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DEPARTMENT OF ENERGY

10 CFR Part 609

[DOE–HQ–2025–0174]

RIN 1901–AB72

Energy Dominance Financing Amendments

AGENCY: Loan Programs Office, Department of Energy (DOE).

ACTION: Interim final rule; request for comments.

SUMMARY: This interim final rule amends the Department of Energy's loan guarantee regulations to implement the Energy Dominance Financing provisions of the One Big Beautiful Bill Act. This interim final rule expands the definition, criteria, and requirements of certain eligible projects under the loan guarantee program, and makes revisions for clarity, organization, and conformance with the recent enactment.

DATES: This interim final rule is effective October 28, 2025. DOE will accept comments, data, and information regarding this interim final rule no later than December 29, 2025.

ADDRESSES: Interested persons may submit comments, identified by RIN 1901–AB72 by any of the following methods:

Federal eRulemaking Portal: www.regulations.gov. Follow the instructions for submitting comments.

Electronic Mail (Email): LPO.IFR@hq.doe.gov. Include RIN 1901–AB72 in the subject line of the message.

Postal Mail: Loan Programs Office, Attn: LPO Legal Department, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585–0121. Please submit one signed original paper copy. Due to potential delays in DOE's receipt and processing of mail sent through the U.S. Postal Service, we encourage respondents to submit comments electronically to ensure timely receipt.

Hand Delivery/Courier: U.S. Department of Energy, Room 4B–122, 1000 Independence Avenue SW, Washington, DC 20585–0121.

No telefacsimiles (faxes) will be accepted. For detailed instructions on submitting comments and additional information on the rulemaking process, see section III of this document, *Public Participation*.

Docket: The docket for this rulemaking, which includes **Federal Register** notices, comments, and other supporting documents and materials, is available for review at *www.regulations.gov*. All documents in the docket are listed in the *www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at the *www.regulations.gov* web page associated with RIN 1901–AB72, or at *www.regulations.gov/docket/DOE-HQ-2025-0174*. The docket web page contains simple instructions on how to access all documents, including public comments, in the docket. See section III of this document, *Public Participation,* for information on how to submit comments through *www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT:

Ms. Chelsea Sexton, Program Officer, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585–0121, email: *LPO.IFR@hq.doe.gov,* or telephone: (202) 586–1092.

Mr. Uchechukwu ''Emeka'' Eze, Attorney-Advisor, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585–0121, email: *LPO.IFR@hq.doe.gov,* or telephone: (202) 586–1092.

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I. Introduction

A. One Big Beautiful Bill Act

The Department of Energy's (''DOE'') Loan Programs Office (''LPO'') administers Title XVII of the Energy Policy Act of 2005 (''Title XVII'').[1] Since its initial enactment, Congress has made substantial amendments to Title XVII, including through the Infrastructure Investment and Jobs Act (''IIJA'') [2] and the Inflation Reduction Act of 2022 (''IRA'').[3] For example, section 50144 of the IRA amended Title XVII to introduce a loan guarantee program (''section 1706'') for projects that (1) retool, repower, repurpose, or replace energy infrastructure that has ceased operations, or (2) enable operating energy infrastructure to avoid, reduce, utilize, or sequester air pollutants, including anthropogenic greenhouse gas emissions.[4] More recently, Congress passed and the President signed into law the One Big Beautiful Bill Act (''OBBBA'') on July 4, 2025, which includes substantial amendments to section 1706, and Title XVII.[5]

The Energy Dominance Financing provisions of OBBBA amended section 1706 to now authorize the Secretary of Energy (''Secretary'') to guarantee loans of up to a total principal amount of $250 billion through September 30, 2028. Additionally, the Energy Dominance Financing provisions amended the definitions and criteria used to determine section 1706 eligible projects and eliminated certain section 1706 application and project requirements.

The cumulative effect of the Energy Dominance Financing amendments to Title XVII is a material expansion of the types of projects eligible for loan

[1] Public Law 109–58, title XVII (2005), as amended; 42 U.S.C. 16511 *et seq.*

[2] Public Law 117–58 (2021).

[3] Public Law 117–169 (2022).

[4] *Id.* at Sec. 50144(c).

[5] Public Law 119–21, Sec. 50403 (2025).

guarantees from DOE. DOE is therefore revising 10 CFR part 609 (''part 609'') through this interim final rule (''IFR'') and requesting comments to implement the Title XVII Loan Guarantee Program, as modified, and fully and timely meet the ambitious timeline of guaranteeing loans under section 1706 prior to expiration. DOE is also modifying the colloquial name of section 1706 projects from Energy Infrastructure Reinvestment (''EIR'') to Energy Dominance Financing (''EDF'') projects. Section 1706 is still entitled: ''Energy infrastructure reinvestment financing;'' however, this rebranding is meant to reflect the material changes to the loan program established by OBBBA, as well as the type and volume of projects DOE anticipates.

B. 10 CFR Part 609 Background

Title XVII, as amended, provides the Secretary the authority to issue loan guarantees for certain eligible projects, including innovative energy projects and energy infrastructure reinvestment projects.[6] DOE has administered the Title XVII Loan Guarantee Program pursuant to its regulations set forth at part 609, as required by the authorizing statute.[7] Part 609 sets forth the policies and procedures that DOE uses for the application process, which includes receiving, evaluating, and approving applications for loan guarantees to support eligible projects under Title XVII.[8] Part 609 applies to all applications, conditional commitments, and loan guarantee agreements under the Title XVII Loan Guarantee Program and provides specific guidance to program applicants regarding eligibility for the program, the loan guarantee application process and requirements, criteria for DOE's evaluation of applications, and the process for negotiation and execution of a loan guarantee agreement term sheet, conditional commitment, and loan guarantee agreement. Part 609 also describes the terms applicable to the loan guarantee.

Following DOE's issuance of initial guidelines and an initial solicitation for pre-applications for the program in 2006, DOE promulgated the original part 609 to implement and issue loan guarantees under the program in 2007.[9] In 2009, DOE amended part 609 to accommodate additional flexibility regarding liens and other collateral utilized for securing guaranteed loans.[10] DOE subsequently amended part 609 in 2011 to address the submission and treatment of trade secrets and other privileged commercial or financial information[11] and in 2012 to incorporate certain statutory changes to section 1702 of Title XVII[12] related to payment of credit subsidy costs.[13]

In 2016, DOE promulgated additional amendments to part 609 to provide increased clarity and transparency, reduce paperwork, and provide a more workable interpretation of certain statutory provisions in light of DOE's experience with operation of the Title XVII program.[14] These amendments included removing a pre-application process and adopting a Part I and Part II application process, clarifying certain application limitations on technologies and locations, implementing the Risk-Based Charge, and a number of additional changes.

In 2021, DOE amended part 609 to incorporate directives from Executive Order 13953 to clarify the eligibility of projects related to ''Critical Minerals,'' ''Critical Minerals Production,'' and related activities.[15] And in 2023, DOE substantially amended part 609 to implement provisions of the IRA that expanded or modified the authorities applicable to the Title XVII Loan Guarantee Program.[16] Specifically, DOE established regulations necessary to implement the Energy Infrastructure Reinvestment (''EIR'') projects (and other categories of projects) authorized by the IRA for Title XVII loan guarantees; amended provisions to conform with the broader changes to the Title XVII Loan Guarantee Program; and revised certain sections for clarity and organization.[17]

II. Discussion

A. Interim Final Rule Overview

This IFR amends the DOE loan guarantee regulations, set forth in part 609, to implement the Energy Dominance Financing provisions of the OBBBA. This IFR expands the definition and criteria of eligible projects under section 1706; and revises certain sections for clarity, organization, and conformance with the recent enactment. DOE has determined that it is imperative to put these IFR provisions in place for potential EDF-eligible projects, concurrent with the solicitation of public comment, to meet the ambitious timeline of guaranteeing loans under section 1706 prior to expiration of DOE's commitment authority. Those provisions not impacted or otherwise amended by the OBBBA remain in full force and effect.

Through publication of this IFR, DOE is also providing a comment period until December 29, 2025. Comments submitted during this period will be reviewed and considered. A final rule, or additional notice, may be issued at a later date, with a response to comments, reflecting any experience DOE may gain in implementing this IFR.

B. Section-by-Section Analysis

The amendments in this IFR essentially revise three sections of part 609 to conform the Title XVII Loan Guarantee Program with the OBBBA and otherwise implement its Energy Dominance Financing provisions. Provided below is a section-by-section analysis of the changes made by this IFR.

§ 609.2 Definitions

Prior to passage of the OBBBA, energy infrastructure meant ''a facility, and associated equipment, used for: (1) The generation or transmission of electric energy; or (2) The production, processing, and delivery of fossil fuels, fuels derived from petroleum, or petrochemical feedstocks.''[18]

As prescribed by statute, DOE is now revising part 609 to define *Energy Infrastructure* to mean ''a facility, and associated equipment, used for enabling the identification, leasing, development, production, processing, transportation, transmission, refining, and generation needed for energy and critical minerals.''[19]

§ 609.3 Title XVII Eligible Projects

Prior to passage of the OBBBA, an eligible energy infrastructure reinvestment project was a project located in the United States that either ''enables operating Energy Infrastructure to avoid, reduce, utilize, or sequester air pollutants or anthropogenic emissions of greenhouse gases;'' or ''[r]etools, repowers, repurposes, or replaces Energy Infrastructure that has ceased operations; provided that if such project involves electricity generation through the use of fossil fuels, such project shall be required to have controls or

[6] Public Law 109–58, title XVII (2005), as amended; 42 U.S.C. 16511 *et seq.*

[7] 42 U.S.C. 16515(b), (d).

[8] DOE has historically provided additional guidance to applicants and established requirements applicable to the Title XVII Loan Guarantee Program in the solicitations for loan guarantee applications, which are issued and updated from time to time.

[9] 72 FR 60116 (Oct. 23, 2007).

[10] 74 FR 63544 (Dec. 4, 2009).

[11] 76 FR 26579 (May 9, 2011).

[12] 42 U.S.C. 16512.

[13] 77 FR 29853 (May 21, 2012).

[14] 81 FR 90699 (Dec.15, 2016).

[15] 86 FR 3747 (Jan. 15, 2021).

[16] 88 FR 34419 (May 30, 2023).

[17] *Id.*

[18] 10 CFR 609.2; 88 FR 34429.

[19] Public Law 119–21, Sec. 50403 (2025).

technologies to avoid, reduce, utilize, or sequester air pollutants and anthropogenic emissions of greenhouse gases.'' [20] Additionally, an eligible energy infrastructure reinvestment project could ''include the remediation of environmental damage associated with Energy Infrastructure.'' [21]

DOE is now revising part 609 such that an eligible Energy Dominance Financing Project is a project located in the United States that, as prescribed by statute, either: ''(1) retools, repowers, repurposes, or replaces Energy Infrastructure that has ceased operations; (2) enables operating Energy Infrastructure to increase capacity or output; or (3) supports or enables the provision of known or forecastable electric supply at time intervals necessary to maintain or enhance grid reliability or other system adequacy needs.'' [22] As also prescribed by statute, an eligible EDF Project may continue to ''include the remediation of environmental damage associated with Energy Infrastructure.''

This interim final rule expands the definition and criteria of eligible projects under the Title XVII Loan Guarantee Program to conform with the recent enactment of OBBBA. Specifically, the removal of the requirement that an eligible energy infrastructure reinvestment project ''avoid, reduce, utilize, or sequester air pollutants or anthropogenic emissions of greenhouse gases,'' has been directed by law. Congress has also expressly directed the removal of the requirement that an eligible energy infrastructure reinvestment project ''have controls or technologies to avoid, reduce, utilize, or sequester air pollutants and anthropogenic emissions of greenhouse gases.'' Similarly, Congress has expanded the eligibility of a project, under section 1706, to include one that ''supports or enables the provision of known or forecastable electric supply at time intervals necessary to maintain or enhance grid reliability or other system adequacy needs.''

§ 609.5 Evaluation of Applications

Prior to passage of the OBBBA, an energy infrastructure reinvestment project application would have been denied if it failed to ''include an analysis of how the proposed project will engage with and affect associated communities.'' [23]

DOE is now revising part 609 to reflect OBBBA's elimination of this application requirement. However, as directed by statute, DOE will continue to require a detailed plan describing the proposed project, as well as an assurance that an electric utility Applicant will pass on any financial benefit from the Guarantee to the customers of, or associated communities served by, the electric utility (with respect to applications for EDF Projects, where the Applicant is an electric utility).

In summary, this IFR amends DOE's loan guarantee regulations, set forth in part 609, to implement the Energy Dominance Financing provisions of the OBBBA. This IFR expands the definition and criteria of eligible projects under the Title XVII Loan Guarantee Program, and makes revisions for clarity, organization, and conformance with the recent enactment. This IFR also incorporates OBBBA's elimination of the statutory provision that required an applicant to submit an analysis of how the proposed project would engage with, and affect, associated communities. This was a statutory requirement that DOE incorporated into its loan guarantee regulations to implement section 1706 projects, and its elimination has been directed by law. Given the material changes to the loan program, and the type of projects anticipated under section 1706, DOE is also modifying its references to section 1706 projects from Energy Infrastructure Reinvestment (''EIR'') projects to Energy Dominance Financing (''EDF'') projects. Those provisions not impacted or otherwise amended by the OBBBA remain in full force and effect.

III. Public Participation

DOE will accept comments, data, and information regarding this IFR on or before the date provided in the **DATES** section at the beginning of this IFR. Interested parties may submit comments, data, and other information using any of the methods described in the **ADDRESSES** section at the beginning of this document.

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Comments, data, and other information submitted to DOE

[20] 10 CFR 609.3; 88 FR 34430.

[21] *Id.*

[22] Public Law 119–21, Sec. 50403 (2025).

[23] 10 CFR 609.5; 88 FR 34431.

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IV. Procedural Requirements

A. Executive Order 12866 and Executive Order 14192

Section 6(a) of E.O. 12866 ''Regulatory Planning and Review'' requires agencies to submit ''significant regulatory actions'' to OIRA for review. OIRA has determined that this regulatory action does constitute a ''significant regulatory action'' under section 3(f) of E.O. 12866. Accordingly, this action was subject to review under that Executive Order by the Office of Information and Regulatory Affairs (''OIRA'') of the Office of Management and Budget (''OMB''). The action is economically significant under E.O. 12866. The rule implements a material change in the types of projects eligible for loan guarantees from DOE under Title XVII, affecting loan guarantees up to a total principal amount of $250 billion through September 30, 2028. As a result, both the mix of projects funded under the program and the set of borrowers securing loans under the program may change. While there is no assurance that a loan guarantee for any particular project will be realized, stakeholders within industry may change behavior given the material change of the type of projects eligible. Industry may be willing to undertake different projects than they did prior to the rule. That said, DOE has determined that the default rate is not changing. The class of potentially eligible projects has expanded, but the criteria, rules, etc. used to determine whether a project has a ''reasonable prospect of repayment'' (as determined by DOE in consultation with Treasury) has not changed.

This IFR has also been determined to be an ''E.O. 14192 deregulatory action'' under E.O. 14192, ''Unleashing Prosperity Through Deregulation,'' 90 FR 9065 (February 6, 2025) because it eliminates the loan application requirement to submit ''an analysis of how the proposed project will engage with and affect associated communities.'' As previously stated, this application requirement was introduced by the IRA and incorporated into part 609. 88 FR 34419 (May 30, 2023). Therefore, prior to passage of the OBBBA, an energy infrastructure reinvestment project application would have been denied if it failed to include an analysis of how the proposed project will engage with and affect associated communities. DOE previously estimated ''14 hours per response'' for the inclusion of information regarding an applicant's community benefits plan; and ''89 respondents'' to the information collection request annually. *Id.* at 88 FR 34426. This IFR eliminates the application requirement, and associated burdens, from part 609, making it a E.O. 14192 deregulatory action.

B. Administrative Procedure Act

Section 553(a)(2) of the Administrative Procedure Act (''APA'') exempts rulemakings that involve matters relating to public property, loans, grants, benefits, or contracts from the APA's notice and comment procedures. As a rulemaking relating to the issuance of loans, DOE has determined that a notice of proposed rulemaking (and comment thereon) or delay in effective date is not required for this IFR's amendments to part 609. Though DOE has determined that a notice of proposed rulemaking (and comment thereon) is not required for this IFR's amendments to part 609, DOE has nevertheless voluntarily elected to solicit comment. DOE will accept comments, data, and information regarding this IFR on or before the date provided in the **DATES** section at the beginning of this IFR. Interested parties may submit comments, data, and other information using any of the methods described in the **ADDRESSES** section at the beginning of this document. Comments submitted during this period will be reviewed and considered. A final rule, or additional notice, may be issued at a later date, with a response to comments, reflecting any experience DOE may gain in implementing this IFR.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires that an agency prepare an initial regulatory flexibility analysis whenever an agency is required by section 553 of this title, or any other law, to publish general notice of proposed rulemaking for any proposed rule. However, as noted above, and in prior part 609 rulemakings, DOE is not required to publish a general notice of proposed rulemaking for this matter, relating to public loans, under the Administrative Procedure Act. DOE has therefore determined that the regulatory flexibility analysis is inapplicable.

D. Paperwork Reduction Act of 1995

The information collection requirements for the DOE regulations at 10 CFR part 609 pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and the procedure implementing that Act (5 CFR 1320.1 *et seq.*) are under OMB Control Number 1910–5134. As previously stated, this IFR eliminates the loan application requirement to submit ''an analysis of how the proposed project will engage with and affect associated communities.'' Therefore, DOE will be submitting a revision to its information collection request.

E. National Environmental Policy Act of 1969 (''NEPA'')

DOE has considered this IFR in accordance with NEPA, as amended, DOE's NEPA implementing regulations, set forth in 10 CFR part 1021, and DOE's NEPA implementing procedures published outside the Code of Federal Regulations on June 30, 2025. DOE has determined that NEPA does not apply to this action as this IFR is an administrative and routine action excepted from NEPA review, and is necessary to bring DOE's loan guarantee regulations into conformance with the recent enactment of OBBBA. DOE has determined that this rulemaking is a Federal action, but it is not ''major'' and therefore not subject to NEPA. This action is one to which NEPA does not apply because it does not fall within the definition of ''major Federal action'' in section 110(10) of NEPA, 42 U.S.C. 4336e(10). For more information, please see appendix A of 10 CFR part 1021 (''A5, Interpretive rulemakings with no change in environmental effect'') and appendix A of DOE's NEPA

implementing procedures, A5, Interpretive rulemakings with no change in environmental effect (June 30, 2025).

F. Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (February 7, 1996), imposes on executive agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for affected conduct rather than a general standard and promote simplification and burden reduction.

With regard to the review required by section 3(a), section 3(b) of Executive Order 12988 specifically requires, in pertinent part, that executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General.

Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them.

DOE has completed the required review and determined that, to the extent permitted by law, this rule meets the relevant standards of Executive Order 12988.

G. Executive Order 13132

Executive Order 13132, ''Federalism,'' [24] imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. Agencies are required to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The executive order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations.[25]

DOE has examined this IFR and has determined that it will not preempt State law and 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. Accordingly, no further action is required by Executive Order 13132.

H. Executive Order 13175

Under Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments,'' [26] DOE may not issue a discretionary rule that has Tribal implications and imposes substantial direct compliance costs on Indian Tribal governments without prior Tribal consultation. DOE has determined that this IFR will not have such effects and has concluded that Executive Order 13175 does not apply to this IFR.

I. Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (''UMRA'') [27] requires each Federal agency to provide a written statement assessing the effects of Federal regulatory actions on State, local, and tribal governments and the private sector that may cause 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 (adjusted annually for inflation), before promulgating any general notice of proposed rulemaking, and before promulgating any final rule for which a general notice of proposed rulemaking was published. As noted above, and in prior part 609 rulemakings, DOE is not required to publish a general notice of proposed rulemaking for this matter, relating to public loans, under the Administrative Procedure Act. DOE notes, however, that this IFR contains neither an intergovernmental mandate nor a mandate that may result in the expenditure of $100 million or more in any year by State, local, and tribal governments, in the aggregate, or by the private sector. This IFR establishes only requirements that are a condition of Federal assistance or a duty arising from participation in a voluntary program. Accordingly, no further assessment or analysis is required under UMRA.

J. Treasury and General Government Appropriations Act of 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 [28] requires Federal agencies to issue a Family Policymaking Assessment for any proposed rule that may affect family well-being. This IFR will not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

K. Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 [29] provides for Federal agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (February 22, 2002), and DOE's guidelines were published at 67 FR 62446 (October 7, 2002). Pursuant to OMB Memorandum M–19–15, ''Improving Implementation of the Information Quality Act'' (April 24, 2019), DOE published updated guidelines which are available at: *www.energy.gov/sites/prod/files/2019/12/f70/DOE%20Final%20Updated%20IQA%20Guidelines%20Dec%202019.pdf.*

DOE has reviewed this IFR under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

L. Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' [30] requires Federal agencies to prepare and submit to the OMB, a Statement of Energy Effects for any proposed significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgates or is expected to lead to the promulgation of a final rule or regulation, and that: (1)(i) is a significant regulatory action under Executive Order 12866, or any successor order; and (ii) is likely to have a significant adverse effect on the supply, distribution, or use of energy, or (2) is

[24] 64 FR 43255 (Aug. 10, 1999).

[25] 65 FR 13735 (Mar. 14, 2000).

[26] 65 FR 67249 (Nov. 9, 2000).

[27] Public Law 104–4 (Mar. 22, 1995).

[28] Public Law 105–277 (1998); 5 U.S.C. 601 note.

[29] Public Law 106–554 (2000); 44 U.S.C. 3516 note.

[30] 66 FR 28355 (May 22, 2001).

designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use. This regulatory action will not have a significant adverse effect on the supply, distribution, or use of energy and is therefore not a significant energy action. Accordingly, DOE has not prepared a Statement of Energy Effects.

M. Congressional Review Act

As required by 5 U.S.C. 801, DOE will report to Congress on the promulgation of this rule. The report will state that it has been determined that the rule is a ''major rule'' as defined by 5 U.S.C. 804(2). As this IFR amends regulations concerning loan guarantees, it is exempt from the notice-and-comment and effective date delay requirements in the Administrative Procedure Act. *See* 5 U.S.C. 553(a)(2). As such, and in accordance with 5 U.S.C. 808(2), this IFR will be effective upon publication.

V. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this interim final rule; request for comments.

List of Subjects in 10 CFR Part 609

Administrative practice and procedure, Energy, Loan programs, Reporting and recordkeeping requirements.

Signing Authority

This document of the Department of Energy was signed on October 16, 2025, by Chris Wright, 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 October 24, 2025.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

For the reasons stated in the preamble, DOE amends part 609 of chapter II of title 10 of the Code of Federal Regulations as set forth below:

PART 609—LOAN GUARANTEES FOR CLEAN ENERGY PROJECTS

■ 1. The authority citation for part 609 continues to read as follows:

Authority: 42 U.S.C. 7254, 16511–16517.

■ 2. Amend § 609.2 by:
■ a. Adding in alphabetical order a definition for ''Energy Dominance Financing Project'';
■ b. Revising the definition of ''Energy Infrastructure''; and
■ c. Removing the definition of ''Energy Infrastructure Reinvestment Project''.

The revision and addition read as follows:

§ 609.2 Definitions.

* * * * *

Energy Dominance Financing Project has the meaning set forth in § 609.3.

Energy Infrastructure means a facility, and associated equipment, used for enabling the identification, leasing, development, production, processing, transportation, transmission, refining, and generation needed for energy and critical minerals.

* * * * *

■ 3. Amend § 609.3 by:
■ a. Removing the words ''Energy Infrastructure Reinvestment'' and adding in their place the words ''Energy Dominance Financing'' in paragraph (a)(1)(iv) and paragraph (e) introductory text; and
■ b. Revising paragraph (e)(2).

The revision reads as follows:

§ 609.3 Title XVII eligible projects.

* * * * *

(e) * * *

(2) Either:

(i) Retools, repowers, repurposes, or replaces Energy Infrastructure that has ceased operations;

(ii) Enables operating Energy Infrastructure to increase capacity or output; or

(iii) Supports or enables the provision of known or forecastable electric supply at time intervals necessary to maintain or enhance grid reliability or other system adequacy needs; and

* * * * *

■ 4. Amend § 609.5 by revising paragraph (b)(7) to read as follows:

§ 609.5 Evaluation of applications.

* * * * *

(b) * * *

(7) With respect to applications for Energy Dominance Financing Projects, where the Applicant is an electric utility, such application fails to include an assurance that Applicant will pass on the financial benefit from the Guarantee to the customers of, or associated communities served by, the electric utility; or

* * * * *

§ 609.8 [Amended]

■ 5. Amend § 609.8(b)(2)(ii) by removing the words ''Energy Infrastructure Reinvestment'' and adding in their place the words ''Energy Dominance Financing''.

§ 609.10 [Amended]

■ 6. Amend § 609.10(b)(12) by removing the words ''Energy Infrastructure Reinvestment'' and adding in their place the words ''Energy Dominance Financing''.

[FR Doc. 2025–19675 Filed 10–27–25; 8:45 am]

BILLING CODE 6450–01–P

CONSUMER FINANCIAL PROTECTION BUREAU

12 CFR Part 1022

Fair Credit Reporting Act; Preemption of State Laws

AGENCY: Consumer Financial Protection Bureau.

ACTION: Interpretive rule.

SUMMARY: The Consumer Financial Protection Bureau (Bureau) is issuing this interpretive rule to clarify that the Fair Credit Reporting Act (FCRA) generally preempts State laws that touch on broad areas of credit reporting, consistent with Congress's intent to create national standards for the credit reporting system. This interpretive rule replaces a July 2022 interpretive rule that the Bureau withdrew in May 2025.

DATES: This interpretive rule is applicable on October 28, 2025.

FOR FURTHER INFORMATION CONTACT: Dave Gettler, Paralegal Specialist, Office of Regulations, at 202–435–7700. If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Fair Credit Reporting Act (FCRA)—which was enacted in 1970 and has been amended several times since—sets forth certain requirements ''concerning the creation and use of consumer reports.'' [1] The FCRA has always preempted State law, but the scope of that preemption has changed

[1] *Spokeo, Inc.* v. *Robins,* 578 U.S. 330, 335 (2016).

over time. Since its inception, the FCRA has preempted State laws ''to the extent that those laws are inconsistent with any provision of'' the FCRA.[2] But in 1996, Congress emphasized that FCRA standards were national by adding a provision that further preempted any State regulation related to specifically enumerated subjects already regulated by the FCRA.[3] This was ''a strong preemption provision'' that was meant to ''to avoid a patchwork system of conflicting regulations.'' [4] This newly added subject matter preemption provision was originally designed to expire in 2004. But in 2003, Congress made it permanent,[5] looking to preserve the FCRA's ''national standards'' in order to promote economic growth.

The main preemption provision of the FCRA, 15 U.S.C. 1681t(b)(1), uses carefully crafted language to preempt several areas of State law that it intended to be governed solely by Federal law. The lead paragraph states that ''[n]o requirement or prohibition may be imposed under the laws of any State . . . with respect to any subject matter regulated under'' each of the eleven subparagraphs. Each subparagraph then includes a provision of the FCRA followed by the phrase ''relating to'' and then a description of the subject matter of that provision.

In full, section 1681t(b)(1) says that ''[n]o requirement or prohibition may be imposed under the laws of any State with respect to any subject matter regulated under'' certain sections or subsections of the FCRA:

(a) Subsection (c) or (e) of section 1681b, relating to the prescreening of consumer reports;

(b) Section 1681i, relating to the time by which a consumer reporting agency must take any action, including the provision of notification to a consumer or other person, in any procedure related to the disputed accuracy of information in a consumer's file, [with an exception for laws in effect on September 30, 1996];

(c) Subsections (a) and (b) of section 1681m, relating to the duties of a person who takes any adverse action with respect to a consumer;

(d) Section 1681m(d), relating to the duties of persons who use a consumer report of a consumer in connection with any credit or insurance transaction that is not initiated by the consumer and that consists of a firm offer of credit or insurance;

(e) Section 1681c, relating to information contained in consumer reports, [with an exception for laws in effect on September 30, 1996];

(f) Section 1681s–2, relating to the responsibilities of persons who furnish information to consumer reporting agencies [with exceptions for certain enumerated State laws];

(g) Section 1681g(e), relating to information available to victims under section 1681g(e);

(h) Section 1681s–3, relating to the exchange and use of information to make a solicitation for marketing purposes;

(i) Section 1681m(h), relating to the duties of users of consumer reports to provide notice with respect to terms in certain credit transactions;

(j) Subsections (i) and (j) of section 1681c–1 relating to security freezes; or

(k) Subsection (k) of section 1681c–1, relating to credit monitoring for active duty military consumers, as defined in that subsection.

On July 11, 2022, the Bureau published an interpretive rule purporting to analyze section 1681t(b)(1), finding that it has ''a narrow sweep,'' which allows for substantial State regulation of consumer reports and consumer reporting agencies.[6] The 2022 interpretive rule declared that ''section 1681t(b)(1) does not preempt all State laws relating to the content or information contained in consumer reports.'' [7] According to the interpretive rule, ''[t]he 'with respect to' phrase necessarily reaches a subset of laws narrower than those that merely relate to information contained in consumer reports.'' [8] The interpretive rule thus concluded that unless a State law specifically concerned a requirement or obligation addressed in the enumerated FCRA provision, it was not preempted.

For example, section 1681t(b)(1)(E) preempts State laws ''with respect to any subject matter regulated under'' section 1681c ''relating to information contained in consumer reports.'' Section 1681c states requirements on four topics relating to information contained in consumer reports: obsolescence, certain information about medical information furnishers, certain information about veterans' medical debt, and certain information that must be included in a consumer report. The interpretive rule reasoned that section 1681t(b)(1)(E) does not preempt State laws about subject matter regarding the content of or information on consumer reports beyond these topics. Applying this logic, the interpretive rule specifically identified a number of areas in which States could regulate consistent with the interpretive rule's view of the FCRA, including medical debt, rental information, and arrest records.[9]

The 2022 rule also examined 15 U.S.C. 1681t(b)(5), another preemption clause in the FCRA, and concluded that it too has a narrow scope.

On May 12, 2025, the Bureau withdrew a substantial number of guidance documents, including the 2022 interpretive rule.[10] Consistent with the May notice, the Bureau is now confirming the withdrawal of the 2022 interpretive rule. The Bureau is also clarifying that the FCRA generally preempts State laws that touch on broad areas of credit reporting, consistent with Congress's intent to create national standards for the credit reporting system.

II. Withdrawal of 2022 Interpretive Rule

When the Bureau withdrew its guidance documents in May 2025, the Bureau explained that it is ''committed to issuing guidance only where that guidance is necessary and would reduce compliance burdens rather than increase them.'' [11] The Bureau has reviewed the 2022 interpretive rule that interprets sections 1681t(b)(1) and 1681t(b)(5) of the FCRA, and the Bureau now confirms the withdrawal of that rule.

The 2022 rule is neither necessary nor does it reduce compliance burdens. The Supreme Court has recently reaffirmed that courts are the ultimate arbiters of statutory meaning,[12] and in particular ''agencies have no special authority to pronounce on pre-emption absent delegation by Congress.'' [13] It was unnecessary for the Bureau in 2022 to opine on the scope of preemption under the FCRA. The FCRA does not compel—or even authorize—the Bureau to provide its legally binding views on preemption. That stands in contrast to other statutes administered by the Bureau, which do delegate such authority to the Bureau.[14] Nor did the 2022 rule ease compliance burdens. To

[2] Public Law 91–508 sec. 601, 84 Stat. 1136 (later codified at 15 U.S.C. 1681t(a)).

[3] Public Law 104–208 sec. 2419, 110 Stat. 3009.

[4] *Ross* v. *FDIC,* 625 F.3d 808, 813 (4th Cir. 2010) (quotation marks and citation omitted).

[5] Public Law 108–159 sec. 711, 117 Stat. 2011.

[6] *The Fair Credit Reporting Act's Limited Preemption of State Laws,* 87 FR 41042 (July 11, 2022).

[7] *Id.* at 41044.

[8] *Id.* (internal quotation marks and citation omitted).

[9] *Id.* at 41044–41046.

[10] *Interpretive Rules, Policy Statements, and Advisory Opinions; Withdrawal,* 90 FR 20084 (May 12, 2025).

[11] *Id.* at 20085.

[12] *See Loper Bright Enters.* v. *Raimondo,* 603 U.S. 369, 412–13 (2024).

[13] *Wyeth* v. *Levine,* 555 U.S. 555, 577 (2009).

[14] 15 U.S.C. 1610(a) (allowing the Bureau to make preemption determinations under the Truth in Lending Act that carry the force of law).

the contrary (and as explained below), the 2022 rule sowed confusion into the credit reporting system by creating a patchwork quilt of federal and state laws competing to govern the marketplace.

Therefore, having completed its review, the Bureau has determined that the 2022 rule does not meet its current standards for the issuance of guidance. Additionally, consistent with its May 2025 guidance withdrawal notice, the Bureau does not believe that reliance interests compel the retention or reissuance of the 2022 rule. Parties understand that guidance, including the 2022 rule, is non-binding. Parties interested in the application of FCRA preemption to particular State laws can litigate such questions in court. The 2022 rule was not binding on the public or courts, and the withdrawal of the 2022 rule will have no effect on the legal status of any State law.

For these reasons, the Bureau is exercising its discretion to confirm the withdrawal of the 2022 interpretive rule on preemption under the FCRA.

III. The 2022 Rule's Interpretation of Section 1681t(b)(1) Was Flawed

As noted above, agencies do not have special expertise in interpreting preemption clauses, and the 2022 rule should not have done so with respect to the scope of preemption under the FCRA. In addition to withdrawing the 2022 rule, the Bureau now clarifies that its prior interpretation was manifestly wrong. The 2022 interpretive rule contradicted the plain text of section 1681t(b)(1), ignored the legislative history of the preemption clause, and reflected a misguided policy choice that would undermine the credit reporting system and credit markets.

A. Section 1681t(b)(1) Has a Broad Sweep

The plain text of a preemption clause will ''necessarily contain[ ] the best evidence of Congress' preemptive intent.'' [15] The 2022 interpretive rule failed to properly interpret the plain text of section 1681t(b)(1) and erroneously concluded that it had a narrow sweep. The plain text leads to the opposite conclusion: Congress's use of broad and categorical language shows that it intended the clause to apply expansively.

As noted above, the relevant statutory text says that ''[n]o requirement or prohibition'' may be imposed by a State ''with respect to any subject matter regulated under'' a specified provision of the FCRA, which provision is then followed by the phrase ''relating to'' and then a description of the subject matter of that provision. For example, section 1681t(b)(1)(E) says that States can impose ''[n]o requirement or prohibition . . . with respect to any subject matter regulated under . . . section 1681c, relating to information contained in consumer reports.''

In crafting section 1681t(b)(1), Congress chose a series of broad and expansive phrases. To begin with, the phrase ''[n]o requirement or prohibition'' in the context of preemption ''sweeps broadly'' and applies to all State laws, whether enacted by a legislature or decreed by a common-law court.[16] Next, a phrase like ''with respect to'' also ''has a broadening effect, ensuring that the scope of a provision covers not only its subject but also matters relating to that subject.'' [17] The word ''any,'' when ''[r]ead naturally,'' also has ''an expansive meaning, that is, one or some indiscriminately of whatever kind.'' [18] A ''subject matter'' is generally defined as an ''issue presented for consideration'' or ''the thing in dispute.'' [19] Finally, ''the phrase 'relate to' in a preemption clause express[es] a broad pre-emptive purpose,'' and is typically used by Congress ''to reach any subject that has a connection with, or reference to, the topics the statute enumerates.'' [20]

Read together, these ''deliberately expansive'' [21] terms can mean only one thing: Congress meant to occupy the field of consumer reporting and displace State laws within that field. By preempting laws respecting the ''subject matter'' of some of FCRA's broadest provisions—and then defining that subject matter in broad terms through the ''relating to'' clause—Congress plainly meant to sweep away most State regulation in the area.

For example, section 1681t(b)(1)(E) says that States can impose ''[n]o requirement or prohibition . . . with respect to any subject matter regulated under . . . 1681c,'' that is ''relating to information contained in consumer reports.'' So section 1681t(b)(1)(E) first identifies that laws touching on the subject matter of 1681c are preempted. It proceeds to say that these are laws ''relating to information contained in consumer reports,'' and the fact that this phrase is the verbatim title of 1681c is a clear indication that Congress is clarifying the subject matter of 1681c. And that subject matter is broad—it covers the inclusion of information in consumer reports. All State laws on that subject are preempted.

As another example, section 1681t(b)(1)(F) preempts any State law ''with respect to any subject matter regulated under section 1681s–2 of this title, relating to the responsibilities of persons who furnish information to consumer reporting agencies.'' This provision identifies that laws touching on the subject matter of 1681s–2 are preempted. It proceeds to say that these are laws ''relating to the responsibilities of persons who furnish information to consumer reporting agencies,'' and again that phrase is the verbatim title of 1681s–2. Thus, any State law that concerns the responsibilities of furnishers is preempted.

Notably, Congress knew how to craft narrower preemption clauses in the FCRA. For example, in a separate clause, the FCRA preempts any State law ''with respect to the frequency of any disclosure under section 1681j(a) [the free annual credit report].'' [22] Had Congress meant for section 1681t(b)(1) to have a similarly narrow sweep, Congress would have chosen that kind of narrow, targeted language. But it purposefully chose a broader approach with section 1681t(b)(1), and the scope of preemption under section 1681t(b)(1) must accordingly be interpreted expansively.

B. The 2022 Interpretive Rule's Reading of Section 1681t(b)(1) Was Flawed

The 2022 interpretive rule musters no justification for reading section 1681t(b)(1) in a limited manner. It claimed that if Congress had meant to occupy the field so broadly, it would have used more categorical language. However, as explained above, it would be hard to imagine language more categorical than section 1681t(b)(1).

[15] *Chamber of Commerce of U.S.* v. *Whiting,* 563 U.S. 582, 594 (2011) (internal quotation marks and citation omitted). When a statute contains an express preemption clause—like section 1681t(b)(1)—there is no need to invoke a presumption against preemption. *Puerto Rico* v. *Franklin California Tax-free Tr.,* 579 U.S. 115, 125 (2016).

[16] *Cipollone* v. *Liggett Grp., Inc.,* 505 U.S. 504, 521 (1992) (plurality op.).

[17] *Lamar, Archer & Cofrin, LLP* v. *Appling,* 138 S. Ct. 1752, 1760 (2018) (interpreting ''respecting''); *see also United States* v. *Tohono O'Odham Nation,* 563 U.S. 307, 312 (2011) (''in respect to'').

[18] *United States* v. *Gonzales,* 520 U.S. 1, 5 (1997) (quoting Webster's Third New International Dictionary 97 (1976)).

[19] *Subject matter,* Black's Law Dictionary (12th ed. 2024).

[20] *Coventry Health Care of Missouri, Inc.* v. *Nevils,* 581 U.S. 87, 96 (2017) (internal quotation marks and citations omitted).

[21] *Pilot Life Ins. Co.* v. *Dedeaux,* 481 U.S. 41, 46 (1987).

[22] 15 U.S.C. 1681t(b)(4).

Instead of giving proper effect to the broad language of section 1681t(b)(1), the 2022 interpretive rule wrongly concluded that the ''with respect to'' phrase has a limited effect. According to that rule, ''the phrase 'with respect to any subject matter regulated under' is an important limiting factor'' on the scope of preemption'' and ''reaches a subset of laws narrower than those that merely relate to information contained in consumer reports. It narrows the universe of preemption only to those laws that concern the subject matter regulated under the enumerated FCRA sections.'' [23] Thus, according to the 2022 rule, ''if a State law does not 'concern' the subject matters regulated under the FCRA sections specified in section 1681t(b)(1), it is not preempted by that clause.'' [24]

The case on which the interpretive rule principally relied, *Dan's City Used Cars, Inc.* v. *Pelkey,*[25] does not support the rule's conclusion that the ''with respect to'' clause must be construed narrowly. In *Dan's City,* the Supreme Court considered the preemption clause in the Federal Aviation Administration Authorization Act (FAAAA), which prohibits enforcement of State laws ''related to a price, route, or service of any motor carrier . . . with respect to the transportation of property.'' [26] The Court compared the FAAAA's preemption clause with that of the Airline Deregulation Act of 1978 (ADA), which displaces any State law ''related to a price, route, or service of an air carrier.'' [27] In comparing the FAAAA's preemption clause to the ADA's, the Court noted that the ''with respect to'' phrase ''massively limits the scope of preemption ordered by the FAAAA.'' It was ''not sufficient that a state law relates to the 'price, route, or service' of a motor carrier in any capacity; the law must also concern a motor carrier's 'transportation of property.' '' [28]

Contrary to the interpretive rule, *Dan's City* merely ''offered the straightforward observation that the addition of the second requirement in the FAAAA preemption provision 'massively limits the scope of preemption' of that provision *in comparison to the ADA's preemption provision*—not because 'with respect to' carries some inherent limiting meaning but because the FAAAA reduced the scope of preemption vis-à-vis the ADA *by doubling* the boxes a law must check before it is preempted.'' [29] Nothing in *Dan's City* requires that the ''with respect to'' phrase be given an artificially narrow meaning.

The 2022 interpretive rule's reading of section 1681t(b)(1) also contradicts the canon against surplusage, which provides that ''every word and every provision is to be given effect [and that n]one should needlessly be given an interpretation that causes it to duplicate another provision or to have no consequence.'' [30] Rather than giving full effect to every part of section 1681t(b)(1), the 2022 rule effectively reads ''the relating to'' clause out of the statute. If—as the 2022 rule says—the scope of preemption under section 1681t(b)(1) is bounded by the requirements or obligations in the specific section enumerated in the ''with respect to'' clause, then the ''relating to'' cause has no work to do. It is entirely descriptive and redundant. By contrast, under a proper reading of the provision, the ''with respect to'' and ''relating to'' clauses complement each other: the ''with respect to'' clause identifies the FCRA provision whose subject matter is preempted and the ''relating to'' clause defines the scope of that subject matter.

Many courts evaluating the scope of FCRA preemption have not read section 1681t(b)(1) as narrowly as the 2022 interpretive rule. Instead, they have properly interpreted FCRA's preemption clause to broadly preempt the general subject matter that is identified by the clause. For instance, in *Premium Mortgage Corp.* v. *Equifax, Inc.,*[31] the plaintiff mortgage lender brought State-law claims against several consumer reporting companies for selling pre-screened reports containing trigger leads to other mortgage lenders. The claims included misappropriation of trade secrets, fraud, unfair competition, tortious interference with contract, breach of contract, and unjust enrichment. The court concluded that these claims were preempted because they ''relate[ ] to the prescreening of consumer reports.'' [32] The court did not ask whether the claims addressed requirements or obligations in section 1681b(c) or (e). Likewise, in *Ross* v. *FDIC,*[33] the Tenth Circuit determined that the plaintiff's State law claims against a bank for furnishing inaccurate information to a credit bureau were preempted by section 1681t(b)(1)(F) because they ''concern[the] reporting of inaccurate credit information to CRAs.'' Again, the court did not perform a granular review of section 1681s–2.[34]

In these cases, the fact that a State law touched upon the same subject matter as the one addressed by the FCRA preemption clause was enough for the court to make a preemption determination; there was no need to specifically interrogate which actions or ideas were discussed in the FCRA provision itself. These holdings cannot be squared with the logic of the 2022 rule.[35]

C. The Legislative History of Section 1681t(b) Also Confirms Its Broad Sweep

Legislative history ''need not be consulted when, as here, the statutory text is unambiguous.'' [36] But even the legislative history of section 1681t(b) confirms that Congress intended to broadly displace State laws on consumer reporting.

As noted above, when the FCRA was enacted in 1970, it preempted only conflicting State laws. Congress expanded FCRA preemption when it first enacted section 1681t(b) in 1996, reaching a wide swath of State laws that were more protective than the FCRA. However, in those 1996 amendments, Congress clarified that this broader provision would not apply to any State law that ''(A) is enacted after January 1, 2004; (B) states explicitly that the provision is intended to supplement [the FCRA]; and (C) gives greater protection to consumers than is

[23] 87 FR at 41044 (citations and quotation marks omitted).

[24] *Id.*

[25] 569 U.S. 251 (2013).

[26] 49 U.S.C. 14501(c)(1).

[27] 49 U.S.C. 41713(b)(1).

[28] *Dan's City,* 569 U.S. at 261.

[29] *Aargon Agency, Inc.* v. *O'Laughlin,* 70 F.4th 1224, 1248 (9th Cir. 2023) (VanDyke, J. dissenting).

[30] *Nielsen* v. *Preap,* 586 U.S. 392, 414 (2019).

[31] 583 F.3d 103 (2d Cir. 2009) (per curiam).

[32] *Id.* at 106.

[33] 625 F.3d at 813.

[34] *See also Scott* v. *First Southern National Bank,* 936 F.3d 509, 522 (6th Cir. 2019) (State law claims were preempted because they ''concern [the] reporting of consumer credit information to consumer reporting agencies''); *Okocha* v. *HSBC Bank USA, N.A.,* 700 F. Supp. 2d 369, 375 (S.D.N.Y. 2010). (''at a minimum and pursuant to the plain language of the statute, Section 1681t preempts state law with respect to Furnisher conduct governed by Section 1681s–2''); *Loomis* v. *U.S. Bank Home Mortg.,* 912 F. Supp. 2d 848, 854 (D. Ariz. 2012) (a State law was preempted because the State law at issue and 1681s–2 ''both address the responsibilities of a provider of credit information to credit reporting agencies.''); *Phillips* v. *Fort Fam. Invs. & Pro. Debt Mediation, Inc.,* 2025 WL 57483, at *3 (M.D. Fla. Jan. 9, 2025) (State law claims preempted because they ''relate to duties of FFI and PDM as furnishers of information'').

[35] Other courts have reached the same conclusion as the 2022 interpretive rule about the scope of section 1681t(b)(1). *See Aargon Agency,* 70 F.4th at 1235; *Consumer Data Indus. Ass'n* v. *Frey,* 26 F.4th 1, 7 (1st Cir. 2022); *Galper* v. *JP Morgan Chase Bank, N.A.,* 802 F.3d 437, 446 (2d Cir. 2015). But those decisions are flawed for the same reasons as the 2022 interpretive rule, incorrectly relying on *Dan's City* for the proposition that the ''with respect to'' clause limits the scope of preemption. For the reasons discussed above, the ''with respect to'' clause does no such thing.

[36] *United States* v. *Woods,* 571 U.S. 31, 46 n.5 (2013).

provided under [the FCRA].'' [37] In 2003, however, Congress made permanent section 1681t(b), deleted the sunset-provision applying to laws giving ''greater protection to consumers,'' and added a new preemption clause.[38] In short, since 1970 Congress has continually expanded FCRA preemption.

The congressional debates that led to the 1996 and 2003 laws also reflect this pattern of expanding FCRA preemption. When section 1681t(b) was first added to the FCRA in 1996, Members of Congress made clear that the preemption clause was intended to usher in a national credit reporting system. As noted by Senator Richard Bryan (one of the sponsors of the Senate version of the 1996 amendments), ''When representatives of the business community approached us about the need for uniformity in this area, they stressed the need to preempt multiple States' laws while a new Federal law demonstrated its effectiveness.'' [39] As Representative Castle explained, to meet that need the 1996 amendments to the FCRA ''recognize[d] that the credit industry is now a complex, nationwide business'' and established ''a uniform, national standard for credit reporting.'' [40] The broad preemption under section 1681t(b) would ''allow businesses to comply with one law on credit reports rather than a myriad of State laws,'' thereby ''benefit[ting] consumers and businesses.'' [41] In other words, the preemption clause was specifically intended to avoid ''a patchwork of State laws.'' [42]

But Congress also implemented a sunset-provision for the preemption clause in case a national credit reporting system did not ultimately result in the expected benefits. The probationary period ''should provide adequate time to demonstrate whether these Federal standards are sufficient'' [43] and ''test the viability of a uniform national standard.'' [44] But ''[if] after 8 years the Federal law is not adequately protecting consumers,'' Congress ''expect[ed] States to step in once again and do the job.'' [45]

In 2003, Congress decided to make permanent section 1681t(b) in order to ''enhance the national credit reporting system.'' [46] As Representative Kanjorski noted, the 1996 amendments had ''created a nationwide consumer credit system that works increasingly well,'' by ''expand[ing] access to credit, lower[ing] the price of credit, and accelerat[ing] decisions to grant credit.'' [47] The key to this nationwide credit system was ''the establishment of the uniform system that preempts States from enacting miscellaneous and potentially conflicting requirements regarding credit reporting.'' [48] The '''miracle of instant credit' created by our national credit reporting system has given American consumers a level of access to financial services and products that is unrivaled anywhere in the world,'' said Representative Oxley, adding that ''[t]he protection and growth of these services, as provided for in this legislation, are critical to the success of our economy.'' [49] Senator Shelby, one of the sponsors of the 2003 bill, argued that the legislation was ''creating permanent national standards'' for the ''national credit reporting system,'' which he also noted was important to ''our financial markets and economy as a whole.'' [50]

Thus, as the conference report for the 2003 law noted, the amendments would ''ensure the operational efficiency of our national credit system by creating a number of preemptive national standards.'' [51] Congress recognized the ''significant concern . . . that [these national standards] preclude states from adopting more robust consumer protections'' but nonetheless concluded that ''[n]ational credit markets are necessary to meet business and consumer demands and are very important to the efficient operation of the United States economy.'' [52]

In summary, the legislative history of both the 1996 and 2003 amendments corroborates the plain text of section 1681t(b)(1). Congress clearly intended for that preemption clause to have a broad sweep.

D. The 2022 Interpretive Rule Undermines the Functioning of the Consumer-Reporting Market

Although it is clear that Congress' intention in enacting section 1681t(b) was to ''enhance'' the national credit reporting system through national standards, the 2022 interpretive rule risked fracturing that system by allowing each State to create its own standards.

In enacting the FCRA, Congress recognized that ''[t]he banking system is dependent upon fair and accurate credit reporting'' and that ''[c]onsumer reporting agencies have assumed a vital role in assembling and evaluating consumer credit and other information on consumers.'' [53] The FCRA's purpose was thus ''to require that consumer reporting agencies adopt reasonable procedures for meeting the needs of commerce for consumer credit, personnel, insurance, and other information in a manner which is fair and equitable to the consumer, with regard to the confidentiality, accuracy, relevancy, and proper utilization of such information.'' [54]

Between the passage of the FCRA and the preemption amendments, the American economy became more nationalized, supported in large part by the development of a lending and credit-reporting system that crossed State borders. As the conference report to the 2003 amendments noted, ''we live in a mobile society in which 40 million Americans move annually. The FCRA permits consumers to transport their credit with them wherever they go.'' [55] Congress wanted to promote ''national credit markets,'' and a national credit-reporting system was of ''seminal importance . . . for economic development.'' [56] As Congress recognized, ''these uniform national standards . . . operate in a very fundamental way to expand the opportunity for consumers to get access to credit and a broad range of financial services. What they really do is allow you to take your reputation with you as you travel around the country.'' [57]

This purpose—and its accompanying benefits to the economy—risked being sacrificed by the 2022 interpretive rule's reading of the FCRA's preemption clause, with harmful consequences to consumers. Under the interpretive rule's view of the FCRA, there can be 50-plus State regulatory regimes governing credit reporting in addition to the national standards established by Federal law. Having to comply with those disparate regimes would impose substantial compliance costs on consumer reporting agencies, users of credit reports, and furnishers of credit report information, turning what is currently a cohesive national market into dozens of regional markets. It

[37] Public Law 104–208 sec. 2419(2), 110 Stat. 3009.

[38] Public Law 108–159 sec. 711, 117 Stat. 2011.

[39] 140 Cong. Rec. S. 8942 (Sen. Bryan May 2, 1994).

[40] 140 Cong. Rec. 25871 (Sept. 27, 1994).

[41] *Id.*

[42] 140 Cong. Rec. 25867 (Sept. 27, 1994) (Rep. Thomas).

[43] 140 S. 8942 (Sen. Bryan May 2, 1994).

[44] 140 Cong. Rec. 25866 (Rep. Kennedy).

[45] *Id.*

[46] H.R. Rep. 108–396 (conference report).

[47] 149 Cong. Rec. 21742 (Sept. 10, 2003).

[48] *Id.*

[49] 149 Cong. Rec. 30771 (Nov. 21, 2003).

[50] 149 Cong. Rec. 26890 (Nov. 4, 2003).

[51] H.R. Rep. 108–396.

[52] S. Rep. 108–166.

[53] 15 U.S.C. 1681(a)(1), (3).

[54] 15 U.S.C. 1681(b).

[55] H.R. Rep. 108–396.

[56] S. Rep. 108–166.

[57] *Id.* (quoting witness testimony of John Snow).

would lead to ''a patchwork system of conflicting regulations,'' which the preemption clause was meant to ''avoid.'' [58] The content of a consumer's credit report could vary depending on the State in which they resided. Thus, instead of the unified national credit market that we have today, lending and underwriting decisions would have to be based in part on where a borrower lives, since the information available to a creditor making a lending decision could be better or worse depending on the borrower's State. The utility of credit reports would be undermined because lenders would no longer be able to accurately compare consumers across the country. Thus, instead of being able to ''transport their credit with them wherever they go,'' consumers could be stuck with the credit options where they live. As a result, the cost of credit would be likely to increase under the 2022 rule's interpretation. For instance, if some State laws were to limit the types of adverse information that could be included in a credit report, lenders may not be able to accurately identify the riskiest borrowers, which in turn could lead to a cross-subsidy by good credit risk borrowers for worse credit risk borrowers. Or for example, if regulation of credit reports is fragmented by State, lenders may charge more for credit in the States where regulation diverges from the national standard in order to account for the reduced accuracy of credit reports in those States.

E. At a Minimum, the 2022 Interpretive Rule Wrongly Concluded That States Can Regulate the Presence of Certain Categories of Information on a Consumer Report

Even if the 2022 interpretive rule were correct that the phrase ''with respect to any subject matter regulated under . . . section 1681c'' in section 1681t(b)(1)(E) means the granular topics addressed by section 1681c (and not the general subject matter of ''information contained in consumer reports''), the interpretive rule was still wrong to conclude that States can validly regulate the presence of certain categories of information—such as medical debt or arrest records—on a consumer report.

Section 1681c provides guidelines for how long information can remain on a credit report, including a general seven-year limitation for any ''adverse item of information.'' [59] The interpretive rule reasoned that ''although *how long* the specific types of information listed in section 1681c may continue to appear on a consumer report is a subject matter regulated under section 1681c, what or when items generally may be *initially* included on a consumer report is not a subject matter regulated under section 1681c.'' [60] Thus, under the interpretive rule, ''State laws relating to what or when items generally may be initially included on a consumer report—or what or when certain types of information may initially be included on a consumer report—would generally not be preempted by section 1681t(b)(1)(E).'' [61] According to the rule, States could thus forbid consumer reporting agencies from reporting entire categories of information, such as medical debt, arrest records, rental arrears, or convictions.[62]

That reasoning is flawed, even on the 2022's interpretive rule's own terms. The presence of information on a credit report is clearly a subject matter regulated under section 1681c. To be sure, section 1681c mainly addresses this subject matter through obsolescence periods, and the 2022 rule recognizes that section 1681t(b)(1)(E) prohibits States from changing the seven-year obsolescence period for negative information on a credit report. But how long information can remain on a credit report and whether the information can be included in the credit report in the first place are two points on the same continuum, and the 2022's artificial distinction between them is arbitrary. To take an extreme example, if a State established a one-day obsolescence period for medical debt information (*i.e.,* such information can remain on a report only for a day), such a law would be preempted under the 2022 rule. But if a State were to prohibit medical debt from appearing on a report in the first place, such a law would not be preempted under the prior rule. It would make no sense to forbid the former but allow the latter.

IV. Regulatory Matters

This is an interpretive rule issued under the Bureau's authority to interpret the FCRA, including under section 1022(b)(1) of the Consumer Financial Protection Act of 2010, which authorizes guidance as may be necessary or appropriate to enable the Bureau to administer and carry out the purposes and objectives of Federal consumer financial laws, such as the FCRA.[63]

As guidance, this interpretive rule does not have the force or effect of law. It has no legally binding effect, including on persons or entities outside the Federal government.

The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) has determined that this action is not a ''significant regulatory action'' under Executive Order 12866, as amended.

Pursuant to the Congressional Review Act,[64] the Bureau will submit a report containing this interpretive rule and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the United States prior to the interpretive rule taking effect. OMB has designated this interpretive rule as not a ''major rule'' as defined by 5 U.S.C. 804(2).

The Bureau has determined that this interpretive rule does not contain any new or substantively revised information collection requirements that would require approval by OMB under the Paperwork Reduction Act.[65]

Russell Vought,

Acting Director, Consumer Financial Protection Bureau.

[FR Doc. 2025–19671 Filed 10–27–25; 8:45 am]

BILLING CODE 4810–AM–P

[58] *Ross* v. *FDIC,* 625 F.3d at 813.

[59] 15 U.S.C. 1681c(a).

[60] 87 FR at 41044.

[61] *Id.*

[62] *Id.* at 41044–41046.

[63] 12 U.S.C. 5512(b)(1).

[64] 5 U.S.C. 801 *et seq.*

[65] 44 U.S.C. 3501 *et seq.*

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 250312–0037; RTID 0648–XF196]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in 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 pollock in Statistical Area 620 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the annual 2025 total allowable catch of pollock in Statistical Area 620 in the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), October 25, 2025, through 2400 hours, A.l.t., December 31, 2025.

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

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

The annual 2025 total allowable catch (TAC) of pollock in Statistical Area 620 of the GOA is 82,265 metric tons (mt) as established by the final 2025 and 2026 harvest specifications for groundfish in the GOA (90 FR 12468, March 18, 2025).

The Regional Administrator has determined that the annual 2025 TAC of pollock in Statistical Area 620 of the GOA has been or will be reached. Therefore, in accordance with § 679.20(d)(1)(i) and § 679.20(d)(1)(ii)(B), the Regional Administrator is establishing a directed fishing allowance of 82,165 mt and is setting aside the remaining 200 mt as incidental catch because it is necessary to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been or will be reached. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 620 of the GOA to prevent exceeding the annual apportionment of pollock TAC for this area.

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

Classification

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

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data on pollock harvest in a timely fashion, and would delay the closure of pollock in Statistical Area 620 in the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data on pollock harvest in Statistical Area 620 in the GOA only became available as of October 23, 2025.

There is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in the effective date of this action. 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: October 24, 2025.

Samuel D. Rauch, III,

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

[FR Doc. 2025–19677 Filed 10–24–25; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 90, No. 206
Tuesday, October 28, 2025

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

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 721 and 725

[EPA–HQ–OPPT–2022–0863; FRL–12967–01]

RIN 2070–AB27

Modification of Significant New Use Rules of Certain Chemical Substances (23–1.M)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to amend the significant new use rules (SNURs) for certain chemical substances identified herein, which were the subject of one or more premanufacture notices (PMNs), a Microbial Commercial Activity Notice (MCAN) for one substance, and in some cases significant new use notices (SNUNs). This action would amend the SNURs to (1) allow certain new uses reported in the SNUNs or PMNs without additional notification requirements, (2) modify the significant new use notification requirements based on the actions and determinations for the SNUN or PMN submissions or based on the examination of new test data or other information, and (3) make technical amendments to several SNURs. EPA is proposing these amendments based on our review of new and existing data for the chemical substances.

DATES: Comments must be received on or before November 28, 2025.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2022–0863, online at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information: Brianna Godwin, New Chemicals Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 565–0076; email address: *godwin.brianna@epa.gov.*

For general information on SNURs: William Wysong, New Chemicals Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–4163; email address: *wysong.william@epa.gov.*

For general information on TSCA: The TSCA Assistance Information Service Hotline, Goodwill Vision Enterprises, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (800) 471–7127 or (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. What is the Agency's authority for taking this action?

TSCA section 5(a)(2) (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' EPA must make this determination by rule after considering all relevant factors, including the factors in TSCA section 5(a)(2) (see also the discussion in Unit II.). Procedures and criteria for modifying or revoking SNUR requirements appear at 40 CFR 721.185 or 725.984 (for microorganisms).

B. What action is the Agency taking?

EPA is proposing amendments to the SNURs for certain chemical substances in 40 CFR part 721, subpart E and part 725, subpart M (for microorganisms). A SNUR for a chemical substance designates certain activities as a significant new use. Persons who intend to manufacture or process the chemical substance for the significant new use must notify EPA at least 90 days before commencing that activity. The required notification (*i.e.,* a SNUN) initiates EPA's evaluation of the intended use. Manufacture and processing for the significant new use may not commence until EPA has conducted a review of the notice, made an appropriate determination on the notice, and taken such actions as are required in association with that determination.

C. Does this action apply to me?

1. General Applicability

This action applies to you if you manufacture, process, or use the chemical substances contained in this proposed rule. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Manufacturers or processors of one or more subject chemical substances (NAICS codes 325 and 324110), *e.g.,* chemical manufacturing and petroleum refineries.

2. Applicability to Importers and Exporters

This action may also apply to certain entities through pre-existing import certification and export notification requirements under TSCA (*https://www.epa.gov/tsca-import-export-requirements*).

Chemical importers are subject to TSCA section 13 (15 U.S.C. 2612), the requirements in 19 CFR 12.118 through 12.127; see also 19 CFR 127.28. The EPA policy in support of import certification appears at 40 CFR part 707, subpart B. Chemical importers must certify that the shipment of the chemical substance complies with all applicable rules and orders under TSCA, including regulations issued under TSCA sections 5, 6, 7 and Title IV.

Pursuant to 40 CFR 721.20 or 40 CFR 725.920 (for microorganisms), any persons who export or intend to export a chemical substance identified in this document are subject to the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b)) and must comply with the export notification requirements in 40 CFR part 707, subpart D.

D. What are the incremental economic impacts of this action?

1. Estimated Costs for SNUN Submissions

If a SNUN is submitted, costs are an estimated $45,000 per SNUN submission for large business submitters and $14,500 for small business

submitters. These estimates include the cost to prepare and submit the SNUN (including registration for EPA's Central Data Exchange (CDX)), and the payment of a user fee. Businesses that submit a SNUN would be subject to either a $37,000 user fee required by 40 CFR 700.45(c)(2)(ii) and (d), or, if they are a small business as defined at 13 CFR 121.201, a reduced user fee of $6,480 (40 CFR 700.45(c)(1)(ii) and (d)) per fiscal year 2022. The costs of submission for SNUNs will not be incurred by any company unless a company decides to pursue a significant new use as defined in these SNURs. Additionally, these estimates reflect the costs and fees as they are known at the time of this rulemaking.

2. Estimated Costs for Export Notifications

EPA has also evaluated the potential costs associated with the export notification requirements under TSCA section 12(b) and the implementing regulations at 40 CFR part 707, subpart D. For persons exporting a substance that is the subject of a SNUR, a one-time notice to EPA must be provided for the first export or intended export to a particular country. The total costs of export notification will vary by chemical, depending on the number of required notifications (*i.e.,* the number of countries to which the chemical is exported). While EPA is unable to make any estimate of the likely number of export notifications for the chemical substances covered by these SNURs, as stated in the accompanying economic analysis, the estimated cost of the export notification requirement on a per unit basis is approximately $106.

E. What should I consider as I prepare my comments for EPA?

1. Submitting CBI

Do not submit CBI to EPA through email or *https://www.regulations.gov.* If you wish to include CBI in your comment, please follow the applicable instructions at *https://www.epa.gov/dockets/commenting-epa-dockets#rules* and clearly mark the information that you claim to be CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR parts 2 and 703.

2. Tips for Preparing Your Comments

When preparing and submitting your comments, see the commenting tips at *https://www.epa.gov//epa-dockets.*

II. Background

This unit provides general information about SNURs. For additional information about EPA's new chemical program go to *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca.*

A. Significant New Use Determination Factors

TSCA section 5(a)(2) states that EPA's determination that a use of a chemical substance is a significant new use must be made after consideration of all relevant factors, including:

- The projected volume of manufacturing and processing of a chemical substance.
- The extent to which a use changes the type or form of exposure of human beings or the environment to a chemical substance.
- The extent to which a use increases the magnitude and duration of exposure of human beings or the environment to a chemical substance.
- The reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of a chemical substance.

In determining whether and how to modify EPA's identification of significant new uses for the chemical substances that are the subject of these SNURs, EPA considered the four factors specifically identified in TSCA section 5(a)(2) and relevant information about the toxicity of the chemical substances, and potential human exposures and environmental releases that may be associated with the substances.

B. Rationale and Objectives of the SNURs

1. Rationale

Under TSCA, no person may manufacture a new chemical substance or manufacture or process a chemical substance for a significant new use until EPA makes a determination as described in TSCA section 5(a) and takes any required action. The issuance of a SNUR is not a risk determination itself, only a notification requirement for ''significant new uses,'' so that the Agency has the opportunity to review the SNUN for the significant new use and make a TSCA section 5(a)(3) risk determination.

In those instances where EPA is proposing to expand the scope of a significant new use or identify an additional significant new use, the Agency identified concerns, as discussed in Unit III.C, associated with certain potential new uses. EPA considered the factors discussed in Unit II.A, and EPA determined that uses of concern could result in changes in the type or form of exposure to the chemical substance, increased exposures to the chemical substance, and/or changes in the reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of the chemical substance.

In those instances where EPA is proposing to narrow the scope of a significant new use, EPA has (1) received significant new use or premanufacture notices for some of the activities designated as significant new uses of the substance and, after reviewing such notices, concluded that there is no need to require additional notice from persons who propose to engage in identical or similar activities; or (2) received test data or other information that led the Agency to conclude that certain activities designated as significant new uses are not likely to present an unreasonable risk of injury to health or the environment.

2. Objectives

EPA proposes SNURs because the Agency has determined it is appropriate:

- To have an opportunity to review and evaluate data submitted in a SNUN before the submitter begins manufacturing or processing a listed chemical substance for the described significant new use.
- To be obligated to make a determination under TSCA section 5(a)(3) regarding the use described in the SNUN, under the conditions of use. The Agency will either determine under TSCA section 5(a)(3)(C) that the significant new use is not likely to present an unreasonable risk, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator under the conditions of use, or make a determination under TSCA section 5(a)(3)(A) or (B) and take the required regulatory action associated with the determination, before manufacture or processing for the significant new use of the chemical substance can occur.

Issuance of a SNUR for a chemical substance does not signify that the chemical substance is listed on the TSCA Chemical Substance Inventory (TSCA Inventory). Guidance on how to determine if a chemical substance is on the TSCA Inventory is available at *https://www.epa.gov/tsca-inventory.*

C. Significant New Uses Claimed as CBI

The SNURs that EPA is proposing to modify include certain significant new uses which have been claimed as CBI subject to Agency confidentiality regulations at 40 CFR part 2 and 40 CFR part 720, subpart E or 40 CFR part 725, subpart C (for microorganisms). Absent a final determination or other

disposition of the confidentiality claim under 40 CFR part 2 procedures, EPA is required to keep this information confidential. EPA promulgated a procedure to deal with the situation where a specific significant new use or specific chemical identity is CBI, at 40 CFR 721.11.

Under these procedures a manufacturer or processor may request EPA to identify the confidential significant new use under the rule. The manufacturer or processor must show that it has a *bona fide* intent to manufacture or process the chemical substance. If EPA concludes that the person has shown a *bona fide* intent to manufacture or process the chemical substance, EPA will identify the confidential significant new use to that person. Since some of the specific chemical identities of the chemical substances subject to these SNURs are also CBI, manufacturers and processors may similarly request EPA to determine whether a chemical substance is subject to these SNURs, and can combine the *bona fide* submission for confidential significant new use and specific chemical identity under the procedure in 40 CFR 721.11 into a single step.

D. Applicability of General Provisions

General provisions for SNURs appear in 40 CFR part 721, subpart A and (for microorganisms) 40 CFR part 725, subpart L. These provisions describe persons subject to SNURs, recordkeeping requirements, exemptions to reporting requirements, and applicability of the rule to uses occurring before the effective date of the rule. Pursuant to 40 CFR 721.1(c) or 725.900(b) (for microorganisms), persons subject to SNURs must comply with the same requirements and EPA regulatory procedures as submitters of PMNs (or MCANs) under TSCA section 5(a)(1)(A). In particular, these requirements include the information submission requirements of TSCA sections 5(b) and 5(d)(1), the exemptions authorized by TSCA sections 5(h)(1), 5(h)(2), 5(h)(3), and 5(h)(5) and the regulations at 40 CFR part 720 or part 725 (for microorganisms). In addition, provisions relating to user fees appear at 40 CFR part 700.

Once EPA receives a SNUN, EPA must either determine that the significant new use is not likely to present an unreasonable risk of injury under the conditions of use for the chemical substance or take such regulatory action as is associated with an alternative determination under TSCA section 5 before the manufacture (including import) or processing for the significant new use can commence. If EPA determines that the significant new use of the chemical substance is not likely to present an unreasonable risk, EPA is required under TSCA section 5(g) to make public, and submit for publication in the **Federal Register**, a statement of EPA's findings.

As discussed in Unit I.C.2., persons who export or intend to export a chemical substance identified in a proposed or final SNUR are subject to the export notification provisions of TSCA section 12(b), and persons who import a chemical substance identified in a final SNUR are subject to the TSCA section 13 import certification requirements. See also *https://www.epa.gov/tsca-import-export-requirements.*

E. Applicability of the Proposed SNURs to Uses Occurring Before the Effective Date of the Final Rule

To establish a significant new use, EPA must determine that the use is not ongoing. For one of the SNURs addressed in this proposed rule, EPA is proposing to designate as a ''significant new use'' additional uses that are not currently specifically designated as a significant new use under the SNURs, but which would be designated as a significant new use requiring notification if this proposed rule is finalized. EPA solicits comments on whether any of these uses are ongoing. These specific significant new uses are:

- For the SNUR at 40 CFR 721.10471, (1) use without personal protective equipment when workers are dermally exposed to the chemical substance; (2) use without a National Institute for Occupational Safety and Health (NIOSH)-certified respirator with an assigned protection factor (APF) of at least 50 when workers are exposed by inhalation to the chemical substance; (3) manufacture of the chemical substance in any manner that results in inhalation exposure; (4) release of the chemical substance resulting in surface water concentrations that exceed 11 ppb; (5) use of the chemical substance in a consumer product; and (6) use of the chemical substance without establishing a hazard communication program.

EPA will not determine that a use is a ''significant new use'' if information reasonably available to the Agency, including that received during the period for public comment, establishes that the use is ongoing at the time the proposed rule is published in the **Federal Register**. It is therefore incumbent on any entity who believes they have an ongoing use to inform EPA of that fact during the comment period for a proposed SNUR. If a use that was not identified during the comment period is subsequently demonstrated to have been ongoing at the time the proposed rule was published, such information should be brought to EPA's attention immediately.

Persons who begin manufacture or processing of the chemical substances for a significant new use identified on or after the designated cutoff date specified in Unit III.A. would have to cease any such activity upon the effective date of the final rule. To resume their activities, these persons would have to first comply with all applicable SNUR notification requirements and EPA would have to take action under TSCA section 5 allowing manufacture or processing to proceed.

F. Important Information About SNUN Submissions

1. SNUN Submissions

SNUNs must be submitted on EPA Form No. 7710–25, generated using e-PMN software, and submitted to the Agency in accordance with the procedures set forth in 40 CFR 720.40 and 721.25. E–PMN software is available electronically at *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca.*

2. Development and Submission of Information

EPA recognizes that TSCA section 5 does not require development of any particular new information (*e.g.,* generating test data) before submission of a SNUN. There is an exception: If a person is required to submit information for a chemical substance pursuant to a rule, order or consent agreement under TSCA section 4, then TSCA section 5(b)(1)(A) requires such information to be submitted to EPA at the time of submission of the SNUN.

In the absence of a rule, TSCA order, or consent agreement under TSCA section 4 covering the chemical substance, persons are required only to submit information in their possession or control and to describe any other information known to or reasonably ascertainable by them (see 40 CFR 720.50 or 40 CFR 725.160 [for microorganisms]). However, upon review of PMNs and SNUNs, the Agency has the authority to require appropriate testing. To assist with EPA's analysis of the SNUN, submitters are encouraged, but not required, to provide the potentially useful information identified for the chemical substance in Unit III.C.

EPA strongly encourages persons, before performing any testing, to consult

with the Agency pertaining to protocol selection. Furthermore, pursuant to TSCA section 4(h), which pertains to reduction of testing in vertebrate animals, EPA encourages consultation with the Agency on the use of alternative test methods and strategies (also called New Approach Methodologies, or NAMs), if available, to generate the recommended test data. EPA encourages dialog with Agency representatives to help determine how best the submitter can meet both the data needs and the objective of TSCA section 4(h). For more information on alternative test methods and strategies to reduce vertebrate animal testing, visit *https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/alternative-test-methods-and-strategies-reduce.*

The potentially useful information described in Unit III. may not be the only means of providing information to evaluate the chemical substance associated with the significant new uses. However, submitting a SNUN without any test data may increase the likelihood that EPA will take action under TSCA sections 5(e) or 5(f). EPA recommends that potential SNUN submitters contact EPA early enough so that they will be able to conduct the appropriate tests.

SNUN submitters should be aware that EPA will be better able to evaluate SNUNs which provide detailed information on the following:

- Human exposure and environmental release that may result from the significant new use of the chemical substances.

III. Chemical Substances Subject to These Significant New Use Rule Amendments and Proposed Changes

A. What is the designated cutoff date for determining whether the new use is ongoing for these chemical substances?

EPA designates October 28, 2025 as the cutoff date for determining whether the new use is ongoing. This designation is explained in more detail in Unit II.E.

B. What information is provided for each chemical substance?

For each chemical substance identified in Unit III.C., EPA provides the following information:

- CFR citation for the existing SNUR that EPA is proposing to amend.
- PMN (or MCAN) and SNUN number(s), as applicable.
- Chemical name (generic name, if the specific name is claimed as CBI).
- Chemical Abstracts Service Registry Number (CASRN) (if assigned for non-confidential chemical identities).
- **Federal Register** citation(s) for the previously issued final rules(s).
- Basis for the proposed amendment.

C. Which chemical substances are subject to the proposed amendments?

The substances subject to the proposed amendments presented in this document are as follows:

CFR citation: 40 CFR 721.1725.

PMN and SNUN number(s): P–82–438.

Chemical name: Benzoic acid, 3,3′-methylenebis [6 amino-, di-2-propenyl ester.

CASRN: 61386–02–5.

Final rule FR citation(s): May 6, 1986 (51 FR 16687) (FRL–2926–9).

Basis for the proposed amendment: Certain new chemical SNURs have a significant new use designation that is based on confidential business information (CBI) in a PMN or other TSCA section 5 notice and therefore, not disclosed in the published SNUR. In the **Federal Register** of May 6, 1986 (51 FR 16687), EPA promulgated a procedure at 40 CFR 721.1725(b)(1) under which a manufacturer or processor could request that EPA determine whether a specific use would be a significant new use under the rule. The procedure required a manufacturer or processor to establish a *bona fide* intent to manufacture or process the chemical substance and to identify the specific use for which it intended to manufacture or process the chemical substance. Many subsequent SNURs with confidential significant new uses include a cross-reference to the provisions of 40 CFR 721.1725(b)(1).

In the **Federal Register** of July 5, 2022 (87 FR 39756) (FRL–5605–02–OCSPP), EPA finalized updates to the regulations governing significant new uses of chemical substances under TSCA. This rule modified the existing *bona fide* procedure for CBI chemical identities in 40 CFR 721.11 to apply to all SNURs containing any CBI, including the significant new use. Accordingly, the previous procedure at 40 CFR 721.1725(b)(1) is now obsolete and unnecessary. EPA is proposing to amend this SNUR to replace the *bona fide* procedure at paragraph (b)(1) with a statement directing readers to the updated regulations at 40 CFR 721.11.

Potentially useful information: None.

CFR citation: 40 CFR 721.2076.

PMN and SNUN number(s): P–00–7, SN–5–1, SN–06–4, SN–07–3, SN–07–5.

Chemical name: D-Glucuronic acid, polymer with 6-deoxy-L-mannose and D-glucose, acetate, calcium magnesium potassium sodium salt.

CASRN: 595585–15–2.

Final rule FR citation(s): December 17, 2003 (80 FR 37165) (FRL–9928–93).

Basis for the proposed amendment: The proposed amendment to the SNUR would amend the CASRN of the chemical substance from 125005–87–0 to 595585–15–2. The change was agreed upon between EPA and the PMN submitter in order to incorporate sufficient information to adequately and uniquely identify the polysaccharide gum produced by the fermentation of a particular bacteria.

Potentially useful information: None.

CFR citation: 40 CFR 721.10070.

PMN and SNUN number(s): P–05–309, SN–13–4.

Chemical name: 1,3-Butanediol, 3-methyl-.

CASRN: 2568–33–4.

Final rule FR citation(s): September 19, 2007 (72 FR 53483) (FRL–8135–8).

Basis for the proposed amendment: P–05–309 states that the PMN substance will be used as an inkjet ink. Based on test data on the PMN substance and on analogous chemicals, EPA predicted concerns for developmental toxicity, liver toxicity, blood/immune system effects and possibly digestive tract and kidney effects. EPA did not determine that the proposed processing or use of the substance may present an unreasonable risk. EPA did determine, however, that domestic manufacture or use of the substance other than as described in the PMN may cause serious health effects. Based on this information, the PMN substance met the concern criteria at § 721.170(b)(1)(i)(C), (b)(3)(ii), and (b)(4)(ii). On September 19, 2007, EPA issued a SNUR for P–05–309 which included the following significant new uses: domestic manufacture and use other than the use in the PMN.

On January 30, 2013, EPA received SNUN S–13–4 for use as a fixing agent of ink for inkjet printers. EPA determined that the new use will not present an unreasonable risk of injury to human health. The proposed amendment to the SNUR would remove use as a fixing agent of ink for inkjet printers from the scope of the significant new use and would require notification for any uses not listed in the SNUR or PMN.

Potentially useful information: EPA has determined that certain information may be potentially useful if a manufacturer or processor is considering submitting a SNUN for a significant new use designated by this SNUR. EPA has determined that the results of developmental or chronic toxicity testing may be potentially useful to characterize the health effects of the substance.

CFR citation: 40 CFR 721.10471.

PMN and SNUN number(s): P–03–622, SN–17–5, SN–20–7, SN–21–4, SN–23–7.

Chemical name: 2-Propenoic acid, 1,1′-(3-methyl-1,5-pentanediyl) ester.

CASRN: 64194–22–5.

Final rule FR citation(s): September 21, 2012 (77 FR 58698) (FRL–9357–2).

Basis for the proposed amendment: P–03–622 states that the generic (non-confidential) use of the substance will be as a component of a UV coating agent. For P–03–622, based on structure activity relationships (SAR) analysis of test data on analogous acrylates, EPA identified concerns for oncogenicity, mutagenicity, sensitization, irritation to membranes, and developmental toxicity. In addition, based on Ecological Structure Activity Relationships (EcoSAR) analysis of test data on analogous acrylates, EPA predicted toxicity to aquatic organisms may occur if releases of the substance to surface waters, from uses other than as described in the PMN, exceed releases from the assessed use described in the PMN. As stated in the PMN, the substance will be imported and not manufactured in the United States. For the use identified in the PMN, significant worker exposures are not expected during processing and use activities and significant environmental releases are not expected. Therefore, EPA did not determine that the proposed processing or use of the substance may present an unreasonable risk. EPA determined, however, that domestic manufacture or use of the substance other than as described in the PMN may cause serious health effects and significant adverse environmental effects. Based on this information, the PMN substance met the concern criteria at § 721.170(b)(1)(i)(C), (b)(3)(ii), and (b)(4)(ii). On September 21, 2012, EPA issued a SNUR for P–03–622 which included the following significant new uses: domestic manufacture and use other than as described in the PMN (generically, use as a component of a UV coating agent). EPA also recommended certain human health and environmental toxicity testing in the SNUR.

On January 27, 2017, EPA received SNUN SN–17–5 for use as a monomer used in production of UV curable coatings and printing inks. After review of SN–17–5, information available to EPA indicated that there is a potential for human or environmental exposure to the SNUN substance, that the SNUN substance may present a risk to workers exposed via the dermal route for irritation, sensitization, and other toxicological endpoints, and the SNUN substance may present a risk to aquatic organisms if released to water in sufficient quantity. On August 2, 2017, EPA issued an Order for SN–17–5 under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation, the substance may present an unreasonable risk of injury to human health and the environment. The submitter of SN–17–5 is subject to the following Order requirements:

- Submittal to EPA of certain human health and environmental toxicity testing before manufacturing (including import) a total of 61,000 kilograms of the substance;
- Use of a NIOSH-certified full-facepiece respirator with an APF of at least 50 where there is a potential for inhalation exposure;
- Use of personal protective equipment including impervious gloves where there is a potential for dermal exposure;
- Establishment of a hazard communication program, including human health precautionary, statements on each label and in the SDS;
- No release of the substance, or any waste stream containing the substance, resulting in surface water concentrations that exceed 1 part per billion (ppb);
- Use the substance only as a monomer for use in production of UV curable coatings and printing inks; and
- Manufacture of the substance only by import into the United States (*i.e.,* no domestic manufacture).

On July 21, 2020, EPA received SNUN SN–20–7 for domestic manufacturing and use as a component of UV curable coatings and printing inks. After review of SN–20–7, information available to EPA indicates that there is a potential for human or environmental exposure to the SNUN substance and that the SNUN substance may present a risk to workers exposed via the dermal route for local dermal effects and skin sensitization, may present a risk to workers exposed via the inhalation route for irritation, sensitization and respiratory effects, and may present risk to aquatic organisms from chronic exposure to the environment based on the chronic COC of 12 ppb being during use. Therefore, EPA determined according to TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I) that the new uses may present an unreasonable risk to human health and that an Order was required to protect against those risks. On September 18, 2023, EPA issued an Order for SN–20–7 under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation, the substance may present an unreasonable risk of injury to human health and the environment. The submitter of SN–20–7 and the submitter's two confidential joint submitters are subject to the following Order requirements:

- Use of personal protective equipment where there is a potential for dermal exposure;
- Use of a NIOSH-certified respirator with an APF of at least 50 where there is a potential for inhalation exposure;
- No release of the substance resulting in surface water concentrations that exceed 12 ppb;
- No use of the substance in a consumer product;
- No use of the substance other than as a component of UV curable coatings and printing inks or for the additional confidential use listed in the Order; and
- Establishment of a hazard communication program, including human health precautionary statements, on each label and in the SDS.

The submitter of SN–20–7 and the submitter's two confidential joint submitters are permitted to manufacture the substance domestically in accordance with the requirements listed above.

On March 31, 2021, EPA received SNUN SN–21–4 for the generic use as a monomer. Based on submitted test data on the substance, information provided in the SDS, and comparison to analogous chemical substances, EPA has identified concerns for acute inhalation toxicity; irritation to eyes, skin, and respiratory tract; skin sensitization; systemic effects; and developmental effects. Based on physical/chemical properties of the substance, EPA also identified concerns for aspiration hazard. Based on the bifunctional reactive groups (terminal alkenes) indicating potential for protein crosslinking, EPA has also identified concerns for respiratory sensitization. Based on comparison to analogous acrylates and methacrylates, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 12 ppb. On August 16, 2022, EPA issued an Order for SN–21–4 under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation, the substance may present an unreasonable risk of injury to human health and the environment. The submitter of SN–21–4 is subject to the following Order requirements:

- Use of personal protective equipment where there is a potential for dermal exposure;

- Use of a NIOSH-certified respirator with an APF of at least 50 where there is a potential for inhalation exposure;
- No release of the substance resulting in surface water concentrations that exceed 12 ppb;
- No use of the substance in a consumer product;
- No use of the substance other than for the confidential use listed in the Order; and
- Establishment of a hazard communication program, including human health precautionary statements, on each label and in the SDS.

On January 9, 2023, EPA received SNUN SN–23–7 for use as a component of UV curable coatings and printing inks, manufacturing additive, adhesives, composites, 3D printing, and coating systems. Based on test data on the substance and information provided in the SDS, EPA has identified concerns for acute inhalation toxicity; irritation to eyes, skin, and respiratory tract; skin sensitization; systemic effects; and developmental effects. Based on analogous data, EPA also identified concerns for respiratory effects. Based on the bifunctional reactive groups, EPA identified concerns for respiratory sensitization. Based on acute and chronic toxicity data on the SNUN substance, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 11 ppb. On July 19, 2024, EPA issued an Order for SN–23–7 under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation, the substance may present an unreasonable risk of injury to human health and the environment. The submitter of SN–23–7 is subject to the following Order requirements:

- Use of personal protective equipment where there is a potential for dermal exposure;
- Use of a NIOSH-certified respirator with an APF of at least 50 where there is a potential for inhalation exposure;
- No manufacture in any manner that results in inhalation exposure to the substance;
- No release of the substance resulting in surface water concentrations that exceed 11 ppb;
- No use of the substance in a consumer product;
- No use of the substance other than for use as a component of UV curable coatings and printing inks, additive manufacturing, adhesives, composites, 3D printing, and coating systems; and
- Establishment of a hazard communication program, including human health precautionary statements on each label and in the SDS.

The proposed amendment to the SNUR would remove domestic manufacture and use of the substance other than as described in PMN P–03–622 (including a confidential use) from the significant new uses, allowing these conditions of use to occur without notification to EPA. The proposed amendment would instead designate the following activities as significant new uses: (1) use without worker personal protective equipment for dermal protection; (2) use without worker PPE of a NIOSH-certified respirator with an APF of at least 50; (3) use of the chemical substance without establishing a hazard communication program; (4) release of the chemical substance to water resulting in surface water concentrations that exceed 11 ppb; (5) manufacture of the chemical substance in any manner that results in inhalation exposure; (6) use other than as a component of UV curable coatings and printing inks, additive manufacturing, adhesives, composites, 3D printing, and coating systems; and (7) use of the chemical substance in a consumer product. Additionally, the amendment would add an exemption from the SNUR requirements when the substance has been completely reacted or cured.

Potentially useful information: EPA has determined that certain information may be potentially useful if a manufacturer or processor is considering submitting a SNUN for a significant new use designated by this SNUR. EPA has determined that the results of aquatic toxicity testing may be potentially useful to characterize the environmental effects of the SNUN substance.

CFR citation: 40 CFR 721.10966.

PMN and SNUN number(s): P–14–260.

Chemical name: 1-Propene, 2-bromo-3,3,3-trifluoro-.

CASRN: 1514–82–5.

Final rule FR citation(s): September 21, 2017 (82 FR 44093) (FRL–9959–81).

Basis for the proposed amendment: P–14–260 states that the substance will be used as a fire extinguishing agent for: portable extinguishers (onboard aviation and all nonresidential); niche systems (aircraft, normally unoccupied systems, self-contained automatic fire extinguishing systems); and streaming systems for aircraft rescue fire fighting vehicles. Based on test data on the PMN substance, EPA identified concerns for reproductive effects for unprotected workers from repeated inhalation exposures. An Order was issued under TSCA sections 5(e)(1)(A)(i) and 5(e)(1)(A)(ii)(I), based on a finding that the substance may present an unreasonable risk of injury to human health and the environment. The submitter of P–14–260 was subject to the following Order requirements:

- Manufacture of the substance only by import into the United States (*i.e.,* no domestic manufacture);
- Use of personal protective equipment including a National Institute for Occupational Safety and Health (NIOSH)-certified respirator with an assigned protection factor (APF) of at least 10 or compliance with a new chemical exposure limit (NCEL) of 1.0 parts per million (ppm) as an 8-hour time-weighted average, when there is a potential for inhalation exposures;
- Establishment and use of a hazard communication program, including human health precautionary statements, on each label and in the Safety Data Sheet (SDS);
- Processing (including filling of hand-held fire extinguishers or fire extinguishing systems) of the PMN substance only in an enclosed process; and
- Use only as either (1) total flooding agent in unoccupied spaces, specifically engine nacelles and auxiliary power units (APUs) in aircraft; or (2) streaming fire extinguishing agent for use only in handheld extinguishers in aircraft.

On September 21, 2017, EPA issued a SNUR designating significant new uses based on and consistent with the Order requirements.

On April 20, 2018, EPA received a request from the PMN submitter to modify the Order to allow two additional uses: streaming in all non-residential uses (except for commercial home office and personal watercraft), and niche flooding application for unoccupied spaces, such as ''not normally occupied volumes'' up to 500 ft^3 (*e.g.,* large data storage rooms). EPA assessed exposures from the proposed new uses and determined that exposures and risk—*i.e.,* acceptable risks, except for filling of canisters, which is controlled under the original Order—from the proposed new uses are the same as for the original uses identified in P–14–260. As a result, EPA modified the Order. Accordingly, the proposed amendment to the SNUR would reduce the scope of the significant new uses to exclude the two additional uses.

Potentially useful information: EPA has determined that certain information may be potentially useful if a manufacturer or processor is considering submitting a SNUN for a significant new use designated by this SNUR. EPA has determined that inhalation monitoring data, collected according to EPA's draft Inhalation

Monitoring Data Collection Guidelines (available in the docket for this rulemaking), may be potentially useful to characterize the human health effects of the substance.

CFR citation: 40 CFR 721.11180.

PMN and SNUN number(s): P–17–283.

Chemical name: Arenesulfonic acid, alkyl derivatives, metal salts (generic).

CASRN: Not Available.

Final rule FR citation(s): December 5, 2019 (84 FR 66596) (FRL–10001–47).

Basis for the proposed amendment: P–17–283 states that the substance will be used as a lubricating oil additive for automotive engine oils. Based on analysis of test data on the substance, EPA identified a concern for corrosion to skin, eyes, mucous membranes, and lungs. There are also concerns for surfactant effects on the lung based on surfactant properties of the compounds and for acute toxicity, mutagenicity, irritation, and sensitization based on submitted analogue test data. An Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation, the substance may present an unreasonable risk of injury to human health and the environment. The Order was also issued under TSCA sections 5(a)(3)(B)(ii)(II) and 5(e)(1)(A)(ii)(II), based on a finding that the substance is or will be produced in substantial quantities and that the substance either enters or may reasonably be anticipated to enter the environment in substantial quantities, or there is or may be significant (or substantial) human exposure to the substance. The submitter of P–17–283 is subject to the following Order requirements:

- Submittal to EPA of certain toxicity testing within six months of filing a notice of commencement (NOC) to EPA;
- Use of personal protective equipment where there is a potential for dermal exposure;
- Establishment of a hazard communication program, including human health precautionary statements on each label and in the SDS; and
- No manufacture, processing, or use of the substance in any manner that produces a vapor, mist, spray or aerosol.

The Order also prohibited the company from manufacturing the substance six months after filing a notice of commencement with the EPA unless the company conducts sensitization testing. On December 5, 2019, EPA issued a SNUR designating significant new uses based on and consistent with the Order requirements.

On September 14, 2018, the PMN submitter submitted the results of sensitization testing conducted as required by the Order. EPA concluded, upon review of the test data, that the substance is a sensitizer. On January 23, 2020, EPA received a request from the PMN submitter to revise the SNUR to remove the significant new use requiring notification for manufacture of the substance beyond 6 months because the Local Lymph Node Assay was completed on the PMN substance. The proposed amendment to the SNUR would remove this significant new use.

Potentially useful information: EPA has determined that certain information may be potentially useful if a manufacturer or processor is considering submitting a SNUN for a significant new use designated by this SNUR. EPA has determined that the results of physical-chemical properties and acute and chronic pulmonary toxicity testing may be potentially useful to characterize the health effects of the substance.

CFR citation: 40 CFR 725.1080.

MCAN number: J–19–1.

Chemical name: Trichoderma reesei (generic).

CASRN: Not Available.

Final rule FR citation(s): April 30, 2021 (86 FR 22875) (FRL–10016–30).

Basis for the proposed amendment: EPA included references to 40 CFR part 721 sections 125 and 185 in the SNUR for this microorganism. Equivalent sections exist in the regulations under part 725 which are more appropriate for SNURs for microorganisms. The proposed amendment would modify the SNUR to reference the recordkeeping requirements specified at 725.950(b)(2) through (4) (rather than 721.125(a) through (c)) and the provisions of 725.984 (rather than 721.185). The proposed amendment would also require recordkeeping to document compliance with applicable limitations in paragraph (a)(2) of the SNUR rather than the requirement to keep records as described in 721.125(i).

Potentially useful information: None.

IV. Statutory and Executive Order Reviews

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

A. Executive Order 12866: Regulatory Planning and Review

This action proposes to modify SNURs for chemical substances that were the subject of PMNs or MCANs. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866 (58 FR 51735, October 4, 1993).

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

Executive Order 14192 (90 FR 9065, February 6, 2025) does not apply because a significant new use rule for a chemical under TSCA section 5 is exempted from review under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

According to the PRA (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable.

The information collection requirements related to SNURs have already been approved by OMB pursuant to PRA under OMB control number 2070–0038 (EPA ICR No. 1188). This action does not impose any burden requiring additional OMB approval. If an entity were to submit a SNUN to the Agency, the annual burden is estimated to average between 30 and 170 hours per submission. This burden estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and complete, review, and submit the required SNUN.

EPA always welcomes your feedback on the burden estimates. When submitting comments on these proposed SNURs, include comments about the accuracy of the burden estimate, and any suggested methods for improving the collection instruments or instruction or minimizing respondent burden, including through the use of automated collection techniques.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA (5 U.S.C. 601 *et seq.*). The requirement to submit a SNUN applies to any person (including small or large entities) who intends to engage in any activity described in the final rule as a ''significant new use.'' Because these uses are ''new,'' based on all information currently available to EPA, EPA has concluded that no small or

large entities presently engage in such activities.

A SNUR requires that any person who intends to engage in such activity in the future must first notify EPA by submitting a SNUN. Although some small entities may decide to pursue a significant new use in the future, EPA cannot presently determine how many, if any, there may be. However, EPA's experience to date is that, in response to the promulgation of SNURs covering over 1,000 chemicals, the Agency receives only a small number of notices per year. For example, the number of SNUNs received was 9 in fiscal year FY2022, 23 in FY2023, and 7 in FY2024, and only a fraction of these submissions was from small businesses.

In addition, the Agency currently offers relief to qualifying small businesses by reducing the SNUN submission fee from $37,000 to $6,480. This lower fee reduces the total reporting and recordkeeping cost of submitting a SNUN to about $14,500 per SNUN submission for qualifying small firms. Therefore, the potential economic impacts of complying with these proposed SNURs are not expected to be significant or adversely impact a substantial number of small entities. In a SNUR that published in the **Federal Register** of June 2, 1997 (62 FR 29684) (FRL–5597–1), the Agency presented its general determination that SNURs are not expected to have a significant economic impact on a substantial number of small entities, which was provided to the Chief Counsel for Advocacy of the Small Business Administration.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million or more (in 1995 dollars) in any one year as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. Based on EPA's experience with proposing and finalizing SNURs, State, local, and Tribal governments have not been impacted by SNURs, and EPA does not have any reasons to believe that any State, local, or Tribal government will be impacted by these SNURs. In addition, the estimated costs of this action to the private sector do not exceed $183 million or more in any one year (the 1995 dollars are adjusted to 2023 dollars for inflation using the GDP implicit price deflator). The estimated costs for this action are discussed in Unit I.D.

F. Executive Order 13132: Federalism

This action will not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it is not expected to have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the requirements of Executive Order 13132 do not apply to this action.

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

This action will not have Tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000), because it is not expected to have substantial direct effects on Indian Tribes, significantly or uniquely affect the communities of Indian Tribal governments and does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of Executive Order 13175 do not apply to this action.

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

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it does not concern an environmental health or safety risk. Since this action does not concern a human health risk, EPA's 2021 Policy on Children's Health also does not apply. Although the establishment of these SNURs do not address an existing children's environmental health concern because the chemical uses involved are not ongoing uses, SNURs require that persons notify EPA at least 90 days before commencing manufacture (defined by statute to include import) or processing of the identified chemical substances for an activity that is designated as a significant new use by the SNUR. This notification allows EPA to assess the intended uses to identify potential risks and take appropriate actions before the activities commence.

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

This action is not a ''significant energy action'' as defined in Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

J. National Technology Transfer and Advancement Act (NTTAA)

This action does not involve any technical standards subject to NTTAA section 12(d) (15 U.S.C. 272 note).

List of Subjects in 40 CFR Part 721 and 725

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: October 21, 2025.

Mary Elissa Reaves,

Director, Office of Pollution Prevention and Toxics.

For the reasons stated in the preamble, EPA proposes to amend 40 CFR chapter I as follows:

PART 721—SIGNIFICANT NEW USES OF CHEMICAL SUBSTANCES

■ 1. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

■ 2. Amend § 721.1725 by revising paragraph (b) to read as follows:

§ 721.1725 Benzoic acid, 3,3′-methylenebis [6-amino-, di-2-propenyl ester.

(a) * * *
(1) * * *
(2) * * *
(b) * * *

(1) *Determining whether a specific use is subject to this rule.* The provisions of § 721.11 apply to paragraph (a)(1) of this section and to chemical substances which are subject to a significant new use rule in subpart E of this part.

(2) * * *

■ 3. Amend § 721.2076 by revising paragraph (a)(1) to read as follows:

§ 721.2076 D-Glucuronic acid, polymer with 6-deoxy-L-mannose and D-glucose, acetate, calcium magnesium potassium sodium salt.

(a) * * *

(1) The chemical substance identified as D-glucuronic acid, polymer with 6-deoxy-L-mannose and D-glucose, acetate, calcium magnesium potassium sodium salt (PMN P–00–7; SNUNs S–05–1, S–06–4, S–07–03, and S–07–5; CAS No. 595585–15–2) is subject to reporting under this section for the significant new use described in paragraph (a)(2) of this section.

(2) * * *
(i) * * *
(ii) * * *
(b) * * *
(1) * * *
(2) * * *

■ 4. Amend § 721.10070 by revising paragraphs (a)(1) and (a)(2)(i) to read as follows:

§ 721.10070 1,3-Butanediol, 3-methyl-.

(a) * * *

(1) The chemical substance identified as 1,3-butanediol, 3-methyl- (PMN P–05–309; SNUN S–13–4; CAS No. 2568–33–4) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) * * *

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80 (f). It is a significant new use to use the substance other than as inkjet ink or as a fixing agent of ink for inkjet printers.

(ii) * * *

(b) * * *

(1) * * *

(2) * * *

■ 5. Revise and republish § 721.10471 to read as follows:

§ 721.10471 2-Propenoic acid, 1,1′-(3-methyl-1,5-pentanediyl) ester.

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified as 2-propenoic acid, 1,1′-(3-methyl-1,5-pentanediyl) ester (PMN P–03–622; SNUNs S–17–5, S–20–7, S–21–4, and S–23–7; CAS No. 64194–22–5) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the chemical substance after they have been completely reacted (cured).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (3) through (6), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 50.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (3)(iii), and (5). For purposes of § 721.72(g)(1), this substance may cause: acute toxicity (inhalation only), skin irritation, eye irritation, respiratory sensitization, skin sensitization, specific target organ toxicity, and aspiration hazard. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o). It is a significant new use to manufacture the substance in any manner that results in inhalation exposure to the substance. It is a significant new use to use the substance other than as a component of UV curable coatings and printing inks, additive manufacturing, adhesives, composites, 3D printing, and coating systems.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N=11.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) and (k) are applicable to manufacturers (including importers) and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 6. Amend § 721.10966 by revising paragraphs (a)(2)(iii) to read as follows:

§ 721.10966 1-Propene, 2-bromo-3,3,3-trifluoro-.

(a) * * *

(1) * * *

(2) * * *

(i) * * *

(A) * * *

(1) * * *

(2) * * *

(3) * * *

(4) * * *

(5) * * *

(B) * * *

(ii) * * *

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(c) and (f). It is a significant new use to use the substance other than as a fire extinguishing agent as a total flooding agent in unoccupied spaces, specifically engine nacelles and auxiliary power units (APUs) in aircraft; as a streaming fire extinguishing agent for use only in handheld extinguishers in aircraft; streaming in all non-residential uses, except for commercial home office and personal watercraft; or niche flooding application for unoccupied spaces, such as ''not normally occupied volumes'' up to 500 ft^3 (*e.g.,* large data storage rooms).

(b) * * *

(1) * * *

(2) * * *

■ 7. Amend § 721.11180 by revising paragraph (a)(2)(iii) to read as follows:

§ 721.11180 Arenesulfonic acid, alkyl derivatives, metal salts (generic).

(a) * * *

(1) * * *

(2) * * *

(i) * * *

(ii) * * *

(iii) *Industrial, commercial, and consumer activities.* It is a significant new use to manufacture, process, or use the substance in any manner that results in the generation of a vapor, mist, spray, or aerosol.

(b) * * *

(1) * * *

(2) * * *

PART 725—SIGNIFICANT NEW USES OF MICROORGANISMS

■ 8. The authority citation for part 725 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, 2613, and 2625.

■ 9. Amend § 725.1080 by revising paragraphs (b)(1) and (2) to read as follows:

§ 725.1080 Trichoderma reesei (generic).

(a) * * *

(1) * * *

(2) * * *

(i) * * *

(ii) * * *

(b) * * *

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 725.950(b)(2) through (4) and a requirement to maintain records documenting compliance with limitations in paragraph (a)(2) are applicable to manufacturers and processors of this microorganism.

(2) *Modification or revocation of certain notification requirements.* The provisions of § 725.984 apply to this section.

[FR Doc. 2025–19673 Filed 10–27–25; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 90, No. 206
Tuesday, October 28, 2025

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMERCE

International Trade Administration

[Docket No. 251023–0165]

American AI Exports Program

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Request for information.

SUMMARY: The Department of Commerce (the Department) is issuing this request for information (RFI) to solicit public comment on questions relating to the work of the American AI Exports Program (Program). As directed by Executive Order 14320, ''Promoting the Export of the American AI Technology Stack'' (E.O. 14320), the Department is establishing and implementing the Program and will issue a public request for proposals from industry-led consortia to deliver full-stack American AI export packages. Through this RFI, the Department is seeking information from the public on the request for proposals that the Department will issue pursuant to E.O. 14320, including comments relating to the AI technology stack, consortia membership and formation, foreign markets, proposals' business and operational models, federal support for consortia, national security regulations, and proposal evaluation. The Department welcomes comment on all aspects of the Program from all interested parties.

DATES: Comments on this RFI must be received on or before November 28, 2025.

ADDRESSES: All electronic public comments on this action, identified by *Regulations.gov* docket number ITA–ITA–2025–0070, may be submitted through the Federal e-rulemaking Portal at *https://www.regulations.gov,* as well as *https://aiexports.gov.* Response to this RFI is voluntary; you can choose to respond to all or some of the questions. Each individual or institution is requested to submit only one response. Submissions should be made in 12 point or larger font, with a page number provided on each page. All submissions should be captioned with ''American AI Exports Program Comments.'' Anyone submitting business confidential information should clearly identify the business confidential portion at the time of submission, file a statement justifying nondisclosure and referring to the specific legal authority claimed, and provide a non-confidential version of the submission.

For comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters ''BC.'' Any page containing business confidential information must be clearly marked ''BUSINESS CONFIDENTIAL'' on the top of that page. The corresponding non-confidential version of those comments must be clearly marked ''PUBLIC.'' The file name of the non-confidential version should begin with the character ''P.'' Any submissions with file names that do not begin with either a ''BC'' or a ''P'' will be assumed to be public and will be made publicly available at: *https://www.regulations.gov.* Commenters submitting business confidential information are encouraged to scan a hard copy of the non-confidential version to create an image of the file, rather than submitting a digital copy with redactions applied, to avoid inadvertent redaction errors which could enable the public to view business confidential information.

Please note that the U.S. Government will not pay for response preparation, or for the use of any information contained in the response. A response to this RFI will not be viewed as a binding commitment to develop or pursue the project or ideas discussed.

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, President Trump issued Executive Order 14320, ''Promoting the Export of the American AI Technology Stack.'' E.O. 14320 established a coordinated national effort to support the American AI industry by promoting the export of full-stack American AI technology packages. In pursuing this effort, it is the policy of the United States to preserve and extend American leadership in AI and decrease international dependence on AI technologies developed by our adversaries by supporting the global deployment of United States-origin AI technologies.

To achieve these goals, E.O. 14320 directs the Secretary of Commerce, in consultation with the Secretary of State and the Director of the Office of Science and Technology Policy (OSTP), to establish the American AI Exports Program and issue a public call for proposals from industry-led consortia. Proposals must (1) include full-stack AI technology packages; (2) identify specific target countries or regional blocks for export engagement; (3) describe a business and operational model to explain, at a high level, which entities will build, own, and operate data centers and related infrastructure; (4) detail requested Federal incentives and support mechanisms; and (5) comply with United States export control regimes, outbound investment regulations and end user policies.

The Secretary of Commerce shall, in consultation with the Secretary of State, the Secretary of War, the Secretary of Energy, and the Director of OSTP, evaluate submitted proposals for inclusion under the Program. Proposals selected by the Secretary of Commerce, in consultation with the Secretary of State, the Secretary of War, the Secretary of Energy, and the Director of OSTP, will be designated as priority AI export packages and will be supported through priority access to federal financing and other tools. E.O. 14320 provides that the Economic Diplomacy Action Group (EDAG), chaired by the Secretary of State, in consultation with the Secretary of Commerce and the United States Trade Representative, is to coordinate mobilization of Federal financing tools in support of priority AI export packages. Members of the EDAG are to deploy, to the maximum extent permitted by law, available Federal tools to support the priority export packages selected for participation in the Program.

Pursuant to E.O. 14320, the International Trade Administration

within the Department of Commerce has established the American AI Exports Program and is issuing this RFI to guide work on the Program's activities. Respondents may choose to answer only those questions most relevant to their expertise or interests.

II. Questions

Section A: Respondent Background

The Department recognizes that private-sector companies are the most likely type of organization to respond to this RFI, but that other entities (such as trade associations, potential buyers of American AI exports, and other members of civil society) may wish to submit responses as well. The Department requests that submissions contain the following background information:

1. Identify and describe who you represent and explain why you are providing input to this RFI. As appropriate, provide information about your company or organization that might be relevant, such as revenue, employee count, and key suppliers and customers.

2. If you represent a company or organization that is a potential American AI exporter, what goods or services does your company or organization offer? Furthermore, describe whether and to what extent such goods or services are manufactured, created, and developed in the United States.

3. If you represent a company or organization which is a potential American AI exporter, are there ways you believe this Program could support your exports to priority foreign markets? Which foreign markets are the most likely customers for your exports and what assistance would be most valuable?

Section B: The AI Tech Stack

E.O. 14320 requires proposals to include a full-stack AI technology package. E.O. 14320 describes the full-stack AI technology package as encompassing (1) AI-optimized computer hardware (*e.g.,* chips, servers, and accelerators), data center storage, cloud services, and networking, as well as a description of whether and to what extent such items are manufactured in the United States; (2) data pipelines and labeling systems; (3) AI models and systems; (4) measures to ensure the security and cybersecurity of AI models and systems; and (5) AI applications for specific use cases (*e.g.,* software engineering, education, healthcare, agriculture, or transportation).

4. Should the components of the AI-technology stack described in E.O. 14320 be clarified or expanded upon? If so, what additional items should be included or what clarification should be provided?

5. What factors should guide the evaluation of each component of the tech stack when included in a proposal?

6. What challenges, if any, might a consortium face in developing a proposal that has all elements of a full-stack AI export package?

Section C: Consortia Membership and Formation

E.O. 14320 requires proposals from industry-led consortia. The Department seeks comment on who should participate and how consortia should be formed and governed.

7. Generally, if guidance were provided on how consortia should be formed and governed, what should be included in that guidance?

8. On consortia membership and composition:

a. What criteria should determine whether an entity is eligible to participate as a member in a consortium?

b. What criteria should determine whether a consortium as a whole is eligible to participate in the Program (*e.g.,* having a minimum number of members, a certain amount of U.S. representation, capacity to export all parts of the AI technology stack, or other factors)?

c. Should modularity be encouraged within consortium formation, and if so, how?

d. How often should the Program expect industry to seek changes to consortium membership? How should the Program approach potential changes in consortium membership?

9. On the role of foreign companies and countries:

a. In what instances, and under what conditions, should foreign entities be allowed to participate in a consortium (*e.g.,* a country's national champion)?

b. How should foreign entities become involved in the formation of consortia?

c. What role, if any, should foreign countries play in consortium development?

d. Should the Federal Government consider creating a ''trusted partner'' program for foreign countries or companies in the context of consortium development? What criteria would be necessary to certify a ''trusted partner'' as a consortium member or foreign country seeking to purchase an American AI export package? What benefits would being a ''trusted partner'' confer?

10. On ensuring that consortia are industry-led:

a. Should each consortium be required to designate a lead entity? If so, what characteristics might make an entity well-suited to lead a consortium?

b. What role, if any, should the Federal Government play in the formation of a consortium?

Section D: Foreign Markets

E.O. 14320 requires proposals to identify specific target countries or regional blocs for export engagement. The Department seeks comments on appropriate ways to support the global deployment of American AI technologies.

11. Are there countries or regions that should be viewed as a priority for exporting American AI technology? If so, which ones and why?

12. What are the tradeoffs that consortia might encounter between prioritizing specific countries and prioritizing regions for exports through the Program?

13. What factors and assessment criteria should be considered when evaluating stated priority markets (*e.g.,* existing energy infrastructure)?

Section E: Business and Operational Models

E.O. 14320 requires proposals to describe a business and operational model that explains, at a high level, which entities will build, own, and operate data centers and associated infrastructure. The Department seeks comment on relevant factors that might influence this component of a proposal, and how the Program should treat various ownership and operational models.

14. Are there business, operational, or ownership models that the government should prioritize in consortia selection and, if so, why should these be prioritized? Further, if applicable, are there steps the Federal Government can take to encourage or require the formation of proposals that include these prioritized business and operational models?

15. What information could be provided to the government as part of the proposal that would evidence who builds, owns and operates the data centers and associated infrastructures? Is any type of documentation more burdensome to include?

16. What requirements should be in place for consortium partnerships with entities that may build, own, and operate data centers and associated infrastructure, but are not traditionally understood as part of the tech stack?

Section F: Federal Support

E.O. 14320 requires proposals to detail requested Federal incentives and support mechanisms. It further provides that members of the EDAG will deploy, to the maximum extent permitted by law, available Federal tools to support the priority export packages selected for participation in the Program, including direct loans and loan guarantees (12 U.S.C. 635); equity investments, co-financing, political risk insurance, and credit guarantees (22 U.S.C. 9621); and technical assistance and feasibility studies (22 U.S.C. 2421(b)). The Department seeks comment on what aspects of these tools or additional tools would be most useful to potential Program participants.

17. Which U.S. federal support mechanisms would be most useful to consortia and why? In addition to those identified in E.O. 14320, support mechanisms might include regulatory guidance, legislative proposals, identifying export opportunities, assisting navigation of foreign regulatory environments, and assisting with permits and export licenses, among others.

a. Are there any federal support mechanisms not identified above that the Department, in coordination with other federal agencies, should consider mobilizing to support designated AI export packages in the Program?

b. Would any of the federal support mechanisms listed above have to change their normal operations in any way to best support full-stack export packages? If so, how?

18. What requirements or conditions beyond those already required by law, if any, should consortia meet in order to gain access to federal support?

Section G: National Security Regulations

E.O. 14320 requires each proposal to comply with all relevant United States export control regimes, outbound investment regulations, and end-user policies, including chapter 58 of title 50, United States Code, and relevant guidance from the Bureau of Industry and Security within the Department of Commerce. The Department seeks comment on these compliance mechanisms.

19. What factors should be taken into account to ensure that activities under the Program comply with U.S. export control regimes, outbound investment regulations, end-user policies, and other national security regulations?

20. How might the Department use the Program to advance the export of American AI technology while decreasing international dependence on AI technologies developed by countries of concern?

21. What other factors should be considered to maximize the benefits of the Program for America's national security?

Section H: Evaluating Proposals

E.O. 14320 directs the Secretary of Commerce, in consultation with other agencies, to evaluate submitted proposals for inclusion under the Program. The Department seeks comment on how to implement this requirement.

22. What factors should be used to evaluate the relative merits of a consortium's proposal?

23. Should proposals be considered that would have non-consortium members providing a good or service in coordination with the consortium?

24. What are the relative tradeoffs of selecting more or fewer consortia for participation in the Program?

25. What other factors should be considered that would support proposals' ability to increase the competitiveness of American technology around the world?

Section I: Additional Information

The Department seeks input on any other aspects of the program that should be considered to ensure its success.

26. To what extent should participation in the Program be made available to American companies that fall within the AI tech-stack but that are not part of a consortium?

27. To what extent, and how, should the Federal Government seek to use the Program to promote the adoption of high-quality technical standards abroad?

28. What factors were not addressed by the foregoing questions but should be considered by the Department to ensure the success of the Program?

William Kimmitt,

Under Secretary for International Trade, United States Department of Commerce.

[FR Doc. 2025–19674 Filed 10–27–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF DEFENSE

Office of the Secretary

TRICARE; Notice of TRICARE Plan Program Changes for Calendar Year (CY) 2026

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

ACTION: TRICARE plan program changes for CY 2026.

SUMMARY: This notice provides information regarding TRICARE plan program changes for CY 2026.

DATES: TRICARE Health Plan information in this notice is valid for services during CY 2026 (January 1–December 31, 2026).

ADDRESSES: Defense Health Agency, TRICARE Health Plan Division, 7700 Arlington Boulevard, Suite 5101, Falls Church, Virginia 22042–5101.

FOR FURTHER INFORMATION CONTACT: Ms. Debra Fisher, 703–275–6224, *dha.ncr.healthcare-ops.mbx.thp-policy-and-programs-branch@health.mil*.

SUPPLEMENTARY INFORMATION: A final rule published in the **Federal Register** (FR) on February 15, 2019 (84 FR 4326–4333) established the requirement for the Director, Defense Health Agency (DHA), to provide notice of TRICARE program changes to Military Health System (MHS) beneficiaries each CY in connection with the annual open season enrollment period. The following changes or improvements to the TRICARE program benefits apply for CY 2026.

Open Season Announcement

Open Season is an annual period when beneficiaries may enroll in a health plan or make changes to their healthcare, dental, and/or vision coverage for the next CY.

During the TRICARE Open Season running from November 10 through December 9, 2025, qualified MHS beneficiaries may enroll in or change their TRICARE Prime or TRICARE Select plan.

During the Federal Employee Dental and Vision Insurance Program (FEDVIP) Open Season, running from November 10 through December 8, 2025, qualified MHS beneficiaries, including TRICARE for Life beneficiaries, may enroll in or make changes to their dental and/or vision plans. FEDVIP is operated by the U.S. Office of Personnel Management.

Any changes MHS beneficiaries make during Open Season will take effect on January 1, 2026. If a beneficiary remains eligible and does not make any changes during Open Season, then their coverage will remain the same for 2026. TRICARE enrollees can ensure they receive important health plan information by promptly listing any change in mailing address, email address, and other information in the Defense Enrollment Eligibility Reporting System (DEERS) and verifying their preference for receipt of information digitally or by paper mailings with their respective regional contractors. TRICARE enrollees can avoid any health care coverage gaps by ensuring changes in their payment

information is also updated with their regional contractors. See the Qualifying Life Events (*https://health.mil/Military-Health-Topics/MHS-Toolkits/Toolkits/QLEhttps://health.mil/Military-Health-Topics/MHS-Toolkits/Toolkits/QLE*) guide for when to update information in DEERS throughout the year.

Annual Announcements

The following TRICARE program features are subject to a year-to-year determination and are announced each year prior to the annual TRICARE Open Season.

Urgent Care Visits: The number of urgent care visits remains unlimited without referrals for TRICARE Prime enrollees for Plan CY 2026. Beneficiaries may receive urgent care from TRICARE-authorized urgent care centers (UCCs) and convenience clinics (CCs), either network or non-network, without a referral. They may also receive urgent care from any TRICARE network provider (*i.e.,* family medicine; internal medicine-general practice; pediatricians). In situations when a TRICARE Prime enrollee seeks care from a non-network TRICARE authorized provider (outside of a TRICARE-authorized UCC or CC), the usual TRICARE Prime Point of Service (POS) deductible and cost-shares will apply. Private Sector care for active duty Service members is subject to different rules. Covered beneficiaries in the U.S. who want assistance with decisions whether to seek urgent care, except those enrolled in the Uniformed Services Family Health Plan (USFHP) or in a plan under the Competitive Plans Demonstration (CPD), may call the MHS Nurse Advice Line (NAL) at 1–800–874–2273 for health care guidance from a specially trained registered nurse. The NAL is available 24/7 to eligible TRICARE beneficiaries. USFHP and CPD enrollees should contact their contractor's designated nurse advice line. Beneficiaries residing overseas can call the NAL for health care advice when traveling in the U.S. but must coordinate care with their Overseas Regional Call Center. For additional information, call the servicing TRICARE contractor or visit *https://www.tricare.mil/ContactUs* and click on ''MHS Nurse Advice Line.''

Prime Service Area Changes: Prime Service Areas (PSAs) are geographic areas around military medical treatment facilities and Base Realignment and Closure sites where TRICARE Prime is available. PSAs support the medical readiness of active duty members of the Uniformed Services by adding to the capability and capacity of military hospitals and clinics. There are no changes to the existing PSAs for CY 2026.

What's New

The following changes or improvements to TRICARE program benefits apply to CY 2026 (although some changes were implemented in 2025):

Changes to Automatic Prescription Refill Procedures for Mail Order Pharmacy: TRICARE beneficiaries using the mail order pharmacy must confirm they want their prescriptions refilled before the drugs are dispensed to prevent beneficiaries from receiving automatic refills for medications they no longer require and accruing unnecessary cost-shares. Beneficiaries will receive a notification in an email or text when a prescription is due for a refill, and they must log in to their account to confirm the request. When a beneficiary declines a refill or does not respond, the prescription will be removed from the automatic refill program, but the beneficiary will continue receiving reminder notifications their prescriptions are ready to refill until such prescription expires.

Elimination of Cost-Sharing for all TRICARE-Covered Contraceptives under the TRICARE Pharmacy Program: DoD eliminated cost-sharing for all TRICARE-covered contraceptives under the TRICARE Pharmacy Benefit program pursuant to authority granted to the Department under Section 707 of the Servicemember Quality of Life and National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2025, making it easier for beneficiaries to access necessary contraceptive care.

Coverage of Weight Loss Drugs for Treating Obesity: TRICARE is authorized to cover weight loss drugs for treating obesity, if obesity is the sole or major condition treated, only for TRICARE Prime and Select beneficiaries when such weight loss drugs are prescribed by a TRICARE network provider and are medically necessary and appropriate, and integrated into a comprehensive medical treatment plan. The TRICARE Pharmacy Benefit program significantly revised the prior authorization forms for these drugs (*e.g.,* GLP–1s) to continue to afford legally permissible coverage to our eligible beneficiaries while curtailing inappropriate use of these drugs and potential fraud, waste, and abuse.

Exclusion of Hormone Therapy for Treating Gender Dysphoria in Minors: Pursuant to NDAA for FY 2025, Section 708, and Executive Order 14187, for beneficiaries who are 18 years of age or younger, TRICARE no longer covers puberty blockers to delay the onset or progression of normally timed puberty and the use of sex-hormones to align an individual's physical appearance with an identity differing from his or her sex.

TRICARE Reserve Select, TRICARE Young Adult Survivor Coverage Eligibility: Pursuant to NDAA for FY 2024, Section 702, for Selected Reserve (SelRes) members enrolled in TRICARE Reserve Select (TRS) on or after October 1, 2025, eligible surviving family members may purchase new or continue existing TRS coverage for up to three years from the date of the SelRes member's death if the SelRes member's death occurred on or after October 1, 2025. For SelRes members enrolled in TRS on or after October 1, 2025, surviving young adult dependents may qualify to purchase TYA coverage, but with survivor (retiree) cost-shares, up to three years after the Service member's death or until the young adult dependent reaches the age of 26, whichever occurs first, if the SelRes member's death occurred on or after October 1, 2025.

TRICARE Prime Enrollment Fee Waiver Limitations: The TRICARE Prime enrollment fee waiver policy is updated clarifying waiver eligibility limits. The TRICARE Prime enrollment fee waiver is available only to Group A Medicare-eligible retirees and their family members enrolled in Medicare Part B. Group A consists of beneficiaries whose sponsor originally entered a uniformed service before January 1, 2018. All Group B Medicare-eligible beneficiaries and their family members are required to pay the TRICARE Prime enrollment fee.

Drive Time Standard Waiver No Longer Required for TRICARE Prime: Beneficiaries enrolled in TRICARE Prime who move within 100 miles of a military medical treatment facility (MTF) but at least 30 minutes away by car no longer need to request a waiver to stay enrolled in TRICARE Prime, the managed-care health plan option. However, beneficiaries moving farther than 100 miles of their MTF will need to make affirmative enrollment decisions or risk losing access to their TRICARE benefit.

Benefit Improvements

Female Uterine Fibroids Procedures: Laparoscopic or transcervical radiofrequency ablation for symptomatic uterine fibroids may be covered with TRICARE beneficiary cost-sharing when the procedure is performed using a Food and Drug Administration (FDA)-approved device according to manufacturer guidelines.

Lung Malignancy Treatment: Cryoablation, also called cryotherapy or

cryosurgery, may be covered for treating lung malignancies in patients with lung cancer and in patients whose primary cancers have metastasized to the lungs. Cryoablation for lung malignancies may be covered as a curative or palliative treatment.

Transcutaneous Electrical Nerve Stimulation: Transcutaneous electrical nerve stimulation (TENS) devices are covered for acute post-operative pain for 30 days following surgery, or up to 90 days with preauthorization. TRICARE also covers TENS replacement supplies based on Medicare's frequency limits.

Coronary Calcium Scoring: Coronary artery calcium scoring when medically necessary for treating a patient who is asymptomatic for atherosclerotic cardiovascular disease is covered when provided in accordance with American College of Cardiology and American Heart Association guidelines.

Basivertebral Nerve Ablation: Basivertebral Nerve Ablation, a procedure to relieve chronic vertebrogenic lower back pain for patients with degenerative disc disease or other spinal conditions, is covered.

Risk-Reducing Surgeries: Expanded coverage of prophylactic mastectomies, prophylactic oophorectomies, and prophylactic hysterectomies for patients meeting criteria specified in American College of Obstetricians and Gynecologists or National Comprehensive Cancer Network guidelines, including personal and family cancer history, pathogenic or likely pathogenic genetic variants such as BRCA1/2 and PALB2, hereditary cancer syndromes such as Lynch Syndrome and Hereditary Breast and Ovarian Cancer Syndrome, and chest radiation.

Expediting Cochlear Implantation for Certain Children: TRICARE is eliminating the requirement children undergo a three-to-six-month hearing aid trial prior to receiving cochlear implants for children with post-meningitis hearing loss, evidence of cochlear ossification, and those with bilateral severe-to-profound sensorineural hearing loss.

Human Papillomavirus Testing: Primary human papillomavirus (HPV) testing without co-testing (*e.g.,* simultaneous HPV testing with a pap test) is covered for beneficiaries ages 30–65 every five years. Additionally, for beneficiaries ages 30–65, co-testing every five years and pap tests every three years are covered. For beneficiaries ages 21–29, pap tests are covered every three years. FDA-approved self-collection tests are also covered.

Clinical Trials Coverage Expansion: Effective August 27, 2025, TRICARE covers routine care provided as part of clinical trials sponsored or approved by the National Institutes of Health studying conditions that are severely debilitating, life-threatening, or a rare disease, and for clinical trials studying infectious diseases for which a Public Health Emergency or National Emergency was declared.

New Provisional Coverage

Monoclonal Antibodies for Treating Alzheimer's Disease: TRICARE extended provisional coverage for monoclonal antibody drugs (*e.g.,* lecanemab and donanemab) for treating the mild cognitive impairment or mild dementia stage of Alzheimer's disease beginning on October 23, 2024, for a five-year period, when used in accordance with FDA-approved labeling and when care is preauthorized. These drugs target the protein plaques presenting in the brain of Alzheimer's patients. In addition to otherwise covered confirmatory testing (*e.g.,* cerebral spinal fluid testing), confirmation of target protein biology may be obtained through positron emission tomography (*i.e.,* PET) scans under this provisional coverage.

Demonstration Changes and Extensions

Competitive Plans Demonstration: TRICARE-eligible active duty family members, retirees, and retiree family members who reside within certain ZIP Codes in the metro Atlanta, Georgia, and metro Tampa, Florida, areas can opt to voluntarily enroll in any year of a Competitive Plans Demonstration (CPD) that begins January 1, 2026 and ends December 31, 2028, regardless of whether they are currently enrolled in TRICARE Prime or TRICARE Select. Qualifying beneficiaries who wish to participate in the CPD can select the TRICARE Prime option with CareSource Military & Veterans (CSMV) serving as the contractor assigning the beneficiaries' primary care managers, and MicroHealth providing enrollment support and associated customer service operational support. CSMV will apply standard TRICARE Prime enrollment fees, copays, cost shares, deductibles, and catastrophic caps—except that the applicable annual TRICARE enrollment fee will be waived for TRICARE beneficiaries for the first year in which they enroll as CPD participants. Beneficiaries participating in the CPD will fill outpatient pharmacy prescriptions through the TRICARE Pharmacy Program managed by Express Scripts or at MTF pharmacies.

CSMV will provide enrollees access to its network primary care and specialty care providers (both inpatient and outpatient) in the Atlanta, Georgia, and Tampa, Florida, markets as well as virtual visits. Standard preauthorization requirements will apply; however, the TRICARE Prime referral requirements will not apply. The TRICARE POS option, with its associated cost-sharing requirements, will be available to CPD-enrolled beneficiaries. Details are available in an April 28, 2025, **Federal Register** notice at *https://www.federalregister.gov/documents/2025/04/28/2025-07258/tricare-tricare-competitive-plans-demonstration-cpd*.

Appendix A

Certain TRICARE enrollee out-of-pocket costs (enrollment fees, premiums, catastrophic caps, deductibles, and copayments) are adjusted annually by Federal law and regulations based on the annual Cost of Living Adjustment (COLA) applied to Uniformed Service member retired pay. A difference in copayments remains between those who entered a Uniformed Service before January 1, 2018, (Group A), and those who entered on or after that date (Group B).

The retiree COLA is typically announced after the Federal fiscal year begins in October. Beneficiary out-of-pocket expenses impacted by the 2025 COLA will be posted to the *tricare.mil/changes* web page before the start of TRICARE Open Season, November 10, 2025.

Premium Based Plans

The CY 2026 monthly premiums for TRICARE Reserve Select, TRICARE Retired Reserve, and TRICARE Young Adult and the quarterly premiums for Continued Health Care Benefit Program will be posted to the *tricare.mil/changes* web page once announced.

Pharmacy Out-of-Pocket Expenses for CY 2026

TRICARE Pharmacy copayments will increase January 1, 2026:

PHARMACY COPAYMENTS FOR CALENDAR YEAR 2026 *

Year	Retail network generic formulary 30-day supply	Retail network brand-name formulary 30-day supply	Retail network non-formulary 30-day supply	Mail order generic formulary 90-day supply	Mail order brand-name formulary 90-day supply	Mail order non-formulary 90-day supply
2026	$16	$48	$85 **	$14	$44	$85

* Active duty Service members (ADSM) enjoy a $0 copay for covered drugs at any pharmacy.
** For all beneficiaries except ADSM, select brand-name maintenance medications (taken for long-term conditions) may only be filled twice at retail and then must be filled through home delivery or military pharmacy.

Dated: October 23, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2025–19672 Filed 10–27–25; 8:45 am]

BILLING CODE 6001–FR–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2022–0037; FRL–13053–01–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Stationary Combustion Turbines (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), NSPS for Stationary Combustion Turbines (EPA ICR Number 2177.10, OMB Control Number 2060–0582) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through October 31, 2025. Public comments were previously requested via the **Federal Register** on June 17, 2025 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before November 28, 2025.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2022–0037, to EPA online using *www.regulations.gov* (our preferred method), by email to *docket_oms@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection 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: Muntasir Ali, Sector Policies and Program Division (D243–05), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–0833; email address: *ali.muntasir@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *https://www.regulations.gov* or in person at the EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: The New Source Performance Standards (NSPS) for Stationary Combustion Turbines (40 CFR part 60, subpart KKKK) were proposed on February 18, 2005, and promulgated on July 6, 2006. These regulations apply to new stationary combustion turbines with a heat input at peak load equal to or greater than 10.7 gigajoules (10 MMBtu) per hour, based on the higher heating value of the fuel. New facilities include those that commenced construction, modification or reconstruction after the date of proposal. This information is being collected to assure compliance with 40 CFR part 60, subpart KKKK.

In general, all NSPS standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all affected facilities subject to NSPS.

Form Numbers: None.

Respondents/affected entities: Stationary combustion turbines.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart KKKK).

Estimated number of respondents: 1,030 (total).

Frequency of response: Initially, semiannually, annually.

Total estimated burden: 106,000 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $14,500,000 (per year). There are no capital or operation & maintenance costs.

Changes in the Estimates: The increase in burden from the most recently approved ICR is due to an increase in the number of new or modified sources. This ICR updates the number of affected sources subject to the regulation based on an assumption that the industry continues to grow at a similar rate as the previous renewal and based on current estimates and Agency consultations. There are no capital or operation and maintenance costs associated with this regulation.

Courtney Kerwin,

Director, Information Engagement Division.

[FR Doc. 2025–19682 Filed 10–27–25; 8:45 am]

BILLING CODE 6560–50–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2026–48 and K2026–48; MC2026–49 and K2026–49; MC2026–50 and K2026–50; MC2026–51 and K2026–51]

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:* October 31, 2025.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *https://www.prc.gov*. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Public Proceeding(s)
III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. *See* 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests. The comment due date discussed above does not apply to Section III proceedings (Docket Nos. MC2026–48 and K2026–48, MC2026–49 and K2026–49; MC2026–51 and K2026–51).

II. Public Proceeding(s)

1. *Docket No(s).:* MC2026–50 and K2026–50; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1446 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* October 23, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Almaroof Agoro; *Comments Due:* October 31, 2025.

III. Summary Proceeding(s)

1. *Docket No(s).:* MC2026–48 and K2026–48; *Filing Title:* USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 890, and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* October 23, 2025; *Filing Authority:* 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

2. *Docket No(s).:* MC2026–49 and K2026–49; *Filing Title:* USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 891, and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* October 23, 2025; *Filing Authority:* 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

3. *Docket No(s).:* MC2026–51 and K2026–51; *Filing Title:* USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 892, and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* October 23, 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. 2025–19678 Filed 10–27–25; 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 SERVICE

International Product Change—Priority Mail Express International, Priority Mail International & First-Class Package International Service Agreement

AGENCY: Postal Service.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a Priority Mail Express International, Priority Mail International & First-Class Package International Service contract to the list of Negotiated Service Agreements in the Competitive Product List in the Mail Classification Schedule.

DATES: Date of notice: October 28, 2025.

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 3632(b)(3), on October 17, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 98 to Competitive Product List.* Documents are available at

www.prc.gov, Docket Nos. MC2026–34 and K2026–34.

Kevin Rayburn,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2025–19676 Filed 10–27–25; 8:45 am]

BILLING CODE 7710–12–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21332 and #21333; Leech Lake Band of the Ojibwe Disaster Number MN–20023]

Presidential Declaration of a Major Disaster for Public Assistance Only for the Leech Lake Band of the Ojibwe

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the Leech Lake Band of the Ojibwe (FEMA–4894–DR), dated October 22, 2025.

Incident: Severe Storms and Straight-line Winds.

DATES: Issued on October 22, 2025.

Incident Period: June 21, 2025.

Physical Loan Application Deadline Date: December 22, 2025.

Economic Injury (EIDL) Loan Application Deadline Date: July 22, 2026.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Jennifer Talarico, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on October 22, 2025, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications online using the MySBA Loan Portal *https://lending.sba.gov* or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955 for further assistance.

The following area has been determined to be adversely affected by the disaster:

Leech Lake Band of the Ojibwe.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere ...	3.625
Non-Profit Organizations without Credit Available Elsewhere	3.625
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 21332B and for economic injury is 213330.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 1234.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2025–19681 Filed 10–27–25; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21330 and #21331; LEECH LAKE BAND OF THE OJIBWE Disaster Number MN–20022]

Presidential Declaration of a Major Disaster for the Leech Lake Band of the Ojibwe

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the Leech Lake Band of the Ojibwe (FEMA–4894–DR), dated October 22, 2025.

Incident: Severe Storms and Straight-line Winds.

DATES: Issued on October 22, 2025.

Incident Period: June 21, 2025.

Physical Loan Application Deadline Date: December 22, 2025.

Economic Injury (EIDL) Loan Application Deadline Date: July 22, 2026.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Jennifer Talarico, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on October 22, 2025, applications for disaster loans may be submitted online using the MySBA Loan Portal *https://lending.sba.gov* or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

Primary Area (Physical Damage and Economic Injury Loans): Leech Lake Band of the Ojibwe.

Contiguous Counties (Economic Injury Loans Only):

Minnesota: Beltrami, Cass, Hubbard, Itasca.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.625
Homeowners without Credit Available Elsewhere	2.813
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere ...	3.625
Non-Profit Organizations without Credit Available Elsewhere	3.625
For Economic Injury:	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 21330B and for economic injury is 213310.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 1234.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2025–19680 Filed 10–27–25; 8:45 am]

BILLING CODE 8026–09–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Nos. USTR–2025–0007, USTR–2025–0020]

Initiation of Section 301 Investigation: China's Implementation of Commitments Under the Phase One Agreement; Notice of Hearing; and Request for Public Comments

AGENCY: Office of the United States Trade Representative (USTR).

ACTION: Notice of initiation of investigation and hearing, and request for comments.

SUMMARY: In light of the Government of China's apparent failure to comply with the January 15, 2020, Economic and Trade Agreement Between the Government of the United States of America and the Government of the People's Republic of China (Phase One Agreement), at the direction of the President, the United States Trade Representative has initiated an investigation to determine whether the rights of the United States under the Phase One Agreement are being denied or an act, policy, or practice of China violates, or is inconsistent with, the provisions of, or otherwise denies benefits to the United States under, the Phase One Agreement. The Section 301 Committee is holding a public hearing in this investigation and solicits public comment on China's implementation of the Phase One Agreement and potential actions to address these issues.

DATES:

October 24, 2025: The U.S. Trade Representative initiated the investigation.

October 31, 2025: USTR will open dockets for submission of written comments and requests to appear at the hearing.

December 1, 2025, at 11:59 p.m. EST: To be assured of consideration, submit written comments by this date.

December 1, 2025, at 11:59 p.m. EST: To be assured of consideration, submit requests to appear at the hearing, along with a summary of testimony by this date.

December 16, 2025: The Section 301 Committee will convene a public hearing, beginning at 10:00 a.m., either virtually or at a location to be announced. If necessary, the hearing may continue on the next business day.

Seven calendar days after the last day of the public hearing: Due date for submission of post-hearing rebuttal comments.

ADDRESSES: Submit documents in response to this notice, including written comments, hearing appearance requests, summaries of testimony, and post-hearing rebuttal comments through the appropriate online USTR portal at: *https://comments.ustr.gov/s/*.

FOR FURTHER INFORMATION CONTACT: For procedural questions concerning comments or participating in the public hearing, contact the USTR Section 301 support line at (202) 395–5725. Direct all other questions regarding this notice to Philip Butler, Chair of the Section 301 Committee, or Susie Park Hodge, Associate General Counsel, at (202) 395–5725.

SUPPLEMENTARY INFORMATION:

I. Background

On August 18, 2017, the United States Trade Representative (Trade Representative) initiated an investigation under section 301 of the Trade Act of 1974, as amended (Trade Act) (19 U.S.C. 2411), to determine whether the acts, policies, and practices of the Government of China related to technology transfer, intellectual property (IP), and innovation are unreasonable or discriminatory and burden or restrict U.S. commerce. *See* 82 FR 40213. Based on the information obtained during the investigation, on March 22, 2018, the Trade Representative released the Findings of the Investigation Into China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation under Section 301 of the Trade Act, determining that China employed a series of technology transfer-related acts, policies, and practices that are unreasonable or discriminatory and burden or restrict U.S. commerce. In a notice published on April 6, 2018 (83 FR 14906), the Trade Representative announced a determination that the acts, policies, and practices of the Government of China covered in the investigation are unreasonable or discriminatory and burden or restrict U.S. commerce, and are thus actionable under Section 301(b) of the Trade Act.

Following a period of public notice and comment, the Trade Representative determined to take action under Section 301 in the form of additional duties of 25 percent *ad valorem* on certain subheadings of the Harmonized Tariff Schedule of the United States (HTSUS), with an approximate annual trade value of $34 billion (List 1), effective July 6, 2018, and proposed further action. *See* 83 FR 28710 (June 20, 2018). The Trade Representative later determined to take additional action by imposing additional duties of 25 percent *ad valorem* on subheadings with an approximate annual trade value of $16 billion (List 2), effective August 23, 2018. *See* 83 FR 40823 (August 16, 2018).

The Trade Representative subsequently modified these actions, pursuant to authority under Section 307(a) of the Trade Act. (19 U.S.C. 2417(a)). In response to China's imposing retaliatory tariffs on U.S. goods, the Trade Representative, at the direction of the President, determined that the initial actions were no longer appropriate and modified the actions by imposing additional duties of 10 percent *ad valorem* on additional subheadings with an approximate annual trade value of $200 billion (List 3), increasing to 25 percent *ad valorem* on January 1, 2019. *See* 83 FR 47974 (September 21, 2018). On December 19, 2018, the Trade Representative, at the direction of the President, determined to delay the increase to 25 percent for products covered by List 3 to March 2, 2019, noting that the United States was engaging with China with the goal of obtaining the elimination of the acts, policies, and practices covered in the Section 301 investigation, and the parties had agreed to continue negotiating. *See* 83 FR 65198 (December 18, 2019). Subsequently, the Trade Representative, at the direction of the President, determined to further delay the increase until further notice. *See* 84 FR 7966 (March 5, 2019).

On May 9, 2019, citing the lack of progress in negotiations with China and China's retreat from certain commitments, the Trade Representative, at the direction of the President, determined to increase the rate of additional duty for products covered by List 3 to 25 percent. *See* 84 FR 20459. Additionally, the Trade Representative, at the direction of the President, invited public comment on modifying the actions taken in the Section 301 investigation by imposing up to an additional 25 percent *ad valorem* duty on products of China under additional subheadings, with an annual trade value of approximately $300 billion. *See* 84 FR 22564 (May 17, 2019) (May 17, 2019 notice).

On August 20, 2019, the Trade Representative, at the direction of the President, determined to modify the action further by imposing an additional 10 percent *ad valorem* duty on products of China with an annual aggregate trade value of approximately $300 billion. *See* 84 FR 43304 (August 20, 2019) (August 20, 2019 notice). The tariff subheadings subject to the 10 percent additional *ad valorem* duties were separated into two lists with different effective dates. The list in Annex A had an effective date of September 1, 2019 (List 4A). The list in Annex C had an effective date of December 15, 2019 (List 4B).

Citing the lack of progress in negotiations with China and China's retaliatory tariffs, the Trade Representative, at the direction of the President, determined to increase the rate of the additional duty applicable to the tariff subheadings included in the August 20, 2019 notice from 10 percent to 15 percent. *See* 84 FR 45821 (August 30, 2019) (August 30, 2019 notice). Months later, citing progress in the

negotiations with China, and specifically the signing of the Economic and Trade Agreement between the Government of the United States of America and the Government of the People's Republic of China (Phase One Agreement) on December 13, 2019, the Trade Representative, at the direction of the President, determined to suspend indefinitely the imposition of the additional 15 percent duty on products covered by List 4B. *See* 84 FR 69447 (December 18, 2019) (December 18, 2019 notice). In light of the scheduled entry into force of the Phase One Agreement, on January 22, 2020, the Trade Representative, at the direction of the President, determined that the modification announced on August 20, 2019, as modified by the August 30, 2019 notice, was no longer appropriate and determined to reduce the level of additional duties on products of List 4A from 15 percent to 7.5 percent, effective February 14, 2020. *See* 85 FR 3741 (January 22, 2020 notice).

The Phase One Agreement was a momentous step towards a more fair and reciprocal trade relationship with China and a key success of President Trump's first term. It required China to make structural changes to correct distortive acts, policies, and practices in the areas of IP, technology transfer, agriculture, and financial services. Given the persistent and large bilateral U.S. trade deficit with China, the Phase One Agreement also committed China to make substantial additional purchases of U.S. goods and services.

Unfortunately, five years following entry into force, China's lack of compliance with the Phase One Agreement appears to have undermined the conditions of competition for U.S. companies seeking to trade with and operate in China. Despite U.S. engagement with China to address these implementation concerns over the last five years, China appears not to have lived up to its commitments under the Phase One Agreement, including commitments on IP, forced technology transfer, agriculture, and financial services. Additionally, although China committed to purchasing certain specified values of U.S. goods and services in calendar years 2020 and 2021, totaling more than $535 billion, official U.S. export data appears to show that China's purchases fell short by more than $217 billion in the aggregate and across almost all of its purchase commitments.

II. Initiation of Section 301 Investigation

Section 302(b) of the Trade Act authorizes the Trade Representative to initiate an investigation to determine whether conduct is actionable under section 301 of the Trade Act. Actionable conduct under section 301(a) includes, *inter alia,* that the rights of the United States under any trade agreement are being denied or that an act, policy, or practice of a foreign country violates, or is inconsistent with, the provisions of, or otherwise denies benefits to the United States under, any trade agreement.

On October 24, 2025, in accordance with the specific direction of the President, the Trade Representative initiated a section 301 investigation to determine whether the rights of the United States under the Phase One Agreement are being denied or an act, policy, or practice of China violates, or is inconsistent with, the provisions of, or otherwise denies benefits to the United States under, the Phase One Agreement.

Pursuant to section 302(b)(1)(B), the Trade Representative consulted with the appropriate advisory committees. The Trade Representative also consulted with the inter-agency Section 301 Committee. Pursuant to section 303(a) of the Trade Act, the Trade Representative has requested consultations with the Government of the People's Republic of China.

Pursuant to section 304 of the Trade Act, the Trade Representative must determine whether the act, policy, or practice under investigation is actionable under section 301. Upon determining that U.S. rights under a trade agreement are being denied, section 301(a) provides that the Trade Representative shall take all appropriate and feasible action authorized under section 301(c), subject to the specific direction, if any, of the President regarding such action, and all other appropriate and feasible action within the power of the President that the President may direct the Trade Representative to take to enforce such rights.

This investigation initially will focus on China's implementation of the Phase One Agreement and whether China has fully implemented its commitments under the Agreement. In addition, the investigation will examine the burden or restriction on U.S. commerce resulting from any non-implementation by China of its commitments under the Phase One Agreement, and what action, if any, should be taken in response.

III. Request for Public Comments

USTR invites interested persons to submit written comments or oral testimony on any issue covered by the investigation. In particular, USTR invites comments regarding:

- Whether non-implementation by China of its commitments under the Phase One Agreement denies rights of the United States or an act, policy, or practice of China denies benefits to the United States.
- China's implementation of its commitments under the Phase One Agreement, including concrete examples of non-implementation of specific commitments.
- Any estimate of the burden or restriction on U.S. commerce resulting from any non-implementation by China of its commitments under the Phase One Agreement.
- What action, if any, should be taken to address these issues, including:
  - The level and scope, if any, of duties on products of China.
  - The level and scope, if any, of fees or restrictions on services of China.
  - The level and scope, if any, of import restrictions on products of China.
- The appropriate aggregate level of trade to be covered by any additional duties on products of China, fees or restrictions on services of China, or import restrictions on products of China.

To be assured of consideration, USTR must receive written comments by 11:59 p.m. EST on December 1, 2025, in accordance with the instructions in section V below.

IV. Hearing Participation

The Section 301 Committee will convene a public hearing on December 16, 2025, either virtually or at a location to be announced, beginning at 10:00 a.m. Persons wishing to appear at the hearing must provide written notification of their intention and a summary of the proposed testimony by 11:59 p.m. EST on December 1, 2025, in accordance with the instructions in section V below. Remarks at the hearing are limited to five minutes to allow for possible questions from the Section 301 Committee.

Post-hearing rebuttal comments, which should be limited to rebutting or supplementing testimony presented at the hearing, may be submitted within seven calendar days after the last day of the public hearing, in accordance with the instructions in section V below.

V. Submission Instructions

Interested persons must submit written comments, requests to appear at the hearing, summaries of testimony, and post-hearing rebuttal comments using the appropriate docket on the portal at *https://comments.ustr.gov/s/*.

To submit written comments, including post-hearing rebuttal comments, use the docket on the portal entitled 'Request for Comments on the Section 301 Investigation of China's Implementation of Commitments under the Phase One Agreement,' docket number USTR–2025–0007.

Interested persons wishing to provide testimony at the hearing must submit a notification of intent and summary of testimony using the docket entitled 'Request to Appear at the Hearing on the Section 301 Investigation of China's Implementation of Commitments under the Phase One Agreement,' docket number USTR–2025–0020.

You do not need to establish an account to submit comments or a notification of intent to testify. The first screen allows you to enter identification and contact information. Third-party organizations such as law firms, trade associations, or customs brokers should identify the full legal name of the organization they represent and identify the primary point of contact for the submission.

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USTR will post attachments uploaded to the docket for public inspection, except for properly designated BCI. You can view submissions on USTR's electronic portal at *https://comments.ustr.gov/s/*.

Jennifer Thornton,

General Counsel, Office of the United States Trade Representative.

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