and to impose asset-based distribution and/or service fees and early withdrawal charges.

APPLICANTS: PennantPark Enhanced Income Fund and PennantPark Advisers, LLC.

FILING DATE: The application was filed on August 6, 2025.

HEARING OR NOTIFICATION OF HEARING: An Order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at *Secretarys-Office@sec.gov* and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below.

Hearing requests should be received by the Commission by 5:30 p.m. on October 6, 2025, and should be accompanied by proof of service on the Applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary.

ADDRESSES:

The Commission: Secretarys-Office@sec.gov.

Applicants: Cynthia R. Beyea, Esq., Dechert LLP, 1900 K Street NW, Washington, DC 20006 and Thomas J. Friedmann, Esq., Dechert LLP, One International Plaza, 40th Floor, 100 Oliver Street, Boston, Massachusetts, 02110 with copies to Arthur H. Penn, PennantPark Investment Advisers, LLC, 1691 Michigan Avenue, Miami Beach, Florida 33139.

FOR FURTHER INFORMATION CONTACT: Rachel Loko, Senior Special Counsel, at (202) 551–6883 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' application, dated August 6, 2025, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field on the SEC's EDGAR system. The SEC's EDGAR system may be searched at *https://www.sec.gov/edgar/searchedgar/companysearch.* You may also call the SEC's Office of Investor Education and Advocacy at (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–17822 Filed 9–15–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103952; File No. SR–NSCC–2025–013]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of Proposed Rule Change To Amend the CNS Fails Charge in the NSCC Rules

September 11, 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 September 5, 2025, National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of amendments to provisions in the NSCC Rules & Procedures (''Rules'') regarding the margin charge that is applied when a Member fails to settle a Short Position or a Long Position by the applicable settlement date (''CNS Fails Charge'').[3] Specifically, the proposed changes would (i) discontinue the application of the CNS Fails Charge on Long Positions (*i.e.,* fails to receive), (ii) eliminate the

[8] *See* Securities Exchange Act Release No. 103288, 90 FR 26637 (June 23, 2025). Comments received in response to Amendment No. 1 can be found on the Commission's website at *https://www.sec.gov/comments/4-698/4-698-f.htm.*

[9] 17 CFR 242.608(b)(2)(i).

[10] *Id.*

[11] 17 CFR 200.30–3(a)(85).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The CNS Fails Charge is currently imposed by NSCC pursuant to Procedure XV (Clearing Fund Formula and Other Matters), Section I.(A)(1)(d). *Id.*

Credit Risk Rating Matrix (''CRRM'') [4] from the calculation, and (iii) assess the charge based on the duration that the failed Short Positions remains outstanding.[5]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency 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 clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposed rule change would amend provisions in the Rules regarding the CNS Fails Charge. Specifically, the proposed changes would (i) discontinue the application of the CNS Fails Charge on Long Positions (*i.e.,* fails to receive), (ii) eliminate the CRRM from the calculation, and (iii) assess the charge based on the duration that the failed Short Positions remains outstanding.

(i) Overview of the Required Fund Deposit and the CNS Fails Charge

As part of its market risk management strategy, NSCC manages its credit exposure to Members by calculating the appropriate Required Fund Deposits to the Clearing Fund and monitoring the Clearing Fund's sufficiency, as provided for in the Rules.[6] The Required Fund Deposit serves as each Member's margin.

The objective of an NSCC Member's deposit is to mitigate potential losses to NSCC associated with a default by an NSCC Member. Each NSCC Member's Required Fund Deposit is comprised of several risk-based component charges, including the CNS Fails Charge, which is calculated and assessed daily. The aggregate of all Members' Required Fund Deposits constitutes the Clearing Fund of NSCC. NSCC would access its Clearing Fund should a defaulting Member's own Required Fund Deposit be insufficient to satisfy losses to NSCC caused by the liquidation of that Member's portfolio. The Clearing Fund reduces the risk that NSCC would need to mutualize any losses among non-defaulting members during the liquidation process.

When a Member does not either deliver a Short Position or receive a Long Position due by the applicable Settlement Date, NSCC, as a central counterparty, is exposed to credit and market risks. To offset the risk exposures to NSCC and to incentivize Members to satisfy their obligations relating to their outstanding trades on Settlement Date, NSCC currently calculates and collects the CNS Fails Charge from Members with Short Positions and Long Positions that did not settle on the Settlement Date (''CNS Fails Positions''). The amount of the CNS Fails Charge imposed on a Member varies based on the Member's credit rating derived from the CRRM.

The CNS Fails Charge is calculated by multiplying the Current Market Value for such Member's aggregate CNS Fails Positions by a percentage. For a Member that is not rated on the CRRM and for a Member that is rated 1 through 4 on the CRRM, the CNS Fails Charge is 5% of the Member's aggregate CNS Fails Positions. For a Member that is rated 5 or 6 on the CRRM, the CNS Fails Charge is 10% of the Member's aggregate CNS Fails Positions. For a Member that is rated 7 on the CRRM, the CNS Fails Charge is 20% of the Member's aggregate CNS Fails Positions.

(ii) Proposed Changes to the CNS Fails Charge

NSCC regularly assesses its margining methodologies to evaluate whether margin levels are commensurate with the particular risk attributes of each relevant product, portfolio, and market. In connection with such reviews, NSCC is proposing to enhance the CNS Fails Charge by (a) discontinuing the application of the CNS Fails Charge on Long Positions, (b) eliminating the CRRM from the calculation, and (c) assessing the charge based on the duration that the Short Position has been failing to be delivered as discussed below.

(a) Discontinue CNS Fails Charge on Long Positions

NSCC's Continuous Net Settlement System (''CNS'') is an automated accounting and securities settlement system that centralizes and nets the settlement of compared and recorded securities transactions and maintains an orderly flow of security and money balances.[7] Within CNS, all eligible compared and recorded transactions for a particular Settlement Date are netted by issue into one position per Member. The position can be a net Long Position (receive), net Short Position (deliver) or flat. As a continuous net system, those positions are further netted with positions of the same CNS Security that remain open after their original scheduled settlement date (usually one business day after the trade date or T+1), so that transactions scheduled to settle on any day are netted with CNS Fails Positions (*i.e.,* positions that have failed in delivery or receipt on the Settlement Date), which results in a single deliver or receive obligation for each Member for each CNS Security in which the Member has activity.

CNS is a net flat system and allocates shares received via an algorithm to those who are set to receive. CNS can only allocate shares if a Member with a Short Position makes the delivery into CNS on the Settlement Date. Members have limited control [8] on whether they will receive shares from CNS if the corresponding Members set to deliver do not deliver shares in their entirety to CNS. Given this limited ability to control if they are allocated shares that they are set to receive, NSCC believes it is not appropriate to assess a CNS Fails Charge on Members who fail to receive an allocation from CNS for a Long Position.

In addition, CNS Fails Positions, including Long Positions where the Member failed to receive, are currently subject to NSCC's normal risk margining procedures and risk associated with these positions is accounted for in the existing risk calculations. Fail positions are re-netted into Members' unsettled guaranteed portfolios, which is subject to NSCC's full margin methodology. The CNS Fails Charge, while part of that methodology, is an additive charge on

[4] The CRRM is a credit risk rating model NSCC utilizes to evaluate and rate the credit risk of NSCC's U.S. bank, foreign bank, and U.S. broker-dealer Members, and rate such Members based upon qualitative and quantitative information. *See* definition of Credit Risk Rating Matrix in Rule 1 (Definitions and Descriptions), *infra* note 5.

[5] Terms not defined herein are defined in the Rules, *available at www.dtcc.com/legal/rules-and-procedures.*

[6] *See* Rule 4 (Clearing Fund) and Procedure XV, *supra* note 5. NSCC's market risk management strategy is designed to comply with Rule 17ad–22(e)(4) under the Act, where these risks are referred to as ''credit risks.'' 17 CFR 240.17ad–22(e)(4).

[7] *See* NSCC Rule 11 (CNS System) and Procedure VII (CNS Accounting Operation), *supra* note 5.

[8] NSCC provides a ''Buy-In'' process which enables receiving Members to (i) submit a Buy-In Intent and receive priority on allocation of receipt of securities and (ii) allow Members that have failed to receive securities by settlement date the ability to purchase the securities in the market to cover their fails position. *See* Section J of Procedure VII and Procedure X (Execution of Buy-Ins), *supra* note 5.

top of the model-based components and any Market-to-Market collected.

As part of its ongoing review of risk management programs—and in conjunction with other proposed changes to the CNS Fails Charge outlined below—NSCC is proposing to eliminate the application of the CNS Fails Charge on failed Long Positions.

(b) Eliminate CRRM From CNS Fails Charge Calculation

The CNS Fails Charge is currently calculated using a percentage based on each Member's CRRM rating. The risk posed from the fail to deliver is specific to the individual position that is failing, and NSCC believes that a better measure of the risk related to the CNS Fails Position is how long the position has been outstanding. As the risk posed by the failed position is less influenced by the Member that failed to make delivery, NSCC believes that the CNS Fails Charge should not be scaled to Member specific criteria such as CRRM and is therefore proposing to eliminate CRRM from the CNS Fails Charge calculation and replacing it with a charge based on the length of time that the CNS Fails Position remains outstanding.

(c) Assess Charge Based on Length Outstanding

While any position specific risk from a failed position is addressed by NSCC's existing margin methodology, a position for which a Member has been failing to deliver for an extended period may be indicative of additional risk associated with the position. To encourage timely delivery of settlement obligations and address this additional risk, NSCC is proposing to assess the CNS Fails Charge using a percentage ranging from 5% to 100% based on the length of time a Member has been failing to deliver a position. The percentages initially will be (i) 5% for CNS Fails Positions that have remained outstanding 1 to 4 Business Days, (ii) 15% for CNS Fails Positions that have remained outstanding 5 to 10 Business Days, (iii) 20% for CNS Fails Positions that have remained outstanding 11 to 20 Business Days, and (iv) 100% for CNS Fails Positions that have remained outstanding longer than 20 Business Days. If a Member delivers a position for a CNS Fails Position in the night cycle following the applicable settlement date, NSCC will account for the delivery amount and offset the failed quantity by the quantity delivered in the night cycle. Additionally, if a Member's start of day position in a CUSIP that failed to be delivered the prior settlement date is net long for the portion of that position settling on the current business date, a fails charge will not be assessed.

The proposed percentages are designed to provide a mechanism to reduce fails and protect NSCC from potentially incurring higher costs in sourcing the CNS Fails Positions in a Member default event, where the haircut applied increases the longer the CNS Fails Position remains outstanding. NSCC determined the proposed percentages by using the existing haircut range of 5–20% for the current CNS Fails Charge as a baseline for charges under the new proposal. NSCC then escalated the charge to 100% for fails aged over 20 Business Days, which is grounded in both risk sensitivity and behavioral incentives. NSCC determined that the risk associated with a failed position increases the longer it remains unsettled. While short-term fails may reflect operational delays, extended fails, especially those exceeding 20 Business Days, might signal a reduced or impaired market liquidity that increases market price risk to NSCC. The proposed 100% charge is intended to reflect this elevated risk exposure and ensure NSCC is adequately protected. By escalating the charge to 100% after 20 Business Days, NSCC aims to discourage prolonged settlement failures and promote market discipline.

In connection with its regular assessment of its margining methodologies, NSCC would review the CNS Fails Charge haircut percentages to determine the effects on the Members and whether the percentages continue to be adequate.

NSCC will post the applicable percentages for CNS Fails Positions on its website and provide reports to Members detailing their open positions, including their CNS Fails Positions and associated CNS Fails Charges for each.

(iii) Detailed Description of the Proposed Rule Changes

NSCC is proposing to revise the definition of CNS Fails Position in Rule 1 to remove Long Position.

NSCC is also proposing to amend Procedure XV, Section I.(A)(1)(d) to remove the references to CRRM and provide that Members would be charged percentages for CNS Fails Position ranging from 5% to 100% based on the number of Business Days that the CNS Fails Positions have remained outstanding. The proposed changes would provide that NSCC shall post the applicable percentages on the NSCC website, and the percentages may be updated from time to time as announced by Important Notice.

(iv) Member Impact of Proposed Changes

NSCC conducted an impact study of the proposed changes based on data from January 2, 2024 through April 30, 2025 (''Impact Study''). The Impact Study indicated that if the proposed changes had been in place during the Impact Study period, the proposed changes would have led to an aggregate reduction in CNS Fails Charges by approximately 56.1% or $238.5 million. This reduction was primarily due to the removal of the charge on Long Positions. NSCC observed a charge decrease of 16.9%, or $35.6 million, in failure to deliver positions during the Impact Study. This was primarily due to increases in the CNS Fails Charge on older CNS Fails Positions which offset the reduction in charge on positions failing for only a few days. The Impact Study also revealed that NSCC level backtest coverage remained above 99%, and no Member level coverage fell below 99%, with the proposed changes.

The Impact Study indicated that the largest increase in CNS Fails Charges for any Member would have been $12.7 million on average, and the largest decrease in CNS Fails Charges for any Member would have been $41.1 million on average had the proposed changes been in place during the Impact Study period.

(v) Implementation Timeframe

NSCC would implement the proposed rule changes by no later than 60 Business Days after the approval of the proposed rule change by the Commission. NSCC would announce the effective date of the proposed changes by an Important Notice posted to its website.

2. Statutory Basis

NSCC believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered clearing agency. Specifically, NSCC believes that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act [9] and Rules 17ad–22(e)(4) and (e)(6)(i),[10] each as promulgated under the Act, for the reasons described below.

Section 17A(b)(3)(F) of the Act requires that the Rules be designed to promote the prompt and accurate clearance and settlement of securities transactions and to assure the safeguarding of securities and funds which are in the custody or control of

[9] 15 U.S.C. 78q–1(b)(3)(F).

[10] 17 CFR 240.17ad–22(e)(4) and (e)(6)(i).

NSCC or for which it is responsible.[11] The proposed rule changes to modify the assessment and collection of the CNS Fails Charge would enable NSCC to more appropriately and accurately calculate a CNS Fails Charge based on the risk failed positions pose to NSCC. First, the proposed changes would provide a more appropriate and effective incentive for Members to limit outstanding fails positions. The removal of the charge on Long Positions is appropriate as Members have limited control on whether they will receive shares from CNS if the corresponding Members do not deliver their shares in their entirety to CNS, and risk associated with these positions is adequately accounted for in the existing risk calculations. In addition, providing an increasing CNS Fails Charge based on how long the CNS Fails Position has been outstanding would provide a greater incentive to Members to deliver on aged CNS Fails Positions. Second, the proposed changes would provide for a charge that more accurately reflects the risk of the CNS Fails Positions. Replacing the CRRM criteria with percentages based on the age of the CNS Fails Positions would lead to a more accurate calculation of the CNS Fails Charge because the risk associated with the fail to deliver is specific to the individual position that is failing. Therefore, a better measure of the risk related to the CNS Fails Position is the duration the position has been outstanding, rather than a Member's CRRM rating that failed to deliver the position into CNS. More accurately and effectively mitigating NSCC's risk exposure from CNS Fails Positions would promote the prompt and accurate clearance and settlement of securities transactions, consistent with Section 17A(b)(3)(F) of the Act.

Rule 17ad–22(e)(4) under the Act requires NSCC to establish, implement, maintain and enforce written policies and procedures reasonably designed to effectively identify, measure, monitor and manage its credit exposures to participants and those exposures arising from its payment, clearing and settlement processes.[12] The CNS Fails Charge is being imposed on Members with CNS Fails Positions in order to reduce credit exposures to NSCC resulting from those positions. As proposed, it is designed to obtain from such Members financial resources commensurate with the credit exposures posed to NSCC by such Member's CNS Fails Positions. The proposed changes would result in a more appropriate and accurate assessment and calculation of CNS Fails positions based on the risk exposure to NSCC. Removing the charge for Long Positions is appropriate as Members have limited control on the ability to receive and risk associated with these positions is adequately accounted for in the existing risk calculations. Replacing the CRRM criteria with percentages based on the age of the CNS Fails Positions would lead to a more accurate calculation of the CNS Fails Charge because the risk associated with the fail to deliver is specific to the individual position that is failing. A better measure of the risk related to the CNS Fails Position is the duration the position has been outstanding, rather than a Member's CRRM rating that failed to deliver the position into CNS. Therefore, NSCC believes that management of its credit exposures to its Members through a more appropriate and accurate CNS Fails Charge is consistent with Rule 17ad–22(e)(4) under the Act.

Rule 17ad–22(e)(6)(i) under the Act requires NSCC to establish, implement, maintain and enforce written policies and procedures reasonably designed to cover its credit exposures to its Members by establishing a risk-based margin system that, at a minimum, considers, and produces margin levels commensurate with, the risks and particular attributes of each relevant product, portfolio and market.[13] When applicable, the CNS Fails Charge is a component of a Member's Required Fund Deposit and is designed to cover NSCC's credit exposures to Members with CNS Fails Positions. As described above, the CNS Fails Charge would be determined based on the amount of time that a fails position remains outstanding which would be more commensurate with the risk of such positions and provide a greater incentive to timely deliver settlement obligations. Therefore, NSCC believes the coverage of its credit exposures to its Members through the CNS Fails Charge is consistent with Rule 17ad–22(e)(6)(i) under the Act.

(B) Clearing Agency's Statement on Burden on Competition

NSCC believes that the proposed rule change could have an impact on competition. The proposed rule change could burden competition because it could result in increased margin charges for certain Members and a decrease for others depending on their individual portfolios and their CNS Fails Positions. When the proposed rule change results in a larger Required Fund Deposit, the proposed change could burden competition for Members that have lower operating margins or higher costs of capital compared to other Members. NSCC does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the Act.[14] NSCC believes that the CNS Fails Charge is necessary for NSCC to limit its exposures to potential losses from defaults by Members with CNS Fails Positions. Additionally, NSCC believes that the proposed changes to the CNS Fails Charge are appropriate because the charge would be imposed on Members on an individualized basis and is reasonably calculated based on the amount of time that the fails remain outstanding as well as the risks posed to NSCC by the Members' CNS Fails Positions. In addition, the increase in Required Fund Deposit would be in direct relation to the specific risks presented by each Member's Net Unsettled Positions, and each Member's Required Fund Deposit would continue to be calculated with the same parameters and at the same confidence level for each Member. Therefore, Members that present similar Net Unsettled Positions, regardless of the type of Member, would have similar impacts on their Required Fund Deposit amounts. Therefore, NSCC believes any burden on competition imposed by the CNS Fails Charge would be necessary and appropriate in furtherance of the Act in order to limit NSCC's exposures to the risks being mitigated by such charge.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

NSCC has not received or solicited any written comments relating to this proposal. If any written comments are received by NSCC, they will be publicly filed as an Exhibit 2 to this filing, as required by Form 19b–4 and the General Instructions thereto.

Persons submitting comments are cautioned that, according to Section IV (Solicitation of Comments) of the Exhibit 1A in the General Instructions to Form 19b–4, the Commission does not edit personal identifying information from comment submissions. Commenters should submit only information that they wish to make available publicly, including their name, email address, and any other identifying information.

All prospective commenters should follow the Commission's instructions on

[11] 15 U.S.C. 78q–1(b)(3)(F).

[12] 17 CFR 240.17ad–22(e)(4).

[13] 17 CFR 240.17ad–22(e)(6)(i).

[14] 15 U.S.C. 78q–1(b)(3)(I).

how to submit a comments, *available at www.sec.gov/rules-regulations/how-submit-comment.* General questions regarding the rule filing process or logistical questions regarding this filing should be directed to the Main Office of the Commission's Division of Trading and Markets at *tradingandmarkets@sec.gov* or 202–551–5777.

NSCC reserves the right to not respond to any comments received.

III. Date of Effectiveness of the Proposed Rule Change, and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

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–NSCC–2025–013 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to file number SR–NSCC–2025–013. 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 NSCC and on DTCC's website (*www.dtcc.com/legal/sec-rule-filings*). 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–NSCC–2025–013 and should be submitted on or before October 7, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–17815 Filed 9–15–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35747; 812–15861]

TCG Strategic Income Fund and TCG Strategic Income Advisor LLC

September 11, 2025.

AGENCY: Securities and Exchange Commission (''Commission'' or ''SEC'').

ACTION: Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 18(a)(2), 18(c) and 18(i) of the Act, under sections 6(c) and 23(c) of the Act for an exemption from rule 23c–3 under the Act, and for an order pursuant to section 17(d) of the Act and rule 17d–1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain registered closed-end investment companies to issue multiple classes of shares and to impose asset-based distribution and/or service fees and early withdrawal charges.

APPLICANTS: TCG Strategic Income Fund and TCG Strategic Income Advisor LLC.

FILING DATES: The application filed on July 21, 2025, and amended on September 3, 2025.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at *Secretarys-Office@sec.gov* and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. Hearing requests should be received by the Commission by 5:30 p.m. on October 6, 2025, and should be accompanied by proof of service on the Applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary.

ADDRESSES:

The Commission: Secretarys-Office@sec.gov.

Applicants: Gabriel Katz, TCG Strategic Income Fund, 525 Okeechobee Boulevard, Suite 1650, West Palm Beach, Florida 33401, with copies to Kelly Pendergast Carr, Esq. and Walter Draney Esq., Chapman and Cutler LLP, 320 South Canal Street, Chicago, IL 60606.

FOR FURTHER INFORMATION CONTACT: Rachel Loko, Senior Special Counsel, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' applications, dated September 3, 2025, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field on the SEC's EDGAR system. The SEC's EDGAR system may be searched at *https://www.sec.gov/edgar/searchedgar/companysearch.* You may also call the SEC's Office of Investor Education and Advocacy at (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–17823 Filed 9–15–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103951; File No. SR–MRX–2025–19]

Self-Regulatory Organizations; Nasdaq MRX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Complex Price Improvement Mechanism

September 11, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934

[15] 17 CFR 200.30–3(a)(12).

(''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 4, 2025, Nasdaq MRX, LLC (''MRX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Complex Price Improvement Mechanism or ''PIM'' at Options 3, Section 13. Additionally, the Exchange proposes to make other amendments to Options 1, Section 1, Definitions; Options 3, Section 7, Types of Orders and Order and Quote Protocols; Options 3, Section 9, Trading Halts; Options 3, Section 10, Priority of Quotes and Orders; Options 3, Section 14, Complex Orders; Options 3, Section 16, Complex Order Risk Protections; Options 3, Section 20, Nullification and Adjustment of Options Transactions including Obvious Errors; and Options 7, Section 1, General Provisions.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/mrx/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

The Exchange proposes to amend the Complex Price Improvement Mechanism or ''PIM'' at Options 3, Section 13. Additionally, the Exchange proposes to make other amendments to Options 1, Section 1, Definitions; Options 3, Section 7, Types of Orders and Order and Quote Protocols; Options 3, Section 9, Trading Halts; Options 3, Section 10, Priority of Quotes and Orders; Options 3, Section 14, Complex Orders; Options 3, Section 16, Complex Order Risk Protections; Options 3, Section 20, Nullification and Adjustment of Options Transactions including Obvious Errors; and Options 7, Section 1, General Provisions.

Options 3, Section 13

The Exchange proposes to amend Options 3, Section 13, Price Improvement Mechanism for Crossing Transactions. Specifically, the Exchange proposes to amend Options 3, Section 13(e)(5)(vii) to amend the manner in which an Agency Complex Order may execute. Today, if the Complex PIM execution price would be the same or better than a Complex Order on the Complex Order Book on the same side of the market as the Agency Complex Order, for options classes assigned to allocate in time priority or pro-rata pursuant to Options 3, Section 14(d)(2), the Agency Complex Order may be executed at a price that is equal to the resting Complex Order's limit price. The Exchange proposes to amend Options 3, Section 13(e)(5)(vii) to instead provide that the Agency Complex Order may be executed at a price that is at least one minimum price variation (as provided in Options 3, Section 14(c)(1)) better than the resting Complex Order's limit price. With this proposed change, the Exchange will require that the Agency Complex PIM Order receive one minimum price variation better than the resting Complex Order's limit price whereas today, the Agency Complex PIM Order would be permitted to execute at a price that is equal to the resting Complex Order's limit price.[3] The Exchange believes that this amendment will prevent a Complex PIM order from executing at a price where there is a resting Complex Order on the same side of the market while still allowing a Complex PIM order to execute and potentially receive price improvement. This amendment is identical to Phlx Options 3, Section 13(b)(8).[4]

In line with the amendment to Options 3, Section 13(e)(5)(vii), the Exchange also proposed to amend Options 3, Section 13(e)(5)(iv)(C) which currently states, ''The exposure period will automatically terminate . . . (C) upon the receipt of a non-marketable Complex Order in the same complex strategy on the same side of the market as the Agency Complex Order that would cause the execution of the Agency Complex Order to be outside of the best bid or offer on the Complex Order Book . . . .'' The Exchange proposes to instead provide, ''. . . . upon the receipt of a non-marketable Complex Order in the same complex strategy on the same side of the market as the Agency Complex Order that would cause the execution of the Agency Complex Order to be *at or* outside of the best bid or offer on the Complex Order Book.'' Specifically, the addition of ''at or'' to the early termination provision will allow the Complex PIM Order to execute by early terminating the auction upon the receipt of a non-marketable Complex Order in the same complex strategy on the same side of the market as the Complex PIM Order that would cause the execution of the Complex PIM Order to be at or outside of the best bid or offer on the Complex Order Book. This change aligns with the Exchange's proposal at Options 3, Section 13(e)(5)(vii) that requires Complex PIM Orders to trade in at least one minimum price variation as provided in Options 3, Section 14(c)(1) better than the price of a Complex Order on the Complex Order Book on the same side of the market. Phlx has identical rule text at Options 3, Section 13(b)(2)(D)(2).

Other Rule Amendments

The Exchange proposes to amend Options 1, Section 1(a)(12) to add the definition of conforming ratio. The term ''conforming ratio'' is where the ratio between the sizes of the options components of a Complex Order 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 (2.00) ratio is a conforming ratio, whereas a one-to-four (.25) ratio or

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Options 3, Section 14(c)(1) provides that bids and offers for Complex Options Strategies may be expressed in one cent ($0.01) increments, and the options leg of Complex Options Strategies may be executed in one cent ($0.01) increments, regardless of the minimum increments otherwise applicable to the individual options legs of the order. Bids and offers for Stock-Option Strategies or Stock-Complex Strategies may be expressed in any decimal price determined by the Exchange, and the stock leg of a Stock-Option Strategy or Stock-Complex Strategy may be executed in any decimal price permitted in the equity market. The options leg of a Stock-Option Strategy or Stock-Complex Strategy may be executed in one cent ($0.01) increments, regardless of the minimum increments otherwise applicable to the individual options legs of the order.

[4] Phlx Options 3, Section 13(b)(8) was recently amended 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).

a four-to-one (4.0) ratio is not; where one component of the Complex Order is the underlying security, the ratio between any options component and the underlying security component must be less than or equal to eight contracts to 100 shares of the underlying security. Further, the Exchange proposes to state that only a Complex Order with a conforming ratio is accepted into the Exchange. This definition will bring greater clarity to the use of the term in Options 3, Section 14. The Exchange also proposes to re-number the remainder of Options 1, Section 1 and update cross-citations in Options 3, Section 10(a)(1), Options 3, Section 20(a)(1) and Options 7, Section 1(c).

The Exchange proposes to amend Options 3, Section 7(v) to lowercase ''Block Order'' which is not capitalized in Options 3, Section 11(a). The Exchange also proposes to amend Options 3, Section 7(w) to lowercase ''Facilitation Order'' which is not capitalized in Options 3, Section 11(b) and to add the term ''paired'' as a descriptive term to signify that a facilitation order is a two-sided order. The addition of the term ''paired'' will distinguish a Block Order, which is not two-sided, from a paired facilitation order. Finally, the Exchange proposes to amend Options 3, Section 7(x) to lowercase ''SOM Order'' which is not capitalized in Options 3, Section 11(d) and also include the term ''paired'' to distinguish this two-sided auction. The addition of the term ''paired'' will distinguish a Block Order, which is not two-sided, from a paired SOM order.

The Exchange proposes to amend Options 3, Section 9(a)(2) to note that ''During a halt, existing auction orders and auction responses, as well as Crossing Orders, are rejected.'' Today, the MRX System will cancel auction orders, auction responses and Crossing Orders during a trading halt. MRX's Rule is being added to make clear the current System behavior. Phlx has similar rule text in Options 3, Section 9(f).[5]

Additionally, the Exchange proposes to amend Options 3, Section 9(d)(2) to amend the sentence which currently states, ''The Exchange shall cancel Complex Orders that are Market Orders residing in the System, if the Market Complex Order become marketable while the affected underlying is in a Limit or Straddle State.'' The Exchange proposes to instead provide, ''The Exchange shall cancel Complex Orders that are Market Orders residing in the System, if the Market Complex Order is about to be executed by the System while the affected underlying is in a Limit or Straddle State.'' While orders must be marketable to execute, the Exchange believes the proposed rule text makes clear this behavior. The proposed rule text aligns to the last sentence in Phlx Options 3, Section 9(d)(2) which describes trading halt behavior on Phlx.

The Exchange proposes to remove a stray ''a'' from Options 3, Section 14(c)(2)(i).

Finally, the Exchange proposes to amend Options 3, Section 16(a)(1) to add the words ''relative to the other legs'' to the rule text for additional clarification. As proposed, the sentence would state, ''The System will reject orders for a complex strategy where all legs are to buy if entered at a price that is less than the minimum net price, which is calculated as the sum of the ratio on each leg *relative to the other legs* of the complex strategy multiplied by the minimum increment applicable to that leg pursuant to Options 3, Section 14(c)(1).'' The Exchange believes the additional phrase brings greater clarity to the current rule text. This rule text is identical to Phlx Options 3, Section 16(a)(1).[6]

Implementation

The Exchange proposes to implement the proposed amendment to Options 3, Section 13(e)(5)(iv) and (vii) on or before December 20, 2026. The Exchange will issue an Options Trader Alert specifying the date of implementation. All other amendments would be effective 30 days after the date of the filing.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Section 6(b)(5) of the Act,[8] 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 open market and a national market system, and, in general to protect investors and the public interest.

Options 3, Section 13

The Exchange's proposal to amend Options 3, Section 13(e)(5)(vii) is consistent with the Act because with this proposed change, the Exchange will require that the Agency Complex PIM Order receive one minimum price variation better than the resting Complex Order's limit price whereas today, the Agency Complex PIM Order would be permitted to execute at a price that is equal to the resting Complex Order's limit price. Further, this amendment will protect investors and the public interest by preventing a Complex PIM order from executing at a price where there is a resting Complex Order on the same side of the market while still allowing a Complex PIM order to execute and receive price improvement. This amendment is identical to Phlx Options 3, Section 13(b)(8).

The Exchange's amendment to Options 3, Section 13(e)(5)(iv)(C) to provide, ''. . . . upon the receipt of a non-marketable Complex Order in the same complex strategy on the same side of the market as the Agency Complex Order that would cause the execution of the Agency Complex Order to be *at or* outside of the best bid or offer on the Complex Order Book.'' is consistent with the Act because it will align Options 3, Section 13(e)(5)(iv)(C) with the Exchange's proposed change to Options 3, Section 13(e)(5)(vii). This change aligns with the Exchange's proposal at Options 3, Section 13(e)(5)(vii) that requires Complex PIM Orders to trade at least one minimum price variation better than a resting Complex Order as provided in Options 3, Section 14(c)(1). Phlx has identical rule text at Options 3, Section 13(b)(2)(C)(2).

Other Rule Amendments

The Exchange's proposal to amend Options 1, Section 1(a)(12) to add the definition of conforming ratio is consistent with the Act as the definition will bring greater clarity to the use of the term in Options 3, Section 14 which defines the various types of Complex Orders.

The Exchange's proposal to amend Options 3, Section 7(v) to lowercase ''Block Order,'' and amend Options 3, Section 7(w) and (x) to lowercase ''Facilitation Order'' and ''SOM Order'' and add the term ''paired,'' are non-substantive amendments that are

[5] Phlx Options 3, Section 9(f) provides, that during a halt, the Exchange will maintain existing orders on the book (but not existing quotes), except as noted in Options 5, Section 4, accept orders and quotes, and process cancels. During a halt, existing quotes are cancelled and auction orders and auction responses, as well as Crossing Orders, are rejected. MRX's current rule text at Options 3, Section 9(a)(2) addresses the cancellation of quotes during a trading halt in the last sentence, but does not address the treatment of auction orders, auction responses and Crossing Orders during a trading halt.

[6] *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 rule change as they are both part of the same technology migration.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

intended to provide consistency between these defined terms and the use of these terms in Options 3, Section 11(a), (b) and (d).

The Exchange's proposal to amend Options 3, Section 9(a)(2) to note that ''During a halt, existing auction orders and auction responses, as well as Crossing Orders, are rejected'' is consistent with the Act because during a halt the System will not execute any auction orders, auction responses and Crossing Orders received during a trading halt as that interest will most likely become stale. This amendment represents the System's current operation. The proposed rule text makes clear the treatment of auction orders, auction responses and Crossing Orders during a trading halt. The Exchange's proposal to amend Options 3, Section 9(d)(2) to amend the sentence which currently states, ''The Exchange shall cancel Complex Orders that are Market Orders residing in the System, if the Market Complex Order become marketable while the affected underlying is in a Limit or Straddle State'' is consistent with the Act because the proposed rule text harmonizes the text of Options 3, Section 9(d)(2) to the last sentence in Phlx Options 3, Section 9(d)(2) which describes trading halt behavior on Phlx. MRX's Options 3, Section 9(d)(2) will state, ''The Exchange shall cancel Complex Orders that are Market Orders residing in the System, if the Market Complex Order is about to be executed by the System while the affected underlying is in a Limit or Straddle State.''

Finally, the Exchange's proposal to amend Options 3, Section 16(a)(1) to add the words ''relative to the other legs'' is consistent with the Act because the additional text brings greater clarity to the current rule text. This rule text is identical to Phlx Options 3, Section 16(a)(1).

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 3, Section 13

The Exchange's proposal to amend Options 3, Section 13(e)(5)(vii) does not impose any burden on intramarket competition because any Agency Complex PIM Order will receive one minimum price variation better than the resting Complex Order's limit price.

The Exchange's proposal to amend Options 3, Section 13(e)(5)(vii) does not impose any burden on intermarket competition as Phlx has an identical rule at Options 3, Section 13(b)(8).

The Exchange's amendment to Options 3, Section 13(e)(5)(iv)(C) does not impose any burden on intramarket competition because any non-marketable Complex Order in the same complex strategy on the same side of the market as the Agency Complex Order that would cause the execution of the Agency Complex Order to be at or outside of the best bid or offer on the Complex Order Book would early terminate the Complex PIM Auction.

The Exchange's proposal to amend Options 3, Section 13(e)(5)(iv)(C) does not impose any burden on intermarket competition as Phlx has an identical rule at Options 3, Section 13(b)(2)(D).

Other Rule Amendments

The Exchange's proposal to amend Options 1, Section 1(a)(12) to add the definition of conforming ratio does not impose any burden on competition because the definition describes conforming ratios which are the only type of ratios accepted by MRX. Other options markets have the same definition.[9]

The Exchange's proposal to amend Options 3, Section 7(v) to lowercase ''Block Order,'' and amend Options 3, Section 7(w) and (x) to lowercase ''Facilitation Order'' and ''SOM Order'' and add the term ''paired'' does not impose any burden on intramarket or intermarket competition because the proposed changes are non-substantive amendments that are intended to provide consistency between these defined terms and the use of these terms in Options 3, Section 11(a), (b) and (d).

The Exchange's proposal to amend Options 3, Section 9(a)(2) does not impose any burden on intramarket competition because the Exchange will cancel existing auction orders, auction responses and Crossing Orders for all Members. The Exchange's proposal to amend Options 3, Section 9(a)(2) does not impose any burden on intermarket competition because Phlx treats auction orders, auction responses, and Crossing Orders in a similar manner during a trading halt.[10]

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.

[9] *See* MIAX Rule 518(a)(8).

[10] *See supra* note 4.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[11] and subparagraph (f)(6) of Rule 19b–4 thereunder.[12]

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–MRX–2025–19 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–MRX–2025–19. 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/*

[11] 15 U.S.C. 78s(b)(3)(A)(iii).

[12] 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.

rules/sro.shtml). Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection.

All submissions should refer to file number SR–MRX–2025–19 and should be submitted on or before October 7, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–17814 Filed 9–15–25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103950; File No. SR–ISE–2025–24]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Complex Price Improvement Mechanism

September 11, 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 September 4, 2025, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Complex Price Improvement Mechanism or ''PIM'' at Options 3, Section 13. Additionally, the Exchange proposes to make other amendments to Options 1, Section 1, Definitions; Options 3, Section 7, Types of Orders and Order and Quote Protocols; Options 3, Section 9, Trading Halts; Options 3, Section 10, Priority of Quotes and Orders; Options 3, Section 14, Complex Orders; Options 3, Section 16, Complex Order Risk Protections; Options 3, Section 20. Nullification and Adjustment of Options Transactions including Obvious Errors; Options 4, Section 5, Series of Options Contracts Open for Trading; Options 7, Section 1, General Provisions; and Options 7, Section 6, Other Options Fees and Rebates.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/ise/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

The Exchange proposes to amend the Complex Price Improvement Mechanism or ''PIM'' at Options 3, Section 13. Additionally, the Exchange proposes to make other amendments to Options 1, Section 1, Definitions; Options 3, Section 7, Types of Orders and Order and Quote Protocols; Options 3, Section 9, Trading Halts; Options 3, Section 10, Priority of Quotes and Orders; Options 3, Section 14, Complex Orders; Options 3, Section 16, Complex Order Risk Protections; Options 3, Section 20. Nullification and Adjustment of Options Transactions including Obvious Errors; Options 4, Section 5, Series of Options Contracts Open for Trading; Options 7, Section 1, General Provisions; and Options 7, Section 6, Other Options Fees and Rebates. Each change will be described below.

Options 3, Section 13

The Exchange proposes to amend Options 3, Section 13, Price Improvement Mechanism for Crossing Transactions. Specifically, the Exchange proposes to amend Options 3, Section 13(e)(5)(vii) to amend the manner in which an Agency Complex Order may execute. Today, if the Complex PIM execution price would be the same or better than a Complex Order on the Complex Order Book on the same side of the market as the Agency Complex Order, for options classes assigned to allocate in time priority or pro-rata pursuant to Options 3, Section 14(d)(2), the Agency Complex Order may be executed at a price that is equal to the resting Complex Order's limit price. The Exchange proposes to amend Options 3, Section 13(e)(5)(vii) to instead provide that the Agency Complex Order may be executed at a price that is at least one minimum price variation (as provided in Options 3, Section 14(c)(1)) better than the resting Complex Order's limit price. With this proposed change, the Exchange will require that the Agency Complex PIM Order receive one minimum price variation better than the resting Complex Order's limit price whereas today, the Agency Complex PIM Order would be permitted to execute at a price that is equal to the resting Complex Order's limit price.[3] The Exchange believes that this amendment will prevent a Complex PIM order from executing at a price where there is a resting Complex Order on the same side of the market while still allowing a Complex PIM order to execute and potentially receive price improvement. This amendment is identical to Phlx Options 3, Section 13(b)(8).[4]

In line with the amendment to Options 3, Section 13(e)(5)(vii), the Exchange also proposed to amend Options 3, Section 13(e)(5)(iv)(C), which currently states, ''The exposure period will automatically terminate . . . (C) upon the receipt of a non-marketable Complex Order in the same complex strategy on the same side of the market as the Agency Complex Order that

[13] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Options 3, Section 14(c)(1) provides that bids and offers for Complex Options Strategies may be expressed in one cent ($0.01) increments, and the options leg of Complex Options Strategies may be executed in one cent ($0.01) increments, regardless of the minimum increments otherwise applicable to the individual options legs of the order. Bids and offers for Stock-Option Strategies or Stock-Complex Strategies may be expressed in any decimal price determined by the Exchange, and the stock leg of a Stock-Option Strategy or Stock-Complex Strategy may be executed in any decimal price permitted in the equity market. The options leg of a Stock-Option Strategy or Stock-Complex Strategy may be executed in one cent ($0.01) increments, regardless of the minimum increments otherwise applicable to the individual options legs of the order.

[4] Phlx Options 3, Section 13(b)(8) was recently amended 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).

would cause the execution of the Agency Complex Order to be outside of the best bid or offer on the Complex Order Book . . . .'' The Exchange proposes to instead provide, ''. . . upon the receipt of a non-marketable Complex Order in the same complex strategy on the same side of the market as the Agency Complex Order that would cause the execution of the Agency Complex Order to be *at or* outside of the best bid or offer on the Complex Order Book.'' Specifically, the addition of ''at or'' to the early termination provision will allow the Complex PIM Order to execute by early terminating the auction upon the receipt of a non-marketable Complex Order in the same complex strategy on the same side of the market as the Complex PIM Order that would cause the execution of the Complex PIM Order to be at or outside of the best bid or offer on the Complex Order Book. This change aligns with the Exchange's proposal at Options 3, Section 13(e)(5)(vii) that requires Complex PIM Orders to trade in at least one minimum price variation as provided in Options 3, Section 14(c)(1) better than the price of a Complex Order on the Complex Order Book on the same side of the market. Phlx has identical rule text at Options 3, Section 13(b)(2)(D)(2).

Other Rule Amendments

The Exchange proposes to amend Options 1, Section 1(a)(13) to add the definition of conforming ratio. The term ''conforming ratio'' is where the ratio between the sizes of the options components of a Complex Order 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 (2.00) ratio is a conforming ratio, whereas a one-to-four (.25) ratio or a four-to-one (4.0) ratio is not; where one component of the Complex Order is the underlying security, the ratio between any options component and the underlying security component must be less than or equal to eight contracts to 100 shares of the underlying security. Further, the Exchange proposes to state that only a Complex Order with a conforming ratio is accepted into the Exchange. This definition will bring greater clarity to the use of the term in Options 3, Section 14. The Exchange also proposes to re-number the remainder of Options 1, Section 1 and update cross-citations in Options 3, Section 10(a)(1), Options 3, Section 20(a)(1) and Options 7, Section 1(c).

The Exchange proposes to amend Options 3, Section 7(v) to lowercase ''Block Order'' which is not capitalized in Options 3, Section 11(a). The Exchange also proposes to amend Options 3, Section 7(w) to lowercase ''Facilitation Order'' which is not capitalized in Options 3, Section 11(b) and to add the term ''paired'' as a descriptive term to signify that a facilitation order is a two-sided order. The addition of the term ''paired'' will distinguish a Block Order, which is not two-sided, from a paired facilitation order. Finally, the Exchange proposes to amend Options 3, Section 7(x) to lowercase ''SOM Order'' which is not capitalized in Options 3, Section 11(d) and also include the term ''paired'' to distinguish this two-sided auction. The addition of the term ''paired'' will distinguish a Block Order, which is not two-sided, from a paired SOM order.

The Exchange proposes to amend Options 3, Section 9(a)(2) to note that ''During a halt, existing auction orders and auction responses, as well as Crossing Orders, are rejected.'' Today, the ISE System will cancel auction orders, auction responses and Crossing Orders during a trading halt. ISE's Rule is being added to make clear the current System behavior. Phlx has similar rule text in Options 3, Section 9(f).[5]

Additionally, the Exchange proposes to amend Options 3, Section 9(d)(2) to amend the sentence which currently states, ''The Exchange shall cancel Complex Orders that are Market Orders residing in the System, if the Market Complex Order become marketable while the affected underlying is in a Limit or Straddle State.'' The Exchange proposes to instead provide, ''The Exchange shall cancel Complex Orders that are Market Orders residing in the System, if the Market Complex Order is about to be executed by the System while the affected underlying is in a Limit or Straddle State.'' While orders must be marketable to execute, the Exchange believes the proposed rule text makes clear this behavior. The proposed rule text aligns to the last sentence in Phlx Options 3, Section 9(d)(2) which describes trading halt behavior on Phlx.

The Exchange proposes to remove a stray ''a'' from Options 3, Section 14(c)(2)(i).

The Exchange proposes to amend Options 3, Section 16(a)(1) to add the words ''relative to the other legs'' to the rule text for additional clarification. As proposed, the sentence would state, ''The System will reject orders for a complex strategy where all legs are to buy if entered at a price that is less than the minimum net price, which is calculated as the sum of the ratio on each leg *relative to the other legs* of the complex strategy multiplied by the minimum increment applicable to that leg pursuant to Options 3, Section 14(c)(1).'' The Exchange believes the additional phrase brings greater clarity to the current rule text. This rule text is identical to Phlx Options 3, Section 16(a)(1).[6]

Finally, the Exchange proposes to amend Options 7, Section 6 to remove a sentence from the Inactive PMM Fee that states, ''This fee does not apply to inactive FXPMMs.'' This sentence is being removed as irrelevant because the Exchange has not offered FX products since 2018.[7]

Implementation

The Exchange proposes to implement the proposed amendment to Options 3, Section 13(e)(5)(iv) and (vii) on or before December 20, 2026. The Exchange will issue an Options Trader Alert specifying the date of implementation. All other amendments would be effective 30 days after the date of the filing.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Section 6(b)(5) of the Act,[9] 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 open market and a national market system, and, in general to protect investors and the public interest.

[5] Phlx Options 3, Section 9(f) provides, that during a halt, the Exchange will maintain existing orders on the book (but not existing quotes), except as noted in Options 5, Section 4, accept orders and quotes, and process cancels. During a halt, existing quotes are cancelled and auction orders and auction responses, as well as Crossing Orders, are rejected. ISE's current rule text at Options 3, Section 9(a)(2) addresses the cancellation of quotes during a trading halt in the last sentence, but does not address the treatment of auction orders, auction responses and Crossing Orders during a trading halt.

[6] *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 rule change as they are both part of the same technology migration.

[7] FX options ceased trading on the Exchange upon the January 2018 expiry. *See* Securities Exchange Act Release No. 84516 (November 1, 2018), 83 FR 55771 (November 7, 2018) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Delete ISE Section 22 of the Rulebook Entitled ''Rate- Modified Foreign Currency Options Rules).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

Options 3, Section 13

The Exchange's proposal to amend Options 3, Section 13(e)(5)(vii) is consistent with the Act because with this proposed change, the Exchange will require that the Agency Complex PIM Order receive one minimum price variation better than the resting Complex Order's limit price whereas today, the Agency Complex PIM Order would be permitted to execute at a price that is equal to the resting Complex Order's limit price. Further, this amendment will protect investors and the public interest by preventing a Complex PIM order from executing at a price where there is a resting Complex Order on the same side of the market while still allowing a Complex PIM order to execute and receive price improvement. This amendment is identical to Phlx Options 3, Section 13(b)(8).

The Exchange's amendment to Options 3, Section 13(e)(5)(iv)(C) to provide, ''. . . . upon the receipt of a non-marketable Complex Order in the same complex strategy on the same side of the market as the Agency Complex Order that would cause the execution of the Agency Complex Order to be *at or* outside of the best bid or offer on the Complex Order Book . . .'' is consistent with the Act because it will align Options 3, Section 13(e)(5)(iv)(C) with the Exchange's proposed change to Options 3, Section 13(e)(5)(vii). This change aligns with the Exchange's proposal at Options 3, Section 13(e)(5)(vii) that requires Complex PIM Orders to trade at least one minimum price variation better than a resting Complex Order as provided in Options 3, Section 14(c)(1). Phlx has identical rule text at Options 3, Section 13(b)(2)(C)(2).

Other Rule Amendments

The Exchange's proposal to amend Options 1, Section 1(a)(13) to add the definition of conforming ratio is consistent with the Act as the definition will bring greater clarity to the use of the term in Options 3, Section 14 which defines the various types of Complex Orders.

The Exchange's proposal to amend Options 3, Section 7(v) to lowercase ''Block Order,'' and amend Options 3, Section 7(w) and (x) to lowercase ''Facilitation Order'' and ''SOM Order'' and add the term ''paired,'' are non-substantive amendments that are intended to provide consistency between these defined terms and the use of these terms in Options 3, Section 11(a), (b) and (d).

The Exchange's proposal to amend Options 3, Section 9(a)(2) to note that ''During a halt, existing auction orders and auction responses, as well as Crossing Orders, are rejected'' is consistent with the Act because during a halt the System will not execute any auction orders, auction responses and Crossing Orders received during a trading halt as that interest will most likely become stale. This amendment represents the System's current operation. The proposed rule text makes clear the treatment of auction orders, auction responses and Crossing Orders during a trading halt. The Exchange's proposal to amend Options 3, Section 9(d)(2) to amend the sentence which currently states, ''The Exchange shall cancel Complex Orders that are Market Orders residing in the System, if the Market Complex Order become marketable while the affected underlying is in a Limit or Straddle State'' is consistent with the Act because the proposed rule text harmonizes the text of Options 3, Section 9(d)(2) to the last sentence in Phlx Options 3, Section 9(d)(2) which describes trading halt behavior on Phlx. ISE Options 3, Section 9(d)(2) as amended will state, ''The Exchange shall cancel Complex Orders that are Market Orders residing in the System, if the Market Complex Order is about to be executed by the System while the affected underlying is in a Limit or Straddle State.''

The Exchange's proposal to remove a stray ''a'' from Options 3, Section 14(c)(2)(i) is non-substantive.

The Exchange's proposal to amend Options 3, Section 16(a)(1) to add the words ''relative to the other legs'' is consistent with the Act because the additional text brings greater clarity to the current rule text. This rule text is identical to Phlx Options 3, Section 16(a)(1).

Finally, the Exchange's proposal to amend Options 7, Section 6 to remove a sentence from the Inactive PMM Fee that states, ''This fee does not apply to inactive FXPMMs'' is consistent with the Act because the sentence is irrelevant because the Exchange has not offered FX products since 2018.[10]

[10] FX options ceased trading on the Exchange upon the January 2018 expiry. *See* Securities Exchange Act Release No. 84516 (November 1, 2018), 83 FR 55771 (November 7, 2018) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Delete ISE Section 22 of the Rulebook Entitled ''Rate- Modified Foreign Currency Options Rules).

B. Self-Regulatory Organization's Statement on Burden on Competition

The 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 3, Section 13

The Exchange's proposal to amend Options 3, Section 13(e)(5)(vii) does not impose any burden on intramarket competition because any Agency Complex PIM Order will receive one minimum price variation better than the resting Complex Order's limit price.

The Exchange's proposal to amend Options 3, Section 13(e)(5)(vii) does not impose any burden on intermarket competition as Phlx has an identical rule at Options 3, Section 13(b)(8).

The Exchange's amendment to Options 3, Section 13(e)(5)(iv)(C) does not impose any burden on intramarket competition because any non-marketable Complex Order in the same complex strategy on the same side of the market as the Agency Complex Order that would cause the execution of the Agency Complex Order to be at or outside of the best bid or offer on the Complex Order Book would early terminate the Complex PIM Auction.

The Exchange's proposal to amend Options 3, Section 13(e)(5)(iv)(C) does not impose any burden on intermarket competition as Phlx has an identical rule at Options 3, Section 13(b)(2)(D).

Other Rule Amendments

The Exchange's proposal to amend Options 1, Section 1(a)(13) to add the definition of conforming ratio does not impose any burden on competition because the definition describes conforming ratios which are the only type of ratios accepted by ISE. Other options markets have the same definition.[11]

The Exchange's proposal to amend Options 3, Section 7(v) to lowercase ''Block Order,'' and amend Options 3, Section 7(w) and (x) to lowercase ''Facilitation Order'' and ''SOM Order'' and add the term ''paired'' does not impose any burden on intramarket or intermarket competition because the proposed changes are non-substantive amendments that are intended to provide consistency between these defined terms and the use of these terms in Options 3, Section 11(a), (b) and (d).

The Exchange's proposal to amend Options 3, Section 9(a)(2) does not impose any burden on intramarket competition because the Exchange will cancel existing auction orders, auction

[11] *See* MIAX Rule 518(a)(8).

responses and Crossing Orders for all Members. The Exchange's proposal to amend Options 3, Section 9(a)(2) does not impose any burden on intermarket competition because Phlx treats auction orders, auction responses, and Crossing Orders in a similar manner during a trading halt.[12]

The Exchange's proposal to amend Options 7, Section 6 does not impose any burden on intramarket competition because no Member may transaction FX Options.

The Exchange's proposal to amend Options 7, Section 6 does not impose any burden on intermarket competition because other options markets offer FX Options such as Phlx.[13]

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 Act[14] and subparagraph (f)(6) of Rule 19b–4 thereunder.[15]

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–ISE–2025–24 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–ISE–2025–24. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–ISE–2025–24 and should be submitted on or before October 7, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–17813 Filed 9–15–25; 8:45 am]

BILLING CODE 8011–01–P

[12] *See supra* note 4.

[13] *See* Phlx Options 4C.

[14] 15 U.S.C. 78s(b)(3)(A)(iii).

[15] 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.

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0673]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Rule 15c3–5

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'' or ''SEC'') is submitting to the Office of Management and Budget (''OMB'') this request for Extension of the proposed collection of information for Rule 15c3–5 (17 CFR 240.15c3–5) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act'').

Rule 15c3–5 under the Exchange Act requires brokers or dealers with access to trading directly on an exchange or alternative trading system (''ATS''), including those providing sponsored or direct market access to customers or other persons, to implement risk management controls and supervisory procedures reasonably designed to manage the financial, regulatory, and other risks of this business activity.

The rule requires brokers or dealers to establish, document, and maintain certain risk management controls and supervisory procedures as well as regularly review such controls and procedures, and document the review, and remediate issues discovered to assure overall effectiveness of such controls and procedures. Each such broker or dealer is required to preserve a copy of its supervisory procedures and a written description of its risk management controls as part of its books and records in a manner consistent with Rule 17a–4(e)(7) under the Exchange Act. Such regular review is required to be conducted in accordance with written procedures and is required to be documented. The broker or dealer is required to preserve a copy of such written procedures, and documentation of each such review, as part of its books and records in a manner consistent with Rule 17a–4(e)(7) under the Exchange Act, and Rule 17a–4(b) under the Exchange Act, respectively.

In addition, the Chief Executive Officer (or equivalent officer) is required to certify annually that the broker or dealer's risk management controls and supervisory procedures comply with the rule, and that the broker-dealer conducted such review. Such certifications are required to be preserved by the broker or dealer as part of its books and records in a manner consistent with Rule 17a–4(b) under the Exchange Act. Compliance with Rule 15c3–5 is mandatory.

Respondents consist of broker-dealers with access to trading directly on an exchange or ATS. The Commission estimates that there are currently 500 respondents. To comply with Rule 15c3–5, these respondents will spend a total of approximately 80,000 hours per year (160 hours per broker-dealer × 500 broker-dealers = 80,000 hours). At an

average internal cost per burden hour of approximately $447.92, the resultant total related internal cost of compliance for these respondents is $35,833,500 per year (80,000 burden hours multiplied by approximately $447.92/hour). In addition, for hardware and software expenses, the Commission estimates that the average annual external cost would be approximately $20,500 per broker-dealer, or $10,250,000 in the aggregate ($20,500 per broker-dealer × 500 brokers and dealers = $10,250,000).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

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

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202507-3235-001* or 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 17, 2025.

Dated: September 12, 2025.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–17890 Filed 9–15–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103945; File No. SR–FINRA–2025–005]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Amend the FINRA Capital Acquisition Broker (''CAB'') Rules

September 11, 2025.

I. Introduction

On June 4, 2025, the Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend certain FINRA Capital Acquisition Broker Rules (''CAB Rules''). Specifically, the proposed rule change would amend the CAB Rules to: permit CABs to qualify, identify, solicit, or act as placement agents or finders on behalf of an issuer in connection with a sale of newly issued unregistered securities to an expanded scope of investors; allow CABs, in limited circumstances, to qualify, identify, solicit, or act as placement agents or finders on behalf of an institutional investor that seeks to sell unregistered securities that it owns; amend CAB Rule 328 to permit CAB associated persons to participate in private securities transactions, subject to the requirements of FINRA Rule 3280 (Private Securities Transactions of an Associated Person); codify existing FINRA guidance on CAB compensation; and replace a reference to a withdrawn SEC no-action letter with a reference to a corresponding Exchange Act provision.[3]

The proposed rule change was published for comment in the **Federal Register** on June 16, 2025.[4] The public comment period closed on July 7, 2025. The Commission received comment letters related to this filing.[5] On July 17, 2025, FINRA consented to extend until September 12, 2025, the time period in which the Commission must approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change.[6]

The Commission is publishing this order pursuant to Section 19(b)(2)(B) of the Exchange Act [7] to institute proceedings to determine whether to approve or disapprove the proposed rule change.

II. Description of the Proposed Rule Change

A. Background

A capital acquisition broker (''CAB'') is a FINRA member firm that limits its activities to certain specified functions: ''essentially acting as placement agents for sales of unregistered securities to institutional investors; acting as intermediaries in connection with the change of control of privately held companies; and advising companies and private equity funds on capital raising and corporate restructuring.'' [8] CABs are not permitted to engage in broader broker-dealer activities, such as ''accepting customers' trading orders, carrying customer accounts, handling customers' funds or securities, or engaging in proprietary trading or market-making.'' [9] In light of the limited CAB business model, FINRA permits eligible member firms to elect CAB status and supervision under the CAB Rules.[10] As compared to the FINRA rules applicable to non-CAB member firms, the CAB Rules impose ''fewer restrictions'' and ''less extensive supervisory requirements'' on CABs given their limited activities.[11]

B. The Proposed Rule Change

The proposed rule change addresses multiple aspects of the CAB Rules, and this Order addresses each proposed rule change in turn.

1. Sales of Newly Issued Unregistered Securities

The CAB Rules currently permit a CAB to, among other things, ''qualify[ ], identify[ ], solicit[ ], or act[ ] as a placement agent or finder [ ] on behalf of an issuer in connection with a sale of [newly issued], unregistered securities to institutional investors.'' [12] The

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Act Release No. 103216 (June 10, 2025), 90 FR 25396 (June 16, 2025) (File No. SR–FINRA–2025–005) (''Notice'').

[4] *See id.*

[5] The comment letters are available at *https://www.sec.gov/comments/sr-finra-2025-005/srfinra2025005.htm.*

[6] *See* letter from Joseph Savage, Vice President and Associate General Counsel, FINRA (dated Jul. 17, 2025), *https://www.finra.org/sites/default/files/2025-07/sr-finra-2025-005-extension1.pdf.*

[7] 15 U.S.C. 78s(b)(2)(B).

[8] Notice at 25396; *see also* CAB Rule 016(c) (identifying the limited functions of a CAB).

[9] Notice at 25396 (citing CAB Rule 016(c)(2)).

[10] *Id.; see* CAB Rules 112, 116(b).

[11] Notice at 25396.

[12] CAB Rule 016(c)(1)(F).

proposed rule change would broaden this permissible activity by expanding the definition of institutional investor to include any ''eligible employee,'' as defined under proposed CAB Rules 016(i)(8) and 016(m).[13] Under the proposed rule change, an ''eligible employee'' would mean, ''with respect to an issuer for which the [CAB] has provided services to the issuer or a control person permitted under [CAB Rule 016(c)(1)(F) or (G)]: (1) any 'Knowledgeable Employee' as defined in Investment Company Act Rule 3c–5 ('Rule 3c–5') with respect to services provided to an issuer that is a Covered Company as defined in Rule 3c–5 or services provided to an Affiliated Management Person of such Covered Company as defined in Rule 3c–5; and (2) the president, any vice president in charge of a principal business unit, division, or function (such as sales, administration, or finance), any other officer who performs a policy-making function, or any other person who performs similar policy-making functions, director, trustee, general partner, advisory board member, or person serving in a similar capacity, of an issuer that is not a Covered Company as defined in Rule 3c–5.'' [14]

2. Secondary Transactions

The CAB Rules currently prohibit a CAB from acting as a placement agent or finder ''in connection with secondary transactions involving unregistered securities, except when the transaction is in connection with the change of ownership or control of a [privately held] company.'' [15] The proposed rule change would broaden the circumstances in which a CAB could participate in a secondary transaction.[16] Specifically, the proposed rule change would permit CABs to ''qualify[ ], identify[ ], solicit[ ], or act[ ] as a placement agent or finder on behalf of an institutional investor that seeks to sell unregistered securities that it owns, provided that: (i) the purchaser of such securities is an institutional investor; and (ii) the sale of such securities qualifies for an exemption from registration under the Securities Act.'' [17]

3. Private Securities Transactions

CAB Rule 328 currently prohibits any person associated with a CAB from participating ''in any manner in a private securities transaction.'' [18] For purposes of this rule, a ''private securities transaction'' is ''any securities transaction outside the regular course or scope of an associated person's employment with a member, including, though not limited to, new offerings of securities which are not registered with the Commission.'' [19] In contrast, FINRA Rule 3280 permits associated persons of non-CAB member firms to participate in private securities transactions, so long as they comply with certain restrictions.[20] The proposed rule change would eliminate the prohibition for CABs, and it would permit associated persons of CABs to participate in private securities transactions to the same extent as those of non-CAB FINRA member firms, subject to compliance with FINRA Rule 3280.[21]

4. Compensation

The CAB Rules do not currently address whether a CAB may receive equity securities as compensation for its services.[22] In 2019, FINRA issued an interpretative letter indicating that ''CABs may be compensated in the form of securities issued by a privately held CAB client, rather than in cash, provided that the receipt, exercise or subsequent sale of such securities will not cause the CAB to engage in activities prohibited under CAB Rule 016(c)(2) (Definitions).'' [23] The proposed rule change would codify this interpretation.[24] Specifically, the proposed rule change would provide that a CAB ''may receive compensation in the form of equity securities of a privately held issuer on behalf of which the [CAB] provided services permitted under paragraphs (c)(1) of Rule 016, provided that the receipt, exercise or subsequent sale of such securities will not cause the capital acquisition broker to engage in any activity prohibited under [CAB] Rule 016(c)(2).'' [25]

5. M&A Brokers Exemption

CAB Rule 016(c)(1)(G) currently permits a CAB to ''effect[ ] securities transactions solely in connection with the transfer of ownership and control of a [privately held] company through the purchase, sale, exchange, issuance, repurchase, or redemption of, or a business combination involving, securities or assets of the company, to a buyer that will actively operate the company or the business conducted with the assets of the company, *in accordance with the terms and conditions of an SEC rule, release, interpretation or 'no-action' letter* that permits a person to engage in such activities without having to register as a broker or dealer pursuant to Section 15(b) of the Exchange Act.'' [26] FINRA stated that this rule was designed to ''allow CABs to engage in merger and acquisition activities to the same extent as unregistered persons who were relying on'' an SEC Staff-issued no-action letter relating to merger and acquisition brokers (''M&A Brokers'') (hereinafter, the ''M&A Brokers Letter'').'' [27]

After the issuance of the M&A Brokers Letter and the adoption of CAB Rule 016(c)(1)(G), the Exchange Act was amended to include a new registration exemption for M&A Brokers, as defined in the statute,[28] and the SEC Staff withdrew its no-action letter.[29] The proposed rule change would amend CAB Rule 016(c)(1)(G) to reference the new Exchange Act registration exemption.[30] Specifically, the proposed rule change would permit a CAB to ''effect[ ] securities transactions solely in connection with the transfer of ownership and control of a [privately held] company through the purchase, sale, exchange, issuance, repurchase, or

[13] Notice at 25399; *see* CAB Rules 016(i)(8), 016(m).

[14] Proposed CAB Rule 016(i)(8), 016(m).

[15] Notice at 25401.

[16] *See id.*

[17] Proposed CAB Rule 016(c)(1)(H).

[18] CAB Rule 328.

[19] *See id.* (cross-referencing FINRA Rule 3280(e) for the definition of a private securities transaction). The definition also excludes the following from the scope of a private securities transaction: ''transactions subject to the notification requirements of Rule 3210, transactions among immediate family members (as defined in FINRA Rule 5130), for which no associated person receives any selling compensation, and personal transactions in investment company and variable annuity securities.'' FINRA Rule 3280(e); CAB Rule 328.

[20] FINRA Rule 3280. FINRA Rule 3280 imposes certain notice, approval, and supervision requirements where an associated person of a FINRA member firm seeks to participate in a private securities transaction.

[21] Proposed CAB Rule 328.

[22] Letter from Joseph P. Savage, FINRA, to Jonathan D. Wiley, The Forbes Securities Group (dated May 30, 2019), *https://www.finra.org/rules-guidance/guidance/interpretive-letters/jonathan-d-wiley-forbes-securities-group; see* Notice at 25403.

[23] Notice at 25403; *see* letter from Joseph P. Savage, FINRA, to Jonathan D. Wiley, The Forbes Securities Group, *supra* note 22.

[24] Notice at 25403.

[25] Proposed CAB Rule 511.

[26] CAB Rule 016(c)(1)(G) (emphasis added).

[27] Notice at 25403; *see* letter from David Blass, Chief Counsel and Associate Director, Division of Trading and Markets, Securities and Exchange Commission (dated Jan. 31, 2014), *https://www.sec.gov/divisions/marketreg/mr-noaction/2014/ma-brokers-013114.pdf* (stating that the staff would not recommend enforcement action to the Commission under Section 15(a) of the Exchange Act if, under certain specified circumstances, an M&A Broker, as defined in the no-action letter, were to effect securities transactions solely in connection with the transfer of ownership of a privately held company without registering as a broker-dealer).

[28] Notice at 25403; *see* 15 U.S.C. 78o(b)(13).

[29] *See* letter from Emily Westerberg Russell, Chief Counsel and Associate Director, Division of Trading and Markets, Securities and Exchange Commission (dated Mar. 29, 2023), *https://www.sec.gov/divisions/marketreg/mr-noaction/2014/ma-brokers-013114.pdf.*

[30] *See* Notice at 24503.

redemption of, or a business combination involving, securities or assets of the company, to a buyer that will actively operate the company or the business conducted with the assets of the company, in accordance with the terms and conditions of *Section 15(b)(13) of the Exchange Act or any provision of* an SEC rule, release, interpretation or 'no-action' letter that permits a person to engage in *the same or materially similar* activities without having to register as a broker or dealer pursuant to Section 15(b) of the Exchange Act.'' [31]

III. Proceedings To Determine Whether To Approve or Disapprove File No. SR–FINRA–2025–005 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act to determine whether the proposed rule change should be approved or disapproved.[32] Institution of proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Exchange Act, the Commission is providing notice of the grounds for disapproval under consideration.[33] The Commission is instituting proceedings to allow for additional analysis and input concerning whether the proposed rule change is consistent with the Exchange Act and the rules thereunder.

IV. 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 proposed rule change. In particular, the Commission invites the written views of interested persons concerning whether the proposed rule change is consistent with the Exchange Act and the rules 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.[34]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change should be approved or disapproved by October 7, 2025. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by October 21, 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–FINRA–2025–005 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–FINRA–2025–005. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of such filing will be available for inspection and copying at the principal office of FINRA. 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–FINRA–2025–005 and should be submitted on or before October 7, 2025. If comments are received, any rebuttal comments should be submitted on or before October 21, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[35]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–17810 Filed 9–15–25; 8:45 am]

BILLING CODE 8011–01–P

[31] Proposed CAB Rule 016(c)(1)(G) (emphasis added).

[32] 15 U.S.C. 78s(b)(2)(B).

[33] *Id.*

[34] Section 19(b)(2) of the Exchange Act, as amended by the Securities Acts Amendments of 1975, Public Law 94–29, 89 Stat. 97 (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, Report of the Senate Committee on Banking, Housing and Urban Affairs to Accompany S. 249, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[35] 17 CFR 200.30–3(a)(12).

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Comments on Whether Particular Exclusions in the Section 301 Investigation of China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation Warrant Further Extension

AGENCY: Office of the United States Trade Representative (USTR).

ACTION: Notice and request for comments.

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. There are currently 178 effective exclusions. USTR has extended these exclusions several times, including by providing a recent 90-day extension to further extend the exclusions through November 29, 2025. USTR invites public comment on whether any of the 178 effective exclusions warrant further extension beyond November 29, 2025.

DATES:

September 16, 2025, at 12:01 a.m. EDT: The public docket on the web portal at *https://comments.USTR.gov* will open for parties to submit comments on whether particular exclusions warrant further extension.

October 16, 2025, at 11:59 p.m. EDT: To be assured of consideration, submit written comments on the public docket by this date.

ADDRESSES: You must submit all comments through the online portal: *https://comments.ustr.gov/.*

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 *traderemedy@cbp.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). For additional background on the reinstated exclusions and the COVID-related exclusions, see previous notices issued in the investigation, including the December 29, 2023 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 the May 30, 2024 notice and the extension of the fourteen exclusions granted in the September 18, 2024 notice, through August 31, 2025. *See* 90 FR 23987 (June 5, 2025) (the June 5, 2025 notice). On September 2, 2025, these 178 exclusions were further extended for 90 days, through November 29, 2025. *See* 90 FR 42500 (September 2, 2025) (the September 2, 2025 notice).

B. Whether Particular Exclusions Warrant Further Extension

USTR invites public comments on whether any of the 178 exclusions extended through November 29, 2025, warrant further extension. USTR will evaluate whether each exclusion warrants further extension on a case-by-case basis. The focus of the evaluation will be on the availability of products covered by the exclusion from sources outside of China, efforts undertaken to source products covered by the exclusion from the United States or third countries, why additional time is needed, and whether further extending the exclusion will likely contribute to a shift in sourcing the product outside of China. In addition, USTR will consider whether further extending the exclusion is consistent with the Administration's priorities and how further extending the exclusion will impact U.S. interests, including the overall impact of the exclusion on the goal of obtaining the elimination of China's acts, policies, and practices covered in the Section 301 investigation.

C. Procedures To Comment on Particular Exclusions

The 164 reinstated exclusions can be found in the Annex of the May 30, 2024 notice and the fourteen exclusions covering certain solar manufacturing equipment can be found in the Annex of the September 18, 2024 notice. For ease of reference, USTR is also posting a list of the 178 exclusions at *http://comments.USTR.gov.* As noted above, the public docket on the portal will be open from September 16, 2025 to October 16, 2025. Fields on the comment form marked with an asterisk (*) are required fields. Fields with gray (BCI) notation are for business confidential information, which will not be publicly available. Fields with a green (Public) notation will be publicly available. Additionally, interested persons will be able to upload documents to supplement their comments. Commenters will be able to review the public version of their comments before they are posted. Set forth below is a summary of the information to be entered on the exclusion comment form.

- Contact information, including the full legal name of the organization making the comment, whether the commenter is a third party (*e.g.,* law firm, trade association or customs broker) submitting on behalf of an organization or industry, and the name of the third-party organization, if applicable.
- The exclusion covered by the comment.
- Whether the exclusion warrants further extension.
- The availability of products covered by the exclusion from sources outside of China.
- Efforts undertaken to source the product from the United States or third countries.
- Why additional time is needed to shift sourcing from China and whether further extending the exclusion will likely contribute to a shift in sourcing of the product outside of China.
- Whether further extending the exclusion is consistent with the Administration's priorities and U.S. interests.

D. Submission Instructions

You must submit all comments through the online portal: *https://comments.ustr.gov/.* To be assured of consideration, you must submit your comment when the public docket on the portal is open—from September 16, 2025, to October 16, 2025. Interested persons seeking to comment on more than one exclusion must submit a separate comment for each exclusion. By submitting a comment, the commenter certifies that the information provided is complete and correct to the best of their knowledge.

Philip Butler,

Senior Associate General Counsel, Chair, Section 301 Committee, Office of the United States Trade Representative.

[FR Doc. 2025–17894 Filed 9–15–25; 8:45 am]

BILLING CODE 3390–F4–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Public Notice of Intent To Rule on a Land Release Request for Disposal of Airport Property at Lakewood Airport, Lakewood, NJ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of request for disposal of on-airport property acquired with Federal funding.

SUMMARY: The FAA proposes to rule and invites public comment on Lakewood Industrial Commission and Lakewood Township to dispose of 59.8036 acres of federally obligated airport property at Lakewood Airport, Lakewood, NJ. This acreage was acquired with federal financial assistance via Airport Improvement Program Federal Grants #3–34–SBGP–04–95 and 3–34–SBGP–05–96, and grant agreements issued through the New Jersey Department of Aviation under AIP BGP # –34–0076–01–96. The proposed use of land after the release will be consistent with the local zoning of ''Airport Business Commercial,'' and will not interfere with the airport or its operation.

DATES: Comments must be received on or before October 17, 2025.

FOR FURTHER INFORMATION CONTACT: Comments on this application may be mailed or delivered to the following address:

Steven Reinman, Airport Manager, Lakewood Airport, 231 Third Street, Lakewood, NJ 08701

and at the FAA Harrisburg Airports District Office:

Brian Gearhart, Assistant Manager, Harrisburg Airports District Office, 3905 Hartzdale Dr., Suite 508, Camp Hill, PA 17011, (717) 603–4671

SUPPLEMENTARY INFORMATION: In accordance with the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21), Public Law

106–181 (Apr. 5, 2000; 114 Stat. 61), this notice must be published in the **Federal Register** 30 days before the Secretary may waive any condition on federally acquired land on a federally obligated airport.

The following is a brief overview of the request:

The Lakewood Industrial Commission and Lakewood Township have submitted a land release request seeking FAA approval for the disposal of 59.8036 acres of federally obligated airport property. The property is located approximately 700–1,000 feet to the east of the parallel taxiway to Runway 6/24 at the airport and abuts Airport Road. The parcel is not currently required or anticipated to be required for aeronautical use.

The 59.8036 acres of land to be released was originally acquired as part of the acquisition of the majority of airport property, using Federal funds. Subsequent to the implementation of the proposed disposal, monies received by the airport from the sale of the property will be used in accordance with 49 U.S.C. 47107(c). The proposed use of the property will not interfere with the airport or its operation.

Any person may inspect the request by appointment at the FAA office address listed above.

Interested persons are invited to comment. All comments will be considered by the FAA to the extent practicable.

Issued in Camp Hill, Pennsylvania.

Brian Gearhart,

Assistant Manager, Harrisburg Airports District Office.

[FR Doc. 2025–17845 Filed 9–15–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2025–2633]

Electric Vertical Takeoff and Landing and Advanced Air Mobility Integration Pilot Program—Announcement of Establishment of Program and Request for Proposals

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of the establishment of the Electric Vertical Takeoff and Landing (eVTOL) and Advanced Air Mobility (AAM) Integration Pilot Program (eIPP) and request for proposals.

SUMMARY: The Department of Transportation (DOT), through the Federal Aviation Administration (FAA), announces a new eVTOL and AAM Integration Pilot Program (eIPP) that will accelerate the deployment of safe and lawful eVTOL and other AAM aircraft operations in the United States. The eIPP requests that State, local, tribal, and territorial (SLTT) governments, in partnership with a private sector partner(s) with demonstrated experience in eVTOL or other AAM development, manufacturing, and operations, or new supporting technologies enabling AAM operations integration into the NAS, submit proposals. The eIPP continues the DOT's efforts to integrate eVTOL and other AAM aircraft developed or offered by a United States-based entity into the National Airspace System (NAS) by identifying the most effective partnerships to test and validate operational concepts that can be scaled to national and international applications. SLTT governments and their private sector partner(s) will propose and define these operational concepts under the safety oversight role of the FAA.

DATES: Interested SLTT governments must submit a proposal to participate in the eIPP in accordance with the SIR posted to *sam.gov* no later than 3 p.m. ET on December 11, 2025.

FOR FURTHER INFORMATION CONTACT: For general Program questions, Mr. Wade Terrell, Acting Director, Advanced Air Mobility Operations Division, 490 L'Enfant Plaza SW (Suite 500), Washington, DC 20024; telephone (405) 423–7936; email *9-AWA-eIPP@faa.gov;* or, for solicitation questions, Mrs. Kristin Frantz, Contracting Officer, AAQ–590, UAS and Emerging Technologies Branch, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; telephone (404) 305–5779; email: *Kristin.T.Frantz@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

In Executive Order 14307, *Unleashing American Drone Dominance,* dated June 6, 2025, the President declared that it is the policy of the United States to accelerate the safe commercialization of UAS technologies and fully integrate UAS into the NAS, as well as eVTOL and other AAM aircraft operations.[1] The President directed the Secretary of Transportation, acting through the Administrator of the FAA and in coordination with the Director of the Office of Science and Technology Policy (OSTP), to establish an Integration Pilot Program under which SLTT governments can partner with private sector organizations with demonstrated experience in eVTOL or other AAM development, manufacturing, and operations, or new supporting technologies enabling AAM operations integration into the NAS.

Working with leading partners across industry and government, the DOT is utilizing the opportunity provided by the Executive Order to demonstrate that America can build and deploy the safe and beneficial AAM technologies envisioned in the *United States National Strategy to Support Advanced Air Mobility* (National Strategy). The DOT and the FAA are seeking partners who can deliver successful outcomes by working cooperatively with a range of entities, which will accelerate these projects consistent with the high safety standards that the public expects from the aviation industry. These projects, once successful, are expected to deliver substantial data and lessons learned to inform the broader regulatory safety and economic framework that will support and oversee the AAM sector.

The focus of this pilot program will be achieving ambitious national objectives in core areas that are in the public interest. Operations that are envisioned include piloted and unmanned approaches to:

- *Air Taxis:* Short range, on demand flying eVTOLs connecting to ground transport, demonstrating reduced noise impacts.
- Longer-range, fixed wing flights moving people in new forms of advanced regional aircraft with capabilities such as short takeoff and landing that could unlock new and more economically viable possibilities in air travel.
- *Cargo:* Using novel aircraft, including potentially fixed wing aircraft, to provide cargo services.
- *Logistics and supply:* Demonstrating new airlift and emergency management services, such as eVTOL operations for servicing offshore energy facilities and improving medical transport capabilities with lower costs and impacts on local communities.
- *Increasing Automation Safety:* Demonstrating safe integration of aircraft with a range of automation technologies designed to enhance safety and/or efficiency in AAM operations.

While individual projects will likely focus on select national objectives, the DOT and FAA envision that each project would demonstrate broad public benefits such as safety enhancements, quality of life enhancements, workforce development opportunities adding net

[1] A copy of the President's Executive Order has been placed in this docket.

new and high-paying jobs to the U.S. economy. It would also provide advanced cooperative flow and traffic management with a range of aircraft including UAS, advanced manufacturing in the United States, supply chain security and independence, and cooperation across agencies of the Federal, State, tribal, territorial, and local governments including, for example, security coordination with TSA as needed.

The eIPP implements this national policy under the FAA's general authority to develop plans and policy for the use of the navigable airspace. 49 U.S.C. 40103(b). The eIPP will remove barriers to the initial implementation of AAM to accelerate nationwide operations, and address the requirements set forth in the FAA Reauthorization Act of 2024 (Pub. L. 118–63). Through this eIPP, the DOT and the FAA will work through selected offerors and their partner(s) to enable initial operations with an acceptable level of safety that can be tailored to their aircraft, operation, and location. As a result, that experience will inform the national policy and guidance, rules, best practices and processes that focus on developing scalable models and significantly accelerating outcomes to enable routine eVTOL or other AAM aircraft operations in line with recommendations included in the National Strategy.

The DOT and the FAA are seeking visionary, mission-focused participants who will captivate the imagination of Americans, showcase specific functions that AAM can perform for America in a short period of time, and drive the AAM National Strategy forward. This eIPP will afford opportunities to industry participants positioned to make large contributions to AAM, working with willing SLTT governments as sponsors. Offerors should be willing to coordinate approaches across all projects to gather meaningful data to accelerate solutions for scaling AAM. With safety as our highest priority, we expect this eIPP to provide valuable insight to assist the DOT and the FAA in enabling the United States' advanced aviation aircraft industry to thrive.

Selected Offerors will be expected to demonstrate advances in technological capabilities as well as operational concepts. While ensuring safety through appropriate mitigations, the DOT and the FAA intend to expedite the evaluation and approval of eVTOL and other AAM operations beyond those currently permitted today. Activities under the eIPP will:

- Accelerate the safe and efficient integration of eVTOL and other AAM operations within the NAS;
- Generate data to inform the FAA's development of guidance and regulations;
- Foster and leverage public-private partnerships; and
- Provide opportunities to accelerate commercial-use operations.

I. Program Overview

The success of the eIPP will depend on the mutually beneficial partnerships between SLTT governments and their private sector partners. Successful partnerships will help rapidly establish operations and venues that enhance public awareness and understanding of AAM operations, which enable the use of eVTOL and other AAM aircraft for new and innovative applications. The eIPP will encourage an ambitious scale of pre-certification operations and will incorporate varied solutions where the most successful implementations become standards of practice for future scaling of operations.

The DOT and the FAA will manage this program differently from the Drone IPP that launched in 2017, which focused primarily on evaluation and conducting operations in specific geographic areas within the boundaries of SLTT jurisdictions, including among several states. For this program, DOT will work with capable partners who can demonstrate the viability of new AAM technologies in ways that deliver new benefits to the public—and then to take the lessons learned from these projects to enable such operations at scale, consistent with the highest safety standards.

Consistent with the language of the E.O., any SLTT government (as the eIPP Offeror) with at least one private sector partner(s) and a plan to achieve one of more national objectives is eligible to apply to participate in the eIPP. The SLTT will play a crucial role as the host of operations and planning while bearing a key responsibility to represent local community interests. However, projects should be closely coordinated with Original Equipment Manufacturers (OEMs) and operators and be flexible to adapt and expand as needed to include partners and contributors beyond individual communities for full operational implementation. For instance, a project focused on regional flights as described in this notice will necessarily feature work with more than one community, or a consortia of communities across states, to demonstrate those operational capabilities.

The DOT and the FAA will evaluate all proposals received. A minimum of five participants will be selected. Once a proposal is selected, the Offeror will enter into an Other Transaction Agreement (OTA) with the FAA. The agreement will establish the responsibilities of the parties, describe the concept of operations to be undertaken, and establish any data sharing requirements. The eIPP shall conclude 3 years after the date the first pilot project becomes operational, unless the Secretary of Transportation determines that an extension is warranted in the national interest.

II. How To Apply

The FAA has posted a Request for Proposals (RFP)/Screening Information Request (SIR) 697DCK–25–R–00445 on *sam.gov*. Prospective offerors must be a State, local, tribal and territorial government governments, in partnership with a private sector partner(s) with demonstrated experience in eVTOL or other AAM development, manufacturing, and operations, or new supporting technologies enabling AAM operations integration into the NAS.

III. Other Transaction Agreement

Once selected, participants will be required to enter into an OTA with the FAA. The OTA will establish the terms of participation in the eIPP and identify the respective rights and responsibilities of both the FAA and the participant. The DOT and the FAA expect to negotiate agreements tailored to the specifics of each proposal.

Participants will engage in periodic exchanges with the FAA regarding the project's purposes, including discussing and sharing the expanded eVTOL or other AAM aircraft capabilities' results and experiences. Participants will adhere to the privacy policies and data collection requirements specified in the agreement. Each participant will bear its own costs.

The agreement will not include the transfer of any authority for airspace management or access upon signing. Any approval of airspace use will be handled in accordance with existing FAA policies and procedures.

The participant will share data with the FAA, as outlined in the agreement, resulting from its development and testing of the operations concepts. Such data will enable the FAA to study the effects of eVTOL or other AAM aircraft integration into the NAS while providing supporting evidence for future policy or regulatory changes.

The FAA will provide a means for the participant and stakeholder partners to submit confidential or proprietary data

concerning their operations. However, any operational data and general experience obtained through the partnerships will be available to the public subject to any restrictions on the release of confidential or proprietary information as agreed upon by the parties.

IV. Availability of This Notice

You can obtain a paper copy by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267–9680. Make sure to identify the docket number or notice number of this proposal.

Issued in Washington, DC, on September 12, 2025.

Wade E.K. Terrell,

Acting Director, Advanced Air Mobility Operations Division.

[FR Doc. 2025–17844 Filed 9–12–25; 11:15 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on I–80 East Widening in Nevada

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for judicial review.

SUMMARY: The FHWA, on behalf of the Nevada Department of Transportation (NDOT), is issuing this notice to announce actions taken by FHWA and NDOT and other Federal agencies that are final agency actions. These actions relate to the proposed widening of Interstate 80 (I–80) between Vista Boulevard and State Route 439 (USA Parkway) in Nevada. The project includes an additional travel lane in each direction, wider inside shoulders, and improvements at the Lockwood, Mustang, and Patrick/Waltham Way interchanges.

DATES: By this notice, the FHWA, on behalf of NDOT, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal Agency actions on the listed highway project will be barred unless the claim is filed on or before February 13, 2026. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

ADDRESSES: The Environmental Assessment and additional project documents can be viewed and downloaded from the project website at: *www.I80EastNV.com* or by contacting Nevada Department of Transportation, Environmental Division, 1263 S Stewart Street, Carson City, NV 89712, normal business hours are 8 a.m. to 5 p.m. (Pacific Standard Time), Monday through Friday, except State holidays.

FOR FURTHER INFORMATION CONTACT: For the FHWA: Mr. Jacob Waclaw, Acting Deputy Division Administrator, Federal Highway Administration Nevada Division, 705 North Plaza Street, Carson City, Nevada 89701–0602; 775–687–5320; *Jacob.Waclaw@dot.gov.* For Nevada Department of Transportation: Mr. Chris Young, Chief, Environmental Services Division, 1263 S Stewart Street, Carson City, NV 89712; 775–888–7686; *cyoung@dot.nv.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that FHWA and other Federal agencies have taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, or approvals for the proposed improvement highway project. The actions by FHWA and other Federal agencies on the project, and the laws under which such actions were taken are described in the Environmental Assessment approved on May 15, 2025, and in other project records for the listed project. The Environmental Assessment and other documents for the listed project are available by contacting NDOT at the address provided above.

The project subject to this notice is:

Project Location: The project limits include Interstate 80 from Vista Boulevard to State Route 439 (USA Parkway).

Project Actions: This notice applies to the Environmental Assessment and all other Federal agency licenses, permits, or approvals for the listed project as of the issuance date of this notice including but not limited to the Section 4(f) Resource Programmatic Approval and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321 *et seq.*]; Federal-Aid Highway Act (FAHA) [23 U.S.C. 109 and 23 U.S.C. 128]; 23 CFR part 771.

2. *Air:* Clean Air Act (CAA) [42 U.S.C. 7401–7671(q)], with the exception of project level conformity determinations [42 U.S.C. 7506].

3. *Noise:* Noise Control Act of 1972 [42 U.S.C. 4901–4918]; 23 CFR part 772.

4. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [23 U.S.C. 138 and 49 U.S.C. 303]; 23 CFR part 774; Land and Water Conservation Fund (LWCF) [54 U.S.C. 200302–200310].

5. *Wildlife:* Endangered Species Act (ESA) [16 U.S.C. 1531–1544 and 1536]; Marine Mammal Protection Act [16 U.S.C. 1361–1423h], Anadromous Fish Conservation Act [16 U.S.C. 757(a)–757(f)]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; Migratory Bird Treaty Act (MBTA) [16 U.S.C. 703–712]; Magnuson-Stevenson Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801–1891d], with Essential Fish Habitat requirements [16 U.S.C. 1855(b)(2)].

6. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [54 U.S.C. 3006101 *et seq.*]; Archaeological Resources Protection Act of 1979 (ARPA) [16 U.S.C. 470(aa)–470(II)]; Preservation of Historical and Archaeological Data [54 U.S.C. 312501–312508]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013; 18 U.S.C. 1170].

7. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000d—2000d–1]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

8. *Wetlands and Water Resources:* Clean Water Act (Section 319, Section 401, Section 404) [33 U.S.C. 1251–1387]; Coastal Barriers Resources Act (CBRA) [16 U.S.C. 3501–3510]; Coastal Zone Management Act (CZMA) [16 U.S.C. 1451–1466]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300f—300j–26]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; Wetlands Mitigation, [23 U.S.C. 119(g) and 133(b)(3)]; Flood Disaster Protection Act [42 U.S.C. 4001–4130].

9. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act (RCRA) [42 U.S.C. 6901–6992(k)].

10. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on

Federal programs and activities apply to this program.)

(Authority: 23 U.S.C. 139(l)(1)).

Issued on: September 11, 2025.

Khoa Nguyen,

Division Administrator, Federal Highway Administration.

[FR Doc. 2025–17832 Filed 9–15–25; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2025–0169]

Agency Information Collection Activities: Request for Comments for a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for a new information collection, which is summarized below under **SUPPLEMENTARY INFORMATION**. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by November 17, 2025.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 0169 by any of the following methods:

Website: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mahmmud Yousef, (407) 506–8858, Office of Infrastructure, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 7 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Site Assessment Report—Detailed Damage Inspection Report (DDIR).

Background:—A Detailed Damage Inspection Report (DDIR) is an official document prepared under the Federal Highway Administration's (FHWA) Emergency Relief (ER) Program, authorized by Title 23 of the United States Code. The purpose of the DDIR is to provide a thorough assessment of roadway and bridge damages caused by natural disasters or catastrophic events, such as floods, hurricanes, earthquakes, or other emergencies.

The report documents the specific site location, roadway classification, and jurisdiction, along with detailed descriptions of the observed damage. It also includes supporting documentation such as photographs, maps, and inspection notes to establish the nature and extent of the damages. Cost estimates for both emergency repairs and permanent repairs are included, along with proposed contracting methods.

Additionally, the DDIR evaluates the potential for resilience improvements, ensuring compliance with federal requirements that promote cost-effective measures to minimize future damage and repair needs. The completed report serves as the foundation for determining eligibility of a site under the ER program.

In addition to establishing site eligibility, the DDIR is also used to develop the Program of Projects required under 23 U.S.C. 125, which compiles all eligible sites and their associated cost estimates.

Respondents: 50 State DOTs, local and state governments, District of Columbia, Commonwealth of Puerto Rico, United States territories of American Samoa, Guam, N Marina Is., and the Virgin Islands (4 territories), etc.

Frequency: One per damaged site.

Estimated Average Burden per Response: 2 hours per each assessment.

Estimated Total Annual Burden Hours: 112 hours.

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 FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, 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.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.48.)

Issued on: September 11, 2025.

Jazmyne Lewis,

Information Collection Officer.

[FR Doc. 2025–17809 Filed 9–15–25; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comments Request on Forms 8453–EG, 8453–WH, 8879–EG, and 8879–WH

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and 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 17, 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. 1545–0967 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 Marcus McCrary (470) 769–2001.

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, and viewable on relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information.

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: Declarations and Authorizations for Electronic Filing.

OMB Control Number: 1545–0967.

Form Number: 8453–EG, 8453–WH, 8879–EG, and 8879–WH.

Abstract: The IRS is actively engaged in encouraging e-filing and electronic documentation. The Form 8453 series is used to authenticate the electronically filed tax return, authorize the electronic return originator (ERO) or intermediate service provider (ISP) to transmit the return, and provide the taxpayer's consent to authorize electronic funds withdrawal for payment of taxes owed. The Form 8879 series is used authorize the taxpayer and ERO to sign the return using a personal identification number (PIN) and consent to an electronic funds' withdrawal.

Current Actions: There is a change to the existing collection. Forms 8453–EG and 8879–EG were updated to include the filing of forms 706, 706–A, 706–GSD, 706–GST, 706–NA, and 706–QDT.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or households, and Business or other for-profit organizations.

Estimated Number of Responses: 634,800.

Estimated Time per Respondent: 1 hour 30 minutes to 2 hours 23 minutes.

Estimated Total Annual Burden Hours: 1,152,396.

Approved: September 11, 2025.

Marcus W. McCrary,

Tax Analyst.

[FR Doc. 2025–17838 Filed 9–15–25; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request on Claim for Refund of Excise Taxes

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 17, 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. 1545–1420'' 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 Kerry Dennis, (202) 317–5751.

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, and viewable on relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information. 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: Claim for Refund of Excise Taxes.

OMB Control Number: 1545–1420.

Form Number: Form 8849 and Schedules 1, 2. 3, 5, 6, and 8.

Abstract: IRC sections 6402, 6404, 6511 and sections 301.6402–2, 301.6404–1, and 301.6404–3 of the regulations allow for refunds of taxes (except income taxes) or refund, abatement, or credit of interest, penalties, and additions to tax in the event of errors or certain actions by IRS. Taxpayers use Form 8849 to claim refunds of excise taxes.

Current Actions: There are changes to the form that affects burden. Public Law 119–21, Section 70525, created new Internal Revenue Code section 6435. Changes are being made to allow section 6435 claims on Schedule 5 (Form 8849).

Type of Review: Revision of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals or households, and not-for-profit institutions, farms, and Federal, state, local or tribal governments.

Estimated Number of Responses: 48,800.

Estimated Time per Response: 5 hours, 13 minutes.

Estimated Total Annual Burden Hours: 254,922.

Dated: September 11, 2025.

Kerry Dennis,

Tax Analyst.

[FR Doc. 2025–17795 Filed 9–15–25; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[Docket No. VA–2025–VACO–0002]

Loan Guaranty: Maximum Allowable Fees for Legal Services

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: This notice provides updated information to participants in the Department of Veterans Affairs (VA) Home Loan Guaranty program concerning the maximum allowable fees for legal services performed in connection with the foreclosure of single- family housing loans. This notice also provides updated information concerning the legal fees for bankruptcy-related services. The table in this notice contains the amounts the

Secretary of Veterans Affairs has determined to be reasonable and customary in all states, following an annual review of the amounts allowed by other Government-related home loan programs.

DATES: The new maximum allowable fees for legal services will be allowed for all guaranty claims submitted to VA for loans terminated on or after October 16, 2025.

FOR FURTHER INFORMATION CONTACT: Mr. Andrew Trevayne, Assistant Director for Loan and Property Management, Loan Guaranty Service, Veterans Benefits Administration, (202) 632–8795.

SUPPLEMENTARY INFORMATION: The VA Home Loan Guaranty program, authorized by 38 U.S.C. Ch. 37, offers a partial guaranty against loss to lenders who make home loans to Veterans. VA regulations concerning the payment of loan guaranty claims are set forth at 38 CFR 36.4300, *et seq.* Filing and computation of guaranty claims is addressed in 38 CFR 36.4324, which states that holders shall file a claim for payment under the guaranty no later than 1 year after the completion of the liquidation sale, also referred to as loan termination in 38 CFR 36.4322. 38 CFR 36.4324(d)(1)(i). Section 36.4324 also states one part of the indebtedness upon which the guaranty percentage is applied is the ''[a]llowable expenses/advances as described in [38 CFR 36.4314].'' 38 CFR 36.4324(a)(2). Section 36.4314(b)(5)(ii) describes the procedures to be followed in determining what constitutes the reasonable and customary fees for legal services performed in connection with the foreclosure of single-family housing loans. 38 CFR 36.4314(b)(5)(ii).

Pursuant to section 36.4314(b)(5)(ii), the Secretary is required to annually review allowances for legal fees in connection with the foreclosure of single-family housing loans, including bankruptcy-related services, issued by the Department of Housing and Urban Development (HUD), the Federal National Mortgage Association (Fannie Mae), and the Federal Home Loan Mortgage Corporation (Freddie Mac). On November 8, 2021, VA published in the **Federal Register** a notice providing updated information concerning the legal fees for foreclosure and bankruptcy-related services. 86 FR 61856 (Nov. 8, 2021). In updating VA's maximum allowable fees for legal services, VA noted that it considered recently announced updates by HUD, Fannie Mae, and Freddie Mac. *Id.* VA's new maximum allowable fees for legal services announced applied to all guaranty claims submitted to VA on or after December 8, 2021. *Id.*

Following VA's publication of updated fees, Fannie Mae issued revisions to their allowances for legal fees in December 2022 and December 2024. Fannie Mae, Servicing Guide Announcement (SVC–2022–08) (Dec. 21, 2022) at *https://singlefamily.fanniemae.com/media/33141/display;* Fannie Mae, Servicing Guide Announcement (SVC–2024–07) (Dec. 18. 2024) at *https://singlefamily.fanniemae.com/media/41196/display.* These revisions also had the effect of amending HUD's allowable fees, as the Federal Housing Administration (FHA) directs mortgagees to follow Fannie Mae's fee structure. *See* HUD, FHA Single Family Housing Policy Handbook 4000.1, Appendix 5.0: HUD Schedule of Standard Possessory Action and Deed-in-Lieu of Foreclosure Attorney Fees (May 20, 2024) at *www.hud.gov/sites/dfiles/OCHCO/documents/40001-hsgh-update15–052024.pdf.* Freddie Mac also announced new allowances for legal fees, effective August 9, 2023. Freddie Mac, Exhibit 57A Approved Attorney Fees and Title Expenses, Seller/Servicer Guide (Aug. 09, 2023) at *https://guide.freddiemac.com/app/guide/exhibit/57A.*

VA reviewed and considered the updated legal fees allowed by each entity. After considering increases in fees for legal services announced by these Government-related home loan programs, the Secretary is publishing a table in the **Federal Register** setting forth the revised amounts the Secretary has determined to be reasonable and customary. The table reflects the primary method for foreclosing in each state, either judicial or non-judicial, with the exception of those states where either judicial or non- judicial is acceptable. The use of a method not authorized in the table will require prior approval from VA. 38 CFR 36.4314(b)(5)(ii). This table will be available throughout the year at *www.benefits.va.gov/HOMELOANS/servicers_valeri_rules.asp.*

There has been no change to the amounts VA will allow for bankruptcy filing fees, but VA is increasing the amount allowed for multiple bankruptcy filings under either chapter to be consistent with Freddie Mac. See Freddie Mac, Exhibit 57A Approved Attorney Fees and Title Expenses, Seller/Servicer Guide (Aug. 09, 2023) at *https://guide.freddiemac.com/app/guide/exhibit/57A.* The new fee is reflected in the following table. Neither Fannie Mae nor HUD lists multiple bankruptcy filings in their Allowable Bankruptcy Attorney Fees Exhibit. VA will continue to monitor fees for legal services on an annual basis and publish updates in the **Federal Register** as VA deems necessary.

The revised table will apply to all guaranty claims submitted to VA for loans terminated on or after 30 days of the date of publication in the **Federal Register**. The holder's fees for legal services are incurred prior to loan termination. However, as noted herein, holders have up to 1 year after loan termination in which to file a claim for payment under the guaranty. *See* 38 CFR 36.4324(d)(1)(i). As such, VA will apply the revised fees to future loan terminations to avoid holders being subject to different maximum allowable rates for legal services incurred on the same date solely because of when the holder submits the claim for payment under the guaranty.

The following table reflects the Secretary's determination of the reasonable and customary fees for legal services for the primary method for foreclosing in each state.

Jurisdiction	VA non-judicial foreclosure [1 2]	VA judicial foreclosure [1 2]	Deed-in-lieu of foreclosure
Alabama	$1,850	N/A	$400
Alaska	2,325	N/A	400
American Samoa	1,600	N/A	400
Arizona	1,850	N/A	400
Arkansas	1,925	N/A	400
California	1,850	N/A	400
Colorado	2,500	N/A	400
Connecticut	N/A	4,025	400
Delaware	N/A	2,675	400
District of Columbia	1,650	3,150	400
Florida	N/A	4,800	400

Jurisdiction	VA non-judicial foreclosure [1] [2]	VA judicial foreclosure [1] [2]	Deed-in-lieu of foreclosure
Georgia	1,850	N/A	400
Guam	2,600	N/A	400
Hawaii	N/A	5,850	400
Idaho	1,575	N/A	400
Illinois	N/A	3,300	400
Indiana	N/A	3,300	400
Iowa	1,275	2,675	400
Kansas	N/A	2,675	400
Kentucky	N/A	3,300	400
Louisiana	N/A	2,750	400
Maine	N/A	4,225	400
Maryland	3,300	N/A	400
Massachusetts	N/A	4,700	400
Michigan	2,200	N/A	400
Minnesota	2,375	N/A	400
Mississippi	1,650	N/A	400
Missouri	1,850	N/A	400
Montana	2,050	N/A	400
Nebraska	1,575	N/A	400
Nevada	2,200	N/A	400
New Hampshire	1,850	N/A	400
New Jersey	N/A	5,325	400
New Mexico	N/A	4,425	400
New York—Western Counties [3]	N/A	5,300	400
New York—Eastern Counties	N/A	6350	400
North Carolina	2,575	N/A	400
North Dakota	N/A	2,600	400
Ohio	N/A	3,500	400
Oklahoma	N/A	2,950	400
Oregon	1,850	4,050	400
Pennsylvania	N/A	3,425	400
Puerto Rico	N/A	3,500	400
Rhode Island	2,475	N/A	400
South Carolina	N/A	3,125	400
South Dakota	N/A	2,475	400
Tennessee	1,650	N/A	400
Texas	1,850	N/A	400
Utah	1,850	N/A	400
Vermont	N/A	3,500	400
Virgin Islands	N/A	3,250	400
Virginia	2,400	N/A	400
Washington	2,050	N/A	400
West Virginia	1,580	N/A	400
Wisconsin	N/A	2,750	400
Wyoming	1,780	N/A	400

[1] When a foreclosure is stopped due to circumstances beyond the control of the holder or its attorney (including, but not limited to bankruptcy, VA-requested delay, property damage, hazardous conditions, condemnation, natural disaster, property seizure, or relief under the Servicemembers Civil Relief Act) and then restarted, VA will allow a $400 restart fee in addition to the base foreclosure attorney fee. This fee recognizes the additional work required to resume the foreclosure action, while also accounting for the expectation that some work from the previous action may be used in starting the new action.

[2] VA will allow attorney fees of $1,050 (Chapter 7) or $1,500 (initial Chapter 13) for an initial bankruptcy filing, regardless of whether a bankruptcy release is obtained. For multiple bankruptcy filings under either chapter, VA will allow an additional $600.

[3] Western Counties of New York for VA are Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Steuben, Wayne, Wyoming, and Yates. The remaining counties are in Eastern New York.

Signing Authority

Douglas A. Collins, Secretary of Veterans Affairs, approved this document on September 11, 2025, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Taylor N. Mattson,

Alternate Federal Register Liaison Officer, Department of Veterans Affairs.

[FR Doc. 2025–17847 Filed 9–15–25; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Cemeteries and Memorials, Notice of Meeting, Amended

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. Ch. 10, that the annual meeting of the Advisory Committee on Cemeteries and Memorials will be held October 28–29, 2025. The meeting sessions will begin and end as follows:

Date(s)	Time(s)	Location(s)	Open to the public
October 28, 2025	8:30 a.m. to 4:00 p.m. Eastern Standard Time (EST).	811 Vermont Avenue NW, Room 6136, Washington, DC 20420.	Yes.
October 29, 2025	9:00 a.m. to 4:00 p.m. EST	811 Vermont Avenue NW, Room 6136, Washington, DC 20420.	Yes.

The meeting sessions are open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the administration of national cemeteries, soldiers' lots and plots, the selection of new national cemetery sites, the erection of appropriate memorials, and the adequacy of Federal burial benefits. The Committee makes recommendations to the Secretary regarding such activities.

On October 28, 2025, the Committee will convene an open session from 8:30 a.m. to 4:00 p.m. EST. The agenda will include remarks from the National Cemetery Administration leadership, and briefings from the VA Advisory Committee Management Office, Office of Engagement and Memorial Innovation, Missing in America Project and a panel discussion on VA Interments of Unclaimed Veteran Remains.

On October 29, 2025, the Committee will convene an open session from 9:00 a.m. to 4:00 p.m. EST. The agenda will include an overview of the VA Centralized Outreach Module, committee discussion, and review of recommendations. Additionally, time will be allotted for the public to provide comments starting at 2:30 p.m. EST and ending no later than 3:00 p.m. EST. The comment period may end sooner, if there are no comments presented or they are exhausted before the end time. Individuals interested in providing comments during the public comment period are allowed no more than three minutes for their statements.

Any member of the public seeking additional information or that wish to attend the meeting in person should contact Ms. Faith Hopkins, Designated Federal Officer, at 202–603–4499. Please leave a voice mail message. The Committee will also accept written comments. Comments may be transmitted electronically to the Committee at *faith.hopkins@va.gov.* In the public's communications with the Committee, the writers must identify themselves and state the organizations, associations, or persons they represent.

Any member of the public who wishes to attend the meeting virtually may dial in by calling (872) 701–0185, access code: 494 551 893#.

Dated: September 11, 2025.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2025–17818 Filed 9–15–25; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 90 Tuesday,

No. 177 September 16, 2025

Part II

The President

Proclamation 10970—Patriot Day 2025, the 24th Anniversary of the September 11 Terrorist Attacks

Federal Register
Vol. 90, No. 177
Tuesday, September 16, 2025

Presidential Documents

Title 3—

The President

Proclamation 10970 of September 11, 2025

Patriot Day 2025, the 24th Anniversary of the September 11 Terrorist Attacks

By the President of the United States of America

A Proclamation

September 11, 2001, will forever live in the collective consciousness of those who witnessed four commercial jetliners converted into weapons of terror to target innocent Americans on a beautiful Tuesday morning in September, 24 years ago.

At 8:46 a.m., the first plane—Flight 11 from Boston, Massachusetts—hit the North Tower of the World Trade Center. Seventeen minutes later, at 9:03 a.m., Flight 175, also from Boston, struck the South Tower. At 9:37 a.m., Flight 77 from Washington, DC, smashed into the Pentagon. Twenty-two minutes later, the South Tower collapsed, and shortly thereafter the North Tower fell with it. Ultimately, 2,753 people perished in New York City and 184 perished in Arlington, Virginia.

Hearts sank as word started to spread. There was one plane still unaccounted for—Flight 93 from Newark, New Jersey—slowly advancing toward the heart of Washington, DC, carrying 40 innocent souls. In the face of certain death, these ordinary men and women devised an extraordinary plan to deny evil another victory. Their final act was to say a last goodbye to their loved ones, some leaving voicemails that can still be heard today. With the rallying cry, ''Let's roll,'' they stormed the cockpit to overcome the terrorists, forcing the plane to crash in a field in southwestern Pennsylvania. Their bravery saved countless lives and preserved our Nation's capital as a symbol of the enduring strength of our Republic. Their uncommon courage will never be forgotten, and the hallowed ground in Pennsylvania, their final destination, serves as a lasting reminder that the United States will never yield to forces of evil.

The terrorist attacks of September 11 not only sparked fury but also a groundswell of patriotism, renewing our unity, reinvigorating American pride, and demonstrating that, in the wake of unimaginable evil, Americans will always stand united. In the aftermath of the deadliest terrorist attack in recorded history, the goodness, grace, and unbreakable spirit of the American people prevailed.

Twenty-four years later, we renew our resolve to ensure that we never again face such a ruthless attack. My Administration is committed to upholding a foreign policy of peace through strength, and we proclaim without reservation that any enemy who seeks to strike our shores, endanger our citizens, and threaten our way of life will be met with devastation and crushing defeat by the fiercest, most lethal, and most formidable military on the face of the Earth.

Today, we honor and remember the souls who perished on September 11, 2001, and those who succumbed to illness and injury in the days, months, and years that followed. We pray for the grieving families who carry their memories and for the survivors who bear enduring scars. We praise the countless firefighters, law enforcement officers, and other first responders who ran into flames, sought the injured to save lives and offer

comfort, and searched through rubble for signs of life. We are eternally indebted for their selfless service.

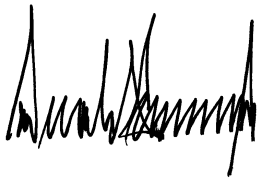
We vow that any enemy who spills American blood will face the full wrath of American justice. And above all, we recommit to honoring the memories, cherishing the legacies, and remembering the stories of our fallen heroes for all eternity.

As we commemorate this somber anniversary, we reaffirm that the vow whispered in sorrow and shouted in anguish in our Nation's darkest hour remains our solemn pledge and promise: We will never, ever forget.

By a joint resolution approved December 18, 2001 (Public Law 107–89), the Congress designated September 11 of each year as ''Patriot Day.''

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do herby proclaim September 11, 2025, as Patriot Day, 2025. I call upon all departments, agencies, and instrumentalities of the United States to display the flag of the United States at half-staff in honor of the 2,977 innocent souls who lost their lives on September 11, 2001. I also invite the Governors of the United States and its Territories, and interested organizations and individuals, to join in this observance. To our Nation's young people, I encourage you to ask your family, friends, and neighbors, as well as our military service members and first responders, to recount their memories of that fateful day, share how it touched their lives, and reflect upon the unmatched pride that comes with being an American citizen.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of September, 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.



[FR Doc. 2025–17966
Filed 9–15–25; 11:15 am]
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